

**1<sup>st</sup> ROUND OF CONSULTATION**

**with**

**State Agencies and Stakeholder**

**December 2018 – March 2019**



28 February 2019

The General Manager  
Yass Valley Council  
PO Box 6  
YASS NSW 2582

Attention: Arif Chohan

**PLANNING PROPOSAL PP.2018.02 - PROPOSED AMENDMENT TO YASS VALLEY COUNCIL LEP 2013, LOT 1 DP32236, SUTTON ROAD, SUTTON.**

I refer to your correspondence regarding the subject Planning Proposal which was referred to the Roads and Maritime Services for assessment and comment.

From review of the information provided it is understood that the planning proposal represents an amendment to the current Yass LEP to allow for the subdivision of the subject site to create approximately 18 allotments for rural residential purposes and 1 allotment for equestrian purposes. The subject site has frontage to the Canberra-Crookwell Road (MR52), also referred to as Sutton Road which is a classified road, within a 100 km/h speed zone and to Guise Street which is classed as a local road, within a 50 km/h speed limit.

The subject site is located on the western side of the Canberra-Crookwell Road. The submitted plans provide for a 19 lot subdivision and the creation of a new alignment for the relocation of the Canberra-Crookwell Road to the west of Sutton. To consider the rezoning of the subject site in its current form would define the new alignment of the relocated route.

In a previous submission regarding the masterplan for Sutton Roads and Maritime Service raised the need for an appropriate study to be undertaken to investigate the need for the bypass of Sutton and to investigate the various alternative routes before finalising the decision in relation to this issue. Please note that whilst Council may resolve to support the implementation of a future bypass the new road may not be classed as a classified road under the Roads Act.

From the information available Roads and Maritime Services is not aware of the study referred to above or the outcome of any public consultation in relation to the need for the relocation of Sutton Road from its current alignment or the preferred option for the proposed route of that road. To address this issue it is considered that further investigation and consultation should be undertaken to firstly determine the need for the relocation of the Sutton Road from within the Village and secondly to determine the preferred route for the relocation of Sutton Road if proposed.

As the subject site has frontage to a classified Road the provisions of SEPP (Infrastructure) apply, particularly Clause 101. In this case access to a classified road should not be relied upon for development where practicable access is available to the existing local road network. In this case access should be restricted to being from Guise Street. The submitted documentation does not justify why access cannot be provide from Guise Road for the lots 10 to 17 within the proposed subdivision.

Further to the above Roads and Maritime understands that the documentation and plans submitted for the planning proposal provide a preliminary concept for the development and that a Development Application generally consistent with the documentation would be submitted to Council for merit assessment of the development prior to any works for the development being undertaken on the subject site, if the rezoning is adopted.

A major focus of Roads and Maritime is the safety and efficiency of the classified road network and the level of service provided by these roads and their associated infrastructure. The rezoning of this precinct as proposed has the potential to generate additional traffic volumes on the public road network. Any works associated with the proposed development shall be at no cost to Roads and Maritime Services.

Please note that the Canberra-Crookwell Road (MR52), is a classified "regional" road. As a regional road the care and maintenance of the road is vested in the Council however clause 138 of the Roads Act applies to any works within the road reserve.

Any enquiries regarding this correspondence may be referred to the Manager, Land Use for Roads and Maritime Services (South West Region), Maurice Morgan, phone (02) 6923 6611.

Yours faithfully



Per:  
Lindsay Tanner  
Director  
South West NSW



**Office of  
Environment  
& Heritage**

Our reference: DOC19/85656  
Your reference: PP 2018 YASSv.001 Lot 1 DP32236

The General Manager  
Yass Shire Council  
PO Box 6  
Yass NSW 2582  
council@yass.nsw.gov.au

Attention: Liz Makim

Dear Ms Makim

**Planning Proposal PP\_2018\_YASSV 001\_00 Lot 1 DP 32236, 2155 Sutton Road, Sutton**

The Office of Environment and Heritage (OEH) has reviewed the Planning Proposal to rezone rural land to a mixture of R2 and RU1. The proposal has a range of natural hazard and cultural heritage constraints that require more detailed consideration at this stage of the planning process. OEH has previously raised some of these issues in our correspondence, in regard to the Yass settlement Strategy.

This response addresses the Gateway Determination requirements for consultation under section 3.34(2)(d) of the *Environmental Planning and Assessment Act 1979* and the relevant section 9.1 Directions.

Ministerial Direction 2.3 Heritage Conservation

OEH notes that the 2017 archaeological assessment for this rezoning remains incomplete as the three potential archaeological deposits that were identified have not been test excavated to establish their nature, extent and significance.

Further information regarding requirements for the preparation of Aboriginal cultural heritage assessments and Aboriginal Heritage Impact Permit applications can be obtained from the OEH website at: [www.environment.nsw.gov.au/licences/achregulation.htm](http://www.environment.nsw.gov.au/licences/achregulation.htm).

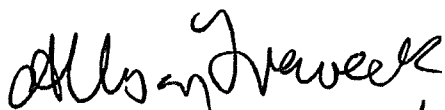
Ministerial Direction 4.3 Flood Prone Land

OEH has concerns with the proposal as it is presented.

OEH notes that the proposed rezoning of R2 Lots 2-6 are relatively free from constraint (including the open area directly behind these Lots and the proposed road) however, Lots 7-17 contain a significant amount of identified flood prone land. OEH also note that the PHL Surveyors Planning Report presents these issues in Figures 10-12 however offers no alternatives or risk assessment/mitigation in relation to initial proposed zoning of 5,000m<sup>3</sup> and a minimum Lot size of 2,000m<sup>3</sup> (potential future dual occupancy). OEH requests that an alternative Lot arrangement be considered to avoid these potential hazards.

