



Ordinary Meeting of Council

Wednesday 27 October 2021

4.00pm

Council Chambers

209 Comur Street, Yass

**ATTACHMENTS TO REPORTS
ITEMS UNDER SEPARATE COVER**

Ordinary Meeting of Council

Attachments to Reports
Items Under Separate Cover

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LEP Amendment Request Planning Proposal

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2402 Sutton Road, Sutton

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Date: 04 June 2021

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Date	4 June 2021
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Executive Summary

This report has been prepared by Elton Consulting to accompany a planning proposal on behalf of R., A. and N. Grubb to facilitate the redevelopment of land at Lot 1 DP119459 to low density housing.

The planning proposal seeks to amend the Yass Valley Local Environmental Plan 2013 to:

- » Rezone the site from RU1 Primary Production and RE1 Public Recreation to R2 Low Density Residential and E3 Environmental Management.
- » Reduce the minimum lot size from 40ha to 2,000m² (for proposed R2 zone) and 4ha (for proposed E3 zone).
- » Amend the Lot Size Map to include the proposed R2 zoned residential land in Sutton with reference to the application of clause 6.12.

The proposed concept plan is shown in Figure 1, below, and the proposed rezoning is shown in Figure 2, below. Key features include:

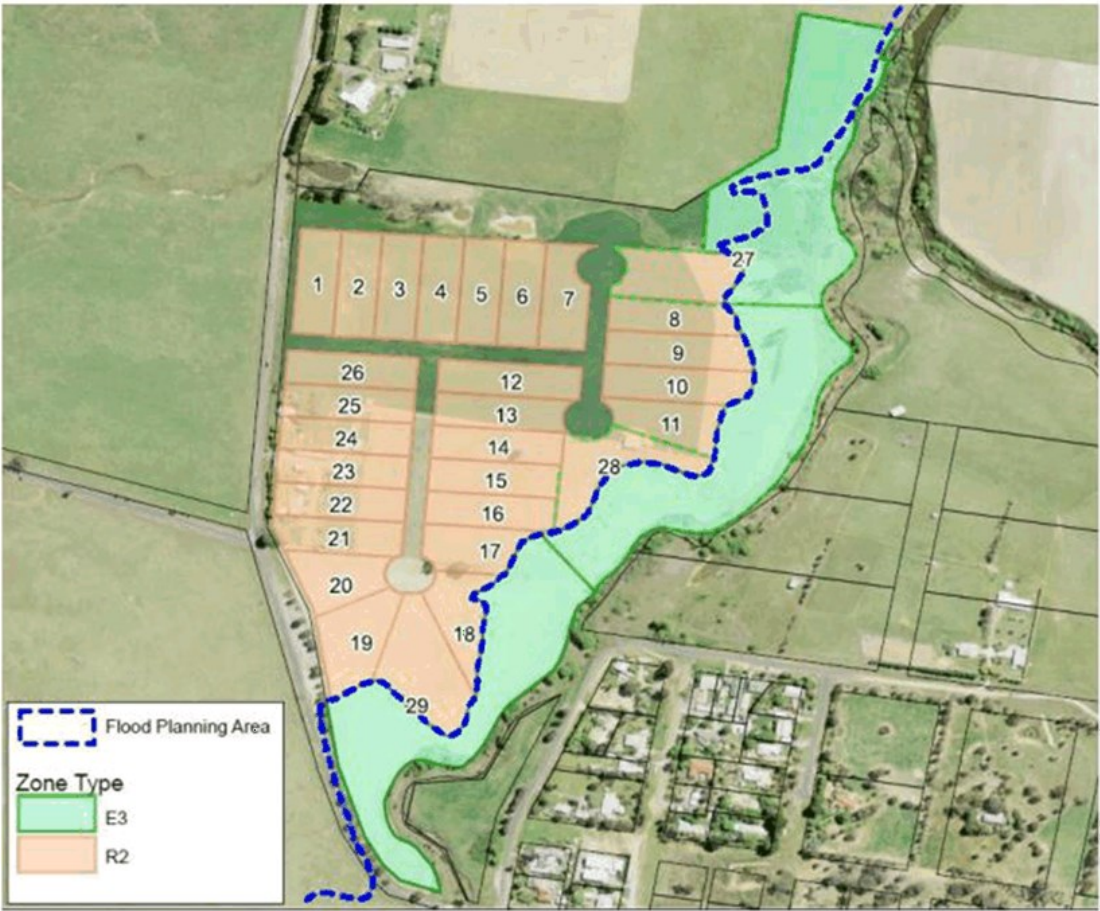
- » An indicative layout that demonstrated how the R2 zone may be applied to the site, including the proposed access point with Sutton Road
- » A perimeter of E3 zone absent of any dwellings
- » Appropriate lot sizes to accommodate site services such as on-site effluent disposal and site environmental constraints such as flooding and groundwater sensitivity

The PP has been informed by both local and state strategic planning framework and studies including flood studies, land use, and settlement strategies, as well as site specific studies.

The report demonstrates that the planning proposal:

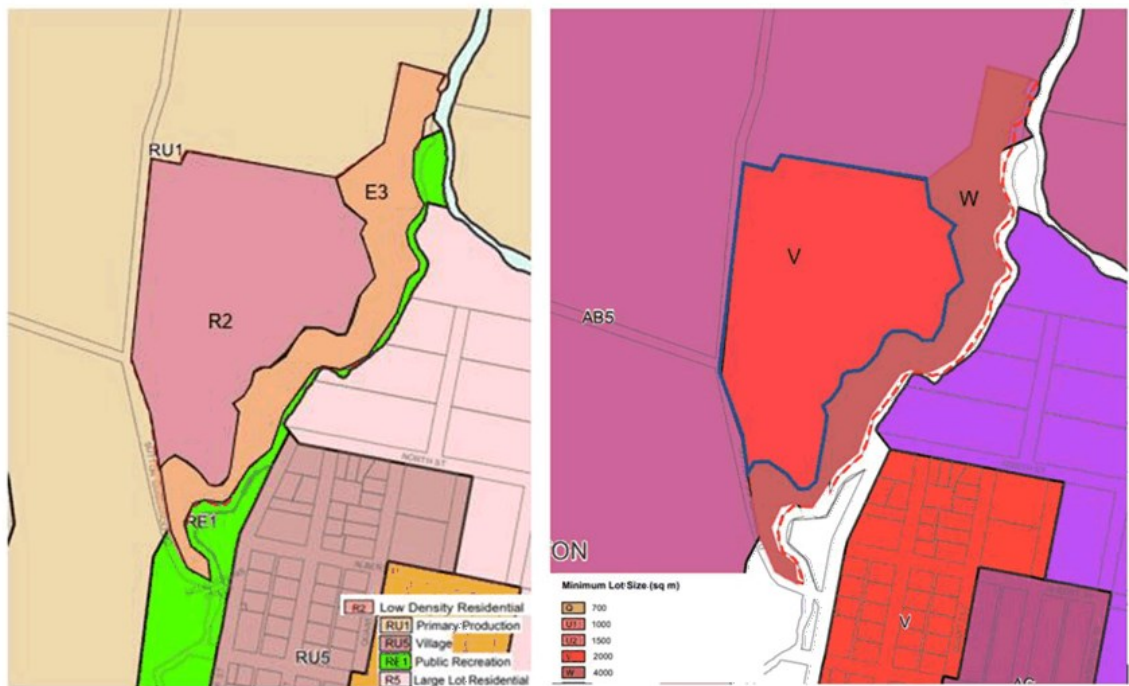
- » Is consistent with the local and state strategic planning documents
- » Is informed by the Sutton Village Master Plan which identified the site's rezoning potential
- » Delivers a residential development that responds to its context, topography and site constraints.
- » Provides additional housing in line with demand and infrastructure capacity that will support the controlled growth of the surrounding area.

Figure 1 Proposed Concept Plan



Source: GRCHydro, 2021

Figure 2 Proposed Rezoning and Lot Size



Source: Edited YVLEP LZN and LSZ Maps (edited)

Introduction

1.1 Purpose

This report has been prepared on behalf Mr Ray Grubb to support a proposed amendment to the Yass Valley Local Environmental Plan (YVLEP) 2013 to facilitate additional housing at 2402 Sutton Road, Sutton (the site) to enable the expansion of Sutton. The changes will:

- » Rezone site from RU1 Primary Production and RE1 Public Recreation to R2 Low Density Residential and E3 Environmental Management.
- » Apply minimum lot sizes of 2,000m² and 4ha respectively.
- » Amend the Lot Size Map to show a 2,000m² MLS (outlined in blue) for the site to which clause 6.12 will apply.

This report comprises a Planning Proposal (PP) the objective of which is to demonstrate to Council that there is sufficient planning justification to amend YVLEP as it relates to the site. Specifically, this report:

- » Details the proposed provisions of the LEP amendment
- » Describes the vision for the site that underpins the LEP amendment, including a concept plan demonstrating the desired ultimate development outcome for the site
- » Provides evidence to support the proposed LEP amendment based on technical planning, economic, urban design and traffic assessment
- » Justifies the proposed LEP amendment against all relevant statutory and strategic planning matters
- » Addresses the requirements for the preparation and lodgement of a PP in accordance with the EP&A Act and associated guides.

The PP is to be read in conjunction with the technical reports/accompanying documents listed in Table 1.

The PP has been prepared in accordance with:

- » Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act)
- » *A Guide to Preparing Planning Proposals* and *A Guide to Preparing Local Environmental Plans* (Department of Planning and Infrastructure, 2016)
- » Yass Valley Council requirements.

It represents the first stage of the gateway plan making process, which initially seeks Yass Valley Council's (Council) support to forward the proposed LEP amendment outlined in the planning proposal to the Department of Planning and Environment (DPE) for a gateway determination.

The gateway determination will:

- » Identify if there is sufficient justification for the planning proposal to proceed
- » Enable the public exhibition of the proposal
- » Provide a timeframe for completion

Table 1 Accompanying documents

Supporting document	Prepared by	Date
Appendix A: Flora and Fauna Assessment	Griffin Associates Environment	January 2019
Appendix B: Archaeological Due Diligence Assessment	Bowen Heritage Management	November 2018
Appendix C: Land Capability and Related Issues for Rural Residential Subdivision	Soil and Land Conservation Consulting	August 2003, revised January 2019
Appendix D: 2402 Sutton Road, Sutton - Groundwater Impact Assessment	Franklin Consulting Australia Pty Ltd (trading as) Soil and Water	January 2020
Appendix E: Stage 1 Preliminary Site Investigation (Contamination) Wattle Grove PSI	NGH Consulting	January 2020
Appendix F: Flood Assessment Report	GRC Hydro	May 2021

1.2 Structure

Section 3.33(2) of the EP&A Act and A Guide to Preparing Planning Proposals sets out the content and structure required for planning proposals. This report is structured in accordance with these provisions. However, it also includes introductory information about the site location and context. As such, this report is structured as follows:

- » comprehensive details on the subject site and its surrounds
- » identification of the Environmental Planning Instruments (EPIs) and broad strategic context of the proposal
- » a statement of the objectives and intended outcomes of the re-zoning
- » explanation of the provisions that are to be included in the proposed instrument
- » thorough justification of the proposal against the questions set out in the above-mentioned guidelines, demonstrating that the proposal is in the public interest, and is worthy of approval
- » identification of the YVLEP 2013 maps which would be amended under the proposal
- » details of the community consultation that would be undertaken
- » a project timeline detailing anticipated timeframe for the plan-making process.

1.3 Background

Much of the area surrounding Sutton is currently zoned RU1 Primary Production, as is the majority of the site except for a thin section of RE1 Public Recreation zoned land running parallel to McLaughlins Creek. The primary focus of RU1 land is to allow large scale rural activities e.g. Agriculture to be performed, achieved through the following zone objectives:

- » *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base*
- » *To encourage diversity in primary industry enterprises and systems appropriate for the area*
- » *To minimise the fragmentation and alienation of resource lands*
- » *To minimise conflict between land uses within this zone and land uses within adjoining zones*
- » *To protect and enhance the biodiversity of Yass Valley*

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- » *To protect the geologically significant areas of Yass Valley*
- » *To maintain the rural character of Yass Valley*
- » *To encourage the use of rural land for agriculture and other forms of development that are associated with rural industry or that require an isolate or rural location*
- » *To ensure that the location, type and intensity of development is appropriate, having regard to the characteristics of the land, the rural environment and the need to protect significant natural resources, including prime crop and pasture land*
- » *To prevent the subdivision of land on the fringe of urban areas into small lots that may prejudice the proper layout of future urban areas.*

The site area is approximately 30 hectares. However, under the YVLEP 2013, the current minimum lot size applied to the site is 40 hectares. Therefore, it could be considered difficult for a site of this size to achieve successful outcomes in accordance with the intent of the RU1 zone objectives.

