

2. PLANNING PROPOSALS – YASS VALLEY LEP 2013

FILES: PP-2012-02, PP-2012-03
& PP-2013-01 – LAM

PURPOSE OF REPORT

To have Council consider Planning Proposals at

- Sutton Road and Faithfull Street, Gundaroo
- 'Kyeema' Gundaroo Road, Gundaroo
- 'Macrorrhyncha' 209 East Tallagandra Lane, Sutton

REPORT

1. Background

As the Gazettal of the draft Yass Valley LEP 2013 is imminent, Council is now in a position to begin considering Planning Proposals (formerly known as LEP Amendments). The last Council resolution to prepare an amendment to the current Yass LEP was by the (former) Yass Shire Council in November 2003.

Since that time, advice from the (then) Department of Planning discouraged specific LEP amendments and spot rezonings. This advice was also to ensure the most efficient and effective use of Council and NSW Government Resources in focussing on preparing a new Standard Instrument LEP.

As a result of this advice, Council was unable to consider a large number of rezoning requests – some of which were inherited from the former Gunning and Yarrowlumla Shires. With the exception of proposed 'greenfield' development sites, gazettal of the new Yass Valley LEP will resolve the majority of outstanding rezoning requests.

These 'greenfield' sites and their strategic merit were considered as part of the Town and Villages Study 2010 and include the (3) three sites, which are the subject of this report.

2. NSW Gateway Process

A Planning Proposal is a document that explains the intended effect and justification of a proposed amendment to the local environmental plan (LEP). A Planning Proposal can be prepared by Council, the landowner, developer or a consultant on their behalf. This will be dependent upon the change sought and the complexity of the amendment.

Planning Proposals are required to be prepared in accordance with the NSW Guidelines – '*A guide to preparing Planning Proposals*' (October 2012). Planning Proposals are considered by Council and the NSW Department of Planning and Infrastructure (DoPI) through the following steps:

- Council Endorsement of Planning Proposal

Once the content and quality of information within the Planning Proposal is considered satisfactory and it receives endorsement from Council to allow its further consideration, it can be forwarded to DoPI.

- Gateway

The Department undertakes an assessment of the Planning Proposal to determine whether the proposal has strategic and site specific merit, and accordingly if it should proceed to Gateway. The 'Gateway' step ensures that the proposal is sufficiently justified before further studies are done and resources are allocated to the preparation of a plan. Based on the advice of the regional department and the LEP Review Panel, the Minister (or delegate) determines whether the Planning Proposal is to proceed.

The Minister (or delegate) will then issue a Gateway determination notice containing information as to whether the Planning Proposal can proceed and conditions related to additional information or studies required as well as requirements for community and agency consultation.

- Community consultation

The Planning Proposal is publicly exhibited for the time advised by DoPI (generally low impact proposals for 14 days, others for 28 days). Consultation usually occurs concurrently with relevant public agencies.

- Assessment

Council considers public and agency submissions received in response to the Planning Proposal. Council may determine to vary the proposal as a result of its consideration of any public or agency submission or additional information received within a study or report. Council may also resolve not to make the plan, and must clearly identify the reasons behind the decision.

If Council decides to finalise the Planning Proposal in its existing (or amended form) it is then forwarded to DoPI requesting that the plan be made.

A technical review is undertaken of any maps prepared, and the legal instrument is drafted.

Parliamentary Counsel issues an opinion on whether the plan can be made, and the Planning Proposal is forwarded to the Minister.

- Decision

The Minister will determine whether to:

- Make the plan with or without variation; or
- Decide not to make the plan; or
- Decide to defer a matter from the plan.

3. Council Planning Proposals Policy

Council Policy SEP-POL-1 (Planning Proposals) was adopted by Council at its meeting of 23 May 2012, and outlines the requirements for the submission of Planning Proposals to Yass Valley Council.

The policy states that a Planning Proposal will only be considered by Yass Valley Council if:

- the land has been identified as a 'Future Investigation Area' in the Yass Valley Town and Villages Study; and
- can be connected to a reticulated water supply and sewerage system or incorporate an alternative water supply and effluent disposal. system, which will have no off site impact on the quality and quantity of surface or ground waters.

If an exceptional, innovative Planning Proposal is forwarded to Council, which falls outside the above criteria, it will only be considered if it satisfies:

- The 'Threshold Sustainability Criteria' outlined in Appendix 1 in the Sydney Canberra Corridor Regional Strategy, or
- NSW and ACT regional strategies for development adjacent to or across the ACT border.

In addition, to enable Council to ascertain whether a Planning Proposal should be supported, it needs to be accompanied by supporting information which demonstrates that all constraints have been considered.

4. Planning Proposal – Sutton Road and Faithfull Street, Gundaroo

<u>Applicant:</u> <i>Salvestro Planning</i>	<u>Yass Valley Reference:</u> <i>PP- 2013-01</i>
<u>Owner/s:</u> HRC & MR Meischke, AR Myers <i>(J & H Nowak and O & H Jabal)</i>	<u>Political Donations and Gifts Disclosure:</u> <i>No</i>
<u>Draft Yass Valley LEP 2013 Zone:</u> <i>RU1 Primary Production</i>	<u>Pecuniary Interest:</u> <i>Nil</i>

Site Description

The subject site, as shown in **Figure 1**, is located to the immediate south of the existing Gundaroo Village – with frontage to both Faithfull Street and Gundaroo-Sutton Road. The entire site has an area of approximately 40 ha, and is comprised of the following lots:

- Lot 8 (part) D.P. 1025196
- Lot 7 D.P. 1025196
- Lot 4 D.P. 881346
- Lot 1 D.P. 857918

with the following lots forming part of the larger site:

- Lot 5 D.P. 1002259 (existing veterinary surgery)
- Lot 1 (part) D.P. 840631 (existing market garden)

The land is located on the southern entry into Gundaroo Village, with Faithfull Street delineating the current boundary of the village.

The site is slightly undulating and is traversed by a gully/intermittent watercourse extending east - west across the site, draining towards the Yass River. The site is cleared grazing land, with exotic and native tree plantings around the perimeter – particularly along Faithfull Street and Gundaroo-Sutton Road.

