

Planning Services

IRF18/4577

Gateway determination report

LGA	Yass Valley LGA
PPA	Yass Valley Council
NAME	Rezone Lot 1 DP 32236, 2155 Sutton Road Sutton to R2 Low Density Residential Zone (approximately 20 house lots)
NUMBER	PP 2018 YASSV 001 00
LEP TO BE AMENDED	Yass Valley LEP 2013
ADDRESS	2155 Sutton Road Sutton
DESCRIPTION	Lot 1 DP 32236
RECEIVED	1 November 2018
FILE NO.	IRF18/4577
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

INTRODUCTION

Description of planning proposal

Yass Valley Council seeks to amend provisions under Yass Valley LEP 2013 applying to Lot 1 DP 32236 (area of 73 ha) 2155 Sutton Road, Sutton to rezone the land from RU1 Primary Production Zone and 40 ha minimum lot size to;

- R2 Low Density Residential Zone and 2,000 sqm minimum lot size.
- Apply a 10ha and 20ha minimum lot size to land zoned RU1 Primary Production Zone.

The planning proposal also seeks to utilise clause 6.12 to require a higher minimum lot size for dwelling houses (5,000 sqm) and dual occupancy (10,000 sqm) in the R2 Low Density Residential Zone if the land is not serviced by a reticulated sewerage supply.

The planning proposal will enable the creation of approximately 20 unserviced house lots or 40-50 house lots if reticulated water and sewerage is provided to land proposed to be zoned R2 Low Density Residential Zone.

At this stage Council and the proponent do not intend to provide a reticulated water and sewerage supply and therefore a 5,000 sqm minimum lot size (dwelling house) and 10,000 sqm minimum lot size (dual occupancy) will be applied to proposed development in the R2 Low Density Residential Zone.

Site description

The property is used for cattle grazing on gently undulating topography (Figure 1). Vegetation on the site comprises pasture and the site contains a number of drainage paths as well as an easement for an electricity transmission line (Figure 4).



Figure 1 – Site Location (Source: Planning Proposal Dated October 2018)

Existing planning controls

The land is currently zoned RU1 Primary Production Zone and a 40-ha minimum lot size applies to the site under the Yass Valley LEP 2013 (Figure 2).

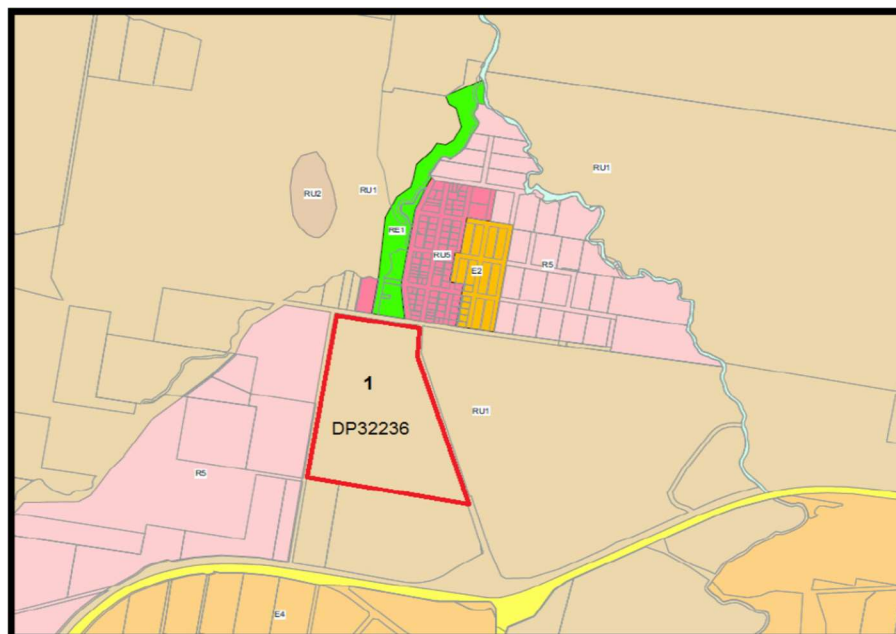


Figure 2 Existing Zone (Source: Planning Proposal Dated October 2018)

Surrounding area

The site is located south west of the village of Sutton and has frontage to Sutton Road and Guise Street Sutton. Rural land and the Federal Highway are located to the south of the site (Figure 1) and land zoned R5 Large Lot Residential Zone with a 10 ha minimum lot size adjoins the site to the west. The site is located approximately 22 kilometres north of the ACT.

