

AlburyCity - Planning & Development Committee Agenda

PDC7.3 Planning Proposal - Rezoning of land in Table Top and Splitters Creek

DATE 21 September 2016

CONFIDENTIAL No

FURTHER ENQUIRIES TO Chris Graham **PHON** 6023 8148
Planning and Environment **E**

Purpose of Report

The purpose of this report is to seek Council support for a Planning Proposal that seeks to amend the *Albury Local Environmental Plan 2010* (ALEP 2010) insofar as the land use zoning and minimum lot size (MLS) provisions for land in Table Top and Splitters Creek.

Both land use zoning and minimum lot size amendments proposed as part of this Planning Proposal are consistent with the settlement pattern recommendations as contained within the Council adopted (and NSW Department of Planning and Environment endorsed) *Rural Lands Strategy for Table Top and Splitters Creek* (Rural Lands Strategy).

A Locality Plan showing the location of the land subject to the Planning Proposal is provided as Attachment 1 for Councillors information and reference.

A copy of the Planning Proposal is provided as Attachment 2 for Councillors information and reference.

Background

Local Government boundary adjustments initiated in 2004 resulted in large parts of the surrounding former Hume Shire Council (including both Table Top and Splitters Creek) becoming part of the Albury Local Government Area (LGA). Consequently, AlburyCity also inherited the Hume Shire planning controls under the *Hume Local Environmental Plan 2001* that allowed for the subdivision of land down to a 2ha minimum with an 8ha average lot size in the 'Rural Living Zone' that applied across much of both Table Top and Splitters Creek.

These provisions enabled land fragmentation across much of Albury's rural areas creating the potential for land use conflict with existing agricultural pursuits, placed restrictions on future long term urban development opportunities and created issues with respect to the sustainable provision of infrastructure and services.

As part of AlburyCity's review of planning controls during the preparation of the *Draft Albury Local Environmental Plan 2010* (ALEP 2010), Council introduced both zoning and minimum lot size provisions that prohibited further subdivision (land fragmentation) predominantly through the implementation of lower densities throughout much of Table Top (40ha MLS) and Splitters Creek (80ha MLS). Council supported and endorsed the proposed changes to both the land use zoning and minimum lot size provisions. This was in recognition and appreciation of the above potential land use conflicts.

During public exhibition of ALEP 2010, AlburyCity received numerous submissions from landowners in both Table Top and Splitters Creek opposing the proposed changes to zoning and minimum lot size provisions on the basis that subdivision opportunities would be removed ('locked up') for an indeterminate number of years.

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In response to these submissions, Council resolved to undertake further detailed investigations (in the form of a Precinct Structure Plan) to assist in determining a future settlement pattern that provides for continued rural lifestyle opportunities and also ensures that both existing agricultural and/or future urban land use capabilities (where relevant) are not compromised in Table Top and Splitters Creek.

The Rural Lands Strategy was subsequently prepared over a 14 month period and involved extensive consultation with all relevant persons, landowners, service providers and government agencies.

A significant amount of community consultation was undertaken as part of the preparation of this Strategy in relation to the proposed change in planning controls for Table Top and Splitters Creek.

A summary of this consultation is provided below:

- Initial Scoping Workshop – November 2014 (general public and agency);
- Public Exhibition Information Session – May 2015 (general public and agency);
- Community Forum – August 2015;
- Further consultation with local planning consultants & Rural Fire Service – September 2015.

In total, over 230 residents and landowners attended the initial scoping workshop and information sessions with an additional 75 residents in attendance at the community forum. Overall, 40 submissions were received during the public exhibition period (including six from government agencies and other public authorities).

The Rural Lands Strategy was initially reported to Council on 27 July 2015 and addressed submissions received and issues raised in response to the public exhibition process. A number of late submissions were also received prior to Council's consideration of this report. Due to the level of detail in this report and the issues raised in late submissions received, Council resolved to defer consideration of the Rural Lands Strategy to allow more time to consider the detail in the report and to allow for further community consultation.

A subsequent revised Officers Report was submitted to Council on 24 August 2015. This report considered and responded to all submissions received. This included submissions received during public exhibition, additional late submissions and representations made to the Community Forum. In considering this report, Council resolved not to adopt the Rural Land Strategy (as amended) and instead engage in further consultation with local planning experts and with the NSW Rural Fire Service (RFS).

Accordingly, AlburyCity undertook further consultation and obtained a formal response from the NSW RFS in relation to the Rural Lands Strategy, in particular, bushfire risk in Splitters Creek with regards to the previously recommended settlement pattern as well as that sought via submission and representations. In addition, AlburyCity staff also undertook further consultation with relevant local planning experts.

