

**CM13.16. Planning Proposal – Minimum Subdivision Lot Size Changes – Ettamogah Rise Estate, Springdale Heights**

<b>DATE</b>	17 October 2019	<b>FIL REFERENCE</b>	FIL18/03142
<b>CONFIDENTIAL</b>	No		
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**Purpose of Report**

The purpose of this report is to seek Council endorsement for exhibition purposes of the 'Planning Proposal: Minimum subdivision lot size changes, Ettamogah Rise Estate, Springdale Heights (September 2019)' (the Planning Proposal) that proposes to amend Albury Local Environmental Plan 2010 (ALEP 2010) and facilitate consequential amendments to Albury Development Control Plan 2010 (ADCP 2010).

**Introduction**

This Planning Proposal primarily seeks an increase in development densities in specifically identified areas of Ettamogah Rise Estate, Springdale Heights by changing the minimum lot size for those specific areas from 4,000sqm to 1,500sqm. These changes are intended to reflect lots approved by past development approvals as well as the opportunity to create additional lots.

The proposed changes to minimum lot size provisions will facilitate a potential 27 lot increase from that originally approved (being 386 lots). This increase in lot yield (pending development assessment and approval) equates to 413 lots (being an approximate 7% increase).

An aerial photograph of the subject land (being Lot 250 DP1218522 and Lot 102 DP1120977) is provided as Attachment 1 and a copy of the Planning Proposal is provided as Attachment 2 for reference and information purposes.

**Background**

The subject land was rezoned from 'urban fringe' to 'residential' in 2005 following the preparation of a Local Environmental Study that supported amendments to Albury Local Environmental Plan 2000 that sought to provide opportunities for low density residential outcomes. This rezoning was supported by the insertion of dedicated development controls into Albury Development Control Plan 2000, in the form of the Ettamogah Outline Development Plan.

ALEP 2010 zoned the site R2 Residential Low Density Zone and included minimum lot size provisions. In subsequent years the subject land (currently partially developed) has been the subject of two development applications that have approved the creation of a total of 386 lots.

## Issues

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

- *1.3.2 Support and promote sustainable growth through planning and infrastructure to provide employment opportunities, housing choice and community facilities; and*
- *1.3a Albury Development Monitor (residential, commercial and industrial sectors)  
Maintain a diversity of options amongst all sectors and continue to meet demand for opportunities for land development.*

## Discussion

The proposed changes are supported by an analysis of the subject land and intended outcomes against assessment criteria relating to strategic merit including need for the Planning Proposal, relationship to the strategic planning framework, assessment of likely environmental, social and economic impacts and documented consideration of relevant government agency issues and interests.

These considerations and responses as contained in the Planning Proposal are discussed below.

### Need for the Planning Proposal

Firstly, this Planning Proposal seeks to adjust minimum lot size boundaries to reflect existing development that has been previously approved.

Secondly, this Planning Proposal proposes amendments to the minimum lot size map in ALEP2010 in specific areas to allow additional subdivision potential. These changes respond to detailed site analysis and investigations which demonstrate the capability of these specific areas to accommodate lower density residential outcomes.

These two outcomes are best demonstrated in Figure 4 (Minimum Lot Sizing Map – Existing), Figure 5 (Proposed Minimum Lot Size Change and Corrections) and Figure 6 (Minimum Lot Sizing Map – Proposed) as contained within the Planning Proposal and provided as Attachment 3 for reference and information purposes.

Thirdly, this Planning Proposal seeks to facilitate consequential amendments to ADCP 2010 primarily to reflect the proposed amendments to minimum lot size provisions. These consequential ADCP 2010 amendments are discussed later in this report.

### Relationship to strategic planning framework

This Planning Proposal provides a documented response to relevant State, regional, and local planning policy and in so doing demonstrates that low density residential outcomes sought (albeit at

higher densities than originally proposed) remains consistent with, and responds to, the existing strategic planning framework.

#### Assessment of likely environmental, social and economic impacts

##### *Environmental impacts*

An assessment of consequential environmental effects associated with an increase in proposed development densities for the subject land has been undertaken with respect to visual/landscape quality impacts and development transition management.

A visual assessment of the subject land confirms that the positioning of development on the lower sections of Red Light Hill will mean that the proposed changes will not result in visually dominant development when considering local views and aspects.

In further support, cross-section details relating to cut and fill management have also been provided to confirm that despite increased development densities (including elevated locations), site disturbance for construction purposes can be achieved without the need for excessive site excavation and/or fill. Accordingly, visual impacts to future streetscapes will be minimised.

