

Planning Services

Alteration of Gateway determination report

LGA	Yass Valley
PPA	Yass Valley Council
NAME	Parkwood planning proposal (5000 homes, 1000 jobs)
NUMBER	PP_2015_YASSV_001_00
LEP TO BE AMENDED	Yass Valley LEP 2013
ADDRESS	Parkwood
DESCRIPTION	Lots 1-5 and 7 DP 771051, Lots 1-3 DP 1184677 and Lots 61-62 DP 801234
RECEIVED	Revised planning proposal received 19 February 2018
FILE NO.	IRF17/562
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

INTRODUCTION

Description of planning proposal

Yass Valley Council submitted a planning proposal in 2015 to rezone land at Parkwood in Yass Valley Shire to R1 General Residential Zone and E3 Environmental Management Zone to accommodate approximately 5,000 dwellings and associated urban uses as part of a broader urban release area and conservation corridor in the ACT.

The Parkwood site is identified as an urban release area in the Yass Valley Settlement Strategy 2036 adopted by Council and the South East and Tablelands Regional Plan 2036.

Background

The Ginninderry project consists of a proposed cross border community located in NSW and the ACT that seeks to develop the 1,600ha site into a master-planned community comprising 11,500 dwellings and 596ha of conservation corridor.

Planning proposal PP_2015_YASSV_001_00 (Parkwood) is the NSW component of the Ginninderry project, located within Yass Valley and comprising 387ha for urban use (5,000 dwellings) and a 213ha conservation corridor. The NSW development will be staged over 35-40 years, with an anticipated commencement date of 2032.

The Ginninderry project is a joint venture between the ACT Government and Riverview Developments Pty Ltd.

Site description

The Parkwood site is adjacent to the ACT border and is accessible only via the ACT (Figure 1). The nearest NSW settlement to Parkwood is Murrumbateman, located approximately 30km to the north.

The land is bounded by the Murrumbidgee River, Ginninderra Creek and the NSW/ACT border, and can be characterised as a land peninsula that adjoins West Belconnen in Canberra. The river corridors comprise rocky and steep gorge country, which includes Ginninderra Falls, edged by native vegetation. A central plateau of cleared land is used primarily for rural enterprises, including cattle grazing, quarrying and rural tourist accommodation. South-east of the site is Pace Farms, an egg production plant, and further south is a landfill and recycling material facility, both located in the ACT (Figure 2, next page).

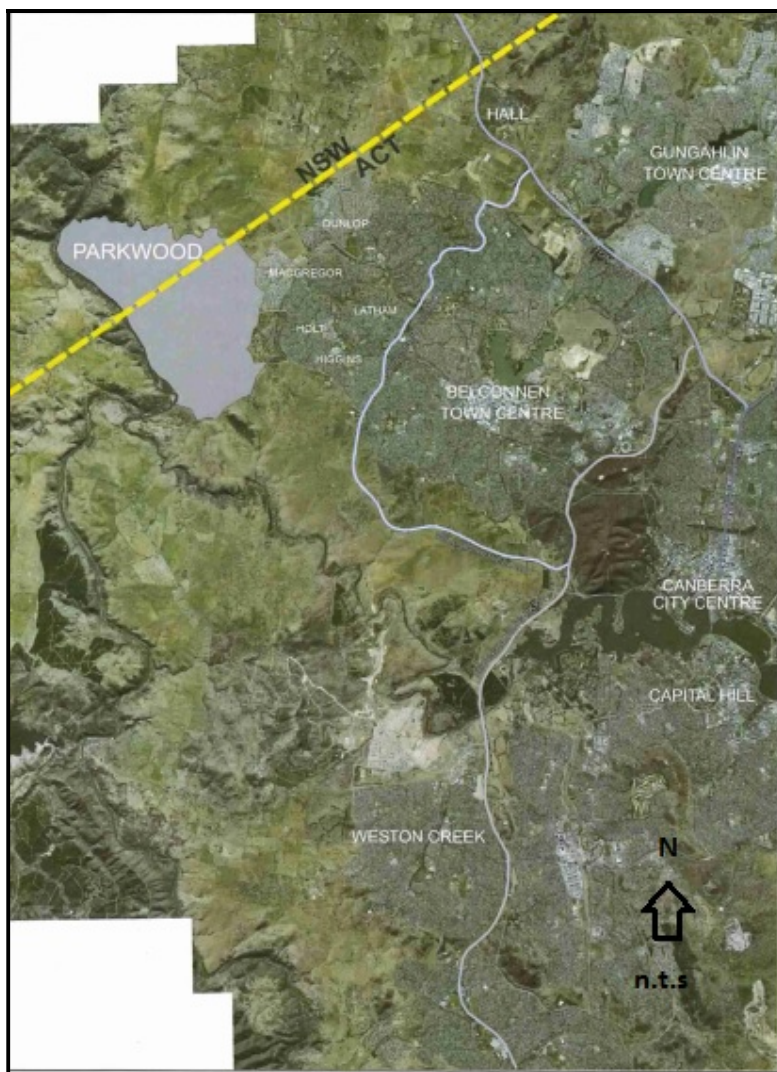


Figure 1: Site location (source: Parkwood planning proposal).

Gateway determination

A Gateway determination was issued on 16 April 2015 to enable the proposal to proceed subject to conditions. The Gateway determination was altered on 23

January 2017 and 27 April 2018 to extend the time frame for completing the draft plan from 24 months to 48 months. The LEP is due for completion in April 2019.

The current alteration to the Gateway determination reflects a revised planning proposal that seeks to:

- slightly reduce the area of the proposed R1 General Residential Zone from approximately 394ha to 387ha and increase the area of land to be zoned for environmental protection;
- apply an E2 Environmental Conservation Zone to areas of high conservation value (approximately 188ha) replacing the majority of the proposed E3 Environmental Management Zone (approximately 25ha in the revised plan);
- apply a SP1 Special Activities Zone (approximately 2ha) to a proposed Ginninderra Falls precinct to accommodate ecotourist development, recreation activities and emergency services;
- include LEP provisions to manage residential development that will adjoin environmentally sensitive areas and bushfire prone land proposed to be zoned E2 Environmental Conservation;
- clarify the description of additional permitted uses that are intended to provide current landowners an opportunity to seek approval for interim developments that do not hinder the future use of the site as an urban release area and conservation corridor; and
- include a Services and Infrastructure Report to address cross border servicing.