Land bordering the site to the east is used for grazing and is the subject of another planning proposal PP_2018_YASSV_003_00 to rezone the land for urban development to accommodate approximately 70 unserviced house lots or 110 serviced house lots.

Summary of recommendation

It is recommended that the planning proposal be issued with a Gateway determination to enable it to proceed subject to conditions because:

- The proposal is accompanied by supporting studies that seek to address ecological and heritage issues, bush fire risk management and servicing/infrastructure issues.
- The proposal is generally consistent with the Yass Valley Settlement Strategy 2036 endorsed by the Department on the 20 September 2018.

PROPOSAL

Objectives or intended outcomes

The planning proposal states its objective is to rezone land for the urban expansion of Sutton Village that also incorporates an equestrian themed development for the site.

The rezoning of land is based on a concept plan for the site (Figure 4) that also seeks to:

- Limit access to Sutton Road.
- Provide for a Village bypass road

Comment

The objectives or intended outcomes of the planning proposal are generally consistent with the Yass Valley Strategy 2013 and Sutton Village Masterplan adopted by Council that have identified the land for future urban development and for a village bypass road.

Explanation of provisions

The planning proposal states that the proposal seeks to zone the land:

- R2 Low Density Residential Zone with a 5,000sq.m minimum lot size and a provision that 10,000 sqm minimum lot size will apply to dual occupancy development; and
- RU1 Primary Production Zone with a 10ha minimum lot size on land north of the new road and a 20ha minimum lot size for the remainder of the land

Refer to Figure 3 - Proposed zones and minimum lot sizes and concept layout.

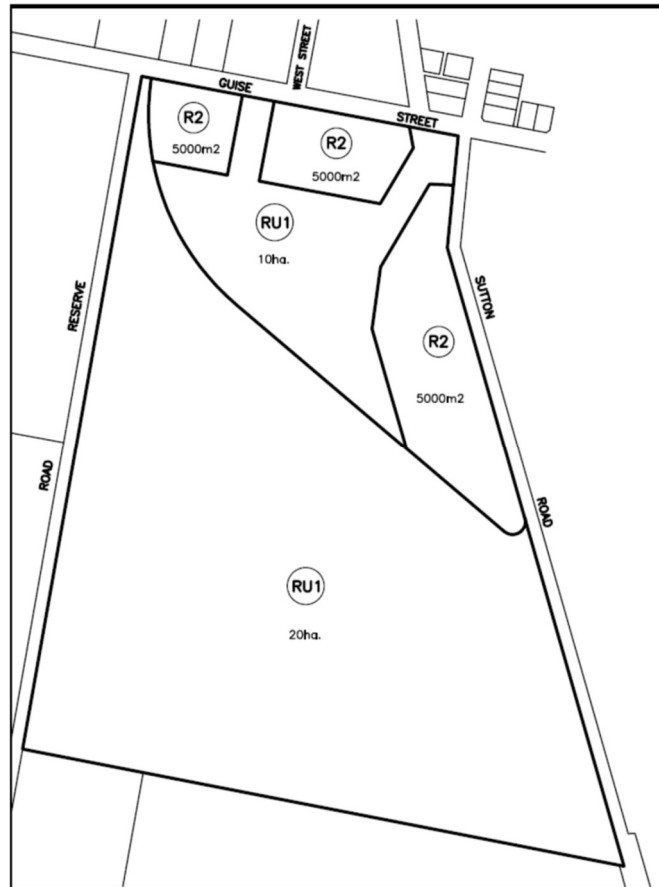


Figure 3 Proposed zones and minimum lot sizes and concept layout

(Source: Planning Proposal Dated October 2018)

Amendments will be required to:

- The Land Zoning Map sheets LZN_005 and LZN_005F,
- The Lot Size Map sheets LSZ_005 and LSZ_005F.

Comment

Council has advised in an email dated 28 November 2018 that it is the intent of the planning proposal to apply;

- a 2,000 sqm minimum lot size to the land proposed to be zoned R2 Low Density Residential Zone and serviced by reticulated sewerage; and
- a 5,000 sqm minimum lot size (dwelling house lot) and 10,000 sqm minimum lot size (dual occupancy) where it is intended that residential lots will be serviced by an on-site effluent management system.

