

Order Conferring biodiversity certification on the Albury Local Environmental Plan 2010

Threatened Species Conservation Act 1995

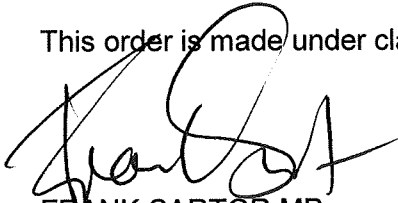
I, Frank Sartor, MP, Minister for Climate Change and the Environment, being satisfied that the Albury Local Environmental Plan 2010 (the LEP), in addition to the measures set out in Schedule 2 to this order, will lead to the overall improvement or maintenance of biodiversity values, do by this order confer biodiversity certification on the LEP under the *Threatened Species Conservation Act 1995* (the Act).

Pursuant to clause 25 (3) of Schedule 7 to the Act:

1. the biodiversity certification of the LEP is subject to the condition listed in Schedule 1 to this order; and
2. the measures listed in Schedule 2 to this order are specified as measures that have been taken or are to be taken within the timeframes specified.

Pursuant to clause 27 of Schedule 7 to the Act, biodiversity certification of the LEP takes effect from the date of publication of this order in the Government Gazette and shall remain in force for a period of 10 years from that date.

This order is made under clause 25(2) of Schedule 7 to the Act.



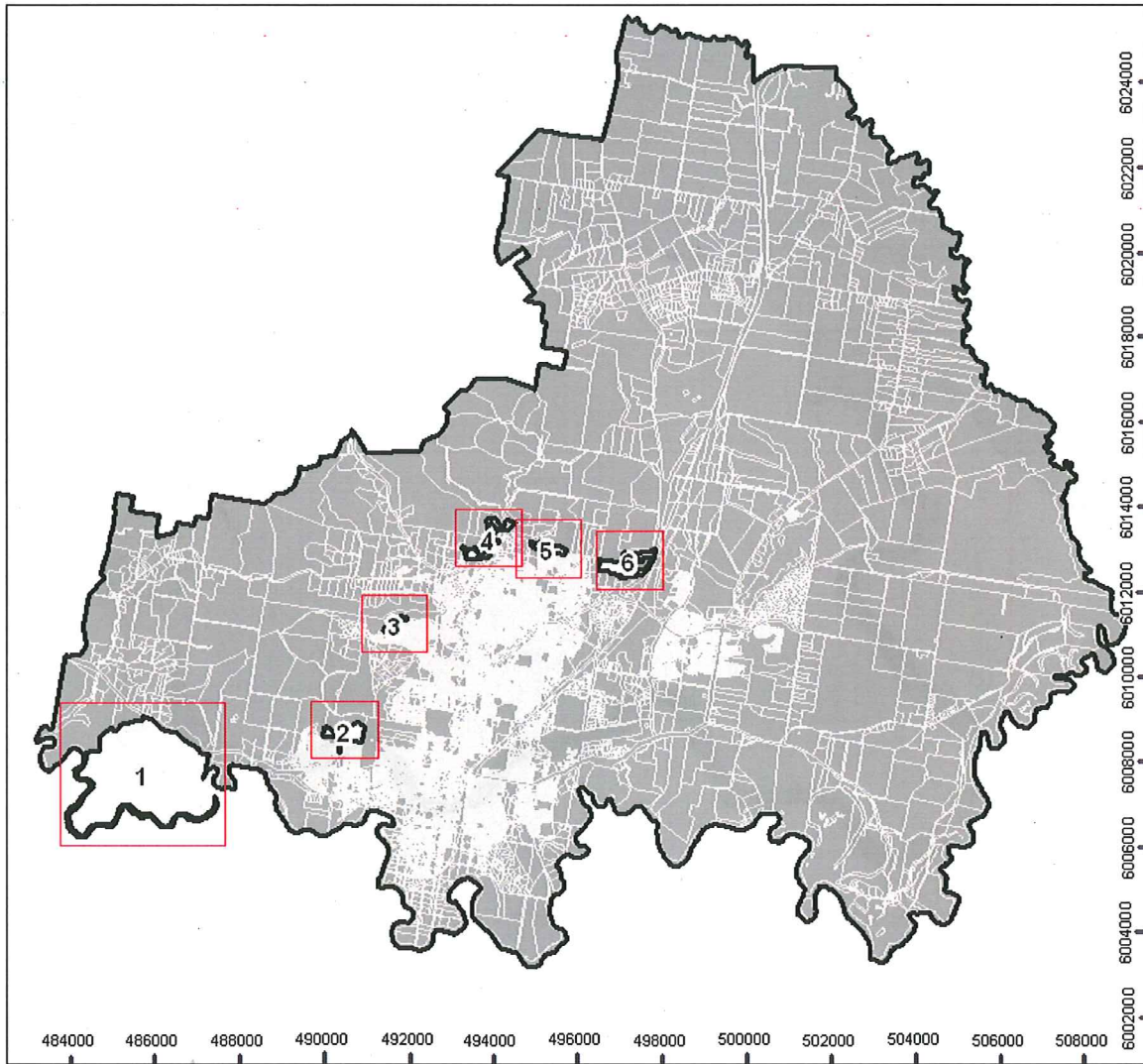
FRANK SARTOR MP
Minister for Climate Change and the Environment

