

# Planning & Development Committee

## AGENDA

DOC13/107711



**Members** Crs D Betteridge (Chairperson), G Docksey, A Glachan, P Gould, R Jackson, K Mack (Ex Officio), D Thurley and H van de Ven.

**Staff** General Manager.

Members are advised that the next **Planning & Development Committee Meeting** will be held in the **Council Chambers**, AlburyCity Administration Building, 553 Kiewa Street, Albury on **Monday 9 December 2013**, at 6.00pm.

### **PDC 1 – CONFLICT OF INTEREST DECLARATIONS RECEIVED BY THE CHAIR**

- 1A Conflict of Interest Declarations
- 1B Declarations and Disclosures regarding Political Donations
- 1C Chairperson to advise that the meeting is being recorded for administrative purposes

### **PDC 2 – APOLOGIES**

- 2A Apologies of Committee Members

### **PDC 3 – CONFIRMATION OF MINUTES OF PREVIOUS MEETING .....2**

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**Note** *A light meal will be served at 5.15pm, at 'Charlies on Kiewa', for Councillors and staff required to attend the meeting.*

Frank Zaknich  
**General Manager**

5 December 2013

# AlburyCity – Planning & Development Committee

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### PDC 3 – CONFIRMATION OF MINUTES OF PREVIOUS MEETING

#### 3A Minutes of Planning & Development Committee Meeting held on Monday 11 November 2013 at 6.00pm

**Present** Crs D Betteridge (Chairperson), G Docksey, A Glachan, P Gould, R Jackson, K Mack (Ex Officio), D Thurley and H van de Ven.

**Apologies** Nil.

**Staff** General Manager, Director Community & Recreation, Director Corporate Services, Director Economic Development & Tourism, Director Engineering, Director Planning & Environment, Team Leader Governance, IT Officer and Governance Officer.

#### PDC 1 CONFLICT OF INTEREST DECLARATIONS RECEIVED BY THE CHAIR AND DISCLOSURE OF POLITICAL DONATIONS

##### 1A Conflict of Interest Declarations

*There were no Conflict of Interest Declarations received by the Chair.*

##### 1B Disclosure of Political Donations

*The General Manager advised those present, of the legislative requirement for Disclosure of Political Donations:*

##### ***Advice to the Planning & Development Committee Meeting***

*The Environmental Planning Assessment Act 1979, Section 147(4) requires people submitting planning applications and/or submissions regarding a planning application to disclose any reportable political donation and/or gifts to any local Councillor or employee of Council. Reportable political donations and gifts include those of, or above, \$1,000 in value.*

*The Disclosure Statement forms are available on Council's website or from the Customer Service Centre and must be lodged in accordance with the Act. The forms are also available at the back of the Chamber during meetings.*

*There were no Political Donations received by the Chair.*

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### 1C Recording of Meeting

*The Chairperson advised those present that the meeting is being recorded for administration purposes.*

### PDC 2 APOLOGIES

#### 2A Apologies of Committee Members

*There were no Apologies.*

### PDC 3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

#### 3A Minutes of the Planning & Development Committee Meeting held on Monday 14 October 2013 at 6:00pm.

##### **Cr Thurley Moved, Cr Docksey Seconded**

That the Committee recommends to Council that the Minutes of the Planning & Development Committee Meeting held on Monday 14 October 2013, at 6:00pm, be adopted.

**CARRIED**

### PDC 4 MATTERS ARISING FROM PREVIOUS MINUTES

*There were no matters arising from the previous minutes*

### PDC 5 REPORTS/MINUTES OF COMMITTEES AND WORKING PARTIES

*There were no Minutes of Advisory Committees & Working Parties.*

### PDC 6 OFFICERS REPORTS FOR CONSIDERATION

#### 6A *Draft Destination Management Plan (DOC13/95085)*

##### **Cr Mack Moved, Cr Thurley Seconded**

That the Committee recommends to Council that Council:

- a. receive and note the *Draft* 2014 -2017 Destination Management Plan for Albury; and
- b. place the *Draft* 2014 - 2017 Destination Management Plan on public exhibition until 5:00pm, Wednesday 15 January 2014.