Council has confirmed that the provisions applying to the proposed R2 zoned land in Sutton are intended to be consistent with the planning proposals for the expansion of Gundaroo. The R2 Zone in Gundaroo has a 2,000 sqm minimum lot size and clause 6.12 of the Yass LEP 2013 applies to the land to trigger a 5,000 sqm or 10,000 sqm minimum lot size if land is not serviced. The planning proposal for the adjoining land at 2090 Sutton Road Sutton (PP_2018_YASSV_003_00), which received a Gateway determination on 26 November 2018, seeks to apply a 5,000sqm min lot size if the land is unserviced or a 2,000sqm min lot size if the land is serviced.

It is recommended that the planning proposal (specifically the explanation of the provisions section and Figure 9 of the proposal) is amended to clarify Council's intent that:

- the Lot Size Map will be amended to apply a 2,000 sqm minimum lot size to land proposed to be R2 Low Density Zone; and
- clause 6.12 of the Yass LEP 2013 will apply to the subject land which will provide a 5,000 sqm minimum lot size to a dwelling house lot and a 10,000 sqm minimum lot size for dual occupancy development for residential lots in the proposed R2 Low Density Residential Zone intended to be serviced by an on-site effluent management system.

Mapping

The planning proposal provides a number of maps namely site locality, current and proposed zoning, minimum lot size, proposed subdivision lot layout, and flooding. The maps are considered to be suitable for the purposes of public exhibition. As previously discussed, Figure 9 "Proposed zones and minimum lot sizes and concept layout" Proposed zones and minimum lot sizes and concept layout of the planning proposal is required to be revised to reflect Council's intent in relation to the zoning of the land. Council will also be required to prepare maps in accordance with the Department's guidelines for preparing LEP maps prior to final approval and notification.

NEED FOR THE PLANNING PROPOSAL

The planning proposal is the only way for Council to amend the Yass Valley LEP 2013 to permit future development on Lot 1 DP 32236 that is consistent with the proponent's concept layout plan (Figure 4).

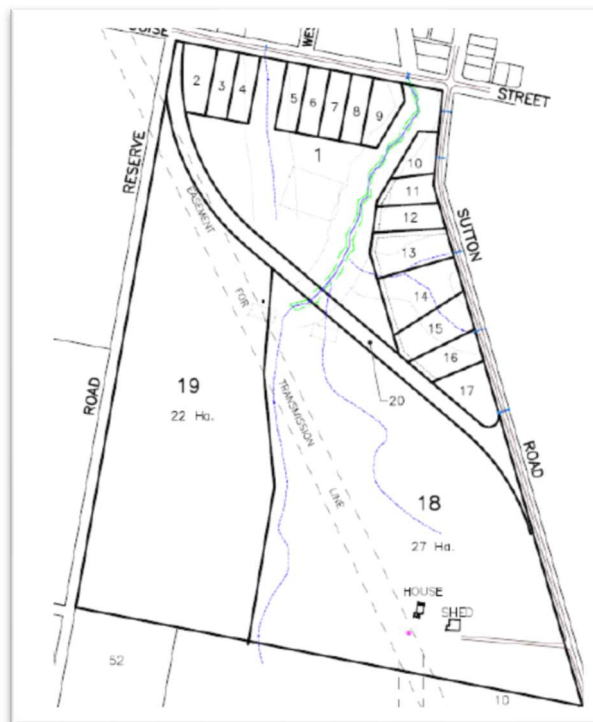


Figure 4 – Concept subdivision layout (Source: Planning proposal October 2018)

STRATEGIC ASSESSMENT

Regional

The planning proposal states that it is consistent with the following applicable directions of the South East and Tablelands Regional Plan 2036 (Regional Plan):

Direction 8 Protect Important Agricultural Land

The local narrative for Yass under the Regional Plan states that villages, including Sutton, are expected to retain their small village character and only accommodate minimal growth.

The conversion of agricultural land for urban expansion (approximately 20 lots) to the south west of Sutton Village is generally consistent with Direction 8 in the Regional Plan. The targeted approach by Council for the conversion of agricultural land to urban use adjacent to Sutton Village is minimal and the concept plan underlying the proposal is intended to retain the village character.

Direction 14 Protect Important Environmental Assets and Direction 15 Enhance Biodiversity Connections.

Flora and Fauna

The planning proposal includes an Integrated Assessment Report (June 2017) that includes a flora and fauna assessment undertaken by consultant 'Soil and Water' (John Franklin Consulting Australia Pty Ltd).

The assessment, that incorporated the results of a desk top data audit and 1-day field survey (June 2017), concludes that the proposed rezoning for the site to accommodate approximately 20 house lots would not be likely to have any significant impacts on threatened species, populations or endangered ecological communities. The vegetation is predominately exotic pasture with limited areas of 'degraded derived native grasslands' having very low conservation value, and the majority of drainage lines are ephemeral.

