

8.2 GUNDAROO PLANNING PROPOSALS

FILE: PP-2012-03 & PP-2013-01 – CB

SYNOPSIS

To present a report on the planning proposals for Gundaroo following the completion of public exhibition and bore water quality testing.

OPERATIONAL PLAN AND BUDGET IMPLICATIONS

Community Strategic Plan Long Term Goal 5.1 – *Our local area is characterised by its small towns and villages within a rural environment.*

Planning for Gundaroo is provided for in the current Operational Plan and Budget utilising existing staff resources.

COMMUNICATION PLAN

Planning Proposals have been placed on public exhibition and 135 submissions received. A Planning Forum was also held in Gundaroo to allow Councillors to hear resident concerns.

SUSTAINABILITY IMPLICATIONS

Social	Impacts considered as part of the Planning Proposal assessment Groundwater contamination presents possible risks to public health
Economic	Impacts considered as part of the Planning Proposal assessment Potential constraint on development of existing village and efficient use of land
Environment	Impacts considered as part of the Planning Proposal assessment Management of on-site sewage management is crucial in preventing the pollution risk to the aquifer
Governance	Proposals required to be considered in accordance with the <i>Environmental Planning & Assessment Act 1979</i> Approval and compliance role under the <i>Local Government Act 1993</i> for on-site sewage management systems

RECOMMENDATION

That:

1. *The Gundaroo Planning Proposals be adopted with the following amendments:*
 - 1.1. *Appropriate clauses being inserted into the Yass Valley Local Environmental Plan 2013 requiring a Development Control Plan to be prepared prior to the consideration of any Development Application for either site.*
 - 1.2. *The land use zones and minimum lots sizes for each site to be:*
 - 1.2.1. *'E3 Environmental Management' zone over McLeod Creek.*
 - 1.2.2. *The residential areas to be 'R2 Low Density Residential' with minimum lot sizes of 2,000m² or 5,000m²*
 - 1.2.3. *The elevated area in the northern Planning Proposal and the area over Harrow Creek in the southern Planning Proposal being in an 'E4 Environmental Living' zone with a minimum lot size of 1ha.*
2. *The adopted proposals be submitted to the Department of Planning & Environment for approval.*
3. *Funds be allocated from the Development Contributions Reserve to undertake the preparation of Master Plans for Gundaroo and Sutton.*

- Attachments:**
- A. March 2015 Council Report
 - B. Submissions Review Summary
 - C. Draft Project Brief
 - D. LEP Land Release Clause
 - E. Revised Zoning
 - F. Gundaroo Planning Proposals - March 2015 (*Under Separate Cover*)
 - G. Gundaroo Planning Proposals - post exhibition submissions (*Under Separate Cover*)
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REPORT

1. Introduction

Community consultation on two Planning Proposals for the expansion of the Gundaroo village was undertaken in mid-2014 following receipt of the Department of Planning's gateway determination. A total of 135 community submissions were received and a community forum held in Gundaroo in October 2014 to allow submitters the opportunity to address Councillors.

The Gateway Determinations for the Planning Proposals also required consultation with selected government agencies. Submissions from these agencies were made available during the community consultation period and a summary of the key issues identified by the agencies was presented to the September 2014 Council meeting.

In March 2015 Council considered a report on the progress of the Planning Proposals (refer **Attachment A**) and received all submissions. Council determined to consider the proposals further following completion of the bore water testing. This work has now been completed.

A review of the issues from all the submissions is included in **Attachment B**. All submissions received (including those received after the public exhibition closed) along with a recently submitted petition organised by the Gundaroo Community Association are included as a **Separate Attachment**. The key issues emerging from this consultation remain:

- Groundwater quality
- The need for a Master Plan
- Consistency with strategic planning for the area

In March 2015 Council noted that the proposals were consistent with broad strategic planning for the Yass Valley (i.e. *Towns & Villages Study 2010*) and the region (i.e. *Sydney-Canberra Corridor Strategy*) and the key constraints to development of the village (i.e. Yass River to the west, Common to the east).

There are now essentially two remaining key issues to be addressed i.e.

- Water quality
- Master Plan

2. Water Quality

Properties within the village use on-site wastewater management systems and depend on rainwater harvesting and bore water for their water supply needs. Any shortfalls from the two water sources are backed up via water carting.

It is unknown how many properties rely on bore water for household use or to top up rainwater tanks.

To determine the extent of any contamination Council determined in December 2014 to offer village residents the opportunity to have their bore water tested. Accordingly, a survey was undertaken on the bore water quality within the village. While not a comprehensive survey there was a reasonable spread of properties throughout the village that volunteered to participate.

Four out of the nine bore water samples taken recorded higher than recommended levels of *E coli* in the Australian Drinking Water Guidelines (2001). *E coli* are used to indicate the presence of faecal contamination in water supplies. Those village residents who volunteered their bores for testing have been informed of the results for their property and advised not to use bore water for drinking purposes. Information received from those who participated in the survey indicates most are used for

external use (e.g. garden watering). There was one incident of the bore water for drinking or domestic purposes.

Clearly there is a potential health risk in Gundaroo if bore water is being used to supplement drinking water sources. To minimise the cross contamination risk, residents need to be informed to restrict their bore water use to external application only and not to use bore water as a source of topping up rainwater tanks.