**CARRIED**

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### **6B Sustainability Advisory Committee – Revised Terms of Reference (DOC13/98051)**

#### **Cr Thurley Moved, Cr Gould Seconded**

That the Committee recommends to Council that Council:

- a. endorse a continuation of the Sustainability Advisory Committee, and the Terms of Reference; and
- b. undertake an expression of interest process inviting members of the Albury community to be a member of the Sustainability Advisory Committee.

**CARRIED**

### **PDC 7 NOTICE OF URGENT BUSINESS**

*There was no Notice of Urgent Business.*

*Meeting closed at 6.10pm.*

**PDC 4 – MATTERS ARISING FROM THE MINUTES**

# **AlburyCity – Planning & Development Committee**

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### **PDC 5 – REPORTS/MINUTES OF COMMITTEES & WORKING PARTIES**

*There were no Reports/Minutes of Committees & Working Parties.*

### REPORTS FOR DISCUSSION

#### 1. Disclosure of Political Donations

Section 375A of the Local Government Planning Legislation Amendment (Political Donations) Act 2008, requires that the General Manager keep a register containing each planning decision made at a Council or Committee meeting, including the names of Councillors who supported the decision and those that opposed the decision.

To maintain the register, the amendments require that a division be called whenever a planning decision is put at a Council or Committee meeting, including meetings closed to the public.

From 1 October 2008, anyone lodging a Development Application or anyone making a submission or commenting on a Development Application will need to publicly disclose donations and/or gifts greater than \$1000 made to a local councillor, political party or employee of Council.

The disclosure requirements apply at the time the application is lodged with a Council or the NSW Government, and also apply to individuals or entities lodging submissions in objection or support of the proposal. All disclosures will be publicly available.

#### 2. Requirements of Environmental Planning & Assessment Act 1979

In dealing with Development Applications, Councillors need to take into account specific matters contained in the Environmental Planning & Assessment Act 1979 (*as amended*).

Accordingly, the provisions of Section 79C of that Act are set out hereunder, which can be used by Councillors as a reference guide of issues to be considered.

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#### 79C Evaluation

##### (1) **Matters for consideration – general**

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provisions of:
  - (i) any environmental planning instrument, and
  - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
  - (iii) any development control plan, and
    - (iia) any planning agreement that has been entered into under *section 93F*, or any draft planning agreement that a developer has offered to enter into under *section 93F*, and
  - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
  - (v) any coastal zone management plan...
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

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### PDC 6 – OFFICERS REPORTS FOR CONSIDERATION

#### 6A Albury Local Environmental Plan 2010 Planning Proposal Land Rezoning Riverina Highway, Thurgoona Consideration of Submissions (DOC13/106735)

DATE 26 November 2013

CONFIDENTIAL YES  NO  If yes please tick one of the following reasons  
Personnel Matters  Commercial  Legal  Security  Personal Hardship

ITEM FOR DECISION   
Meeting Date Monday 9 December 2013

ITEM FOR NOTING   
Meeting Date

FURTHER ENQUIRIES TO Chris Graham PHONE 6023 8148  
Planning and Environment

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#### Introduction

Public exhibition of 'Planning Proposal: Land rezoning – Riverina Highway, Thurgoona' (Planning Proposal) relating to part Lot 1 DP 128086, part Lots 1-2 DP 128087 and part Lot 96 DP 753356 has recently been completed. A total of 10 submissions were received by Council in response to the public exhibition process.

The purpose of this report is to inform Council that at the conclusion of the public exhibition period, AlburyCity staff have undertaken a process of considering all submissions received and issues raised and consequently, no changes are proposed to the Planning Proposal content, subject matter or outcomes sought.

Accordingly, this report is now forwarded for the further consideration of Council seeking endorsement prior to being submitted to the NSW Department of Planning and Infrastructure (DoPI) with a request for gazettal.