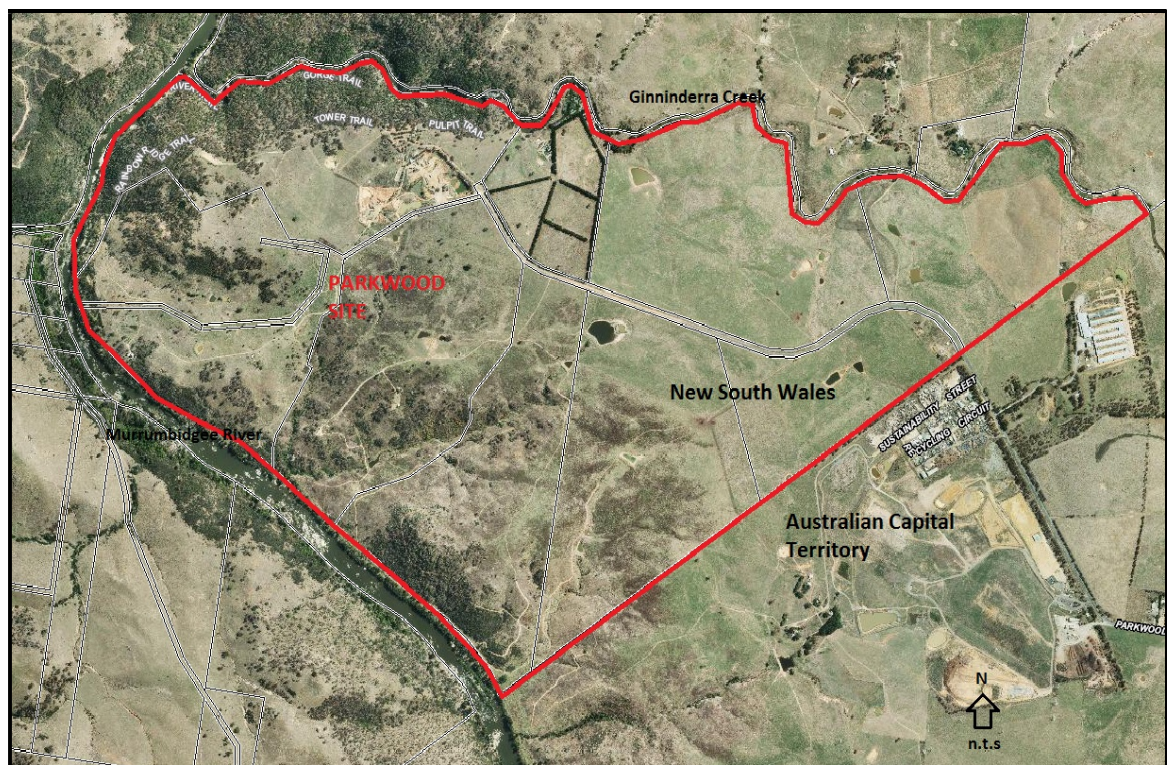


Figure 2: The site (source: Air Photo SixMap 2018).

Summary of recommendation

It is recommended that the delegate for the Minister approve the Gateway alteration for the revised planning proposal to enable it to proceed to community consultation and consultation with relevant government agencies.

REVISED PLANNING PROPOSAL

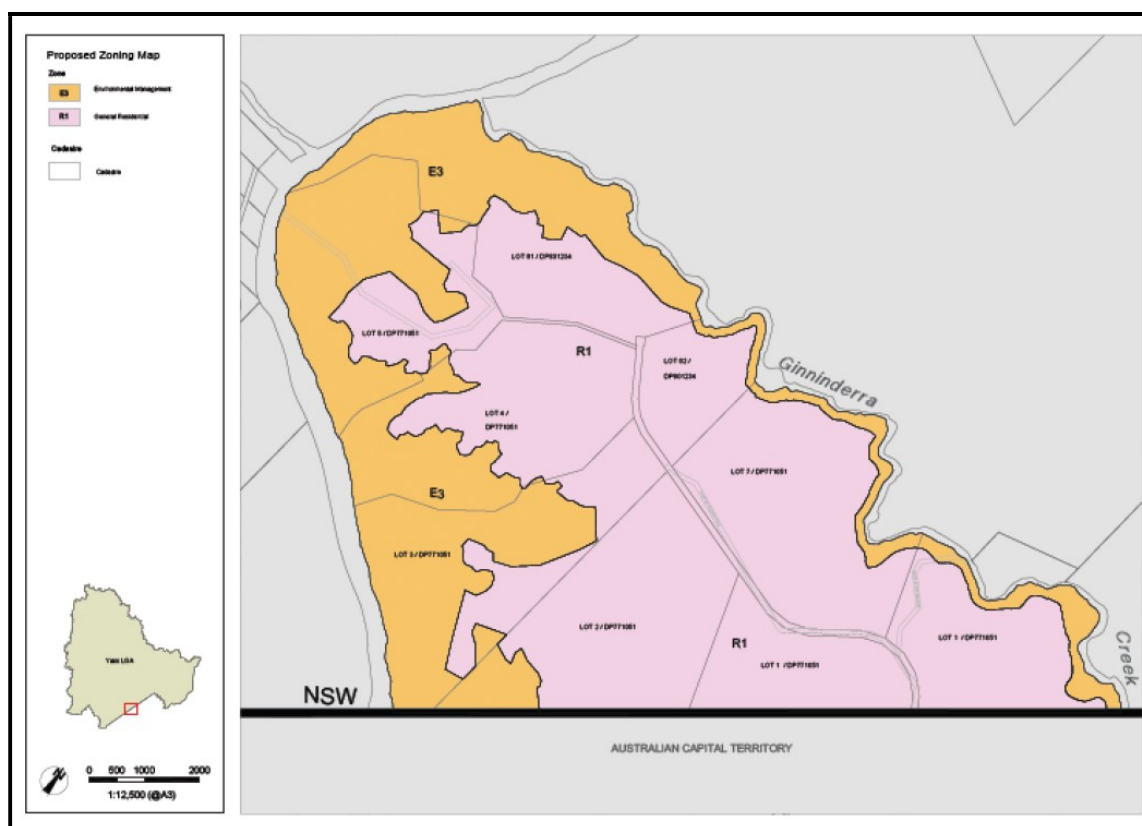
Objectives or intended outcomes

The objectives of the revised planning proposal remain as stated in the original planning proposal:

- facilitate a master-planned urban release within NSW lands as a major component of the cross-border community on both sides of the NSW/ACT border; and
- confirm and protect the conservation, cultural and landscape values of the land with reference to the Murrumbidgee River and Ginninderra Creek corridors and Ginninderra Falls.

Explanation of provisions

The revised planning proposal makes several significant changes to the explanation of provisions that were outlined in the original planning proposal. Figures 3 and 4 (next page) compare the original and revised draft zone land maps and **Attachment A** to this report provides a tabulated comparison between the provisions proposed in the original and revised planning proposals.



