



Introduction of Albury Regional Job Precinct

Discussion Paper

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Custodians of the land on which the Albury Regional Job Precinct is located, the Wiradjuri people, and pays respect to Elders past, present and emerging. We acknowledge the Wiradjuri people's continued connection to their country and culture.

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Have your say

The Department of Planning and Environment welcomes your feedback on the proposed amendment to the *Albury Local Environmental Plan 2010* (Albury LEP).

Your feedback is invited on this *Discussion Paper* for the Albury Regional Job Precinct Draft Master Plan.

The Department will publish all individual submissions and a consultation summary report once it has assessed and analysed the submissions.

You can view the Discussion Paper (Explanation of Intended Effects), the Albury Regional Job Precinct Draft Master Plan and supporting documents at www.planningportal.nsw.gov.au/draftplans/exhibition/albury-regional-job-precinct.

To make a submission online please follow the steps below:

- 1) Read our Privacy Statement and decide whether to include your personal information in your submission.
- 2) Fill in the online submission form. Your submission can either be typed or uploaded as a PDF and should include:
 - a) The name of the proposal (Albury LEP Amendments, Albury Regional Job Precinct Draft Master Plan or a combination)
 - b) A brief statement on whether you support or object to the proposal
 - c) The reasons why you support or object to the proposal
- 3) Ensure you disclose reportable political donations. Anyone lodging submissions must declare reportable political donations (including donations of \$1,000 or more) made in the previous two years.
- 4) Agree to our online statement and lodge your submission.

You may also lodge your submission via post by sending it to:

Executive Director
Key Sites and Regional Assessment
Department of Planning and Environment Locked Bag 5022, Parramatta NSW 2124

All submissions will be made public in line with our objective to promote an open and transparent planning system. If you do not want your name or other personal identifying details published, please state this clearly at the top of your submission.

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1. Purpose of this Discussion Paper

Proposed amendments to Albury Local Environmental Plan 2010

This Discussion Paper describes, and provides justification for, proposed amendments to *Albury Local Environmental Plan 2010* (Albury LEP). Amendments are required to the Albury LEP to facilitate development of the Albury Regional Job Precinct (Albury RJP). Changes to the Albury LEP will identify the proposed 'Albury RJP' within the Albury LEP and include standards and controls for development of lands within the Precinct.

Figure 1 shows the Albury RJP investigation area. The Albury RJP is a 1,190-hectare site in Albury's industrial growth area at Ettamogah, located 10 kilometres north of the Albury central business district (CBD). Albury is located within the Riverina Murray, the most significant agricultural region within New South Wales (NSW). It is a historic contributor to the nation's economy and food resources.

Technical investigations have been carried out to support the strategic planning of the Albury RJP. These technical investigations support the Albury RJP draft Master Plan as well as streamlined planning approval pathways identified in this Discussion Paper. These investigations provide the justification for a tailored planning framework for the Albury RJP to:

- Appropriately plan for a diverse range of land uses types throughout the Albury RJP
- Deliver clear and consistent direction to proponents and provide the community with confidence that provisions are in place to manage potential impacts and mitigate risks
- Develop a precinct plan that is flexible and robust
- Provide a planning framework that offers flexibility and opportunities for innovation whilst mitigating possible land use conflicts
- Simplify assessment for councils
- Take advantage of a unique landscape setting for an industrial precinct of the future
- Protect and enhance the unique terrain to match compatible land uses
- Consolidate existing road and rail infrastructure as part of a robust movement network for long term success
- Connect the precinct to the community

This Discussion Paper describes proposed amendments to Albury LEP. Section 3 describes the proposed amendments, which include the introduction of new provisions to drive development that is consistent with the Albury RJP draft Master Plan. Development will be facilitated through an updated development control plan, which will include the Albury RJP draft Master Plan.

Albury Regional Job Precinct planning framework

There are two key elements to the Albury RJP planning framework, the Albury LEP and the Albury RJP Precinct Development Control Plan. These are described in

Table 1 (over page). The proposed amendments have been designed to support the vision for the Albury RJP described in the draft Master Plan and to implement the relevant findings of supporting technical studies.

Under the Regional Job Precincts initiative (see Section 2), the NSW Government works directly with local councils and communities to improve local planning processes to unlock development and growth opportunities for regional economies, delivering stability and creating jobs.

Table 2 (over page) describes the planning approval pathways proposed for the Albury RJP under the Albury LEP.

Table 1 – Albury Regional Job Precinct Planning Framework

Albury Local Environmental Plan	Albury Regional Job Precinct Development Control Plan	
	Albury Regional Job Precinct Master Plan	Development controls
<ul style="list-style-type: none"> Provides a local framework for the way land can be developed and used Main planning tool to shape the future of communities by ensuring local development is carried out appropriately Provisions for reducing land use conflict in the vicinity of the precinct and to protect the operational integrity of the precinct 	<ul style="list-style-type: none"> Identifies the vision, aspirations, and principles for the Albury RJP Provides more detailed, sub-precinct land use controls where required Identifies performance criteria for identified sub-precincts for amenity, environmental performance, and infrastructure provision It also describes particular matters that should be addressed in more detail as part of the development control plan 	<ul style="list-style-type: none"> Identifies development controls Provides detailed strategies and plans for: <ul style="list-style-type: none"> Aboriginal cultural heritage Environmental protection and management Protection of amenity Infrastructure and services Staging Provides procedures for ongoing monitoring and reporting by Albury City Council

Table 2 – Planning approval pathways

Applicable EPI and planning provisions	Applicable DCP	Minor, low impact development	Site that is identified as environmentally sensitive land	Development complies with complying development standards in the relevant EPI	
				Yes	No
Albury LEP	Albury RJP Development Control Plan	Expanded exempt development using tailored provisions in the Albury LEP	Land zoned as C3 Environmental Management	Complying Development	Development Application as required under the Albury LEP

2. Regional Job Precincts

2.1 Jobs and economic development in regional NSW

The NSW Government is committed to supporting economic development and job creation in regional NSW. Regional NSW has one of Australia's largest and most diverse regional economies, with an array of industries including agriculture, energy and resources, and strong tourism, service and manufacturing sectors. Across NSW, economic or industry specialisations have arisen from locational or competitive advantages, access to a large, skilled workforce, investment, and/or the ability to co-locate supporting or product or value-add industries or activities.

The purpose of the Regional Job Precincts initiative is to deliver faster planning approvals to provide local councils, regional communities, industry and businesses with greater confidence around future investment and development. The creation of Regional Job Precincts aligns with the Department of Planning and Environment's Regional Plans and the Department of Premier and Cabinet's Regional Economic Development Strategies, which set the strategic vision and engine industries for each Functional Economic Region across NSW. The NSW Government will work closely with local councils to build on the long-term strategic planning work already done at a state and local level, to streamline planning processes and make it easier for businesses to set-up or expand.

2.2 The Regional Job Precincts initiative

Regional Job Precincts aim to tailor planning controls to support regional economic development and engine industries to create jobs in regional NSW. Locations cover a diverse range of locations and investment opportunities and were selected based on site suitability and potential to deliver economic benefits to their regions. Regional Job Precincts are planned in Albury, Richmond Valley, south Jerrabomberra, and the Namoi region.