#### Background

An initial report, including an outline of the land rezoning sought by the Planning Proposal, was previously submitted and endorsed by Council at the Planning and Development Committee Meeting held on Monday 11 July 2011 (*Attachment 1*).

This report provided a description of the proposed land rezoning and justified outcomes sought through a comprehensive analysis of site constraints, consideration against relevant planning policies/directions, assessment of likely impacts and necessary mitigation, documentation and consideration of any relevant government agency issues and interests.

At the Ordinary Meeting of Council on 25 July 2011, Council resolved, that the Planning Proposal to amend *Albury Local Environmental Plan 2010* (ALEP 2010) as it relates to Riverina Highway, Thurgoona be forwarded to the NSW Minister for Planning & Infrastructure with a request that a Gateway Determination be issued under Section 56 of the *Environmental Planning & Assessment Act 1979* (EP&A Act), to enable the public exhibition of the Planning Proposal.

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On 13 September 2011, following a formal request by Council, the NSW Department of Planning & Infrastructure issued a Gateway Determination stipulating that prior to proceeding to public exhibition further consultation be undertaken with relevant public authorities/stakeholders and that an updated Planning Proposal be prepared to reflect additional information collated, including outcomes from consultation.

Over the last two years, the proponent (with the assistance of AlburyCity staff) has undertaken consultation to comply with conditions of the Gateway Determination. In working through the consultation process, some additional investigation has been required.

It is noted that the Thurgoona Wirringa Precinct Structure Plan (TWSP) and component studies have been deferred to in Planning Proposal documentation as a response to issues raised by further consultation processes with relevant public authorities/stakeholders. Consequently, the Planning Proposal has, to a large extent, been held in abeyance pending the completion of TWSP documentation (which occurred earlier this year).

In response to further consultation (which included a joint site inspection/meeting attended by NSW Department of Planning and Infrastructure, NSW Office of Environment and Heritage, Local Aboriginal Land Council, Traditional Owners, Landowner and AlburyCity representatives), amendments to the content and subject matter of the original Planning Proposal have been implemented to reflect additional information collated and outcomes from public authority/stakeholder input.

A summary of amendments undertaken and provided in the updated Planning Proposal are outlined below:

- i. introduction of an R2 Low Density Residential Zone (R2 Zone). This has been introduced on land identified by the TWSP as 'URA interface residential' to assist in providing a transition in land use activities (high density residential development prohibited) between the subject and surrounding rural land;
- ii. provision of a 2,500m<sup>2</sup> minimum lot size has also been allocated to that land proposed as an R2 Zone to assist in providing a transition in development densities to mitigate potential land use conflict between the subject and surrounding rural zoned land;
- iii. further consideration of government agency and stakeholder issues and interests that includes a response in relation to:
  - biodiversity issues,
  - demographic and social infrastructure assessment,
  - traffic impact assessment,
  - Aboriginal and European cultural heritage assessment,
  - reticulated sewerage,
  - stormwater control and management,

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- has been documented and included amongst updated Planning Proposal content and subject matter; and
- iv. the updated Planning Proposal has deferred to the TWPSP (where relevant) in relation to issues including demographic and social infrastructure assessment, traffic impact assessment and transition zones/densities.

### Community Engagement

AlburyCity sought to publicise the exhibition of the Planning Proposal and supporting documentation in the interests of informing the community, generating awareness and encouraging feedback.

The public exhibition commenced from 28 September 2013 and concluded on 28 October 2013.

The publicity campaign has involved the following:

- notification letters to adjoining and adjacent land owners that were identified as being directly affected by the Planning Proposal prior to exhibition commencement;
- public notice published in the Border Mail;
- static displays containing all exhibition material for viewing purposes in the foyer of the Council Administration Building, LibraryMuseum and Lavington Library;
- all exhibition material being made available on the AlburyCity website including the ability to make an electronic submission also being made available on the AlburyCity website;
- consultation and discussion with Government Agency representatives; and
- strategic planning staff available (on demand or by appointment) to assist with any inquiries relating to the Planning Proposal.