The issue has been discussed with the Public Health Unit (Murrumbidgee & Southern NSW Local Health District) who has indicated that a number of the results provided indicate the microbiological quality of the groundwater to be unsuitable for drinking/domestic use. The organisation has indicated there needs to be a comprehensive and robust monitoring and enforcement program for on-site wastewater treatment systems. Officer discussions with the Public Health Unit have established that the approach of avoiding cross-contamination is sound. Based on this advice village residents will be advised of the risks and what action they need to take to minimise the risks.

Inspection programs may also need to be developed to ensure existing on-site wastewater systems within the village are being properly maintained. As reported in March 2015 this service would need to be appropriately resourced and has been estimated to cost \$800-\$1,000 per property per year.

For the two Planning Proposals, site bore water quality testing has been conducted and no groundwater contamination has been detected. If these two sites are to be developed then to minimise the impacts on any site within the village area it is essential that:

- The on-site wastewater management systems installed meet or exceed the current standards for design and site location
- Maintenance agreements are in place
- Bore water obtained from existing on-site bores is restricted to external use only
- Construction of new bores at each Planning Proposal site be prohibited
- All other water supply is from rainwater harvesting

Taking into account the comments from the NSW Office of Water on the need to maintain adequate buffers between bore water supplies and on-site wastewater management systems and the advice of the Local Health District that the bore water is unsuitable for domestic use, the simplest solution is to prohibit bore water supply in both planning proposal areas.

3. Master Plan

The other key issue emerging from the consultation was the need for a Master Plan. A Master Plan can address most of the issues raised in submissions which are more appropriate for consideration at a subdivision design and Development Application phase of the planning process.

Following initial discussions with the Gundaroo Community Association (GCA) on a format for a Master Plan a community forum (organised by GCA) was held in May 2015. At the forum there was a general consensus on the need for a Master Plan/Development Control Plan (DCP). The timing of the preparation of such a plan remains an issue with varying community opinion.

There are two approaches to preparing a DCP i.e.

- Prior to the rezoning being approved
- Prior to lodging a Development Application for subdivision

While some residents (including those in the recently received GCA petition) have a strong view the DCP should be prepared prior to rezoning there is also a strong view (particularly by the proponents) this should be post rezoning. There are advantages and disadvantages with each approach e.g.

	Prior to Rezoning	Prior to Subdivision
Advantages	• Certainty for the community on the form of future development	• Certainty for the proponent that some development can occur subject to preparation of a DCP • Certainty for the community that development will not take place until DCP in place • Statutory weight given to the DCP by

		direct inclusion in the LEP
Disadvantages	• Uncertainty for the proponent as to whether development will be allowed • DCP sits outside the LEP	• Uncertainty as to the extent of detail in a DCP • Uncertainty as to the extent of community engagement

While Council's *Town & Village Study 2010* identified that growth forecasted for Yass Valley would primarily be accommodated in Yass and Murrumbateman this did not preclude additional growth for villages and rural areas. While the population projections were not quantified for specific localities the study identified areas for village expansion including two 'future investigation areas' to the north and south of Gundaroo. Council's Community Strategic Plan also includes objectives for retaining the character of rural villages in a rural area such as Gundaroo. It is not part of Council's planning objectives to convert Gundaroo from a village to a town. On this basis it is not unreasonable to conclude that the two Planning Proposals have a role to play in meeting the objectives of Council's planning policy.

In processing Planning Proposals there is an expectation these are dealt with efficiently hence the reason for time limits imposed by the Department of Planning & Environment. The current timeframe for finalising the Gundaroo Planning Proposals is 3 October 2015. It is unlikely this timeframe will be met if consideration of the current proposals is deferred until a DCP has been completed.

An approach that provides a balance between the community and the proponents' expectations is to allow the rezoning to proceed but with an additional clause inserted into the LEP preventing a Development Application being considered until a DCP has been prepared. This technique has been successfully used in other LEPs as a mechanism to control land release areas. If this approach is adopted then the Master Plan/DCP process could be commenced while the Planning Proposal documentation is with the Department for final approval.

Due to the level of controversy in the local community regarding these planning proposals any Master Plan/DCP process undertaken by either the proponents or the community is likely to continue to polarise the residents. An independently prepared plan based on a charrette style process may be more successful in developing such a plan and the costs could be shared between the proponents and Council (Council's contribution being allocated from s94 funds). A draft project brief outlining the methodology has been prepared (refer **Attachment C**). For inclusion in the LEP first and foremost it must be a land use plan however it could include other aspirations and community priorities that could go toward a future Community Strategic Plan. This approach could also be used for the development of a Master Plan at Sutton, even though there are currently no Planning Proposals before Council, as there are likely to be some economies of scale in undertaking both plans simultaneously.

4. Options

At this stage in the planning process Council can:

- **Reject** the proposals
- **Adopt** the proposals as exhibited
- **Defer** the proposals until a DCP has been prepared
- **Modify** the proposals in response to issues raised in submissions

As the proposals are sufficiently compliant with Council's strategic planning policies and the Sydney Canberra Corridor Strategy rejecting the Planning Proposals is not recommended. If the proposals are to be rejected then there needs to be sound planning reasons to support the decision.

Adopting the Planning Proposals as exhibited does not address the legitimate planning issues raised in the submissions.

Deferring consideration is likely to mean the specified timeframe to complete the process will not be met. In addition the financial burden of preparing the DCP falls to Council. The DCP will also sit outside the LEP.

Modifying the Planning Proposals so that the rezoning proceeds but preventing a Development Application being lodged until a DCP has been prepared and endorsed by Council would appear to be a reasonable middle ground and is recommended. It should also be noted that both proponents are agreeable to this approach.

This can be achieved simply by inserting an additional clause into the LEP clearly stating a DCP must be prepared and endorsed by Council prior to the lodgement of any Development Application. This

technique has been used in other LEPs (e.g. Queanbeyan, Goulburn Mulwaree) and also gives greater statutory weight to the DCP as the LEP clause specifies what must be included in the document, that it must be in place before any Development Application is lodged and it must be considered as part of any Development Application assessment. With a DCP that sits outside the LEP Council only has to give regard to the document. The Land & Environment Courts has generally given greater weight to matters in an LEP over any DCP or planning policies outside the LEP. A draft LEP clause for the Gundaroo Planning Proposals has been prepared based on this approach (refer **Attachment D**).

Modifying the Planning Proposals could also involve adjusting the proposed zones and lot sizes to give further direction to the Master Plan/DCP preparation process and addresses some of the concerns raised in submission e.g.

- **Sutton Road and Faithfull Street Planning Proposal**

1. The area adjacent to the village is proposed to be zoned 'RU5 Village'. To assist with preserving the historic village this could be zoned 'R2 Low Density Residential'. A 'R2 Low Density Residential' zone has a narrower range of land uses than a 'RU5 Village' zone further reinforcing the different roles of the two areas. As commercial activities are more restricted in a 'R2 Low Density Residential' zone than a 'RU5 Village' zones this will also assist with reinforcing the role of Cork Street as the commercial area for the village and preventing expansion/drift of commercial activities into the new area.
2. The minimum lot size for the 'R2 Low Density Residential' zone should be reflective of those in the adjoining village area (i.e. 2,000m² and 5,000m²).
3. The area between the zucchini farm and the established windbreak with the adjoining property to the south and incorporating Harrow Creek should be within an 'E4 Environmental Living' zone with a 1ha minimum lot size to reflect these environmental values and constraints.

- **'Kyeema' Planning Proposal**

1. For consistency with the Sutton Road and Faithfull Street Planning Proposal the area north of the watercourse proposed to be zoned 'RU5 Village' should be zoned 'R2 Low Density Residential'.
2. There is a designated watercourse (i.e. McLeods Creek) through the site proposed as an 'E3 Environmental Management' zone. The area between the village and the northern boundary of the floodplain associated with this creek should be all within the 'E3 Environmental Management' zone.
3. The elevated area adjacent to an existing 'E4 Environmental Living' zone on the adjoining land to the east is proposed as a 'RU5 Village' zone for 1ha lots. Due to the nearby environmental values and its elevated position this should also be zoned 'E3 Environmental Living' with a 1ha minimum lot size.
4. The northern proposal designates the area north of the watercourse as a 'Village' zone. For consistency with the southern proposal this should be zoned 'Low Density Residential'.

These adjustments to the proposed land use zones and minimum lot sizes can also be incorporated into the LEP Amendment. A diagram outlining the zoning adjustments is included in **Attachment E**.

8.2 PLANNING FOR GUNDAROO

FILE: PP-2012-03 & PP-2013-01 – CB

SYNOPSIS

To present a progress report in relation to planning for Gundaroo and the two Planning Proposals for the village.

OPERATIONAL PLAN AND BUDGET IMPLICATIONS

Community Strategic Plan Long Term Goal 5.1 – *Our local area is characterised by its small towns and villages within a rural environment.*

Planning for Gundaroo is provided for within the current Operational Plan and Budget utilising existing staff resources.

COMMUNICATION PLAN

Planning Proposals have been placed on public exhibition and a planning forum held to hear resident concerns.

SUSTAINABILITY IMPLICATIONS

Social	Impacts considered as part of the Planning Proposal assessment Groundwater contamination presents possible risks to public health
Economic	Impacts considered as part of the Planning Proposal assessment Potential constrain on development of existing village land and efficient us of land
Environment	Impacts considered as part of the Planning Proposal assessment Management of on-site sewage management is crucial in preventing the pollution risk to the aquifer
Governance	Proposals required to be considered in accordance with the <i>Environmental Planning & Assessment Act 1979</i> Approval and compliance role under the <i>Local Government Act 1993</i> for on-site sewage management systems

RECOMMENDATION

That:

- 1. Progress with the Gundaroo Planning Proposals be noted*
- 2. A further report be presented to Council following the completion of the bore water testing.*

Attachments:	A. December 2014 Council Report
	B. Bore Testing Sites
	C. Gundaroo Submissions <i>(Under Separate Cover)</i>
	D. Draft Master Plan Outline

REPORT

Community consultation on two Planning Proposals for the expansion of the Gundaroo village was undertaken in 2014 following receipt of the Department of Planning's gateway determination. A total of 135 submissions were received and a community forum held in Gundaroo in October 2014 to allow submitters the opportunity to address Councillors. Emerging from this consultation were three key issues i.e.

- Groundwater quality

- The need for a Master Plan
- Consistency with strategic planning for the area

Groundwater Quality

In December 2014 Council considered a report in relation to potential groundwater contamination risks in Gundaroo village (refer **Attachment A**).

The issue came to light following the community consultation in relation to two planning proposals to rezone land north and south of the village.

