

Graham Judge

From: Raymond Laine
Sent: Friday, 4 September 2020 12:58 PM
To: Graham Judge
Cc: Lyndal Walters
Subject: RE: PP.2019.02 Response to additional information by DPIE - 2402 Sutton Road

Hi Graham

Apologies for the delay. I discussed this proposal with Arif at Council last week and relayed my concerns.

Despite the proponent engaging a specialist flood consultant (GRC Hydro), concerns still remain as per our previous advice with regard to constancy with the objectives of Section 9.1 Direction 4.3 Flood Prone Land, Yass Valley LEP 2013 and principles of the Floodplain Development Manual due to the impact of flooding on the development, impacts of climate change and significant risk to life largely associated with isolation and accessibility of emergency services as identified in the Sutton Floodplain Risk Management Study and Plan (2016).

It appears since issuing this advice the proponent has increased the R2 Zone further into the northern floodway, decreased the area of the E4 Zone, provided no RE1 or W1 buffer to accommodate waterway, flood and riparian constraints and proposed an internal ring road that will be cut by flood flow causing further isolation and access issues during times of flood (contrary to the proponent's flood consultant recommendation).

In reviewing the revised planning proposal we remain concerned about:

- The impact of flooding on the proposed development. The site remains flood prone, despite if proposed mitigation works are viable (unconvinced by current modelling). Flood affectation to proposed lots 17,16,15,18,19,28,29,30 is particularly concerning in current configuration.
- The impact of the proposed development on flood behaviour. Acceptability of neighbouring and downstream flood impacts as a result of land form permeability changes, diversion of flow and potential flood mitigation works;
- The impact of flooding on the safety of people for the full range of floods. Access/egress to/from the site is cut early with the proposed road configuration onto Sutton Road. Unsure if the SES has been consulted as recommended, as this planning proposal significantly increases emergency service resource demand. The flood investigation report and planning proposal also note that access to the Sutton township via Sutton Road crossing of McLaughlin's Creek is cut early (in less than a 1 year flood event), yet states this crossing upgrade will be 'implemented in the near future'. From our understanding Council has not progressed or investigated this option. The alternative evacuation route via Tallagandra Lane is also cut in frequent events, as witnessed last month on the 8/9th of August.
- The implications of climate change (particularly increased rainfall intensity) on flooding. This has not been considered;
- The implications of cascading dam failure (particularly on McLaughlin's tributary #2) and potential requirements due to the increased consequences of downstream flood prone land occupation under the Dam Safety Act 2015.
- The implications of future proposed cumulative development flood impacts upstream of the site on the development.

Should Council or yourself have questions in relation to flood risk management considerations for the site please don't hesitate to contact me.

Best regards
Ray

Dr Raymond Laine
Senior Flood, Coast and Estuaries Officer – South East

Biodiversity and Conservation | Department of Planning, Industry and Environment
T 02 4224 4159 | E raymond.laine@environment.nsw.gov.au
Block D, Level 3, 84 Crown Street, Wollongong NSW 2500
www.dpie.nsw.gov.au



Planning,
Industry &
Environment

Our Vision: Together, we create thriving environments, communities and economies.

The Department of Planning, Industry and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

From: Graham Judge <Graham.Judge@planning.nsw.gov.au>
Sent: Thursday, 20 August 2020 9:28 AM
To: Lyndal Walters <lyndal.walters@environment.nsw.gov.au>
Cc: Raymond Laine <Raymond.Laine@environment.nsw.gov.au>
Subject: FW: PP.2019.02 Response to additional information by DPIE - 2402 Sutton Road

Lyndall,
Sent this to Allison in July. Revised PP for 2402 Sutton Road. Not sure if you have seen this.