Signed at Sydney, this ___ day of February 2011

Schedule 1 Condition of Biodiversity Certification

Biodiversity Certification of the Albury Local Environmental Plan 2010 is limited to the area identified as the Biodiversity Certification Area on the following seven maps titled:

1. "Albury City Council Biodiversity Certification Area"
2. "Map 1 – Areas excluded from Biodiversity Certification"
3. "Map 2 – Areas excluded from Biodiversity Certification"
4. "Map 3 – Areas excluded from Biodiversity Certification"
5. "Map 4 – Areas excluded from Biodiversity Certification"
6. "Map 5 – Areas excluded from Biodiversity Certification"
7. "Map 6 – Areas excluded from Biodiversity Certification"



Albury City Council Biodiversity Certification Area



Detailed maps of areas excluded from biodiversity certification

Cadastre May 2010 © Land & Property Management Authority



Biodiversity Certification Area

Transverse Mercator Projection
 Horizontal Datum: Geographic Datum of Australia 1994
 Tick marks on edges of map are of 2 km intervals of the
 Australian Map Grid, Zone 55





Map 1 - Areas excluded from Biodiversity Certification

 Detailed maps of areas excluded from biodiversity certification

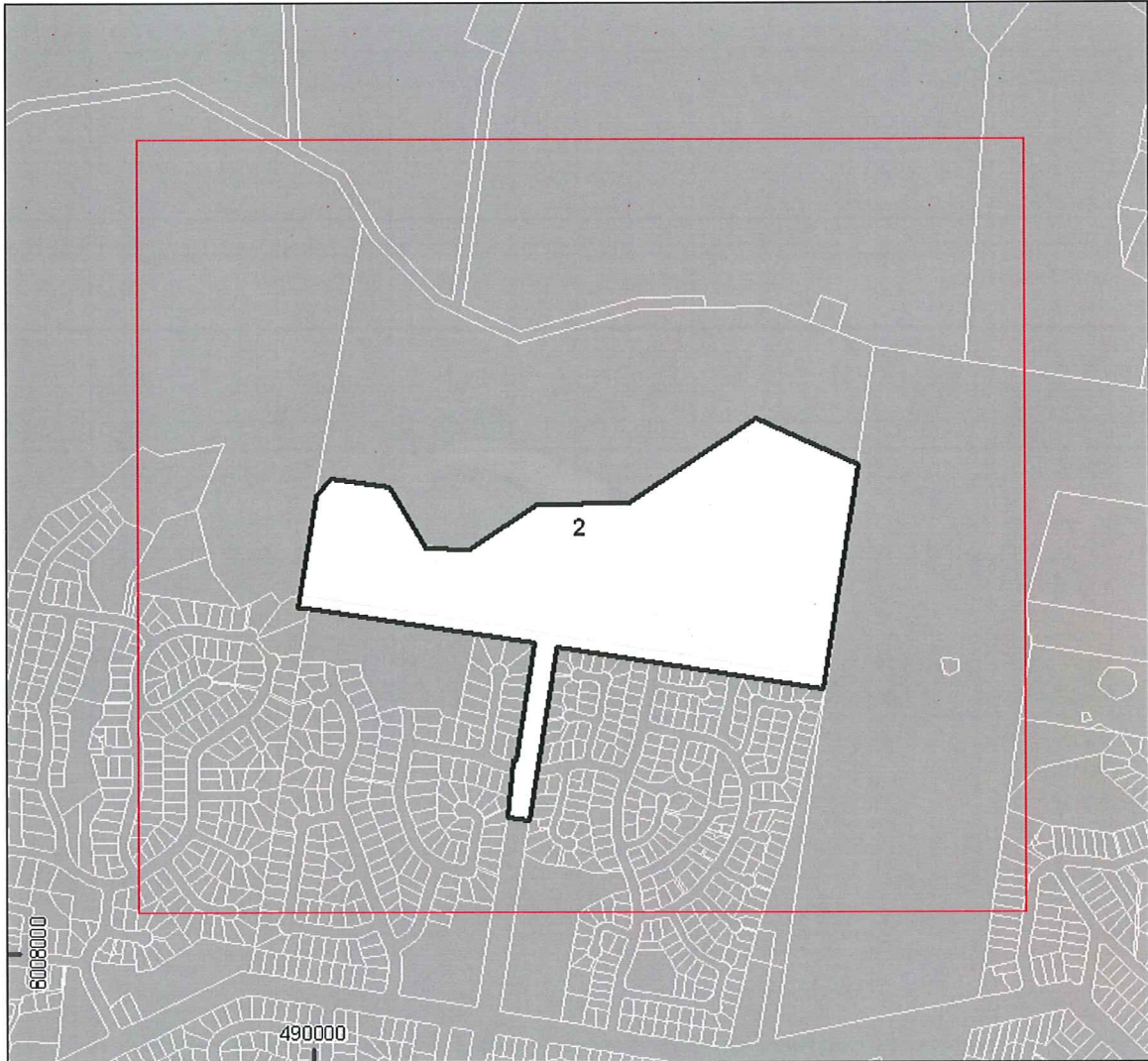
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 Biodiversity Certification Area

Transverse Mercator Projection
 Horizontal Datum: Geographic Datum of Australia 1994
 Tick marks on edges of map are of 5 km intervals of the
 Australian Map Grid, Zone 55

