

6.1 PLANNING PROPOSAL - 2402 SUTTON ROAD, SUTTON

SUMMARY

To present a report on a draft Planning Proposal seeking an amendment to the *Yass Valley LEP 2013* by amending the land use zoning and minimum lot size of land at 2402 Sutton Road, Sutton. It is recommended that the proposal be submitted for a Gateway Determination.

RECOMMENDATION

That the Planning Proposal - 2402 Sutton Road, Sutton (PP-2019-02) be endorsed and forwarded to the Minister for Planning to request a Gateway Determination pursuant to s3.34 of the Environmental Planning & Assessment Act 1979.

FINANCIAL IMPLICATIONS

Resources for planning proposal assessment are provided for in the current Operational Plan.

POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- South East and Tablelands Regional Plan
- *Yass Valley Local Environmental Plan 2013*
- Yass Valley Settlement Strategy 2017
- Sutton Village Masterplan 2017
- Sutton Flood Study & Risk Management Plan 2016

REPORT

1. Introduction

The *Sutton Village Masterplan* was adopted in December 2017 and set a framework for the consideration of future development surrounding the village given the number of enquiries from various landowners. The Masterplan identified land that would be considered for rezoning together with suggested zones. It also reinforced a minimum lot size of 5,000m² for new areas given reticulated sewerage is not provided, nor planned to be by Council. The spatial map of the Masterplan is shown in [Attachment A](#).

2. Planning Proposal

A draft Planning Proposal has been lodged for 2402 Sutton Road, Sutton requesting an amendment to the *Yass Valley LEP 2013* specifically the land use zoning and minimum lot size of the site.

The site has an area of approximately 30ha and is located to the north of Sutton Village. The site is an irregular wedge shape with its eastern boundary abutting McLaughlins Creek, western boundary fronting Sutton Road and tributary of Yass River is to the north. The site has a number of existing buildings/structures located adjacent to the Sutton Road.

The site is primarily used for hay making and therefore does not have any significant biodiversity values. The site has some mature trees including Elm, Poplar, Pine, Cyprus and remnants of an orchard. The *Sutton Flood Study & Flood Risk Management Plan 2016* identified the northern part of the site and along McLaughlins Creek as being within a high flood risk area. The confluence of the Yass River with McLaughlins Creek is located adjacent to the north-eastern corner of the site. Most of the central

area of land is identified as low flood risk which is mostly suitable for residential development. The subject land is also identified on the Riparian Land, Watercourse and Groundwater Vulnerability Map within the *Yass Valley LEP 2013*.

The site is currently zoned 'RU1 Primary Production', with a minimum lot size of 40ha. The draft Planning Proposal is intended to introduce the following amendments (refer **Attachment B**):

- Amending the land use zones to part 'R2 Low Density Residential' and part 'E4 Environmental Living'
- Amending the minimum lot size standards to 5,000m² (for the 'R2 Low Density Residential' zone) and 2.5 ha (for the 'E4 Environmental Living' zone)

Based on the zones and lot sizes requested, there would be a potential maximum yield of approximately 28 lots, although the number is likely to be less once flood constraints are addressed.

2.1 Flood Hazard

The *Sutton Floodplain Risk Management Study & Plan 2016* was adopted in late 2016. The eastern boundary of the site along McLaughlins Creek and the tributary on the northern boundary of the site are identified as being within a high flood risk area.

This land is proposed to be zoned 'E4 Environmental Living' with a minimum lot size of 2.5 ha to recognise the constraints associated with the watercourses and associated flooding risk. The larger lot size would also enable sufficient area to accommodate a dwelling and on-site sewerage management systems outside the High and Medium Risk areas. The conceptual layout does indicate lots within the 'E4 Environmental Living' zone which may not be suitable upon further detailed assessment due to the extent of land within the Medium Risk area. Limitations on the number of lots adjacent to the creek would also restrict additional riparian rights.

Much of the central part of the site is identified as having a low flood risk and is considered suitable for the residential development. This area is proposed to be zoned 'R2 Low Density Residential' with a minimum lot size of 5,000m².

Although the impact of flooding has been considered in defining the zoning and minimum lot size, any other required flood mitigation measures (e.g. mounding for onsite sewerage management systems) would be considered in detail at the development assessment stage. The submitted Land Capability Assessment indicates that it will be possible to ensure a subdivision layout which will allow building envelopes on land above the 1% AEP flood level. It is also proposed to further mitigate flood risk with Water Sensitive Urban Design and stormwater pit and pipe design responses. Further detail on the potential design of these responses will be required post Gateway Determination or as part of the development application as appropriate.

2.2 Ecological Values

A flora and fauna assessment for the site has been completed. No significant biodiversity or ecological values were found on the site.

Some mature trees including Elm, Poplar, Pine, Cyprus and remnant of an orchard are currently present along the site boundaries and in particular within the existing structures adjacent to Sutton Road. The site has historically been used for cultivation and grazing purposes.