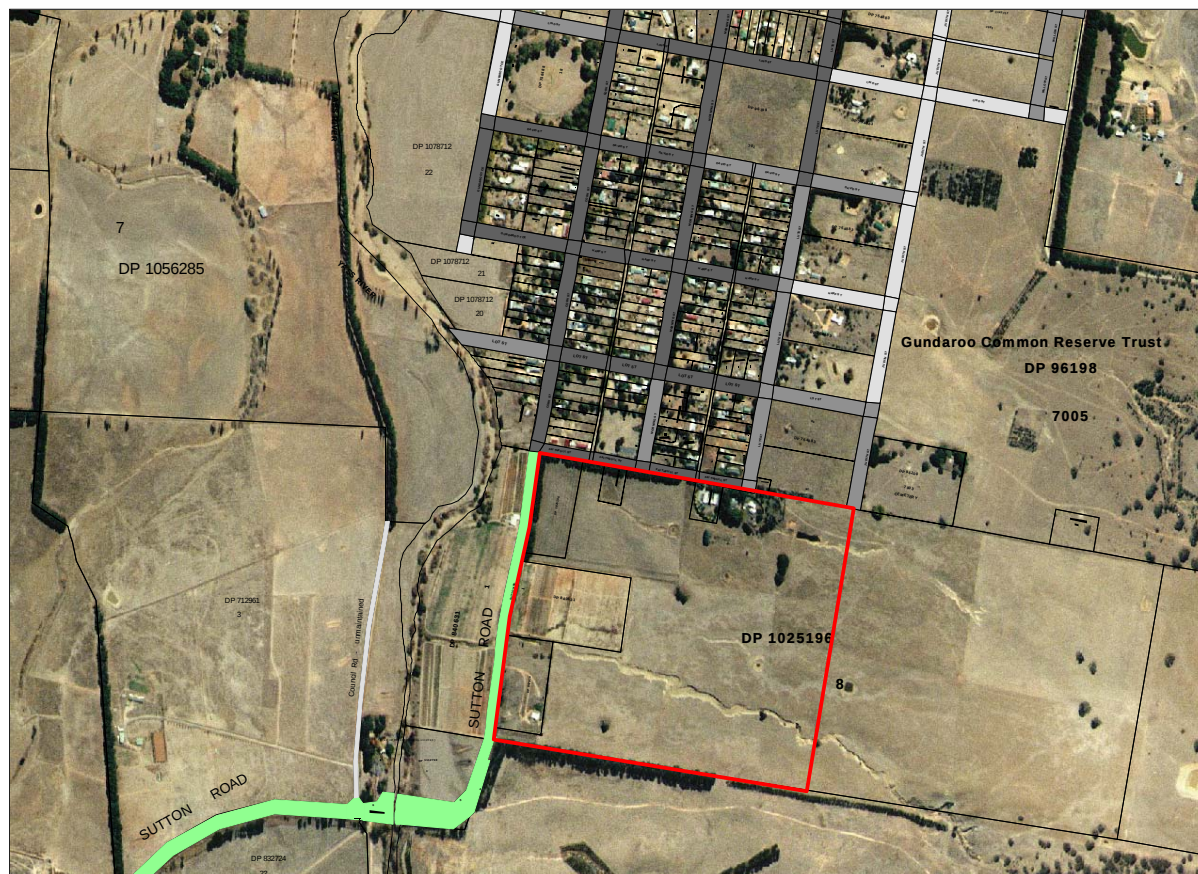


Figure 1: Location Map – Subject Site (Sutton Road and Faithfull Street) –
(N.B mapped area includes Vet and Market Garden)

Existing Land Use and LEP Zoning

The land is zoned RU1 Primary Production under the draft Yass Valley LEP 2013, with a minimum lot size for subdivision of 80ha. The land to the immediate north is zoned RU5 Village, with a minimum lot size of 2000 sqm. Land to the north – between Lute and Judith Streets is zoned R2 Low Density Residential with a minimum lot size of 5000 sqm.

The land is currently occupied by a veterinary clinic, two dwellings and a market garden. The balance of the land has been used for extensive grazing purposes. Land uses in the immediate vicinity of the site include the Gundaroo School playground to the north and Gundaroo Cemetery and Common further to the northeast.

Part of the subject land is identified as being within an area of Groundwater Vulnerability – as shown on the Natural Resources Water Map in the draft Yass Valley LEP 2013. A supplementary Geotechnical

report has been prepared by Barker Harle Consulting Engineers which addresses the disposal of effluent on this site having regard to the potential impact on groundwater.

Planning Proposal

The proposal seeks to rezone the land to a mix of RU5 Village and R2 Low Density Residential zoning consistent with the current zoning within the village in the draft LEP. The lot sizes proposed are also consistent with those of the existing village, being RU5 – 2000 sqm and R2 – 5000 sqm.

A concept 'masterplan' is shown as **Attachment A** which covers all proposed stages including a concept road layout and the location of the existing drainage gully. Excluding areas set aside for open space, approximately 65 lots could be accommodated over this land.

A full copy of the Planning Proposal, including attachments, has been provided to Councillors under separate cover.

Yass Valley Town and Villages Study 2010

The subject site was initially included within the draft Yass Valley Town and Villages Study 2010, as it was proposed to be rezoned to RU5 Village within the draft LEP. During the Public Exhibition period, it became apparent that although growth in the direction of Faithfull Street was generally supported by the community, there were issues raised regarding the staging and speed in which lots would be released, as well as discussion of potential visual impacts on the southern entry into the village, and potential land use conflicts with the existing market garden. As a result, the land was not rezoned upfront, instead being included as a 'Further Investigation Area'.

The following extract from the Yass Valley Town and Villages Study 2010 - Section 13.13 'Recommendations for Gundaroo' relates to this land:

"The area to the south of the village along Faithfull Street is generally acknowledged by the community as a logical direction in which the village can expand. The location of this area allows for land to be subdivided which can continue the characteristic rectilinear lot pattern of the village. The area is relatively flat, with minimal vegetation, and would be able to incorporate reserves along Sutton Road and Faithfull Street to allow retention of the existing trees.

The area is opposite the existing school and would link comfortably with the village. It would be able to access and extend the existing drainage and road infrastructure, subject to the required upgrades.

Rezoning and development of this area would only be considered subject to the availability of a secure water source and demonstration that effluent could be satisfactorily disposed, given the drainage line that extends through the property. Staging and layout of any future development in this area would also need to be resolved. Any future development of this area would need to connect with the village through extension of existing street/s within the village, and incorporate a lot layout which respects the character of existing subdivision patterns. A lower density of development may be appropriate for the southern part of the area, to incorporate greater setbacks from Sutton Road to protect the Rural Vista on the village approach."

The site to the north of the village was also identified as a 'Further Investigation Area' within the Town and Villages Study. This has enabled Planning Proposals for the land to both the south and north of the village to be considered concurrently – as per the recommendations of this report. This will allow the community to have input into a more holistic future direction for Gundaroo.

Land Supply

An updated survey has been undertaken of existing 'vacant' village lots undeveloped by residential dwellings. Five lots on the corner of Rosamel and Cork Streets are owned by the Crown and are subject to an Aboriginal Land Claim. Another thirty lots remain, however twenty three of these form part of larger properties, with gardens, sheds, dams etc extending over the 'vacant' lot (e.g Kilamaroy). The remaining seven lots are in separate ownership, and are not part of any adjacent use or development. It is interesting to note, that owners of three of those seven lots reside in Victoria, Northern Territory and the United States.

Another aspect of the Town and Villages Study which influences development of this site and the site to the north, is the land along the eastern side of Lute Street. Under the Gunning LEP 1997, the land is zoned 1(c) Rural Small Holdings with a minimum lot size for subdivision of 2 ha. The Town and Villages Study recommended that this area be rezoned to R2 Low Density Residential with a minimum lot size of 5000 sqm. This will create an additional supply of land upon the gazettal of the Yass Valley LEP, subject to individual owners subdividing their land. There are 11 existing lots – each with an area of approximately 2 ha each, however existing dwelling placement, drainage and access issues will limit the ability to subdivide down to the minimum lot size.

The multiple ownership of the land will stagger the sale and development of any additional lots, all of which is dependent upon the willingness of owners to 'downsize' and sell part of their property. As such, Gundaroo has a limited supply into the future of village and large lot residential land.

Sydney-Canberra Corridor Regional Strategy

The Yass Valley LGA sits within the southern subregion of the Sydney-Canberra Corridor Regional Strategy. The strategy acknowledges that smaller villages within the Yass Valley are highly accessible to Canberra and continue to experience a strong lifestyle/commuter driven demand for housing.