Graham Judge
Senior Planning Officer

Local and Regional Planning | Department of Planning, Industry and Environment
T 02 6229 7906 | E graham.judge@planning.nsw.gov.au
11 Farrer Place, Queanbeyan, NSW 2620 | PO Box 5475, Wollongong NSW 2520
www.dpie.nsw.gov.au



Planning,
Industry &
Environment

From: Graham Judge
Sent: Tuesday, 21 July 2020 2:27 PM
To: Allison Treweek <Allison.Treweek@environment.nsw.gov.au>
Cc: Raymond Laine <Raymond.Laine@environment.nsw.gov.au>; Graham Towers <Graham.Towers@planning.nsw.gov.au>
Subject: FW: PP.2019.02 Response to additional information by DPIE - 2402 Sutton Road

Allison,
Council submitted a PP for residential development north of Sutton last year (see extract of original PP zones below) and we asked for additional info, particularly info on flooding. Councils and proponent's response was to send us a revised PP that actually increases the area of R2 Zone, decreases the area of the E4 Zone and increases the number

of house lots in the R2 Zone from 22 house lots to 27 house lots. The increase on R2 zoned land is mainly in the north on flood prone land (Flood Fringe 1:100 ARI.).

We are yet to assess for a Gateway determination. We have decided that before we consider further we would consult with B&C, particularly the Flood unit, because of concerns with flooding. I have attached the PP and relevant studies. I will send Appendix F2 later because of its size.

Happy to discuss. I have Ccd Raymond Laine because I dealt with him for the Parkwood PP.

Cheers

Graham Judge
Senior Planning Officer

Local and Regional Planning | Department of Planning, Industry and Environment

T 02 6229 7906 | E graham.judge@planning.nsw.gov.au

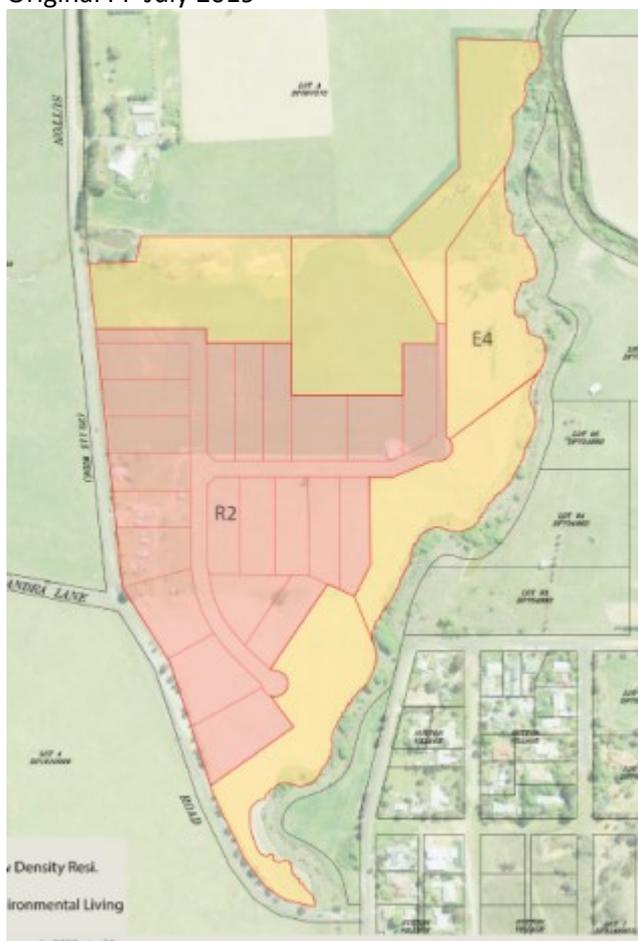
11 Farrer Place, Queanbeyan, NSW 2620 | PO Box 5475, Wollongong NSW 2520

www.dpie.nsw.gov.au



**Planning,
Industry &
Environment**

Original PP July 2019



Revised PP July 2020



From: Graham Judge
Sent: Tuesday, 21 July 2020 10:29 AM
To: Arif Chohan <Arif.Chohan@yass.nsw.gov.au>
Cc: Graham Towers <Graham.Towers@planning.nsw.gov.au>
Subject: RE: PP.2019.02 Response to additional information by DPIE - 2402 Sutton Road

Arif,
Planning proposals are the responsibility of Council (*planning proposal authority*), not the proponent (s3.33 EP&A Act). Proponents may seek Councils approval of a PP prepared by or on behalf of the proponent. In these circumstances Council may adopt the PP and then submit it to the Department as the *planning proposal authority*. When Council adopts a PP prepared on behalf of a proponent and submits it for a Gateway it is effectively agreeing with everything in the planning proposal and that it is satisfied that it complies with s3.33 and the DPIE Guidelines (s3.33 (3)).

