

## Graham Judge

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**From:** Arif Chohan <Arif.Chohan@yass.nsw.gov.au>  
**Sent:** Wednesday, 29 August 2018 1:51 PM  
**To:** Graham Judge  
**Cc:** Liz Makin; Luke Musgrave  
**Subject:** RE: Draft Planning Proposal - 2155 Sutton Road, Sutton

Hi Graham,

Thanks for the feedback, will look into it and will get back to you, hopefully sometime next week.

Regards

Arif

**Arif Chohan** | Strategic Planner | **Yass Valley Council**  
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**From:** Graham Judge <Graham.Judge@planning.nsw.gov.au>  
**Sent:** Wednesday, 29 August 2018 12:50 PM  
**To:** Arif Chohan <Arif.Chohan@yass.nsw.gov.au>  
**Cc:** Liz Makin <Liz.Makin@yass.nsw.gov.au>; Luke Musgrave <Luke.Musgrave@planning.nsw.gov.au>  
**Subject:** Doc 265572 RE: Draft Planning Proposal - 2155 Sutton Road, Sutton

Arif,

1. I have had a preliminary review of the PP adopted by Council and advise that the response to inconsistencies with s117 Directions (now called section 9.1 Directions) is inadequate. Simply stating it is consistent with directions with no reasons being provided for consistency is not adequate. Further work is required to discuss the inconsistency/consistency with section 9.1 Ministerial Directions. Further comments on 9.1 Direction below. A copy of Directions from the planning website are attached (note they still refer to s117 of the Act).
2. The proposal is inconsistent with section 9.1. Direction 1.2 Rural Zones because it seeks to rezone land RU1 Primary Production Zone to a residential zone and reduce the minimum lot size. This inconsistency has not been noted or addressed in the Planning Proposal. There also needs more discussion on why the proposal is consistent with Direction 1.5 Rural Lands.
3. The planning proposal acknowledges that there are drainage lines traversing the site therefore a statement on the consistency with Direction 4.4 Flood Prone Land is required. Council will recall that flooding became an issue for the Gundaroo PPs that initially did not adequately address flooding that became an issue with OEH and in finalising the plan. I understand that Council has completed the Sutton Flood Study and the Sutton Flood Study or Floodplain Risk Management Plan (?) but there is no mention of the study/Plan or implications for the site in the planning proposal. It would have been appropriate to at least acknowledge and discuss the findings of Council's (adopted?) flood study for Sutton in the Planning Proposal, particularly in discussing consistency/inconsistency with Direction 4.4 Flood Prone Land. The PP should also including mapping of flood categories and any flood planning areas identified in any studies prepared by Council, i.e. areas affected by the 1:100 ARI flood event plus 0.5 metre *freeboard* (clause 6.2 Flood Prone Land in Yass Valley LEP 2013).