The Regional Job Precincts initiative is an extension of the Special Activation Precinct program and is an important part of the NSW Government's 20 Year Economic Vision for Regional NSW and are delivered through the \$4.2 billion Snowy Hydro Legacy Fund.

Regional Job Precincts will follow a flexible six step process, as illustrated in **Figure 1**.



Figure 1 – Regional Job Precincts Process

2.3 Key agencies involved in Regional Job Precincts

The NSW Government is working closely with Albury City Council and federal agencies to remove barriers to business setting-up and scaling-up in the Albury RJP. The NSW Department Planning and Environment, Department of Regional NSW and Albury City Council are building on the long-term strategic planning work already completed at a state and local level.

The Regional Job Precincts initiative is a collaboration between the following key agencies:

- **Albury City Council** is a key partner in the development of the Albury RJP draft Master Plan and will be responsible for the implementation of the vision. Council will retain their regulatory and approval role for development in the Albury RJP. Council's existing and future infrastructure, as well as advocacy and influence, will play a key role in realising the vision of the Albury RJP.
- The **Department of Regional NSW** is the lead agency for Regional Job Precincts. Overseeing the funding and planning of each precinct, the Department of Regional NSW works closely with the Department of Planning and Environment and Albury City Council to prepare the technical studies required to develop a master plan and simplified planning framework for each precinct.
- The **NSW Department of Planning and Environment** is responsible for supporting the development and implementation of any required changes to the planning framework for each precinct.

2.4 Albury Regional Job Precinct

The Albury RJP is unique to other employment and industrial precincts within the Albury-Wodonga region. The Albury RJP is distinguished by a focus on heavy industry, larger lot sizes, overall capacity, circular economy opportunities and access to the existing major transport freight infrastructure. Transport freight infrastructure includes the public rail intermodal (the Ettamogah Rail Hub), national road and rail network.

The Albury RJP will create additional jobs for the region by leveraging the opportunities associated with an expanded NEXUS Industrial Precinct to create a hub of advanced manufacturing, circular economy and recycling, agribusiness, freight and logistics services. Ultimately, the Albury RJP will have capacity to support an additional 13,900 jobs from 2036.

The precinct will offer an improved planning framework, underpinned by appropriate studies and technical information and the implementation of a master plan. Planning support for streamlined approvals will attract investment in a variety of industry sectors.

The Albury RJP investigations included a range of technical assessments and preparation of a draft Master Plan. The vision for the Albury RJP is described as follows.

THE ALBURY REGIONAL JOB PRECINCT VISION:

The vision for the Albury Regional Job Precinct is to redefine the nature of employment within the Albury-Wodonga region. The Precinct will differentiate itself as an industrial hub for the future, focusing on highly sustainable production, circular economies and value-add industry within a productive and safe ecosystem.

The Precinct will be defined by its unique landscape and terrain, utilisation of surrounding amenity and services, and strong transport infrastructure linking to materials and markets in the region, interstate and overseas. The Precinct will not only be a highly desirable destination for businesses but offer a place to connect with nature.

The proposed changes to Albury LEP described in this Discussion Paper will support the vision for the Albury RJP by streamlining approval pathways.

3. Proposed Planning Changes

3.1 Area to which the Albury Regional Job Precinct applies

It is proposed to amend the *Albury Local Environmental Plan 2010* (Albury LEP) to introduce new controls for the development of land within the Albury RJP. This will allow implementation of the proposed Albury RJP land use strategy.

The land identified as the Albury RJP and subject of the amended Albury LEP controls is illustrated in **Figure 2**.