The letter was sent to Council as the *planning proposal authority* to address a number of matters, not the proponent. Therefore Council, as the 'planning proposal authority' must be satisfied that any information in a planning proposal addresses the matters raised in the DPIE letter before sending it to us. For example any flood information in the PP prepared on behalf of the proponent should be vetted by Council to ensure it is correct, particularly if Council has a flood plain risk management plan over the site.

Pre-consultation with agencies was a suggestion so that Council could address any issues raised by agencies early in the process, including making any further revisions to the PP.

Once you Council advised the Department (covering letter), that as the *planning proposal authority*, it is satisfied with the revised PP and the additional information and formally submits the revised PP to address matters raised in the DPIE letter I will then undertake an assessment for a Gateway determination.

Graham Judge
Senior Planning Officer

Local and Regional Planning | Department of Planning, Industry and Environment
T 02 6229 7906 | E graham.judge@planning.nsw.gov.au



Planning,
Industry &
Environment

From: Arif Chohan <Arif.Chohan@yass.nsw.gov.au>
Sent: Monday, 20 July 2020 4:45 PM
To: Graham Judge <Graham.Judge@planning.nsw.gov.au>
Cc: Graham Towers <Graham.Towers@planning.nsw.gov.au>
Subject: RE: PP.2019.02 Response to additional information by DPIE - 2402 Sutton Road

Hi Graham,

Please find attached the email confirming the documents are uploaded successfully. The reference No is S-1726.

I cannot attach the remaining appexs as they exceed the attachment limit.

I have only reviewed the planning proposal and Flood Report to understand what changes have they made and does it satisfy DPIE requirement.

I believe the comments were raised by DPIE and you need to make sure the amended plan and additional studies satisfy DPIE comment.

However, you think Council need to do that I would get back to you in a week time considering I have other deadlines.

Thanks,

Arif

Arif Chohan | Strategic Planner | **Yass Valley Council**
P: +61 (0)2 6226 1477
E: Arif.Chohan@yass.nsw.gov.au | W: www.yassvalley.nsw.gov.au

Working Together for our Community

Follow us on:



yass valley council
the country the people



DISCLAIMER

Any email (including all attachments) from Yass Valley Council is intended exclusively for the addressee. The contents of the email may be confidential and any confidentiality will not be surrendered because an email has been sent to the receiver by mistake. If you have received an email in error, please notify the sender, delete the email from your system and destroy any copies. No part of any email should be reproduced, rewritten, changed or communicated without the written consent of Yass Valley Council. Any personal information received by you in an email from Yass Valley Council must be handled in accordance with the *Privacy Act 1988*.

From: Graham Judge <Graham.Judge@planning.nsw.gov.au>
Sent: Monday, 20 July 2020 4:22 PM
To: Arif Chohan <Arif.Chohan@yass.nsw.gov.au>
Cc: Graham Towers <Graham.Towers@planning.nsw.gov.au>
Subject: RE: PP.2019.02 Response to additional information by DPIE - 2402 Sutton Road

[EXTERNAL] Please exercise caution when clicking on links or attachments from external sources.

Arif,
I cannot get access to the info you have loaded onto the Portal. Can you please email to me all of the additional info, including any covering letters and 'Appendix E Flood Assessment Report' as well as confirming that Council is satisfied that the additional information and revised planning proposal addresses all of the matters in the Department's letter dated 30/10/2019.

Graham J

From: Arif Chohan <Arif.Chohan@yass.nsw.gov.au>
Sent: Monday, 20 July 2020 3:45 PM
To: Graham Judge <Graham.Judge@planning.nsw.gov.au>
Cc: Graham Towers <Graham.Towers@planning.nsw.gov.au>
Subject: RE: PP.2019.02 Response to additional information by DPIE - 2402 Sutton Road
Importance: High

Hi Graham,

I have uploaded the additional reports on planning portal, would you have access to that.

