

CM13.2. Draft Amendment to Albury Development Control Plan 2010 - Willowbank Road, East Albury

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Purpose of Report

The purpose of this report is to seek Council endorsement of a draft Amendment to the Albury Development Control Plan 2010 (ADCP 2010), being the addition of Part 20 – Willowbank Road, East Albury (draft DCP Amendment) for public exhibition purposes.

The draft DCP Amendment provides new provisions to guide development on land at Willowbank Road, East Albury (being Part Lot 156, DP 753326, Part Lot 2, DP 99814 and Part Lot 37, DP 1007315) (the subject land) consistent with a previous Council endorsed and gazetted rezoning for industrial purposes (Planning Proposal).

A copy of the draft DCP Amendment is provided as attachment 1.

Background

The Planning Proposal, endorsed by Council on 27 November 2017 and subsequently gazetted on 15 June 2018, facilitates light industrial development on the subject land. There was significant public interest from adjoining landowners and the wider community in relation to the Planning Proposal and outcomes sought. Consequently, Council support was contingent on a site-specific development control plan being prepared that addresses specified matters prior to any development consent being issued.

Those matters specified via Albury Local Environmental Plan 2010 (ALEP 2010) Clause 7.11(4) states that the development control plan must provide for all of the following:

- (a) *an audit of infrastructure requirements, and measures for facilitating the meeting of those requirements, including reticulated water, drainage, sewage, and road network,*
- (b) *investigation and identification of existing Aboriginal cultural heritage resources and appropriate management and mitigation measures,*
- (c) *an overall landscape strategy that details landscaping requirements to assist in providing appropriate outcomes with surrounding land that improves the general aesthetics and protects and assists visual amenity,*
- (d) *detailed urban design controls that establish future outcomes and expectations for development of the site, including a minimum setback of 100 metres from the Murray River, and*
- (e) *stormwater management measures, including water sensitive urban design principles.*

In addition, the Planning Proposal (via ALEP 2010 Clause 7.12(4)) seeks appropriate measures to avoid, minimise or mitigate the impacts of development on groundwater, including:

- (a) *the construction of a second monitoring bore on the land, and*
- (b) *the establishment of relevant groundwater parameters as baseline groundwater monitoring conditions.*

The site-specific development control plan provides the opportunity for locality-based planning policy to be prepared, exhibited and adopted in advance of any development application being received. The intent of the site-specific development control plan is to establish necessary controls that respond to site circumstances and guide use and development of the subject land so that appropriate outcomes are achieved.

Issues

AlburyCity Strategies and Policy Context

The draft DCP Amendment seeks to facilitate coordinated light industrial development on the subject land which supports Albury 2030 strategic outcomes under the theme 'A Growing Sustainable Economy' including:

- *1.3 - Plan and cater for increased population growth.*
- *1.3.2 - Support and promote sustainable growth through planning and infrastructure to provide employment opportunities, housing choice and community facilities.*
- *1.5 - Promote Albury for industry and business.*
- *1.5.5 - Support and promote business and business opportunities across all sectors to continue to foster economic diversity.*

Discussion

The draft DCP Amendment considers and responds to those matters specified in ALEP 2010 Clauses 7.11(4) and 7.12(4) outlined earlier in this report. The following sections of this report outline these key aspects of the draft DCP Amendment.

Infrastructure Audit

The Infrastructure Audit section requires appropriate consideration of capacity, necessary upgrade/augmentation, staging, costs and impacts (including environmental) associated with required infrastructure (including roads, sewerage, water and drainage).

The draft DCP Amendment incorporates an *Infrastructure Audit Plan – Willowbank Road Industrial Subdivision – Drawing No 1132 – Sheet 1-10* (Infrastructure Audit Plan), detailing the location, staging and responsible parties for required infrastructure works. The draft DCP Amendment also stipulates that any development of the subject land must be undertaken generally in accordance with the Infrastructure Audit Plan.

The Infrastructure Audit Plan is a high-level investigation of likely infrastructure provisions that provide an assurance to both AlburyCity and the wider community that demands on existing network infrastructure have been considered and appropriately addressed.

