

## 6.1 PLANNING PROPOSAL - 2090 SUTTON ROAD, SUTTON

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### SUMMARY

To present a report on a draft Planning Proposal seeking an amendment to the Yass Valley LEP 2013 for 2090 Sutton Road, Sutton. This is the second Planning Proposal to rezone land in Sutton. It is recommended that the proposal be submitted for a Gateway Determination.

### RECOMMENDATION

*That the Planning Proposal for 2090 Sutton Road (PP-2018-04) be endorsed and forwarded to the Minister to request a Gateway Determination pursuant to s3.34 Environmental Planning & Assessment Act 1979*

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### FINANCIAL IMPLICATIONS

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

### POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- *Biodiversity Conservation Act 2016*
- *Environment Protection & Biodiversity Conservation Act 1999*
- South East and Tablelands Regional Plan
- Yass Valley Local Environmental Plan 2013 (Yass Valley LEP 2013)
- Yass Valley Settlement Strategy (2017)
- Sutton Masterplan (2017)

### REPORT

#### 1. Introduction

The Sutton Masterplan was adopted by Council at its December 2017 meeting, 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 5,000m<sup>2</sup> 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 requesting an amendment to the Yass Valley LEP 2013 – specifically the zoning and minimum lot size on the subject land.

The subject land is Lot 5 DP 838497 having an area of 183ha and located to the immediate southeast of Sutton Village. The site is bounded by Guise Street, Sutton Road, Federal Highway, Old Federal Highway and the Yass River. The present use of the land is agricultural, predominantly grazing, with some areas of cropping. There is some remnant White Box-Yellow Box- Blakely's Red Gum Woodland remaining on the site, although the understorey has been modified due to past agricultural use of the site.

Existing surrounding uses include Tulip Top Gardens (commercial nursery and garden with limited operation) to the southeast of the site, agricultural land to the east and west, and Sutton Primary School, Crown Land and some residential uses to the north.

The site is currently zoned RU1 Primary Production, with a minimum lot size of 40ha, and the draft Planning Proposal incorporates the following changes:

- Amending the land use zones to part RU5 Village, part R5 Large Lot Residential and part E3 Environmental Management
- Amending the minimum lot size standards to 5,000m<sup>2</sup> (for the RU5 Large Lot Residential and R5 Village zones) and 20 ha and 40 ha (for the E3 Environmental Management zone)

Similar to the additional site specific provisions for the recent re-zonings in Gundaroo, the ability to reduce the minimum lot size down to 2,000m<sup>2</sup> has been requested in the event that reticulated water and sewer becomes available. Based on the zones and lot sizes requested, there is a potential yield of approximately 75 lots.

It is noted that the area proposed for R5 Village does not propose to achieve a maximum yield based on the minimum lot size. Rather it proposes a layout with a range of lot sizes, with the minimum being 5,000m<sup>2</sup> and an overall average of 1.5ha. The larger lots would accommodate the retention of some scattered paddock trees, rocky outcrops, and required buffers to drainage lines and Yass River. Indicative building envelopes have been proposed, and should the proposal progress to a development application, there should be a requirement that building envelopes are registered on title, and further subdivision is prohibited (unless reticulated water and sewer becomes available).

These proposed amendments and concept plan are detailed in **Attachment B**.

## **2.1 Ecological Values**

A significant level of ecological investigation has occurred on the subject site, and the proposed zone boundaries and indicative development concept has been modified on a number of occasions in response to their findings and recommendations. Since some of the original investigations were undertaken, the *Biodiversity Act 2016* has been introduced, which had substantial implications for how this site could be developed. A further report was prepared which considered biodiversity credits, credit shortfalls, offset options and determined the likelihood of serious and irreversible impacts under the new *Biodiversity Conservation Act 2016* and the Commonwealth *Environment Protection & Biodiversity Conservation Act 1999*.

The draft Planning Proposal has sought to incorporate the bulk of moderate, high and very high quality vegetation in stewardship sites, which will have stewardship agreements entered into requiring future owners to undertake specified management of the land in perpetuity and monitor and report management/conservation outcomes. The assessment indicates that the development of the land would likely result in a deficit of species credits for the breeding habitat of the Superb Parrot, however will result in credits for the vegetation on site, including the Silky Swainson-Pea. The assessment of any credits would need to be further refined and confirmed through the development assessment process.

Consideration must also be given to whether the development is likely to lead to serious and irreversible impacts which may lead to a threatened species or ecological community becoming extinct. The site contains White Box-Yellow Box- Blakely's Red Gum Woodland – which is an endangered ecological community. The assessment has concluded that through the use of stewardship sites, and sensitive site planning the potential impacts can be mitigated. It is also noted that at this time, there are no clearing thresholds listed in the *Biodiversity Conservation Regulation 2017*, and should one be introduced which the proposed development exceeded – any development application would either need to be redesigned or refused.

Referral of any future Development Application may require referral under the *Environment Protection & Biodiversity Conservation Act 1999* in relation to Box Gum Woodland and Superb Parrot habitat on the site.

The landowners have worked closely over the past two years with both Council staff and the Office of Environment & Heritage in relation to planning - particularly to accommodate and conserve the biodiversity values of the site.

## 2.2 Other Supporting Studies

### Bushfire Analysis

The subject site is not indicated as being bushfire prone on the current Rural Fire Service (RFS) map for Yass Valley. Council staff are aware that new mapping has been drafted which will include grasslands. The Proponent commissioned this assessment upfront in anticipation and to incorporate into the draft Planning Proposal. The key consideration for this development is that any required Asset Protection Zones (APZs) will not impact on higher value vegetation. The report indicates that for the larger lots, proposed roads and fire trails would be able to accommodate the majority of APZs. The APZs for smaller RU5 Village and R5 Large Lot Residential lots would need to be confirmed once the exact locations of building envelopes are known, however need to be determined with the implications of the *Biodiversity Act 2016* in mind.

### Aboriginal Cultural Heritage

The Aboriginal Due Diligence undertaken revealed a recorded site on the southern boundary which has been significantly disturbed through previous road construction (most likely Federal Highway). As this site is within the area proposed to retain a 40ha minimum lot size, this area can be easily avoided until such time as the record is removed from the database.

The assessment identified the potential for sub surface Aboriginal objects within 200m of the Yass River along the eastern boundary. Further archaeological investigation should be undertaken in this area if the proposal progresses to the Development Application stage.

A European Heritage Assessment was also undertaken, and there were no sites/values identified.

### Traffic Impact Assessment

As any eventual yield or layout is unknown, the assessment largely considers existing base conditions, and estimates traffic generation. No direct access is proposed from the Federal Highway, limited access from the Old Federal Highway to any future lots on the eastern portion of the site, and the primary access roads into the site proposed from Sutton Road and Guise Street. The number of lots which may enter/exit from Guise Street would be a significant increase from the current traffic levels, and road upgrades would be necessary. It is also likely that traffic calming measures would be required for informal parking associated with the adjacent school. In the event that this proposal progresses, consultation with the Road & Maritime Service (RMS) will be required to ascertain their requirements for Sutton Road.

### Site Contamination Investigation

A preliminary investigation was undertaken which identified a number of locations across the site. As the land has been held within the same family's ownership for generations, the land use history is clearer than usual. The report identifies areas associated with storage of agricultural equipment, a former camp/septic tank, tyre storage, telegraph poles as well as possible contamination from the adjacent Federal Highway/Sutton Road. The report states that the land is considered to be low risk, should not limit the residential use of the site, but further sampling would be required to confirm.

### Land Capability Assessment

The report was prepared on the basis of the previous development concepts, but nevertheless, sets out areas of rock outcropping/shallow soil, active erosion gullies, drainage and riparian buffers. The report confirms that the majority of these identified constraints, would be included within the proposed E3 Environmental Management Zone. In the areas outside the proposed E3 Environmental Management, some lots would need to be larger to accommodate these

constraints, and hence why lot averaging is proposed within the R5 Village area. While much of the assessment considers suitability for effluent disposal, it does also make recommendations in relation to the Yass River which abuts the eastern boundary. It is suggested that any Development Consent should incorporate a Riparian Landscape Management Plan.

### 3. Strategic Planning Assessment

The proposal is generally consistent with the Sutton Masterplan, with the variations being due to the additional technical and ecological work undertaken.

The departures include a larger area of RU5 Village than that shown on the Masterplan to allow for a wider variety of uses – at the intersection, and extending opposite Sutton School to further consolidate the village on the least constrained land, and provide for uses which are unable to be located elsewhere in the village core due to lack of land.

The large section of land along the southern boundary abutting the Federal Highway, is proposed to be zoned E3 Environmental Management, with a minimum lot size of 40ha, as per the Masterplan.

The balance of the site was flagged in the Masterplan for potential rezoning to E4 Environmental Living, with a minimum lot size of 2.5ha (with the ability to go as low as 4,000m<sup>2</sup> in a community title arrangement under the current LEP provisions).

Further ecological assessment was undertaken, particularly in light of the *Biodiversity Conservation Act 2016*. As a result, the approach to managing the ecological values was reassessed, and the consideration of stewardship sites with a minimum lot size of 20ha over the moderate, high and very high condition vegetation. Areas of lower condition, have been proposed to be included within an R5 Large Lot Residential Zone – and lots averaging 1.5ha in area could be achieved. R5 Large Lot Residential was chosen as opposed to R2 Low Density Residential in this case, to reflect the main objective of R5 Large Lot Residential zone ie *to provide residential housing in a rural setting while preserving, and minimising impacts on environmentally sensitive locations and scenic quality*. As a further protection to the values and constraints of the site, variations to development standards (i.e. creation of lots below the minimum lot size) are not able to be considered in an R5 Village zone.

It should also be noted that approximate lot yield for this site based on the adopted Sutton Masterplan was in the order of 71 lots, whereas the draft planning proposal as submitted could generate up to 75 lots, which is considered appropriate, particularly as there would be a significant reduction in the number of lots containing the higher quality vegetation.

It is recognised that the R5 Village minimum lot size of 5,000m<sup>2</sup>, differs to that of the existing R5 Village area in Sutton, however it has only been considered on the basis that the land is currently in single ownership, could achieve an average of 1.5ha, and restrictions will be required on title in relation to further subdivision and building envelopes should it progress.

Accordingly it is recommended that the draft Planning Proposal be endorsed for submission to the Minister for Planning 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. Proposed LEP Amendments and Concept Plan [↓](#)

## 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 (5000m<sup>2</sup>)
-  Potential Rezoning to E4 (2.5ha)
-  Potential Rezoning to E3 (40ha)