Comment

The site has been substantially cleared of native vegetation and is used for horse agistment, cattle grazing and polo training/matches.

Based on the flora and fauna assessment the site does not contain important environmental assets or biodiversity connections that trigger any issues with Direction 14 and 15.

On-site effluent disposal

The planning proposal states that there are adequate areas of suitable soil conditions located on most of the proposed house lots to be created in the proposed R2 Low Density Residential Zone to enable the on-site dispersal of effluent. A field assessment prepared for the applicant concludes that the proposed development would not impact groundwater, surface water or dryland salinity, provided the recommended measures in the Integrated Assessment Report were implemented.

The proposal acknowledges that some of the lots which intersect drainage buffers are moderately or highly constrained and the location, size or shape of these lots may need to be altered to provide adequate area of unconstrained suitable soil and site conditions to support on-site effluent disposal.

Comment

Some areas proposed to be zoned R2 Low Density Residential Zone affected by drainage channels are unsuitable for housing and on-site effluent disposal. The proposed 5,000 sqm minimum lot size may be flexible enough to ensure future lots have a location, size or shape to provide an adequate area of unconstrained suitable soil and site conditions to support on-site effluent disposal.

A recommended requirement in the Gateway determination for consultation with DPI Water and NSW Health will enable Council and the Department to determine if the assessment of the impacts of on-site effluent disposal on the environment is consistent with Direction 14.

Direction 18 Secure Water Resources

The planning proposal indicates that future development of the site will not be reliant on reticulated water or sewerage supply systems. The proposal also states that a communal bore is intended to be constructed and operated under the terms of a proposed community title scheme to service the future properties. This water will be available for gardens and grey water use. Domestic water supply will be provided by harvesting rainwater.

Comment

The Yass Valley Settlement Strategy seeks to limit development in Sutton to only 150 lots because of a lack of reticulated water and sewerage supply. The 5,000 sqm minimum lot size applied to unserviced lots (10,000 sqm MLS for dual occupancy development) is to ensure that there is an adequate area of land for collecting rainwater and for buffers around bores. This approach was recently applied to the urban expansion of Gundaroo under Yass LEP 2013 (Amendment No 2).

A recommended requirement in the Gateway determination for consultation with DPI Water and NSW Health will enable Council and the Department to determine if the assessment of the impacts of on-site effluent disposal on the environment is consistent with Direction 18.

Direction 23 Protects the Region's Heritage

The planning proposal states that there are no significant European cultural heritage items within the site.

The planning proposal includes an 'Aboriginal Heritage Due Diligence Assessment' by Past Traces dated June 2017. The desktop and field assessment identified no Aboriginal sites within the study area and three areas of potential archaeological deposits (PAD), two of which will be impacted by the proposed road alignment for the Sutton bypass shown on the concept subdivision plan (see Figure 4 and 5). The report recommends further investigation of these PADs if the road proceeds.

Comment

A recommended requirement in the Gateway determination for consultation with the Office of Environment and Heritage will enable Council and the Department to determine if the due diligence report is adequate and if the planning proposal is consistent with Direction 23.

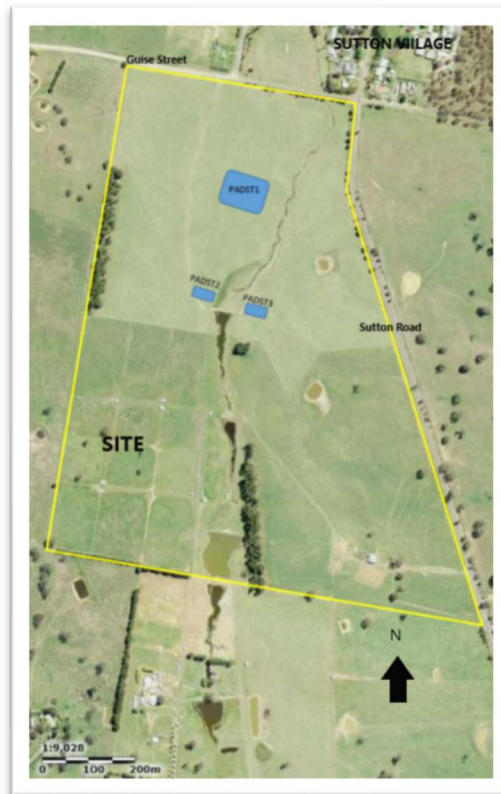


Figure 5 Location of potential Aboriginal archaeological deposits (PAD) (Source: Past Traces consultants report dated June 2017)

Direction 24 Deliver Greater Housing Supply and Choice

Comment

The proposed release of 20 residential lots to expand Sutton Village is generally consistent with Direction 24. The proposal seeks to provide additional housing supply and housing choice to enable Sutton Village to expand that is within the 150-lot threshold applied to Sutton under the Yass Valley Settlement Strategy endorsed by the Department.