My apologies I completely overlooked that consultation with some state agencies is also suggested by DPIE prior to Gateway determination.

I can do that considering I received these reports last week. Will keep you posted about the progress of consultation.

Kind regards,

Arif

Arif Chohan | Strategic Planner | **Yass Valley Council**

P: +61 (0)2 6226 1477

E: Arif.Cohan@yass.nsw.gov.au | W: www.yassvalley.nsw.gov.au

Working Together for our Community

Follow us on:



DISCLAIMER

Any email (including all attachments) from Yass Valley Council is intended exclusively for the addressee. The contents of the email may be confidential and any confidentiality will not be surrendered because an email has been sent to the receiver by mistake. If you have received an email in error, please notify the sender, delete the email from your system and destroy any copies. No part of any email should be reproduced, rewritten, changed or communicated without the written consent of Yass Valley Council. Any personal information received by you in an email from Yass Valley Council must be handled in accordance with the *Privacy Act 1988*.

From: Graham Judge <Graham.Judge@planning.nsw.gov.au>

Sent: Monday, 20 July 2020 2:18 PM

To: Arif Chohan <Arif.Cohan@yass.nsw.gov.au>

Cc: Graham Towers <Graham.Towers@planning.nsw.gov.au>

Subject: RE: PP.2019.02 Response to additional information by DPIE - 2402 Sutton Road

[EXTERNAL] Please exercise caution when clicking on links or attachments from external sources.

Arif,

Can you also send us 'Appendix E Flood Assessment Report' as well as confirming that Council is satisfied that the additional information and revised planning proposal addresses all of the matters in the Department's letter dated 30/10/2019.

Regards

Arif,

I note there is no covering letter from Council regarding the additional information provided by the proponent. Is Council, as the planning authority for the planning proposal, satisfied that the additional information addresses all of the matters raised in the letter to Council?

The Department also suggested that Council undertake pre-lodgement consultation with relevant state agencies. I assume Council has not undertaken any consultation with state agencies before submitting the revised planning proposal?

Regards

Graham Judge
Senior Planning Officer

Local and Regional Planning | Department of Planning, Industry and Environment
T 02 6229 7906 | E graham.judge@planning.nsw.gov.au
11 Farrer Place, Queanbeyan, NSW 2620 | PO Box 5475, Wollongong NSW 2520
www.dpie.nsw.gov.au



**Planning,
Industry &
Environment**

Please find attached a signed letter requesting further information on the planning proposal for 2402 Sutton road as discussed at the meeting between Council and DPIE on the 22 October 2019.

Item 1 Flooding in the letter is based on information in the Sutton Floodplain Risk Management Study and Plan. The Sutton Floodplain Risk Management Study and Plan (FRMSP) identifies the number 1 flood hotspot as the flooding of the Sutton Road crossing of McLaughlin's Creek and that "*Flooding of this low-level crossing may cause isolation and reduced access which can impact on emergency services.*" The FRMSP indicates that this crossing is flooded at the 0.2 EY flood event but is "*likely to be also overtopped by more frequent events*". The matter of adequate access/evacuation during flooding has not been addressed in the planning proposal. Additional information is required to address this matter and further justification as to why this site is appropriate for an extension of Sutton Village if it becomes isolated from the Sutton and Canberra as a result of flooding.

Item 2 Groundwater impacts – requested info is likely to be requested from relevant state agencies.

Item 3 Riparian Areas is based on previous comments from state agencies on PP 2090 Sutton Road that indicated that the PP should not generate any additional lots with access to riparian water rights and requirements.

Item 4 New Intersection - is based on previous comments from NSW RMS on PP 2090 Sutton Road, a regional classified road. That PP included a traffic impact assessment however it is noted that this PP does not have a traffic impact assessment.

Item 5 SEPPs- A response to SEPP Primary Production and Rural Development (2019) should justify why potentially prime agricultural land (Lucerne hay production on alluvial soil) should be rezoned for urban development.