### Issues

In response to the public exhibition, 10 submissions were received in relation to the updated Planning Proposal. Amongst those submissions received, four were from adjoining/adjacent landowners, two were received from local community groups and four were received from Government Agencies.

Representative interest or community based group submissions, included:

- Thurgoona Progress Association; and
- Hawkscote Road Residents Committee.

Government Agency submissions, included:

- NSW Roads & Maritime Services (RMS) (formerly RTA);
- NSW Office of Environment and Heritage (OEH);
- NSW Department of Primary Industries – Office of Water; and
- NSW Trade and Investment – Mineral Resources Branch.

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In an effort to document, consider and respond to issues raised, a summary table of the written submissions together with comments and/or a response from the Strategic Planning Team is provided for the further consideration of Councillors in *Attachment 2*.

There were a number of significant or topical issues raised throughout the submissions. In addition to the comments, responses tabled in *Attachment 2*, further detailed discussion on key issues is provided below. It is reiterated that issues discussed in this report are not conclusive, and accordingly, reference to *Attachment 2* is highly recommended to gain a thorough appreciation of all issues raised, considered and responded to.

### ***i. Buffers to Surrounding Rural Land/Rural Amenity***

#### **Issue**

*Concerns raised in relation to the effectiveness of the proposed R2 Low Density Residential Zone as a buffer to surrounding RU2 Rural Landscape Zone.*

*It is strongly suggested that this needs to be a green belt buffer zone and request that the minimum lot size be raised considerably to 5-10 acre (2.5- 4 hectare) lots.*

#### **Town Planning Response**

The intent of the R2 Low Density Residential Zone proposed on that land subject to this Planning Proposal is to provide a transition/buffer between conventional residential development and surrounding rural land.

It is noted that both the location and minimum lot size of the proposed R2 Low Density Residential Zone, as it relates to the subject land, is consistent with that recommended by the Thurgoona Wirlinga Precinct Structure Plan (TWSP) both on-site and elsewhere across Thurgoona/Wirlinga.

A consideration of potential land use conflict between urban and rural land uses and measures (where required) to address anticipated land use conflict was considered amongst those investigations undertaken as part of the TWSP.

Those issues identified as a potential source of conflict with respect to residential and rural interfaces, included:

- exotic plant and weed species entering the rural landscape;
- inappropriate urban fencing in close proximity to adjacent paddocks (unsuitable from an aesthetic perspective as well as for stock);
- domestic animals entering the rural landscape (stock harassment);
- noise issues from tractors/slathers or recreational/operational use of motor bikes on rural land;
- bushfire hazard if paddocks are not slashed regularly; and
- increased traffic.

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Amongst those design responses recommended by the TWSP, a transition of larger lot sizes between conventional residential and the surrounding rural landscape and separation facilitated by a road where ever possible to assist in minimising weed, pet invasion and fencing issues were included.

Consequently, the TWSP has recommended a minimum 2,500m<sup>2</sup> transition residential lot size across the study area (inclusive of that land subject to this Planning Proposal) where land is adjoining and/or adjacent to rural lands. It is noted that no objections were received in relation to the adequacy of recommended transition densities in providing a suitable buffer at the time the TWSP was publicly exhibited.

Minimum lot sizes (transition densities) sought through the Planning Proposal are considered to be both consistent with TWSP recommendations and adequate in this instance. The effectiveness of any transition zone is further enhanced through R2 Low Density Residential Zone restrictions that prohibit multi-dwelling developments and residential flat buildings (higher density residential development outcomes) in contrast to R1 General Residential Zone where such land uses are permissible with consent.

Finally, the Planning Proposal identifies and seeks that Albury Local Environmental Plan 2010 (ALEP 2010) Part 6 provisions relating to urban release area(s) also apply to that land subject to this Planning Proposal. These same provisions will, amongst other things, require the preparation of a site specific development control plan that will ensure that regard is given to subdivision layout (including matters relating to a buffer between residential and surrounding rural land use activities) prior to any subdivision approval being issued.

Accordingly, it is **recommended** that Planning Proposal content, subject matter and outcomes sought remain unchanged with respect to those issues raised relating to buffers to rural land and amenity.