Further, the Sutton Village Master Plan (2017) identified the subject site for potential rezoning to residential use.

Site Analysis

This section of the report provides an overview of the site, analysis of site characteristics, as well as demographics and housing requirements of the area.

2.1 Site Context

The site is located in the Southern Tablelands region of southeast NSW, within the Yass Valley Local Government Area (LGA). It is approximately 1km north of Sutton village, which is the closest settlement to the site. Sutton is a small village of approximately 250 people. It contains a primary school and limited commercial services, including a bakery. With the exception of Sutton, surrounding development is predominantly rural and used for agricultural and grazing purposes.

The site is located on Sutton Road, which connects Gundaroo (approximately 15km north of the site) to Queanbeyan (approximately 24km south of the site). The site is also strategically located approximately 3 km from the Federal Highway which provides a direct link to Canberra. It is approximately 9km from the ACT-NSW border and 22km from Canberra's central business district.

A site context map is shown in Figure 3.

Figure 3 Site Context



Source: Google Maps

2.2 Site Details

The site is legally identified as Lot 1 DP119459 and has a street address of 2402 Sutton Road. It has an approximate area of 30 hectares.

The site has an irregular shape and is roughly triangular. Its narrowest point is to the south, then extending northward to its broadest part. A narrow semi-rectangular shape protrudes further north to the confluence of McLaughlins Creek and the Yass River.

The site has the following characteristics:

- » The northern boundary is approximately 770m and adjoins a neighbouring rural property
- » The eastern boundary is approximately 1.34km and follows the path of McLaughlins Creek to Yass River
- » The western boundary is approximately 895m and fronts to Sutton Road.

The shape of site means it does not have a distinct southern boundary.

The site is relatively level with an approximately height of 600m Australian Height Datum (AHD). It slopes slightly towards the eastern boundary and McLaughlins Creek.

A site map is provided in Figure 4.

Figure 4 Site Map



Source: Sixmaps, 2018

2.3 Existing development and vegetation

The site currently hosts numerous structures, most of which are located near the western boundary adjoining Sutton Road. These structures include two residential dwellings, seven sheds of varying size, sewerage retention, and various small structures used for agricultural purposes.

Vegetation across the alluvial terrace is primarily introduced grasses for hay-making, with riparian vegetation such as Crack willow (currently being removed), Robinia, Cumbungi and Common reed growing in and beside McLaughlins Creek in the section currently zoned RE1 (**Appendix A**). There are also a few mature trees (varieties of Elm, Poplar, Pine, Cypress and remnants of an orchard) dotted around the site (**Appendix A**). Topography and Soils

The site has an approximate elevation of 600m Australian Height Datum (AHD). The general terrain is a broad open valley, large flood plain and alluvial terrace ground formed through deposits from McLaughlins Creek and Yass River. The terrain has a gentle slope across the alluvial terrace towards the east, falling away to an area of active floodplain associated with McLaughlins Creek. The northern boundary of the site contains an un-named watercourse (referred to as Yass River Tributary #4 in the Sutton Flood Study, 2016) flowing from west to east into McLaughlins Creek just upstream of the confluence with Yass River. Both the northern section of the site and the active flood plain along the eastern boundary experience mainstream flooding and are unsuitable for residential development (**Appendix C**; WMA Water, 2016).

The site is located in the area mapped as Gundaroo soil landscape in the soil landscape survey of Canberra 1:100,000 sheet (Jenkins, 2000) with two main soil types across the site. A site analysis by Soil and Land Conservation Consulting (**Appendix C**) found *Red chromosols* - highly weathered red coloured subsoils - located across the alluvial terrace, with a brown coloured loam topsoil to 20cm overlying a light to medium clay subsoil. These *red chromosols* have low levels of salinity and an estimated surface infiltration rate in the range of 1.5 to 3m/day with a design effluent irrigation rate of 4mm/day (**Appendix C**). The soil depth exceeds 1m and subsoils are free of mottling in the top metre, indicating that they are not prone to seasonally high watertables (**Appendix C**). This indicates that the soils could support on-site sewerage treatment systems.

The soils found on the alluvial flats and active floodplain are *Stratic rudols* and comprise a very dark coloured clay loam to clay topsoil overlying a yellow coloured clay subsoil. The topsoil has both a high organic content and high clay content and is prone to cracking when it dries (**Appendix C**). These areas of the site are not proposed for residential development but do form part of the area proposed for rezoning to E3 Environmental Management. Once rezoned, the future subdivision lot layout would ensure E3 zoned lots have sufficient alluvial terrace land area for both a residential building envelope and on-site sewerage treatment system with buffers.

The site has low soil erosion hazard across the alluvial terrace and is generally in a stable condition, however, due to the site's proximity to waterways, sediment detention basins should be constructed during development to minimise sediment export from the site (**Appendix C**). The channels of McLaughlins Creek and Yass River display minor bank erosion and are held together by predominantly exotic shrub and tree species, and would be suitable for re-vegetation with native species (**Appendix A**, **Appendix C**).

2.4 Bushfire

No bushfire prone land is identified on or around the site. The closest buffer is approximately 1.2km to the west of the site.

2.5 Flooding and evacuation

Flooding is a key consideration for this planning proposal due to the subject site's location on the confluence of McLaughlins Creek and Yass River.

The following information has been extracted from the GRC Hydro Report (**Appendix F**).

Flood modelling has been undertaken by GRC Hydro using the Sutton Flood Study (WMAwater, 2016) TUFLOW model as a basis for the modelling analysis. Council also engaged Lyall & Associates to undertake a cumulative impact assessment of the developed and two already approved developments (Keir and Cartwright). A concept design which presents an indicative site configuration has been developed to show how future development of the site can occur in a manner consistent with the requirements of Section 9.1 Direction 4.3. Key findings of the assessment include:

For Existing Conditions:

- » The majority of the site is not mainstream flood affected during the 1% AEP event. During this event, shallow flows breakout from a tributary to the north of the properties with depths up to 0.2 m experienced. With the exception of the creek channels, flow conditions are low hazard and classified as flood fringe;
- » A significant portion of the site (~60%) is mainstream flood affected during the PMF by high hazard flow conditions. The remaining areas of the site are not mainstream flood affected, however, do experience generally shallow overland flows which breakout from the above-mentioned northern tributary. These areas are typically affected by low hazard flow conditions.

Implementation of the concept design resulted in:

- » Developable areas of the site to be flood free during the 1% AEP event;
- » All internal access roads to be situated above the PMF high hazard flood extent;
 - > Flood impact analysis found that negligible flood impacts are expected in the 1% AEP and PMF events due to the development. A cumulative impact assessment undertaken by Lyall & Associates confirmed these findings as well as confirming that "future development within Sutton would have only a minor impact on flood behaviour";
 - > A dam breach analysis study found that the risk to future development at the site due to dam failure is very low, with developable areas of the site being situated above a conservatively derived dam breach water level. The analysis found that a full dam breach assessment for the site is not warranted.
 - > The impact of climate change on peak flood levels affecting the site was found to minor, with projected increases in 1% AEP flood levels of ~0.2 m expected for the 2090 planning horizon. This is below the Flood Planning Level which is the 1% AEP flood level + 0.5 m freeboard;

Flood evacuation has been considered with the following findings:

- » Implementation of the concept design results in all developable areas being situated outside the PMF high hazard extent and approximately 2 m above the 1% AEP flood level. Evacuation during a Yass River/Mclaughlins Creek extreme flood event would be associated an extremely low probability of occurrence;
- » Internal access roads are situated above the 1% AEP flood level and in the low hazard areas of the PMF. These roads provide low hazard flood access to Sutton Road as well as areas of refuge outside of the mainstream PMF extent (see Figure 3 and 4);
- » Road design can be developed to ensure that Rising Road access is available for all future lots.

The site's flood access has been reviewed with the following findings:

- » Access from the Site to Sutton and Canberra may be impacted due to flooding of the Sutton Road crossing of Mclaughlins Creek. Relatively frequent flood events inundate the crossing and cut-off road access at that location.
- » The crossing is identified as a flood risk area in the Sutton FRMS&P. Several flood risk management measures which aim to manage the risk of flooding of the crossing are identified in the Sutton Floodplain Risk Management Plan with 'High Priority' for implementation. These measures include replacement of the current crossing with a bridge as well as flood warning signage and automatic

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boom gates. Council has a responsibility to implement these measures as the Plan has been adopted.

- » *Due to the 'High Priority' classification of these risk management measures in the Floodplain Management Plan, it is expected that the crossing or other mentioned risk management measures will be implemented in the short term (e.g. 2-5 years), prior to the site being occupied. Implementation of these measures will reduce the risk associated with flooding of this crossing.*
- » *Two alternate flood access routes have been identified at Mulligans Flat Road and Shingle Hill Way. New bridge crossings of major watercourses on these access routes will allow for 5% and 0.05% AEP flood access respectively. Use of these roads during times of flood can provide flood access to Canberra under most weather conditions. In addition to Canberra, Gundaroo can be accessed during an emergency, via Sutton Road.*

The flood and risk characteristics described above have been considered when addressing Section 9.1 Direction 4.3 Flood Prone Land directives. The analysis has found that rezoning of the site is consistent with the requirements of directives if the following design requirements are adhered to during future development of the site:

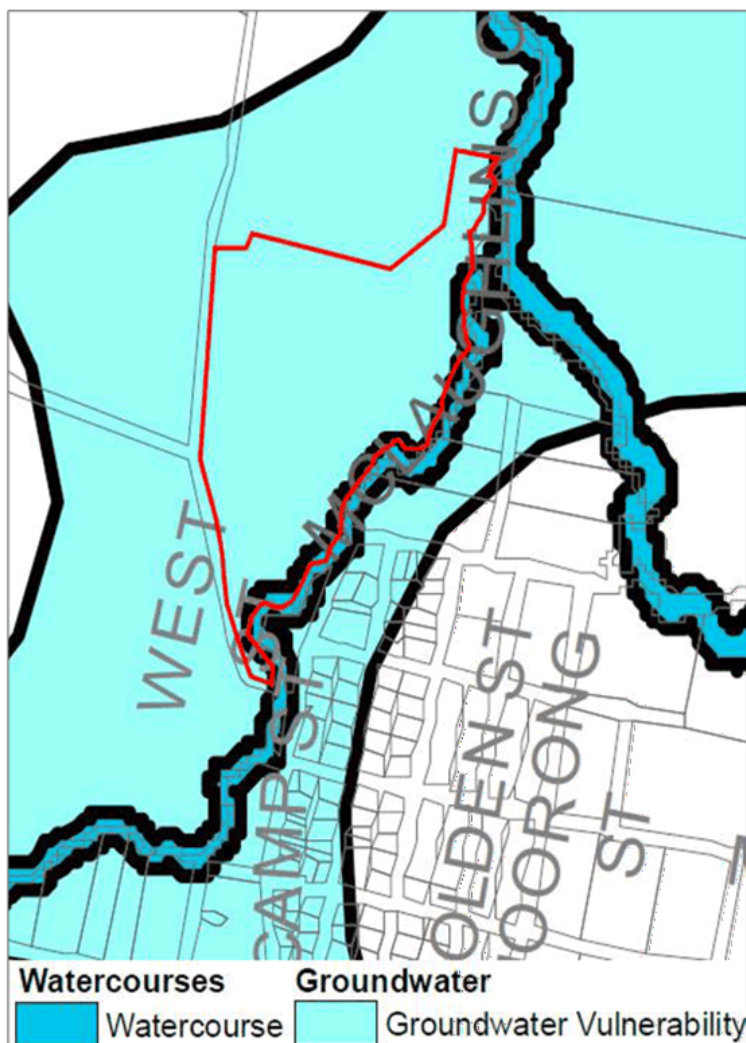
- » *Land within the Flood Planning Area is rezoned as E3 Environmental Management, with areas outside of the Flood Planning Area zoned to R2 Low Density Residential. Sufficient space for development of all lots is required outside of the Flood Planning Area;*
- » *Development of the site is to achieve, at a minimum, the flooding outcomes described in this report;*
- » *Bulk earthworks should result in an approximately neutral cut/fill ratio within the FPA to minimise loss of flood storage.*
- » *Internal roads are to be designed to allow for flood free Rising Road access in the 1% AEP event and low hazard access during extreme events.*

The full report has been provide at **Appendix F**.

2.5.1 Groundwater, Watercourses and Riparian Lands

The whole site is within an area of mapped Groundwater Vulnerability (YVLEP 2013) as shown in Figure 5). This means clause 6.4 Groundwater Vulnerability of the YVLEP 2013 applies to the site. Development in areas of groundwater vulnerability must maintain the hydrological functions of key groundwater systems and avoid any significant adverse environmental impact, particularly the depletion and contamination of groundwater.

Figure 5 Riparian Lands, Watercourses Map and Groundwater Vulnerability Map



Source: NSW Planning Portal (YVLEP 2013 Riparian Lands and Watercourses Map)

Most of the site's eastern edge is located within a Watercourse as identified within the Riparian Lands and Watercourses Map – Sheet CL2_005 under the YVLEP 2013 and is subject to Clause 6.5 of the YVLEP. Clause 6.5 also applies to 'all land that is within 40 metres of the top of the bank of each watercourse on land identified as "Watercourse" on that map'. Development in these areas must avoid any significant adverse environmental impact on water quality, stability of banks and bed, habitats and ecological processes. Due to the environmentally sensitive location adjacent McLaughlin's Creek and Yass River, on-site effluent disposal systems will be designed to be consistent with the Sydney Water Catchment's guideline Designing and Installation of On-site Wastewater Systems.

The Land Capability Assessment (**Appendix C**) was updated in 2019 following preparation of the Sutton Flood Study and Risk Management Plan which identified parts of the site to be impacted by the 1% AEP flood levels. **Appendix C** provides consideration of the impact of on-site effluent disposal on groundwater and recommends specific mitigation measures at Appendix 2 of the Land Capability Assessment).

Due to the location of the site as an area of groundwater vulnerability and the environmentally sensitive location adjacent McLaughlin's Creek and Yass River, Yass Valley Council and DPIE requested additional information regarding potential impacts of on-site effluent disposal on the groundwater system to enable assessment for a Gateway determination. Accordingly, a Groundwater Impact Assessment was undertaken by Franklin Consulting

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Australia Pty Ltd (trading as) Soil and Water (**Appendix D**) which should be considered as an addendum to the existing updated report by Soil and Land Conservation.

The Groundwater Impact Assessment found that there is a low potential for the development to impact on groundwater provided treatment systems proposed at the development stage are effective in minimising the impact on the groundwater system.

The proposed amendment to the Lot Size Map to include the application of clause 6.12 will ensure that the consent authority, in considering a development application, is satisfied as to steps taken to avoid contamination of groundwater.

The clause (as amended)

6.12 Development on certain land in Gundaroo and Sutton in Zone R2 Low Density Residential

(1) This clause applies to land in Zone R2 Low Density Residential and shown edged blue on the Lot Size Map.

(2) Despite any other provision of this Plan, the size of any lot resulting from a subdivision of land to which this clause applies is not to be less than 5,000 square metres unless the lot is connected to a reticulated sewerage scheme.

(3) Development consent may be granted to development for the purposes of a dual occupancy on land to which this clause applies, where the land is not connected to a reticulated sewerage scheme, only if the size of the lot on which the development is to be carried out is at least 10,000 square metres.

(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development is designed, sited and will be managed to avoid contamination of groundwater.

The site is located on Sheet LSZ_005F of the Lot Size Map. The map (Sheet LSZ_005F) would also need to be amended to outline the R2 zone in blue.

This approach is considered suitable in addition to the recommendations outlined in the Groundwater Impact Assessment (**Appendix D**).

2.6 Heritage

The site itself has no heritage items of Federal, State or Local value as identified within the YVLEP 2013. An archaeological due diligence assessment has been undertaken for the site to determine the presence of any potential archaeological deposits (PADs).

The fieldwork for the due diligence assessment was conducted on the 23 November 2014 by Bowen Heritage Management (**Appendix B**). It identified a number of archaeological items, including 10 historical sites (i.e. European sites older than 50 years) and six previously unrecorded Aboriginal archaeological sites, including:

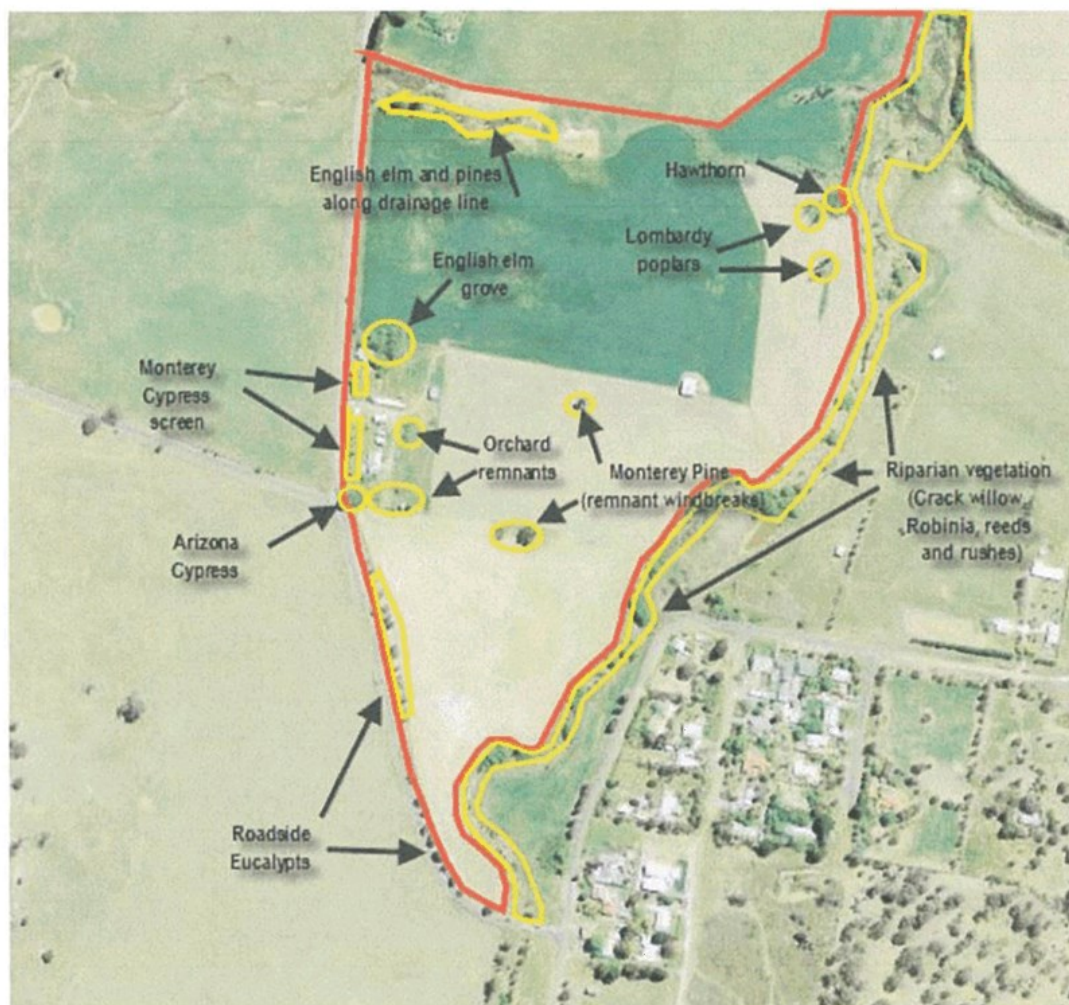
- » Two domestic dwellings
- » One chicken coop
- » Five rural sheds
- » One sheep shearing shed
- » One grain silo
- » Six Aboriginal archaeological sites comprising:
 - > Three very low-density stone artefact scatters
 - > Three isolated stone artefacts.

2.7 Ecological

The site is not subject to any biodiversity or native vegetation corridors under the YVLEP 2013. The wider Sutton region supports an array of flora and fauna species, many of which are threatened or protected. In this region a number of faunal species have been identified including the Golden Sun Moth, Superb Parrot, Key's Matchstick Grasshopper, Striped Legless Lizard and Southern Lined Earless Dragon.

Griffin Associates Environment conducted a flora and fauna assessment in December 2014 (**Appendix A**), which was updated in January 2019. The assessment determined that "as a result of over 150 years of cropping **no remnant flora of native forest, woodland or natural grassland survives on the site.**" Based on the findings of the assessment it is considered unlikely that the site supports any endangered flora or fauna. Major site plantings are noted in Figure 6.

Figure 6 Major Site Plantings



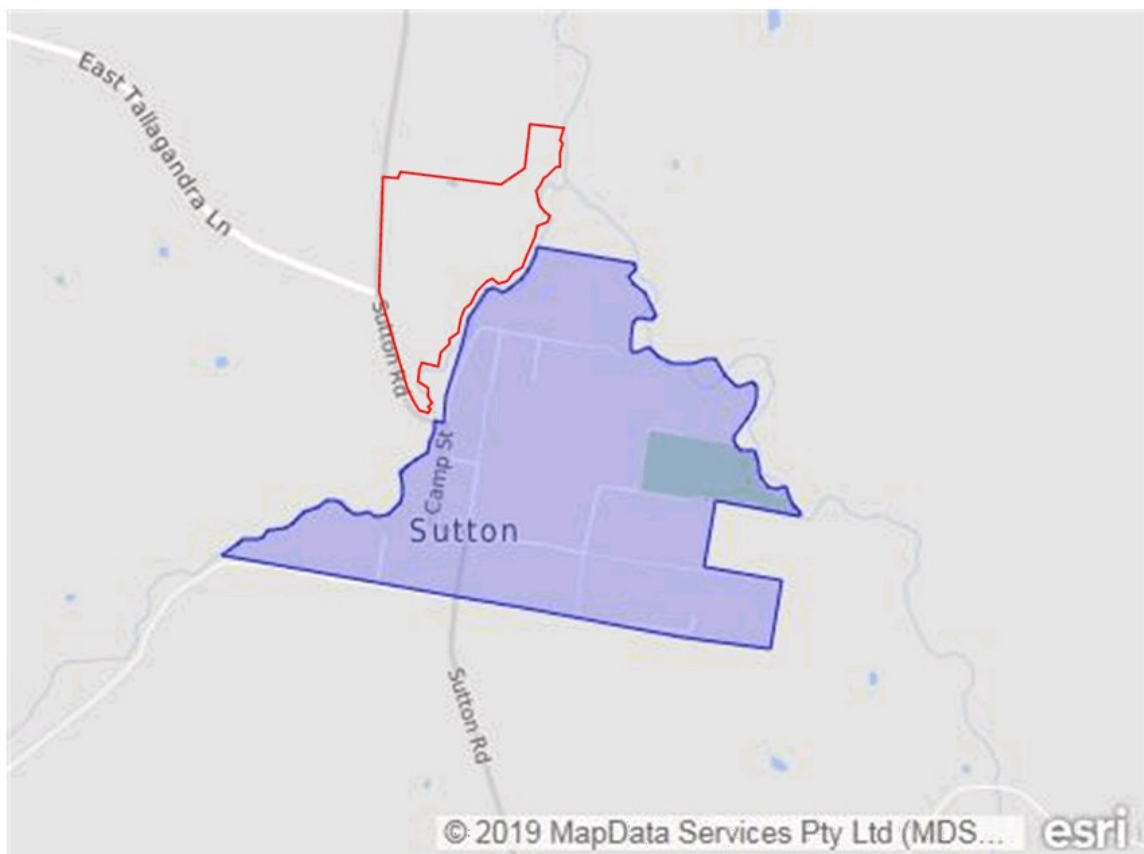
Source: Griffin Associated Environment, 2019

2.8 Demographics

2.8.1 Population

As of 2016 the Yass Valley LGA had a population of 16,964, making it one of the smallest regional areas in New South Wales by population. The population is expected to grow by 10,762 people by 2036 thereby creating demand for 3,985 new dwellings. The estimated residential population of Sutton (See Figure 7) as of 2016 is 252.