As a consequence of this additional consultation and work, the Rural Lands Strategy was subsequently adopted by Council on 26 October 2015 (refer to *Attachment 3*).

The preparation, adoption and endorsement of the Rural Lands Strategy has therefore fulfilled Council's previous commitments and a copy of this Strategy will be included as an Appendix to the Planning Proposal.

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The Rural Lands Strategy provides a systematic and documented investigation of both Splitters Creek and Table Top to inform and substantiate recommendations relating to settlement pattern, service infrastructure (including utilities and transport) and staging.

In making these recommendations, the Rural Lands Strategy took into consideration the following:

- Future long term urban development opportunities;
- Identification and retention of land for suitable agricultural pursuits;
- Maintaining a supply of sufficient land in appropriate locations for rural lifestyle housing that does not compromise future long term development potential, safeguards existing and ongoing agricultural pursuits, respects natural physical constraints, responds to natural hazards and respects environmental values;
- Coordinated, efficient and sustainable provision and use of necessary infrastructure;
- Identification and resolution of any existing and future potential land use conflicts; and
- Delivery of a safe, efficient and integrated transport network.

The purpose of the Rural Lands Strategy was to inform future planning decisions and provide the framework for statutory planning controls, which will give local communities, developers and investors greater certainty and confidence about future development in Table Top and Splitters Creek.

In summary, the Rural Lands Strategy identified opportunities for rural lifestyle and large lot residential development, whilst protecting productive agricultural pursuits and preserving future urban development opportunities.

Consequently, a number of changes are now recommended to the land zoning and minimum lot size provisions as contained within ALEP 2010, as they relate to Table Top and Splitters Creek, consistent with the settlement recommendations of the Rural Lands Strategy.

Issues

The Planning Proposal is consistent with Council's relevant local planning strategy, being the Rural Lands Strategy, as it seeks to adopt all settlement recommendations (inclusive of proposed changes to land use zoning and minimum lot size provisions).

The preparation of this Planning Proposal also supports Albury 2030 strategic actions under the theme of 'A Growing Economy' including:

- *'1.3.2 Support Albury's population growth - ensure policies facilitate sustainable growth and housing choice without compromising Albury's values.
Progress development of AlburyCity Structure Plans and/or Master Plans*
 - Thurgoona/Wirlinga
 - Splitters Creek
 - Lake Hume and Table Top Villages
 - Table Top.'
- 1.3.3 Review and monitor the Local Environmental Plan and the Development Control Plan with regard to outcomes within Albury 2030;
- 1.3a Albury Land Monitor (residential, commercial and industrial sectors) – Maintain a diversity of options amongst all sectors and continue to meet demand for opportunities for land development; and
- 1.5.1 Promote Albury as a major regional economy and the regional city of choice for lifestyle, career and investment opportunities.

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In particular, the rezoning of land for rural lifestyle purposes provides a diversity in housing choice, whilst protecting future long term urban development opportunities. The subject Planning Proposal also seeks to protect existing viable agricultural pursuits, limit potential land use conflicts and maintain Albury as the major economy of choice.

In addition, the preparation of this Planning Proposal also responds to the *Albury Land Use Strategy 2007* (ALUS) that, amongst other things, seeks the following planning outcomes:

- For Table Top, investigate the potential for the central and eastern Table Top area, or precincts in the area, to accommodate rural lifestyle development, define appropriate lot and road layout that provide for rural aspirations without closing off options for long term urban expansion;
- For Splitters Creek, prepare a Local Structure Plan that includes the location and layout of rural residential development areas, taking into account opportunities afforded by the Riverina Highway frontage and that accommodates environmental constraints, including land capability for effluent disposal, suitable slopes, remnant vegetation, bushfire protection and landscape character.

The Planning Proposal has also been prepared in accordance with Section 55 of the *Environmental Planning & Assessment Act 1979* and the NSW Department of Planning & Environment's: *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals* (August 2016).

Furthermore, the Planning Proposal provides a documented audit and response to Section 117(2) Ministerial Directions and State Environmental Planning Policies that confirms consistency.

Discussion

The following discussion focuses on issues that have been critical to informing Rural Lands Strategy settlement recommendations, and consequently, Planning Proposal content and subject matter in response to land capability and sustainability considerations, as follows:

- Overview of proposed settlement outcomes sought; and
- Assessment of critical issues including;
 - land supply;
 - natural hazards;
 - infrastructure provision; and
 - impacts on existing and future agricultural pursuits and urban release opportunities.

To assist legibility of this report, consideration and response to above listed critical issues are addressed separately for both Splitters Creek and Table Top as follows:

Splitters Creek:

Proposed settlement outcomes

Informed by detailed investigations, documented analysis and technical evidence (inclusive of constraints analysis, agricultural and urban land capability assessments, rural land use survey, demand and supply assessment) an overview of the Rural Lands Strategy recommended settlement pattern, consequential amendments to ALEP 2010 and other relevant issues as they relate to Splitters Creek are outlined below.

