



ACT
Government

Yass Valley Council

07 MAY 2019

Andrew Barr MLA

Chief Minister

Treasurer

Minister for Social Inclusion and Equality

Minister for Tourism and Special Events

Minister for Trade, Industry and Investment

Member for Kurrajong

Ms Liz Makin
Strategic Planning Manager
Yass Valley Council
PO Box 6
YASS NSW 2582

Dear Ms Makin

Thank you for your letter of 25 March about the Yass Valley Council's Planning Proposal for Parkwood.

I can confirm that the ACT Government supports the proposal to rezone land on the NSW/ACT border for urban settlement, recognising this as an essential step to progress the Ginninderry development. Your letter indicated the need for consultation to occur broadly across the ACT Government, and I can confirm that this response has been developed in consultation with the following ACT Directorates:

- Chief Minister, Treasury and Economic Development
- Community Services
- Environment, Planning and Sustainable Development
- Health
- Justice and Community Safety
- Transport Canberra and City Services
- ACT Policing

The ACT Government's preferred option to support the successful delivery of Ginninderry is that the border between the ACT and NSW is moved. This would mean that the entire Ginninderry development is contained within the ACT's service delivery jurisdiction. This has been the consistent position of the ACT Government throughout the planning and development of the Ginninderry project.

Ginninderry is a Joint Venture between the ACT Government and Riverview Developments, and we are committed to ensuring it is an integrated and well-served community, regardless of where the border lies. Moving the border would be the simplest solution to achieve this as it would eliminate many cross-border complexities regarding standards and the logistics of service delivery.

ACT Legislative Assembly

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@ABarrMLA



AndrewBarrMLA



actchiefminister



However, I commend the collaboration that has occurred between Yass Valley Council, the ACT Government and the NSW Government to date on early planning for the provision of services in NSW, in particular the Cross Border Forums held over the past years. Close cooperation between our governments has ensured this project has progressed in a careful and considered manner and that we can advance the core objective of a community that looks and feels 'borderless'.

We will keep working together to determine the best and most cost effective way to deliver services in Ginninderry. Noting that the development won't break ground in NSW until 2034, the priority services areas for continuing joint consideration are:

- Municipal services;
- The provision of key utilities and associated regulatory requirements;
- Emergency and community safety, including police, fire and ambulance services;
- Family and community support services, including care and protection; and
- Education.

As we progress consideration of these issues, the ACT Government's focus will be on identifying models that support high quality service provision, in a context of appropriate and equitable cost sharing and recovery.

Thank you for the opportunity to provide comment on the planning proposal. This development is a key project to meet the future housing needs of the growing Canberra Region, and I look forward to continuing to work together to ensure a high standard of service delivery for the residents of Ginninderry.

Yours sincerely



Andrew Barr MLA
Chief Minister

02 MAY 2019



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to date information on local crime trends



NSW Police Force
www.police.nsw.gov.au

D/2019/395996

Wednesday 24th April 2019

Liz Makin
Strategic Planning Manager
Yass Valley Council
P.O. Box 6
Yass, NSW, 2582

Dear Liz Makin,

RE: Planning Proposal (PP.2014.01) Parkwood (Ginninderry)

Thankyou for the opportunity to comment on the Parkwood Planning proposal under section 3.34 of the Environment Planning and Assessment Act 1979.

The NSW Police Force and in particular The Hume Police District acknowledge that there is a history of consultation with Government Agencies leading up to and including the Cross Border Agency Forum held in March 2016 and most recently the latest Cross Border Agency forum held 12 March 2019.

The NSWPF and specifically, The Hume Police District request continued inclusion through consultation and involvement throughout the planning proposal and development stages of this proposal.

The Hume PD understand that the proposal;

- Planning NSW issued development advice to developers in consultation with all agencies in 2014.
- The planned community will eventually comprise some 11,500 dwellings of which some 5000 will be in NSW.
- Will house a population of about 30,000 of whom about 14,000 will reside in NSW.
- Building within NSW will not commence before 2032.
- The planned development is only 45km from Yass however is not accessible from within NSW which means any policing response would have to travel into the ACT to be able to enter the development.
- It is a residential development surrounded on the NSW side by a conservation zone. The topography of this area prevents entrance to the area from the NSW by motor vehicle.

Policing

A principal concern of the developers, the Australian Capital Territory (ACT) Government and Yass Valley Council, relates to the provision of policing services to the planned new cross border community.

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The Hume Police District – Yass Police Station

47 Rossi Street, YASS NSW 2582

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It is understood that the joint vision of the ACT Government and the Yass Valley Council is to create a borderless community within the development site which residents will enjoy an equitable and seamless level of service delivery regardless of where they reside within the development.

The cross-border location of the development creates inter-jurisdictional policing challenges which will need to be effectively addressed, if the vision of seamless service delivery to the community is to be realised.

A number of policing proposals have been put forward by the former AFP Police Commissioner Mick Palmer, the Emergency Services/Policing consultant and reviewing officer in consultation with the key partners and stakeholders including the Cross-Border Emergency Management Committee. Mr Palmer states; 'The cross-border location of the development creates inter-jurisdictional policing challenges which will need to be effectively addressed, if the vision of seamless service delivery to the community is to be realised.'

A number of policing proposals have been tabled and have been reviewed during the cross-border forums. The most recent cross border forum involving the emergency services component agreed that there was a long time frame to finalise the thinking/model and that the ultimate outcome of policing models could be influenced by other factors such as by the work of the Cross Border Commissioner.

The Hume PD seeks to remain actively involved through ongoing consultation throughout the development and especially for any of the proposed policing models.