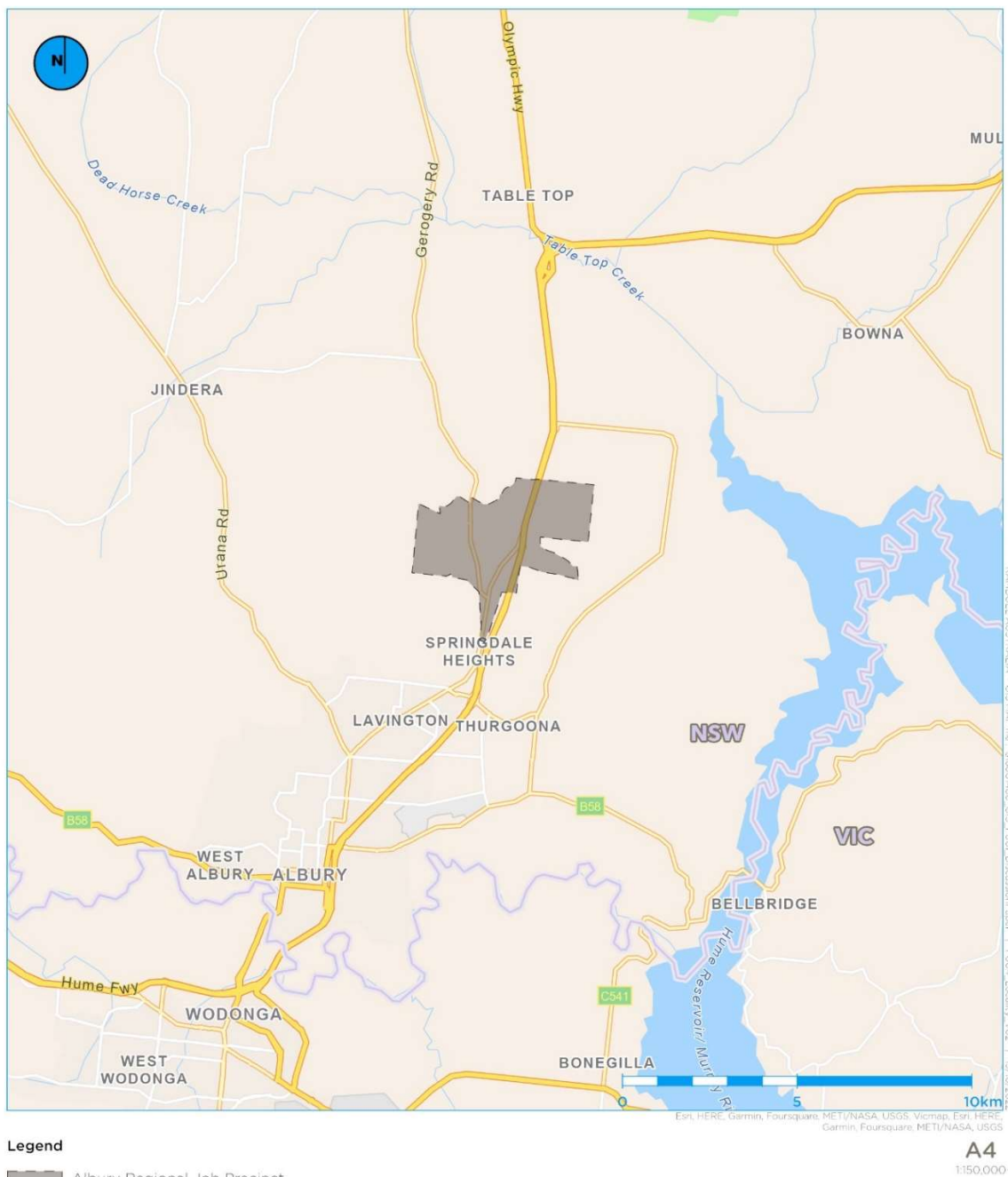


Figure 2 – Locality plan – Albury Regional Job Precinct

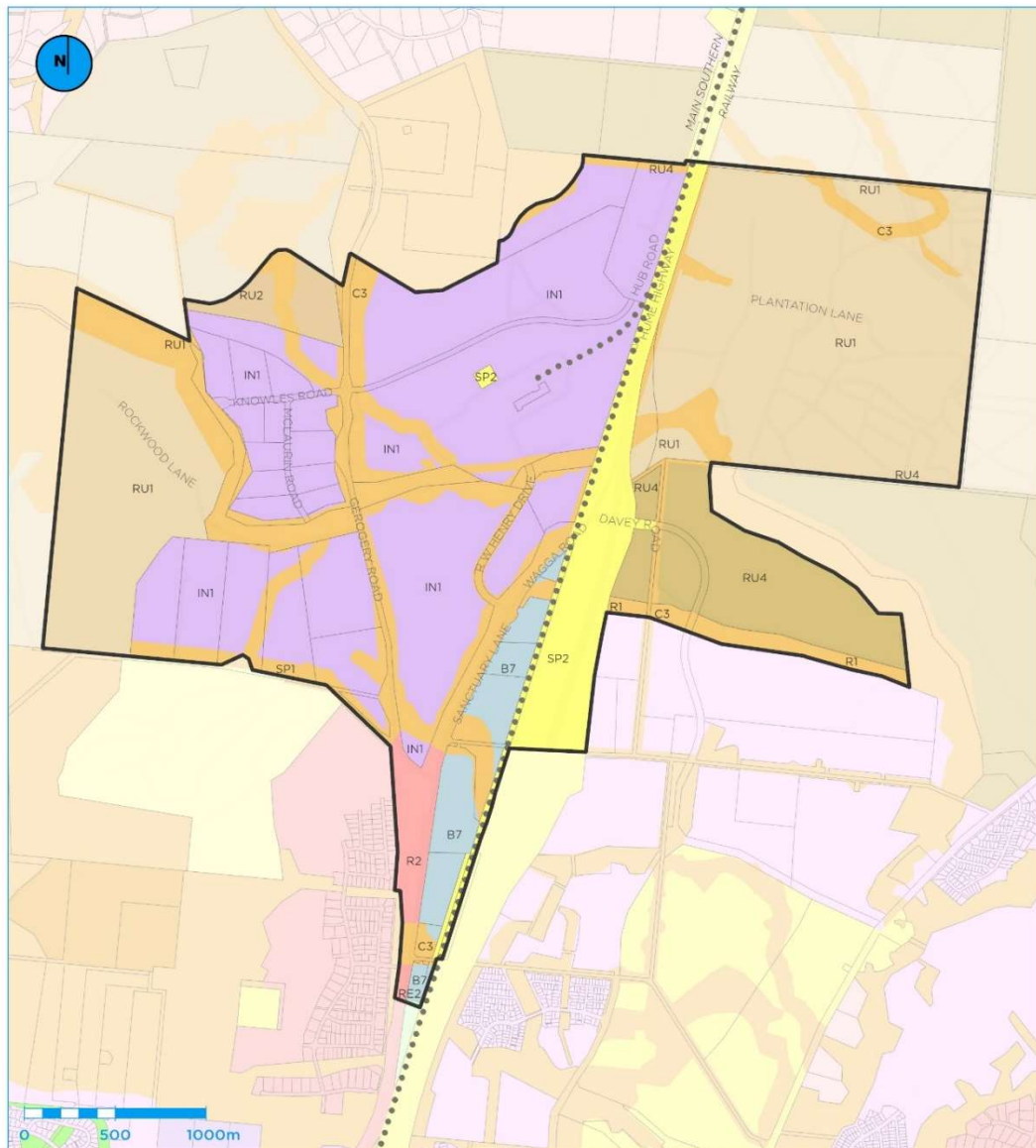
3.2 Land use and zoning

3.2.1 Land use strategy

Current land use zoning

Land within the Albury RJP is primarily used for industrial, business and rural purposes. The land is zoned for a mix of IN1 General Industrial, B7 Business Park, RU1 Primary Production, RU2 Rural Landscape, and C3 Environmental Management.

The current zoning is illustrated in **Figure 3**.



Legend

- Albury Regional Job Precinct
- Cadastre boundary (DPE)

LEP zoning (DPE)

- B7 - Business Park
- C2 - Environmental Conservation
- C3 - Environmental Management
- IN1 - General Industrial
- R1 - General Residential
- R2 - Low Density Residential
- R5 - Large Lot Residential

- RE1 - Public Recreation
- RE2 - Private Recreation
- RU1 - Primary Production
- RU2 - Rural Landscape
- RU4 - Primary Production Small Lots
- SP1 - Special Activities
- SP2 - Infrastructure

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1:30,000

Figure 3 – Current land use zoning – Albury Regional Job Precinct

Intended Land Use Strategy

The intended land use strategy for the Albury RJP is to provide for a range of industries that leverage the opportunities associated with an expanded NEXUS Industrial precinct to create a hub of advanced manufacturing, circular economy and recycling, agribusiness, freight and logistics services (see **Table 3**). The land use strategy importantly seeks to complement other industrial precincts in Albury-Wodonga region to avoid competition and maintain flexibility on a regional scale.

Upfront technical assessments have been carried out to inform this Discussion Paper and the Albury RJP Master Plan. These technical studies provide the basis for the proposed land use strategy and implementation through the Albury LEP.

The land use strategy for the Albury RJP comprises the following new employment zones, finalised in December 2021 and will be in place within the states LEPs by 1 December 2022:

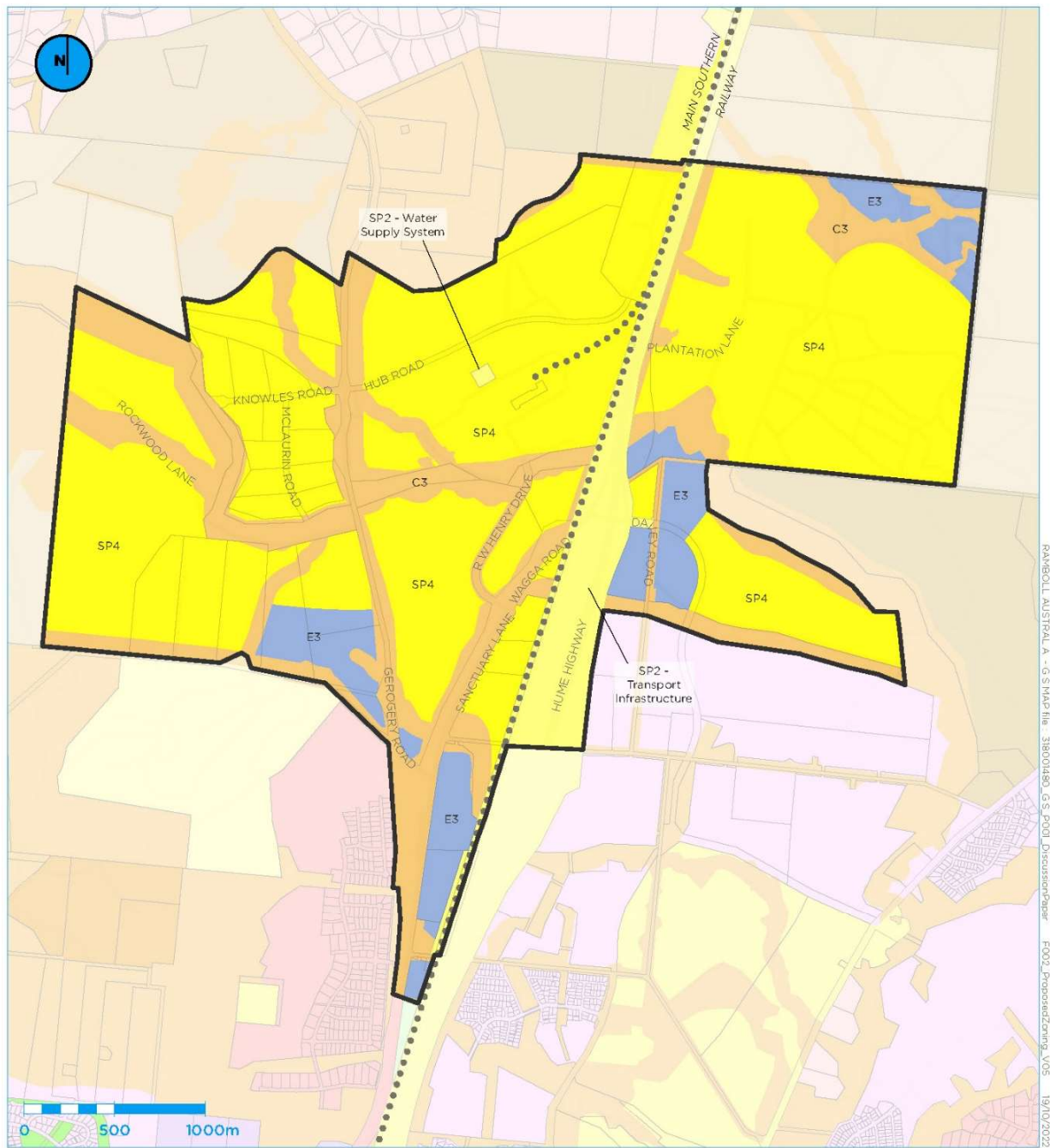
- **SP4 Enterprise.** This zone will apply to the developable land within the Albury RJP. The SP4 Enterprise land use zone is a tailored zone encouraging development in areas that support the vision for the Albury RJP as described above. Development on this site will be guided by the Albury RJP Development Control Plan.
Land uses permitted in the SP4 Enterprise land use zone will be associated with, and leverage off, the proximity to the Ettamogah Rail Hub and regional road network. Consideration will be given to developing cold storage facilities and e-waste recycling facilities.
- **E3 Productivity Support.** This zone will act as an interface or transition zone for sensitive receivers (both residential and environmental) within and adjacent to the Albury RJP and provide local services. It is acknowledged that there are opportunities elsewhere in the Albury local government area for retail uses such as bulky goods and larger format retail outlets. To avoid competition with other similar precincts in Albury, these uses will not be encouraged within the Productivity Support zone.
- **SP2 Infrastructure.** This is an existing land use zoning for the highway corridor that is to be retained.
- **C3 Environmental Management.** This zone will include existing conservation areas under the Albury LEP and include areas that have been found to have high biodiversity and cultural heritage values as part of the investigations carried out to support the Albury RJP land use strategy.

The intent of each zone is described in **Table 3** (over page).








Table 3 – Intent of the zones within the Albury Regional Job Precinct

Zone	Intent of the zone
SP4 Enterprise Zone	<ul style="list-style-type: none"> - To support the vision of the Albury RJP by providing areas with tailored land use planning - To provide an industrial precinct that supports and facilitates circular economies and environmentally sustainable practices - To accommodate a wide range of industrial and employment uses - To provide a suitable location for industries that need to be separated from sensitive uses and to ensure impacts can be attenuated - To give stakeholders certainty about the location of environmental impact-generating activities - To ensure that the services and infrastructure required to support these uses can be delivered in an orderly way - To ensure the intended uses are located to optimise access and connectivity to the road and rail - To provide for recreation opportunities and some appropriate businesses services and amenities in suitable locations
E3 Productivity Support Zone	<ul style="list-style-type: none"> - To provide a transition from the SP4 Enterprise zone to more sensitive residential and rural zones in the vicinity - To provide land and floor space for a range of urban or rural services that cater to and support the Albury RJP - To provide a range of light industrial, warehouse and office uses, space for emerging light industries and uses that meet the day-to-day needs of businesses and industries, without avoid competing with commercial or industrial centres in Albury - To support and facilitate opportunities to generate circular economy and environmentally sustainable practices within the SP4 Enterprise zone through co-location and fostering collaboration with heavier industries within the Albury RJP
SP2 Infrastructure Zone	<ul style="list-style-type: none"> - To provide for infrastructure and related uses
C3 Environmental Management zone	<ul style="list-style-type: none"> - To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values - To prevent development that could destroy, damage or otherwise have an adverse effect on those values

The conceptual land use strategy is illustrated in **Figure 4** (over page).



Legend

- | | |
|--|--|
|  Albury Regional Job Precinct |  C3 - Environmental Management |
|  Cadastre boundary (DPE) |  E3 - Productivity Support |
| |  SP2 - Transport Infrastructure |
| |  SP2 - Water Supply System |
| |  SP4 - Enterprise |

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1:30,000

Figure 4 – Proposed land use zoning – Albury Regional Job Precinct

The intent of the land use strategy is to introduce provisions into the Albury LEP to drive development and manage land use for the Albury RJP:

- **Sub-precincts.** Sub-precincts will be identified under the Albury LEP to guide locations where heavier industries are suitable in the SP4 Enterprise zone, in order to minimise land use conflicts and minimise impacts on sensitive receivers. Additional permitted uses for heavier industries, which would otherwise be prohibited in the SP4 zone, will be specified within certain sub-precincts aligned with the Albury Regional Job Precinct Master Plan (see Section 3.2.3).
- **Buffers.** Air noise and odour buffers identified in the draft Master Plan seek to minimise amenity impacts on surrounding land uses and protect industry needs, a mapped buffer zone adjacent to the Albury RJP will be included in the Albury LEP (see Section 3.2.5). A clause providing matters for consideration for development applications over land within the mapped buffer zone will be included in the Albury LEP.
- **Conservation overlay.** To protect biodiversity values, land identified in the master plan as containing biodiversity values and zoned SP4, will be subject to a conservation overlay provision in Albury LEP. The provision will establish matters for consideration for development applications that provide for the protection and management of biodiversity values (see Section 3.2.12).
- **Exempt and complying development.** The Albury LEP will be amended to expand exempt and complying development in the E3 Productivity Support and SP4 Enterprise land use zones (see Sections 3.2.6 and 3.2.7).
- **Development controls.** Principal development standards within the Albury LEP will not apply to the Albury RJP. Flexible development controls will be provided in the Albury RJP Development Control Plan (see Section 3.2.4).

3.2.2 Land use tables

The following are draft objectives and permitted and prohibited uses for each of the zones within the Albury RJP.

SP4 Enterprise

1. Objectives of zone

- To provide for development and land uses that encourage regional enterprise and innovation in industry and environmental management.
- To effectively manage land uses of varying intensities or environmental sensitivities, and to minimise the risk of conflict associated with incompatible land uses.
- To attract industries that would contribute to and benefit from being close to major freight transport networks.
- To encourage the development of industry leading circular economy resource and waste management.
- To protect and enhance the unique qualities and character of the Albury RJP
- To support rural industries and service the broader urban and rural economy

2. Permitted without consent

Roads

3. Permitted with consent

Agricultural produce industries; Biosolids treatment facilities; Car parks; Data centres; Depots; Electricity generating works; Emergency services facilities; Flood mitigation works; Freight transport facilities; General industries; Hardware and building supplies; Helipads; High technology industries; Industrial training facilities; Industries; Light industries; Liquid fuel depots; Local distribution

premises; Passenger transport facilities; Research stations; Resource recovery facilities; Sewage reticulation systems; Sewage treatment plants; Sewerage systems; Signage; Storage premises; Take away food and drink premises; Transport depots; Truck depots; Warehouse or distribution premises; Waste disposal facilities; Waste or resource management facilities; Waste or resource transfer stations; Water recycling facilities; Water reticulation systems; Water storage facilities; Water supply systems; Water treatment facilities; any development not specified in item 2 or 4

4. Prohibited

Agriculture, Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Artisan food and drink industries; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Community facilities; Correctional centres; Creative industries; Crematoria; Early education and care facilities; Eco-tourist facilities; Educational establishments; Entertainment facilities; Environmental protection works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings, Forestry; Function centres; Hazardous industries; Hazardous storage establishments; Health services facilities; Heavy industrial storage establishment; Heavy industries; Highway service centres; Home businesses; Home industries; Home occupations; Home occupations (sex services); Industrial retail outlets; Information and education facilities; Jetties; Kiosks; Landscaping materials supplies; Marinas; Mooring pens; Moorings; Mortuaries; Offensive industries; Open cut mining; Oyster aquaculture; Places of public worship; Port facilities; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Registered premises; Residential accommodation; Respite day care centres; Restricted premises; Rural industries; Self-storage units; Service stations; Sex service premises; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Water recreation structures; Wharf or boating facilities; Wholesale supplies

E3 Productivity Support

1. Objectives of zone

- To provide for a range of facilities and services, light industries, warehouses and offices.
- To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.
- To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.
- To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones.
- To provide opportunities for new and emerging light industries.
- To enable other land uses that provide facilities and services to meet the day to day needs of works, to sell goods of a larger size, weight or quantity to sell goods manufactured on-site.

2. Permitted without consent

Nil

3. Permitted with consent

Animal boarding or training establishments; Boat building and repair facilities; Building identification signs; Business identification signs; Business premises; Centre-based child care facilities; Community facilities; Depots; Function centres; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Information and education facilities; Landscaping material supplies; Light industries; Local distribution premises; Markets; Mortuaries; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities

(indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Roads; Rural supplies; Service stations; Specialised retail premises; Storage premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Wholesale supplies

4. Prohibited

Any development not specified in item 2 or 3

SP2 Infrastructure

1. Objectives of zone

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2. Permitted without consent

Environmental protection works

3. Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Aquaculture; Roads

4. Prohibited

Any development not specified in item 2 or 3

C3 Environmental Management

1. Objectives of zone

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have adverse effect on those values.
- To ensure the long term viability of populations of threatened species, populations and ecological communities by protecting and improving the condition of wildlife habits and wildlife corridors.
- To allow appropriate land uses in close proximity to the Landfill Buffer Area.

2. Permitted without consent

Environmental protection works; Home occupations

3. Permitted with consent

Boat launching ramps; Boat sheds; Community facilities; Environmental facilities; Extensive agriculture; Farm buildings; Information and education facilities; Jetties; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Roads; Signage; Tank-based aquaculture; Water recreation structures

4. Prohibited

Industries; Local distribution premises; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3.

3.2.3 Additional permitted or prohibited uses

Additional permitted or prohibited uses for the Albury RJP will be included in Schedule 1 of the Albury LEP. This will facilitate development of the heavier industry and general industry sub-precincts. The identified land uses are subject to review.

3.2.4 Principal development standards

Part 4 development standards will not apply to land within the Albury RJP. Instead, a place-based development control plan will specify development controls and environmental management measures for the Albury RJP.

A transitional provision will be included in the Albury LEP highlighting that Part 4 development standards remain 'on' until the place-based development control plan is in effect.

3.2.5 Buffer area

To protect the Albury RJP and its purpose of driving growth, investment and development opportunities within regional NSW, the buffer area identified in the draft Master Plan surrounding the Albury RJP is required. A new clause and map/s will be inserted into the Albury LEP requiring development on land adjoining the Albury RJP to consider the likely adverse impacts from the existing and continued operations of the Albury RJP on the proposed development.

3.2.6 Exempt development

Types of low impact land uses will be identified as exempt development, and will not require planning or building approval, where they meet the development standards outlined in the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and Part 3 of the Albury LEP.

Development that will be exempt development includes, but is not limited to, development involving change of use, demolition, pathways and paving, rainwater tanks, maintenance works, street furniture, minor structures, and specified signage.

Clause 3.1 of the Albury LEP defines development considered to be exempt development and states the requirements for exempt development as listed in Schedule 2. Schedule 2 will be amended to facilitate exempt development in the E3 Productivity Support and SP4 Enterprise land use zones. The list of proposed exempt development for the Albury RJP is contained in **Appendix 1** to this Discussion Paper.

3.2.7 Complying Development

Complying development is a combined planning and construction approval for straightforward development that can be determined through fast-tracked assessment by a council or an accredited certifier. Complying development is listed in the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and Albury LEP.

Clause 3.2 of the Albury LEP defines development considered to be complying development and states the requirements for complying development as listed in Schedule 3. The intention is to expand provisions to increase complying development in the precinct, where consistent with the objectives and principles in the Albury RJP draft Master Plan.

The potential amendments to Albury LEP would modify the application of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* as it applies to the Albury RJP, including:

- Applying Part 5A Industrial and Business Buildings Code to the SP4 Enterprise land use zone (currently only applies to business and industrial zones)
- Modifying development standards and standard conditions under Part 5A Industrial and Business Buildings Code to provide greater flexibility for complying development in the Albury RJP.

There is no intention to place scheduled activities under the *Protection of the Environment Operations Act 1997* into the complying development pathway. The processes, approvals and licenses required under

other legislation, such as the *Protection of the Environment Operations Act 1997*, *Biodiversity Conservation Act 2016*, the *Roads Act 1993* and the *Environment Protection and Biodiversity Conservation Act 1999* will continue to be required.

3.2.8 Designated development

The *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) identifies certain high-impact development (e.g. likely to generate pollution) or development that is located in or near an environmentally sensitive area (e.g. a wetland) as 'designated development'. This development is required to be the subject of an Environmental Impact Statement and public exhibited for a minimum of 28 days.