The Rural Lands Strategy recommended that locations lower in the Splitters Creek catchment be developed at a 2-4ha minimum lot size along the Riverina Highway and the Bretton Road area, whilst

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locations higher in the Splitters Creek catchment be developed at an 8ha minimum lot size at the northern end of Splitters Creek Road. Whilst this only provides moderate development outcomes (44 additional lots), settlement outcomes sought recognise environmental sensitivities by avoiding steep terrain, heavy vegetation, waterways, areas subject to erosion and pre-existing bush fire risk that warrants careful management.

For those areas proposed to have a 2ha minimum lot size, it is also proposed to rezone this land from RU4 Primary Production Small Lots Zone to R5 Large Lot Residential Zone. The balance of the existing RU4 Primary Production Small Lots Zone land will remain zoned as such.

To assist in the understanding of the proposed land zoning and minimum lot size recommendations as contained within the Planning Proposal an extract of these proposed changes (shown by map) is provided as *Attachment 4* for Councillors information and reference.

Land supply and demand

One of the key components of the Rural Lands Strategy was the preparation of a land supply and demand analysis to determine the amount of additional rural residential lots that could be reasonably supported within these areas.

This analysis was undertaken against a number of factors such as existing levels of supply and demand in both Albury and surrounding LGA's such as Wodonga and Greater Hume Shire (Jindera and Gerogery), demands on infrastructure provision/upgrade requirements, social, amenity and environmental impacts, as well as, consideration of natural hazards.

This land supply and demand analysis, prepared as part of the Rural Lands Strategy, also assessed the level of supply of residential and urban zoned land. This analysis confirmed that there is already an extensive supply of residential and urban zoned land in both Albury (in Thurgoona/Wirlinga) and Wodonga (in Leneva) and for this reason, no land is proposed to be rezoned for these purposes.

Similarly, the same analysis determined that there is already an extensive supply of large lot residential and rural residential/lifestyle land in Albury (in Table Top), Greater Hume (in Jindera and Gerogery) and Wodonga ranging in size from 4,000m² up to 8ha. Notwithstanding the above, the Rural Lands Strategy does seek to increase this level of supply further, so as to provide a greater variety and choice of rural residential land, as well as providing rural residential lifestyle opportunities within close proximity to the urban areas of Albury and Wodonga that won't adversely affect the current environmental and amenity values of this area.

In sum, the Planning Proposal seeks to increase the level of supply of rural residential lots in Splitters Creek by 44 lots. This is a 38% increase compared to the current dwelling stock in the area and will provide approximately 20.9 years of vacant land supply based on an a historical take-up rate of 2 lots per annum.

Natural hazards

Matters regarding natural hazards have been assessed and the area is not flood prone or likely to be subject to land contamination.

Notwithstanding, the entire area of Splitters Creek is classified as being bush fire prone. As a consequence, the Rural Lands Strategy was prepared in consultation with the NSW Rural Fire Service (NSW RFS). Whilst during the preparation of the Rural Lands Strategy the NSW RFS did not oppose proposed settlement plan recommendations, this public authority did identify Splitters Creek

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as having a pre-existing 'high' bush fire risk rating, and consequently, emphasised that any potential increase in population needs to be managed carefully with respect to bush fire.

Accordingly, modest settlement pattern recommendations (38% growth) have already, to a large extent, responded to the existing bush fire risk by confining higher densities to areas lower in the catchment that benefit from proximity to the Riverina Highway for emergency access/egress purposes. Whilst higher in the catchment in more isolated parts of Splitters Creek, lower densities (4-8ha minimum lot sizes) have been proposed to assist in limiting future resident exposure to existing bush fire risk. Also, the larger recommended lot sizes (2-8ha) are considered sufficiently large enough to accommodate a regime of proposed bush fire protection measures relating to access/egress, asset protection zones and defensible space/s.

In addition, the Rural Lands Strategy also recommended that a Bush Fire Risk Management Plan for Splitters Creek, that documents all treatments and activities that seek to manage bush fire risk, be prepared in consultation with the NSW RFS prior to any rezoning being undertaken in Splitters Creek.

As a consequence, a *Preliminary Draft Splitters Creek Bush Fire Risk Management Plan* has subsequently been prepared by AlburyCity in consultation with the NSW RFS will be included (upon completion) as an Appendix to the Planning Proposal.