Currently, the development transition (separation) between 1,500sqm and 4,000sqm lots is delineated by the existing/future road network (namely Fenchurch Road). This Planning Proposal will result in two areas that will be reliant on property boundaries as the development transition (separation) between 1,500sqm and 4,000sqm lots (refer to Attachment 3 for information purposes). Sufficient information has been provided to demonstrate that this will not cause any significant impacts on existing and future residential amenity. These development boundaries are limited primarily to rear boundaries and through existing development and planning controls that continue to manage potential impacts such as site coverage, building envelopes, landscaping, building heights, cut and fill, building setbacks, fencing and like requirements. It is further noted that the 4,000sqm minimum lot size designation has predominantly been retained in elevated locations and continues to provide an appropriate interface to adjoining Environmental zoned land to the south and west.

This documented assessment of environmental impacts (inclusive of visual and development transition management) provides assurances that, despite an increase in proposed development densities for specific areas, the visual/landscape quality, neighbourhood character, development transitions (separation) and resultant residential amenity will remain largely unchanged.

##### *Social and economic effects*

This Planning Proposal provides for continued residential development of the subject land that will contribute to the social and economic fabric of Springdale Heights and surrounding areas through population growth.

The minor scale of additional development arising from this Planning Proposal will not have any significant impact through increased demand on existing social infrastructure including hospitals, schools and associated infrastructure.

Upgrading and provision of additional public open space in both northern and southern precincts of the subject land to serve resident demands has been provided to offset any additional demand for open space.

The Planning Proposal includes additional documented analysis into the capacity of existing and proposed infrastructure.

A Traffic Impact Assessment Report (Appendix C – Spotto Consulting [May 2019]) confirms that sufficient capacity exists on the surrounding road network to accommodate the additional demand.

Also, an Infrastructure Report (Appendix F – Eslers Land Consulting [December 2018]) provides suitable evidence of consultation with relevant service authorities and concludes that existing and proposed road, drainage, sewerage, water, gas, electricity and telecommunications infrastructure has the capacity to cater for anticipated lot yields.

#### Consideration of relevant government agency issues and interests

The Planning Proposal states that consultation will be carried out with relevant public authorities/agencies as required by the NSW Department of Planning, Industry and Environment.

Detailed information relating to consultation processes and actions are discussed later in this report.

#### Consequential Amendments to ADCP 2010

The Planning Proposal also includes consequential amendments to ADCP 2010 (as detailed within Appendix E: Ettamogah Outline Development Plan) to reflect previous approvals and the proposed changes sought by this Planning Proposal.

These amendments include:

- Adjustment to previously recommended Asset Protection Zone requirements from 30 metres to 10-15 metres (as depicted on the amendment map) to reflect compliance with NSW Rural Fire Service publication: Planning for Bushfire Protection Guidelines.
- Removal of a large portion of the previously designated 'building prohibited area' in recognition of the availability of reticulated water supply at adequate pressure for residential purposes above the 240m AHD contour.
- Removal of Open Space Links in lieu of consolidated environmental links and the additional provision of public open space in both northern and southern precincts of the subject land (as depicted on the amendment map) being provided.
- Adjustment to the 1,500sqm and 4,000sqm minimum lot size designations to reflect the outcomes requested in the Planning Proposal.
- Relocation of the second 'accessway' point (to be constructed) with Gerogery Road to Central Reserve Road for improved traffic safety outcomes.

- Removal of the 'landscape buffer/earthen mound' requirement on the basis that it is no longer relevant or applicable as a traffic noise barrier to residential areas which is consistent with the previous development approvals.
- The rationalisation of the previously designated two 'intersections' to Wagga Road to one consistent with the previous development consents.

It is anticipated that consequential amendments to ADCP 2010 will be notified and exhibited in conjunction with the draft amendment to ALEP 2010 (as proposed by this Planning Proposal).