Notable infrastructure provision(s) outlined amongst Infrastructure Audit Plan information include:

Transport

- Construct Roundabout at the intersection of Willowbank Road, Doctors Point Road and Schubach Street;
- Design and construct Schubach Street footpath from Willowbank Road to East Street (approximately 250 metres); and
- Design and construct internal local road (approximately 200 metres).

Water

- Design and construct a new 150mm diameter water main in Schubach Street connecting to existing 225mm diameter water main in East Street (approximately 360 metres);
- Design and construct a new 150mm diameter water main in Willowbank Road and Doctors Point Road (approximately 210 metres along the frontage of Stage 2 and approximately 170 metres along the frontage of Stage 3); and
- Design and construct reticulation water within Stage 3 (approximately 310 metres).

Sewer

- Design and construct a new sewer pump station in Willowbank Road to service the ultimate design load for the subdivision (staged to initially meet Stage 2 demand);
- Design and construct a new rising main from the Willowbank Road to receiving manhole located in Schubach Street north of Bimbadeen Avenue (approximately 680 metres); and
- Design and construct internal reticulation gravity sewer within Stage 3 subdivision (approximately 580 metres).

Drainage

- Install a second groundwater monitoring well, specific location to be determined;
- Design and construct drainage outfall infrastructure to Transport for NSW (formerly RMS) detention basin (approximately 580 metres); and
- Design and construct internal drainage (approximately 300 metres) to connect to Stage 2 drainage outfall infrastructure.

All the above listed works are denoted as the responsibility of the developer and no impost will be incurred by AlburyCity and/or any other service provider in relation to the initial provision of necessary infrastructure.

Aboriginal Cultural Heritage

The draft DCP Amendment references a preliminary assessment, *Willowbank Road, East Albury – Preliminary Aboriginal Heritage Review (AECOM, September 2017)* (ACH Review), undertaken in

accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*.

This ACH Review has, via a map that has been incorporated into the draft DCP Amendment document, identified parts of the subject land as having potential moderate Aboriginal archaeological sensitivity with a recommendation that further assessment be undertaken for such areas to confirm the presence (or lack thereof) of Aboriginal archaeological resource(s) and to determine impacts and appropriate management and mitigation measures (where required).

Consequently, the draft DCP Amendment requires that any development application be accompanied by such documented investigations consistent with the previous ACH Review recommendations.

Further documented investigations relating to Aboriginal archaeological sensitivity (as supporting documentation) will be undertaken for the entirety of the subject land at the same time any land subdivision application is received.

Landscape Strategy

The draft DCP Amendment provides an overall landscape strategy, *Willowbank Road – Indicative Planting Plan – Sheets 1-4 (Anthea Dunlop Landscape Design July 2019)* (Landscape Strategy). The Landscape Strategy identifies screen planting regimes that seek to provide an appropriate interface with adjoining land (including the Hume Freeway, Murray River and Willowbank/Doctors Point Road). In addition, the draft DCP Amendment also references existing relevant city-wide controls (ADCP 2010 – Part 12.3.4) relating to landscaping for industrial development.

It is anticipated that compliance with the Landscape Strategy (macro scale) combined with existing city-wide landscaping controls (micro/site specific scale) will assist with visual amenity from the subject land to adjoining and adjacent development.

Design Controls

The draft DCP Amendment includes site-specific design controls under various themes, listed as follows:

- subdivision;
- road network and design;
- site coverage;
- building height and form;
- site access and manoeuvring;
- carparking;
- sustainable building design;
- building appearance; and
- site landscaping.

In addition, the draft DCP Amendment also references existing city-wide controls (ADCP 2010 – Part 12.2 and 12.3) relating to industrial subdivision and industrial development respectively.

It is anticipated that compliance with both city-wide and site-specific design controls will ensure that appropriate articulation and appearance is achieved on-site in the interests of visual amenity.

Stormwater Management

Similar to the Infrastructure Audit Section (discussed earlier), this section defers to the Infrastructure Audit Plan, in particular Sheet 9, detailing drainage works.

Notable drainage infrastructure has been outlined earlier in this report (refer to Infrastructure Audit).

