

Sutton Rd & Faithfull St, Gundaroo - Proposed Village Expansion

Proposal Title :	Sutton Rd & Faithfull St, Gundaroo - Proposed Village Expansion		
Proposal Summary :	To rezone land adjacent to Gundaroo Village for residential development under Yass LEP 2013.		
PP Number :	PP_2013_YASSV_001_00	Dop File No :	13/15086

Proposal Details

Date Planning Proposal Received :	11-Sep-2013	LGA covered :	Yass Valley
Region :	Southern	RPA :	Yass Valley Council
State Electorate :	BURRINJUCK	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	Cnr Sutton Rd/Faithfull St		
Suburb :	Gundaroo	City :	Gundaroo
		Postcode :	2620
Land Parcel :			

DoP Planning Officer Contact Details

Contact Name :	Martin Brown
Contact Number :	0262297913
Contact Email :	martin.brown@planning.nsw.gov.au

RPA Contact Details

Contact Name :	Liz Makin
Contact Number :	0262269284
Contact Email :	liz.makin@yass.nsw.gov.au

DoP Project Manager Contact Details

Contact Name :	
Contact Number :	
Contact Email :	

Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :	Sydney-Canberra Corridor Regional Strategy	Consistent with Strategy :	Yes

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MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	130	No. of Dwellings (where relevant) :	130
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes :

This is one of two current planning proposals that will essentially double the number of dwellings in the village of Gundaroo if developed (from approximately 130 dwellings to 260 dwellings). Gundaroo has no reticulated sewer or water, and Council has not indicated any long-term plans to provide this infrastructure.

Whilst the land was identified in Council's endorsed Towns and Villages Study as 'future investigation', the merits of providing for such a significant expansion of the town at this time, without any proposed servicing, should be considered carefully.

The key issues of concern relate to both the capacity of the proposed lots to provide a suitable potable and non-potable water supply, and also, to dispose of effluent in an appropriate manner. It is noted the proponents have included studies in respect of effluent disposal, however, this should be peer reviewed by relevant government agencies. At this time only roof water collection is proposed for water supply, however, it is likely future owners will also want to use bores for non-potable supply.

It is recommended any Gateway determination should require the Council to consult with relevant Government agencies on these concerns and that any results of this consultation should be forwarded to the Regional Director - Southern Region for consideration and advice prior to the formal exhibition of the draft plan.

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **Adquate. To allow additional residential development for expansion of Gundaroo while maintaining village and rural amenity.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **Adquate although final proposed zoning and lot size of land may be subject to outcomes of consultation with agencies.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA : **1.2 Rural Zones**
* May need the Director General's agreement **1.5 Rural Lands**
3.1 Residential Zones

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **SEPP No 55—Remediation of Land**
SEPP (Rural Lands) 2008

e) List any other matters that need to be considered : **As noted it is important information be sought from relevant agencies in respect of the issues of potable & non-potable water provision and effluent disposal on relatively small unserviced lots. Whilst the applicant has provided background information on these issues, it is important these issues are independantly confirmed by Government agencies prior to exhibiting the planning proposal. Agencies would include Office of Environment & Heritage, Department of Primary Industries (Office of Water), Department of Health and Murrumbidgee Catchment Management Authority.**

Have inconsistencies with items a), b) and d) being adequately justified? **Unknown**

If No, explain : **In respect of the s117 Directions any inconsistencies are justified by preparation of Yass Town and Villages Study 2010 which was endorsed by the Director General.**

The applicant has undertaken a preliminary analysis of the potential for contamination as per SEPP 55 that has found little potential for contamination.

About 40% of the site is mapped as groundwater vulnerability and potential impacts on ground water need to be clarified. This can be done intially through consultation with relevant agencies. Clause 6.4 of Yass Valley LEP 2013 gives a list of heads of consideration.

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **Mapping however will be required for exhibition when the zones and other issues are clarified.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **No**

Comment : **Council has not proposed any timeframe for community consultation. As noted early consultation with relevant Government agencies should occur prior to exhibition of planning proposal. Planning proposal should be exhibited to community for minimum of 28 days.**

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons : **Council is to consult with the Office of Environment & Heritage, the Department of Health, the Department of Primary Industries (Office of Water) and Murrumbidgee Catchment Management Authority prior to proceeding to public exhibition. The results of this consultation are to be submitted to the Regional Director - Southern Region for consideration prior to community consultation under section 56(2)(c) and section 57 of the EP&A Act.**

Council has not provided a timeframe with the planning proposal which should be provided following agency consultation when the requirements for any studies will be

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known. Notionally the timeframe considered appropriate for this planning proposal is 12 months, however, if any detailed studies are required then 18 months may be appropriate.

Council has not requested the use of its delegation of the Minister's plan making functions. At this stage it is not considered appropriate to issue delegation, however, this situation could be reviewed once agency concerns are known.

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

Principal LEP notified 19/7/2013.

Assessment Criteria

Need for planning
proposal :

The only mechanism for amending the Principal LEP to allow residential development.

Consistency with
strategic planning
framework :

The land was identified in the Director General endorsed Towns and Villages Study 2010 as a future investigation area, and in this regard is not strategically inconsistent with Council's planning framework.

Council has indicated there is unlikely to be any further expansion of Gundaroo in the future beyond this and the other site subject to a separate planning proposal.

Environmental social
economic impacts :

Assessment Process

Proposal type : **Consistent** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **DDG**

Public Authority Consultation - 56(2) (d) : **Other**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

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Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal 2013-01.pdf	Proposal	Yes
Council Report 26.06.13.pdf	Proposal	Yes
Yass Valley Council_09-09-2013_Planning Proposal - Sutton Road & Faithfull Street Gundaroo_.pdf	Proposal Covering Letter	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.2 Rural Zones**
 1.5 Rural Lands
 3.1 Residential Zones

Additional Information : **The Deputy Director General, as delegate of the Minister for Planning and Infrastructure, determine under section 56(2) of the EP&A Act that an amendment to Yass Local Environmental Plan 2013 to rezone land for residential development at Sutton Rd & Faithfull St, Gundaroo should proceed subject to the following conditions:**

1. Council is to prepare draft maps for the subject land prior to exhibition, in accordance with the Department's Standard technical requirements for LEP maps, including Land Zoning and Lot Size Maps.

2. Prior to proceeding to public exhibition, Council is required to submit information to the Regional Director - Southern Region in respect of its consultation with the nominated public authorities.

3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the planning proposal must be made publicly available for 28 days; and

(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.2 of A guide to preparing local environmental plans (Department of Planning and Infrastructure).

4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- * **Office of Environment and Heritage;**
- * **Murrumbidgee Catchment Management Authority;**
- * **Department of Primary Industries (Office of Water);**
- * **Office of Environment & Heritage; and**
- * **Department of Health.**

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Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

5. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example in response to a submission or if reclassifying land).

6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

7. It is noted that the Council has not provided a timeline for the planning proposal. Once Council has consulted with the government agencies it should provide a timeline that reflects any studies that may be required by agencies. This should be forwarded to the Regional Director of the Southern Region.

8. Council not be authorised to use its delegation of the Minister's plan making functions. This situation may be reviewed after Council has reported on agency consultation.

9. The Director General can be satisfied that any inconsistencies of the planning proposal with any s117 Directions have been justified by Council's Towns and Villages Study 2010 or are minor significance.

10. No further referral is required in relation to s117 Directions while the planning proposal remains in its current form.

Supporting Reasons :

It is necessary to seek information from relevant agencies in respect of the issues of potable & non-potable water provision and effluent disposal on relatively small unserviced lots as proposed. Whilst the applicant has provided background information on these issues, it is important these issues are independently confirmed by Government agencies prior to exhibiting the planning proposal.

Signature:



Printed Name:

Mark Parker
Local Planning Manager

Date:

17th September 2013