



New South Wales

Albury Local Environmental Plan 2010 (Amendment No 23)

under the

Environmental Planning and Assessment Act 1979

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

FRANK ZAKNICH, GENERAL MANAGER, ALBURY CITY COUNCIL
As delegate for the local plan-making authority

Albury Local Environmental Plan 2010 (Amendment No 23)

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1 Name of Plan

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

2 Commencement

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

3 Land to which Plan applies

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

4 Maps

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

Schedule 1 Amendment of Albury Local Environmental Plan 2010

[1] Clauses 7.11 and 7.12

Insert after clause 7.10:

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

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

7.12 Groundwater—Willowbank Road, East Albury

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

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

[2] Schedule 1 Additional permitted uses

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

[3] Schedule 1, clause 2 (1)

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

[4] Schedule 1, clause 4 (1)

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

[5] Schedule 1, clause 4A

Insert after clause 4:

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

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

[6] Schedule 1, clause 11 (1)

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