The Preliminary Draft Splitters Creek Bush Fire Risk Management Plan primarily documents all treatments, land management activities and actions (inclusive of hazard reduction works, community education campaigns and property planning measures) undertaken and/or proposed by AlburyCity Council, other responsible agencies and individual person(s) and landowners to manage the bush fire risk in Splitters Creek.

At this time, it is acknowledged that the Preliminary Draft Splitters Creek Bush Fire Risk Management Plan has not been finalised (pending NSW RFS feedback, further investigations required to address access/egress requirements and confirm the adequacy of water supply for firefighting purposes).

Accordingly, whilst preliminary draft documentation has been prepared, it is recommended that the Splitters Creek Preliminary Draft Bush Fire Risk Management Plan be finalised prior to the public exhibition of Planning Proposal documentation in consultation with the NSW RFS.

Infrastructure provision

The Rural Lands Strategy incorporated an Infrastructure Plan that details physical infrastructure (inclusive of utilities and transport network) upgrades required, approximate preliminary costings and timeframes (where relevant) to accommodate settlement pattern recommendations.

Key recommendations are outlined as follows:

- Extension of shared path on Riverina Highway (approx. 3.5km) from Wonga Wetlands to Splitters Creek Road to create a cyclist/pedestrian connection between Splitters Creek and the Albury urban area (approx. \$780,000 – medium/long term);
- Investigation of the viability of creating an emergency access between Splitters Creek Road and Centaur Road (approx. 1.1km) suitable for emergency service vehicles (approx. \$TBC – short-term). It is noted that at this time, these investigations have not commenced.
- Upgrade and maintain geometry of Splitters Creek Road (related to the sealing of road shoulders only) from Riverina Highway to Odewahn Road (approx. 2.5km) to improve cyclist/pedestrian safety and amenity (approx. \$200,000 – medium-term);

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- Investigate improvements to the Riverina Highway and Splitters Creek Road intersection (approx. \$TBC – medium-term). It is noted that at this time, these investigations have not commenced.

These works have been appropriately costed and staged in the Rural Lands Strategy and will form part of Council's future budgets. In addition, the subject Planning Proposal does not create any additional demands upon designated state public infrastructure.

It noted that all recommended infrastructure upgrades and investigations relate exclusively to the road network on the basis that modelling undertaken to verify utility infrastructure system capacity and upgrade requirements, as well as liaison with relevant service providers has confirmed that:

- It is not financially viable to extend town reticulated water supply or reticulated sewerage infrastructure to Splitters Creek, and consequently, reticulated water should continue to be delivered and administered through private schemes and sewerage management and disposal should continue by on-site measures due to the size of the current and proposed lots;
- No reticulated stormwater management works are required to facilitate development in Splitters Creek due to the size of the current and proposed lots;
- No expected electricity infrastructure upgrades are planned. Any future development in the area will require augmentation works to be funded from new customer contributions; and
- Existing communications infrastructure (including the roll out of NBN or equivalent) will accommodate both existing and new dwellings. Associated costs are to be borne by new customers.

Service infrastructure constraints have been critical in determining recommended densities and the spatial extent of any recommended additional subdivision opportunities (via amendments to land use zoning and minimum lot size provisions).

Impacts on existing future agricultural pursuits and urban release opportunities

It is noted that the preparation, public exhibition and endorsement of this Planning Proposal (consistent with Rural Lands Strategy settlement recommendations) satisfies previous Council commitments to investigate and implement a settlement pattern in both Table Top and Splitters Creek that provides for continued rural lifestyle opportunities and also ensures that both existing agricultural and/or future urban land use capabilities (where relevant) are not compromised.

This has to a large extent been achieved through appropriate settlement pattern recommendations informed by a regime of background investigations that include a survey of existing land uses, an analysis of potential land use conflicts that may arise and an urban land capability assessment.

These investigations confirm that, in recognition of existing settlement patterns, environmental constraints, bush fire hazard and poor accessibility, there are no notable land use activities (including commercial farming pursuits) or land identified as 'prime' land suitable for urban development purposes in Splitters Creek to warrant additional protection from rural lifestyle development.

However, these investigations have identified that the only land use conflicts in Splitters Creek particularly relate to bush fire risk on surrounding lands and sensitive environmental values at the interface with surrounding environmental zones.

Settlement pattern recommendations respond to the existing bush fire risk as documented earlier in this report. In response to environmental considerations, lower densities (4-8ha minimum lot sizes) recommended higher in the Splitters Creek catchment where terrain is steeper and interface with

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surrounding environmental lands becomes more prevalent provides an appropriate transition/buffer that should aid and assist in an avoidance of adverse impacts.

Consequently, changes recommended by this Planning Proposal to the land zoning and minimum lot size provisions, as they relate to Splitters Creek are consistent with and simply seek to implement the same settlement pattern recommendations as that provided by the Rural Lands Strategy.