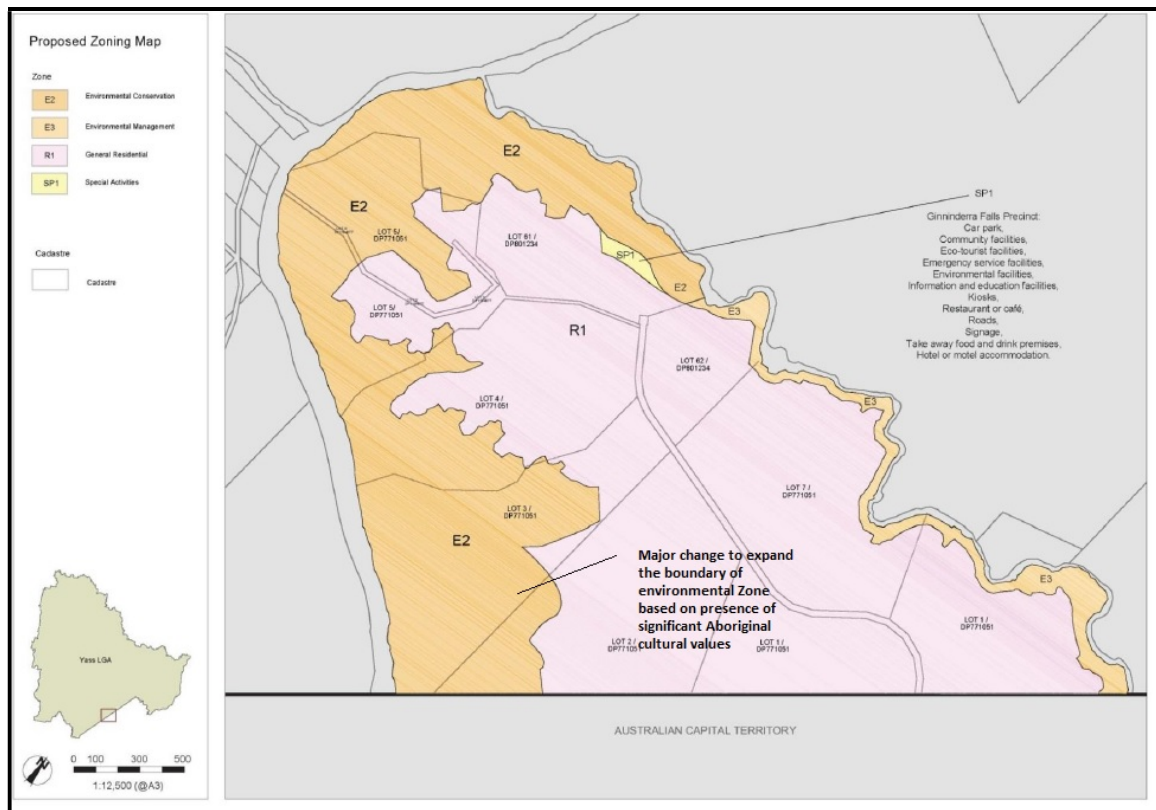


Figure 4: Revised draft land zone map (source: revised Parkwood planning proposal 2017).

NEED FOR THE PLANNING PROPOSAL

The original Gateway determination was issued on the basis that the proposal will provide a sustainable cross border urban settlement that would deliver a significant supply of land for housing in the South East and Tablelands region.

The need for the proposal has not changed and continues to have merit on the basis that the cross-border settlement that includes the Parkwood site will generate 11,500 dwellings and 3,500 jobs within the region.

The revised planning proposal indicates that a state and regional conservation corridor identified in the South East and Tablelands Regional Plan 2036 to be zoned E2 Environmental Conservation will be managed by a conservation trust that will manage environmental assets and bushfire hazard, and will promote site-sensitive tourism development associated with the Ginninderra Falls precinct.

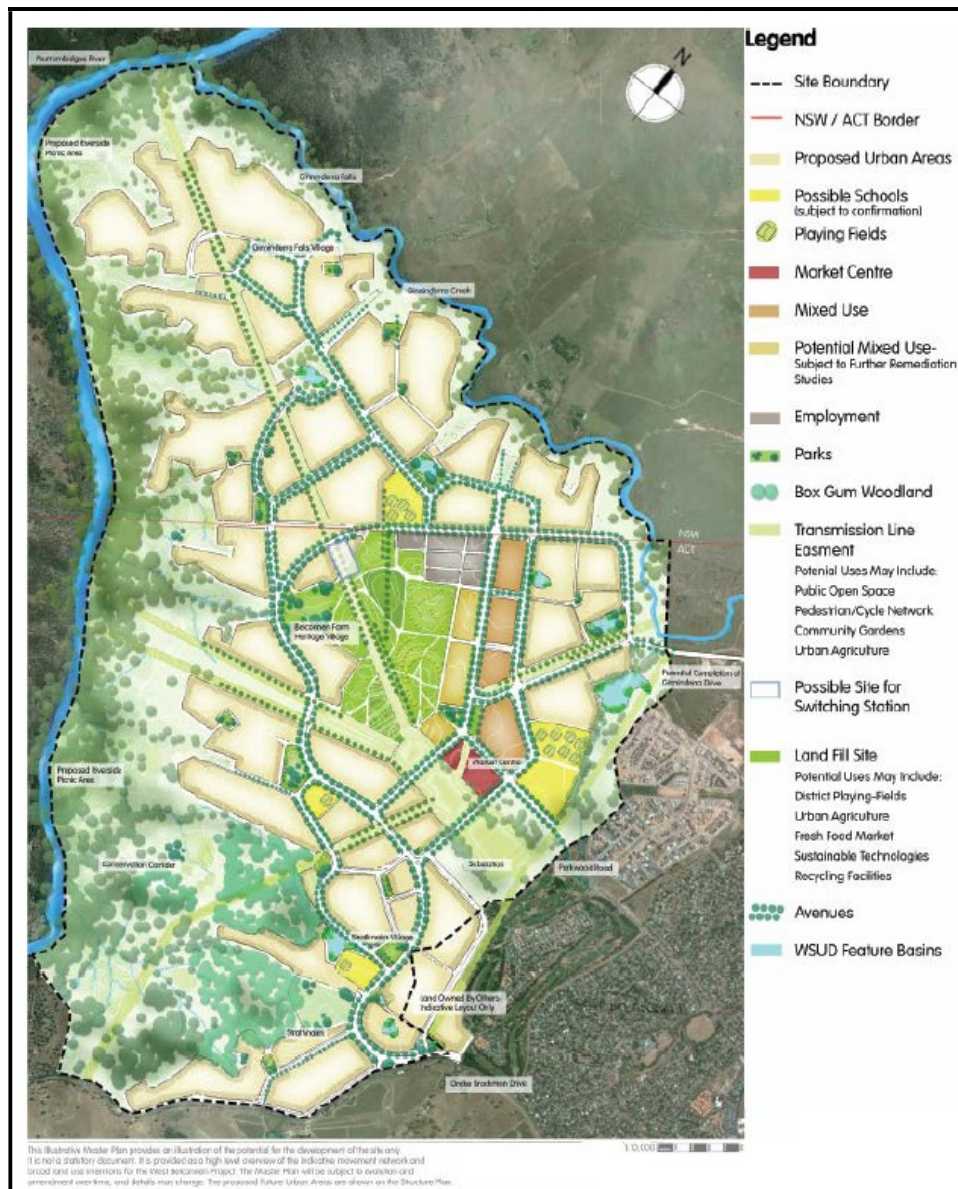


Figure 5: Concept master plan (source: revised Parkwood planning proposal 2017).

STRATEGIC ASSESSMENT

The original planning proposal demonstrated consistency with the sustainability criteria in appendix 1 of the Sydney Canberra Corridor Regional Strategy, as does the current alteration of the planning proposal.

Yass Valley Settlement Strategy 2036

The Yass Valley Settlement Strategy 2036 was adopted by Council on 27 September 2017. It focuses future growth in Yass and Murrumbateman, and recognises Parkwood as a cross border urban release area that will generate housing supply in the Yass LGA in the medium to long term (2036 and beyond). The strategy identifies four key themes:

1. environmentally, socially and economically sustainable settlements;
2. growth will be focused on existing towns and villages and settlement expansion, rather than isolated site land release or cross-border sprawl;

3. water security is essential for growth; and
4. establish, strengthen and enhance the role, function and character of settlements.

The planning proposal is consistent with the key themes of the Yass Valley Settlement Strategy 2036 and demonstrates, through the Services and Infrastructure Report, an ability to secure water, infrastructure and services for the site over the medium and long term.

South East and Tablelands Regional Plan 2036

The South East and Tablelands Regional Plan 2036 was endorsed by the NSW Government and publicly released in July 2017.