Detailed comments on what is required is contained in Attachment 1. Please contact Tania Ashworth, Senior Conservation planning Officer on 6229 7176 should further information be required regarding this matter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Allison Treweek', written in a cursive style.

ALLISON TREWEEK 12/2/19.  
Senior Team Leader - South East Planning  
Conservation and Regional Delivery



## Attachment 1 Detailed Comments.

### Ministerial Direction 2.3 Heritage Conservation

As the archaeological assessment was also undertaken following the due diligence code, no consultation has been undertaken with the Aboriginal community which may provide more information about cultural values of the land. The 2013 Yass Valley Aboriginal heritage study has previously identified that Aboriginal pathways occur in the Sutton area and recommended that areas of interest be investigated through field survey assessments in the future.

OEH recommend undertaking Aboriginal consultation and a more comprehensive archaeological assessment at this rezoning stage to give more certainty to any future development proposals and to provide up front measures which could be taken to avoid or mitigate impacts if Aboriginal objects are located. OEH cannot not guarantee an AHIP will be issued when any future development applications for residential development may be lodged.

### Ministerial Direction 4.3 Flood Prone Land

As the proposed development area is potentially affected by flooding and/or has the potential to affect flood behaviour, it will need to be considered by the Council in accordance with the NSW Government's Flood Prone Land Policy as set out in the NSW Floodplain Development Manual (2005). The primary objective of the policy is to reduce the impact of flooding and flood liability on individual owners and occupiers, and to reduce the private and public losses resulting from flooding, utilising environmentally positive methods wherever possible.

The implications of the full range of floods, including events greater than the design flood, up to the Probable Maximum Flood (PMF) should be considered by council, including:

- The impact of flooding on the proposed development;
- The impact of the proposed development on flood behaviour (particularly downstream flood impacts as a result of potential encroachment, land use and land form changes);
- The impact of flooding on the safety of people/users of the development for the full range of floods including issues linked with isolation and accessibility for emergency services;
- The implications of climate change (particularly increased rainfall intensity) on flooding; and
- The outcomes, actions and objectives from the Sutton FRMS&P (2016).

From the information available to us, it is unclear as to whether adequate consideration has been given to all these matters in their entirety, particularly:

- Appropriate buffers to accommodate flood and riparian constraints;
- The implications of climate change on flooding; and
- Potential isolation and accessibility for emergency services during a flood.

Council's Sutton Floodplain Risk Management Study and Plan (FRMSP, 2016) indicates that some areas proposed to be rezoned for residential development are significantly flood affected. Zoning boundaries which are cognisant of flood and riparian constraints are preferable, to enable appropriate management of such areas with consideration of future development.

Council's Sutton Floodplain Risk Management Study and Plan (FRMSP, 2016) indicates that the majority of the Sutton township (including the site) is subject to potential isolation during a flood. It is suggested that the approval authority be satisfied that increasing the residential population at this location does not represent an increased risk to life, which may be achieved through the assessment and identification of appropriate strategies to facilitate flood evacuation.

Should the DPE require any further advice on flood risk management matters, it should not hesitate to contact the OEH.



Yass Valley Council  
P.O. Box 6  
YASS NSW 2582

Dear Arif,

**Referral – Planning Proposal (PP.2018.02) – 2155 Sutton Road, Sutton**

I refer to your letter dated 18 December 2018 requesting comment regarding a planning proposal to facilitate the rezoning of land situated at 2155 Sutton Road, Sutton.

The Planning Proposal and supporting documentation detailing the proposed rezoning has undergone review for potential health related impacts. In this regard, I would like to make the following comments:

- Where there is no provision of reticulated water and sewer, the proposed minimum lot size of 5000 m<sup>2</sup> for the construction of a standard residential dwelling, and 10,000 m<sup>2</sup> to allow for the construction of a dual occupancy, is supported to allow for satisfactory disposal of effluent on site;
- Where reticulated water and sewer are provided, the proposed minimum lot size of 2000 m<sup>2</sup> is supported;
- It is noted that the development proposes to provide a community title arrangement to access an existing bore for garden and greywater purposes. While it is understood that the proposed use of the bore water is for non – potable purposes (not for drinking), there is the risk that it can be connected into dwellings and used for potable purposes (drinking). In this regard, please be advised that NSW Health does not support the use of groundwater for potable purposes without testing and appropriate treatment including disinfection. Care must be taken to ensure adequate backflow prevention devices are installed and maintained at each property access point to prevent and reduce the risk of cross contamination.

Care must also be taken to ensure property owners are aware of the risks associated with the use of groundwater, and that groundwater is not to be used to supplement their rainwater tank supply.

It is recommended that conditions be applied surrounding these matters to any future development consent issued for the construction of a dwelling on any of the proposed allotments should this planning proposal be approved.

Further information on groundwater can be obtained at:

<https://www.health.nsw.gov.au/environment/water/Pages/groundwater.aspx>



Further information on managing rainwater tanks can be obtained at:  
<https://www.health.nsw.gov.au/environment/water/Pages/rainwater.aspx>

- The maintenance of a minimum 50m buffer between the existing bore and any constructed bores from existing future effluent dispersal areas as noted on p. 15 of the Integrated Assessment report is supported;
- It is noted that the proposed subdivision layout plan varies from that assessed in the Integrated Assessment report prepared by Franklin Consulting Australia Pty Limited. This report indicated that not all allotments in the initial layout were suitable for effluent disposal based on assessed constraint levels.

To enable a thorough assessment of the suitability of the proposed allotments for effluent disposal, it is recommended that the revised subdivision plan is overlaid over Figure 4: Constraints to Effluent Dispersal found on p.18 of the Integrated Assessment Report. This should be to scale to enable the calculation of land remaining and deemed suitable for effluent disposal, and to assess whether the proposed 1300 m<sup>2</sup> effluent disposal area is available.