Table Top:

Proposed settlement outcomes

Informed by detailed investigations, documented analysis and technical evidence (inclusive of constraints analysis, agricultural and urban land capability assessments, rural land use survey, demand and supply assessment) an overview of the Rural Lands Strategy recommended settlement pattern, consequential amendments to ALEP 2010 and other relevant issues as they relate to Table Top are outlined below.

The Planning Proposal, consistent with the Rural Lands Strategy recommends that land located along Table Top Road and surrounding the Lara Lakes rural residential estate is recommended to be developed at a 2ha minimum lot size. This reflects historic subdivision activities and land fragmentation that has occurred under previous Hume Shire planning controls on land now recognised as being relatively flat, having direct access to the local road network and connected to reticulated water.

A small area of discrete land immediately adjoining to the north of the Lara Lakes rural residential estate be developed at a 4ha minimum lot size, which will contribute to the diversity of rural residential opportunities and provide a transition in lot sizes to larger broad-acre farming lots located to the north.

In addition, it is also recommended that land located on the northern side of Table Top Road, south side of Perryman Lane and to the west along Dights Forest Road be developed at an 8ha minimum lot size. This provides a balance in providing for a diversity of rural lifestyle opportunities and an appropriate transition between rural residential living outcomes to the south and broad-acre farming pursuits to the north. In areas of land north of Burma Road and Perryman Lane a reduction to a 40ha minimum lot size also has been recommended. This is reflective of the current range of existing lot sizes, provides some modest subdivision opportunities and does not impede existing small scale broad-acre farming pursuits.

For those areas proposed to have a 2ha minimum lot size, it is also proposed to rezone this land from RU4 Primary Production Small Lots Zone to R5 Large Lot Residential Zone with the exception of that land located immediately east of Table Top Village where an RU5 Village Zone is proposed. The balance of the existing RU4 Primary Production Small Lots Zone land will remain zoned as such.

That land currently zoned RU1 Primary Production (where a 40ha minimum lot size is recommended will remain zoned as such, with the exception of a small area of land on the northern side of Table Top Road and to the east of Mitchell Road, which is proposed to be rezoned from RU1 Primary Production to RU4 Primary Production Small Lots with an 8ha minimum lot size. This reflects existing lot sizes and previous approvals for the area, does not create uneconomic demands on infrastructure provision and assists in providing an additional buffer between rural residential living outcomes to the south and broad-acre farming pursuits to the north.

To assist in the understanding of the proposed land zoning and minimum lot size recommendations as contained within the Planning Proposal an extract of these proposed changes (shown by map) is provided as *Attachment 4* for Councillors information and reference.

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Land supply and demand

One of the key components of the Rural Lands Strategy was the preparation of a land supply and demand analysis to determine the amount of additional rural residential lots that could be reasonably supported within these areas.

This analysis was undertaken against a number of factors such as existing levels of supply and demand in both Albury and surrounding LGA's such as Wodonga and Greater Hume Shire (Jindera and Gerogery), demands on infrastructure provision/upgrade requirements, social, amenity and environmental impacts as well as consideration of natural hazards.

This land supply and demand analysis, prepared as part of the Rural Lands Strategy, also assessed the level of supply of residential and urban zoned land. This analysis confirmed that there is already an extensive supply of residential and urban zoned land in both Albury (in Thurgoona/Wirlinga) and Wodonga (in Leneva) and for this reason, no land is proposed to be rezoned for these purposes.

Similarly, the same analysis determined that there is already an extensive supply of large lot residential and rural residential/lifestyle land in Albury (in Table Top), Greater Hume (in Jindera and Gerogery) and Wodonga ranging in size from 4,000m² up to 8ha. Notwithstanding the above, the Rural Lands Strategy does seek to increase this level of supply further, so as to provide a greater variety and choice of rural residential land, as well as providing rural residential lifestyle opportunities within close proximity to the urban areas of Albury and Wodonga that won't sterilise or remove the long term urban development opportunities of currently rural zoned land or that will adversely affect existing viable agricultural pursuits.

In sum, the Planning Proposal seeks to increase the level of supply of rural residential lots in Table Top by 367 lots. This is a substantial increase compared to the current dwelling stock in the area (approximately 400 lots) and will provide approximately 35.2 years of vacant land supply based on an historical take-up rate of 10 lots per annum.

It is acknowledged that settlement pattern recommendations and resultant proposed changes to land zoning and minimum lot size provisions will enable the potential for a significant release of rural lifestyle lands in Table Top. The clear identification of rural residential/rural lifestyle growth areas is considered appropriate on the basis that this change provides greater certainty and confidence regarding long term land uses and minimises opportunities for future land use conflicts.