Direction 25 Focus Housing Growth in Locations that Maximise Infrastructure and Services

The planning proposal acknowledges that there is no reticulated public water or sewerage supply in Sutton, and neither Council nor the proponent intends to provide these services. The proposed extension of the existing village may have implications for other infrastructure and services, i.e. local roads and the primary school.

Comment

A recommended requirement in the Gateway determination for consultation with the relevant infrastructure and service providers (e.g. NSW Roads and Maritime Services, Department of Education and ACT Government) will enable Council and the Department to determine if the proposal is consistent with Direction 25.

Direction 27 Deliver More Opportunities for Affordable Housing

Actions under Direction 27 of the Regional Plan focus on encouraging strategies and local plans to enable greater variety and diversity of housing types and to incentivise private investment in affordable housing.

Comment

The provision of affordable housing within the site is likely to be compromised by the intent of the proposal to create larger house lots and low housing densities that could inadvertently increase the cost of housing. The proposal is justifiably inconsistent with Direction 27 because of the need for larger lots to accommodate on-site effluent disposal, rainwater harvesting for water supply and to retain village character.

Local

The Yass Valley Settlement Strategy 2036 recommends only limited growth for Sutton (i.e. less than 150 lots) consistent with the local narrative for Yass villages under the Regional Plan. The Yass Valley Settlement Strategy ensures that there is a targeted approach to the conversion of agricultural land to urban use near existing settlements that avoids indiscriminate and ad-hoc fragmentation of rural land.

Comment

The conversion of agricultural land for urban expansion to the south of Sutton Village is generally consistent with the Yass Valley Settlement Strategy endorsed Department. The Strategy provides for minimal expansion of Sutton Village (approximately 20 residential lots) that is part of an endorsed 150-lot expansion of the village.

Section 9.1 Ministerial Directions

Direction 1.2 Rural Zones

The Direction applies when a planning proposal affects land within an existing rural zone.

The planning proposal acknowledges that it is inconsistent with Direction 1.2 Rural Zones because it seeks to rezone rural zoned land to an urban zone.

The planning proposal states that the inconsistency is justified because the planning proposal is consistent with the Sutton Village Masterplan.

Comment and Recommendation

The targeted approach by Council for the conversion of agricultural land to urban use adjacent to Sutton Village is likely to have a minimal impact on rural lands in the region and is consistent with the Regional Plan and Yass Valley Settlement Strategy that both seek to retain the character of villages in Yass Valley.

It is recommended that the Secretary be satisfied that the inconsistency with this Direction has been justified by the Yass Valley Settlement Strategy.

Direction 1.5 Rural Lands

The Direction applies when a planning proposal affects land within an existing or proposed rural or environmental zone.

The planning proposal indicates that it is inconsistent with the aims of the Direction to protect the agricultural production of the land and facilitate the orderly and economic development of rural lands for rural and related purposes.

The planning proposal further states that the inconsistencies are justified because it is consistent with the Sutton Village Masterplan.

Comment

The planning proposal is consistent with at least two of the Rural Planning Principles under the SEPP (Rural Lands) 2008:

- Provide opportunities for rural lifestyle, settlement and housing.
- Ensures that there is consistency with the regional strategy or endorsed local strategy.

The design of the subdivision concept plan on which the planning proposal is based has attempted to consider many of the SEPPs Rural Subdivision Principles including considering natural and physical constraints.

It is recommended that the Secretary be satisfied that any inconsistency with this Direction has been justified as being of minor significance.

2.1 Environment Protection Zones

This Direction applies to all relevant planning proposals. It requires that a proposal must include provisions that facilitate the protection and conservation of environmentally sensitive land.

The planning proposal includes a flora and fauna assessment that concludes that there are no significant environmentally sensitive areas and development of the site is unlikely to have any significant impacts on threatened species, populations or endangered ecological communities. The vegetation is predominately exotic pasture with limited areas of 'degraded derived native grasslands' with very low conservation value and most of drainage lines are ephemeral.