Due to potential constraints within the proposal area, this assessment may determine there is a need to create effluent disposal envelopes on each allotment. It may be recommended that these envelopes prohibit the building of any structure within the envelope area to ensure that the land is always available for the safe disposal of effluent.

Should you have any questions regarding this matter, please do not hesitate to contact the undersigned on 0407 060 237 or email  
[tabitha.holliday@health.nsw.gov.au](mailto:tabitha.holliday@health.nsw.gov.au).

Yours sincerely

Tabitha Holliday  
**Environmental Health Officer**

8 February 2019





**Natural Resources  
Access Regulator**

Contact Tim Baker  
Phone 02 6841 7403  
Fax 02 6884 0096  
Email [Tim.Baker@dpi.nsw.gov.au](mailto:Tim.Baker@dpi.nsw.gov.au)

Arif Chohan  
Yass Valley Council  
Strategic Planner  
PO Box 6  
YASS NSW 2582

Our ref V15/3876-3#66

18 March 2019

Dear Arif

**RE: Planning Proposal (PP.2018.02) – 2155 Sutton Road, Sutton**

I refer to your letter dated 18 December 2018 requesting comment on a proposed amendment to the Yass Valley Local Environmental Plan 2013. It is understood this consultation is in accordance with section 3.34(2)(d) of the *Environmental Planning and Assessment Act 1979* and the amendment purpose is to:

- Rezone part of Lot 1 in DP32236 from RU1 to R2 – Low Density Residential
- The proposed R2 zoned land is to have a Minimum Lot size (MLS) of 2000m<sup>2</sup>. If no reticulated sewerage is available the MLS is 5000m<sup>2</sup>.
- The remaining RU1 land is to a MLS of 10ha north of a new bypass road and 20ha south of this road.

The supporting documentation has been reviewed and the following key comments and recommendations are provided:

**Comments**

Planning Proposal

- Section 2.3.7 and 3.3 of the planning proposal references potential water supplies, however confirmation of the potable and non-potable water demands and the ability to access these supplies is yet to be confirmed. A factsheet titled "*How much water do I need for my rural property*" provides information on determining water requirements and can be accessed at the following link: [https://www.waternsw.com.au/data/assets/pdf\\_file/0008/136619/How-much-water-do-I-need.pdf](https://www.waternsw.com.au/data/assets/pdf_file/0008/136619/How-much-water-do-I-need.pdf) This factsheet indicates an annual demand of 264 000L to maintain 0.1ha of house garden and a house with a septic in the southern tablelands. Further information is recommended to confirm the water demands and the ability of potential water sources to meet these demands. In regards to groundwater as a source this may require installation of a bore to complete a pump test to confirm potential yield and water quality and would need to ensure adequate buffers to maintain this yield and quality for it to be a long term water source.
- NRAR advises that should groundwater be proposed as a water source, the 250m distance condition between a bore and a contamination source (ie. sewage management system) as specified in the Water Sharing Plan for the Murray Darling

Basin Fractured Rock Groundwater Sources should be complied with. The groundwater in the local area is vulnerable to contamination and is a valuable resource which needs protecting. The use of a buffer less than 250m increases the risk of accessing contaminated water.

- It is recommended Council review the Yass Integrated Water Cycle Management Strategy (IWCMS) to ensure the proposed management of water and sewerage for this planning proposal is consistent with that document.
- It is recognised a 20m vegetated buffer is proposed on either side of the second order creek traversing the lot. This is supported and is consistent with the, *Guidelines for Controlled Activities on Waterfront Land* (NRAR 2018). It is noted a road is proposed at the back of the lots to front Sutton Road and that the road will need to be outside of the 20m buffer.
- The planning proposal refers to the need to stabilise erosion gullies with the use of geotextile and rock and revegetation measures. These concepts are generally supported and any future application to NRAR for a Controlled Activity Approval to carry out these works will need to be in accordance with the, *Guidelines for Controlled Activities on Waterfront Land* (NRAR 2018).

#### Integrated Assessment - Appendix

- Reference is made on page 55 to the applicability of the Maximum Harvestable Right Dam Capacity (MHRDC) to the new lots following subdivision of the land as proposed. NRAR advises if the property is subdivided, as is proposed, and the resultant properties have dams that are greater than the MHRDC there will be the requirement to modify the dams or apply for an approval and potentially obtain a water access licence. This will need to be confirmed with WaterNSW who will be the relevant licensing authority at the development application stage.
- As stated on page 54, each newly created lot will be entitled to access groundwater under the Basic Landholder Rights provisions. NRAR is therefore concerned with the potential for a proliferation of bores and potential impacts in terms of yield from other bores and quality from effluent disposal. It is recommended the water supply demands and sources be confirmed at the rezoning stage to mitigate the potential demand for additional BLR bores and conflict in accessing supplies, in addition to potential issues with gaining work approvals from WaterNSW due to lot size constraints and effluent disposal locations.
- The report refers to potential groundwater in a fractured rock aquifer at a depth of 9m. This reinforces the groundwater vulnerability rating given to the northern section of the proposed lot which raises concern over potential impacts to the groundwater system due to effluent application and resultant water quality if this is to be a source for the proposed landuse. Page 15 of the report refers to a minimum spatial separation of effluent application areas to be 80m and a 50m buffer between bores and effluent application areas. The basis for these buffers is not clear and due to the groundwater vulnerability rating, the standard 250m buffer between bores and on-site effluent disposal systems is recommended.

#### **Recommendations**

- Confirm the potable and non-potable water demands and the viability of supplies to meet this demand and quality. The impacts of extracting the water on adjacent users and the environment would also need to be addressed to confirm the viability.
- Plan the lot layout to enable a 250m buffer between bores and effluent disposal areas. The use of a reticulated water supply system will assist in mitigating the requirement for individual landholder bores and hence potential conflict with this buffer distance.