4. The bushfire assessment with the PP states that the land has bush fire prone land (Executive Summary, Page 3). I therefore assume that the land is identified as having bush fire prone land on the Yass Valley Bush Fire Prone Land Map. There is no mention of this in the planning proposal and more importantly, no mention or discussion of the PP's consistency/inconsistency with Direction 4.3 Bush Fire Prone Land. If the land is in bush fire prone land then the PP is inconsistent with this Direction until Council undertakes consultation with the Commissioner of the NSWRFs after Gateway determination and prior to community consultation. The PP should confirm that the land is or is not affected by bush fire prone land and include a map of the site showing bush fire prone land. If the land is not affected by bush fire prone land it is likely that DPE will still include a condition with NSWRFs but not the requirement to undertake consultation prior to community consultation.
5. The PP should respond to a statement under Direction 18 in the South East and Tablelands Regional Plan that states *"An acceptable reticulated water supply is required for any new land release or an increase in housing densities in existing areas. The provision of potable water must conform to the following water planning priorities:*
  - *A reliable supply to provide certainty for consumers (both residential and other);*
  - *An affordable water supply in terms of both capital and recurring costs; and*
  - *A quality of supply that meets relevant health standards.*
6. Following on from 5. Above the PP acknowledges that there is no reticulated water or sewerage infrastructure in Sutton and therefore Council should confirm that it is not Council's intention to provide a reticulated water or sewerage to the Village. The PP indicates water supply will be sourced from water tanks (rainwater harvesting). Some discussion of the ability for rainwater harvesting to meet the needs of future residents should be discussed further. This information was provided by proponents for the Gundaroo PPs and I recall one of the Gundaroo PP indicated that reliance on rainwater harvesting for domestic water supply may be an issue for residents at certain times of the year. The PP also indicates that future bores for irrigation will require licensing. It is not clear if it is likely that owners of future urban lots will seek bore licences for non-potable domestic purposes (gardens/firefighting etc). This will be of interest to DPI, particularly the need for buffer areas between bores and on-site effluent disposal areas. That was raised for the Gundaroo PPs. Do many Sutton residents use bores for water supply and is Council aware of any issues of groundwater contamination?
7. The planning proposal should provide more detail for imposing the proposed minimum lot size of 5,000 m<sup>2</sup> for un-serviced urban lots, particularly given the history of the Gundaroo Planning Proposals. Council will also recall that a minimum lot size of 1 ha was applied to dual occupancy development in the Gundaroo planning proposals to control the density of housing on sites using on-site effluent disposal systems. There is no mention of this issue in the PP and no indication that Council will apply the same controls on dual occupancy at for the Sutton site as has been applied to the Gundaroo sites. The R2 Zone also permits Boarding Houses, Centre-based child care facilities, group homes and respite day care centres. Does Council have any view on the ability to provide services (water/sewerage) to these types of developments on lots with a minimum size of 5,000 m<sup>2</sup>?
8. The section on Watercourse and Groundwater in the Integrated Assessment report recommends a minimum 50 metre buffer between existing bores and effluent disposal areas. Council will recall that DPE Water sought a 250 metre buffer between bores and effluent disposal areas in submissions on the Gundaroo PPs. It is likely that DPI Water will again raise this as an issue yet there is no discussion on this matter in the PP or reports. These matters could be discussed as part of addressing Direction 3.1 Residential Zone that has an objective *"ensure that new housing has appropriate access to infrastructure and services"*.
9. Council is reminded that under s3.33. of the EP&A Act Council is planning proposal authority responsible for the content of a planning proposal. Before adopting a PP prepared by a planning consultant on behalf of a proponent it should check it for adequacy before lodgement with the Department. Council, as the planning proposal authority, can make changes to the PP, e.g. an addendum, to an owner initiated PP to include information to address outstanding issues.

10. The Council should note that it is likely that a Gateway determination will include conditions to require consultation with State agencies including OEH, including its Flood Unit, RMS, NSW Rural Fire Service and DPI Water. The purpose for seeking additional information is to ensure not only an adequate response to s9.1 Directions but to ensure these agencies have sufficient information to assess the proposal.

Happy to discuss my comments further if you have any queries.

Regards  
Graham Judge  
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Queanbeyan

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**From:** Arif Chohan [<mailto:Arif.Choan@yass.nsw.gov.au>]  
**Sent:** Friday, 24 August 2018 3:34 PM  
**To:** DPE PSVC Wollongong Mailbox <[wollongong@planning.nsw.gov.au](mailto:wollongong@planning.nsw.gov.au)>  
**Cc:** Graham Judge <[Graham.Judge@planning.nsw.gov.au](mailto:Graham.Judge@planning.nsw.gov.au)>  
**Subject:** Draft Planning Proposal - 2155 Sutton Road, Sutton  
**Importance:** High

Dear Sir/Madam

Please find attached a request for Gateway Determination for Planning Proposal - 2155 Sutton Road, Sutton submitted to Yass Valley Council together with the Council resolution and supporting documents.

Should you require further information or wish to clarify something please feel free to contact me.

Kind regards,

Arif

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