Comment and Recommendation

The flora and fauna report indicates that the vegetation is predominately exotic pasture with limited areas of 'degraded derived native grasslands' with very low conservation value and most of drainage lines are ephemeral. Direction 2.1 is therefore not relevant to the planning proposal.

2.3 Heritage Conservation

This Direction applies to all planning proposals and requires conservation of items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

The 'Aboriginal Heritage Due Diligence Assessment' by Past Traces dated June 2017 identified no Aboriginal sites within the study area and three areas of potential archaeological deposits (PAD), two of which will be impacted by the proposed road alignment for or the Sutton bypass shown on the concept subdivision plan (see Figure 4 and 5). The report recommends further investigation of these PADs if the road proceeds.

Comment

A recommended requirement in the Gateway determination for consultation with the Office of Environment and Heritage will enable Council and the Department to determine if the due diligence report is adequate, particularly in relation to the PADs, and if the planning proposal is consistent with Direction 2.3.

It is recommended that the Secretary's delegate advise Council that it will need to obtain agreement for any inconsistency with section 9.1 Direction 2.3 Heritage Conservation after consultation with the Office of Environment and Heritage and prior to the plan being made.

3.1 Residential Zones

The Direction applies when a planning proposal affects land within an existing or proposed residential zone. Direction 3.1 requires residential development to be adequately serviced or that satisfactory arrangements have been made to service it.

The planning proposal indicates that it is consistent with the Direction because the proposed future development will have access to electricity and telephone services. The 5,000 sqm minimum lot size has been established to provide an adequate area for on-site effluent disposal and new dwellings will require a suitably sized rainwater tank to collect roof water for domestic use, supplemented by a communal bore. The planning proposal includes plans showing a future Sutton village road bypass that will run through the site. It also includes justification for the location of the proposed bypass that differs slightly to the location of the bypass shown on Council's adopted Sutton Village Masterplan.

Comment

The staff report on the proposal tabled at Council's meeting 22 August 2018 states that the final road alignment requires further assessment of route options to be undertaken by Council and NSW Roads and Maritime Services concurrently with the assessment of the planning proposal.

A recommended requirement in the Gateway determination for consultation with the relevant infrastructure and service providers (e.g. NSW Roads and Maritime Services, Department of Education and ACT Government) will enable Council and the Department to determine if the proposal is consistent with Direction 3.1 Residential Zones.

It is recommended that the Secretary's delegate advise Council that it will need to obtain agreement for any inconsistency with section 9.1 Direction 3.1 Residential Zones after consultation with the relevant infrastructure and servicing agencies and prior to the plan being made.

3.4 Integrating Land Use and Transport

This Direction applies to planning proposals that creates an urban zone. The purpose of the Direction is to improve the choice of transport modes used for access to housing, jobs and services, i.e. public transport, walking and cycling.

Comment

The isolation of Sutton from major regional centres makes it difficult to improve choice of transport modes for access to these centres. The predominate transport mode is by motor vehicle.

The proposed urban area, however, will be near Sutton Village and the proposed bypass road is likely to make it easier for pedestrian and cyclists to move around the village.

It is considered that the planning proposal is generally consistent with this Direction.

4.3 Flood Prone Land

The Direction applies to a planning proposal that affects flood prone land. The purpose of the Direction is to ensure planning proposals consider the potential flood impacts consistent with the NSW Flood Prone Land Policy and principles of the Floodplain Development Manual.

The planning proposal includes two diagrams showing mapping of the 1% Annual Exceedance Probability (AEP) Hydraulic Hazard categories affecting the site from the Sutton Floodplain Risk Management Study and Plan. The planning proposal concludes that although the Sutton Floodplain Risk Management Study and Plan identifies land proposed to be zoned R2 Low Density Residential Zone as impacted by the 1% AEP flood, the land is able to be developed without flood risk.

The planning Proposal states, in response to Direction 4.3, that the “Sutton Floodplain Risk Management Study and Plan 2016 has been adopted and this Planning Proposal is consistent with the objectives”.

Comment

The legend or Figures 10 and 11 of the planning proposal showing flood hazard categories are too small and not legible. In addition, the planning proposal does not include any mapping of the flood planning area for the site.

It is recommended that the planning proposal be revised to include mapping of the flood planning area and flood levels affecting the site derived from the Sutton Floodplain Risk Management Study and Plan. Figures 10 and 11 are to be amended to increase the size of the legend showing the flood hazard categories. The additional information will assist the Office of Environment and Heritage in its assessment of the proposal.