Adequate maintenance of onsite effluent management systems will be required to mitigate impacts to the surface water and groundwater systems.

- Review the Yass Integrated Water Cycle Management Strategy (IWCMS) to ensure the proposed management of water and sewerage for this planning proposal is consistent with that document.
- Future subdivision requirements will need to ensure the dam sizes on newly created lots are consistent with the MHRDC. This may require altering the dam capacity or obtaining relevant approvals and licenses under the *Water Management Act 2000*.

Should you have any further queries in relation to this submission please do not hesitate to contact Tim Baker 02 6841 7403.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Vickie Chatfield', with a large, sweeping flourish extending to the right.

**Vickie Chatfield**  
**Manager Water Regulatory Operations- West**  
**Department of Industry- Natural Resources Access Regulator**



Education

Ms Liz Makin  
Strategic Planning Manager  
Yass Valley Council

DOC19/58221

By email: [Council@yass.nsw.gov.au](mailto:Council@yass.nsw.gov.au)

Dear Liz,

**Planning Proposal (PP.2018.02) 2155 Sutton Road, Sutton**

I refer to the subject planning proposal and your request for any comments concerning the implications for education infrastructure.

The proposal has the potential to generate 19 dwellings. This level of development is anticipated to generate minimal demand in the government education system. The existing Sutton Public School and Queanbeyan High School service this area and can add additional teaching spaces to meet this demand, if required.

There is a high percentage of non-local enrolments at Sutton Public School and the Department has committed to review the designated intake areas for those schools north of the ACT including consideration of the implications of the ACT Policy concerning enrolment of NSW students. From this work, we will better understand the asset requirements to service the local enrolment demand. We will continue to engage with Council to ensure we understand the likely housing areas that will impact on schools across the area.

It is also advised that the Department is supportive of Special Infrastructure Contributions Planning for state infrastructure, including for growing regions such as the Yass Valley and other local government areas surrounding the ACT. If supported by planning authorities, such plans will require development of additional residential lots to contribute to the provision of state infrastructure, including government schools.

Please contact Catherine Pyne, Senior Asset Planner, on 0429 463096 or by email, [Catherine.Pyne@det.nsw.edu.au](mailto:Catherine.Pyne@det.nsw.edu.au) for any further information or advice concerning this matter.

Yours sincerely

Lesley Moodie  
**A/Executive Director, Service Planning**  
20 January 2019





## Department of Primary Industries

OUT19/573

15 January 2019

Ms Liz Makin  
Strategic Planning Manager  
PO Box 6  
Yass NSW 2582  
Liz.Makin@Yass.nsw.gov.au

Dear Ms Makin

### **Planning Proposals – PP.2018.04, 2090 Sutton Rd, Sutton and PP.2018.02, 2155 Sutton Rd, Sutton.**

Thank you for the opportunity to provide comment on the above two proposals in Sutton as per your correspondence dated 11<sup>th</sup> and 18<sup>th</sup> December 2019. The NSW Department of Primary Industries (NSW DPI) Agriculture provides advice to consent authorities about the protection and growth of agricultural industries and the resources upon which these industries depend to provide economic growth.

NSW DPI Agriculture has reviewed the documents provided including the planning proposals prepared by PHL Surveyors (30/10/18) and Capital Region Planning (December 2018) for both the 2090 and 2155 Sutton Rd, Sutton developments. The following comments are provided.

The rezoning of rural land to residential and rural residential land will result in the loss of 253ha of agricultural zoned land. The Policy for Maintaining Land for Agricultural Industries (PMLAI), 2011 and Right to Farm Policy are relevant. Although the land is suitable for grazing, it is also adjacent to the Sutton Village, opposite a rural residential estate and close to the ACT border, making it a strategic location for the residential expansion of the village. The proposal is also consistent with the Yass Valley Settlement Strategy, 2017 and Sutton Village Master Plan 2017.

The Right to Farm Policy is also relevant and refers to the desire by farmers to undertake lawful agricultural practices without conflict or interference arising from complaints from neighbours and other land users. The proposed rezonings should consider the risk of impacts to other agricultural industries by undertaking a land use conflict risk assessment in accordance with NSW DPI's LUCRA guideline that can be found on the web at

<https://www.dpi.nsw.gov.au/agriculture/lup/development-assessment2/lucra>

The soils on the sites are class VI Land and Soil capability that are highly erosive with high limitations to pasture establishment and issues associated with salinity. Management of those issues on the small (5000m<sup>2</sup> to 2.5ha in size) scattered rural residential lots will be difficult, if not impossible at 2090 Sutton Rd. The development is being promoted as an equestrian subdivision. However, 5000m<sup>2</sup> is insufficient to sustainably accommodate even one horse on site. 5000m<sup>2</sup> is based on the ability to sewer lots, rather than any consideration of sustainable stocking management. The 'Pastures for horses' primefact

[https://www.dpi.nsw.gov.au/data/assets/pdf\\_file/0011/109982/pastures-for-horses.pdf](https://www.dpi.nsw.gov.au/data/assets/pdf_file/0011/109982/pastures-for-horses.pdf)

recommends a stocking rate of 1 horse per ha for the pasture type on the site. Many lots are smaller than the recommended 1ha per horse. The 2000m<sup>2</sup> lot size for 2155 Sutton Rd is appropriate if only for housing development. It is unclear whether the equestrian facilities on the 10ha community lot adjacent will include agistment. An assessment of the sustainability of 10ha of land for horses from the 16 lots will also be required to be undertaken.

Additionally, the report undertaken by Franklin Consulting Australia Pty Ltd on 29<sup>th</sup> May 2018 assessed soil type and site constraints. The report recommended the following:


- The need to maintain 70% ground cover with deep rooted perennial plants, trees and shrubs,
- minimising vegetation and ground disturbance adjacent watercourses,
- monitoring areas of erosion, implementing remedial erosion measures and
- placing constraints on areas of housing construction and effluent disposal.