The revised planning proposal includes supplementary information that addresses the policies, directions and actions outlined in the plan as follows:

- the proposal includes a Services and Infrastructure Report that outlines the medium and long-term options for the delivery of services by Council and NSW and ACT service delivery agencies; and
- the revised planning proposal proposes protecting and enhancing sensitive areas by:
 - applying environmental zones and other environmental provisions to identify and manage the Murrumbidgee River and Ginninderra Creek conservation corridors and the interface between these sensitive environmental areas and future urban development;
 - recommending the establishment of a conservation management trust, a self-funded entity to maintain and conserve the values of the conservation corridors in perpetuity based on a conservation management plan;
 - incorporating LEP provisions to ensure the Tharwa Sands quarry continues to provide red granite for the Canberra market until it is rehabilitated and ready to be used for urban purposes; and
 - incorporating LEP provisions to address urban design, urban amenity, cross-border servicing and infrastructure, and sustainable and integrated transport.

The revised planning proposal is consistent with the regional plan as it seeks to:

- progress the delivery of housing supply in an urban release area identified in the plan;
- address cross border servicing issues;
- mitigate the environmental impacts of urban development;
- manage bushfire hazard risk;
- manage/enhance the environmental assets within environmentally sensitive areas; and
- promote the development of a master-planned sustainable community.

It is recommended that the Minister's delegate issue a Gateway alteration for the revised planning proposal because it is consistent with the directions and actions of the South East and Tablelands Regional Plan 2036.

Section 9.1 Ministerial Directions

The Department's covering letter issued with the Gateway determination in 2015 advised Council that any inconsistencies with relevant ministerial Directions would require agreement from the Secretary.

The revised planning proposal is considered to achieve consistency with Direction 3.4 Integrated Land Use and Transport, 4.3 Flood Prone Land and 5.10 Implementation of Regional Plans.

Inconsistencies with Directions are discussed below.

Direction 1.2 Rural Zones

The revised planning proposal is inconsistent with this Direction as it seeks to rezone RU1 Primary Production zoned land with an 80ha minimum lot size to R1 General Residential Zone with no minimum lot size.

The revised planning proposal refers to the West Belconnen Agricultural Lands Review 2014, a study that concluded that the agricultural value of the land is constrained by the soils, slope and rockiness and the limited size of holdings to provide sufficient income to support a viable agricultural enterprise. The inconsistency is of minor significance and adequately justified by the report.

Recommendation

It is recommended that the Secretary's delegate be satisfied that the inconsistency with this Direction has been justified because the site has limited agricultural potential and is identified for urban development in the Yass Valley Settlement Strategy 2036 and South East and Tablelands Regional Plan 2036.

Direction 1.3 Mining, Petroleum Production and Extractive Industries

This Direction applies to the planning proposal as it seeks to rezone RU1 Primary Production Zone, where mining and extractive industries are permitted with consent, to R1 General Residential Zone that prohibits these land uses.

The site is zoned E3 Environmental Management Zone (including the Tharwa Sands quarry site) and RU1 Primary Production Zone under the Yass Valley LEP 2013. Mining and extractive industries are prohibited in the E3 zone and permitted in the RU1 zone. The Tharwa Sands quarry is proposed to be zoned R1 General Residential.

The rezoning of land from E3 Environmental Management Zone under the Yass LEP 2013 to E2 Environmental Protection Zone and R1 General Residential Zone under a new standalone LEP will continue to retain provisions that prohibit mining and extractive industries for almost 50 per cent of the site. Specific provisions in the draft LEP to address potential land use conflict between Tharwa Sands quarry and future urban development will be established, including the addition of a local clause in the draft LEP that ensures the quarry ceases operation and is rehabilitated prior to development for urban purposes.

The inconsistency with this Direction is of minor significance because:

- the site is identified as an urban release area in the Yass Valley Settlement Strategy 2036;

- mining and extractive industries are already prohibited land uses under the current E3 Environmental Protection Zone that applies to almost 50 per cent of the Parkwood site, including land occupied by the Tharwa Sands quarry;
- the proposal is consistent with the directions and actions of the South East and Tablelands Regional Plan 2036; and
- Parkwood does not contain existing or potential mining resources or extractive material of state or regional significance.

Recommendation

It is recommended that;

- the Secretary's delegate be satisfied that the inconsistency with this Direction is of minor significance as the site is identified for urban development in the Yass Valley Settlement Strategy 2036 and South East and Tablelands Regional Plan 2036 and Parkwood does not contain existing or potential mining resources or extractive material of state or regional significance; and
- the Gateway alteration include a requirement that Council consult with NSW Resources and Energy.

Direction 1.5 Rural Lands

This Direction applies to the planning proposal as it seeks to rezone RU1 Primary Production zoned land and E3 Environmental Management zoned land (80ha minimum lot size) to R1 General Residential Zone and SP1 Special Activities Zone with no minimum lot size. When this Direction applies, the proposal must be consistent with the rural planning and rural subdivision principles listed in State Environmental Planning Policy (Rural Lands) 2008.

The planning proposal has adequately justified that any inconsistencies with this Direction will be of minor significance for the following reasons:

- the West Belconnen Agricultural Lands Review 2014 submitted with the planning proposal has concluded that the agricultural value of the land is constrained by the soils, slope and rockiness, has a limited size of holdings to provide sufficient income to support a viable agricultural enterprise and because of land use conflicts with adjoining urban areas in the ACT;
- the natural resources of the site have been identified and are proposed be protected;
- the planning proposal is consistent with the rural planning principles of the Rural Lands SEPP; and
- the planning proposal seeks to rezone the land for residential development and the land will not be subdivided for rural use. The rural subdivision principles are therefore not considered relevant.

Recommendation

It is recommended that the Secretary's delegate can be satisfied that any potential inconsistency with this Direction has been justified because the site has limited agricultural potential.

Direction 2.1 Environment Protection Zones

The revised planning proposal is inconsistent with this Direction as it seeks to rezone 344ha of land zoned E3 Environmental Management under the Yass LEP 2013 to R1 General Residential Zone and SP1 Special Activities Zone.

The revised planning proposal states that it has justified the inconsistency with this Direction with the preparation of several detailed ecological surveys and studies that have verified the extent of threatened species and conservation values within the site, and the planning proposal includes measures to protect and conserve environmentally sensitive land.

These studies identify areas currently zoned E3 Environmental Management Zone that are being used for primary production that would be suitable for urban development (R1 General Residential Zone and SP1 Special Activities Zone), and areas that contain significant environmental and Aboriginal cultural values that should be retained in an environmental protection zone.

The planning proposal also proposes inserting additional local LEP provisions and implementing management measures to protect and conserve environmentally sensitive land, including the establishment of a conservation trust to manage the conservation corridor along the Murrumbidgee River and Ginninderra Creek.

There is a possibility that further changes to the planning proposal and draft LEP will be required to facilitate the protection and conservation of ecologically sensitive areas in response to submissions from the community and from relevant agencies. For example, further investigations may recommend changes to the boundary of the environmental zones to protect environmentally sensitive land. Council should therefore seek the agreement of the Secretary for inconsistencies with s9.1 Direction 2.1 Environment Protection Zones when the final planning proposal is submitted to the Department and prior to the plan being made.

Recommendation

It is recommended that the Secretary's delegate advise Council that it will need to obtain agreement for any inconsistency with s9.1 Direction 2.1 Environment Protection Zones when the final planning proposal is submitted to the Department and prior to the plan being made.