From: Arif Chohan <Arif.Chohan@yass.nsw.gov.au>

Sent: Monday, 20 July 2020 11:11 AM

To: Graham Judge <Graham.Judge@planning.nsw.gov.au>

Subject: PP.2019.02 Response to additional information by DPIE - 2402 Sutton Road

Importance: High

Good morning Graham,

Hope you had a nice weekend.

Please find attached the PP and response to your letter (IRF19/6907) dated 30 October 2019 regarding the planning proposal for 2402 Sutton Road, Sutton.

I will upload addition reports and documents on the planning portal due to space limitation for attachment.

Please let me know if you wish to discuss anything further.

Kind regards,

Arif

Arif Chohan | Strategic Planner | **Yass Valley Council**

P: +61 (0)2 6226 1477

E: Arif.Chohan@yass.nsw.gov.au | W: www.yassvalley.nsw.gov.au

Working Together for our Community

Follow us on:



yass valley council
the country the people



DISCLAIMER

Any email (including all attachments) from Yass Valley Council is intended exclusively for the addressee. The contents of the email may be confidential and any confidentiality will not be surrendered because an email has been sent to the receiver by mistake. If you have received an email in error, please notify the sender, delete the email from your system and destroy any copies. No part of any email should be reproduced, rewritten, changed or communicated without the written consent of Yass Valley Council. Any personal information received by you in an email from Yass Valley Council must be handled in accordance with the *Privacy Act 1988*.

From: Graham Judge <Graham.Judge@planning.nsw.gov.au>

Sent: Wednesday, 30 October 2019 10:29 AM

To: Arif Chohan <Arif.Chohan@yass.nsw.gov.au>; Liz Makin <Liz.Makin@yass.nsw.gov.au>

Subject: PP 2402 Sutton Road - Additional information required

Liz/Arif,

Please find attached a signed letter requesting further information on the planning proposal for 2402 Sutton road as discussed at the meeting between Council and DPIE on the 22 October 2019.

Item 1 Flooding in the letter is based on information in the Sutton Floodplain Risk Management Study and Plan. The Sutton Floodplain Risk Management Study and Plan (FRMSP) identifies the number 1 flood hotspot as the flooding of the Sutton Road crossing of McLaughlin's Creek and

that “*Flooding of this low-level crossing may cause isolation and reduced access which can impact on emergency services.*” The FRMSP indicates that this crossing is flooded at the 0.2 EY flood event but is “*likely to be also overtopped by more frequent events*”. The matter of adequate access/evacuation during flooding has not been addressed in the planning proposal. Additional information is required to address this matter and further justification as to why this site is appropriate for an extension of Sutton Village if it becomes isolated from the Sutton and Canberra as a result of flooding.

Item 2 Groundwater impacts – requested info is likely to be requested from relevant state agencies.

Item 3 Riparian Areas is based on previous comments from state agencies on PP 2090 Sutton Road that indicated that the PP should not generate any additional lots with access to riparian water rights and requirements.

Item 4 New Intersection - is based on previous comments from NSW RMS on PP 2090 Sutton Road, a regional classified road. That PP included a traffic impact assessment however it is noted that this PP does not have a traffic impact assessment.

Item 5 SEPPs- A response to SEPP Primary Production and Rural Development (2019) should justify why potentially prime agricultural land (Lucerne hay production on alluvial soil) should be rezoned for urban development.

Regards
Graham Judge
DPIE
Queanbeyan

Message protected by MailGuard: e-mail anti-virus, anti-spam and content filtering.
<http://www.mailguard.com.au/mg>

[Report this message as spam](#)

Message protected by MailGuard: e-mail anti-virus, anti-spam and content filtering.
<http://www.mailguard.com.au/mg>

Message protected by MailGuard: e-mail anti-virus, anti-spam and content filtering.
<http://www.mailguard.com.au/mg>

[Report this message as spam](#)

Message protected by MailGuard: e-mail anti-virus, anti-spam and content filtering.
<http://www.mailguard.com.au/mg>

Message protected by MailGuard: e-mail anti-virus, anti-spam and content filtering.
<http://www.mailguard.com.au/mg>

[Report this message as spam](#)

Message protected by MailGuard: e-mail anti-virus, anti-spam and content filtering.
<http://www.mailguard.com.au/mg>