Figure 7 Sutton UCL 122133

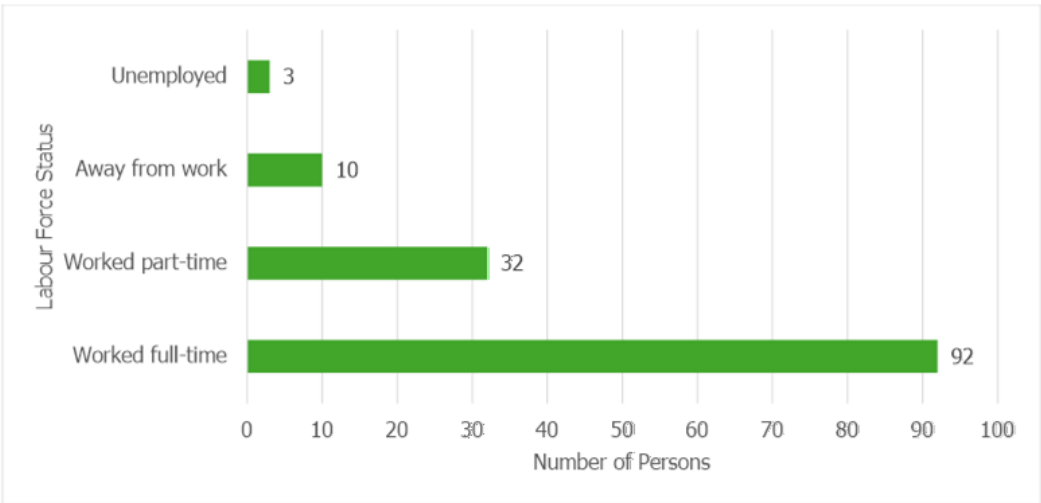


Within Sutton there is a diverse mix of household composition with the bulk of the village being in either a two-person or four-person household. The population of Sutton is characterised primarily by middle-aged couple families, with 53.6 per cent being a couple family with children and 7.2 per cent being one parent family. This is closely reflected within the age demographics with 27.8% of the population falling under the 40-54 age bracket and 34.2 per cent within 0-19 years.

2.8.2 Employment

As of 2016, the total workforce of Sutton was 137 people, comprising 67.2 per cent full-time and 23.4 per cent part-time workers. The total number of unemployed persons is three, with the unemployment rate being approximately 2.2 per cent. Approximately 44 per cent of Sutton's population have an education attainment of a Diploma or higher and the median household income is \$2,865 a week. The characteristics of the labour force in Sutton is shown in Figure 8 below.

Figure 8 Sutton Labour Force



Source: ABS QuickStats Sutton UCL122133

The predominant occupations of the employed population are shown in Figure 9.

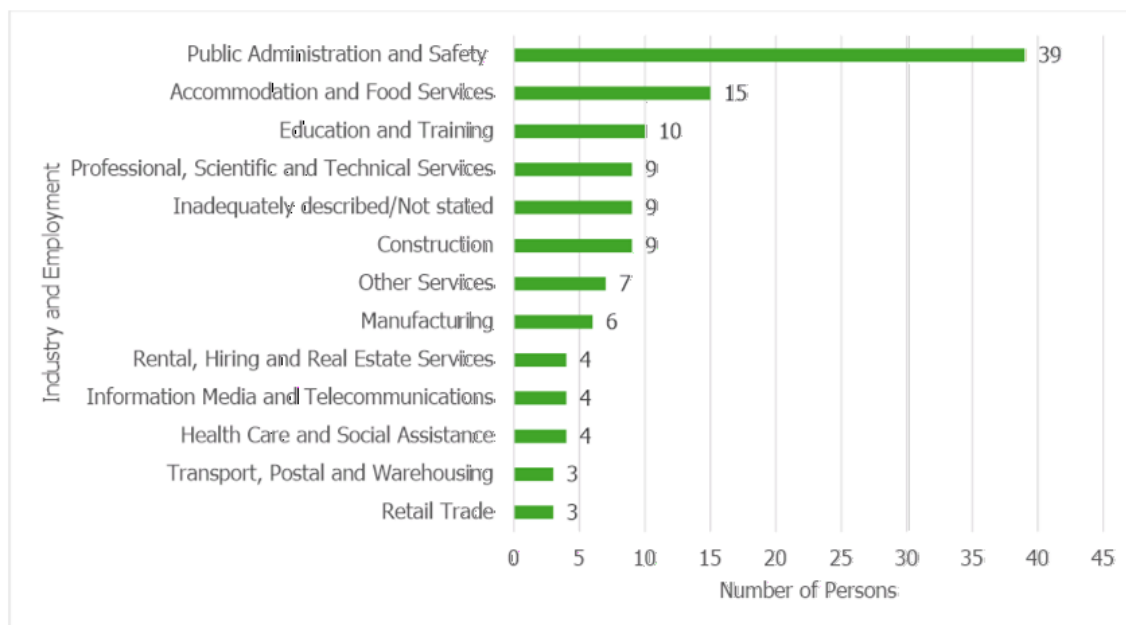
Figure 9 Occupation



Source: ABS QuickStats Sutton UCL122133

Employment industries found within Sutton are identified in Figure 10 below. The following industries did not record any employment for Sutton: administrative and support services; agriculture, forestry and fishing; arts and recreation services; electricity, gas, water and waste services; financial and insurance services; mining; and wholesale trade.

Figure 10 Industry of Employment



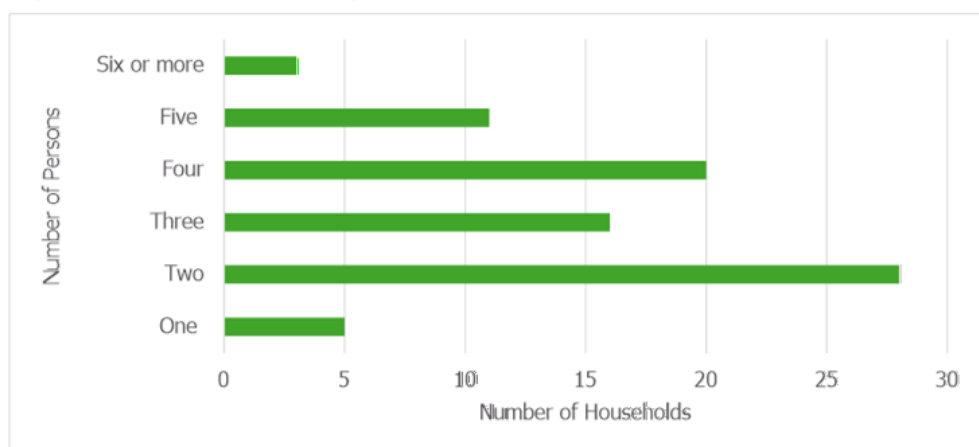
Source: ABS QuickStats Sutton UCL122133 – General Community Profile

2.9 Housing

The predominant housing typology of Sutton currently consists of 'separate house' (96.1 per cent). This is not dissimilar from the housing stock of Yass Valley LGA as a whole, which consists of 94 per cent separate dwellings. The only other forms of housing currently available in Sutton is semi-detached dwellings at 3.9 per cent.

The prevalence of separate dwelling housing reflects the desire by Council and residents to maintain a small village character. The average number of persons per household in Sutton is equal with NSW's average of 3.1. Household size is shown in Figure 11. Additionally, the average number of bedrooms per dwelling is 3.5 with 90.1% of all housing stock consisting of either 3 or 4 bedrooms. Only 9.9% of dwellings consist of 2 bedrooms and there are currently no 1-bedroom dwellings. This reflects a lack in housing diversity, forcing smaller households to occupy and maintain dwellings that exceed their needs.

Figure 11 Sutton Family size



Source: ABS QuickStats Sutton UCL122133 – General Community Profile

2.10 Infrastructure

2.10.1 Transport

The site is directly accessible by Sutton Road which traverses the entire western boundary. This road provides access north to Gundaroo and forms part of the route to Murrumbateman and Yass. Sutton Road links with the Federal Highway, providing access to Canberra City Centre (25 minutes) and Sydney (2.45 hours). There are no nearby regional bus services nor is there a train line that services Sutton.

In pre-Gateway communication, DPIE expressed concern about creating an intersection on a classified Regional Road (Sutton Road) within a 100km/h speed zone to create a safe and flood free access/egress to future urban development. The intersection location has been provided as part of a proof of concept and to demonstrate yield. It is acknowledged that a Traffic Impact Assessment will be required at development application stage. TfNSW have concurred with this approach.

2.10.2 Utilities

The site has an electricity connection for the existing dwelling. There are no water or sewer connections. Sutton and surrounds (including the subject site) does not have access to a public sewerage scheme or potable water. Residents are required to maintain on-site sewage management systems and utilise bore water or rainwater tanks for the potable water requirements.

Statutory Planning Context

The rezoning proposal has been prepared having regard to the existing planning framework set by the YVLEP 2013 as the applicable EPI for the subject site.

3.1 Yass Valley Local Environmental Plan 2013

The aims of the YVLEP 2013, which guide the preparation of this PP are as follows:

- (a) To establish planning controls that promote sustainable development,*
- (b) To protect high quality agricultural land and encourage emerging agricultural industries,*
- (c) To encourage housing diversity,*
- (d) To promote employment-generating tourism,*
- (e) To provide for commercial and industrial development,*
- (f) to encourage the establishment of retail and professional services in urban locations,*
- (g) to protect and enhance the character of each of the villages in Yass Valley,*
- (h) To enhance service provision in each of the villages in Yass Valley,*
- (i) To protect and conserve the cultural heritage and history of Yass Valley,*
- (j) To protect and enhance the environmental and biodiversity values of Yass Valley*
- (k) To minimise land use conflicts*

This PP gives effect to these objectives.

3.2 Zoning

Under the YVLEP 2013 the site is predominantly zoned RU1 Primary Production, with a portion of RE1 Public Recreation zoned land traversing the eastern boundary with McLaughlins Creek. The objectives of the zones are:

RU1 Primary Production

- » *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- » *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- » *To minimise the fragmentation and alienation of resource lands.*
- » *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- » *To protect and enhance the biodiversity of Yass Valley.*
- » *To protect the geologically significant areas of Yass Valley.*
- » *To maintain the rural character of Yass Valley.*
- » *To encourage the use of rural land for agriculture and other forms of development that are associated with rural industry or that require an isolated or rural location.*
- » *To ensure that the location, type and intensity of development is appropriate, having regard to the characteristics of the land, the rural environment and the need to protect significant natural resources, including prime crop and pasture land.*
- » *To prevent the subdivision of land on the fringe of urban areas into small lots that may prejudice the proper layout of future urban areas.*

RE1 Public Recreation

- » *To enable land to be used for public open space or recreational purposes.*
- » *To provide a range of recreational settings and activities and compatible land uses.*
- » *To protect and enhance the natural environment for recreational purposes.*
- » *To provide for the free passage or temporary storage of storm or floodwaters.*
- » *To identify land that is suitable for future public recreation use and that can be brought into public ownership.*
- » *To ensure the provision of adequate open space to meet the needs of all residents.*

3.3 Development standards

3.3.1 Minimum lot size

Clause 4.1(2) of YVLEP 2013 sets a minimum lot size (MLS) for the site, as indicated on the associated Minimum Lot Size Map LSZ_005F. Land zoned RU1 currently has a MLS of 40ha. No MLS is applicable to the RE1 Public Recreation portion of the site.

Clause 4.2 of the YVLEP 2013 regarding rural subdivision applies to the areas of the site zoned RU1 Primary Production. This clause states the following:

(1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.

(2) This clause applies to the following rural zones:

- (a) Zone RU1 Primary Production,*
- (b) Zone RU2 Rural Landscape,*
- (baa) Zone RU3 Forestry,*
- (c) Zone RU4 Primary Production Small Lots,*
- (d) Zone RU6 Transition.*

Note. When this Plan was made it did not include all of these zones.

(3) Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

(4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.

(5) A dwelling cannot be erected on such a lot

The existing site is approximately 30 hectares and is undersized for the current minimum lot size.

3.3.2 Building Height

Clause 4.3 of the YVLEP 2013 sets a maximum height limit for buildings, with heights shown on an associated Height of Buildings (HOB) Map.

Neither the subject site, nor Sutton Village has a HOB control.

3.3.3 Floor Space Ratio

Clause 4.4 of the YVLEP 2013 sets a maximum Floor Space Ratio (FSR), with FSRs shown on an associated FSR Map.