It is noted that proposed changes do not prevent existing agricultural practices from continuing. Importantly, however, the proposed changes will restrict any potential intensification of activities that would otherwise conflict with future planned rural residential/rural lifestyle development.

Natural hazards

Matters regarding natural hazards have been assessed and are generally considered to be satisfactory in this instance, as they relate to Table Top. It is noted that the area is not flood prone and only a small portion of this area is classified as being bushfire prone, which coincides with areas where no further development opportunities are proposed.

Furthermore, the likelihood of land contamination is also considered low. Nonetheless, the subject land may be contaminated by previous and current land use activities including agricultural/horticultural activities, sheep and cattle dip sites etc. However, a combination of both topographical constraints, limited agricultural capabilities and proximity to existing urban and village areas has generally restricted historic and current agricultural activities to low impact uses such as

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extensive grazing and crop or fodder production. Consequently, the likelihood of land contamination is considered low.

Infrastructure provision

The Rural Lands Strategy incorporated an Infrastructure Plan that detailed physical infrastructure (inclusive of utilities and transport network) upgrades required, approximate preliminary costings and timeframes (where relevant) to accommodate settlement pattern recommendations.

Key recommendations are outlined as follows:

- Water supply mains upgrades to Table Top required (approx. \$3,626,510 + 10% contingency);
- Table Top Reservoir upgrade required (approx. \$540,000 + 10% contingency);
- Upgrade and maintain geometry of Table Top, Tynan and Gerogery Roads (including the sealing of road shoulders and the provision of pedestrian path upgrades) to improve cyclist/pedestrian safety and amenity (approx. \$1,740,000– short/medium-term pending location); and
- Investigate improvements at the Hume Highway intersection with Tynan and Burma Roads to resolve safety and vehicle storage issues (approx. \$TBC – short-term).

These works were appropriately costed and staged in the Rural Lands Strategy and will form part of Council's future budgets. In addition, the subject Planning Proposal does not create any additional demands upon designated state public infrastructure.

In addition to above listed infrastructure improvements, modelling undertaken to verify utility infrastructure system capacity and upgrade requirements, as well as liaison with relevant service providers has confirmed that:

- It is not viable to extend town reticulated sewerage to Table Top, and consequently, sewerage management and disposal should continue by on-site measures due to the size of the current and proposed lots;
- No reticulated stormwater management works are required to facilitate development in Table Top due to the size of the current and proposed lots;
- No expected electricity infrastructure upgrades are planned. Any future development in the region will require augmentation works to be funded from new customer contributions; and
- Existing communications infrastructure (including the roll out of NBN or equivalent) will accommodate both existing and new dwellings. Associated costs are to be borne by new customers.

Service infrastructure constraints have been critical in determining recommended densities and the spatial extent of any recommended additional subdivision opportunities (via amendments to land use zoning and minimum lot size provisions).

It is noted that the combination of more intensive and/or extensive rural lifestyle releases above those recommended by this Planning Proposal would contribute to a dispersed settlement pattern, which could place considerable pressure on Council resources and raise community expectations in relation to community and physical infrastructure improvements beyond sustainable levels of provision.

Impacts on existing future agricultural pursuits and urban release opportunities

It is noted that the preparation, public exhibition and endorsement of this Planning Proposal (consistent with Rural Lands Strategy settlement recommendations) satisfies previous Council commitments to investigate and implement a settlement pattern in both Table Top and Splitters Creek

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that provides for continued rural lifestyle opportunities and also ensures that both existing agricultural and/or future urban land use capabilities (where relevant) are not compromised.

This has to a large extent been achieved through appropriate settlement pattern recommendations informed by a regime of background investigations that include a survey of existing land uses, an analysis of potential land use conflicts that may arise and an urban land capability assessment.

These investigations confirm that, in recognition of larger land holdings, the primary use of land for broad acre agriculture, buffer distances from existing urban, rural residential and rural lifestyle land uses, that areas to the north and north-east of Table Top are identified as being ideal for ongoing primary production purposes, and conversely, having only 'marginal' potential for urban development. Notwithstanding, Rural Lands Strategy settlement pattern recommendations seek a reduction in minimum lot size from 100ha down to 40ha, which is reflective of the current range of existing lot sizes, providing some modest subdivision opportunities that do not impede existing small scale broad-acre farming pursuits, which to a large extent, protect both existing and future agricultural pursuits.

This has been supported via the recommended introduction of a 4ha and 8ha minimum lot size in central and eastern areas of Table Top that provides a balance in providing for a diversity of rural lifestyle opportunities and an appropriate transition between rural residential/rural lifestyle living outcomes to the south and broad-acre farming pursuits to the north and north-east. It is further noted that recommended transition densities and land use zoning has been discretely used to aid and assist buffers between rural residential/rural lifestyle living outcomes and nearby rural industrial and/or rural agricultural land use activities (where relevant).