Direction 2.3 Heritage Conservation

This Direction applies to the site as Aboriginal heritage and cultural site assessments and reports submitted with the planning proposal have identified scattered artefacts, cultural deposits and significant cultural values throughout the Parkwood site.

Many sites with high Aboriginal cultural value or containing Aboriginal artefacts/deposits are located within the conservation corridor to be zoned E2 Environmental Conservation Zone. The revised planning proposal has increased the area of land to be zoned environmental protection to ensure all areas of high Aboriginal cultural significance are contained within the conservation corridor.

The planning proposal states that it is consistent with this Direction because in addition to applying an E2 Environmental Conservation Zone to significant Aboriginal sites it is also intended to include a heritage clause and heritage map in the draft LEP to identify all the significant Aboriginal sites. However due to the cultural sensitivity and concerns with security of these significant Aboriginal sites, it is intended that the finalisation of the

heritage map will be made after further consultation with the Office of Environment and Heritage (OEH) and with the knowledge holders on how best to identify and manage these sites.

The planning proposal acknowledges that all Aboriginal objects and places are protected under the *National Parks and Wildlife Act 1974* and relics cannot be disturbed without a permit issued by OEH. The planning proposal indicates that an Aboriginal heritage impact permit will be required for the removal of scattered artefacts of low cultural potential located within the proposed R1 General Residential Zone to enable urban development to proceed. It is likely that these artefacts will be relocated within the conservation corridor to maintain their connection to country.

Council and the proponent intend to undertake further consultation with OEH and knowledge holders on how best to identify and manage arrangements for these areas. Therefore, it is possible that further changes to the planning proposal and draft LEP will be required to facilitate the protection of areas of Aboriginal heritage significance after further consultation with the OEH and knowledge holders. Council should therefore seek the agreement of the Secretary for inconsistencies with s9.1 Direction 2.3 Heritage Conservation when the final planning proposal is submitted to the Department and prior to the plan being made.

Recommendation

It is recommended that the Secretary's delegate advise Council that it will need to obtain agreement for any inconsistency with s9.1 Direction 2.3 Heritage Conservation when the final planning proposal is submitted to the Department and prior to the plan being made.

Direction 3.1 Residential Zones

This Direction applies to the planning proposal because it will affect land within a proposed residential zone. The planning proposal states that the plan is consistent with the Direction because it will include provisions required by subclause (4) (i.e. ensure housing choice, efficient use of existing infrastructure and services and be of good design) and will contain a requirement in accordance with subclause (5) that residential development is not permitted until land is adequately serviced or arrangements have been made to service it. For example, the plan will include provisions requiring the Secretary of the Department of Planning and Environment to be satisfied that arrangements are in place for the provision of designated State and Territory public infrastructure prior to approval of any subdivision for urban development.

The revised planning proposal also includes a *Services and Infrastructure Report* (SIR) that sets out the options and arrangements for government service delivery based on an agency forum held on 16 March 2016. The public exhibition of the SIR with the planning proposal will give government service providers another opportunity to comment on the preferred option for providing public services and infrastructure.

Recommendation

It is recommended that the Secretary's delegate can be satisfied that the planning proposal is consistent with this Direction because the planning proposal will include provisions and requirements that satisfy subclause (4) and (5) of the Direction.

Direction 4.4 Planning for Bushfire Protection

Approximately 25 per cent of the site is identified as bushfire prone land on the Yass Valley bushfire prone land map. Most of the mapped bushfire prone land within Parkwood will be within the E2 Environmental Conservation Zone and the E3 Environmental Management Zone. Some areas on the edge of land identified as bushfire prone land are proposed to be zoned R1 General Residential Zone.

A Bushfire Management Strategy was submitted with the revised planning proposal to address the requirements of Planning for Bushfire Protection 2006 in accordance with this Direction. The report addresses the requirements for managing vegetation, the establishment and maintenance of asset protection zones, road access requirement and requirements for water supply.

Council consulted with the NSW Rural Fire Service (RFS) on revised planning proposal prior to community consultation. The RFS advised Council in March 2018 that a strategic bushfire study and amended concept master plan should be prepared to address its concerns regarding inadequate road egress/access from future urban areas, the potential for land use conflict and to ensure that the strategic implications of future development within a bushfire prone landscape are fully considered.

Bushfire risk management issues raised by RFS were subsequently discussed between the Riverview Group (proponent), RFS, Council and the Department at a meeting on 11 April 2018. The RFS indicated at the meeting that it did not object to rezoning the site for urban development, but reiterated its concerns with the concept masterplan and the need for more information on a strategic approach to bushfire risk management.

The proponent submitted additional information prepared by Ecological Australia on 3 May 2018 to address the issues raised by RFS. Ecological Australia has indicated that the planning proposal is 100 per cent compliant with Planning for Bushfire Protection 2006 and has addressed additional matters likely to emerge with the finalisation of the draft Planning for Bushfire Protection 2008 (publicly exhibited but not yet endorsed by the NSW Government).

Ecological Australia also emphasised that the concept masterplan submitted with the planning proposal is an indicative representation of how the site may be developed, but it does not form part of the LEP. Master planning for the site will be subject to more detailed neighbourhood planning triggered by LEP provisions requiring the preparation of a development control plan for the site prior to subdivision approval.

The RFS indicated in its response dated 24 July 2018 that the additional information did not address matters raised in its earlier correspondence, i.e. requirement for a strategic bush fire study or specific concept plan or master plan. The RFS further indicated that the Council should ensure that adequate studies be undertaken to address the following prior to progressing the planning proposal;

- a) *the impacts of the development within a landscape context (e.g. landscape assessment which considers the requirements for bush fire risk management in the landscape and the impact on biodiversity in the implementation of these risk management mechanisms); and*
- b) *identification of an indicative road network layout, details of access points and integration with the existing traffic network on roads external to the site (note:*

the management of emergency evacuation and management of traffic in a bush fire emergency should inform the road network); and

- c) *the identification of areas of limited and/or no residential or development potential.*

Comment

Council has met its obligations to consult with the RFS prior to community consultation under s9.1 Direction 4.4 Planning for Bushfire Protection. Although the RFS is not satisfied that proposal has addressed its concerns a Gateway alteration can be issued for the revised planning proposal because:

- The RFS has indicated it does not object to the rezoning of the site for urban development. The service has not raised any issues with the proposed LEP, including the footprint of future urban development.
- The concept master plan prepared for the site is not intended to provide details of the final subdivision and road network for the site. It is an indicative concept plan and is likely to change prior to the release of land in 15 years' time.
- Master planning for the site is likely to be subject to more detailed site planning triggered by LEP provisions and the Development Control Plan that is required to be prepared prior to any development.
- Council will be undertaking further consultation with RFS as part of its consultation with other state agencies once the Gateway alteration has been issued.
- At a meeting with the Department on the 6 August 2018 the proponent, Riverview Group, indicated that it had already initiated further work to address RFS concerns and would not object to the Gateway alteration including a new condition requiring the preparation of a Strategic Bush Fire Study.

Recommendation

1. A condition be imposed as part of the Gateway alteration to require the planning proposal is to include a Strategic Bush Fire Study that addresses the following matters;
 - a. the impacts of the development within a landscape context that includes a landscape assessment that considers the requirements for bush fire risk management in the landscape and the impact on biodiversity in the implementation of these risk management mechanisms;
 - b. identification of an indicative road network layout, details of access points and integration with the existing traffic network on roads external to the site. The management of emergency evacuation and management of traffic in a bush fire emergency should inform the road network; and
 - c. the identification of areas of limited and/or no residential or development potential.
2. It is recommended that the Secretary's delegate advise Council that it will need to indicate that it has satisfied the requirements of s9.1 Direction 4.4

Planning for Bushfire Protection when the final planning proposal is submitted to the Department and prior to the plan being made.