 0 2 Kilometres





Map 2 - Areas excluded from Biodiversity Certification

 Detailed maps of areas excluded from biodiversity certification

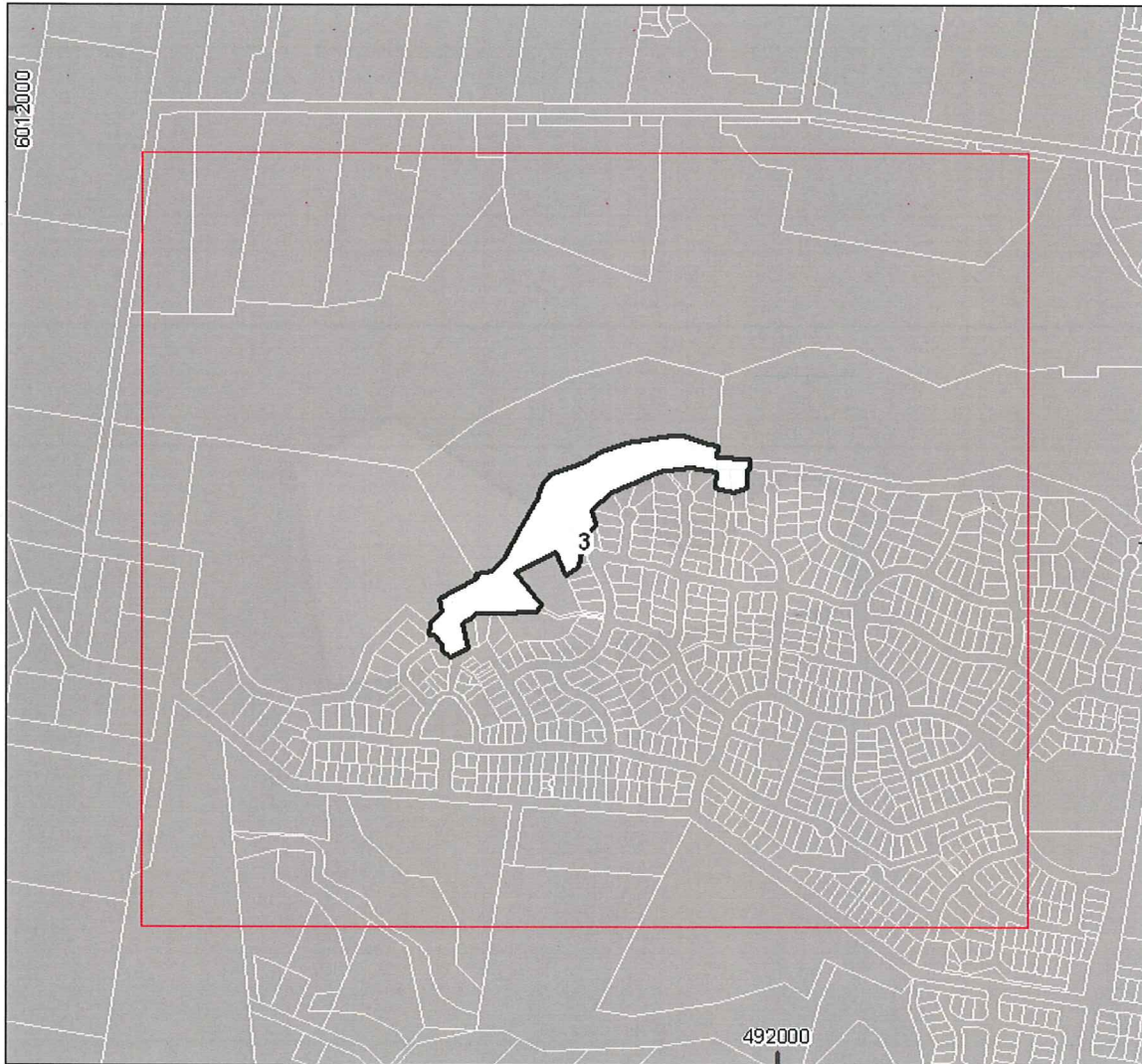
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 Biodiversity Certification Area

Transverse Mercator Projection
 Horizontal Datum: Geographic Datum of Australia 1994
 Tick marks on edges of map are of 2 km intervals of the
 Australian Map Grid, Zone 55

0  1 Kilometres






Map 3 - Areas excluded from Biodiversity Certification

 Detailed maps of areas excluded from biodiversity certification

Cadastre May 2010 © Land & Property Management Authority

 Biodiversity Certification Area


Transverse Mercator Projection
 Horizontal Datum: Geographic Datum of Australia 1994
 Tick marks on edges of map are of 2 km intervals of the
 Australian Map Grid, Zone 55

0  1 Kilometres





Map 4 - Areas excluded from Biodiversity Certification

 Detailed maps of areas excluded from biodiversity certification

Cadastre May 2010 © Land & Property Management Authority

 Biodiversity Certification Area

Transverse Mercator Projection
 Horizontal Datum: Geographic Datum of Australia 1994
 Tick marks on edges of map are of 2 km intervals of the
 Australian Map Grid, Zone 55