While it is agreed that building envelopes in the proposed subdivision layout will enable housing to be constructed in non-erosive areas and effluent areas can be managed by choosing suitable locations, there will be significant issues surrounding the ongoing management of groundcover on such small lots. It is unclear, for instance how potential owners will maintain 70% ground cover on the small lots with horses that significantly exceeds the recommended stocking rate at any time of the year, particularly in drought. There is no mention of any other agistment that might increase lot sustainability in the long term. Restricting stock numbers might assist but it is unclear how that could be managed. Fewer, larger sized lots might assist further in addition to restricting stock numbers.

There are 4 lots located adjacent to the Yass River for the 2090 Sutton Rd rezoning proposal. Those lots will have stock and domestic rights and result in water extraction from the river. This is not consistent with protecting of agricultural natural resources used by agriculture in the region, particularly given that existing water catchments are already over allocated due to numerous rural residential properties in the area.

Should you require clarification on any of the information contained in this response please contact Agricultural Land Use Planner Wendy Goodburn (02) 4824 3736.

Yours sincerely



Lilian Parker  
**Manager**  
**Agricultural Land Use Planning**



DOC18/978886-1

Mr Arif Chohan  
Strategic Planner  
Yass Valley Council  
PO Box 6  
Yass NSW 2582

Dear Mr Chohan

**Re: Planning Proposal (PP.2018.02) – Rezoning of 2155 Sutton Road, Sutton**

I refer to your letter dated 18 December 2018 requesting the Environment Protection Authority's ('EPA') comments on a Planning Proposal (PP.2018.02) for the rezoning of 2155 Sutton Road, Sutton.

The EPA notes that the Planning Proposal is not integrated development under the *Environmental Planning and Assessment Act 1979* and the proposed subdivision does not trigger the requirement for an environment protection licence from the EPA under the *Protection of the Environment Operations Act 1997*. As such, the EPA does not have a formal role in the planning process, or have any comments to make on the proposal.

The EPA supports consideration of potential impacts of the proposal on the surface and groundwater catchment, and protection of environmental values commensurate with the surrounding catchment. This may include the preparation or review of integrated water cycle management strategies to ascertain long-term infrastructure needs to accommodate village growth.

I trust this information is of assistance. If you have any questions or wish to discuss, please contact Amanda Fletcher or myself on (02) 6229 7002.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'J Goodwin', followed by the date '11/2/19' written in blue ink.

**JANINE GOODWIN**  
Unit Head, South East Region  
NSW Environment Protection Authority

Contact officer: AMANDA FLETCHER  
(02) 6229 7002



**ACT**  
Government

Environment, Planning and  
Sustainable Development

Obj Ref: A18755280

Mr Arif Chohan  
Strategic Planner  
Yass Valley Council  
PO Box 6  
YASS NSW 2582

Dear Mr Chohan,

**Referral – Planning Proposal (PP.2018.02) – 2155 Sutton Road, Sutton**

Thank you for your letter dated 18 December 2018, referring the above Planning Proposal to the Environment, Planning and Sustainable Development Directorate (EPSDD) for comment.

I understand that the site of the Planning Proposal is located immediately south-west of the village of Sutton. The proposal is to amend the Yass Valley Local Environmental Plan (LEP) 2013 to rezone part of the site from RU1 Primary Production Zone and a 40 ha minimum lot size to R2 Low Density Residential Zone and 2,000m<sup>2</sup> minimum lot size. A 5,000m<sup>2</sup> (single dwelling) and 10,000m<sup>2</sup> (dual occupancy) minimum lot size would apply if reticulated sewerage is unavailable. The rezoning would facilitate the development 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.

I also understand that it is proposed that the remainder of the site, outside the proposed R2 Zone, is to remain RU1 Primary Production, with the minimum lot size reduced from 40 ha to 20 ha.

We have considered the Planning Proposal and raise no objection for the following reasons:

- The proposal appears to be generally consistent with the NSW Department of Environment and Planning's (NSW DPE) South East and Tablelands Regional Plan (2017) and the Yass Valley Settlement Strategy 2036 (Table 16: *Sutton future character*), endorsed by the NSW DPE on 20 September 2018. The proposal represents a limited expansion of an existing village, and such expansion is contiguous, or close to the village.
- The Yass Valley Settlement Strategy provides for the expansion of Sutton Village by 150 lots, with this limitation due to the lack of public reticulated water and sewerage supply, and to retain the village character of Sutton. The proposal would constitute part of this expansion.
- We understand that the targeted approach by Council to permit limited conversion of agricultural land to urban use where it is adjacent to an existing village, is expected to have a minimal impact on rural lands in the region. In particular, the site is outside



the 5km proposed 'buffer zone' of the Yass Valley Settlement Strategy. The ACT Government supports the Settlement Strategy and the proposed buffer zone.

- The proposal appears to be consistent with the Sutton Village Master Plan (2017) which provides for residential development in the north of the site, and retention of the rural zoning in the south. The proposal also provides a corridor for a village bypass road, consistent with the Master Plan.
- The site does not contain important environmental assets or regional biodiversity connections with implications for the ACT.
- The proposal is not reliant on reticulated water or sewerage services from the ACT. It is understood new dwellings will require a suitably sized rainwater tank to collect roof water for domestic use, supplemented by a communal bore. The 5,000m<sup>2</sup> minimum lot size to unserviced lots (10,000m<sup>2</sup> for dual occupancy) is to ensure that there is an adequate area of land for collecting rainwater and for buffers around the bores.

In recent years we have been concerned with the impact of rural subdivision in areas close to the ACT border, due to the potential impacts on cross border ecological connectivity associated with land fragmentation and development.