The subject site has no FSR control.

3.3.4 Heritage

Clause 5.10 of the YVLEP 2013 sets controls for heritage items, heritage conservation areas, archaeological sites and Aboriginal objects or places.

There are no items of Commonwealth, State, or Local heritage listing within the site.

3.4 Natural resources provisions

3.4.1 Biodiversity protection

The YVLEP 2013 identifies areas of Biodiversity Protection within the LGA. The YVLEP 2013 'Natural Resources – Biodiversity Map' shows that there are no areas of 'Biodiversity' land located on the site (see Figure 12).

Further, Griffin Associates Environment conducted a flora and fauna assessment in December 2014 (**Appendix A**), which was updated in January 2019. The assessment determined that "as a result of over 150 years of cropping ***no remnant flora of native forest, woodland or natural grassland survives on the site.***" Based on the findings of the assessment it is considered unlikely that the site supports any endangered flora or fauna.

Figure 12 Sutton biodiversity mapping



Source: YVLEP 2013, 2019 (site outline added)

3.4.2 Groundwater vulnerability

The YVLEP 2013 'Groundwater Vulnerability Map' (Refer Figure 5) indicates that the entire site is subject to 'Groundwater Vulnerability zoning.

The objectives of this clause are as follows:

- (a) to maintain the hydrological functions of key groundwater systems,*
- (b) to protect vulnerable groundwater resources from depletion and contamination as a result of development.*

3.4.3 Riparian land and watercourses

The YVLEP 2013 'Riparian land and watercourses' map (Refer Figure 5) shows a watercourse extending along most of the eastern boundary, known as McLaughlins Creek.

The objective of this clause is to protect and maintain the following:

- (a) water quality within watercourses,*
- (b) the stability of the bed and banks of watercourses,*
- (c) aquatic and riparian habitats,*
- (d) ecological processes within watercourses and riparian areas.*

3.4.4 Flooding

The subject site is situated within a Flood Planning Area and includes land at or below the flood planning level. As such the site is subject to Clause 6.2 Flood Planning of the YVLEP 2013, the objectives of this clause are as follows:

- a. to minimise the flood risk to life and property associated with the use of land,*
- b. to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,*
- c. to avoid significant adverse impacts on flood behaviour and the environment.*

Refer section 2.5 above.

3.5 Other matters

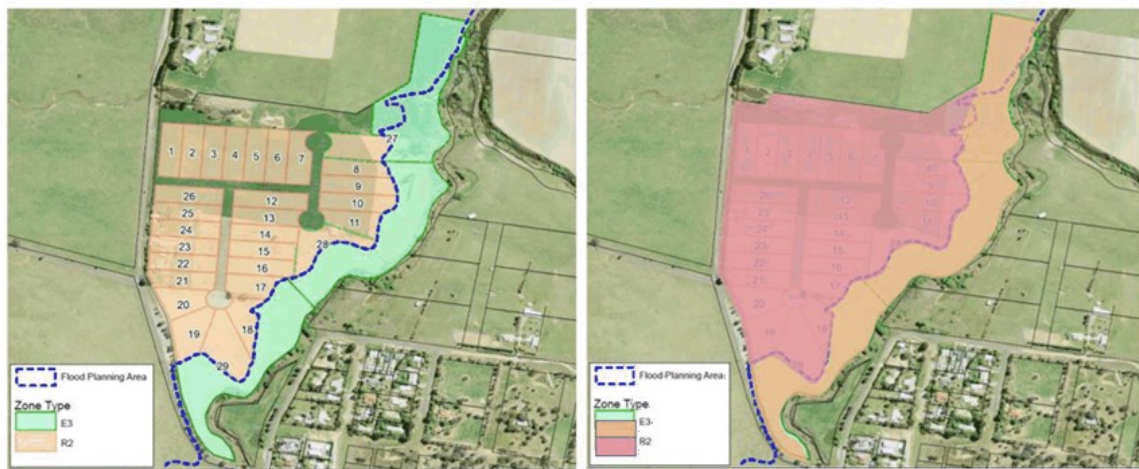
The site is not:

- » Identified as Bushfire Prone land
- » Mapped as either 'Dryland Salinity' or 'High Soil Erodibility' on the Natural Resources Land Map – Sheet NRL_005 of the YVLEP 2013
- » Mapped as "Water, Waste and Sewerage Buffers" on the Water, Waste and Sewerage Buffer Map – Sheet CL1_005, YVLEP 2013.

The Concept Plan

As noted throughout this report, the existing site comprises a single lot zoned both RU1 Primary Production and RE1 Public Recreation. At approximately 30 hectares, the site is undersized for the current minimum lot size applied under the YVLEP 2013. In order to provide residential development opportunities identified in the Sutton Village Master Plan, an amendment will need to be made to the YVLEP 2013 zoning and MLS to ensure that smaller lot residential subdivision is permissible on the site. This proposed zoning and MLS is consistent with the recommendations of Sutton Master Plan, namely proposed rezoning and the proposed minimum lot sizes. The proposed rezoning is shown in Figure 13.

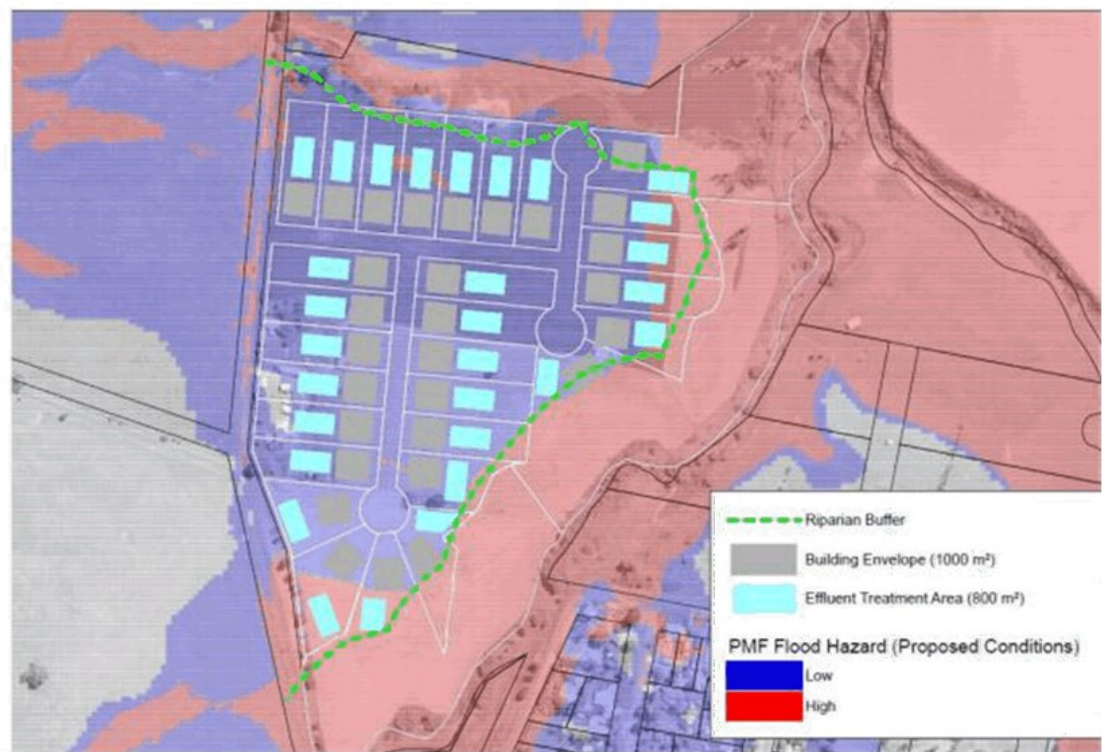
Figure 13 Proposed master plan and rezoning option



Source: GRC Hydro 2021 and Elton Consulting, 2021

Consideration of flood planning has also influenced lot layout. The indicative lot layout has been prepared in response to hydraulic categorisation at the 1% AEP consistent with Councils current flood planning level in clause 6.2 of the YVLEP. Proposed rezoning boundaries and indicative lot layouts have been designed to ensure that sufficient land is available for both a residential building envelope and on-site sewerage treatment system. Consideration of mounding could be used to accommodate treatment units above the 1% AEP level and effluent management will be in accordance with NSW Health's guidelines.

Figure 14 Indicative Lot Layout and PMF flood event



Source: GRC Hydro 2021 (Appendix F)

Final lot layout and lot sizes will be resolved in agreement with the Council during the development application (DA) phase for the future subdivision. The DA phase will also aim to resolve TfNSW and Rural Fire Services for road access from Sutton Road, noting additional or reconfigured entrances may be required. The opportunity for establishment of a pedestrian connection from the subject site to Sutton village will also be considered when designing the subdivision layout for the DA phase.

Planning Proposal

This section of the report provides justification and clarity in terms of the intended outcomes and the strategic merit of the proposal to enable the determining authority to issue a Gateway determination consistent with Section 3.33 of the EP&A Act.

In accordance with Section 3.33 of the EP&A Act and '*A Guide to Preparing Planning Proposals*' (the guidelines), this section contains the basis of a PP for the YVLEP 2013 amendment. It is comprised of:

- » **Part 1** – Objectives and intended outcomes
- » **Part 2** – Explanation of provisions
- » **Part 3** – Justification
- » **Part 4** – Mapping
- » **Part 5** – Community consultation
- » **Part 6** – Project timeline

Objectives and Intended Outcomes (Part 1)

The primary objective of this PP is to amend the YVLEP 2013 to rezone and amend the MLS covering the site in accordance with the Sutton Master Plan and the Yass Valley Settlement Strategy in order to facilitate future subdivision to provide a greater diversity of housing choice and accommodate future growth. The intended outcomes of the PP are to:

- » Deliver additional land for residential development
- » Retain and enhance key waterways and riparian corridors
- » Integrate development with the Sutton village to the south-east

Explanation of Provisions (Part 2)

Part 2 of the PP is an explicit statement of how the objectives outlined in **Part 1** are to be achieved through an LEP amendment.

The current zoning on the site prevents residential redevelopment of the site, with a minimum lot size of 40ha. A rezoning of the site is necessary to create high quality blocks to support the creation of housing as envisaged by the Sutton Village Master Plan and Yass Valley Settlement Strategy.

Amendments to YVLEP 2013

The PP seeks to achieve the intended outcomes outlined in Part 1 of this report by proposing the following amendments to the Yass Valley LEP 2013.

It is also proposed that the Land Zoning Map and Lot Size Map be amended as per Table 2. These amendments are consistent with the Sutton Village Master Plan. Associated mapping is shown in Part 4 of this PP

Table 2 Proposed Rezoning

Map	Current	Proposed Change
Land Zoning Map (LZN_005F)	RU1 Primary Production	R2 Low Density Residential
	RU1 Primary Production and RE1 Public Recreation	E3 Environmental Management
Clause 6.12	Development on certain land in Gundaroo in Zone R2 Low Density Residential	Development on certain land in Gundaroo and Sutton in Zone R2 Low Density Residential
Minimum Lot Size (LSZ_005F)	AB5 40 ha (applies to RU1 only)	2,000m ² for Proposed R2
		R2 zoned areas subject to Clause 6.12 edged in blue*
		4ha for Proposed E3

*5,000m² is proposed on the basis that the lots will be unserviced for water and sewerage. It is assumed that the lot size could be reduced if service connections become available for Sutton.

Justification (Part 3)

Part 3 sets out the justification for the PP, against its strategic planning context, considering the environmental, social and economic impacts of the proposal and the interests of the State and Commonwealth Governments.

In accordance with the guidelines, the level of justification is to be commensurate to the stage in the LEP making process. At this initial stage of the process, the potential impacts of the proposal must be identified sufficiently to provide the intent but a comprehensive response is not yet required.

Technical investigations (updated in January 2019 and GRC Hydro in May 2021) have been undertaken for this site to confirm the principle intent of the rezoning and demonstrate the strategic merit of the proposal.

The guidelines contain a list of questions to consider when demonstrating the justification for a PP. Each of these questions is addressed below.

Section A - Need for the Planning Proposal

Q1 Is the Planning Proposal a result of any strategic study or report?

Sutton Village Master Plan

The subject site is identified within the Sutton Village Master Plan (2017) as having the potential to rezone to R2 Low Density Residential and E4 Environmental Living in order to provide the opportunity for limited growth of the existing village. Following consultation with NSW Government agencies, E3 Environmental Management was deemed to be the preferred zone given the proximity to the watercourse. This is shown in Figure 15. The proposed rezoning for this PP is justified by the Master Plan and generally follows the proposed rezoning boundaries.