State environmental planning policies

SEPP (Rural Lands) 2008

This SEPP applies to the planning proposal because it seeks to rezone rural land for urban development. The revised planning proposal has justified any potential inconsistency with the SEPP as outlined above in the discussion on s9.1 Direction 1.5 Rural Land, i.e. justified by an agricultural lands study that provides evidence on why the land is no longer suitable for primary production.

Recommendation

It is recommended that the planning proposal and the West Belconnen Agricultural Lands Review be referred to the NSW Department of Primary Industries – Agriculture for comment.

SEPP No 55 Remediation of Land

A Phase 1 Environmental Assessment Report (June 2014) submitted with the planning proposal states that it was prepared in accordance with the NSW Environment Protection Agency guidelines to determine the extent, if any, of contamination that may be present.

The report concluded that:

- significant and widespread contamination of the site is low throughout most of the agricultural area of the site; and
- areas of moderate risk of contamination include a machinery shed, off-site sheep dip, on-site septic tanks, storage areas, imported fill of unknown origin and quality, and dams acting as a collection sink for contaminants.

The planning proposal states that all identified sites will be investigated in further detail and remediated as part of the development of the land as set out in the report.

Recommendation

It is recommended that the planning proposal and Phase 1 Environmental Assessment Report be referred to the NSW Environment Protection Authority for comment.

SITE-SPECIFIC ASSESSMENT

Social

While the Gateway determination and the current alteration proposal consider the Parkwood project within the context of NSW, it is likely that most services for the entire Ginninderry project (including Parkwood) will be provided by the ACT Government.

Options for cross border servicing are set out in the Services and Infrastructure Report attached with the revised planning proposal. It is anticipated that the ACT Government will provide the bulk of the necessary social services and amenity for future residents, and at times this will take place through contracting arrangements with Council.

Recommendation

It is recommended that continued consultation be undertaken with NSW and ACT service agencies on the revised planning proposal and the Services and Infrastructure Report.

Environmental

Under the revised planning proposal, the conservation corridor (213ha) is proposed to be zoned E3 Environmental Management Zone (25ha) and E2 Environmental Conservation Zone (188ha) to reflect the high conservation and Aboriginal heritage values of the land. The delineation of the environmental zones has been based on revised ecological and Aboriginal cultural heritage studies and assessments submitted with the revised planning proposal. Some of these studies have targeted the identification and management of threatened species such as Rosenburgs Goanna, Golden Sun Moth and Pink Tailed Worm Lizard.

The planning proposal, the West Belconnen Conservation Area Options Paper and the report entitled An Environmental Trust for West Belconnen 2014 indicate that it is intended that the Murrumbidgee River and Ginninderra Creek conservation corridors are proposed to be privately managed through a conservation trust. The main objectives of the trust are to manage the conservation of natural values, recreational use and bushfire hazard risk within the conservation corridor. The preferred option is for the conservation corridor to be dedicated to Council and then leased back to the trust.

The trust would manage the conservation corridor in the ACT and NSW. It would earn annual income through a percentage of sale proceeds (NSW land only) and an annual contribution from the ACT Government to manage the ACT portion of the corridor, and a contribution from Council (via a special rate levy on Parkwood residents) to manage the NSW portion of the corridor.

The planning proposal also incorporates the outcomes of other site assessments on environmental values and hazards including:

- visual impact assessment;
- geotechnical assessment;
- bushfire risk assessment;
- egg farm buffer area;
- flood study; and
- land contamination.

The planning proposal includes several studies and site assessments that adequately identify environmentally sensitive land and environmental constraints used to identify the footprint for urban development and to prepare draft LEP provisions to mitigate:

- the impact of environmental hazards on urban development; and
- the impact of urban development on environmentally sensitive land.

Recommendation

It is recommended that a Gateway alteration be issued to enable the revised planning proposal to proceed to community consultation and consultation with relevant public agencies.

Economic

Employment and economic resilience

The Employment and Economic Resilience Report submitted with the planning proposal indicates that the West Belconnen (Ginninderry) development (NSW and ACT) will generate a positive net gain for employment opportunities within the local area, i.e. 3,530 ongoing jobs within the West Belconnen urban release area and 500 external jobs.

Servicing and infrastructure

A Services and Infrastructure Report has been submitted with the planning proposal which sets out options and arrangements for government service delivery. It is based on an agency forum held on 16 March 2016 with relevant service providers from Council and the ACT and NSW Governments to confirm that the proposed arrangements are practical. The report was prepared in accordance with condition 1 of the Gateway determination issued on 16 April 2015.

The Services and Infrastructure Report outlines two options for delivery of services and infrastructure. It also recommends a proactive engagement approach to infrastructure and service delivery continue as the project progresses beyond the rezoning and development approval stages.

It is now a matter for Council, and the NSW and ACT Governments to develop appropriate governance and engagement arrangements, and agree on a model for providing government services and infrastructure to the Parkwood urban release area.

Condition 2 of the Gateway determination requires the endorsement of a Cross Border Servicing Report by the General Manager, Southern (now called Director Regions, Southern). If the Acting Deputy Secretary, as delegate of the Minister, approves the Gateway alteration for the revised planning proposal that now includes the Servicing and Infrastructure Report, then condition 2 of the Gateway determination is no longer required and should be deleted.

Recommendations

It is recommended that:

1. A condition be placed on the Gateway alteration that requires a Memorandum of Understanding (MoU) be agreed by the ACT and NSW Governments and Yass Valley Council to establish appropriate governance arrangements and servicing model for the Parkwood urban release area. This condition will need to be satisfied before the finalisation of the LEP.
2. The delegate of the Minister issue a Gateway alteration for the revised planning proposal to initiate public exhibition and formal consultation with local, state and territory government agencies. The Gateway alteration will enable the NSW and ACT Governments to consider the recommendations of the Services and Infrastructure Report.
3. Condition 2 of the Gateway determination requiring the endorsement of the Cross-Border Servicing Report by the Director Regions, Southern be deleted.

CONSULTATION

Community

Condition 5 of the initial Gateway determination dated 16 April 2015 required a minimum of 28 days' community consultation as the planning proposal seeks to amend the Yass Valley LEP 2013 to accommodate a major release area on the NSW/ACT border.

Council has not undertaken any community consultation. Consultation will be undertaken once the Gateway alteration has been issued for the revised planning proposal.

Recommendation

That Condition 5 of the Gateway determination that requires a minimum of 28 days for community consultation be retained.

Agencies

Consultation was undertaken with ACT and NSW agencies at a government services forum held on 16 March 2016.

The proponent and Council have held several informal meetings with ACT and NSW state agencies seeking advice on the preparation of the revised planning proposal. These meetings related mainly to cross border servicing and infrastructure, environmental conservation, bushfire hazard management and requirements for the drafting of the LEP.

Condition 6 of the original Gateway determination requires formal consultation with the ACT Government and 15 NSW state agencies on the planning proposal. The list of agencies under condition 6 of the Gateway determination is out of date and requires updating.

Another agency forum presented by the proponent and Council will provide agencies with an outline of, and an opportunity for feedback on, the servicing framework contained in the services and infrastructure report submitted with the revised planning proposal.