### **ii. Traffic Impacts**

#### **Issues**

*Given the scale of development likely to occur as a result of this Planning Proposal, it is considered appropriate that a Traffic Impact Assessment (TIA) be undertaken to determine the traffic impacts associated with the potential future development of the subject land (both in immediate proximity and downstream).*

#### **Town Planning Response**

The TWSP has broadly planned for and recommends an overall transport movement network that caters for future development (inclusive of the subject land) to assist the safe and efficient movement of all transport users. TWSP transport recommendations are supported by a Traffic and Transport Study – March 2013 prepared by sub-consultant TTM Group.

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TWPSP has annexed the subject land for those investigations necessary as a precursor to urban development outcomes, and consequently, nominates only one access/egress road along the Riverina Highway frontage to and from the subject land. This recommendation has largely responded to previous NSW Roads and Maritime Service (RMS) advice that seeks to limit access to the Riverina Highway (being a Classified Road) so as to minimise interruptions to traffic flow.

Notwithstanding TWPSP recommendations in relation to road network, it is acknowledged that any subsequent development/subdivision will be subject to ALEP 2010 Part 6 provisions that will require the preparation of a site specific development control plan that will, amongst other things, provide an overall transport movement hierarchy showing the major circulation routes and connections required to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists. It is anticipated that any associated transport movement planning and implementation will be informed by the TWPSP to assist the effective control and management of traffic.

Accordingly, it is considered that such investigations relating to the safe and efficient access to and from the subject land and any downstream traffic considerations and/or augmentations required to cater for associated traffic impacts are not insurmountable to suggest that they cannot be deferred to time of development when development outcomes sought are reasonably known.

It is further acknowledged and accepted that these investigations and any resultant recommendations should be supported by a more detailed Traffic Impact Assessment.

Finally, on the basis that land subject to this Planning proposal will also be subject to the ALEP 2010 Part 6 Urban Release Area provisions, the NSW Roads and Maritime Service have no objection to the Planning Proposal and outcomes sought.

Whilst it is agreed that a detailed Traffic Impact Assessment will be required at time of development to support future land use decisions, it is **recommended** that Planning Proposal content, subject matter and outcomes sought remain unchanged with respect to potential traffic issues/impacts.

### **iii. Stormwater Drainage/Runoff**

#### **Issue**

*What procedures are in place to ensure the effective control and management of stormwater runoff specifically relating to impact on private properties west and south-west of the subject land?*

*Concerns are justified on the basis that drainage procedures for Woolshed creek haven't arrested the inundation of private lands and the carving out of a new water course. Further development is only going to exacerbate the present flooding problem.*

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### Town Planning Response

Planning Proposal content and subject matter includes analysis of flooding, drainage lines, springs and dams that will both assist and inform future development/subdivision decisions relating to any interface with the river environs and stormwater management.

The TWSP has broadly planned for the inclusion of adequate stormwater management measures for all future developments (inclusive of that land subject to this Planning Proposal) via a recommended Integrated Water Management Plan to ensure that post development stormwater impacts are equivalent to that applying pre-development.

Any subsequent development/subdivision of the subject land will be subject to ALEP 2010 Part 6 provisions including the preparation of a site specific development control plan that will, amongst other things, require stormwater and water quality management controls. It is anticipated that any associated stormwater management planning and implementation will be informed by the TWSP to assist the effective control and management of stormwater runoff.

In addition, Council's Engineering Guidelines for Subdivision and Development Standards also dictate that post development stormwater impacts are equivalent to that applying pre-development.

Whilst Eight Mile and Woolshed Creek and associated stormwater management issues are noted, such issues remain outside the scope of those considerations relevant to the assessment of this Planning Proposal. This matter is to be considered in more detail with the preparation of the AlburyCity Floodplain Risk Management Plan. Specific consideration of the hydraulic issues in the Woolshed Creek and supporting catchment will be investigated and addressed as part of this separate process.

Accordingly, it is **recommended** that concerns relating to stormwater drainage/runoff are noted but further detailed assessment and investigation be the subject of a site specific development control plan preparation.