These investigations also confirm that, in recognition of existing large land parcels, the natural progression of the Thurgoona/Wirlinga growth area, proximity to existing utilities and road network infrastructure (including the Hume Highway), land located in the south-eastern parts of the Table Top have been identified as having 'prime' urban development potential.

This area provides a strategic opportunity to cater for the long term urban expansion of Albury. The area represents a logical northward expansion of the Thurgoona-Wirlinga growth area and the only remaining area of undeveloped broad-acre land that directly abuts the urban area of Albury.

Accordingly, the Rural Lands Strategy did not include any recommendations for rezoning or reducing the current minimum lot size controls of this land until such time as a structure planning process is undertaken in the medium term to determine the optimal future use and associated development pattern for this area.

Outside of that land identified for existing and ongoing broad-acre farming pursuits and that land required for long term urban expansion, the balance of Table Top has been identified as having 'moderate' urban development potential and as a result is considered ideal for rural residential/rural lifestyle living outcomes. These areas are generally characterised as being of lower agricultural quality, having a high level of land fragmentation and being isolated from existing utilities and road network infrastructure which renders it unsuitable for either broad acre farming or urban development.

In summary, whilst settlement recommendations seek to introduce rural residential/rural lifestyle living opportunities into Table Top, this has not come at the expense of existing agricultural pursuits and urban release opportunities that have been appropriately protected through both land use zoning and minimum lot size provisions.

Consequently, changes recommended by the Planning Proposal to the land zoning and minimum lot size provisions as they relate to Table Top are consistent with and simply seek to implement the same settlement pattern recommendations as that provided by the Rural Lands Strategy.

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Risk

- Business Risk - It is acknowledged that future development, as facilitated by Planning Proposal outcomes, will necessitate investment in infrastructure provision (including upgrades), namely utilities and transport. Consequently, this project does carry inherent business risks due to the capital costs involved, however, these were suitably identified in the Rural Lands Strategy and acknowledged by Council in its consideration of the Rural Lands Strategy.

Preliminary infrastructure costings and sequencing detailed in the Rural Lands Strategy for both Table Top and Splitters Creek (total approximately \$7.3M) will need to be balanced against the costs for AlburyCity and the wider community.

- Corporate Risk - The preparation, public exhibition and endorsement of this Planning Proposal (consistent with Rural Lands Strategy settlement recommendations) satisfies previous Council commitments to investigate and implement a settlement pattern in both Table Top and Splitters Creek that provides for continued rural lifestyle opportunities and also ensures that both existing agricultural and/or future urban land use capabilities (where relevant) are not compromised.

It is noted that there has previously been some resistance to Rural Lands Strategy recommendations relating particularly to minimum lot size provisions, especially where either no change to existing minimum lot size provisions are proposed and/or where recommendations are not aligned with individual(s) expectations/aspirations.

The Rural Lands Strategy findings and recommendations which form the basis of this Planning Proposal have been balanced against supply and demand position, an avoidance of potential land use conflicts, environmental constraints and demands on infrastructure provision.

In recognition of the extensive consultation undertaken to date, Council adoption and NSW Department of Planning and Environment endorsement of the Rural Lands Strategy, recommendations consistent with the updated Rural Lands Strategy do not carry significant corporate risk.

It is acknowledged however that the recommendations of the Rural Lands Strategy for Table Top and Splitters Creek were largely based on high level investigations. The very nature of the Rural Lands Strategy as a broad based strategic plan means that the localised and especially site specific issues and characteristics have not been considered in detail. Site specific investigations may identify issues that support further consideration of development opportunities outside or beyond that provided in the Rural Lands Strategy.

On this basis, AlburyCity is willing to consider site-specific conditions/circumstances via an independent Planning Proposal where more intensive development outcomes are sought above and beyond that provided by the recommendations of the Rural Lands Strategy.

- WHS & Public Risk - Matters regarding WHS and public risk were considered as part of the preparation and endorsement of the Rural Lands Strategy. In particular, it is noted that the entire area of Splitters Creek and a small portion of Table Top are classified as being bush fire prone.

As a consequence, Rural Lands Strategy preparation, content and subject matter were informed by consultation with the NSW RFS (as detailed earlier in this report). Whilst informal liaison has been undertaken to date; particularly to assist the preparation of a Preliminary Draft Splitters Creek Bush Fire Risk Management Plan, formal consultation with the NSW RFS is

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also scheduled as part of this Planning Proposal documentation.