Some of the proposed urban land is affected by drainage channels and the 1% AEP flood event. It is therefore recommended that the Secretary's delegate advise Council that it will need to obtain agreement for any inconsistency with section 9.1 Direction 4.3 Flood Prone Land after consultation with the Office of Environment and Heritage and prior to the plan being made.

4.4 Planning for Bushfire Protection

This Direction applies to planning proposals that affects, or is in close proximity to, land mapped as bushfire prone land.

Although the planning proposal states that the site does not contain land identified as bush fire prone land on the Bush Fire Prone Land Map, the proposal includes a 'Bushfire Assessment Report' by Ember bushfire consulting dated November 2017.

Comment and Recommendation

The site does not contain and is not in proximity to land identified as bushfire prone land and therefore the Direction does not apply.

The rural site does contain grassland and it is recommended that the planning proposal and Bushfire Assessment Report be referred to NSW Rural Fire Service for comment.

5.10 Implementation of Regional Plans

This Direction requires a planning proposal to be consistent with the South East and Tablelands Regional Plan. Consistency with the Regional Plan is discussed in the previous section on Regional Strategic Assessment.

It is recommended that the Secretary's delegate advise Council that it will need to obtain agreement for any inconsistency with section 9.1 Direction 5.10 Implementation of Regional Plans after consultation with relevant agencies and prior to the plan being made.

State environmental planning policies (SEPPs)

The two relevant SEPPs that apply to the site are SEPP 55 (Remediation of Land) and SEPP (Rural Lands) 2008 which are discussed as follows:

SEPP 55 (Remediation of Land)

Clause 6 of the SEPP requires planning authorities to consider, as part of rezoning land, whether land is contaminated and any requirements for the remediation of land for urban development.

Only 10-ha of the 72-ha site is being rezoned to R2 Low Density Residential Zone and there is a response to SEPP 55 in the planning proposal indicating that the land has been used for grazing purposes for many years, and that the *"likelihood of contamination is considered to be extremely low"*.

Comment

SEPP 55 requires further site assessments if it is likely the site is contaminated. Managing Land Contamination Planning Guidelines SEPP 55 – Remediation of Land also includes Table 1 comprising a list of activities that may cause land contamination. The Table includes agricultural/horticultural activities as one of several activities that may cause land contamination.

The proponent and the planning authority have determined that the "likelihood of contamination is considered to be extremely low" because the land has been used for grazing purposes for many years. Under the SEPP 55 Guidelines a preliminary investigation is not necessary where contamination is not considered to be an issue.

On that basis the Council, by adopting the planning proposal, has considered whether the land is contaminated and has satisfied clause 6 of SEPP 55 by determining that the likelihood of land contamination from the agricultural use of the site, i.e. grazing of livestock, is extremely low.

The planning proposal should be referred to the NSW Environmental Protection Authority for comment on the proposals response to SEPP 55 Remediation of Land.

SEPP (Rural Lands) 2008

The planning proposals consistency with SEPP (Rural Lands) 2008 has been considered under the section on section 9.1 Direction 1.5 Rural Lands. It concluded that the inconsistency with the Direction has been justified and is of minor significance.

SITE-SPECIFIC ASSESSMENT

Social

There does not appear to be any adverse social impacts arising from the planning proposal and the subsequent development of part of the site for approximately 20 residential lots. The proposal is consistent with the intent of the Yass Valley Settlement Strategy 2036 adopted by Council that seeks to limit the growth of Sutton Village to 150 lots due to a lack of public reticulated water and sewerage supply and a desire to retain the small village character of Sutton.

Environmental

The proposal includes environmental studies that address biodiversity values, bushfire risk, land contamination and on-site effluent disposal.

Further work is recommended under the section on Direction 4.3 Flood Prone Land to revise the planning proposal to include mapping of the flood planning area outlined in the Sutton Floodplain Risk and Management Study and Plan.

A requirement in the Gateway determination for consultation with the environmental agencies will enable Council and the Department to determine if the proposal will protect heritage assets and manage environmental hazards.

Economic

There does not appear to be any adverse economic impacts arising from planning proposal. The proposal is consistent with the intent of the Yass Valley Settlement Strategy 2036 that seeks to provide limited growth of Sutton Village to 150 lots because of a lack of public reticulated water and sewerage supply and to retain its village character.

Additional housing will likely create positive economic impacts for businesses in Sutton and provide additional housing supply in Sutton and the region.

Infrastructure

The planning proposal indicates that future development of the site will not be reliant on reticulated water or sewerage supply systems.