#### *iv. Protection of Habitat*

##### **Issue**

*The protection of habitat (i.e. flora and fauna) will need to be accommodated prior, during and post development.*

### Town Planning Response

Site analysis investigations undertaken and documented amongst Planning Proposal content and subject matter has largely identified the subject land as cleared (consisting mainly of scattered paddock trees) which can be attributed to both current and historic use of the subject land for extensive grazing purposes.

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It is acknowledged that parts of the site have also been identified as riverine forest woodland and grassy box woodland, however, these parts of the site remain largely either outside that area subject to a change in zoning or within that area identified as R2 Low Density Residential Zone, being larger lots, that have been proposed to assist transition between residential and rural land use activities. Accordingly, it is anticipated that a lack of and/or low density residential development pressures will be conducive to limiting impact on identified woodland communities through unnecessary vegetation removal.

Notwithstanding, any subsequent development/subdivision of the subject land will be subject to ALEP 2010 Part 6 provisions that will require the preparation of a site specific development control plan that will, amongst other things, require consideration against an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation. Specific concerns relating to the protection of habitat will be accounted for in the preparation and consideration of the site specific development control plan.

Current level of detail provided in Planning Proposal documentation is sufficient to indicate that proposed form of development will not significantly detract from or impact upon environmental qualities across the site. The NSW Office of Environment and Heritage have reviewed the Planning Proposal, supporting information and have accepted findings or identified measures to protect existing flora and fauna. Areas of significance have been excluded from the rezoning proposal, particular reference to the riverine corridor and areas of significant remnant vegetation.

Accordingly, it is **recommended** that Planning Proposal content, subject matter and outcomes sought remain unchanged with respect to issues raised relating to habitat protection.

### **Conclusion**

This Planning Proposal seeks to rezone the subject land to facilitate a combination of conventional residential, low density residential and rural land use development outcomes. The Planning Proposal is consistent with previously endorsed AlburyCity Strategic Plans including the Albury Land Use Strategy (May 2007) and TWSP (May 2013).

The Planning Proposal provides an appropriate level of investigation that demonstrates the capacity of the site to accommodate residential development outcomes similar to promoted and endorsed Thurgoona/Wirlinga. More importantly, the Planning Proposal demonstrates that the existing planning provisions (including ALEP 2010 Part 6 Urban Release Area provisions) will ensure that all necessary detailed investigations are undertaken to ensure that only appropriate development outcomes are achieved on-site, especially in relation to addressing potential rural amenity, traffic, stormwater and habitat impacts through the Development Application process when development outcomes sought are reasonably known.

Having received and considered submissions received and issues raised from the public exhibition process, it is now considered appropriate to endorse the exhibited Planning Proposal and undertake those actions necessary in order to progress this Planning Proposal.

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### Recommendation

That the Committee recommends to Council that Council:

- a. receive and note the submissions;
- b. furnish a copy of this report and other relevant information to the NSW Department of Planning & Infrastructure, in accordance with the Environmental Planning and Assessment Act 1979 (EP&A Act) and advise the NSW Department of Planning & Infrastructure that Council has complied with Sections 56, 57 and 58 of the EP&A Act in relation to public involvement in the preparation of the Planning Proposal;
- c. request that the NSW Department of Planning & Infrastructure undertake the appropriate actions to secure the making of the amendment to the Albury Local Environmental Plan 2010 to the extent that it relates to the land rezoning of part Lot 1 DP 128086, part Lots 1-2 DP 128087 and part Lot 96 DP 753356, Riverina Highway, Thurgoona.

- **Attachments**

1. Planning and Development Committee Report – 6A Albury Local Environmental Plan 2010 – Planning Proposal: Land Rezoning – Riverina Highway, Thurgoona (July 2011).
2. Summary of Written Submissions.
3. Planning Proposal: Land Rezoning – Riverina Highway, Thurgoona (September 2013). (*To be tabled at the Meeting*).
4. Copies of all Correspondence/ Submissions Received.