Riparian vegetation present in the McLaughlins Creek (e.g. Cumbungi) may provide some habitat, but could also exacerbate flooding in extreme flood events.

2.3 Aboriginal Heritage

A previous due diligence assessment was undertaken in 2014 for the site. The archaeological field survey identified six stone artefacts and three areas of Potential Archaeological Deposits (PADs).

The nearby subsistence resources and the flat, slightly elevated location adjacent to the river and creek is likely to have attracted Aboriginal groups to the site. It acknowledges that the

historical agricultural use of the land, including ploughing would have disturbed artefacts within the upper 250mm of soil, but archaeological items may remain below this.

As the three PADs are located on higher land above McLaughlins Creek, they are likely to be impacted by the proposed development. The report advised that an Aboriginal Heritage Impact Permit will be required and recommends the preparation of a heritage strategy for artefact collection and sub-surface test excavation investigations to determine the presence, nature and extent of archaeological sites. Two of the three sites appear to be located within the area proposed to be zoned 'E4 Environmental Living'. It appears that the report's recommendations have not been considered in the development of the concept plan (e.g. PAD 1 appears to be located in area proposed to be located outside the high and medium flood risk areas indicated as suitable for building). However the more detailed subdivision design can be undertaken as part of the Development Application process following any rezoning.

None of the existing structures on the site are considered to have local European Heritage significance.

3. Strategic Planning Assessment

The draft Planning Proposal is consistent with the *South East & Tablelands Regional Plan*, which acknowledges the demand for new housing being driven by the proximity to the ACT. It also encourages new settlements as extensions of local centres, and highlights the need to consider servicing and access issues. As Sutton is an existing local centre, this draft Planning Proposal seeks to consider the existing settlement, while the proposed zoning and lot sizes reflect the constraints of the site.

The *Yass Valley Settlement Strategy* was prepared in light of the Regional Plan and includes specific recommendations for Sutton. These include no significant development of Sutton, with additional growth limited to 150 lots, being consistent with the *Sutton Masterplan*. The adopted Settlement Strategy has been endorsed by the Department of Planning, Industry & Environment (DPIE).

The *Sutton Village Masterplan* includes part of this site, and identifies potential areas for 'R2 Low Density Residential' development with a minimum lot size of 5,000m² and land mainly along the McLaughlins Creek and north of the site to be zoned 'E4 Environmental Living' with a minimum lot size of 2.5ha considering the site constraints.

The draft Planning Proposal is generally consistent with the adopted Masterplan. The proposed zone boundaries are a refinement of those indicated in the *Sutton Village Masterplan* in response to analysis of the flood risks identified in the *Sutton Floodplain Risk Management Study & Plan 2016*.

4. Conclusion

The proposal is consistent with Council's strategic planning for Sutton. The key constraints to development of the land are flooding and Aboriginal heritage. The proposed zones are generally reflective of these constraints and can be resolved through detailed subdivision design in the Development Application process should the rezoning be approved. It is recommended that the Planning Proposal be submitted to DPIE for a Gateway Determination.

STRATEGIC DIRECTION

Key Pillar	1. Our Environment
CSP Strategy	EN4 - Maintain a balance between growth, development and environmental protection through sensible planning
Delivery Program Action	EN4.1 - Ensure Council's statutory planning instruments are up to date and reflective of the community needs
Operational Plan Activity	EN4.1.1 – Undertake ongoing strategic land use planning and reviews of existing instruments

















ATTACHMENTS: A. Sutton Masterplan Map [↓](#)
B. Draft Planning Proposal Zoning [↓](#)