Risk

- **Business Risk** – The draft DCP Amendment considers and addresses much of the inherent business risks associated with capital costs involved with the provision of infrastructure identified as necessary to accommodate the future development of the subject land. This has been achieved with the preparation and inclusion of the Infrastructure Audit Plan (detailing infrastructure works and confirming developer commitments) and stipulation that any development on the subject land must be undertaken generally in accordance with these plans.
- **Corporate Risk** – There was significant public interest from adjoining landowners and the wider community in relation to the earlier Planning Proposal and outcomes sought relating to zoning for industrial land uses. This draft DCP Amendment considers and seeks that any subsequent development addresses a number of key aspects relating to infrastructure requirements, Aboriginal Cultural Heritage, landscaping, urban design and stormwater management. Public exhibition of this draft DCP Amendment also provides the opportunity for further agency, adjoining/adjacent landowner and the wider community comment in advance of any development application(s) being received and determined.
- **WHS & Public Risk** – None identified.
- **Environmental Risk** – The subject land was rezoned from RU2 Rural Landscape Zone to IN2 Light Industrial Zone following the preparation of the Planning Proposal (with amendments) that was endorsed by Council on 27 November 2017 and subsequently gazetted on 15 June 2018. The Planning Proposal included a detailed assessment of environmental impacts, social and economic effects (including visual amenity and infrastructure provision), agency issues and other relevant matters, and in so doing, confirms land capability for light industrial development outcomes (as proposed). The draft DCP Amendment provides for the further consideration and assessment consistent with relevant controls at time of development via development application processes.
- **Delivery Program Risk** – No additional demand or risk as any additional and/or augmented infrastructure provision will be provided by the developer. Development Application and subdivision administration processes provide Council with those mechanisms necessary (e.g. Conditions of Consent) to ensure that new required infrastructure is delivered in a timely manner commensurate with current and future demands.

Community Engagement

In recognition of the previous significant public interest relating to the Planning Proposal process, notification letters will be distributed more extensively than that which would typically be undertaken for a DCP Amendment, consistent with the notification area of the Planning Proposal (attachment 2).

Engagement activities will include:

- notification letters distributed to nearby landowners (attachment 2) and other interested parties (including previous submitters to the Planning Proposal process) consistent with that previously undertaken for the Planning Proposal;
- notification letters and associated documentation distributed to relevant Government Agencies for comment and review;
- public notice published in the Border Mail;
- public exhibition period for a minimum of 28 days;
- exhibition material, detailing the proposed changes, being made available on the AlburyCity website including the ability to make an electronic submission also being made available on the AlburyCity website; and
- Strategic Planning staff available (on demand or by appointment) to assist with any inquiries relating to the proposed amendment.

Options

Council has the following options in relation to this report:

1. Endorse the recommendation and place the draft DCP Amendment (being Part 20 – Willowbank Road, East Albury) on public exhibition;
2. Seek changes to the draft DCP Amendment; or
3. Not endorse the recommendation.

With consideration to the information outlined in this report, it is recommended that Council proceed with Option 1.

Conclusion

The draft Amendment to the ADCP 2010, being the addition of Part 20 – Willowbank Road, East Albury, seeks to ensure that any industrial development on the subject land provides for and addresses specified matters including infrastructure provision, Aboriginal cultural heritage, landscaping and visual amenity, urban design, stormwater and groundwater management.

Whilst the previously endorsed and gazetted Planning Proposal has pre-determined land use outcomes for the subject land (via zone change) this site-specific development control plan provides an opportunity to guide development on-ground to ensure appropriate development outcomes are achieved.

The public exhibition of this draft DCP Amendment will provide an opportunity for further landowner, community, agency and other stakeholder engagement prior to the draft DCP Amendment being finalised and incorporated into the AlburyCity planning policy framework.

Recommendation

That Council:

- a. Endorses the draft Amendment to the Albury Development Control Plan 2010, being Part 20 – Willowbank Road, East Albury, for public exhibition purposes; and
- b. Places the draft Amendment and any supporting material on public exhibition for a minimum period of 28 days in accordance with the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.

Attachments

1. Draft Amendment to the Albury Development Control Plan 2010 – being Part 20 – Willowbank Road, East Albury (DOC21/72428).
2. Willowbank Road, East Albury DCP – Notification Letter Map (DOC21/70012).