Recommendations

It is recommended that:

- Condition 6 of the Gateway determination be replaced and updated with a current list of public agencies and groups to be consulted on the revised planning proposal.
- A new condition be inserted into the Gateway determination requiring that another forum be undertaken with all relevant government service providers during the formal consultation stage.

TIME FRAME

The revised planning proposal has targeted the completion of the draft LEP by February 2019. The delays in completing the draft plan are attributed to delays in completing additional studies and finalising the revised planning, and delays in the review and endorsement of the revised planning proposal by Council.

A Gateway extension for completing the planning proposal was issued on 27 April 2018 requiring completion of the LEP by 16 April 2019. This alteration should provide sufficient time (April 2019) for Council to undertake community and agency consultation, review submissions and enable the Department to assess the final planning proposal adopted by Council.

LOCAL PLAN-MAKING AUTHORITY

Council was not authorised to use its authority for plan making in the original Gateway determination issued in 2015. Existing arrangements for plan making under the Gateway determination remain due to the number of significant state issues that are required to be considered as part of finalising the draft plan, including a decision on a framework for cross border service delivery and drafting of the planning instrument.

CONCLUSION

The changes proposed by the revised planning proposal reflect detailed assessment of the environmental values and constraints of the Parkwood site and the outcomes of consultation with ACT and NSW service and infrastructure agencies on options for cross border government services.

The revised planning proposal and associated studies and assessment reports are ready to progress to community consultation and formal consultation with relevant public authorities.

The recommended alterations to the Gateway determination adopt the changes made by the revised planning proposal and updates the list of agencies to be consulted by Council during the exhibition of the proposal.

RECOMMENDATIONS

It is recommended that the delegate for the Secretary:

1. Agree that any inconsistencies with section 9.1 Directions 1.2 Rural Zones, 1.3 Mining, Petroleum Production and Extractive Industries and 1.5 Rural Lands are minor or have been justified by a study submitted with the revised planning proposal.
2. Advise Council that it will need to indicate that it has satisfied the requirements of s9.1 Directions 2.1 Environmental Protection Zones, 2.3 Heritage Conservation and 4.4 Planning for Bushfire Protection when the final planning proposal is submitted to the Department and prior to the plan being made.

It is recommended that the delegate for the Minister determine to alter the Gateway determination PP_2015_YASSV_001_00 dated 16 April 2015 (as since altered) for the proposed amendment to the Yass Local Environmental Plan 2013 as follows:

1. Change the name of the planning proposal

from *“To rezone approximately 600 hectares of land (Parkwood) in Yass Valley Shire, adjacent to the ACT, for urban development to accommodate approximately 5,000 dwellings and other suitable land uses as part of an anticipated 11,500 development in conjunction with the Australian Capital Territory at West Belconnen.”*

to *“To rezone approximately 600 hectares of land (Parkwood) in Yass Valley to R1 General Residential Zone, E2 Environmental Conservation Zone, E3 Environmental Management Zone and SP1 Special Activities Zone to accommodate approximately 5,000 dwellings, a conservation corridor and other suitable land uses on land*

adjacent to the West Belconnen urban release area (approximately 6,500 dwellings) in the Australian Capital Territory.”

2. Delete “condition 2”

3. Delete “condition 6

and replace with:

new condition 6 “Consultation is required with the following public authorities and non-government groups under section 56 (2) (d) of the *Environmental Planning and Assessment Act 1979* and to comply with the requirements of relevant section 9.1

Directions:

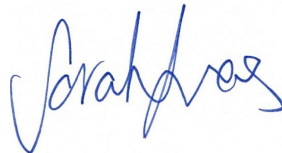
- The ACT Government, including:
 - Chief Minister, Treasury and the Economic Development Directorate;
 - Community Services Directorate;
 - Education Directorate;
 - Environment, Planning and Sustainable Development Directorate;
 - Health Directorate;
 - Justice and Community Safety Directorate;
 - Transport Canberra and City Services;
 - Icon Water;
- NSW Department of Premier and Cabinet;
- NSW Treasury;
- Ambulance Service of NSW;
- NSW Department of Justice;
- Local Land Services;
- Fire and Rescue NSW;
- NSW Rural Fire Service;
- NSW Department of Family and Community Services;
- NSW Department of Education;
- NSW Department of Health;
- Transport for NSW;
- Department of Planning and Environment – Resources and Energy;
- Office of Emergency Management;
- NSW Police Force;
- NSW Cross Border Commissioner;
- NSW State Emergency Service;
- Office of Environment and Heritage;

- NSW Office of Local Government;
 - NSW Department of Primary Industries – Agriculture;
 - NSW Department of Industry – Water;
 - NSW Department of Industry – Crown Lands; and
 - Local Aboriginal Land Council.”
4. Insert a new condition 9 “A forum is to be held with all relevant government agencies as part of the consultation with agencies under condition 6 to provide these agencies with an outline of the intent of the revised planning proposal and the servicing framework contained in the Services and Infrastructure Report submitted with the revised planning proposal.”
 5. Insert a new condition 10 “Before finalisation of the LEP, a Memorandum of Understanding (MoU) is to be agreed by the ACT and NSW Governments and Yass Valley Council to establish appropriate governance arrangements and servicing model for the provision of government services and infrastructure to the Parkwood urban release area.”
 6. Insert a new condition 11 “A Strategic Bush Fire Study is to be prepared prior to community consultation that addresses the following matters;
 - a) the impacts of the development within a landscape context that includes a landscape assessment that considers the requirements for bush fire risk management in the landscape and the impact on biodiversity in the implementation of these risk management mechanisms; and
 - b) identification of an indicative road network layout, details of access points and integration with the existing traffic network on roads external to the site. The management of emergency evacuation and management of traffic in a bush fire emergency should inform the road network; and
 - c) the identification of areas of limited and/or no residential or development potential.



24/05/2018

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28 May 2018

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Attachment A: Comparison of explanation of provisions – original and revised planning proposals

	Original planning proposal	Revised planning proposal	Comment
R1 General Residential zone – minimum lot size	<p><u>Area:</u> Approximately 394ha on cleared rural land.</p> <p><u>Minimum lot size:</u> 250m².</p> <p>The R1 Land Use Table permits a broad range of residential, tourist and commercial land uses to cater for the development of a large greenfield site. Industrial uses are not permitted in the R1 zone.</p>	<p><u>Area:</u> 387ha located cleared rural land.</p> <p><u>Minimum lot size:</u> Nil.</p> <p>The R1 Land Use table permits a broad range of residential, tourist and commercial land uses to cater for the development of a large greenfield site. The table has been amended to permit light industries. Most non-urban uses are prohibited, except bee keeping.</p>	<p>The revised boundary and reduced area of the proposed R1 General Residential zone are supported as it reflects the constraints identified in additional environmental studies on flora and fauna and Aboriginal cultural heritage.</p> <p>The revised land use table is supported as it provides increased flexibility for permitting suitable urban uses within the urban release area.</p>
E3 Environmental Management zone	<p><u>Area:</u> 206ha of land.</p> <p>The E3 zone is applied to the Murrumbidgee River and Ginninderra Creek conservation corridors.</p> <p><u>Minimum lot size:</u> 80ha.</p> <p>The land use table permits a range of rural land uses, tourist accommodation, dwelling houses and dual occupancies.</p>	<p><u>Area:</u> approximately 25ha of E3-zoned land is confined to a strip of riparian area along the upper reaches of Ginninderra Creek. The E3 zone includes the Ginninderra Creek 1:100-year floodplain. These riparian areas within the E3 zone are noticeably absent in native vegetation and currently adjoin land used for primary production.</p> <p><u>Minimum lot size:</u> 80ha.</p> <p>The land use table permits a limited range of land uses consistent with the objective for managing sensitive riparian areas. Dwelling houses are permitted with consent.</p>	<p>The replacement of most of the originally proposed E3 Environmental Management zone with an E2 Environmental Conservation zone is supported. The boundary of the E2 zone reflects additional detailed environmental studies that have identified the extent of significant environmental values that require protection and management.</p>
E2 Environmental Conservation zone	<p>Not applicable. The E2 zone is not used in the original planning proposal.</p>	<p><u>Area:</u> Approximately 188ha of land and applied to almost 90 per cent of the Murrumbidgee River and Ginninderra Creek conservation corridors.</p>	<p>The replacement of most of the originally proposed E3 Environmental Management zone with an E2 Environmental Conservation zone is supported because it</p>