On 21 January 2019, we discussed with you whether it would be appropriate to maintain the minimum 40 ha lot size in the RU1 Primary Production Zone. However, we note that the 20 ha minimum lot size would only apply to a limited area, and that it would provide for a graduation from the residential lots of 5,000m<sup>2</sup> (or potentially 2,000m<sup>2</sup> with reticulated sewerage) close to the village, to the 40 ha minimum lot size in the surrounding rural area.

Thank you for the opportunity to comment on the Planning Proposal. Should you wish to discuss the matter further, please contact Ms Belinda McNeice, Principal Planning Advisor on 6207 2553.

Yours sincerely



Kathy Cusack  
Executive Director  
Planning, Land and Building Policy

**22** January 2019

22 January 2019

Yass Valley Council  
c/o [Council@yass.nsw.gov.au](mailto:Council@yass.nsw.gov.au)

Attention: Ms Liz Makin

Dear Ms Makin

**Planning Proposal for 2155 Sutton Road, Sutton, Lot 1 DP 32236 –  
2018YASSV001**

As requested, Queanbeyan-Palerang Regional Council (QPRC) has reviewed the Planning Proposal 2018YASSV001 for 2155 Sutton Road, Sutton, Lot 1 DP 32236 and provides the following comments:

1. QPRC generally requires reticulated services to be provided where any extensions to towns or villages are proposed.
2. Given the proposed lots will require bore water to provide for non-potable water supply, Yass Valley Council should be satisfied that lots of 5000sqm represents a sustainable lot size for ongoing water extraction in the area.
3. The background documentation doesn't appear to provide an analysis confirming there will be an adequate ongoing water supply available from roof catchments for the development.
4. It is QPRC's experience that the management of infrastructure, in this instance equestrian facilities by property owners can be problematic.
5. The proposal is unlikely to significantly increase the use of any infrastructure within QPRC on this occasion.

Thank you for the opportunity to comment on the planning proposal.

If you wish to discuss this submission in more detail please contact Sue Robb of Council's Land Use Planning Branch on 6238 8163.

Yours sincerely



**David Carswell**  
Service Manager  
Land Use Planning  
Natural and Built Character  
**Queanbeyan-Palerang Regional Council**

**ADDITIONAL CONSULTATION**  
**with**  
**Transport for NSW**  
**NSW Biodiversity and Conservation Division**  
**&**  
**TransGrid**  
**November 2019 – January 2020**

18 December 2019

The General Manager  
Yass Valley Council  
PO Box 6  
YASS NSW 2582

Attention: Arif Chohan

**YASS VALLEY COUNCIL LEP 2013 – PLANNING PROPOSAL PP2018.02 – 2155 SUTTON ROAD SUTTON.**

I refer to your correspondence regarding the subject Planning Proposal which was referred to the Transport for NSW (TfNSW) for assessment and comment.

From review of the information provided it is understood that the planning proposal represents an amendment to the current Yass LEP to allow for the subdivision of the subject site to create 20 allotments for rural residential purposes and 1 allotment for equestrian purposes. The subject site has frontage to the Canberra-Crookwell Road (MR52), also referred to as Sutton Road, which is a classified road, within a 100 km/h speed zone and to Guise Street which is classed as a local road, within a 50 km/h speed limit.

The subject site is located on the western side of the Canberra-Crookwell Road and on the southern side of Guise Street. The revised Planning Proposal and plans provides for a 21 lot subdivision and the provision for a new alignment for the Canberra-Crookwell Road to the west of Sutton. The revised subdivision plans for the planning proposal now allow for 2 options (an eastern and western option) for the route for potential future realignment of the Canberra-Crookwell Road.

In a previous submission regarding the masterplan for Sutton Roads and Maritime Services (now Transport for NSW) raised the need for an appropriate study to be undertaken to investigate the need for the bypass of Sutton and to investigate the various alternative routes before finalising the decision in relation to this issue. Please note that whilst Council may resolve to support the implementation of a future bypass the new road may not be classed as a classified road under the Roads Act.

From the revised information available it is understood that consultation has been held with the community regarding the relocation of the Canberra-Crookwell Road. It is also noted that the landowner of Lot 4 DP 1010009 and surrounding lands to the north of the subject site had previously submitted a concept plan for the development of their land that included a new road link to the west of the McLaughlins Creek. The proposed road corridor for this new road link appears to align with the northern extension of the western option identified in the revised information provided by Council..

TfNSW understand that the preferred option for the proposed route around Sutton is still to be finalised. To address this issue it is considered that further investigation and consultation should be undertaken to firstly determine the need for the relocation of the Sutton Road from within the Village and secondly to determine the preferred route for the relocation of Sutton Road if proposed.

As the subject site has frontage to a classified Road the provisions of SEPP (Infrastructure) apply, particularly Clause 101. In this case access to a classified road should not be relied upon for development where practicable access is available to the existing local road network. The revised concept for the



subdivision of the subject site proposes access to/from Guise Street and Majura Lane. All allotments within the future subdivision of the subject site shall be restricted to access via Guise Street, Majura Lane or the proposed new internal road network.

Further to the above TfNSW understands that the documentation and plans submitted for the planning proposal provide a preliminary concept for the development and that a Development Application generally consistent with the documentation would be submitted to Council for merit assessment of the development prior to any works for the development being undertaken on the subject site, if the rezoning is adopted.

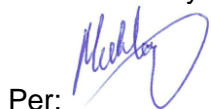
A major focus of TfNSW is the safety and efficiency of the classified road network and the level of service provided by these roads and their associated infrastructure. The rezoning of this precinct as proposed has the potential to generate additional traffic volumes on the public road network which will need to be addressed. Any works associated with the proposed development shall be at no cost to Transport for NSW.

Transport for NSW advises that it would not object to the planning proposal and the revised conceptual subdivision plan subject to consideration of the above mentioned issues.