Figure 15 Sutton Village Master Plan



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Source: Sutton Village Master Plan 2017

The Sutton Village Master Plan was developed to provide comprehensive coverage of development objectives and standards as a result of increasing development pressure placed on the village and surrounds. These objectives and standards act as a temporary guide in providing certainty and structure until the release of the Yass Valley Comprehensive Development Control Plan. The following actions and desired outcomes specifically relate to the site:

Table 3 Sutton Master Plan Elements

ELEMENT	ACTION	DESIRED OUTCOME
New R2 Low Density Residential Areas for village growth	Identify areas adjacent to existing village in Masterplan Apply a minimum lot size of 5000 sqm Achieve consistency with DP&E (2017) recommendation for Gundaroo for non-serviced lots	Provide opportunities for <u>limited growth</u> (up to 150 lots) of Sutton Village consistent with Yass Valley Settlement Strategy
New E3 Environmental Management Zone	Apply environmental zone to reflect site characteristics and allow lot average to accommodate ecological values of land to southeast of village. Apply a minimum lot size of 2.5 ha	Ensure moderate-high condition Endangered Ecological Community Box-Gum Woodland is retained and conserved.

Source: Sutton Village Master Plan 2017

The Sutton Village Master Plan also includes the following objectives that are relevant to this PP:

Lot Layout

- » To provide a range of lot sizes to increase development options and affordability
- » To orientate lots to allow optimum solar access for future buildings
- » To ensure that subdivision layouts are designed to respond to site characteristics including existing buildings, vegetation to be retained, drainage and topography

Drainage

- » To ensure that subdivision drainage design provides for public safety and asset protection during major storm events

This PP meets the above objectives. The central and western portions of the site, including most of the frontage to Sutton Road, are an alluvial terrace and are proposed to be rezoned to R2 Low Density Residential and will adopt the 2000m² minimum lot size consistent with the Sutton Village Master Plan. The remaining part of the site (alluvial flats and channels) is proposed to be rezoned to E3 Environmental Management and will adopt the 4 hectares minimum lot size. The size of lots will ensure that future dwellings can be oriented to allow optimum solar access. The lot sizes also respond to the topography and drainage of the site. Indicative lot layouts have been designed in response to flood risk levels.

Yass Valley Settlement Strategy

The Yass Valley Settlement Strategy (YVSS) also makes mention of the potential growth of Sutton more broadly. This strategy identifies expansion north-west of the village as a beneficial to develop to sustain long-term growth of the village. This strategy further emphasises the directives of the Master Plan, confirming that limited growth (less than 150 lots) would be appropriate in this area. The YVSS is also consistent with the directions of the South East and Tablelands Regional Strategy.

Q2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

In order to achieve the intended development outcomes and consistency with the Sutton Village Master Plan, the site requires rezoning. The current zoning inhibits development that would meet the objectives identified by Yass Valley Council's strategic planning documents. No alternative exists to achieve these objectives without rezoning the site.

Section B - Relationship to the Strategic Framework

This section of the report supports the PP by demonstrating consistency with the provisions of relevant regional and sub-regional plans and strategies, as discussed below.

Q3 Is the Planning Proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

South East and Tablelands Regional Plan 2036

The South East and Tablelands Regional Plan 2036 (the Plan) sets priorities and provides a direction for regional planning decisions. It focuses on new housing and growth in strategic locations across the region. It sets in place line-of-sight land use planning for the region and Yass Valley LGA.

Whilst the Plan is directed at the LGAs that make up the south east and tablelands, there is a strong focus on the development of the wider region through the consideration and incorporation of the ACT. This Plan represents a collaborative approach that aligns objectives and outcomes with the strategic planning of Canberra. Through establishing a 'borderless region' that incorporates the ACT and south east and tablelands, an estimated 660,000 people by 2033 will utilise the region for work, recreation and essential services.

Goal 1: A connected and prosperous economy

The current workforce of Sutton consists of 137¹ people of which the majority are working full-time. Their occupations reflect an educated workforce, as does the median weekly incomes for households at \$2,865² in comparison to NSW's \$1,486. Being within close proximity to Canberra and the rise of 'smart-work' Sutton has capitalised on emerging economic opportunities to promote the area and region.

This PP enables the provision of appropriate and desirable residential development on the site, so that Sutton will continue to support and maintain its economic security in providing dwellings for professionals, managers and administrators working in the ACT, consistent with Goal 1 of this Plan.

Goal 2: A diverse environment interconnected by biodiversity corridors

A key component of the Regional Plan focuses on water security issues which are intensified by a changing climate. Yass Valley Council, in an attempt to contain inappropriate urban sprawl and retain village character, has identified that Sutton should not secure a water supply from ACT water infrastructure. As such, only limited development is recommended, as there will be a continued lack of a secure water supply and sewerage treatment will remain the responsibility of individual landowners. The strategic decision to limit the growth of the existing village allows for sustainable management of water supplies for potable use, sewerage treatment and bush fire requirements.

The subject site features no mapped or identified critical habitats. Furthermore, the subject site is not part of any identified biodiversity corridors. The proposed zoning and size of lots will support improved management of

¹ ABS QuickStats Sutton UCL122133

² ABS QuickStats Sutton UCL122133

McLaughlins Creek and allow sufficient area to establish and manage on site sewerage treatment and water storage.

Goal 3: Healthy and connected communities

Through Council prescribed strategy and policy, Sutton will retain its unique village character and protect its heritage value, thereby enhancing the cultural value for the region.

This PP will support and enhance the existing character of Sutton by providing physically contained development contiguous to the existing village, and allowing for a greater diversity of housing in a well-connected and established location.

A strong focus of this Plan is to establish a 'borderless region', facilitated by an increase in cross-border connectivity which enhances the access to health, education, goods and services through improvements to transportation corridors. Sutton and the subject site are in close proximity to the Federal Highway, a national freight route and key transport corridor between regional centres Canberra and Goulburn. Sutton is therefore in line to benefit from these improving connections as the Plan aims to finalise and implement cross-border transport models between the ACT and Yass Valley LGA, amongst others.

By preparing the site for future growth, these transport models can be more accurately developed and ultimately increase the feasibility of cross-border commutes.

Goal 4: Environmentally sustainable housing choices

An additional 28,500 dwellings will be needed in the region by 2036. Providing the land and the infrastructure to meet this demand is central to the Plan. New housing must be located to take into account the character, environmental and agricultural qualities and capacity of the land, with an emphasis on residents' access to services, jobs, and transport. Housing supply will be influenced by growth and change in the population across the region.

The current housing stock of Sutton is predominantly separate housing. Demographic analysis indicates this housing often comprises four bedrooms, whilst the average household is two persons per dwelling. The proposed rezoning will mostly result in similar development types. This development outcome is considered consistent with Goal 4 of the 2036 Plan, to provide additional housing, but is also consistent with the Yass Valley Settlement Strategy 2036 (2017), which notes that large blocks and detached housing to remain the predominant housing type of the LGA.

The proposed rezoning will assist in achieving the four goals outlined above as follows:

- » The site is directly located on a transport corridor that links it to other nearby towns, Canberra and Sydney
- » The current employment demographics for Sutton are more professional/technical than similar nearby towns, a result of the close connectivity with Canberra
- » The environmental and historical significance of Sutton will be retained and enhanced thus contributing to the cultural value of the region
- » Identification of potential habitat corridors for enhancement, and retention of watercourses and riparian land through appropriate zoning to ensure that substantial ecological values of the site are preserved.

Q4 Is the Planning Proposal consistent with a Council's local strategy or other local strategic plan?

The PP is consistent with the aims and objectives of Council's local planning strategies, as discussed below.

Yass Valley Settlement Strategy

The Yass Valley Settlement Strategy (the Strategy) analyses the current role of the settlements within the Yass Valley LGA. The future role of these settlements is considered in the regional context of NSW, with a focus on the relationship between these settlements and the ACT. Settlements that are within commuting distance to Canberra, such as Yass, Murrumbateman, Sutton, and Gundaroo are well placed to benefit from the economic opportunities and growth of the ACT.

Through the Strategy, a number of themes have been developed that aim to achieve development which sustainably integrates environmental, social and economic factors within the best interest for each of the settlements and the region as a whole. These themes and their relationship with the PP are discussed in detail in Table 4 below.

Table 4 Consistency with Yass Valley Settlement Strategy

Themes	Consistency of the PP
Environmentally, socially and economically sustainable settlements	This Strategy identifies opportunities, recommendations and considerations that must be addressed in order to ensure sustainable development and reflect the unique character of the settlements. The proposed rezoning takes into consideration the environmental sensitivity of the land, especially in regards to flooding, groundwater sensitivity and riparian land. As such, residential uses will be restricted to ensure these development constraints are managed and areas of sensitivity are protected. The social and economic functions of the village are retained and enhanced by the PP which is appropriately located to constrain sprawl and allow Sutton to grow in a logical, orderly and considered manner. The physical characteristics of the site allows Yass River Tributary #4 to form a spatial separation between the proposed residential neighbourhood and existing agricultural land uses which in turn reduces the potential for land use conflict.
Growth will be focused on existing towns and villages and settlement expansion, rather than isolated site land release or cross border sprawl	The Strategy identifies the site within an area as being beneficial for long-term growth of the village. The contiguous nature of the site, adjacent to the existing village and accessed from Sutton Road, represents an ideal location for the future growth of the village and forms the basis of the PP.
Water security is essential for growth	Water security is a key component of this Strategy, as with all other strategies and plans relating to the region. It is identified within the Strategy that any substantial increase to the population of the village without an alternate reticulated water supply will have serious consequences for the existing residents as well as agricultural operations. This PP will allow limited, contiguous growth and individual landowners will be expected to manage their own water supply sufficient for potable use and landscaping requirements.
Establish, strengthen and enhance the role, function and character of settlements	The current role, function and character of the settlement has typically been to serve agricultural purposes through the surrounding Primary Production zoning and to maintain characteristics of a small, rural village. Although this is the case for many settlements in the Yass Valley Region, there is a distinct difference in Sutton. The employment demographics differ greatly to that of the other settlements, attributed to its close proximity with the ACT. This proximity, coupled with the demand for dormitory suburbs, establishes Sutton as an ideal and desirable location for limited growth which further enhances its role as a rural setting for professionals and technical workers based in the ACT, Queanbeyan, Goulburn and Yass.
Consistency with the South East and Tablelands Regional Plan 2036	As outlined above in Section B - Question 3, the PP is considered to be consistent with the South East and Tablelands Regional Plan 2036.

The Tablelands Regional Community Strategic Plan 2016-2030

The Community Strategic Plan was prepared in conjunction with Upper Lachlan Shire and Goulburn Mulwaree councils outlines five strategic pillars: Environment; Economy; Community; Infrastructure; and Civic Leadership. Each pillar includes long term goals, implementation strategies and performance targets.

This PP is consistent with the Community Strategic Plan, particularly with regards to maintaining the rural character of the region and balancing growth. The proposed rezoning will enable a subdivision land which is

consistent with the limited future growth intent for Sutton. Limited growth will help sustain the economic and civic viability of village life but is respectful to its existing character of Sutton.

Q5 Is the Planning Proposal consistent with the applicable State Environmental Planning Policies?

The PP considers the State Environmental Planning Policies (SEPPs) which are applicable for the proposed urban development of the site, as identified in Table 5. SEPPs which not applicable to this site are not included.