The intention is to make the planning approval process as efficient as possible and provide planning certainty, while ensuring good environmental planning outcomes. Albury Regional Job Precinct technical studies identify the potential impacts associated with certain high impact developments (i.e. designated development) which are considered, alongside associated mitigation measures, in the draft Albury Regional Job Precinct Master Plan.

Subject to agreement with relevant agencies we are intending to amend thresholds so that development consistent with draft Master Plan and upfront technical assessments is not subject to a designated development pathway. This means that these specified developments can proceed through a development application process with Albury City Council as the consent authority. A Statement of Environmental Effects assessing the impact of the proposed development will be required in lieu of an Environmental Impact Statement. The proposed amendment to the EP&A Regulation will only apply to land located within the Albury Regional Job Precinct.

There will be no changes to scheduled activities that require an environment protection licence under the *Protection of the Environment Operations Act 1997* (NSW) or the relevant controls under Chapter 3 *Hazardous and Offensive Development* and Chapter 4 *Remediation of Land* of *State Environmental Planning Policy (Resilience and Hazards) 2021*. Where certain development is no longer considered designated, such development may continue to require an environment protection licence (integrated development) to operate and the relevant controls under *State Environmental Planning Policy (Resilience and Hazards) 2021* continue to apply.

Further mitigation measures may be required through relevant performance criteria in the Albury Regional Job Precinct Development Control Plan.

3.2.9 Other licences and approvals

Processes, approvals, and licenses required under other legislation, such as the *Protection of the Environment Operations Act 1997* (NSW), *Biodiversity Conservation Act 2016* (NSW), the *Roads Act 1993* (NSW) and the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) will continue to be required. Provisions under Chapter 3 *Hazardous and offensive development* and Chapter 4 *Remediation of land* of *State Environmental Planning Policy (Resilience and Hazards) 2021* will continue to apply.

3.2.10 Protection of Aboriginal cultural heritage

Aboriginal Cultural Heritage sites within the Albury RJP will be managed in consultation with local Aboriginal representatives. They will be protected, maintained and enhanced to preserve the significance of sites, culturally significant vegetation and artefacts. Existing protections under the *National Parks and Wildlife Act 1974* (NSW) will continue to apply. The Albury RJP Development Control Plan will incorporate a plan of management describing Aboriginal management, planning and design considerations to ensure the Precinct has a sense of place, history, and spirit when passed onto the next generation.

3.2.11 Bushfire

Albury City Council maintains a map identifying areas of bushfire prone land in the local government area. The bushfire prone land map is the trigger for the consideration of bush fire protection measures for new development, consistent with *Planning for Bush Fire Protection 2019* (NSW Rural Fire Service) and *Australian Standard 3959-2009 – Construction of buildings in bush fire prone areas*. A bushfire safety authority is to be issued for development specified under section 100B(1) of the *Rural Fires Act 1997* (NSW).

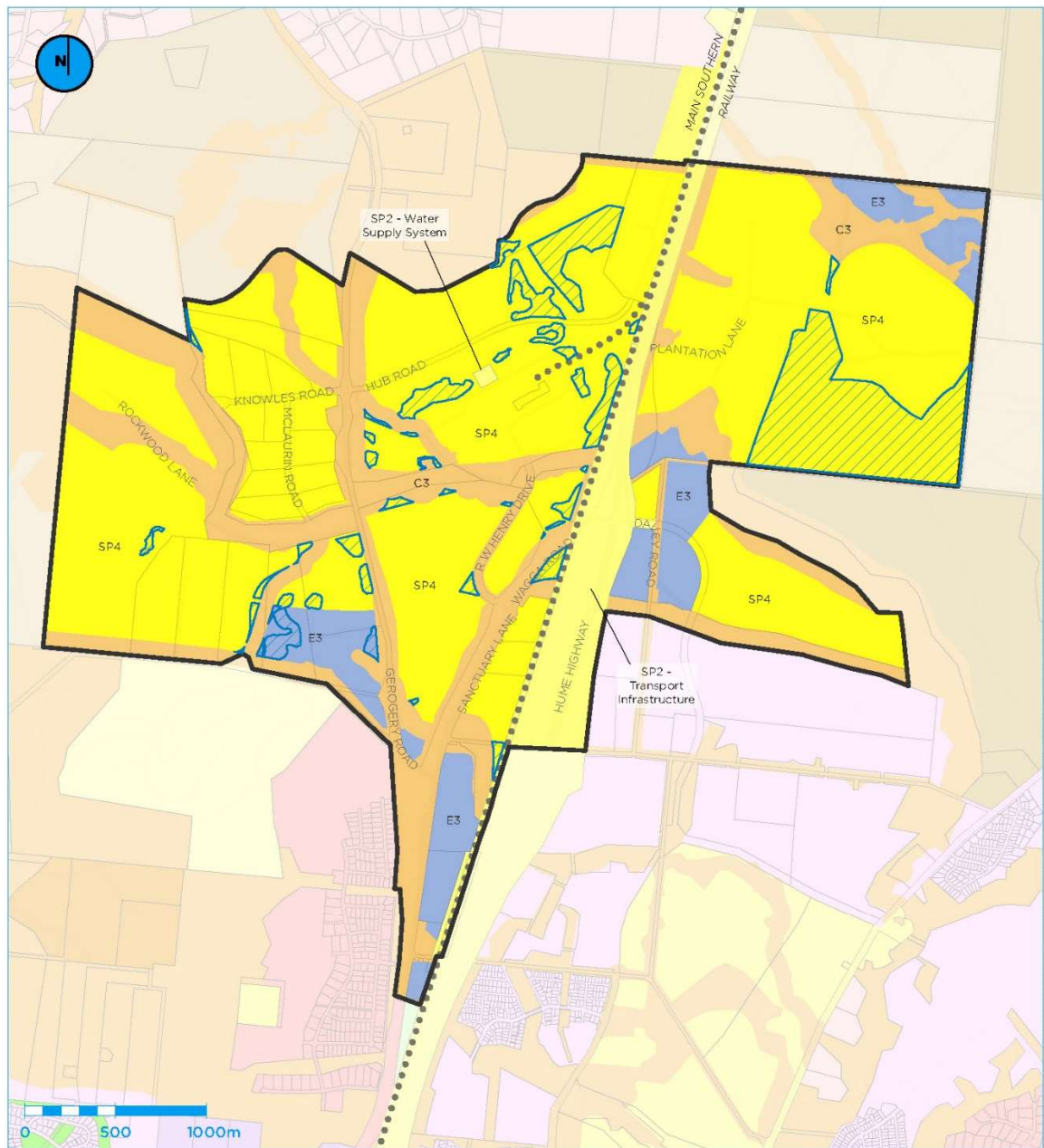
It is proposed to continue to rely on the existing map for the identification of bushfire risk and application of relevant policies, and not replicate this work in the Albury RJP.

3.2.12 Biodiversity and vegetation

The approach to the protection of biodiversity and vegetation in the Albury RJP has been to survey and map the high value vegetation, and then tailor development in these areas. Land identified by the Albury RJP Master Plan as containing high value vegetation will be subject to either:

- C3 Environmental Management zone, where such land is currently zoned E3 Environmental Management or RU1 Primary Production (refer to **Figure 5** over page for illustration of proposed C3 Environmental Management zone), or
- A 'conservation overlay' provision where land is SP4 Enterprise zone which will require each development application to assess the impacts of the proposed development on the biodiversity values (see **Figure 5** overpage for illustration of proposed conservation overlay).