Please note that the Canberra-Crookwell Road (MR52), is a classified "regional" road. As a regional road the care and maintenance of the road is vested in the Council however clause 138 of the Roads Act applies to any works within the road reserve.

Transport for NSW would be pleased to discuss the contents of this letter with the relevant council officers. Any enquiries regarding this correspondence may be referred to the Manager, Land Use for Transport for NSW (South West Region), Maurice Morgan, phone (02) 6923 6611.

Yours faithfully



Per:  
Lindsay Tanner  
Director South West NSW



Arif Chohan  
Yass Valley Council  
209 Comur Street, Yass, NSW 2582  
13 December 2019

Our ref: DOC19/103748  
Your ref: PP.2018.02

Dear Mr Chohan

**Subject: 2155 Sutton Road Planning Proposal Referral**

The Biodiversity and Conservation Division has been requested to review the 2155 Sutton Rd Planning Proposal (PP.2018.02) to partially rezone the parcel of land (Lot 1 DP32236) to be rezoned to R2 to facilitate a large lot residential development.

Based on the biodiversity and Aboriginal cultural heritage information received to date, the Department does not oppose the proposal to partially rezone the parcel of land (Lot 1 DP32236) to R2 to facilitate a large lot residential development. The Proponent may want to consider flood sensitive design. Flooding issues are still not adequately addressed.

- 1) **Biodiversity** - The biodiversity values on the parcel of land are low and a Biodiversity Development Assessment Report (BDAR) is most likely not necessary. However, this should be confirmed as part of the sub division development application.
- 2) **Aboriginal Cultural Heritage** - As test excavation pits have confirmed the presence of Aboriginal objects, therefore an Aboriginal Heritage Impact Permit (AHIP) will be required for any future development. As there are no Appendices attached to Aboriginal Cultural Heritage Report, the Department cannot comment on the adequacy of the Aboriginal consultation undertaken until we have received copies of the consultation log and any associated correspondence. BCD recommends providing these Appendices.
- 3) **Flooding** - Most of the Sutton township (including the site) is subject to potential isolation during a flood. Isolation and accessibility to the site in the event of a flood and the associated implications to public safety of an increased population has not been addressed.

Please refer to the appendices for further details about biodiversity (Appendix A), aboriginal cultural heritage (Appendix B) and flooding (Appendix C). If you have any further questions about our advice, please do not hesitate to call myself or Mallory Barnes, the Senior Regional Biodiversity Conservation Officer, via email at [mallory.barnes@environment.nsw.gov.au](mailto:mallory.barnes@environment.nsw.gov.au) or (02) 6229 7192.

Yours sincerely,

Allison Treweek

16/12/19.

Senior Team Leader

South East, Biodiversity and Conservation Division, Queanbeyan

## Appendix A – Biodiversity

The biodiversity values on the parcel of land are low and a Biodiversity Development Assessment Report (BDAR) is most likely not necessary for the following reasons:

- a) The Biodiversity Values Map and Threshold Tool shows that there is no mapped vegetation triggering entry into the Biodiversity Offsets Scheme.
- b) Aerial imagery shows that there is no native vegetation on the parcel of land triggering entry into the Biodiversity Offsets Scheme.
- c) The parcel of land is not covered by the South East and Tablelands Corridor mapping from the Regional Plan.
- d) The High Environmental Value layer shows that only a small section in the south eastern corner of the parcel of land which is mapped, however this area retains the RU1 zoning. Therefore, BCD concurs with the assessment in the planning proposal that *'vegetation within the subject site is predominantly exotic pasture, with limited areas of degraded DNG, and hence very low conservation value.'* However, the Flora and Fauna assessment is not attached to the report. This should be confirmed at the sub division stage
- e) The only ecological assets within the parcel of land are the watercourses which are being set aside and rehabilitated as environmental corridors. BCD commends this initiative.

## Appendix B – Aboriginal Cultural Heritage

Based on the results of the Aboriginal cultural heritage investigations now undertaken for this planning proposal we provide the following comments;

- Test excavations of the potential archaeological deposit 'PADST1' have confirmed the presence of Aboriginal objects. These objects are now recorded on the Aboriginal Heritage Information Management System (AHIMS) as site number 57-2-1113 'Sutton 1'.
- An Aboriginal Heritage Impact Permit (AHIP) will be required for any future development proposed as set out in the Aboriginal Cultural Heritage Report (dated August 2019).
- Further archaeological assessment will be required if the proposal area extends beyond the area of the current investigation or if the footprint currently proposed is modified and impacts may occur to the remaining potential archaeological deposits 'PADST2' and 'PADST3'.
- To ensure this planning proposal contains provisions that facilitate the conservation of Aboriginal objects we recommend the areas of 'PADST2' and 'PADST3' be mapped on all future subdivision and construction plans to so impacts are avoided to these sites.
- No Appendices are attached to Aboriginal Cultural Heritage Report. The Department cannot comment on the adequacy of the Aboriginal consultation undertaken until we have received copies of the consultation log and any associated correspondence.

## Appendix C – Flooding

The comments below are provided for inclusion in the South East Branch Planning response to this referral. Please contact SE Water Flood Coast (WFC) team if there is a need for any clarification or amendments otherwise we look forward to a final copy of the response for our records.



As detailed in previous advice, it is not evident that consideration has been given to the section 9.1 direction 4.3 matters in their entirety, particularly:

- Potential isolation and accessibility for emergency services during a flood;
- Appropriate buffers to accommodate flood and riparian constraints; and
- The implications of climate change on flooding.

### ***Isolation and Accessibility***

Council's Sutton Floodplain Risk Management Study and Plan (FRMSP, 2016) indicates that most of the Sutton township (including the site) is subject to potential isolation during a flood. Isolation and accessibility to the site in the event of a flood and the associated implications to public safety of an increased population has not been addressed.