Table 5 Consistency with applicable SEPPs

Applicable SEPP	Assessment
SEPP No 55—Remediation of Land	
<p>SEPP 55 establishes state-wide planning controls for the remediation of contaminated land. Clause 8 states that land must not be rezoned unless contamination has been considered and, where relevant, land has been appropriately remediated.</p> <p>SEPP 55 does not preclude the rezoning of contaminated lands, but contains strict controls to ensure:</p> <ul style="list-style-type: none"> » Land is investigated if contamination is suspected » Land is not developed if it is unsuitable for a proposed use because it is contaminated » (if the land is unsuitable) remediation takes place before the land is developed » (if remediation is to take place) remediation complies with standards. <p>SEPP 55 also makes remediation permissible across the State and defines when consent is required.</p>	<p>Consistent</p> <p>The site was used as a Lucerne Farm between 1987 and 2018 and accommodates two residential dwellings, agricultural buildings and a historically used sheep wash (Jetting Plant).</p> <p>A Preliminary Site Investigation (Contamination) (PSI) was undertaken by NGH Consultants (Appendix E) identified contaminants of potential concern including Asbestos, Heavy Metals, OCPS, OPPs and Carbamates. The soil samples returned with no exceedances above the criteria, however the site inspection and limited sampling and analysis program identified asbestos across the surficial soils adjacent the two residential properties which were both also constructed of asbestos containing material. The PSI concluded that the site can be made suitable for the proposed land use if the recommended asbestos removal is completed. NGH determined that a Stage 2 Detailed Site Investigation (DSI) is not required for this site.</p> <p>The PSI also noted the presence of asbestos containing materials in the existing dwelling on site. It recommended remediation of asbestos is to take place before the land is developed, to relevant SafeWork NSW standard.</p>
SEPP Primary Production and Rural Development (2019)	
<p>This SEPP aims to do the following:</p> <p>The aims of this Policy are as follows—</p> <ul style="list-style-type: none"> (a) to facilitate the orderly economic use and development of lands for primary production, (b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources, (c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations, (d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas 	<p>Consistent</p> <p>The site is undersize for the current zone and is not State significant agricultural land.</p> <p>The proposal seeks to provide future opportunities for a rural lifestyle, taking into account the site's environmental constraints and potential land use conflicts.</p> <p>The site has been identified as an area for future urban growth of the Sutton Village and does not pose any impact on the uses of surrounding sites. Generation of additional lots with riparian rights is proposed to be prevented by the minister under the Regulation.</p>

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Applicable SEPP	Assessment
and districts, and for routine and emergency work in irrigation areas and districts, (e) to encourage sustainable agriculture, including sustainable aquaculture, (f) to require consideration of the effects of all proposed development in the State on oyster aquaculture, (g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.	
SEPP (Exempt and Complying Development Codes) 2008	
Seeks to provide for exempt and complying development in certain local government areas that have not provided for those types of development through a local environmental plan.	Consistent Codes may be utilised in future to carry out exempt or complying works, subject to meeting the requirements of this SEPP.
SEPP (Infrastructure) 2007	
SEPP (Infrastructure) 2007 (the ISEPP) outlines the planning provisions for infrastructure works and facilities across NSW, or development that would impact on existing or future infrastructure. This policy aims to facilitate the effective delivery of infrastructure across the State along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency.	Consistent The Planning Proposal does not contain provisions that conflict or obstruct the application of the ISEPP. The proposal is not meet the criteria for traffic generating development under Schedule 2 or require the consideration of any clauses in Subdivision 2 Development in or adjacent to road corridors and road reservations.

Q6 *Is the Planning Proposal consistent with applicable Ministerial Directions?*

The PP gives consideration to the relevant Ministerial Directions issued under Section 9.1 of the EP&A Act. The Minister for Planning issues Local Planning Directions that councils must follow when preparing a planning proposal. The directions cover the following categories:

- » employment and resources
- » environment and heritage
- » housing, infrastructure, and urban development
- » hazard and risk
- » regional planning

local plan making.

Table 6 Consistency with Ministerial Directions provides information for consideration with regard to the consistency of the PP with the relevant ministerial directions.

Table 6 Consistency with Ministerial Directions

Section 9.1 Directions	Assessment
1. Employment and Resources	
1.2 Rural Zones This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).	Justified inconsistency The proposal will rezone an existing RU1 Primary Production zone to partly R2 Low-Density Residential and the remainder E3 Environmental Management. The block is currently undersize for the current RU1 zone. This is justified by both the Yass Valley Settlement Strategy and Sutton Village Master Plan which identify the site specifically for rezoning to residential as detailed above.
1.5 Rural Lands This direction applies when a relevant planning authority prepares a planning proposal that: (a) will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary), or (b) changes the existing minimum lot size on land within a rural or environment protection zone.	Consistent The subject land is classified as a rural and environmental protect zone. This PP is considered consistent with the Ministerial Direction 1.5 because the lot size does not meet the minimum lot size under the current Yass Valley LEP 2013 and could be considered undersized to support primary agricultural purposes. The proposed rezoning of this PP is consistent with the direction of the Sutton Village Master Plan which is a Council-endorsed strategic plan.
2. Environment and Heritage	
2.1 Environment Protection Zones This direction applies when a relevant planning authority prepares a planning proposal.	Consistent It is noted that this Ministerial Direction applies when a relevant planning authority prepares a planning proposal. The PP does not seek to reduce the environmental protection standards affecting the site.
2.3 Heritage Conservation This direction applies when a relevant planning authority prepares a planning proposal. The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	Justified inconsistency There are no items of Commonwealth, State, or local heritage listing within the site. The rezoning area is not listed as an Aboriginal place on the Aboriginal Places and State Heritage Register. As detailed in Section 2.6 an Archaeological due diligence assessment for the site has been completed, identifying archaeological items. 10 historical sites were identified including six previously unrecorded Aboriginal archaeological sites. Existing provisions in the YVLEP and legislation including the Heritage Act and National Parks and Wildlife Act will be utilised to manage the conservation and/or disturbance of these relics. This will be addressed further as the planning proposal progresses. Refer Section 2.6 for further information.
2.6 Remediation of Contaminated Land The objective of this direction is to reduce the risk of harm to human health and the environment by	Consistent Refer section Q5 above and reference to Appendix E.

Section 9.1 Directions	Assessment
ensuring that contamination and remediation are considered by planning proposal authorities.	
3. Housing, Infrastructure and Urban Development	
<p>3.1 Residential Zones</p> <p>This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:</p> <p>(a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary),</p> <p>(b) any other zone in which significant residential development is permitted or proposed to be permitted.</p>	<p>Consistent</p> <p>The proposal seeks to rezone the land for residential development to address existing and future housing needs. The proposal will provide additional housing in close proximity to the village centre and open space.</p> <p>The proposed development will make efficient use of existing infrastructure, such as electricity and telecommunications. The site does not have access to a public sewerage scheme or potable water. The proposed minimum lot size is sufficient to accommodate on-site disposal of sewage on each individual new lot, and new dwellings will be required to construct a suitably sized rainwater tank (approximately 100,000L) to meet potable water requirements. Accordingly, the proposed development seeks to minimise the potential impacts of housing on the environment.</p>
<p>3.4 Integrating Land Use and Transport</p> <p>This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p>	<p>Consistent</p> <p>The proposed site for rezoning is within close proximity to the village centre, jobs and services.</p> <p>The objectives of this direction have limited applicability due to the nature of the region. Being a small rural town without public transport and freight routes and most objectives do not apply. The PP is still considered to be consistent with this direction.</p>
Hazard and Risk	
<p>4.3 Flood Prone Land</p> <p>This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p>	<p>Justified inconsistency</p> <p>Under the Sutton Floodplain Risk Management Plan and Study 2016 prepared by WMA Water for Yass Valley Council, the entire site is identified as a 'Flood Planning Area' (FPA), therefore this Direction applies.</p> <p>The PP is inconsistent with Clause 5 of Direction 4.3 because it proposes the rezoning of land within a flood planning area from a rural (RU1) to a residential (R2 and E3) zone. The PP is also inconsistent with Clause 6 c) "...a significant increase in the development of that land."</p> <p>However, the PP is consistent with Clause 9 which states:</p> <p><i>"A planning proposal may be inconsistent with this direction only if the relevant planning authority can satisfy the Director-General (or an officer of the Department nominated by the Director-General) that:</i></p> <p><i>a) the planning proposal is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005, or</i></p>

Section 9.1 Directions	Assessment
	<p><i>b) the provisions of the planning proposal that are inconsistent are of minor significance. "</i></p> <p>The PP is in accordance with the <i>Sutton Floodplain Risk Management Study and Plan – Yass Valley Council</i> (WMA Water, 2016), which was prepared in accordance with the FDM 2005, and includes controls to mitigate development impacts on flood behaviour and reduce losses and liabilities for private owners and occupiers as well as the public (Council).</p> <p>The PP will not contain provisions that allow or permit outcomes listed in Clause 6 (with the exception of 6c) and Clause 7 of this Direction. Although the proposed development is a significant increase from the current rural use, the proposed density is appropriate to the flood risk level and is justified by the <i>Sutton Floodplain Risk Management Study and Plan</i>. The inconsistency with Clause 5 is therefore of minor significance.</p> <p>For further justification for the rezoning, please refer to the Flood Assessment Report prepared by GRC Hydro (Appendix F) submitted as part of the supporting documentation.</p>
5. Regional Planning	
<p>5.10 Implementation of Regional Plans</p> <p>This direction applies to land to which a Regional Plan has been released by the Minister for Planning. Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.</p>	<p>Consistent</p> <p>As outlined above in Section C – Question 3, the PP is considered to be consistent with the applicable regional plan – South East and Table Lands Regional Plan 2036.</p>
6. Local Plan Making	
<p>6.1 Approval and Referral Requirements</p> <p>This direction applies to all relevant planning authorities, and when a relevant planning authority prepares a planning proposal.</p>	<p>Consistent</p> <p>This purpose of this direction is to ensure that planning proposals minimise the inclusion of provisions that require additional consultation or referral to a Minister or public authority.</p> <p>Consultation will generally occur following Gateway Determination.</p>
<p>6.2 Reserving Land for Public Purposes</p> <p>This direction seeks to facilitate the provision of public services and facilities by reserving land for public purposes, and facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</p>	<p>Consistent</p> <p>The site currently has a strip of zoning adjacent to McLaughlins Creek that is zoned RE1 Public Recreation. This section of RE1 zoning is currently in private ownership and is part of a longer extension along the creek's alignment. It is understood that Council does not intend to acquire or maintaining the RE1 area.</p> <p>Therefore, it's rezoning to E3 Environmental Management does not pose any adverse impacts due to the ongoing tenure of the land.</p>
<p>6.3 Site Specific Provisions</p>	<p>Consistent</p> <p>The PP aims to enact the zoning recommendations of the Sutton Master Plan and Settlement Strategy to</p>

Section 9.1 Directions	Assessment
The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls.	facilitate future subdivision. No site-specific planning controls have been identified.

Section C - Environmental, Social and Economic Impact

Q7 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

A Flora and Fauna Assessment prepared by Griffin Associates Environment (**Appendix A**) in has been prepared to examine the current ecological condition of the subject site. The assessment concluded, there are no identified critical habitats or threatened species that reside on the subject site. This is due to the current and historic use of the site for agricultural purposes which has resulted in significant land clearing and disturbance of natural habitat.

The site is predominantly utilised for the cultivation of lucerne hay. Other vegetation is non-native, comprising landscape plantings around the existing dwelling and associated out buildings. Plantings include deciduous trees such as Lombardy poplars (*Populus nigra*) and elms (*Ulmus procera*) and coniferous trees such as Monterey cypress (*Cupressus macrocarpa*) and Monterey pine (*Pinus radiata*).

Therefore, the site's current state with no identified critical habitats or threatened species, is not expected to be adversely affected by this PP.

Q8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

An assessment of issues such as land capability, physical characteristics, archaeological due diligence, groundwater and flooding have been undertaken for the site. These have produced recommendations and outcomes that have been included within the PP and it is considered that are appropriately managed.

Requirements for a site specific DCP will be discussed with Council following the Gateway determination, and may cover issues including but not limited to traffic management, lot boundaries and setbacks.

Heritage

The archaeological due diligence report identified six previously recorded Aboriginal cultural heritage sites (all stone artefact sites) and three Potential Archaeological Deposits (PADs). If the Aboriginal sites cannot be avoided during development of the proposed subdivision, the report recommends that an artefact collection and sub-surface test excavation. The requirement for additional investigations will be discussed with Council in the post-Gateway Determination phases.

Riparian impacts

The Planning Proposal creates three E3 zoned lots along the frontage of McLaughlins Creek.

The additional waterfront lots are not considered to have unreasonable impact to McLaughlins Creek because the building envelopes will be located in the R2 zone. The creek runs dry during the summer months, and the type of proposed residential land use is not expected to draw water from the creek. Further, by creating three lots, rather than a single lot of approximately 11ha, the likelihood of conducting any significant horticultural activity that could benefit from drawing water from McLaughlins Creek is reduced.