The strategy emphasises that dispersed rural residential development has significant implications for costs of servicing, fragmentation of lands and impacts on agriculture. It acknowledges that more sustainable opportunities for village lifestyle will continue to be provided by development within existing rural villages such as Gundaroo. It also notes that growth needs to be managed in a way that protects and builds on the important built form, heritage and rural character of each village.

The Strategy sets out Sustainability Criteria (Appendix 1) which are a list of matters that each Planning Proposal is assessed against. The subject Planning Proposal for Sutton Road-Faithfull Street, Gundaroo has been assessed against each of the relevant aspects of the criteria as outlined in the table below:

Threshold Sustainability Criteria	
1. Infrastructure Provision <i>Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way</i>	The subject site has the ability to access existing road and drainage infrastructure along Faithfull Street and Gundaroo-Sutton Road. The development of future stages would be dependent upon the construction of roads extending south from Faithfull Street. Development Contributions would be required in accordance with the Yass Valley Section 94 Development Contributions Plan 2004.
2. Access <i>Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided</i>	The site is adjacent to the existing Gundaroo Village which has existing facilities such as a primary school, supermarket, community/sporting facilities and restaurants all within walking distance. There are few employment opportunities in Gundaroo and residents would need to commute by private vehicle into Canberra or Queanbeyan.
3. Housing Diversity <i>Provide a range of housing choices to ensure a broad population can be housed</i>	At present there is minimal vacant land available for development within the village. This combined with the proximity to the ACT and the lifestyle and character of the village has led to a housing affordability issue within the village. Settlement in Gundaroo is characterised by single, detached dwellings, generally on lots of at least 2000 sqm in area. The type and density of development is unable to be significantly varied due to the lack of reticulated water and sewer within the village.
4. Employment Lands <i>Provide regional/local employment opportunities to support the Sydney-Canberra Corridor's expanding role in the wider regional and NSW economies</i>	No employment lands are proposed, aside from those uses otherwise permitted within the RU5 Village zone within the LEP.
5. Avoidance of Risk <i>Land use conflicts, and risk to human health and life, avoided</i>	The accompanying Geotechnical report from Barker Harle addresses the safe disposal of effluent on the site. Preliminary assessment was undertaken to determine the potential contamination of the site through past agricultural activities on the subject land. Sampling was undertaken around the perimeter of the market garden to determine if pesticides or herbicides had been transported onto the subject site. No measurable results were obtained in the samples. The existing erosion gully extending across the site has been identified. Barker Harles' report suggests that it should be stabilised as part of any development of the site through reshaping

	and revegetating. Protection works including use of gabion blankets and cages have been recommended to protect the gully from future erosion in high rainfall events. Preliminary wastewater treatment and dispersal options, together with setbacks from existing bores are proposed to avoid any risk of groundwater contamination.
6. Natural Resources <i>Natural resource limits not exceeded/ environmental footprint minimised</i>	The Planning Proposal details that water supply for the development is intended to be predominantly from rainwater tanks on each lot. The supporting report suggests that bore water may be available for non-potable uses. The Planning Proposal will be referred to the NSW Office of Water to determine the capacity of existing bores on the site to supply water for non-potable uses.
7. Environmental Protection <i>Protect and enhance biodiversity, air quality, heritage and waterway health</i>	The site is not identified on the draft Yass Valley LEP 2013 Biodiversity Map – prepared using information from the NSW Office of Environment and Heritage. A search of the Aboriginal Heritage Information Management System (AHIMS) database by Salvestro Planning confirmed that there are no existing recorded objects or places on or in the immediate vicinity of the subject site. Part of the site has been identified as an area of Groundwater Vulnerability on the Natural Resources – Water Map as part of the Yass Valley LEP 2013. Effluent disposal has been recommended to incorporate prior nutrient removal before disposal through Evapo-transpiration Absorption Trenches or Mounds and Subsurface Irrigation. As stated above, there is an erosion gully on the site, and the accompanying report recommends that rehabilitation and protection of the gully be undertaken as part of any development. Those works would improve the water quality of water entering the Yass River from the gully.
8. Quality and Equity in Services <i>Quality health, education, legal, recreational, cultural and community development and other government services are accessible</i>	Gundaroo Village has limited services given its population of 402 (Urban Centre Locality- 2011 Census). Gundaroo Public School caters for students K-6, and there is private family day care for children within the village. There are no medical services or pharmacy, however it is serviced by Yass Valley Council's Home Living Support Services. Gundaroo has a range of existing sporting and community groups and facilities. Residents would also access many of these services within the ACT or Queanbeyan.

The proposed size and timing of each stage is a critical issue in the consideration of this proposal as well as for 'Kyeema' below. Council needs to ensure that any expansion of the existing Village boundaries is done in a sustainable manner. To date, the population of Gundaroo also remains relatively small – 402 persons at the 2011 census, and there is no apparent desire from the community for significant growth. Population change therefore needs to be through gradual release of village lots to prevent any rapid change in the composition of the community and pressures on existing community facilities – particularly the school and tip.

Based on the information submitted, it is considered that the concept has sufficient merit to enable its further consideration. The site's strategic location is consistent with the Sydney-Canberra Corridor Regional Strategy and has been previously endorsed by the NSW Director General as part of the Yass Valley Town and Villages study. The subject site is contiguous with existing settlement along Faithfull Street, and can meet a demand for additional land - contributing to the ongoing viability of the village. The Planning Proposal submitted by the Applicant is deemed suitable to forward to the Minister to request a Gateway Determination pursuant to Section 56 of the Environmental Planning and Assessment Act 1979.

It is important to note that requesting a Gateway Determination does not commit Council to supporting the Planning Proposal. It would however enable further detailed assessment of the Planning Proposal and community input into the decision making process. Following Public Exhibition, Council can determine to support the Proposal in whole or part, or that it should not proceed.

5. Planning Proposal – *Kyeema*, 4078 Gundaroo Road, Gundaroo

<u>Applicant:</u> <i>A P Carmody</i>	<u>Yass Valley Reference:</u> <i>PP-2012-03</i>
<u>Owner/s:</u> <i>AP & MP Carmody & CA & MJ Heffernan</i>	<u>Political Donations and Gifts Disclosure:</u> <i>No</i>
<u>Yass Valley LEP 2013 Zone:</u> <i>RU1 Primary Production</i>	<u>Pecuniary Interest:</u> <i>Personal and former business relationship with Cr Cecil Burgess.</i>

Site Description

The subject site, as shown in **Figure 2**, is located to the immediate north of Gundaroo Village and its western boundary abuts Gundaroo-Gunning Road. The site has a total area of 62.7 hectares and comprised of Lots 1 and 2 D.P. 850916. The area the subject of this Planning Proposal is approximately 41 hectares.

The land is located on the northern entry into Gundaroo Village, with Rosamel Street delineating the current boundary of the village. A 35 metre wide verge extends along the Gundaroo-Gunning Road frontage.

The land is undulating, from a ridge located in the north eastern section of the site down towards Rosamel Street and Gundaroo-Gunning Road. It is traversed by McLeods Creek- a section of which has been previously dammed for agricultural and fire fighting purposes, extending east west, draining to the Yass River.