0  1 Kilometres





Map 5 - Areas excluded from Biodiversity Certification

 Detailed maps of areas excluded from biodiversity certification

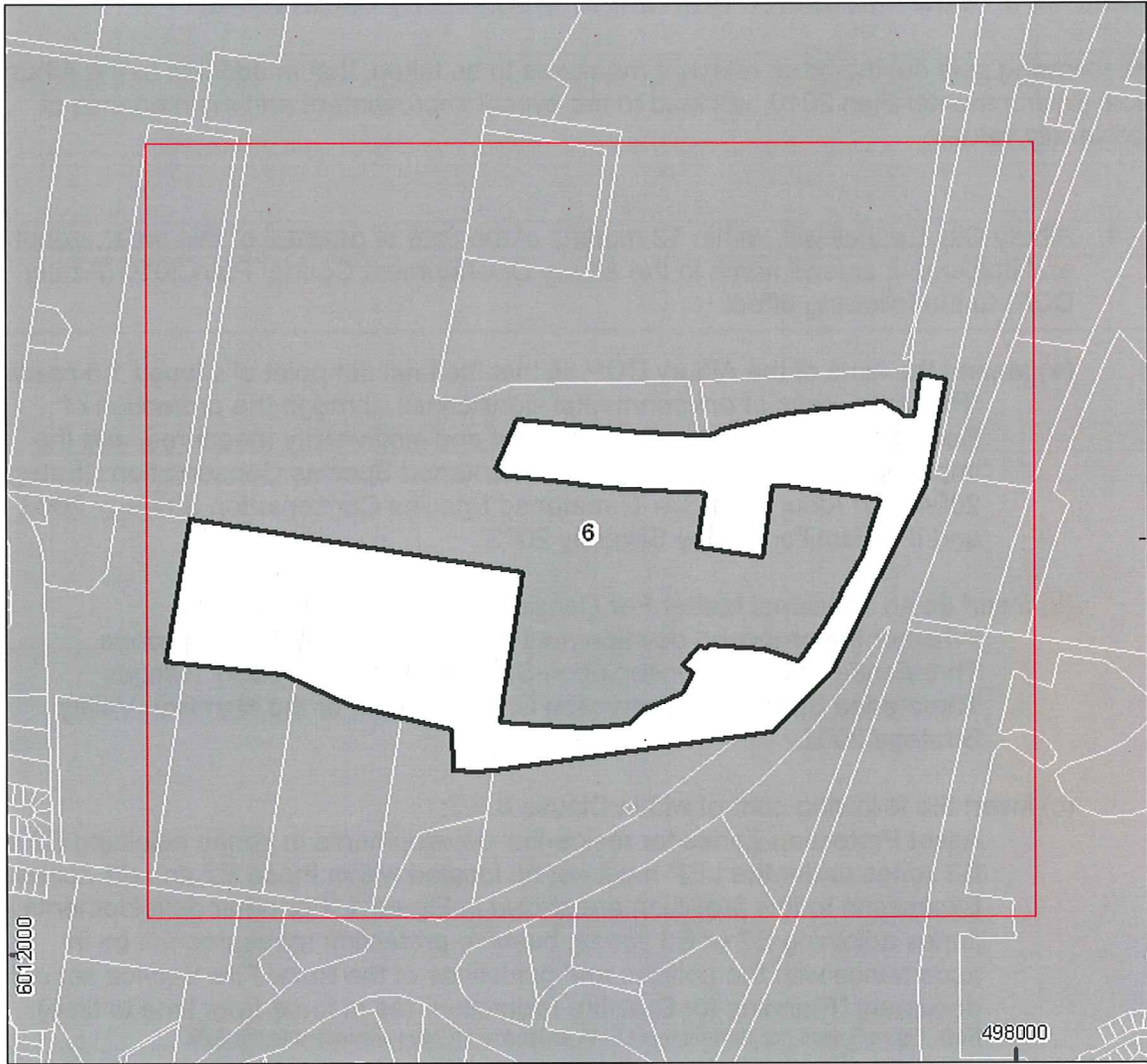
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 Biodiversity Certification Area

Transverse Mercator Projection
Horizontal Datum: Geographic Datum of Australia 1994
Tick marks on edges of map are of 2 km intervals of the
Australian Map Grid, Zone 55