On-site effluent management is of significant importance for the site given its flood-prone nature and groundwater sensitivity mapping. Treatment units will be appropriately selected to reflect the environmental conditions of the site, noting the flood prone nature of the land and recommendations from the **Appendix D**. Further, all lots have been designed to enable on-site effluent management outside the watercourse buffers (100m from McLaughlins Creek and 40m from the draining line along the north of the property). For example, the use of mounding could be used to accommodate treatment units above the 1% MOF level. **Appendix D** directly

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addresses the considerations included in Section 6.4 Groundwater Vulnerability within the YVLEP 2013, and recommends specific measures to mitigate the potential impacts of on-site effluent disposal. There is low potential for the development to impact on groundwater provided the recommended mitigating measures are implemented.

Contamination

A Preliminary Site Investigation (Contamination) identified contaminants of potential concern including Asbestos, Heavy Metals, OCPS, OPPs and Carbamates. Laboratory testing of soil samples and fragments of suspected asbestos containing material (ACM), was undertaken, including two intra-laboratory duplicate samples for quality assurance. The results of the limited soil sampling and analysis program were compared against the National Environmental Protection Measure 2013 (NEPM) Health Investigation Levels (HIL) for HIL-A, HIL- B and HIL- C land uses. Contaminant detections in all soil samples were less than all HIL land use criteria.

However, the fragments sampled for ACM were positive for Chrysotile asbestos and amosite asbestos. The asbestos is located across the surficial soils adjacent the two existing residential dwellings on the site. The proposed mitigation is removal by a qualified SafeWork NSW licensed of both ACM residential dwellings onsite, including an emu-pick of all surficial fragments across the site and other ACM present in the other remaining structures prior to demolition. An Asbestos Clearance Certificate of the asbestos removal by a qualified SafeWork NSW Licensed Asbestos Assessor (LAA) to certify that all asbestos on site has been removed safely and adequately off-site.

Traffic

Site access is proposed from Sutton Road at the southwest of the site, within the existing 60km/h zone.

The site is expected to yield approximately 29 dwellings (subject to a development application). Vehicle movements associated with this number of dwellings is considered inconsequential to the surrounding road network. The internal road network serving the proposed subdivision and its connection to Sutton Road has been provided to demonstrate the site specific merit of the proposal through a concept plan. The current connection point to Sutton Road provides adequate sight distances and is above the flood planning level. As noted, the final intersection design and treatment will be delivered through the development application.

Q9 Has the planning proposal adequately addressed any social and economic effects?

Social Effects

The site has been chosen in order to provide additional housing in response to the Sutton Village Master Plan. Through providing a contiguous residential area that immediately adjoins Sutton Road, the site represents an ideal location for sustainable the long-term growth of Sutton. Future residents will be located within easy reach of the existing public primary school, community hall and bakery to participate in village life.

The Yass Valley Settlement Strategy and Master Plan both indicate that the village character of Sutton will be retained. The moderate population increase associated with this PP is not expected to comprise this character.

Economic Effects

The current PP is for the rezoning of RU1 Primary Production Land and RE1 Public Recreation to a combination of R2 Low-Density Residential and E3 Environmental Management. This proposal is unlikely to have any significant economic impact, although the moderate population increase could help support existing local business in the Sutton village. There is potential the proposed subdivision would produce a number of jobs during the construction phase. The housing also supports the attraction and retention of workers who commute to the ACT and in turn support the economy of the region.

Section D - State and Commonwealth Interests

Q10 Is there adequate public infrastructure for the Planning Proposal?

As described within the PP, as development progresses, upgrades to utility services will be required to meet demand. Electricity, telecommunications and gas requirements for the development will be discussed with Council during DA development.

A large focus of Council strategies is the necessity to secure sufficient water supply to match demand, further emphasised by the ACT Government's decision to not provide water infrastructure in this area. Given the proposal is for limited, contiguous growth it is expected that a secure water supply sufficient for potable and bushfire requirements could be secured in the future. For the purposes of this proposal however, the future development will provide for on-site storage of potable water supplies and on-site storage and treatment of effluent.

The Yass Valley Settlement Strategy and Sutton Village Master Plan both acknowledge the lack of community support/interest in a centralised sewerage system for Sutton. Therefore, it is anticipated that proposed lots in the PP will have on-site sewerage management system for individual lots. On-site disposal of effluent will meet the requirements of the Council, as informed by state and national standards. Consistent with the requirements of NSW Health, the proposed MLS for this subdivision are considered of a sufficient size to accommodate effluent irrigation. The location and design of treatment units will be appropriately selected to reflect the environmental conditions of the site, noting the flood prone nature of the land. More detailed, site-specific effluent management will be prepared as part of future development applications for the construction of dwellings, as determined by Council.

Q11 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

Council has initiated consultation with the relevant government agencies in respect to this proposal. The key issues related to the manner in which the flooding is addressed, general arrangement of the site to ensure flood free building opportunities and evacuation.

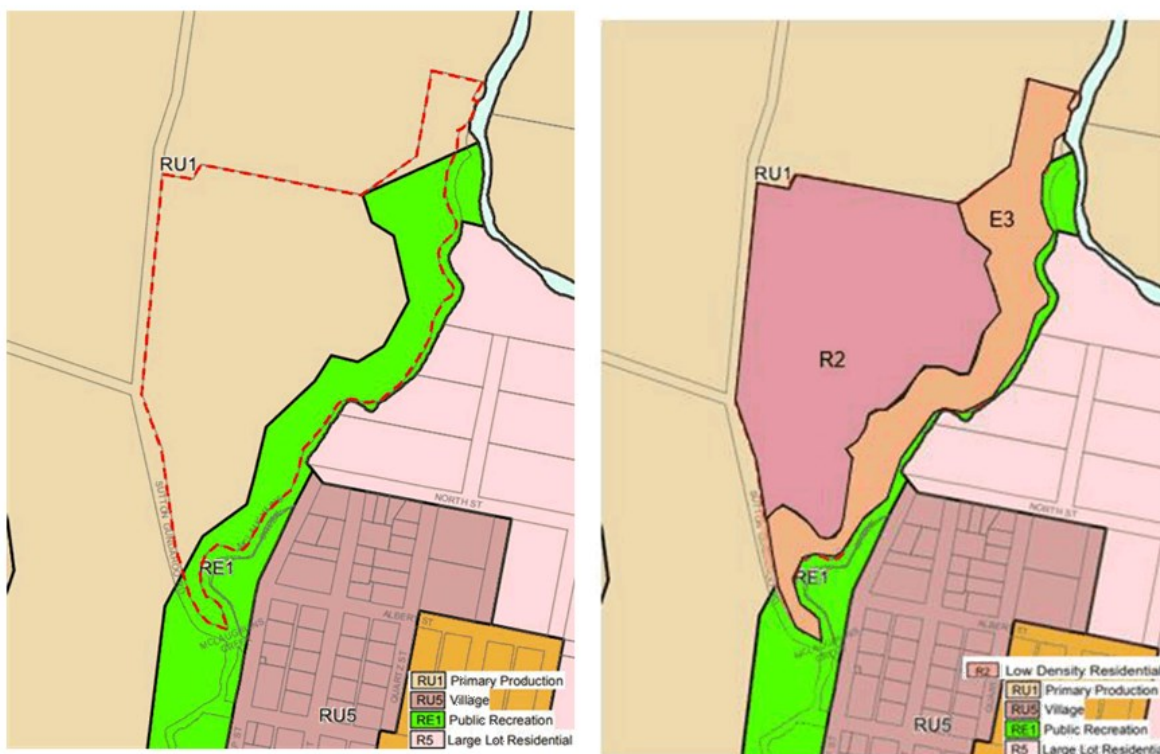
The issues have been addressed in the undated documentation provided by GRC Hydro and attached. No further consultation ahead of a Public Exhibition is required.

Mapping (Part 4)

Part 4 of the PP contains clear and accurate mapping depicting relevant aspects of the PP.

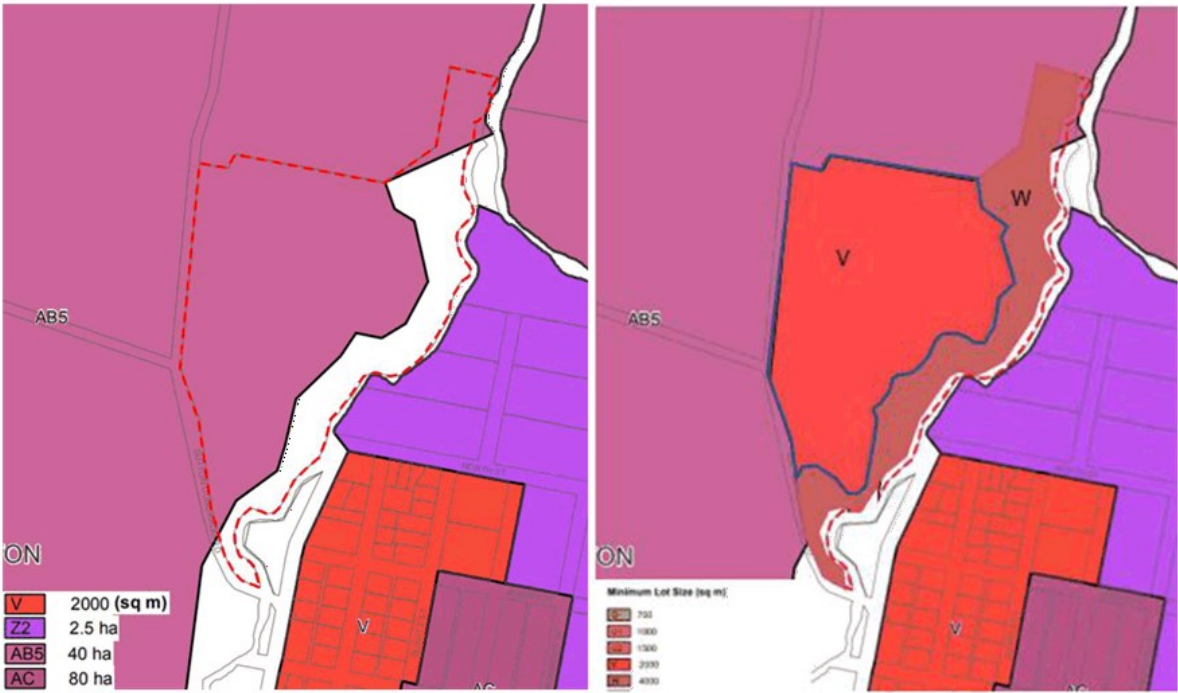
The subject PP at present has only prepared mapping for the proposed land use zoning and MLS. As a result of this PP, it is anticipated that Land Zoning Map – Sheet LZN_005F and Lot Size Map – Sheet LSZ_005F of the YVLEP 2013 will be amended. The current and proposed land uses zones are shown in Figure 16 below.

Figure 16 Current and proposed zoning



Amendments to the Lot Size Map is shown below in Figure 17, overleaf.

Figure 17 Current MLS and Proposed MLS



Source: Extract MLS Map (edited)

Note that the Lot size map will also be amended to include a blue line as indicated above.

Community Consultation (Part 5)

The gateway determination will specify the community consultation requirements that must be undertaken on the planning proposal. This will include the timeframe for exhibition.

It is expected that the planning proposal will be publicly exhibited for 28 days.

Project Timeline (Part 6)

Part 6 of the PP aims to set an indicative timeframe for the progress of the PP through the plan making process. An estimated project timeline for the rezoning is predicted to be 6 months given the work and engagement that has been undertaken to date. The accelerated timeframe is consistent with the DPIE program to improve the efficiency and timeframes for all planning proposal across the state.

Table 7 Indicative Project Timeline

Stage	Estimated timing
Consideration by Council of PP	Completed
Agency Consultation	Completed
Referral to DP&E for Gateway Determination	May 2021
Anticipated commencement date (Gateway Determination)	June 2021
Formal exhibition/community consultation and agency consultation	June/July 2021
Timeframe for consideration of submissions and PP post exhibition	July/August 2021
Timeframe for submission to DP&E to finalise LEP following endorsement by Council	September 2021
Anticipated date the relevant planning authority (RPA) will make the plan	October 2021
Anticipated date the RPA will forward to the DP&E for notification	October 2021

A Flora and Fauna Assessment

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B Archaeological Due Diligence Assessment

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C Land Capability Assessment

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D Stage 1 Preliminary Site Investigation Report

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E Flood Assessment Report