The public safety risk sits with the whole future community including proposed floodplain development and areas above the probable maximum flood that are isolated. There has been no assessment of what measures will be incorporated into the proposal, noting the current access is inundated in floods less than the 10% AEP design event. We therefore maintain that DPIE – Planning and Assessment liaise further with council and the SES on this matter to determine whether the proposal is consistent with council's flood access strategy and local emergency response arrangements to satisfy itself that flood risks to public safety has been considered in its determination. This will also ensure that flood liability is addressed at the planning stage, rather than flood mitigation measures being required retrospectively by government.

### ***Riparian Corridors***

Zoning boundaries which are cognisant of flood and riparian constraints are preferable, to enable appropriate use and management of such areas with consideration of future development. The Planning Proposal (PHL Surveyors, Oct 2019) proposes to zone some of the riparian corridor as low density residential (Soil and Water, June 2017). DPIE – Planning and Assessment should ensure appropriate management outcomes of riparian corridors will be achieved with the proposed zoning.

### ***Climate Change***

No information is provided on the potential implications of climate change on flooding of the site or implications to any new development and this should be addressed to ensure consistency with the principles of the Floodplain Development Manual.



## Arif Chohan

---

**From:** Lauren Player <Lauren.Player@transgrid.com.au> on behalf of Easements&Development <Easements&Development@transgrid.com.au>  
**Sent:** Friday, 10 January 2020 3:08 PM  
**To:** Arif Chohan  
**Cc:** Easements&Development; Michael Platt  
**Subject:** Doc 351050 2019-545 - Referral - Planning Proposal (PP.2018.02) - 2155 Sutton Road

Hi Arif,

**TransGrid Reference:** 2019-545

**RE:** Referral - Planning Proposal (PP.2018.02) - 2155 Sutton Road, Sutton (Lot 1 in DP 32236)

**TG:** Yass – Queanbeyan No 1 132KV T/L (Feeder 977/1 – Structure Span 156 – 164)

Thank you for referring the abovementioned planning proposal to TransGrid for review.

Please be advised of the following feedback :

- TransGrid will require further detailed plans that more accurately and clearly identify the Transmission line and structures and the survey position of the easement.
- TransGrid is not in favour of residential allotments being in the easement. The subdivision plan should be redesigned in consultation with TransGrid to ensure the subdivision does not interfere with TransGrid continuity of access along the easement and not residential fencing in the easement inhibiting our access. Where it is not possible to design the subdivided lots off the easement (although this should be a high priority), then they should be super-lots with a focus on minimising the number of lots that are subject to our transmission line easement.
- The proposed road needs to be assessed for vertical and horizontal clearances because the volume of traffic and vehicle types may not necessarily comply with TransGrid's restrictions where it under crosses the Transmission Line easement. The existing Crown Road is not an automatic fulfilment of our requirements in this regard, noting the new road changes the traffic volumes and use of the existing road.
- It is recommended the developer and landowner meet with TransGrid and obtain prior consultation with TransGrid before seeking to progress their development that needs to actively minimise its impact on our transmission line easement and infrastructure.

For further advice, please refer to *TransGrid's 'New Updated' Guidelines*. These guidelines can be accessed through our external website under the following hyperlink: <https://www.transgrid.com.au/being-responsible/public-safety/Living-and-working-with-electricity-transmission-lines/Pages/default.aspx>

If you have any questions, please do not hesitate to contact our team.

Kind regards,

**Lauren Player**

Enquiry Services Coordinator | Network Planning and Operations

**TransGrid** | 200 Old Wallgrove Road, Wallgrove, NSW, 2766

**T:** (02) 9620 0297 **M:** 0427 094 860

**E:** [Lauren.Player@transgrid.com.au](mailto:Lauren.Player@transgrid.com.au) **W:** [www.transgrid.com.au](http://www.transgrid.com.au)

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**From:** Arif Chohan <[Arif.Chohan@yass.nsw.gov.au](mailto:Arif.Chohan@yass.nsw.gov.au)>

**Sent:** Monday, 25 November 2019 3:35 PM

**To:** Easements&Development <[Easements&Development@transgrid.com.au](mailto:Easements&Development@transgrid.com.au)>

**Cc:** Michael Platt <[Michael.Platt@transgrid.com.au](mailto:Michael.Platt@transgrid.com.au)>

**Subject:** RE: Referral - Planning Proposal (PP.2018.02) - 2155 Sutton Road

**Importance:** High

Dear Sir/Madam

I refer to my earlier email this morning regarding the subject planning proposal.

I noted the revised planning proposal has not been uploaded on the LEP Tracker by the Department and it may take a bit of time. Therefore, I have attached a cope of revised planning proposal for your reference, however, all other relevant documents can still be found on the LEP Tracker.

Should you wish to seek further clarification, please contact me.

Kind regards,

Arif Chohan

02 6226 9219

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

P: +61 (0)2 6226 1477

E: [Arif.Chohan@yass.nsw.gov.au](mailto:Arif.Chohan@yass.nsw.gov.au) | W: [www.yassvalley.nsw.gov.au](http://www.yassvalley.nsw.gov.au)

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**From:** Arif Chohan  
**Sent:** Monday, 25 November 2019 1:56 PM  
**To:** 'Easements&Development@transgrid.com.au' <[Easements&Development@transgrid.com.au](mailto:Easements&Development@transgrid.com.au)>  
**Cc:** 'Michael.Platt@transgrid.com.au' <[Michael.Platt@transgrid.com.au](mailto:Michael.Platt@transgrid.com.au)>  
**Subject:** Referral - Planning Proposal (PP.2018.02) - 2155 Sutton Road  
**Importance:** High

Dear Sir/Madam,

Please find attached Council's request to review the subject planning proposal.

Please contact me, should you need further clarification.

Kind regards,

Arif

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**with**

**State Agencies and Stakeholder**

**May 2020 – June 2020**

**On-going**