In addition to the proposed zones, the Albury RJP Development Control Plan will support protection of biodiversity across the Precinct through inclusion of development principles, design guidance and development controls.



Legend

- | | |
|--|--|
|  Albury Regional Job Precinct |  Proposed zoning |
|  Conservation area |  C3 - Environmental Management |
|  Cadastre boundary (DPE) |  E3 - Productivity Support |
| |  SP2 - Transport Infrastructure |
| |  SP2 - Water Supply System |
| |  SP4 - Enterprise |

A4
1:30,000

Figure 5 – Conservation overlay – Albury Regional Job Precinct

3.2.13 Flooding

Albury City Council maintains a map identifying areas of flood prone land in the local government area. The flood prone land map is the trigger for the consideration of flood protection measures.

It is proposed to continue to rely on the existing map for the identification of flood risk and application of relevant policies, and not replicate this work in the Albury RJP.

3.2.14 Infrastructure contributions

Infrastructure will be funded through a combination of section 7.11 and section 7.12 charges under the EP&A Act, section 64 charges under the *Local Government Act 1993* (water and sewer), and through other potential funding mechanisms. The funding mechanism options to be adopted for the Albury RJP are subject to further review by Albury City Council.

In accordance with clause 7.6 of the Albury LEP, development consent will not be granted to development unless the consent authority is satisfied that services essential for the proposed development are available or that adequate arrangements have been made to make them available when required.

3.3 Savings and transitions provisions

A savings and transitions provision is proposed for development where a development application has been lodged but not yet determined. This allows for those developments to be determined as per the controls that were in force at the time the development application was lodged.

4. Other Legislation and Policies

4.1 Legislation that will continue to apply

The intent is that the following key legislation and environmental planning instruments will continue to apply to the Albury RJP, amongst others:

- *Biodiversity Conservation Act 2016 (NSW)*
- *Heritage Act 1977 (NSW)*
- *Local Land Services Act 2013 (NSW)*
- *Protection of the Environment Operations Act 1997 (NSW)*
- *Water Act 1912 (NSW)*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Exempt and Complying Development) 2008*
- *State Environmental Planning Policy (Industry and Employment) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resources and Energy) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*

Biodiversity Conservation Act 2016 (NSW)

The Albury LEP has been granted biodiversity certification until 24 February 2026. This means that development in the proposed bio-certified area (for which development consent is required under the Albury LEP), is for the purposes of Part 4 of the EP&A Act taken to be development that is not likely to significantly affect any threatened species, population, or ecological community or its habitat.

Biodiversity certification has been limited to business, industrial, and residential land use zones. All other land use zones will be subject to *Local Land Services Act 2013* and the *Biodiversity Conservation Act 2016* provisions.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 *Vegetation in non-rural areas* of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (Biodiversity and Conservation SEPP) works together with the *Biodiversity Conservation Act 2016* and the *Local Land Services Amendment Act 2016* to create a framework for the regulation of land clearing, and preservation of trees and other vegetation in NSW.

Chapter 2 of the Biodiversity and Conservation SEPP only applies to land zoned SP2 Infrastructure and C3 Environmental Management within the Albury RJP.

State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 *Advertising and signage* of *State Environmental Planning Policy (Industry and Employment) 2021* (Industry and Employment SEPP) provides development approval considerations for advertising and signage, where approval pathways exist in other environmental planning instruments, such as the Albury LEP.

State Environmental Planning Policy (Planning Systems) 2021

Chapter 2 *State and regional development* of *State Environmental Planning Policy (Planning Systems) 2021* (Planning Systems SEPP) identifies the thresholds or circumstances where development applications would be considered regionally significant or State significant.

Schedule 1 of the Planning Systems SEPP lists State significant development categories determined by thresholds based on metrics such as capital investment value. Schedule 6 of the Planning Systems SEPP lists regionally significant development categories determined by thresholds based on metrics such as capital investment value or where potential conflicts of interest or other complexities are expected

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 3 *Hazardous and offensive development of State Environmental Planning Policy (Resilience and Hazards) 2021* (Resilience and Hazards SEPP) provides definitions for 'hazardous' industry and 'offensive industry'. The chapter then makes development assessment requirements for these industries and provides a process for dealing with 'potentially' hazardous or offensive industries.

The planning and development process is subject to the EP&A, Chapter 4 *Remediation of Land* of the Resilience and Hazards SEPP, and the Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land (SEPP 55 Guidelines). Development for the purpose of remediation cannot be complying development and will be required to be conducted as development without consent or require a development application.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

The *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* will continue to apply to the Albury RJP in addition to exempt and complying development specified in the Albury LEP (see Section 3.2.6 and Section 3.2.7 respectively for discussion of exempt and complying development in the Albury LEP).

This allows for the creation of precinct-specific exempt or complying development provisions, where required, while retaining the flexibility to support the nature and diversity of land uses envisaged for the Albury RJP.

4.2 Environmental Planning and Assessment Regulation 2021

The EP&A Regulation identifies certain high-impact development (e.g. likely to generate pollution) or development that is located in or near an environmentally sensitive area (e.g. a wetland) as 'designated development'. These types of development require an Environmental Impact Statement and must be publicly exhibited for a minimum of 28 days.

Certain types of development that would be considered designated development, however, are consistent with the Albury RJP Development Control Plan would be delegated to Albury City Council for determination as local development. Such development applications would require assessment through a Statement of Environmental Effects and approval requirements under other legislation would be retained.

4.3 Community Participation Plan

The Albury City Community Participation Plan (2020) will be amended to identify which development types do not require exhibition in the Albury RJP. Development that is exempt or complying development, as well as development applications that are consistent with the Albury RJP Development Control Plan (including the master plan), would not require exhibition. Development applications that would have otherwise been designated development will be publicly exhibited.

Appendix 1 – Exempt Development

The following table specifies exempt development for the purposes of the Albury RJP. Where the development standard is inconsistent with the development standards that apply to the development purpose under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, the standards specified in this table prevail to the extent of the inconsistency.