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### 6B Acquisition and Disposal of Land Policy (DOC13/106228)

DATE 1 December 2013

CONFIDENTIAL YES  NO  If yes please tick one of the following reasons  
Personnel Matters  Commercial  Legal  Security  Personal Hardship

MEETING DATE Monday 9 December 2013

FURTHER ENQUIRIES TO Tracey Squire PHONE 02 6023 8276  
Economic Development & Tourism

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### Background

On Monday 14 October 2013, the Planning and Development Committee resolved;

*“That the Committee recommends to Council that Council:*

- a. *receive and note the draft Acquisition and Disposal of Land Policy and the draft Acquisition and Disposal of Land Procedure; and*
- b. *place the draft Acquisition and Disposal of Land Policy on exhibition for a period of 28 days and consider any submissions”.*

On Monday 28 October 2013, Council resolved to accept the Committee’s recommendation.

### Issues

The *draft* Acquisition and Disposal of Land Policy was placed on public exhibition from the 29 October until the 29 November 2013.

The public exhibition of the Policy was promoted as follows:

- advertised in the Border Mail public notices section; and
- “Have a Say – Public Exhibition” section of the AlburyCity website.

No submissions were received in response.

As previously highlighted to the Committee, as an internal document the *draft* Acquisition and Disposal of Land Procedure referred to in the resolution of Monday 14 October 2013 does not require Council endorsement or public exhibition. It was provided for the information of Councillors concurrent to presentation of the *draft* Acquisition and Disposal of Land Policy.

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### Options

Options for the Committee are;

1. Recommend that Council:
  - a. adopt the Acquisition and Disposal of Land Policy; and
  - b. include the Acquisition and Disposal of Land Policy in the Public Policy Register.
2. Seek amendment to the *draft* Acquisition and Disposal of Land Policy.

OR

3. Not adopt the *draft* Acquisition and Disposal of Land Policy.

### Conclusion

The NSW Department of Local Government made a number of specific recommendations to AlburyCity in response to its Promoting Better Practice Review. The development of an Acquisition and Disposal of Land Policy was a key action proposed to address one of those recommendations.

In addition, Council's 2013-2017 Four Year Delivery Program incorporates a Service and Efficiency Review Program. 'Strategic Property Management' is identified as a priority service or function for review in the 2013-2014 financial years, with implementation to commence in 2014-2015. The development of this Policy was one of the early outcomes of this review process.

In order to facilitate the 'Strategic Property Management' review, the development of the *draft* Policy, and to guide AlburyCity's considerations with regard to all land acquisition and disposal activity and information management on a whole of organisation basis, an internal Property Group has been established.

The Property Group worked in collaboration with Kell Moore Solicitors to develop the *draft* Acquisition and Disposal of Land Policy for consideration by Council.

In accordance with Council's resolution, the *draft* Acquisition and Disposal of Land Policy has been placed on public exhibition for 28 days to obtain feedback from the community prior to Council considering its adoption.

No submissions were received on conclusion of the public exhibition period, accordingly it is recommended that Council adopt the Acquisition and Disposal of Land Policy and include it on the Public Policy Register.

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### Recommendation

That the Committee recommends to Council that Council:

- a. adopt the Acquisition and Disposal of Land Policy; and
- b. include the Acquisition and Disposal of Land Policy in the Public Policy Register.

- **Attachment**

1. Acquisition and Disposal of Land Policy.

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### PDC 7 – OFFICERS REPORTS FOR NOTING

#### 7A State Environmental Planning Policy (Infrastructure) Amendment (Shooting Ranges) 2013 (DOC13/106715)

DATE 1 December 2013

CONFIDENTIAL  YES   If yes please tick one of the following reasons  
Personnel Matters  Commercial  Legal  Security  Personal Hardship

MEETING DATE Monday 9 December 2013

FURTHER ENQUIRIES TO Chris Graham PHONE 6023 8148  
Planning and Environment

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#### Background

The NSW Department of Planning and Infrastructure (the Department) has recently released for public comment new draft provisions, proposed through State Environmental Planning Policy (Infrastructure) Amendment (Shooting ranges) 2013 *Attachment 1*, seeks to provide for better planning outcomes in relation to outdoor shooting ranges across NSW.