### **Risk**

- Business Risk - future development, as facilitated by this Planning Proposal, will not necessitate additional investment in infrastructure above and beyond that previously assessed and conditioned (the upgrade and additional provision of public open space in both northern and southern precincts of the subject land is at the developers cost).
- Corporate Risk - the preparation, public exhibition and endorsement of this Planning Proposal does carry some corporate risk insofar as additional development densities have been sought. Whilst preliminary assessment has determined that the overall development intent (being a low density residential environment) remains largely the same as that originally proposed, there is the potential that the Planning Proposal may raise concerns with existing Ettamogah Rise Estate residents if the proposed changes do not align with personal expectations/aspirations.
- WHS & Public Risk – future development, as facilitated by this Planning Proposal, will not generate any additional WHS and public risk.
- Delivery Program Risk – No additional demand or risk as additional open space to be provided by developer. Development Application (including conditions) and subdivision administration processes provide Council with those mechanisms necessary to ensure that new required infrastructure is delivered in a timely manner commensurate with current and future demands.

### **Community Engagement**

This Planning Proposal and consequential amendments to the ADCP 2010 will be exhibited in accordance with the relevant requirements of the Environmental Planning & Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, NSW Department of Planning & Environment publication: A guide to preparing local environmental plans (December 2018), 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 and amending Development Control Plans, outlined as follows:

- Notification letters dispatched to affected landowners, key stakeholders and other interested parties prior to exhibition commencement;
- Notification letters and associated documentation dispatched to relevant Government Agencies 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;
- 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 (including consequential amendments to ADCP 2010) that seeks to amend minimum lot size provisions relating to Ettamogah Rise Estate, Springdale Heights and forward this Planning Proposal to the NSW Department of Planning, Industry & 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 in this report.

### **Conclusion**

The subject Planning Proposal (inclusive of consequential amendments to ADCP 2010) seeks to facilitate amendments to minimum lot size provisions so as to enable continued low density residential outcomes at Ettamogah Rise Estate, Springdale Heights, albeit at higher densities than that originally proposed in specific areas.

These amendments seek to reflect existing development outcomes (where 1,500sqm lots have already been approved) and facilitate higher densities in specific areas (where substantiated by detailed site analysis and design investigations).

The Planning Proposal references the Albury Development Monitor 2017-2018 and key findings that confirm the popularity of the 1,500sqm or greater lots on the basis that amongst the 97 lots created to date, the 15 that remain vacant are mainly the 4,000sqm or more lot size. Consequently, amendments sought via this Planning Proposal attempts to respond to current market preferences.

AlburyCity staff support the progression of this Planning Proposal to public exhibition on the basis that the resultant increase in lot yield (27 lots) from that previously approved (386 lots) is not significant, and consequently, likely to have only very limited environmental, social and economic impacts (especially in relation to infrastructure demands). In addition, despite amendments sought, resultant development outcomes remain of a low density nature and are considered to be consistent with the original development intent.

The public exhibition of this Planning Proposal will now provide an opportunity for further landowner, community, agency and other stakeholder engagement on these opportunities sought via proposed development outcomes.

### **Recommendation**

That Council:

- a. Endorse the Planning Proposal (including the proposed consequential Amendment to Albury Development Control Plan 2010) and forward it to the Minister for Planning seeking an Amendment to the Albury Local Environmental Plan 2010 to amend the Lot Size Map for the subject land (being Part Lot 250 DP1218522 and Part Lot 102 DP1120977) from '4,000 square metres' to '1,500 square metres' 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 (including the proposed consequential Amendment to Albury Development Control Plan 2010) pursuant to the Environmental Planning & Assessment Act 1979;
- b. Upon receipt of a Gateway Determination under Section 3.34 of the Environmental Planning & Assessment Act 1979, Council place the Planning Proposal (including the proposed consequential Amendment to Albury Development Control Plan 2010) and any supporting material on public exhibition, for a minimum period of 28 days, pursuant to any requirements of the Gateway Determination and Schedule 1, Clauses 4 and 5 of the Environmental Planning & Assessment Act 1979; and
- c. Should no objections be received during public exhibition, furnish a copy of this report and any other relevant information (including the Planning Proposal) to the NSW Department of Planning, Industry and Environment and/or NSW Parliamentary Counsels Office, in accordance with the Environmental Planning & Assessment Act 1979, and request the Minister for Planning (or a delegate on their behalf) undertake the appropriate actions to secure the making of the Amendment to the Albury Local Environmental Plan 2010.

### **Attachments**

1. Aerial photograph of the subject land (being Lot 250 DP1218522 and Lot 102 DP1120977)
2. Planning Proposal: Minimum subdivision lot size changes, Ettamogah Rise Estate, Springdale Heights (September 2019)
3. Figure 4 (Minimum Lot Sizing Map – Existing), Figure 5 (Proposed Minimum Lot Size Change and Corrections) and Figure 6 (Minimum Lot Sizing Map – Proposed)