Development purpose	Development standards
Access ramps	<ul style="list-style-type: none"> • Must not interfere with the functioning of existing drainage fixtures or the natural surface flow of water • If located on bush fire prone land and less than 5m from a dwelling—must be constructed of non-combustible material.
Aerials, antennae and communication dishes	<ul style="list-style-type: none"> • Must resist loads in accordance with AS/NZS 1170.0:2002, <i>Structural design actions, Part 0: General Principles</i> and AS/NZS 1170.2:2011, <i>Structural design actions, Part 2: Wind actions</i>. • Must be anchored by a concrete slab or footing designed in accordance with AS 3600:2018, <i>Concrete structures</i>.
Air-conditioning units	<ul style="list-style-type: none"> • Must be located on the wall or roof of a building that faces the primary road, or forward of the building line to the primary road. • Must not reduce the existing fire resistance level of a wall. • Must be designed so as not to operate during peak time at a noise level that exceeds 5 dB(A) above the ambient background noise level measured at any property boundary.
Bollards	<ul style="list-style-type: none"> • Must not reduce any existing means of entry to, or exit from, any such associated development or the lot on which it is situated.
Carport (within the meaning of <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>)	<ul style="list-style-type: none"> • Must not have a floor area of more than 100 square metres. • Must not involve the construction of a new driveway or gutter crossing unless the consent of the relevant road authority for each opening of a public road required for the development has been obtained under the <i>Roads Act 1993</i>. • Must not be located between the building line and the primary road.
Emergency work and repairs, consisting of the repair of any damage to a building or structure caused by an event that constitutes a significant and widespread danger to life or property in an area declared by an order under section 33 of the <i>State Emergency and Rescue Management Act 1989</i> to be an area where a state of emergency exists	<ul style="list-style-type: none"> • Must be carried out within 6 months of the declaration being made. • Must not change the configuration of the floor space of the building or structure being repaired. • Must not increase the floor space of the building or structure being repaired.

Development purpose	Development standards
Farm building (within the meaning of the Standard Instrument) (other than a stock holding yard, grain silo or grain bunker)	<ul style="list-style-type: none"> • Must not be used for habitable purposes.
Stock holding yard	<ul style="list-style-type: none"> • Must not be used for habitable purposes. • Must not include or comprise a stock and sale yard. • Must not be roofed. • Must be located at least 10m from any road boundary and at least 200m from any other boundary. • Must be located at least 200m from any dwelling that is located on land on the opposite side of a road that separates the landholding on which the development is located and that other lot. • Must be located at least 6m from any other farm building (including any farm building that is a grain silo or grain bunker) on the landholding or on an adjoining landholding. • Must be located at least 100m from a waterbody (natural).
Grain silo or grain bunker	<ul style="list-style-type: none"> • Must not be used for habitable purposes. • Must be located at least 100m from any dwelling. • Must be located at least 6m from any other farm building (including any farm building that is a stock holding yard) on the landholding or on an adjoining landholding. • Must be located at least 50m from a waterbody (natural).
Signage	<ul style="list-style-type: none"> • Must be a business identification sign and must not include any advertising of goods, products or services. • Must have the consent in writing of the owner of the land on which the sign is to be located and, if the sign or part of the sign projects over adjoining land, the consent of the owner of the adjoining land. • Must be approved under section 138 of the <i>Roads Act 1993</i>, if the sign or part of the sign projects over a public road, including a footway. • Must not obstruct or interfere with any traffic sign. • Must not be located on or in, or in relation to, a heritage item and not within a heritage conservation area. • Must be erected at right angles to the wall of the building to which it is attached. • Must be non-flashing and non-illuminated. • Must be constructed of non-reflective materials • Maximum area of sign—1.5m². • Maximum number of building identification signs—1 per building. • Maximum number of business identification signs—1 per business.

Development purpose	Development standards
<p>Fuel tanks and gas storage (above ground)</p>	<ul style="list-style-type: none"> • Must not be located within the Productivity Support Zone • Must not have a capacity of more than— <ul style="list-style-type: none"> (a) for a fuel tank—5,000 L, or (b) for a gas tank—1,000 L. • Must be located at least 20m from the primary road frontage of the lot and at least 10m from each other lot boundary. Must be bunded with the capacity to contain at least 110% of the capacity of the tank. Must be located at least 1m from any registered easement, sewer main or water main. For a fuel tank—must be constructed of prefabricated metal, be freestanding and installed in accordance with the requirements of AS 1940:2017, <i>The storage and handling of flammable and combustible liquids</i>. For a gas tank—must be designed and constructed in accordance with the requirements of AS/NZS 1596:2014, <i>The storage and handling of LP Gas</i> by a professional engineer. <p>Note. Other existing legislative requirements still apply in relation to work health and safety issues.</p>
<p>Minor external non-structural building alteration, such as the following—</p> <ul style="list-style-type: none"> (a) painting, plastering, cement rendering, cladding, attaching fittings or decorative work, (b) the replacement of an external window, glazing areas or a door (other than those on bush fire prone land), (c) the repair to or replacement of a non-structural wall or roof cladding, (d) the installation of a security screen or grill to a door or window or a security door, (e) the repair to or replacement of a balustrade, (f) restumping or repairing structure foundations without increasing the height of the structure. 	<ul style="list-style-type: none"> • Must not reduce the existing fire resistance level of a wall or roof. If located on bush fire prone land, must be adequately sealed or protected to prevent the entry of embers and must use equivalent or improved quality materials. • Must not affect any existing fire resisting components of the building. • Must not involve the use of external combustible cladding. • Must not affect the means of egress from the building in an emergency.

Development purpose	Development standards
Demolition of development that would be exempt development under this Division if it were being constructed or installed	If demolition involves the removal of asbestos, that removal must be undertaken in accordance with Code of Practice: How to safely remove asbestos dated August 2019 published by SafeWork NSW
Letter boxes	None
Stairways	<ul style="list-style-type: none"> (a) The development must be constructed adjacent to a balcony, deck, patio, pergola, terrace or verandah or be located so as to provide external access to a dwelling, and (b) no part of the stairway (excluding handrails) may be more than 1m above the ground level (existing), and (c) the development must be located at least 450mm from each lot boundary, and (d) the development must not interfere with the functioning of existing drainage fixtures or the natural surface flow of water, and (e) if it is located on bush fire prone land and is less than 5m from a dwelling—the development must be constructed of non-combustible material, and (f) if it is constructed or installed in a heritage conservation area or a draft heritage conservation area—the development must be located in the rear yard, and (g) the development must be constructed in accordance with AS 1657:2018, Fixed platforms, walkways, stairways and ladders—Design, construction and installation.

Development purpose	Development standards
Stock holding yard not used for sale of stock	<p>(a) A stock holding yard—</p> <ul style="list-style-type: none"> (i) must be fenced around its perimeter, and (ii) must not be roofed, <p>(b) any fencing erected in or around the perimeter of the stock holding yard must not be higher than 4.5m above ground level (existing),</p> <p>(c) the development must be located at least 10m from any road boundary and at least 200m from any other boundary,</p> <p>(d) the development must be located at least 200m from any dwelling that is located on land on the opposite side of a road that separates the landholding on which the development is located and that other lot,</p> <p>(e) the development must be located at least 6m from any other farm building (including any farm building that is a grain silo or grain bunker) on the landholding or on an adjoining landholding,</p> <p>(f) the development must be located at least 100m from a waterbody (natural).</p> <p>Note—</p> <p>The consent of the appropriate roads authority is required under section 138 of the <i>Roads Act 1993</i> for the carrying out of certain works in relation to roads, including the building of any crossover or creating road access.</p>
Temporary builders' structures	<ul style="list-style-type: none"> (a) Be located on the lot in relation to which development consent has been granted, and (b) if it contains plumbing fixtures—have those fixtures connected to an approved waste water treatment device or an approved connection to the sewer, and (c) not be used for residential purposes, and (d) be removed from the lot immediately after completion of the works for which the development consent was granted.
Waste storage containers	<p>The standards specified for that development are that the development must be located in accordance with an approval granted under the <i>Local Government Act 1993</i>.</p>