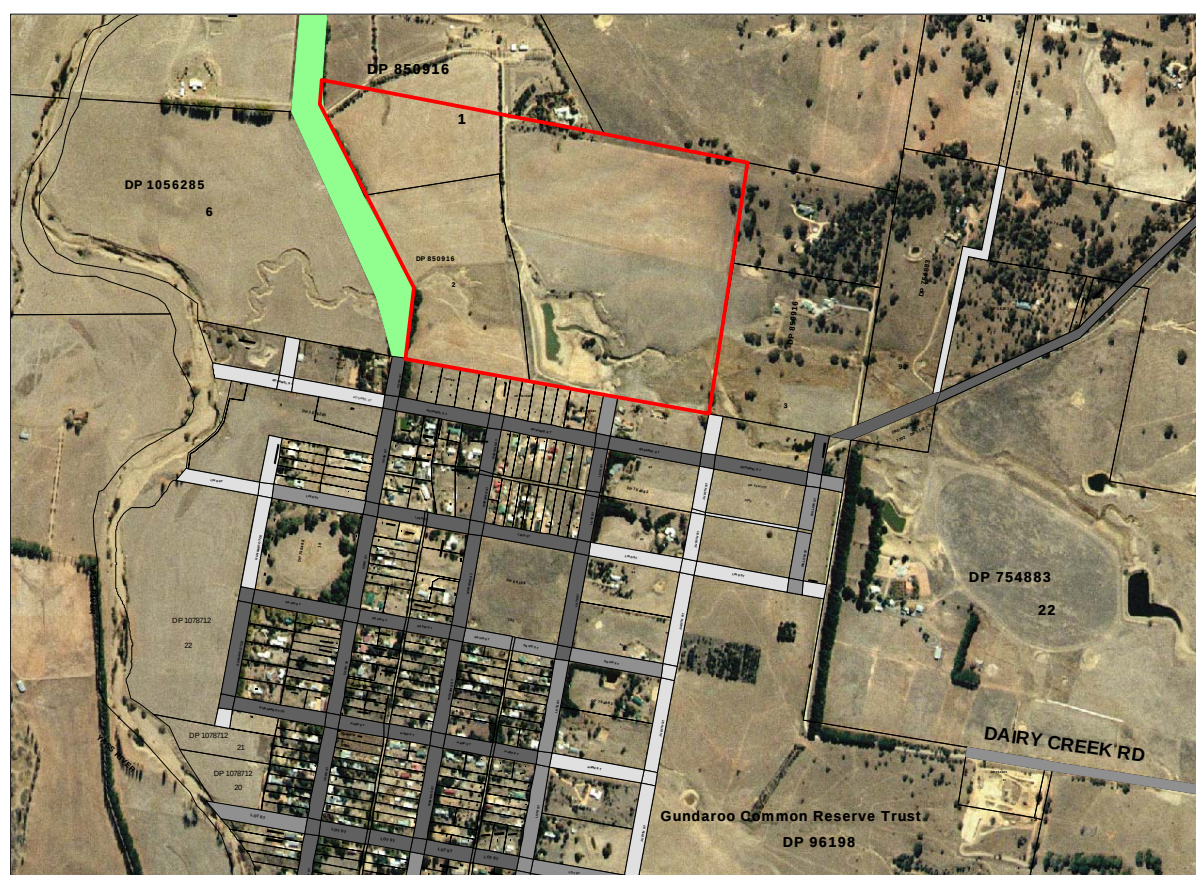


Figure 2: Location Map – Subject Site (*Kyeema*, 4078 Gundaroo Road, Gundaroo)

Existing Land Use and LEP Zoning

The subject site is cleared grazing land, and is occupied by two existing dwellings. The vehicle access points to the two existing dwellings are via Gundaroo-Gunning Road. There is also an existing access track via the unmade Lute Street road reserve. The land is zoned RU1 Primary Production under the draft Yass Valley LEP 2013, with a minimum lot size for subdivision of 80 ha.

Land to the immediate south along Rosamel Street and within the greater village is zoned RU5 Village with a minimum lot size of 2000 sqm. An R2 Low Density Residential zone extends North South along Lute Street, with a minimum lot size of 5000 sqm. The land abutting the eastern boundary of the site is zoned E4 Environmental Living, having a minimum lot size of 8 ha, due to its existing subdivision pattern, topography and vegetation.

Land use within the immediate vicinity is therefore primarily a mix of residential and extensive agricultural uses. Lots 1 to 5 in Section 5 of DP 758488, on the corner of Rosamel Street and Gundaroo-Gunning Road are Crown Land currently leased to the Applicant (Carmody). These lots are the subject of a claim under the Aboriginal Land Rights Act 1983.

The subject land is identified as being within an area of Groundwater Vulnerability – as shown on the Natural Resources - 'Water' map in the draft Yass Valley LEP 2013. A supplementary Geotechnical report has been prepared by Soil and Land Conservation Consulting which has considered the land capability for effluent disposal on the site. A small area of the south east corner of the site is shown as subject to Dryland Salinity on the 'Land' map, being located along McLeods Creek. An isolated area of 'Biodiversity' is shown on the 'Biodiversity' map, which relates to existing scattered vegetation in the north eastern most section of the site.

Planning Proposal

The Planning Proposal seeks to rezone the land to part RU5 Village and part E3 Environmental Management zoning.

The concept plan details minimum lot sizes ranging from 2,100 to 12,000 sqm along the eastern boundary within the RU5 zoning. It is proposed that the section of McLeods Creek and the associated dam be zoned E3 Environmental Management and form part of a series of environmental/recreation areas connecting the Common to the Yass River. This was the only area of the site identified as an area of significant habitat by Griffin Associates in their site assessment. No minimum lot size is specified for the proposed E3 zoning.

The layout of the proposed area would rely on access from the existing unmade Lute Street road reserve and access roads from Gundaroo-Gunning Road. It is proposed that the existing grid pattern be extended through Lute Street. Indicative building envelopes have also been shown for the lots proposed along the east of the Lute Street extension.

A concept 'masterplan' is shown as **Attachment B** which covers proposed stages 1 and 2, together with the proposed zonings. Excluding areas set aside for E3 Environmental Management around McLeods Creek, approximately 65 lots could be accommodated over this land.

A full copy of the Planning Proposal, including attachments, has been provided to Councillors under separate cover.

Yass Valley Town and Villages Study 2010

The subject land was identified as a 'Future Investigation Area' in the draft Yass Valley Town and Villages Study.

During public exhibition of that study, the community raised issues relating to the type and density of development, particularly potential aesthetic impacts of developing this area on the approach into Gundaroo from Gunning, as well as the potential location for inappropriately sited dwellings in proximity to the adjacent E4 area on Marked Tree Road. There were also concerns raised in relation to environmental impacts on McLeods Creek and its associated wetland.

The following extract from the Yass Valley Town and Villages Study 2010 - Section 13.13 'Recommendations for Gundaroo' relates to this land :

"The land to the north of the village is proposed to remain RU1 Primary Production at this time. It is proposed that this site be considered for the future growth of Gundaroo Village, subject to further investigation – including access to water. There is a creek and dam to the south- towards Rosamel Street, and a vegetated area in the northeast corner. Aside from this, it is otherwise relatively unconstrained."

Developing the village in this direction in the future would allow the semi-rural village character to be maintained, and the subdivision pattern to reflect that of the existing streets. As this is a Greenfield site, subdivision of this land can accommodate reserves to address the above constraints as well as setbacks and landscaping to the Gundaroo – Gunning Road. It would be anticipated that this area could accommodate a mix of zones including RU5 Village and R5 Large Lot Residential subject to availability of a secure water source.”

As stated above, considering the Planning Proposals to both the north and south of the village concurrently, will allow the community to have input into a more holistic future direction for Gundaroo.