Sutton Village Master Plan Implementation

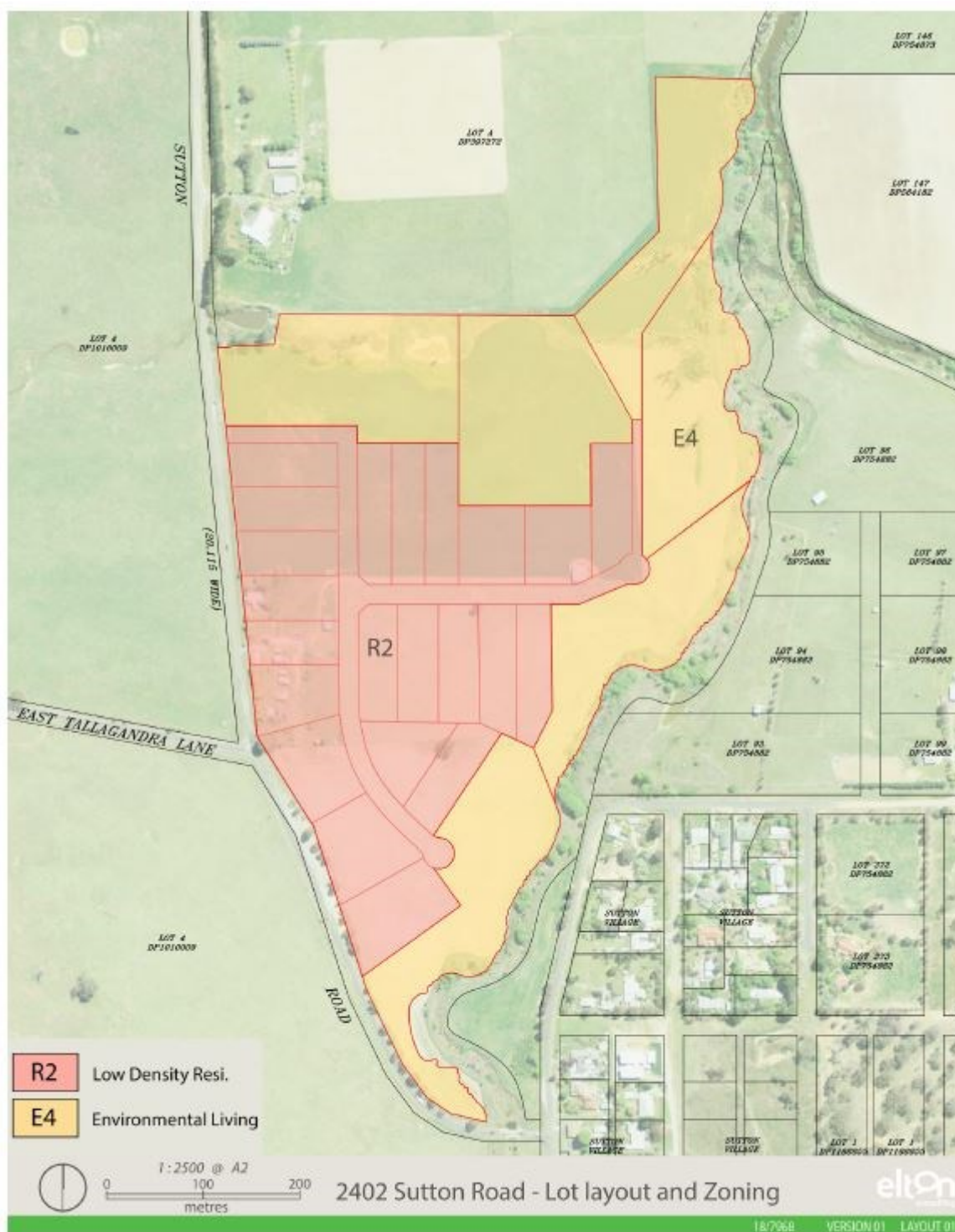
For inclusion as Appendix to Yass Valley Comprehensive DCP

Master Plan Features

Legend

-  Village Extents
-  Existing Public Open Space
-  Place of Community Focus
-  Yass River and Village Creeks
-  Pedestrian Link
-  Public Domain Strategy
-  Sutton Entrance Avenue
-  Landscape Buffers
-  Potential Yass River Monitoring Point
-  Crown Reserve including 'Sutton Common'
-  Encourage Commercial Development
-  Indicative alignment of Bypass (subject to further investigation)
-  Link to existing Village
-  Potential Rezoning to R2 (5000m²)
-  Potential Rezoning to E4 (2.5ha)
-  Potential Rezoning to E3 (40ha)





Councillor Furry declared a non-significant, non-pecuniary conflict of interest in Item 9.2 Liberty Theatre, Comur Street Yass – Offer to Purchase and stated that he did not believe his interest would preclude him from voting.

Reason: Councillor Furry declared an interest as he is a member of Yass Repertory.

Councillor Burgess declared a significant, pecuniary conflict of interest in Item 12.2 Bango Wind Farm Community Consultative Committee Minutes and stated that he did believe his interest would preclude him from voting.

Reason: Councillor Burgess declared an interest as he is the owner of property adjacent to wind farm and has signed an agreement whereby he may receive monetary gains.

Councillor Abbey declared a non-significant, non-pecuniary conflict of interest in Item 9.2 Liberty Theatre, Comur Street Yass – Offer to Purchase and stated that she did not believe her interest would preclude her from voting.

Reason: Councillor Abbey declared an interest as a possible perception that she has a perceived conflict of interest.

4. Confirmation of Minutes

RESOLVED that the minutes of the Ordinary Council Meeting held on 28 August 2019 covered by page numbers 1-18 inclusive and resolution numbers 170-203 inclusive, copies of which had been circulated to all Councillors, be taken as read and confirmed.

(Furry/Reid) 204

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

5. Mayoral Minute

Nil

6. Director of Planning Reports

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RESOLVED that the Planning Proposal - 2402 Sutton Road, Sutton (PP-2019-02) be endorsed and forwarded to the Minister for Planning to request a Gateway Determination pursuant to s3.34 of the Environmental Planning & Assessment Act 1979.

(Burgess/Reid) 205

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil