

## 6.1 PLANNING PROPOSAL - 'COOLAWIN', 208 SIBLEY ROAD, GUNDAROO

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### SUMMARY

To present a report on a revised draft Planning Proposal seeking an amendment to the *Yass Valley Local Environmental Plan 2013* for part 208 Sibley Road, Gundaroo.

### RECOMMENDATION

*That:*

1. *Draft Planning Proposal (PP.2016.02) be endorsed and forwarded to the Minister for Planning & Public Spaces to request a Gateway determination pursuant to s3.34 Environmental Planning & Assessment Act 1979*
2. *Planning Proposal Coolawin (PP.2016.02) be adopted if no significant objections are received after the public exhibition of the Planning Proposal pursuant to the conditions of Gateway determination in accordance with s3.34(2)(c) Environmental Planning & Assessment Act 1979*
3. *The Gundaroo Masterplan be revised/amended to include the subject land to accommodate rural residential development*

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### FINANCIAL IMPLICATIONS

Resources for assessment of planning proposals are provided for in the current Operational Plan.

### POLICY & LEGISLATION

- *Yass Valley Local Environmental Plan 2013*
- *South East Tableland Regional Plan 2036*
- *Yass Valley Settlement Strategy 2036*
- *Gundaroo Masterplan 2017*

### REPORT

#### 1. Introduction

A draft Planning Proposal was submitted in early 2016 to rezone 'Coolawin', 208 Sibley Road, Gundaroo from RU1 Primary Production to RU5 Village, R5 Large Lot Residential, E3 Environmental Management and SP2 Infrastructure zones with a proposal to reduce the minimum lot size from 40 ha to 1,500m<sup>2</sup> for the RU5 Village lots. The proposal had an expected yield of approximately 20 lots.

At the time, Council was considering the two planning proposals to the north and south of the village. During the consultation process for those planning proposals, concerns were raised by the community and NSW government agencies regarding the potential for groundwater contamination from on site sewage disposal. As a solution, the proponent identified land for a possible sewerage treatment plant (STP) to connect existing development within the village and proposed future dwellings.

Due to community opposition at the time and lack of government funding for a public reticulated sewerage system in Gundaroo, Council decided not to proceed with a public STP. The proponent has submitted a revised draft Planning Proposal.

#### 2. Planning Proposal

The revised draft Planning Proposal (refer **Separate Enclosure**) is seeking to amend the zoning and minimum lot size for part of the site at 208 Sibley Road, Gundaroo.

The subject site is located to the immediate north of Gundaroo village with frontage to Gundaroo Road and the Yass River to west. McLeods Creek passes through the southern part of the subject land.



**Location of the subject site**

The 'Coolawin' dwelling and outbuildings are located to the north of the subject site. The land to the east is part of the 'Kyeema' development, an existing dwelling is located to the south on Rosamel Street and land to the west is agricultural.

The subject land is zoned RU1 Primary Production with a minimum lot size of 40ha under the *Yass Valley LEP*. The draft Planning Proposal is intended to amend the LEP by:

- Rezoning the land from RU1 Primary Production to R5 Large Lot Residential
- Reducing the minimum lot size from 40ha to 2ha

The draft Planning Proposal would enable the creation of five large residential lots of varying sizes ranging between 2ha and 4ha.

## **2.1 Site Analysis**

### Ecological Value

The environmental report accompanying the revised draft Planning Proposal advises that the majority of the subject site has a history of regular cultivation. The vegetation across the remaining southern portion of the subject site has also been highly modified.

McLeod's Creek extends through the southern portion of the site and contains three Hawthorn trees. It is noted that the a number of weeds are present, including Serrated Tussock, Scotch Thistle, and Fleabane.

The visual assessment of the site confirms that no critical habitat listed under the *NSW Biodiversity Conservation Act 2016*, *Commonwealth Environment Protection & Biodiversity Conservation Act 1999* is present on the subject site.

### Aboriginal Heritage

The Aboriginal Heritage Due Diligence Assessment Report supporting the proposal indicates that the subject site has not been registered in the Aboriginal Heritage Information Management