0  1 Kilometres





Map 6 - Areas excluded from Biodiversity Certification

 Detailed maps of areas excluded from biodiversity certification

Cadastre May 2010 © Land & Property Management Authority

 Biodiversity Certification Area

Transverse Mercator Projection
 Horizontal Datum: Geographic Datum of Australia 1994
 Tick marks on edges of map are of 2 km intervals of the
 Australian Map Grid, Zone 55

0  1 Kilometres



Schedule 2 Other measures relevant to biodiversity certification

The following sets out the other relevant measures to be taken, that in addition to the Albury Local Environmental Plan 2010, will lead to the overall improvement and maintenance of biodiversity values:

1. Albury City Council will, within 12 months of the date of gazettal of this order, adopt and implement amendments to the Albury Development Control Plan 2010 (Albury DCP) to the following effect:
 - (a) amend the aims of the Albury DCP so that the final dot point of Clause 1.5 reads: "Preserve areas of environmental significance, through the promotion of Ecologically Sustainable Development and biodiversity measures, and the implementation of the Thurgoona Threatened Species Conservation Strategy 2004, and Albury Ranges Threatened Species Conservation Strategy 2006, and the Hamilton Valley Strategy 2002".
 - (b) insert as an additional Matter For Consideration in Clause 8.2:
Whether the proposed development is consistent with the Thurgoona Threatened Species Conservation Strategy 2004, the Albury Ranges Threatened Species Conservation Strategy 2006, or the Hamilton Valley Strategy 2002.
 - (c) insert the following control within Clause 8.3.7:
Asset Protection Zones for residential developments in zones adjoining E2 or E3 zones under the LEP must not be located within those E2 and E3 Zones. Exceptions to this provision are shown in Figure 1. For other developments in zones adjoining E2 or E3 zones, bushfire protection measures will be in accordance with the policies and guidelines of the Rural Fire Service set out in document "Planning for Bushfire Protection" (as in force from time to time).
Note: Figure 1 does not assume that LPMA as landowner have consented to this APZ.
 - (d) insert the following controls into Clauses 8.3.7 and 8.4.1:
The building envelopes and their associated Asset Protection Zone should be sited to avoid impacts on mature trees, and to avoid and minimise impacts on native vegetation generally.
 - (e) insert the following controls into Clauses 10.3.1 and 10.4.2 :
Asset Protection Zones for development in this zone must not extend into any neighbouring E2 or E3 zones, but must be fully located within the Residential zone. Exceptions to this provision are shown in Figure 1.
- Note: Figure 1 is included as Attachment 1 to this Order.
2. Albury City Council must, within 12 months of the date of gazettal of this order, develop and implement a Biodiversity Strategy for all lands owned or managed by Albury City Council including road reserves. The Strategy must include a map of Significant Environmental Areas (including areas of high conservation value as defined in the Albury Ranges and Thurgoona Threatened Species Conservation Strategies), and associated Standard Operating Procedures to be implemented by Council or their contractors that ensure these areas are protected and, where appropriate, enhanced.

3. Albury Wodonga Corporation must transfer the remaining conservation lands shown in Figure 2 of this Order to the State of New South Wales, and must make the provision of funds to manage those lands to the Crown Lands Reserve Trust, in accordance with the Deed of Transfer between those organisations dated 25 March 2008. The transfer of lands and funds under this Deed has substantially commenced and must be completed within 24 months of the date of gazettal of this order.
4. Land and Property Management Authority must publicly exhibit draft Plans of Management in accordance with Part 5 of the *Crown Lands Act 1989* in respect of all lands transferred to it under the Deed of Transfer referred to in Measure 3 above within 12 months of the date of gazettal of this order.

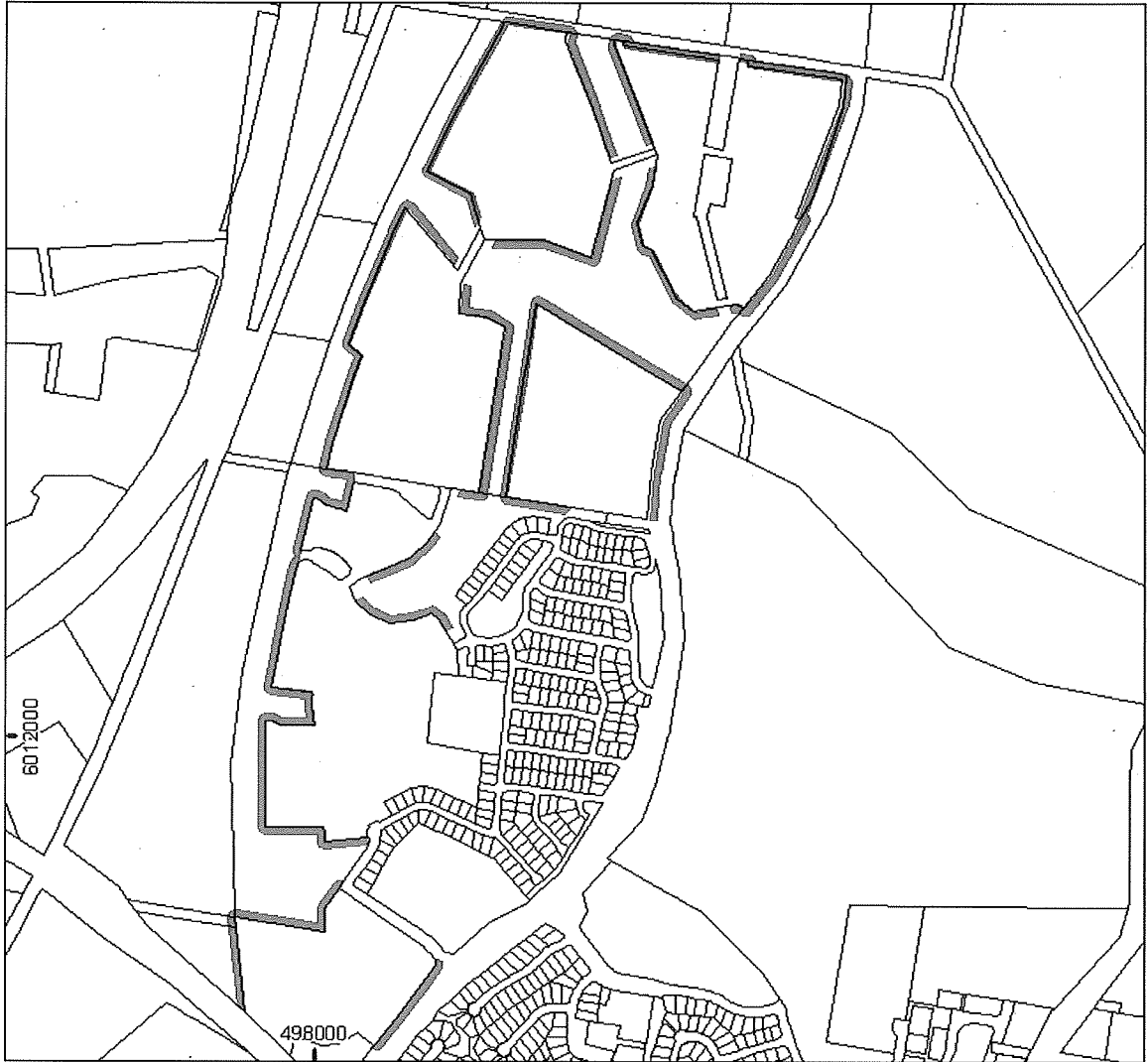




Figure 1 - Map of Mitchell Park Estate, showing areas where Asset Protection Zones are permitted within the lands zoned as E3

-  Cadastre May 2010 © Land & Property Management Authority
-  Areas where the Asset Protection Zone is permitted within the Lands zoned as E3

Transverse Mercator Projection
 Horizontal Datum: Geographic Datum of Australia 1994
 Tick marks on edges of map are of 2 km intervals of the
 Australian Map Grid, Zone 55