As properties use on-site wastewater management systems and depend on rainwater harvesting and bore water for their water supply this is an important issue for consideration. As Council is not the licencing authority for bores it is unknown how many properties rely on them for household use or to top up rainwater tank supplies. Similarly there is no information as to the quality of bore water.

The issue needs to be addressed regardless of the rezonings. Firstly to determine if there is an existing problem within the village (which is a matter for the current landowners to resolve) and secondly to ensure measures are taken so that any new development does not significantly impact on the existing development.

In December 2014 Council determined to:

- Encourage Gundaroo landowners to register unlicensed bores with the NSW Office of Water
- Extend an offer to landowners for Council to undertake voluntary water testing for bores free of charge

The water quality testing would assist in determining whether or not there is an existing groundwater problem. Only nine properties have volunteered for testing (refer **Attachment B**).

While this is a little disappointing there is a reasonable spread of properties throughout the village to gain some information on the extent of any contamination. Water quality testing is in the process of being commissioned however at the time of compiling this report details including when testing should be undertaken have not yet been finalised.

The information gained will inform potential solutions e.g.

- Reticulated sewerage system
- Improved type and management of on-site wastewater treatment systems and restrictions on bore water use to external use only

Preliminary investigations have been undertaken into a reticulated sewerage system for Gundaroo. The estimated cost is \$5.8M. With 244 lots in the existing village the contribution per lot would be approximately \$24,000. By including the lot yield from the two Planning Proposals (i.e. 130 lots) this contribution drops to around \$16,000 per lot.

It is understood that previous schemes for reticulated sewerage have met with opposition from the community particularly in relation to cost. For new development this can be required as a usual s64 contribution prior to development. Existing properties can be compelled to connect to the system once the premises are within 75m of a main. However for existing properties there is an additional cost burden. Existing premises (around 200) will also need to decommission/remove existing on-site treatments systems. To encourage connections to the system it may be necessary for Council to bank roll the scheme and provided options for instalments to be made over several financial years.

If the village is to continue the reliance upon on-site treatment systems then it is essential they continue to perform as designed. In addition the use of bore water should be restricted to external use only (e.g. garden watering) to further minimise risks.

To audit each existing system, identify any deficiencies and improvements, oversee any remediation works and conduct regular monitoring inspections for 200 premises is equivalent to a full time position. The estimated cost for this service is \$168,000 per annum or \$840 per property per annum. This would be an additional cost for landowners to any private maintenance agreement in place for their system.

Whichever approach outlined above is taken depends on whether or not there is a wastewater contamination problem.

If no problems are identified then the current arrangements of on-site management of wastewater systems can continue.

In relation to the rezoning proposals they could proceed as exhibited if there is:

- No contamination problem
- Subject to the installation of approved on-site waste water systems
- Bore water supplies to be restricted to external water use only

If there is a contamination problem and depending upon the severity of the problem then the rezoning proposal needs to be subject to:

- The provisions of a reticulated sewerage system. This will also apply to existing properties within the village; or
- Installation of appropriate on-site wastewater treatment systems and any bore water being restricted to external use. This would also require the installation of a new inspection system

Master Plan

The other key issue emerging out of the community consultation and forum was the need for a Village Master Plan. A Master Plan can address most of the issues raised in submissions (refer **Attachment C**) which are more appropriate for consideration at the subdivision design or Development Application phase of the planning process.

Initial discussions with the Gundaroo Community Association on the purpose and format for such a plan have commenced. Ideally the Master Plan should be suitable for inclusion into a future comprehensive Development Control Plan so that it receives status as a planning document and tool to guide future development. A table of contents has been drafted to indicate the scope of such a plan (refer **Attachment D**). The plan can also draw upon the work previously completed for the Community Strategic Plan.

In discussions with the Association two approaches for the Master Plan have been identified i.e.

- Master Plan to be prepared prior to the rezoning being approved
Without certainty of the rezoning the current proponents are unlikely to invest in the preparation of such a plan.
- Master Plan to be prepared prior to any subdivision approval being issued
This provides some certainty for the proponents but makes it clear the next phase in the development process cannot commence until the Master Plan is in place. By including such a requirement in the LEP this also gives the Master Plan stronger statutory standing than simply a policy document or DCP

The Parkview Planning Proposal recently considered by Council is based on the second of these approaches and involves a simple rezoning of land and making future development contingent upon infrastructure and service agreements being in place and a 'master plan' being prepared. There is no reason such an approach cannot be taken at Gundaroo. This approach could also provide some flexibility in how the preparation of the Master Plan can be resourced e.g. the developers can:

- Prepare a draft Master Plan (in consultation with the community) for consideration by Council
- Pay Council to undertake the preparation of a draft Master Plan (in consultation with the community)
- Wait for Council to prepare the Master Plan as and when resources permit

In all these approaches Council retains the final decision on the adoption of the Master Plan following a phase of community consultation.

Strategic Planning

Another issue emerging from the community forum was the consistency of the Planning Proposals with the strategic planning for the area.

The approach to managing population forecasts for Yass Valley was outlined in the Towns and Villages Study 2011 in which growth was to be directed into and adjacent to existing settlements including Gundaroo. This approach is also consistent with the Sydney Canberra Corridor Regional Strategy which also directs growth into and adjacent to existing settlements.

The Towns and Village Study formed the basis for the new LEP and while it identified expansion of the Gundaroo village this was deferred at the time into an investigation area. The Department of Planning also endorsed this Study. While there are some in the community who would prefer this investigation to be at some time in the future there are others, including the proponents, who recognise that planning and development have long lead times and that this should commence at this point in time.