Sydney-Canberra Corridor Regional Strategy

The Yass Valley LGA sits within the southern subregion as part of the Sydney-Canberra Corridor Regional Strategy. The strategy acknowledges that smaller villages within the Yass Valley are highly accessible to Canberra and continue to experience a strong lifestyle/commuter driven demand for housing.

The strategy emphasises that dispersed rural residential development has significant implications for costs of servicing, fragmentation of lands and impacts on agriculture. It acknowledges that more sustainable opportunities for village lifestyle will continue to be provided by development within existing rural villages such as Gundaroo. It also notes that growth needs to be managed in a way that protects and builds on the important built form, heritage and rural character of each village.

The Strategy sets out Sustainability Criteria (Appendix 1) which are a list of matters that each new Proposal is assessed against. The subject Planning Proposal for ‘Kyeema’, Gundaroo has been assessed against each of the relevant aspects of the criteria as outlined in the table below:

Threshold Sustainability Criteria	
1. Infrastructure Provision Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way	The proposed main access to the subject site is via an extension to the existing Lute Street road alignment/crown road reserve, with a secondary access point from Gundaroo-Gunning Road. Development Contributions would be required in accordance with the Yass Valley Section 94 Development Contributions Plan 2004.
2. Access Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided.	The site abuts the existing Gundaroo Village which has existing facilities such as a primary school, supermarket, community/sporting facilities and restaurants all within walking distance. There are few employment opportunities in Gundaroo, and residents would need to commute by private vehicle into Canberra or Queanbeyan.
3. Housing Diversity Provide a range of housing choices to ensure a broad population can be housed	At present there is minimal vacant land available for development within the village. This combined with the proximity to the ACT and the lifestyle and character of the village has led to a housing affordability issue within the village. Settlement in Gundaroo is characterised by single, detached dwellings, generally on lots of at least 2,000 sqm in area. The type and density of development is unable to be significantly varied due to the lack of reticulated water and sewer within the village, and the associated area required for effluent disposal.
4. Employment Lands Provide regional/local employment opportunities to support the Sydney-Canberra Corridor’s expanding role in the wider regional and NSW economies	No employment lands are proposed as such, aside from those uses otherwise permitted within the RU5 Village zone within the LEP.
5. Avoidance of Risk Land use conflicts, and risk to human health and life,	The subject site is within an area of Groundwater Vulnerability as identified on the Natural Resources – Water Map as part of the draft Yass Valley LEP 2013. The Capability Assessment for On-site

avoided	effluent disposal by Soil and Land Conservation Consulting states "Effluent disposal by irrigation will be at a low application rate that permits plant uptake of most nutrients, and the risk of contaminant leaching will be minimal." The report also recommends composting toilets and greywater treatment systems, together with a dedicated minimum area of 500 sqm per lot for effluent disposal. The NSW Office of Water has previously recommended that an increased lot size and minimum buffer distance of 250 metres between bores and sewage disposal systems be provided. The applicant has advised however that a buffer of 100 metres is sufficient in this instance, given the bore is for stock and irrigation purposes rather than for domestic use.
6. Natural Resources Natural resource limits not exceeded/ environmental footprint minimised	The Planning Proposal details that future development on these lots would be required to incorporate measures for the capture of rainwater for potable requirements, and that dwellings would be compliant with BASIX requirements. This may include stormwater capture, greywater treatment or diversion system, reticulated recycled water, or sourced from the private dam.
7. Environmental Protection Protect and enhance biodiversity, air quality, heritage and waterway health	The site has a small single area identified on the draft Yass Valley LEP 2013 Biodiversity Map – prepared using information from the NSW Office of Environment and Heritage. This area relates to two <i>Eucalyptus mannifera</i> trees in the northeastern most corner of the subject site. Based on the indicative building area shown over this section of the site, these trees are not proposed to be impacted. A Flora and Fauna Assessment was undertaken by Griffin Environmental Associates in 2011. The report notes that there are no natural grassland species present which would provide suitable habitat for locally threatened/endangered species. An area of wetland was identified which has been created artificially through the construction of the dam on the site. This wetland/pin rush area provides habitat for ducks and water rats. The proposed E3 Environmental Management zoning incorporates McLeods Creek and the existing dam. The subject site – along with the majority of the existing Gundaroo Village – is located within an area of Groundwater Vulnerability as shown on the Yass Valley LEP Natural Resources – Water map. It also notes the riparian land associated with McLeods Creek which traverses the site. The subject site does have a small area identified on the draft Yass Valley LEP 2013 Land Map as being prone to Dryland Salinity. This area is also proposed to be incorporated into the E3 zone, but is part of a larger area extending further along Marked Tree Road/McLeods Creek.
8. Quality and Equity in Services Quality health, education, legal, recreational, cultural and community development and other government services are accessible.	Gundaroo Village has limited services given its population of 402 (Urban Centre Locality- 2011 Census). Gundaroo Public School caters for students K-6, and there is private family day care for pre-school aged children within the village. There are no medical services or pharmacy, however it is serviced by Yass Valley Council's Home Living Support Services. Gundaroo has a range of existing sporting and community groups and facilities. Residents would also access many services within the ACT or Queanbeyan.

Based on the information submitted, it is considered that the concept has sufficient merit to enable its further consideration. The site's strategic location is consistent with the Sydney-Canberra Corridor

Regional Strategy and has been previously endorsed by the NSW Director General as part of the Yass Valley Town and Villages study. The subject site is adjacent to the existing village, and can meet a demand for additional land - contributing to the ongoing viability of the village. The location of the proposed conceptual lots immediately behind Rosamel Street have a strong connection to the existing village. Those located to the north, would have a certain level of separation due to the natural boundary created by McLeods Creek. Nevertheless, development of those lots has the ability to be accessed via an extension of Lute Street, as well as incorporating the characteristic rectilinear street and lot layout. The Planning Proposal submitted by the Applicant is deemed suitable to forward to the Minister to request a Gateway Determination pursuant to Section 56 of the Environmental Planning and Assessment Act 1979.

It is important to note that requesting a Gateway Determination does not commit Council to supporting the Planning Proposal. It would however enable further detailed assessment of the Planning Proposal and community input into the decision making process. The Planning Proposal will also be forwarded to relevant State Agencies - in particular, Roads and Maritime Services (RMS), the Office of Environment and Heritage (OEH), and NSW Office of Water (NOW) to seek advice on the proposed rezoning of the land.

6. Planning Proposal – *Macrorrhyncha*, 209 East Tallagandra Lane, Sutton

<u>Applicant:</u> <i>CBRE Town Planning</i>	<u>Yass Valley Reference:</u> <i>PP-2012-02</i>
<u>Owner/s:</u> <i>GE & JL Moseley</i>	<u>Political Donations and Gifts Disclosure:</u> <i>No</i>
<u>Yass Valley LEP 2013 Zone:</u> <i>RU1 Primary Production</i>	<u>Pecuniary Interest:</u> <i>Heather Grayson-</i> <i>partner of Mark Grayson (Lead Consultant)</i> <i>Casual employee of YVC – Visitors Information Centre</i>

Site Description

The subject site, as shown in **Figure 3**, is located at 209 East Tallagandra Lane, Sutton, and is comprised of Lot 1 D.P. 567024 and Lot 1 D.P. 1138821 totalling 72.44 ha in area. The site is located approximately 2.5 kilometres west of Sutton.