The purpose of this report is to provide a brief summary of the new draft planning provisions, discuss their intent and planning merit. Submissions on the new draft planning provisions were open to until the 2 December 2013. Due to this deadline, a supporting AlburyCity submission has recently been prepared and formally submitted to the Department. A copy is attached for Council's information in *Attachment 2*.

#### Issues

The Department has recognised that over the last few years NSW Councils have been updating their existing planning instruments into a new statewide planning format. This has led to an inconsistent approach to the zonings of shooting ranges in some Council areas that may cause complications for the ongoing operation of existing lawful shooting ranges.

The new draft planning provisions will amend *State Environmental Planning Policy (Infrastructure) 2007*, as follows:

1. make shooting ranges (including the range danger area) permitted with consent, where there is an existing lawful shooting range so that those facilities remain wholly permitted (despite how the land is zoned in the relevant local planning instrument); and
2. make shooting ranges (including the range danger area) permitted with consent on land adjacent to an existing lawful shooting range, if the adjacent land is zoned RU1 Primary Production, RU2 Rural Landscape, RE1 Public Recreation, RE2 Private Recreation, E2 Environmental Conservation or E3 Environmental Management (or an equivalent land use zone).

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The Department considers that the new draft planning provisions will overcome difficulties faced by operators of existing shooting range facilities where local planning instruments (prepared in accordance with Standard Instrument LEP template requirements) would otherwise introduce prohibitions and other development controls that prevent the reasonable operation and modification of these facilities.

There are two existing shooting ranges within the Albury Local Government Area (both premises are located in Urana Road). These properties are located in the E3 Environmental Management Zone under Albury Local Environmental Plan 2010 (ALEP 2010). Consequently, in the absence of the new draft provisions, these facilities (being defined as Recreation facilities (outdoor)) would otherwise continue to be prohibited land uses.

As a result, ongoing operations have and would continue to be reliant on existing use provisions under the *Environmental Planning and Assessment Act 1979* (EP&A Act) to enable their continuance. Whilst EP&A Act existing use provisions do provide scope for the enlargement, expansion or intensification of an existing use, such scope does not allow for an expansion onto adjoining land.

Consequently, in the absence of the new draft provisions, the opportunity for either of the two existing shooting ranges to expand into adjoining and/or adjacent lands would not be available.

It is recognised that these existing premises have operated from these locations for a number of years without incident and provide suitable facilities for their existing and future members. Accordingly, AlburyCity supports the Draft Legislation on the basis that it both recognises and seeks to overcome any difficulties faced by operators of existing shooting range facilities following the making of Standard Instrument Local Environmental Plans (including ALEP 2010), particularly in relation to any current and future opportunities to enlarge and/or expand operations.

### **Conclusion**

It is acknowledged that the new draft provisions seek to have both clear and consistent planning controls across the State that will assist ongoing operations and potential modification of existing lawful shooting ranges. It is further recognised that the inclusion of 'range danger areas' as part of the shooting range definition (that make shooting ranges a permitted use in the adjacent non-urban land subject to formal development assessment) will assist the improved integration of existing lawful shooting ranges with surrounding areas.

Accordingly, it is recommended that AlburyCity supports State Environmental Planning Policy (Infrastructure) Amendment (Shooting Ranges) 2013 and notes the formal submission in response to the draft Legislation.

# AlburyCity – Planning & Development Committee

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### Recommendation

The Committee recommends to Council that Council receive and note the report.

- **Attachments**

1. State Environmental Planning Policy (Infrastructure) Amendment (Shooting Ranges) 2013 Consultation Draft.
2. AlburyCity Submission Letter Dated 29 November 2013.

# AlburyCity – Planning & Development Committee

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### PDC 8 – DELEGATES REPORTS FOR NOTING

*There were no Delegates Reports for Noting.*

**PDC 9 – NOTICE OF URGENT BUSINESS**