0  1 Kilometres



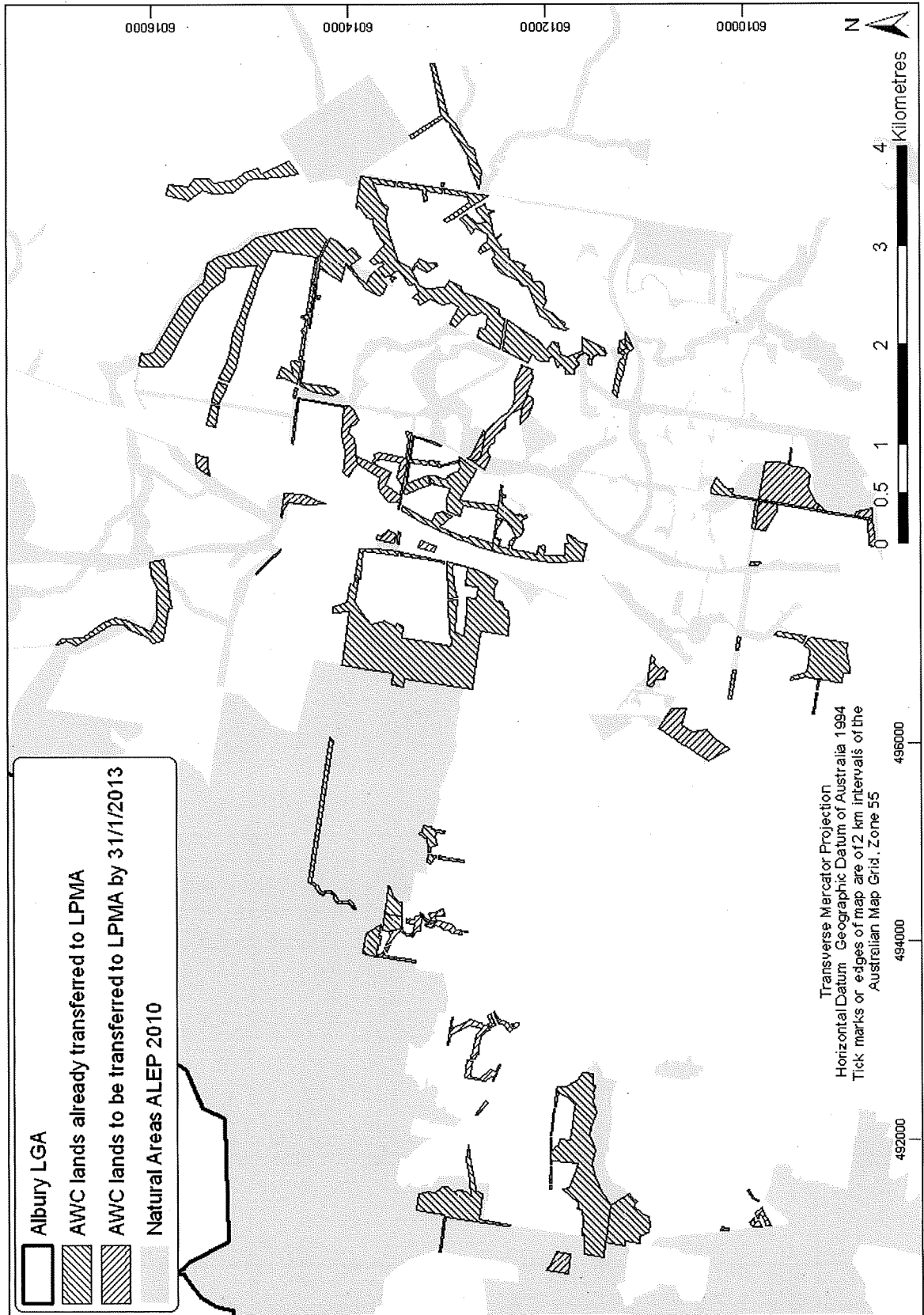


Figure 2 – Lands to be transferred from the Albury Wodonga Corporation (AWC) to the Land and Property Management Authority (LPMA)