- Delivery Program Risk - It is acknowledged that future development, as facilitated by Planning Proposal outcomes, will necessitate investment in infrastructure provision (including upgrades), namely utilities and transport network. Consequently, this project does carry some inherent delivery program risks as additional demand will be placed on our existing assets and drive demand for new infrastructure. The Delivery Program will need to be monitored and reviewed to ensure Council is planning appropriately and therefore able to meet current and future demands.

Community Engagement

The Rural Lands Strategy that has informed the preparation of this Planning Proposal involved extensive consultation with all relevant persons, landowners, service providers and Government Agencies over a 14 month period.

Notwithstanding extensive consultation undertaken to date, this Planning Proposal will be exhibited in accordance with the requirements of section 57 of the *Environmental Planning & Assessment Act 1979* and the NSW Department of Planning & Environments: *A guide to preparing local environmental plans (August 2016)* and any conditions of the Gateway Determination (to be issued).

The formal public exhibition process will be undertaken consistent with other previously exhibited Planning Proposals, outlined as follows:

- Notification letters dispatched to affected landowners, previous submitters, key stakeholders and other interested parties prior to exhibition commencement;
- Notification letters and associated documentation dispatched to relevant Government Agencies (inclusive of the NSW RFS) for comment and review;
- 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;
- Information Sessions in Table Top and Splitters Creek to provide a forum for discussion, input and feedback;
- All exhibition material being made available on the AlburyCity website (including regular project updates, copies of presentation materials and notes), as well as the ability to lodge online inquiries and/or submissions by e-mail); and
- Strategic Planning staff available (on demand or by appointment) to assist with any inquiries relating to the Planning Proposal.

Options

Council has the following options in relation to this report:

1. Endorse the Planning Proposal that seeks to rezone land in Table Top and Splitters Creek (consistent with Rural Lands Strategy settlement recommendations) and forward this Planning Proposal to the NSW Department of Planning & Environment seeking a Gateway Determination; or
2. Take no further action with regards to the Planning Proposal and the proposed amendment.

In this instance, it is recommended that Council proceed with Option 1 for the reasons outlined earlier in this report.

Conclusion

AlburyCity - Planning & Development Committee Agenda

The subject Planning Proposal seeks to implement the land zoning and minimum lot size recommendations from the previously Council adopted (and NSW Department of Planning & Environment endorsed) Rural Lands Strategy for Table Top and Splitters Creek (December 2015).

Rural Lands Strategy settlement recommendations have been informed by an exhaustive regime of background investigations including detailed site analysis, agricultural and urban land capability assessment, rural land use survey and a rural lifestyle housing demand and supply assessment.

The Rural Lands Strategy was prepared over a 14 month period and involved extensive consultation with all relevant persons, landowners and government agencies/public authorities and has sought (through investigation) to balance rural lifestyle development outcomes against a variety of factors including; the protection of existing agricultural pursuits and urban growth opportunities, environmental impacts, natural hazards, land use conflicts, housing supply and demand and impacts on sustainable infrastructure provision.

The public exhibition of this Planning Proposal provides the opportunity to accommodate future rural lifestyle settlement back into both Table Top and Splitters Creek which was previously put in abeyance during the preparation of ALEP 2010, in lieu of further more detailed investigations. The public exhibition of this Planning Proposal will now provide an opportunity for further land owner, community, agency and other stakeholder engagement on these future opportunities.

Recommendation

That the Committee recommends to Council that Council:

- a. Endorse the Planning Proposal and forward it to the Minister for Planning seeking an Amendment to the *Albury Local Environmental Plan 2010* (consistent with Rural Lands Strategy settlement recommendations) and request that a Gateway Determination be issued, including the delegation of Plan making powers, so as to enable the public exhibition of the Planning Proposal pursuant to the *Environmental Planning & Assessment Act 1979*;
- b. Upon receipt of a Gateway Determination under Section 56 of the *Environmental Planning & Assessment Act 1979*, Council place the Planning Proposal and any supporting material on public exhibition pursuant to any requirements of the Gateway Determination and Section 57 of the *Environmental Planning & Assessment Act 1979*; and
- c. Subject to the conditions of the Gateway Determination undertake those actions necessary to address outstanding matters including finalising the Preliminary Draft Splitters Creek Bush Fire Risk Management Plan in liaison with the NSW Rural Fire Service prior to the formal public exhibition of the Planning Proposal.

Attachments:

1. Locality Plan.
2. Planning Proposal – Rezoning of land in Table Top and Splitters (September 2016).
3. Council Report – 13E Rural Lands Strategy for Table Top & Splitters Creek (Consideration of Submissions, Late Submissions, Community Forum Representations & Outcomes From Further Extended Consultation) dated Monday 26 October 2015.
4. Proposed Amendments to Land Zoning and Minimum Lot Size – Splitters Creek and Table Top.