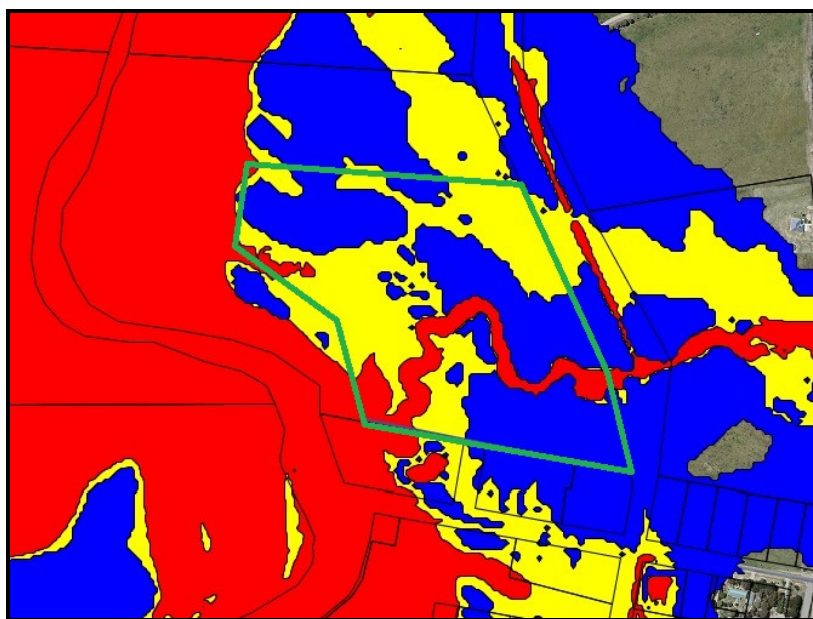
System. However, the terrain features within the subject site indicates that it has the potential to contain Aboriginal Heritage objects.

A field survey identified the presence of one Aboriginal artefact scatter and two areas of potential archaeological deposits (PAD). Both PADs have the potential to contain additional artefacts and subsurface deposits.

At the Development Application stage, if it is considered that development may have an impact in these areas, an Aboriginal Cultural Heritage Assessment will be required to be carried out by a qualified archaeologist and an Aboriginal Heritage Impact Permit may also be required from the of the Department of Planning, Industry & Environment (Biodiversity and Conservation Division).

#### Flood Prone Land

Most of the subject land is identified as flood prone land and the risk categories are identified in the diagram below wherein the blue colour is low risk, yellow is a medium risk and red is high risk flooding.



**Flood risk hazard for the site**

To ensure dwellings are not impacted by a flood, the appropriate flood control measures can be determined as part of the subdivision design and future dwelling assessments. Based on the current conceptual layout, locating dwellings closer to Gundaroo Road will avoid the areas of High and Medium risk, and the proponent has indicated some minor earthworks could be considered for flood mitigation if required.

#### Riparian Land and Groundwater Vulnerability

The subject land is identified in the *Yass Valley LEP* as being affected by Riparian Lands and Watercourses and Groundwater Vulnerability Map of the YVLEP as the Yass River is located to the west, and McLeod's Creek passes through the southern part of the subject land. Any development will be required to be located to avoid impact on riparian land and water quality of the river and creek. It should be noted that the land adjacent to the Yass River has been excluded from the draft Planning Proposal to address any concerns about additional riparian rights.

### **3. Strategic Planning Assessment**

The draft Planning Proposal is consistent with the recommendations of the *South East & Tablelands Regional Plan 2036* and the *Yass Valley Settlement Strategy 2036*.

The draft Planning Proposal is consistent with the following directions set in the Regional Plan:

- *Direction 25: Focus Housing Growth in Locations that Maximise Infrastructure and Services*  
The proposal would provide for housing in proximity to Gundaroo village with its existing services and community facilities.
- *Direction 24: Deliver Greater Housing Supply and Choice*  
The proposal will add to the diversity of residential lots in Gundaroo. It will provide land for large lot residential development.
- *Direction 8: Protect Important Agricultural Land*  
While the proposal would remove some land from agricultural use, it would not be a significant area. The subject proposal would allow a transition from village zoned land to rural zoning to reduce the potential for land use conflict.

The draft Planning Proposal is consistent with the *Yass Valley Settlement Strategy* that limited growth can be accommodated in Gundaroo, particularly as it is only proposed to create five additional lots.

While it is recognised that this site was not identified within the Gundaroo Masterplan, the original Planning Proposal was for 20 lots, most of which were proposed as village sized lots in conjunction with a sewerage treatment plant site. This revised Planning Proposal is considered much more appropriate and able to respond to the site constraints relating to the Yass River and McLeods Creek. The proposal also provides a transition between village and rural development.

#### 4. Conclusion

The proposal is consistent with the regional and local strategic planning directions for future growth and the proposal is considered to have sufficient merit to progress through the Gateway process to allow further consideration.

It is recommended that the Gundaroo Masterplan be amended to include the subject land to create an interface between village and agricultural land.

It is recommended that the draft Planning Proposal be endorsed and forwarded to the Minister for Planning and Public Spaces to request a Gateway determination. The Minister's Delegation to make the amendment as local plan-making authority should also be sought.

#### STRATEGIC DIRECTION

Key Pillar	1. Our Environment
CSP Strategy	EN4 - Maintain a balance between growth, development and environmental protection through sensible planning
Delivery Program Action	EN4.1 - Ensure Council's statutory planning instruments are up to date and reflective of the community needs
Operational Plan Activity	EN4.1.1 – Undertake ongoing strategic land use planning and reviews of existing instruments

**ATTACHMENTS:** A. Draft Planning Proposal - Coolawin (*Under Separate Cover*)