		<p><u>Minimum lot size:</u> 80ha.</p> <p>The land use table permits a very limited range of uses consistent with managing these lands primarily for wildlife conservation and protection of Aboriginal heritage.</p>	reflects additional detailed environmental studies on flora and fauna and Aboriginal heritage. The increase in area of the environmental zone is mainly attributed to additional studies on Aboriginal heritage in the south-western section of the site.
SP1 Special Activities zone – Ginninderra Falls precinct	Not applicable. The SP1 zone is not used in the original planning proposal.	<p><u>Area:</u> Approximately 2ha of land near Ginninderra Falls and the Ginninderra Creek conservation corridor.</p> <p><u>Minimum lot size:</u> Nil.</p> <p>A broad range of land use are permitted in the SP1 zone to provide services for tourists and visitors and to accommodate emergency services. The SP1 zone will permit car parks, community facilities, ecotourism facilities, emergency facilities, environmental facilities, information and education facilities, kiosks, restaurants and cafes, takeaway food and drink premises, and hotel or motel accommodation.</p>	The addition of the small area of SP1 Special Activities zone is supported as it seeks to provide greater certainty on the delineation between the Ginninderra Falls tourist precinct and the environmentally sensitive areas zoned E2 Environmental Conservation adjoining Ginninderra Falls and Ginninderra Creek.
Local clauses and LEP maps	<p><u>Urban agriculture:</u> Provision to permit urban agriculture as an integral aspect of a sustainable urban community.</p> <p><u>ACT egg farm buffer:</u> Restrict land uses in the egg farm buffer pending relocation of the farm or management of odour emissions.</p> <p><u>Urban release area:</u> Provisions require satisfactory arrangements for state and territory infrastructure and the</p>	<p><u>ACT egg farm buffer clause and map:</u> Restrict land uses within 800m radius of the egg farm pending relocation of the farm or management of odour emissions.</p> <p><u>Tharwa Sands quarry clause:</u> The clause prevents development of the quarry site until quarry activities have ceased and land can be rehabilitated for urban use.</p> <p><u>Urban release area clause and map:</u> Provisions require</p>	<p>Local clauses will be retained to mitigate impacts of the egg farm, flooding on urban development and to ensure satisfactory arrangements will be in place for state and territory infrastructure are supported.</p> <p><u>Urban agriculture provisions.</u> Its removal from the planning proposal is supported because the proponent no longer supports a concept of urban agriculture in the urban release area.</p>

	<p>preparation of a development control plan prior to subdivision for urban development.</p> <p><u>Flood planning map:</u> Flood provisions proposed to be applied to the site.</p> <p><u>Biodiversity overlay:</u> Amend the current biodiversity overlay map in the Yass Valley LEP to more accurately reflect areas of high biodiversity value.</p> <p><u>Natural resources maps:</u> It is unclear from the original planning proposal if the following existing natural resource maps under the Yass Valley LEP 2013 were to be included in the Parkwood LEP: riparian lands and watercourses map, groundwater vulnerability map and natural resources land map.</p>	<p>satisfactory arrangements for local, state and territory infrastructure and the preparation of a development control plan prior to subdivision for urban development.</p> <p><u>Conservation/urban edge interface clause and map:</u> In addition to the biodiversity layer on the biodiversity map, the draft plan will include provisions to manage and minimise the potential impact of urban development along the interface between urban areas and the conservation corridor.</p> <p><u>Flood planning clause/map:</u> A local flood clause and flood map is to be included in draft plan. The map will show land affected by the 1% ARI level located along a strip of riparian land adjoining Ginninderra Creek.</p> <p><u>Groundwater vulnerability clause and map:</u> The current provisions/mapping affecting the site under the Yass Valley LEP 2013 relating to groundwater vulnerability are to be retained in the Parkwood LEP.</p>	<p><u>Natural resource mapping.</u> The revised planning proposal has clarified that the following natural resource maps will not be included in the draft plan: riparian lands and watercourses map and natural resources land map.</p> <p>The intention to use a proposed DCP provision rather than LEP provisions to address land capability issues associated with development is supported.</p> <p><u>Conservation/urban edge interface:</u> The addition of LEP provisions to mitigate the impacts of urban development located on the interface between urban areas and the conservation corridor is supported.</p>
Heritage	<p><u>Masterplan:</u> Heritage sites to be identified and incorporated into the master planning of the site.</p>	<p><u>Heritage clause and map</u> The site contains several significant Aboriginal sites and artefacts identified in reports on Aboriginal cultural heritage, and the boundary of the environmental zone has been adjusted to ensure these areas are included within the E2 zone. The revised planning proposal states that a</p>	<p>Further consultation with OEH and Aboriginal groups during community consultation will clarify: how best to identify and protect the sensitive significant sites under the Parkwood LEP and/or DCP, and which sites/artefacts in Parkwood will be dealt with by the Aboriginal heritage and impact permit process and not</p>

		determination on including a heritage clause and heritage map that identifies these sites will be made after consultation with OEH.	be identified on a heritage map (e.g. possible removal of artefacts, etc in the R1 Residential zone and relocated within the conservation corridor).
Additional permitted uses	<p><u>Ginninderra Falls recreation precinct:</u> Permit tourist and visitor facilities and services in an area near the falls previously used for recreational activities.</p> <p><u>Ginninderra Retreat and Resort:</u> Permit the continued use and development of this land for tourism accommodation.</p>	<p>The revised planning proposal indicates that the draft plan will use additional permitted use provisions (schedule 1) to enable the development of land that is currently owned by different landowners for the purpose of limited subdivision, dwelling houses, bed and breakfast accommodation, dual occupancies, ecotourism facilities, extensive agriculture, farm buildings, horticulture, recreation facility (indoor), function centre, restaurant and café, tourist and visitor accommodation, Council waste disposal facility, waste or resource recovery management facility or depot.</p>	<p>The additional use provisions have been incorporated into the draft plan to permit the continued use of existing tourist developments within the site and to accommodate the requirements of existing landholders to enable the creation of smaller rural lots/dwellings until the site is developed for urban housing in 30-40 years. The provisions are supported on the understanding that they will not “prejudice the long-term orderly and economic use of the land for urban development” or create any undesirable environmental impacts.</p> <p>The planning proposal acknowledges that these provisions may be subject to change by Parliamentary Counsel to improve clarity or interpretation prior to the draft plan being made.</p>