For Gundaroo expansion of the village is significantly constrained in the east by the Common and in the west by the Yass River. Growth in the village will need to be accommodated by the uptake of vacant lots (i.e. in fill development) and any expansion will need to be directed to the north and south. It is noted that there are

drainage lines that run through each of the investigations areas which in themselves are unsuitable for development and need to be accounted for in any detailed planning for these sites. There are other localised constraints (e.g. remnant vegetation and habitat) that will also need to be addressed in the next stage of the planning process.

The submitted planning proposals are consistent with the board strategic planning for the Yass Valley and the region as well as the key constraints to development of the village. This was also recognised by the Department of Planning when the gateway determination was issued. There is a further assessment of the consistency of the proposals against the regional planning strategies by the Department of Planning should they proceed to the next stage in the planning process.

Next Steps

At this stage in the planning process Council has the following options:

- Adopt the Planning Proposals as exhibited
- Modify the Planning Proposals in response to submissions received and/or to address issues raised in submissions (e.g. support the rezonings and include a clause in the LEP preventing further development until a Master Plan has been prepared, requiring installation of approved on-site wastewater treatment systems and maintenance agreements, restricting any water bores to external use only)
- Defer consideration of the Planning Proposals pending the outcome of the water quality testing
- Reject the Planning Proposals on the basis the impacts have not been adequately addressed and there is insufficient information to enable Council to make a decision

It is recommended that the proposal be deferred pending the outcomes from the bore water testing.

GUNDAROO PLANNING PROPOSALS

Summary of issues raised in submissions and planning response

Community submissions		
Key Issues		Planning Response
Strategic planning	- Consistency of the Planning Proposals with the Sydney-Canberra Corridor Regional Strategy. - Gundaroo does not have a Master Plan and consideration of the Planning Proposals should be deferred until such time as a Master Plan has been prepared. - Any village expansion should be staged. - Consideration has not been given to the social and economic impacts of the Planning Proposals.	- Proposals are consistent with the planning direction set by the <i>Sydney-Canberra Corridor Strategy</i> and Council's <i>Towns & Villages Study</i> which directs development into and adjacent to existing settlements - Requirement for Master Plan (including staging) can be incorporated into Planning Proposals - The social and economic impacts considered at part of the initial assessment of the Planning Proposals prior to obtaining a Gateway determination. Further assessment of these impacts required at each Development Application stage
Provision and maintenance of infrastructure and services	- Consideration has not been given to the impact of the Planning Proposals on the surrounding road network (Regional and Local) and no plan is in place to maintain/upgrade this infrastructure. - Consideration has not been given to the impact of the Planning Proposals on the existing transfer station. - Consideration has not been given to the impact of the Planning Proposals on the communities public open spaces (In particular the Gundaroo Common). - Consideration has not been given to the impact of the Planning Proposals on the primary school. - Consideration has not been given to what additional community services will be required should the Planning Proposals proceed.	- Capacity in key infrastructure to accommodate additional development - Future development to contribute toward additional and upgraded local infrastructure via usual development contributions
Water (availability and contamination) and effluent disposal	- Consideration of reticulated water and sewer infrastructure for the Planning Proposal sites and existing village and the cost of this infrastructure to existing village residents. - Lot sizes proposed too small to accommodate appropriate buffers between bores and on-site wastewater treatment systems. - Consideration of the impact of the Planning Proposals on contamination of groundwater accessed by existing bores in the village. - Consideration of the impact of the Planning Proposals on	- Cost of reticulated sewerage infrastructure examined and considered too expensive - New development to rely on rainwater harvesting for water supply (consistent with existing village) - Groundwater contamination issues in the village the result of existing development and requires a separate response directly to those landowners - Onsite wastewater management systems in new areas to meet contemporary standards for installation and maintenance - Bore water supply in new areas to be restricted to external use only

8.2 Gundaroo Planning Proposals
Attachment B Submissions Review Summary

	contamination of Yass River and adjoining watercourses.	or prohibited
Community submissions (cont)		
Key Issues		Planning Response
Village character	- The Planning Proposals may erode the significance of the rural setting and historic boundaries of Gundaroo village - The Planning Proposals may erode the significant built form of the existing village as a result of unsympathetic building design - Growth of the village can be accommodated through 'organic' infill development - Should Planning Proposals proceed historic lot layout and street pattern should be replicated - Should Planning Proposals proceed new village boundaries should be clearly defined. - Larger lot sizes (16 ha) and rural or environmental considered to be more appropriate scale of development	- Issues relating to character of the area can be addressed by including requirements in a Master Plan/DCP to ensure any new development is designed to reflect and enhance the natural, cultural, visual and built character and values of the Gundaroo landscape. - Infill development can meet part of the projected growth demands but not all. A desktop analysis indicates additional capacity for 27 dwellings based on existing lots and subdivisions which have been recently approved and 24 dwellings subject to further subdivision – with the majority of these along Lute Street. Some infill sites are subject to constraints restricting development. - Continuing to rely only on infill development has the potential to compromise heritage elements of the village. The original National Trust listing for the village noted the small scale buildings and scattered pattern of development. The more densely infill is undertaken, the more this characteristic may be eroded. - Heritage values in Gundaroo reflected in the existing listing of Heritage Items and designation of Heritage Conservation Area along Cork Street - Planning Proposal sites do not alter the existing grid pattern of the village - Re-vegetation of watercourses will assist with defining/preserving the edge of the village grid - Existing vegetation on approaches to village and re-vegetation of watercourses will assist in screening new areas for the village grid.
Community	- The Planning Proposals may erode the sense of community in Gundaroo. - The Planning Proposals may lead to increased crime rate in Gundaroo. - The Planning Proposals may undermine Gundaroo economy derived from tourism attracted by rural village qualities. - The Planning Proposals may impact land values in existing village	- No evidence that new development will lead to increase in crime - Any growth in the LGA will add to the Council responsibilities not just those in Gundaroo - Design and landscaping requirements can minimise the impact of new development on tourism qualities

Community submissions (cont)		
Key Issues		Planning Response
Environment	- Consideration of the impact of the Planning Proposals on biodiversity values (northern Planning Proposal site in particular) - Consideration of the impact of the Planning Proposals on future flood events and whether development of the Planning Proposal sites is appropriate given anecdotal evidence of flood events in Gundaroo. - Agricultural value of Planning Proposal sites	- Use more sensitive zoning (eg Environmental Living) for the areas with environmental values - Use of Planning Agreements/Title restrictions to manage biodiversity areas and buffers can be included in DCP - Select zones with a narrower range of land uses to limit mixed uses - In accordance with Agricultural Land Classification mapping provided by the NSW Department of Primary Industries (Agriculture) the south site, part of the north site and the remainder of the existing village are considered Class 3 agricultural land. The remaining part of the northern site is Class 4 agricultural land. While the respective Planning Proposal sites are suited to grazing and limited cropping cultivation, they are not prime agricultural land as has been stated in a number of submissions. It should be noted that there is no Class 1 land within the Yass Valley LGA, and only a minimal amount of Class 2 land (land suitable for continuous or regular cultivation respectively)
Government Agency submissions		
Government Agency	Key Issues	Planning Response
Office of Environment & Heritage	- As a general concept, OEH is supportive of future growth areas that are adjacent to an existing village, rather than isolated/disjunct settlements or dispersed rural residential areas. - Support both Planning Proposals however requested further investigation for flood planning and cultural heritage matters. - Superb Parrot habitat was established on the Kyeema (north) Planning Proposal site, and OEH recommends a buffer width of 50m be established around the nest trees.	- Flood planning matters addressed by proponents in accordance with OEH requirements. Acknowledged that portions of each Planning Proposal site are potentially subject to inundation in a 1 in 100 year flood event. This is recognised as a constraint that will require further assessment at Development Application stage. - Cultural heritage matters addressed by proponents in accordance with OEH requirements. Potential Archaeological Deposits (PAD) identified on each Planning Proposal site will require a management strategy to be implemented before any development works begin. - Adjust zoning and use title restrictions to manage threatened species impacts

Government Agency submissions (cont)		
Government Agency	Key Issues	Planning Response
Murrumbidgee Catchment Management Authority (now incorporated as part of NSW Local Land Services)	- Clearing should be consistent with the (South East) Catchment Action Plan - Clearing should be avoided and/or minimised wherever possible - To offset any impacts of clearing, consideration should be given to rehabilitating the landscape through revegetation activities - Consideration should be given to any threatened communities and species habitat	- Neither Planning Proposal proposes clearing. Further assessment of these impacts will required at Development Application stage - Threatened communities and species habitat considered (see planning response to OEH submission)
Department of Primary Industries – Office of Water	- Supportive of reticulated sewer and water to adequately service proposed lot sizes OR larger lot sizes to accommodate environmental buffers. - Gundaroo has a high density of groundwater bores – indicating strong demand for a water supply source to supplement rainfall collection. - Effluent irrigation should not be sited over areas where groundwater is shallow. - Monitoring bores required to assess water level and quality impacts in future. - Applicants need to demonstrate on-site sewage application areas will not be inundated by flood. - Modifications may be required to existing dams to ensure they meet the <i>Maximum Harvestable Rights Dam Capacity</i> for the land.	- Cost of reticulated sewerage infrastructure examined and considered too expensive. - Approvals for bores are by the State Government not Local Government. Any assessment of bore approval should take into account the location of existing and proposed on-site wastewater management systems. Prohibition of bores in new areas could also address this issue. - Information submitted with Planning Proposals indicates sites are suitable for on-site wastewater management - On-site wastewater systems need to meet contemporary standards for installation and maintenance - Monitoring bores constructed on each Planning Proposal site in accordance with Office of Water requirements. Monitoring to date indicates no significant contamination issues on either site. - Flood planning matters addressed by proponents in accordance with OEH and Office of Water requirements. Acknowledged that portions of each Planning Proposal site are potentially subject to inundation in a 1 in 100 year flood event. This is recognised as a constraint that can be recognised by appropriate zoning and/or further assessment at Development Application stage
NSW Health	- Council must commit to a comprehensive, robust monitoring and enforcement program of on-site wastewater treatment systems in order to protect groundwater. - Groundwater should not be used for drinking or domestic purposes due to risk of faecal contamination.	- Onsite wastewater management systems in new areas to meet contemporary standards for installation and maintenance - On-site wastewater management a regulated responsibility of Local Government. - Bore water supply in new areas to be restricted to external use only or prohibited

Department of Planning & Environment (prior to issue of Gateway Determination)	
Key Issues	Planning Response
• Availability and supply of potable and non-potable water and effluent disposal on relatively small unserviced lots.	• Water supply is primarily rainwater harvesting. Bore water should be restricted to external use only or be prohibited • Sites assessed as being suitable for on-site wastewater disposal. Systems can be required to meet contemporary standards for installation and maintenance • Lot sizes are reflective of those in the village with the size increasing in peripheral areas and/or where there are environmental constraints

GUNDAROO & SUTTON MASTER PLANS DRAFT PROJECT BRIEF

BACKGROUND

This proposal has emerged out of Council's ongoing assessment of two planning proposals to rezone land at the northern and southern edges of Gundaroo village and increasing development pressure on Sutton village. Information regarding the Gundaroo planning proposals can be viewed on Council's website here:

<http://www.yassvalley.nsw.gov.au/planning-development-yassvalley/lep-planning-proposals-yassvalley>

In relation to the Planning Proposals there are two options for preparing a Master Plan/Development Control Plan i.e.

- Prior to the rezoning being approved
- Prior to lodging a Development Application for subdivision

It is intended our intention to present a report to Council 22 July 2015 regarding finalisation of the Gundaroo planning proposals.

Council is initially seeking an estimate of the cost of preparing masterplans for these villages in accordance with the following indicative draft project brief (open to suggestions re structure of the process). Also attached for your information is a draft 'village release area' clause on for potential inclusion in Council's LEP if the second option above is selected. Council is hoping a master planning process can be completed within 3-4 months.

The scope of the masterplans, both spatially and with regard to the issues they will address, will become clearer in the next fortnight when Council has considered a report on the Planning Proposals. For your reference I have also attached a copy of an email from a representative of the Gundaroo Community Association requesting that a masterplan for Gundaroo have regard to issues including infrastructure and servicing delivery, environmental sustainability, community cohesion and heritage and cultural significance.

DRAFT PROJECT BRIEF

Objective

- Develop a Master Plan / Development Control Plan for Gundaroo and Sutton and each village's immediate surrounds

Methodology

- Charrette Style Process using independent facilitator eg

Workshop 1

- Project objectives
- Context
 - Defining the planning area
 - Population projections
 - Existing studies / reports
- What do we like? Dislike? Want to improve?
- What are the constraints and opportunities?
- What are the plan options?
- What needs to be included in the Master Plan/DCP?

Workshop 2

- Recap on Workshop 1
- Discussion on Options generated from Workshop 1
- Advantages and Disadvantages of each option
- Preferred plan

Final Report

- Workshop outcomes
- Recommended Plan
- Next steps

GCA COMMENTS ON MASTER PLAN

The Gundaroo Community Association (GCA) has formed a Master Planning Sub Committee. We met on Monday 22nd of June to follow up on your meeting with Linda and Moraig and the suggestions you made in your email of 10 June 2015.

To assist in the preparation of a project brief and consultation plan, we did structure our discussion to consider the scope of the plan, what is valued by the community as well as the level of community engagement. There was unanimous support for the Gundaroo community to have a substantial and meaningful role in shaping how the existing Village and its surrounds is developed and managed and for the process to be inclusive of all the stakeholders and differing views. With regard to rezoning occurring prior to the plan, there was a majority view that this would compromise the exploration and investigation of other zoning options that could be considered in the planning process.

On the scope:

- Irrespective of when the rezoning occurs, the master plan must address the values expressed by the community. This means the scope must be broader than the prescriptive guidelines typically canvassed in Development Control Plans, i.e. layout, lot size and building appearance etc. To this end the master plan must identify clear outcomes with regard to environmental sustainability, community cohesion and village safety, heritage and cultural significance (including the strong representation of the crafts and arts) delivery of health/community facilities, engineering infrastructure, continuing prosperity as well as village character and identity.
- As a master plan has no statutory weight, its strength will be in its ownership by all stakeholders. Clearly the process of its preparation will be important but also a logical and compelling structure. The plan should outline a number of key actions, principles and performance measures that can inform and guide public and private investment opportunities so that they contribute to the achievement of the outcomes.
- Both the spatial and temporal context of the plan should be sufficiently broad enough to consider intra and inter generational equity. Spatially the plan should be bounded by geographical and landscape features and not determined only by land tenure. Defining the spatial context in this way is important to better assess the potential impacts and threats on the hydrological systems, biodiversity, connectivity of ecological communities, viable agricultural land and the visual impact on the approaches to the Village. Similarly, taking a 30 to 50 year time horizon is necessary to develop likely scenarios for the provision of community, educational and health facilities. Although these are services provided by the State Government, the local planning agency does have a responsibility to consider where these could be appropriately located in the future.

Land Use Zoning is the primary tool for planning and implementing change. Hence the majority view that the preparation of a strategic plan, prior to rezoning gives the community the genuine remit to fully explore how the Village might grow, to manage what is valuable and to address existing conflicts and issues. Planning is a reactive process that responds to a number of conditions and opportunities. Placing a temporary moratorium on the current rezoning proposals is a legitimate planning reaction for Council to consider, especially when there are complex, substantive issues to assess and obvious community concerns. Adopting a moratorium until a master plan is substantially completed could save time and give greater certainty to all stakeholders as it:

- avoids ad hoc and incremental rezoning across the Village (e.g. to protect the retail heart of the Village, there may be a need to consider rezoning or developing a policy overlay for Cork Street and in concert with this a reviewing and restricting permitted land uses in the RU5 zone to ensure they do not undermine the role of Cork Street);
- reduces the likelihood of an unwieldy Development Control Plan though the number of conditions imposed. (Just as an aside, I was under the impression that preparing one off DCP's and giving them statutory status through the LEP was contrary to where the NSW Planning Review was going? At a conference recently representatives from NSW Planning and Environment gave me the impression that there was an intent to simplify the system keeping all statutory controls in the LEP and using the preparation of more strategic plans to inform amendments?); and
- allows the community to be engaged on the substantive outcomes rather than endlessly debate and object to the details in the development application process.

The Sub Committee did discuss what the plan should address if rezoning were to occur immediately. There was a consensus that the broader master planning must still be undertaken as this would help provide an agreed set of principles on which to assess the relative merits of the more detailed design considerations of street layout, open space connections, visual setbacks, screen planting, lot sizes, identification of reserving land for future use or further restricting permitted uses in the Zone. Without a set of agreed principles there was concern that discussions would be less than constructive and protract the whole process.

With regard to Consultation:

- The GCA acknowledges that Council is the decision maker, however, it believes the community will consider they have been effectively consulted if it is fully engaged in the process. On the Public Participation Spectrum this equates to 'Collaboration' and at the very least 'Involvement'. At this level there is an expectation that concerns and values are directly reflected in alternatives, that there is feedback through the process on the decisions taken and how the community concerns have been taken into account in the decision.
- Clearly this does mean that there may need to be more than two community meetings. The suggestion of a design charrette is a very powerful tool to explore options and scenarios. However, if this is to be really successful we suggest the initial meeting should be designed to encourage people to 'drop their baggage', share information and begin to identify and agree on what future outcomes are important. There are several tools that might be useful here - but an "open house" with 'stalls' where people can gain information and discuss the issues coupled with 'study groups' to identify the opportunities and constraints. The last meeting should allow the community to provide input into a draft plan.
- The reality is that there are stakeholders with pecuniary interests and that community views do run the risk of quickly polarising. This needs to be recognised and a detailed consultation plan developed with specific tools and techniques devised to achieve consensus. This will require an experienced and skilled consultant/facilitator and it is suggested that a person or team IAP2 qualified be briefed.
- There was also discussion as to how extensive the consultation should be. The inclusion of visitors to Gundaroo, other residents in the Shire and the region was considered important to understanding how the Village is perceived or valued by others.

From the discussions the group considered it would be useful to identify what might be 'non negotiable' in preparing a plan:

- the spatial context must be defined by the geography and landscape;

- future growth and management of the whole Village and the likely future needs of the population must be addressed, not just the spatial and visual relationship to the areas proposed for rezoning;
- community values must be encapsulated in the outcomes with clear actions and performance measure to retain or enhance these. Some of these values are - environmental sustainability, community cohesion and safety, the bucolic context and defined boundary to the Village, reinforcing Cork Street as the 'heart' of the Village; and
- community consultation must be intensive and extensive.

The GCA's position remains that master planning should occur prior to rezoning so that all options for growth can be canvassed. It acknowledges that there are a few comfortable with rezoning preceding the master plan but these people are also keen that there should be a comprehensive planning process. Change is inevitable and the community recognises this, however, the community wants to engage in how it addresses and manages change. I believe this is very positive and represents an exciting opportunity for Council to deliver an exemplary plan. I also consider the discussion and identification of what is important to the community will greatly assist in the preparation of a project brief. Of course the sub committee will provide any assistance that it can to ensure the process is constructive and timely.

Part 7 Land Release Areas

7.1 Public utility infrastructure

- (1) Development consent must not be granted for development on land in a land release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.
- (2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.

7.2 Development control plan

- (1) The objective of this clause is to ensure that development on land in a land release area occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land and any adjoining and nearby land developed for a similar purpose.
- (2) Development consent must not be granted for development on land in a land release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.
- (3) The development control plan must provide for all of the following:
 - (a) a staging plan for the timely and efficient release of land release area land, making provision for necessary infrastructure and sequencing,
 - (b) an overall road system showing the circulation routes and connections into the land to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,
 - (c) subdivision layout that is reflective of the existing village in terms of size and orientation or protective of the existing village grid layout,
 - (d) a buffer to threatened or endangered habitat on any adjoin land and appropriate measures to enhance and manage the buffer area,
 - (e) stormwater management controls,
 - (f) water supply and on-site wastewater management in which:
 - the on-site wastewater management systems to be installed meet or exceed the current standards for design and site location,
 - a maintenance agreement is in place for the on-site wastewater management system,
 - bore water use is prohibited or is restricted to external use and toilet flushing only,
 - all other water supply is from rainwater harvesting,
 - (g) amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,
 - (h) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,
 - (i) urban design controls for housing including garages, carports, sheds and fencing,
 - (j) community engagement.
- (4) Subclause (2) does not apply to any of the following development:
 - (a) a subdivision for the purpose of a realignment of boundaries that does not create additional lots,
 - (b) a subdivision of land if any of the lots proposed to be created is to be reserved or dedicated for public open space, public roads or any other public or environment protection purpose,
 - (c) a subdivision of land in a zone in which the erection of structures is prohibited,

- (d) proposed development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the proposed development would be consistent with the objectives of the zone in which the land is situated.

7.3 Relationship between Part and remainder of Plan

A provision of this Part prevails over any other provision of this Plan to the extent of any inconsistency.

