

### 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**

### 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.**

**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.

## **Panel Recommendation**

Recommendation Date : **26-Sep-2013**

Gateway Recommendation : **Passed with Conditions**

Panel

The planning proposal should proceed subject to the following conditions:

Recommendation :

1. Prior to undertaking public exhibition, Council is to update the planning proposal to include existing and proposed land zoning and lot size maps, which are at an appropriate scale and clearly identify the subject land.
2. Prior to undertaking public exhibition, Council is to update the planning proposal to include a project timeline, consistent with Section 2.6 Part 6 of the A Guide to Preparing Planning Proposals. The project timeline is to provide a mechanism to monitor the progress of the planning proposal.
3. 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
  - NSW Health

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

Relevant public authorities are to respond to issues of potable and non-potable water provision, effluent disposal and potential impacts on ground water. Submissions from public authorities are to be placed on public exhibition with the planning proposal.

4. 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 a minimum of 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

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publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).

5. A public hearing is not required to be held into the matter by any person or body 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.

**Plan making delegation:**

The Minister delegated his plan making powers to councils in October 2012. Council has now accepted this delegation. Council has not asked to be issued with delegations for this planning proposal because it is of the view that the planning proposal is not a minor matter. Council's position to not be issued with plan making delegations should be supported.

Signature:



Printed Name:

Sabine Miller

Date:

30.09.2013