East Tallagandra Lane extends East-West intersecting to the east with the Sutton-Gundaroo Road into Sutton Village. To the west, it intersects with Mulligan's Flat Road, which extends to the Mulligans Flat Nature Reserve and the northern ACT suburbs of Forde and Bonner.

Two existing dams are located in the northwest and southeast of the site, and a high voltage electricity line and its associated easement traverses the site.

Existing Land Use and LEP Zoning

The land is proposed to be zoned RU1 Primary Production, with a minimum lot size of 80 ha, as is the surrounding land, under the draft Yass Valley LEP 2013. Land further to the north east (Darmody Place) is within an RU4- Primary Production Small Lots zone.

Accompanying information suggests that the site may have been grazed in the past, although it would have been on a low scale due to the dry, rocky characteristics of the site. The site has been cleared in the past, and the grassland and woodland vegetation –which is now present on site - is predominantly regrowth following the 1979 fire.

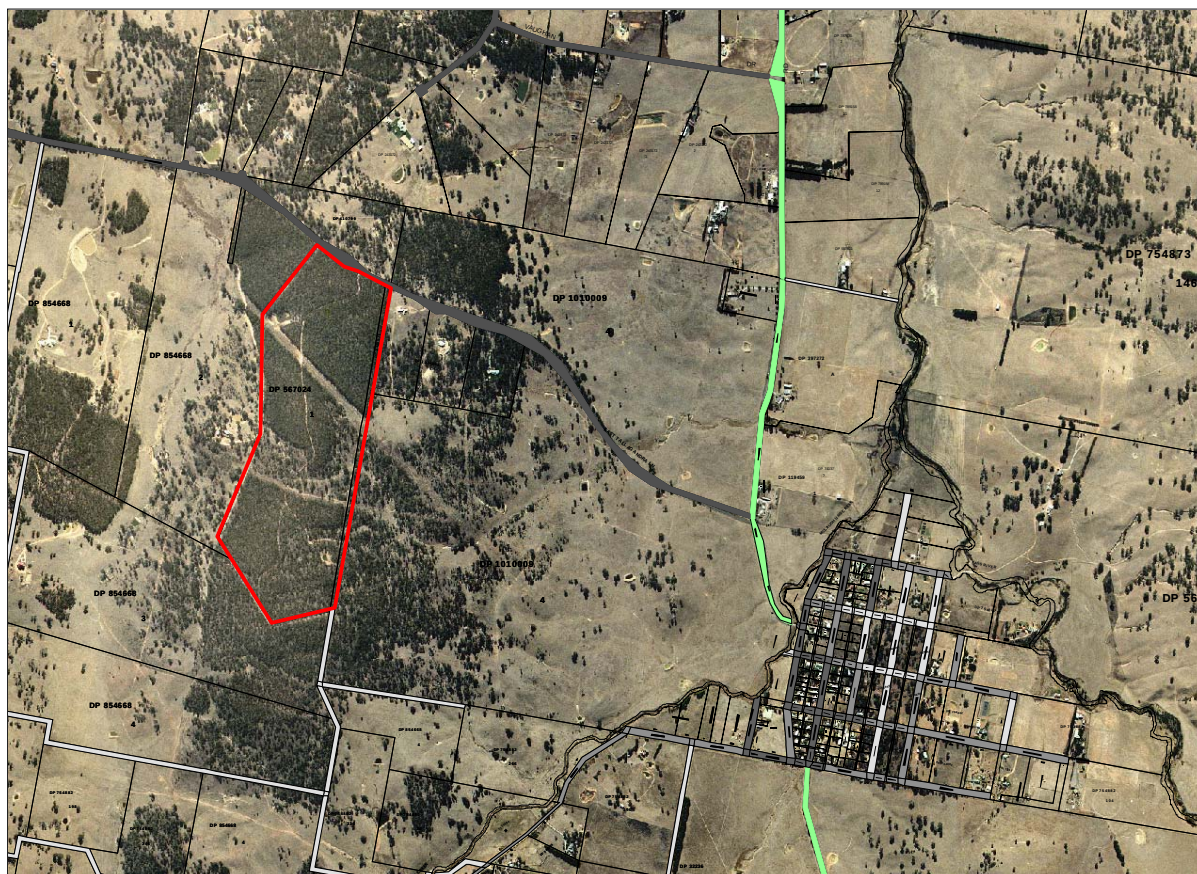


Figure 3: Location Map – Subject Site (*Macrorrhyncha*, 209 East Tallagandra Lane, Sutton)

Background

The original concept for 24 “cluster style” dwellings on the site was initially presented to the former Yarrowlumla Shire Council in 1990, predating the Yass Valley Local Government Amalgamations of 2004. Both the former Yarrowlumla Shire and Yass Valley Council were advised by the (then) Department of Infrastructure, Planning and Natural Resources that it needed to be considered as part of a local/regional wide strategy.

The original draft Yass Valley Town and Villages Study did not include this site as it was considered a site specific proposal, distinct from the settlement immediately within and adjacent to Sutton village. All types of zoning and development had been reviewed during the preparation of the Town and Villages study, and the resolution of the zoning anomalies in Sutton Village had already provided for additional village and large lot residential (rural residential) zoned land. Nevertheless, the owner requested that it be included in the study (at that time, 34 dwellings plus community hall). The concept proposed that the Community Association would take on all responsibilities, *“minimising the extent of liabilities and maintenance burdens on Council”*.

The study was endorsed by Council at its meeting of 15 December 2010, including a recommendation that the subject site be identified for ‘Future Investigation’. The Town and Villages Study was endorsed by the NSW Director General in June 2011 subject to a number of conditions, including removing the land as a ‘Further Investigation Area’. The Departments comments are reproduced below:

“The Department has previously and consistently advised Yass Valley Council and the former Yarrowlumla Shire Council that development of this land will only be considered in the context of an endorsed shire wide rural residential strategy...It would not be appropriate to give any strategic support to the identification of this site in the absence of an endorsed rural residential strategy.”

At its meeting of 28 September 2011, the elected Council resolved to ask DoPI to reconsider its position and allow this site to be identified as a ‘Site Specific Further Investigation Area’. The Department replied again agreeing that when site is viewed in isolation CBRE’s arguments had some merit, however the same arguments could however be applied to many other sites in the Yass Valley LGA as has recently been proven through a number of development enquiries. They also noted that a precedent could be set and invite other ‘site specific’ requests, and that Yass Valley already has a significant supply of existing rural residential land.

Following further correspondence from Council, advice was eventually received from the NSW Department of Planning and Infrastructure on 16 March 2012, in relation to development of this site, advising:

"As you are aware the Department did not support Council's inclusion of the land as a future development area in the Town and Villages Strategy when endorsing the strategy. However the Department does acknowledge the Council's desire for further consideration of the land as a one-off rezoning to an Environmental Living Zone based on the landholder's intention of achieving improved environmental outcomes for the site.

If the Council wants to pursue the rezoning, the Department suggests that Council prepare and submit a planning proposal to allow the merits of the landholder's proposal to be considered and potential progressed to public consultation if Council can justify its individual planning merit"

Planning Proposal

The Planning Proposal seeks to rezone the land to E4 Environmental Living with a minimum lot size of 1.5 ha, to facilitate the residential development of the site for up to 50 dwellings, clustered in discrete areas around the site. The balance of the land is proposed to remain as 'common' community owned land managed by the community association through a Community Management Statement.

