



New South Wales

## **Albury Local Environmental Plan 2000 (Amendment No 5—Albury Tip Buffer Areas)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.  
(S99/01618/S69)

ANDREW REFSHAUGE, M.P.,

Minister for Urban Affairs and Planning

---

## 2001 No 738

Clause 1                   Albury Local Environmental Plan 2000 (Amendment No 5—Albury Tip Buffer Areas)

---

# Albury Local Environmental Plan 2000 (Amendment No 5—Albury Tip Buffer Areas)

## 1 Name of plan

This plan is *Albury Local Environmental Plan 2000 (Amendment No 5—Albury Tip Buffer Areas)*.

## 2 Aims of plan

This plan aims:

- (a) to provide a primary tip buffer area around the Albury Garbage Tip to identify the limit of future development for residential and urban purposes in the Hamilton Valley growth area, and
- (b) to allow additional provisions relating to buffer areas around the Albury Garbage Tip to be included in a development control plan, and
- (c) to recognise the importance of the Albury Garbage Tip as a regional resource which will be actively utilised for at least the next 50 years, and
- (d) to enhance the viability of the tip by limiting development, particularly development for residential purposes, within the primary tip buffer area, and
- (e) to change the zoning of the land within the primary tip buffer area from Urban Fringe to Environment Protection under *Albury Local Environmental Plan 2000*, to better reflect the significance of garbage tip resources, the limited development opportunities in the buffer area, and the potentially adverse environmental effects of the tip's operation, and
- (f) to specify matters relating to the siting of dwellings, subdivision of land and development generally within the primary tip buffer area.

---

**3 Land to which plan applies**

This plan applies to the land shown bordered by a heavy black line on the map marked “Albury Local Environmental Plan 2000 (Amendment No 5—Albury Tip Buffer Areas)” deposited in the office of Albury City Council.

**4 Amendment of Albury Local Environmental Plan 2000**

*Albury Local Environmental Plan 2000* is amended as set out in Schedule 1.

## 2001 No 738

Albury Local Environmental Plan 2000 (Amendment No 5—Albury Tip Buffer Areas)

Schedule 1 Amendments

---

### Schedule 1 Amendments

(Clause 4)

#### [1] Clause 5 Definitions

Insert in clause 5 (1) in alphabetical order:

*primary tip buffer area* means that area of land shown bordered by a heavy black line on the map marked “Albury Local Environmental Plan 2000 (Amendment No 5—Albury Tip Buffer Areas)”.

#### [2] Clause 5, definition of “the map”

Insert at the end of the definition:

Albury Local Environmental Plan 2000 (Amendment No 5—Albury Tip Buffer Areas).

#### [3] Clause 11 What are the zone objectives of the Urban Fringe Zone?

Omit clause 11 (2) (e).

#### [4] Clauses 34A–34F

Insert after clause 34:

##### **34A What are the objectives of Albury tip buffer areas?**

The objectives of Albury tip buffer areas are:

- (a) to identify the limit of future development for residential and urban purposes in the Hamilton Valley growth area, and
- (b) to enhance the viability of the tip by limiting development, particularly development for residential purposes, within the primary tip buffer area.

**34B Development within the primary tip buffer area**

- (1) Development (other than exempt development) for any purpose must not be carried out on land within the primary tip buffer area without the consent of the Council.
- (2) The Council must not grant consent to development of land within the primary tip buffer area unless:
  - (a) the Council is satisfied that the carrying out of the development, and persons associated with the development, will not be unduly affected by the existing and continued operation of the Albury Garbage Tip, and
  - (b) the Council is satisfied that the carrying out of the development is unlikely to adversely affect the viability or efficient operation of the tip and its future expansion within the primary tip buffer area.

**34C Dwelling-houses within the primary tip buffer area**

- (1) Except for land owned by the Council, Crown land and the land known as Lot 8, DP 871525, Mudge Street, Hamilton Valley, each allotment of land within the primary tip buffer area in existence as at 25 October 1999 and shown on the map marked “Albury Local Environmental Plan 2000 (Amendment No 5—Albury Tip Buffer Areas)” may have a dwelling-house erected on it, but only with the consent of the Council.
- (2) One additional dwelling may, with the consent of the Council, be erected on the land known as Lot 706, DP 753326, Centaur Road, Lavington—to result in a maximum of two dwellings on that land.
- (3) The Council must not grant consent to the erection of a dwelling-house on land within the primary tip buffer area unless it has made an assessment of the following:
  - (a) whether the available soils on the land are suitable for on-site effluent disposal,
  - (b) whether the dwelling-house will be sited in a way that maximises the house distance from the tip area, minimises the view of the tip area from the house site, and minimises the siting of the house on any elevated, exposed hillface areas,

## 2001 No 738

Albury Local Environmental Plan 2000 (Amendment No 5—Albury Tip Buffer Areas)

Schedule 1 Amendments

---

- (c) any matter contained in a development control plan which relates to land in the locality of the Albury Garbage Tip.
- (4) In order to facilitate the environmentally friendly siting of dwelling-houses within the primary tip buffer area, a dwelling-house entitlement may be transferred to another part of the primary tip buffer area, provided that:
  - (a) the erection of the dwelling-house on that other land will meet all relevant requirements of this plan and all relevant provisions of any development control plan applying to the land, and
  - (b) the land to which the dwelling-house entitlement is to be transferred is under the same ownership as the entitling allotment, and
  - (c) the total number of allotments within the primary tip buffer area (not being allotments owned by the Council, Crown land or the land known as Lot 8, DP 871525, Mudge Street, Lavington) does not exceed 17.
- (5) This clause has effect despite clause 33.

### **34D Subdivision of land within the primary tip buffer area**

- (1) Land within the primary tip buffer area, not being land owned by the Council, Crown land or the land known as Lot 8, DP 871525, Mudge Street, Lavington, may, with the consent of the Council, be subdivided in order to facilitate the environmentally friendly siting of a dwelling-house, or subdivided for another purpose which the Council considers is consistent with the objectives of this Division, but only if:
  - (a) the Council is satisfied that any dwelling-house to be erected on an allotment to be created by the proposed subdivision will be sited as specified in clause 34C (3) (b), and
  - (b) the total number of allotments within the primary tip buffer area (including any subdivision of Lot 706, DP 753326, Centaur Road, Lavington, but excluding land owned by the Council and Crown land) does not exceed 17, and

- (c) the available soils within the land to be subdivided are suitable for on-site effluent disposal, and
  - (d) each new allotment to be created has a minimum area of 1 hectare.
- (2) The Council may consent to a subdivision in accordance with this clause despite clause 32.

**34E Development of land owned by the Council or Crown land**

Land within the primary tip buffer area that is owned by the Council or is Crown land may be developed, with the consent of the Council, but only for purposes related to the orderly and efficient operation of the Albury Garbage Tip.

**34F Development within Albury tip buffer areas generally**

- (1) When assessing a development proposal in respect of land within any Albury tip buffer area, the Council may have regard to the requirements of clause 34B (2) (relating to the primary tip buffer area) and to the findings of *Albury Waste Facility Surrounds Environmental Study* prepared for the Council by Habitat Planning in September 1999.
- (2) A development control plan may provide more detail in respect of any buffer areas around Albury Garbage Tip.

**[5] Clause 38 What is exempt development?**

Insert in the Table to clause 38 after the first bullet point in the **Conditions to be met** column relating to **Bed and breakfast accommodation**:

- Not located within the primary tip buffer area

**[6] Clause 39 What is complying development?**

Insert “on land within the primary tip buffer area, or” after “or” in clause 39 (3) (i).