

7.1 HILLS PLAIN LOT SIZE PLANNING PROPOSAL – FILE NO SF6666

DIRECTORATE: PLANNING AND COMPLIANCE

AUTHOR: Andrew Spicer, Senior Strategic Planner

2 CONFIDENTIAL ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “Hills Plain Lot Size Planning Proposal”, Council:

- (i) resolve to forward the Hills Plain Lot Size Planning Proposal to the Minister for Planning and Environment in order to receive a gateway determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979; and*
- (ii) request that the Minister for Planning and Environment exercise plan making powers under Section 73A of the Environmental Planning and Assessment Act 1979 and grant Council delegated authority to amend the Tamworth Regional Local Environmental Plan 2010.*

SUMMARY

The purpose of this report is to seek a resolution of Council to forward the *Hills Plain Lot Size Planning Proposal* to the Minister for Planning and Environment requesting a gateway determination.

Council has undertaken a review of sewer infrastructure capacity of some 500 hectares of the *Hills Plain Urban Release Area*. The proposed amendment to the *Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010)* involves changes to the Lot Size Map for approximately 370 hectares of this land at Hills Plain generally between Browns Lane to the south and Bournes Lane to the north.

The effect of the amendment would be to allow increased density of residential development to more closely align with original lot yield estimates for Hills Plain. This is important to make the most efficient use of infrastructure constructed and planned for Hills Plain.

COMMENTARY

The infrastructure provided to the Hills Plain Urban Release Area was made on the expected lot sizes provided in future subdivisions. With many subdivisions now registered in the Hills Plain area, Council has reviewed the actual lot sizes against what was predicted. As a result of this review, Council has determined that the subdivided area has been developed with a lower density than predicted which means that the infrastructure now has surplus capacity.

The object of the planning proposal is to maximise the use of infrastructure already constructed or planned for a significant section of the *Hills Plain Urban Release Area* as **ENCLOSED** for the information of Councillors, refer **CONFIDENTIAL ENCLOSURE 1**. In general terms, Council is proposing to increase the density of development because Council has the capacity to service a higher density.

The proposed amendment will only affect the *TRLEP 2010 Lot Size Map* and no other planning provisions. While the change would redistribute the lot yield potential in the Hills Plain area it does not propose an increase in the lot yield originally estimated for the locality. The *Hills Plain Lot Size Planning Proposal* is **ENCLOSED** for the information of Councillors, refer **CONFIDENTIAL ENCLOSURE 2**.

In the second half of 2015 some Hills Plain landowners and developers made approaches to Council expressing support of a potential review of lot size provisions

at Hills Plain. In response, Council has undertaken an analysis of 500 hectares of land at Hills Plain and determined that some unallocated sewer capacity exists which provides the opportunity to consider the amendment of the lot size map for approximately 370 hectares of this land.

Councillors were provided with an overview of the review process and potential options at a workshop held 8 October 2015.

The proposed amendment aims to provide the opportunity for approximately 500 additional lots to be developed in these areas than is possible under the current lot size regime. The proposal aims to distribute this opportunity for increased residential development equally across the holdings affected by the proposed amendment.

Council is undertaking a traffic study to underpin future traffic planning that may be affected by the redistribution of lot yield. It is considered that the planning proposal does not hinge upon the outcomes of this study as the original estimated yield will not be exceeded. Developers who wish to take advantage of the opportunities to increase lot yield from that currently allowed are responsible for all studies required to satisfy Council and relevant government agencies that their proposed development is viable. Such studies may include (without limitation); flora/fauna, drainage and traffic/access pertinent to their proposal.

A net community benefit analysis was undertaken and summarised in the planning proposal which found that a significant community benefit would accrue from the proposed amendment of the *TRLEP 2010 Lot Size Map* at Hills Plain.

(a) Policy Implications

The planning proposal will result in the amendment of the *TRLEP 2010 Lot Size Map* in a section of the *Hills Plain Urban Release Area* providing the opportunity for a greater lot yield than is currently possible while not exceeding original estimates.

(b) Financial Implications

Nil

(c) Legal Implications

Any amendment to the *TRLEP 2010* would change the legal planning controls for the affected land. Council is seeking delegated authority under S.73A of the *Environmental Planning and Assessment Act 1979* to amend the *TRLEP 2010*.

(d) Community Consultation

Some landowners and developers at Hills Plain have written to Council expressing their support for an amendment to the *TRLEP 2010 Lot Size Map* as it affects Hills Plain.

Further consultation was undertaken in February and March 2016 with owners and stakeholders relating to approximately 85% of the affected lands. No objections were raised to the proposal through this process. Consultation will be undertaken with affected parties and the wider community in accordance with the requirements of a gateway determination.

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MOTION

Moved Cr Woodley/Cr Coates

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42/16 RESOLVED