A concept plan is shown as **Attachment C**, which shows the proposed location of the clustered housing precincts. A full copy of the Planning Proposal including attachments, and additional supplementary information, has been provided to Councillors under separate cover. It states that:

"The intended outcome is an integrated development of dwellings and ancillary uses clustered into a small proportion of the land and the permanent, viably managed conservation and enhancement of the large majority of the land, through an enduring plan of management secured in Community Title."

Access from East Tallagandra Lane is proposed through a central accessway to the south end of the site.

This proposal represents the potential for a significant increase in development within 2.5km from Sutton. The 2011 Census data states the existing population for Sutton Village (Urban Centre/Locality) is 229. If development of this site proceeds as intended, the population for the wider Sutton area would increase by approximately 130 persons. There is also significant additional potential for the population of Sutton to increase if the future investigation areas (392 Ha) identified immediately adjacent to the village are developed to their full potential as intended.

Sydney-Canberra Corridor Regional Strategy

Council's Policy SEP-POL-1 Planning Proposals states that a Planning Proposal will only be considered by Council if the land was identified as a 'Future Investigation Area' in the Yass Valley Town and Villages Study 2010. Alternatively, an exceptional, innovative Planning Proposal may be considered if it satisfies the 'Threshold Sustainability Criteria' outlined in the Sydney-Canberra Corridor Regional Strategy. As this site was not endorsed by the NSW Director General for inclusion in the Town and Villages study, it must be considered against the sustainability criteria.

While the Planning Proposal discusses each of the Criteria as it applies to the concept, additional technical information is required to satisfy the 'Avoidance of Risk' and 'Natural Resources' criteria. While references are provided in relation to bushfire risk management through RFS Guidelines, how these will be implemented and managed through a Community Management Statement in perpetuity is not known at this stage.

Likewise, additional information is required to clearly outline how the development and ongoing maintenance of the subject site would be managed through a Community Management Statement including water provision, effluent disposal and site access.

Threshold Sustainability Criteria	
1. Infrastructure Provision Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way	The subject site has the ability to access existing electricity and communication infrastructure along East Tallagandra Lane. Non Potable water supply is proposed to be supplied through an existing bore, 2 dams on site and potable through rainwater. The proposed main access to the subject site is via an approximately 2 km long central access way to the southern end of the site from East Tallagandra Lane. Community-owned open space and minor recreational facilities proposed be incorporated into the subject site.

	Development Contributions would be required in accordance with the Yass Valley Section 94 Development Contributions Plan 2004.
2. Access Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided.	The site is 2.5 km west of Sutton Village. The local facilities of Sutton include a primary school, church, hall and a convenience shop/post office. There are no employment opportunities in Sutton, and residents would be required to commute by private vehicle into Canberra or Queanbeyan.
3. Housing Diversity Provide a range of housing choices to ensure a broad population can be housed	The Planning Proposal provides an opportunity for diversifying the range of housing choices through conservation-based lifestyle housing. Demand for this type of housing would be anticipated to be driven by the Canberra housing market.
4. Employment Lands Provide regional/local employment opportunities to support the Sydney-Canberra Corridor's expanding role in the wider regional and NSW economies	No employment lands are proposed.
5. Avoidance of Risk Land use conflicts, and risk to human health and life, avoided	The site is heavily vegetated, has previously been impacted by bushfire in 1979 and there is no reticulated water supply. As such, additional technical information is required to demonstrate how the development would satisfy the management of bushfire risks, specifically how the proposal would implement and manage the RFS Guidelines through a Community Management Statement in perpetuity. The site is not within the ANEF (Australian Noise Exposure Forecast) 20 contour for Canberra Airport subject to a draft section 117 Direction prohibiting rezoning that increases residential density. The site is not identified on the draft Yass Valley LEP Water or Land Maps. Effluent disposal is proposed through individual systems capable of secondary treatment, with irrigation onto an area of approximately 2.1 ha.
6. Natural Resources Natural resource limits not exceeded/ environmental footprint minimised	A detailed water supply assessment would be required. The supporting documentation focuses predominantly on non-potable supply, however given the proposed density of the development over the site, Council needs to be satisfied that the development would have an adequate potable supply of rainwater based on Sutton's average rainfall, particularly in drought conditions.
7. Environmental Protection Protect and enhance biodiversity, air quality, heritage and waterway health	The characteristics of this site are a result of its creation as a residual 'small' lot as part of subdivision in 1973. The land was of poor agricultural quality, and significantly impacted by the 1979 bushfire. The land appears to have been left to revegetate, resulting in regenerated woodland and grassland areas, which over time have created suitable habitat areas for 12 threatened species. At the time of the Flora and Fauna survey (2003), none of the species were observed on the site, however two had been noted on the adjacent site to the east – Speckled Warblers and Rosenberg's Monitor. The site does adjoin some small areas of remnant vegetation, notably the remnant of endangered ecological community

	Blakely's Red Gum/Yellow Box woodland which intrudes partly into the site on the western boundary. The connectivity of the regenerated site does increase the broader habitat values of the area. The majority of the site is identified on the draft Yass Valley LEP Biodiversity Map – prepared using information from the NSW Office of Environment and Heritage. A preliminary flora and fauna assessment in 2003 identified the known or likely presence of threatened species or ecological communities, and recommends mitigation measures. The critical issue is whether the development of the site for up to 50 dwellings would be able to maintain and conserve the habitat values of this site, through management obligations within the Community Management Statement. A preliminary archaeological heritage assessment in 2003 of the site found that the Aboriginal sites identified are not archaeologically significant and do not pose a development constraint unless directly impacted by ground disturbing activity associated with development.
8. Quality and Equity in Services Quality health, education, legal, recreational, cultural and community development and other government services are accessible.	Sutton Village has limited services given its population of 229 (Urban Centre Locality – 2011 Census). Sutton Public School caters for students K-6. There are no medical services or pharmacy, however it is serviced by Yass Valley Council's Home Living Support Services. Residents would access these services within the ACT or Queanbeyan.

While the Planning Proposal could satisfy the 'Threshold Sustainability Criteria', its ability to do so hinges on the strength of the Community Management Statement in order to conserve and maintain its environmental values, as well as to ensure that the risks associated with the site can be managed. Importantly, all of the background studies have been based on a yield of 34 dwellings or less where it is now proposed to increase this number up to 50. This places further doubt on the ability of a Community Management Statement to manage the environmental impacts and risks of future development and may in fact remove some of the core values and concepts upon which the proposal is based - namely improvement of conservation and biodiversity values.

It is also extremely important to note that the proposal does not address the significant precedent that would be set for other 'site specific' rezoning requests across the Yass Valley that could be based on a similar concept irrespective of the characteristics of the land involved. This style of 'cluster' development would be suited to many sites across the LGA which have environmental or topographical constraints, or are of poor agricultural land quality.

There has already been a number of similar requests for this style of development in recent times particularly on sites where residential demand from Canberra/Queanbeyan could be realised.

The site is 2.5 km to the west of Sutton Village, and its development would lead to more dispersed settlement within the area. Developing this site prior to the development of the future investigation areas adjacent to the village would effectively prevent the planned incremental growth of Sutton which has been documented in the Town and Villages study. To this end, if the site is developed it would sit in isolation to the planned settlement patterns envisaged by Council's strategic planning work over the last 10 years.

Based on the above arguments the proposal is not considered to have sufficient merit to warrant further consideration by Council.