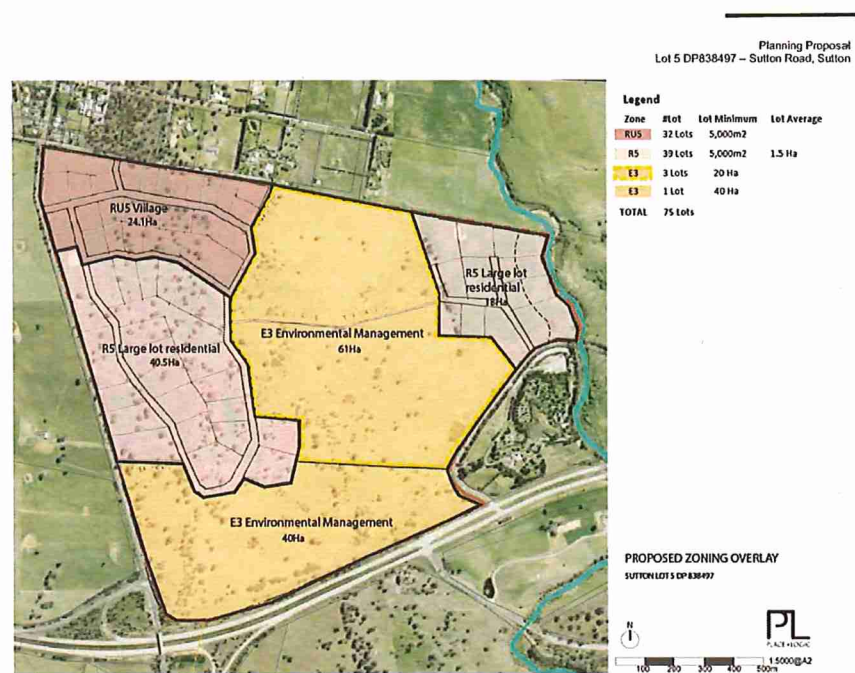
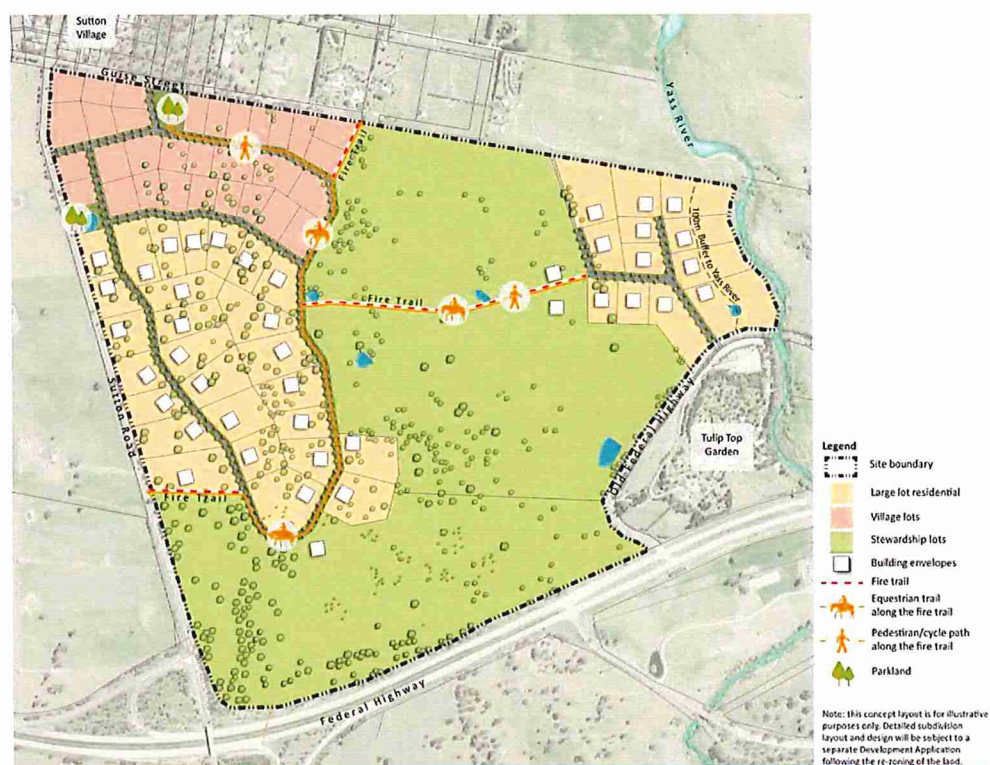


Figure 10: Proposed YVLEP Zoning and Minimum Lot Sizes



6.1 Planning Proposal - 2090 Sutton Road, Sutton  
Attachment B Proposed LEP Amendments and Concept Plan



ILLUSTRATIVE CONCEPT PLAN  
SUTTON LOT 5 DP 838497

0 50 100 150 200 250  
SCALE (A2): 1:5000

CLIENT: WOODBURY RIDGE ESTATE  
REVISION: DRAFT H  
DATE: 19 JULY 2018

**PL** PLACE + LOGIC  
Urban Design and Strategy