The planning proposal indicates future development will have access to electricity and telephone services and the 5,000 sqm minimum lot size has been established to provide an adequate area for on-site effluent disposal. New dwellings will require a suitably sized rainwater tank to collect roof water for domestic use, supplemented by a communal bore.

The planning proposal includes plans showing a future village road bypass that will run through the site. It also includes justification for the location of the proposed bypass that differs slightly to the location of the bypass shown on Council's adopted Sutton Village Masterplan.

Comment

The staff report on the proposal tabled at Council's meeting 22 August 2018 states that the final road alignment requires further assessment to be undertaken by Council and NSW Roads and Maritime Services concurrently with the assessment of the planning proposal.

A recommended requirement in the Gateway determination for consultation with the relevant infrastructure and service providers (e.g. NSW Roads and Maritime

Services, Department of Education and ACT Government) will enable Council and the Department to determine if the proposal adequately considers the demand and management of infrastructure.

CONSULTATION

Community

The planning proposal acknowledges that community consultation will be required but has not identified a period for consultation. The proposal is moderately complex because the site is proposed as an extension of Sutton Village and addresses many environmental constraints (on-site effluent disposal, bushfire risk management and flooding).

It is therefore recommended that community consultation be undertaken for a minimum of 28 days.

Agencies

It is recommended that Council undertake consultation with the following government agencies;

- Office of Environment and Heritage
- Department of Primary Industries (Water and Agriculture)
- NSW Rural Fire Service
- NSW Roads and Maritime Services
- NSW Environmental Protection Authority
- NSW Department of Health
- ACT Government
- NSW Department of Education
- Queanbeyan Palerang Regional Council

TIME FRAME

The planning proposal estimates that community consultation will commence in April 2019. A date for finalisation of the planning proposal and completion of an LEP are not provided.

It is recommended that the timeframe for completing the plan be 12 months from the date of the Gateway determination.

LOCAL PLAN-MAKING AUTHORITY

Council has not requested Authorisation to be the local plan-making authority. It is recommended that Council not be authorised to be the local plan-making authority because of the complex nature of issues associated with the proposal and the requirement for Council to seek the Secretary's agreement for any inconsistency with section 9.1 Directions 2.3 Heritage Conservation, 3.1 Residential Zones, 4.3 Flood Prone Land and 5.10 Implementation of Regional Plans prior to the plan being made.

CONCLUSION

The planning proposal is supported to proceed with conditions, including a condition requiring revisions to the planning proposal to include further mapping showing the flood planning area.

The proposal has merit because the rezoning of land to permit approximately 20 serviced or 50 service residential house lots is generally in accordance with the Yass Valley Settlement Strategy 2036 endorsed by the Department and the South East and Tablelands Regional Plan.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Directions 1.2 Rural Zones and 1.5 Rural Lands are minor or have been justified.
2. note that the inconsistencies with section 9.1 Directions 2.3 Heritage Conservation, 3.1 Residential Zones, 4.3 Flood Prone Land and 5.10 Implementation of Regional Plans are unresolved. Council must obtain agreement for any inconsistency with these Directions after consultation with relevant agencies and prior to the plan being made.

It is recommended that the delegate of the Minister for Planning determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Consultation is required with the following public authorities;
 - Office of Environment and Heritage
 - NSW Environmental Protection Authority
 - Department of Primary Industries – Agriculture
 - Department of Primary Industries – Water
 - NSW Health
 - NSW Rural Fire Service
 - NSW Roads and Maritime Services
 - NSW Department of Education
 - ACT Government
 - Queanbeyan Palerang Regional Council
3. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should not be authorised to be the local plan-making authority to make this plan.
5. The planning proposal is to be revised prior to community consultation to;
 - (a) include mapping of the flood planning area affecting the site from the Sutton Floodplain Risk Management Study and Plan and to provide a larger legend for Figures 10 and 11 that show the 1% AEP Hydraulic Hazard categories for the site,

- (b) Clarify under the section "Explanation of Provisions" that the Lot Size Map will be amended to apply a 2,000 sqm minimum lots size to land proposed to be zoned R2 Low Density Zone; and
- (c) Clarify that it is intended to use clause 6.12 of the Yass LEP 2013 to apply a 5,000 sqm minimum lot size to a dwelling house lot and 10,000 sqm minimum lot size for dual occupancy development for residential lots in the proposed R2 Low Density Residential Zone intended to be serviced by an on-site effluent management system.



30/11/18

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