Delegation of Plan Making Functions

Changes were made to the Planning Proposal and Plan Making process within Part 3 of the Environmental Planning and Assessment Act 1979 in November 2012. These changes included returning some delegation to local government for Planning Proposals of minor, local matters.

None of the three Planning Proposals discussed in this report can be considered routine, minor matters. As such, no request will be made to delegate the plan making functions to Council for these Planning Proposals.

Pre Gateway Reviews

A new pre Gateway review process was introduced by NSW Planning and Infrastructure in October 2012 in relation to Planning Proposals not yet submitted to the NSW Department of Planning and Infrastructure. If Council determines that it will not support a Planning Proposal, the applicant may request a review of Council's decision within 40 days of being notified. The NSW Department will then assess whether it meets the criteria for review by either the Regional Panel or Planning Assessment Commission (PAC). These criteria include whether it:

- Is consistent with a relevant local strategy endorsed by the Director General; or
- Is consistent with the relevant regional strategy; or
- Can otherwise demonstrate strategic merit, giving consideration to the relevant Section 117 Directions applying to the site and other strategic considerations
- Has regard to the natural environment (including known significant environmental values, resources or hazards)
- Has regard to existing uses, approved uses and the likely future uses of land in the vicinity of the proposal.
- Has regard to the services and infrastructure that are or will be available to meet the demands arising from the proposal

Applicants are also able to request a pre Gateway review if Council has failed to indicate its support within 90 days of lodging an application for a Planning Proposal.

OPERATIONAL PLAN AND BUDGET IMPLICATIONS

The consideration of Planning Proposals for Gateway Determinations is consistent with the following Strategy and Actions of the Community Strategic Plan:

3.2.3.3 - Actively engage with the community and encourage participation on short, medium and long term land use planning and environmental matters of importance to the Yass Valley.

5.1.1 Ensure that strategic land use planning reflects the unique character of the Yass Valley.

SUSTAINABILITY IMPLICATIONS

Social	By endorsing any or all of the planning proposals Council, subject to the Department of Planning and Infrastructure issuing a gateway determination, is ensuring that the community will have the opportunity to provide input into the assessment of the planning proposal/s.
Economic	Consideration of planning proposals to facilitate additional sustainable settlement within the Yass Valley will facilitate and support economic growth.
Environment	Consideration of planning proposals following any Gateway Determination will incorporate referral to relevant public agencies to ensure that the proposals will not have a significant environmental impact.
Governance	In considering whether to endorse any or all of the planning proposals, Council is fulfilling its statutory obligation as the relevant planning authority in accordance with Section 54 of the Environmental Planning & Assessment Act 1979.

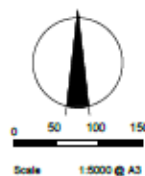
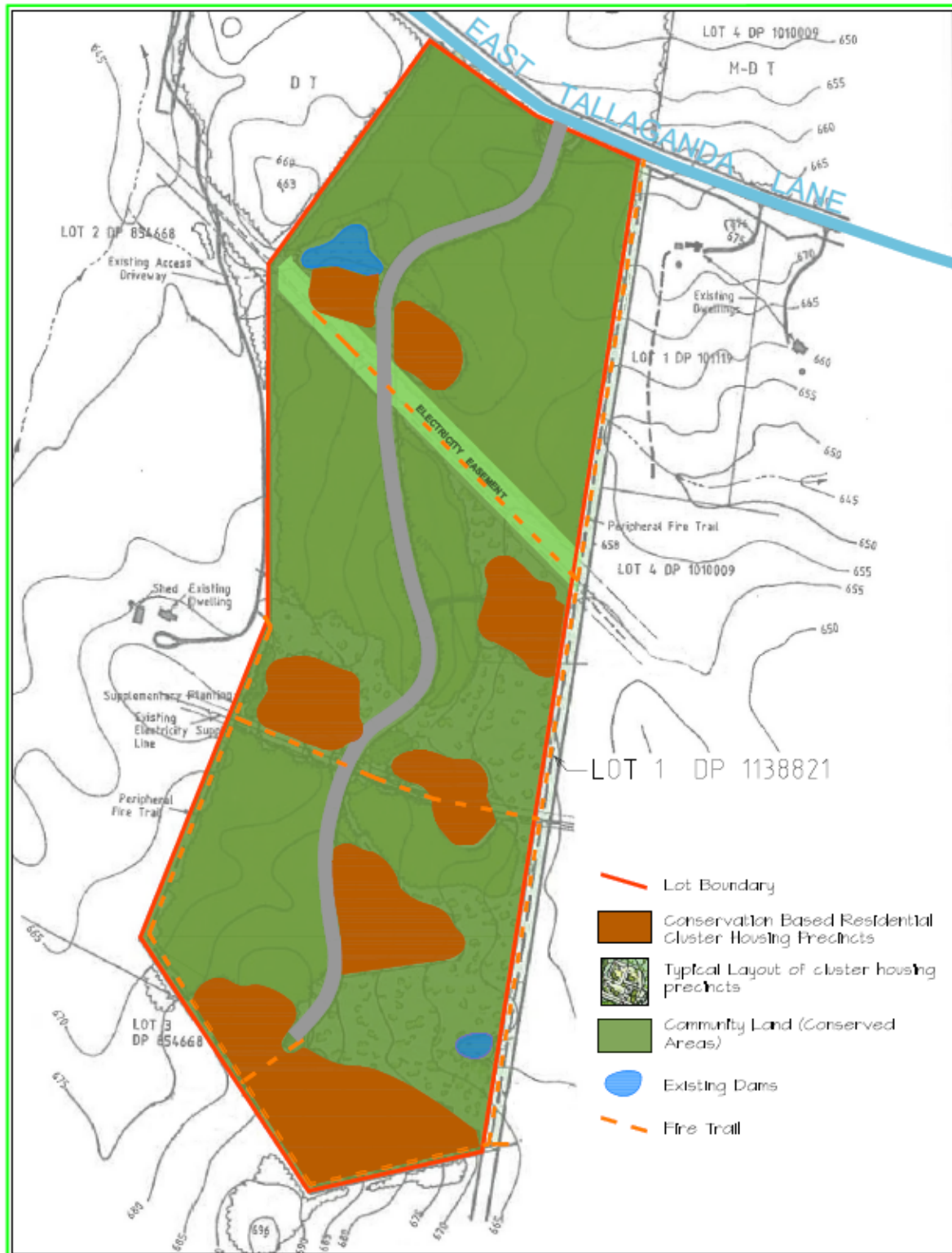
RECOMMENDATION

1. That Planning Proposal PP- 2013-01, for Sutton Road and Faithfull Street, Gundaroo be endorsed and forwarded to the Minister to request a Gateway Determination pursuant to Section 56 of the Environmental Planning and Assessment Act 1979;
2. That Planning Proposal PP-2012-03, for Kyeema, 4078 Gundaroo Road, Gundaroo be endorsed and forwarded to the Minister to request a Gateway Determination pursuant to Section 56 of the Environmental Planning and Assessment Act 1979;
3. That the applicant for Planning Proposal PP-2012-02 'Macrorrhyncha' East Tallagandra Lane, be advised that the proposal is not supported by Yass Valley Council and should not proceed to Gateway;









CBRE

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Designer
Drawn
Checked
Approved

'Macrorrhyncha'

Lot 1 DP 567024 Parish of Goorooyarroo
209 Tallagandra Lane Sutton
Draft Concept Plan

Drawing No. 516769-003-CP Rev E

Sheet No. 1 of 1

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