Christopher SCHILT
Superintendent
The Hume Police District
24 April 2019



30 April 2019

Ms Liz Makin
Strategic Planning Manager
Yass Valley Council
PO Box 6,
YASS, NSW 2582

council@yass.nsw.gov.au

Dear Ms Makin

Referral – Planning Proposal (PP.2014.01) Parkwood (Ginninderry)

I refer to your letter dated 25 March 2019 regarding the Planning Proposal for Parkwood, which proposes to amend the Yass Valley Local Environmental Plan 2013.

Icon Water appreciates the opportunity to comment on the revised Planning Proposal. We have previously provided input to the *Parkwood Planning Proposal: Services and Infrastructure report* (Appendix 37 of the Planning Proposal), which included servicing options and timing for decisions. We were also a participant at the recent cross-agency forum in March this year.

Icon Water's position regarding the proposal remains unchanged, we continue to support the development based on identified and documented servicing options. However we recognise that the ultimate arrangement for servicing will be contingent on the outcomes of ongoing governance discussions between Yass Valley Council, the NSW Government, ACT Government and the developer.

We look forward to continuing to work collaboratively with Council, the developers and the ACT Government through this process. Should you require any further information please do not hesitate to contact Nicole Vonarx on 02 6180 6896.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R Hezkial', written over a white background.

Ray Hezkial
Managing Director



1 May 2019

Ms Liz Makin
Strategic Planning Manager
Yass Valley Council
209 Comur St
Yass, NSW 2582

Dear Ms Makin

Re: Planning Proposal (PP.2014.01) Parkwood (Ginninderry)

Thank you for the opportunity to provide comment on this Planning Proposal.

Having read the report, I would like to put forward the following comment. The comment relates to this particular section of the report:

6.5 Options summary – detailed overview

Our preferred option is Option 1. ACT Government from Aranda or Charnwood.
This would be undertaken within current Memorandum Of Understanding arrangements between the two agencies noting that this particular development is uniquely geographically landlocked by ACT.

NSWA will continue to liaise with ACTA in moving forward for a permanent solution in the future.

Should you wish to discuss the content of this letter, please contact me via email
mark.gibbs@health.nsw.gov.au or telephone on 02 4827 0401.

Yours sincerely

Mark Gibbs
Zone Manager
Southern NSW Zone



File ref. no: FRN19/719
Doc. ref. no: D19/33360
Contact: Greg Buckley

Liz Makin
Strategic Planning Manager
Yass Valley Council
209 Comur St
PO Box 6
YASS NSW 2582

By Email: Council@yass.nsw.gov.au

15 May 2019

Dear Madam

Re: Parkwood Planning Proposal (PP.2014.01)

In response to your notification of 25 March 2019 requesting comment about the above proposal.

The nature of the proposal is such that emergency services are best delivered by the ACT. We understand and anticipate that this will be the case for the foreseeable future.

Under the *Fire Brigades Act 1989*, Fire and Rescue NSW has responsibility for fires within fire districts and hazardous material incidents across the State. The State Rescue Board has also designated Yass Fire Station as the service provider for General Land Rescue for the local area.

We have no plans to seek incorporation of the relevant area into a fire district and as such, the NSW Rural Fire Service has formal responsibility for fire suppression. If it becomes necessary to support the ACT with a hazardous material incident or rescue incident through our cooperative agreement, then response will be made from Queanbeyan and Yass as necessary.

Yours faithfully,

A handwritten signature in black ink that reads "Greg Buckley".

Chief Superintendent Greg Buckley
Area Commander Regional South
Regional Operations

CM9 Ref: 19/04343

Ms Liz Makin
Strategic Planning Manager
Yass Valley Council
209 Comur Street
Yass NSW 2582
Liz.Makin@yass.nsw.gov.au

Dear Ms Makin

Referral	Planning Proposal (PP.2014.01) Parkwood (Ginninderry)
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I refer to Council's letter dated 25 March 2019 requesting comments for the above planning proposal to amend the Yass Valley Local Environmental Plan 2013.

The Department of Industry - Lands and Water (Crown Lands) (the department) is the adjoining landowner of the bed and bank of the Murrumbidgee River and Ginninderra Creek. The department has reviewed the submitted proposal in accordance with the principles of the *Crown Lands Management Act 2016*, and offers no objections to the proposed development. This is provided that there are no impacts to the Crown land and the following principles of the *Crown Land Management Act 2016* are adhered to.

Principles of Crown land management

For the purposes of this Act, the principles of Crown land management are:

- (a) that environmental protection principles be observed in relation to the management and administration of Crown land, and
- (b) that the natural resources of Crown land (including water, soil, flora, fauna and scenic quality) be conserved wherever possible, and
- (c) that public use and enjoyment of appropriate Crown land be encouraged, and
- (d) that, where appropriate, multiple use of Crown land be encouraged, and
- (e) that, where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained in perpetuity, and
- (f) that Crown land be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the State consistent with the above principles.

The Department provides the following comments relating to the proposal based on the principles of Crown land management.

Waterways

The Murrumbidgee River and Ginninderra Creek that adjoins the proposed development have been identified through survey as Crown waterways. All current access points to the waterway must remain and be available to the public. The proposed development must not impact or have any adverse effects on the bed and bank of the waterways or affect flows to or within the waterway. Should any activities be included within the proposed

development that require access or associated management within the waterway, approval must be obtained by the department prior to any development or management activity.

Cultural and Heritage values

The *Crown Land Management Act 2016* clearly identifies the cultural and Heritage values of the Aboriginal people of New South Wales because of the spiritual, social, cultural and economic importance of land to Aboriginal people. Therefore all cultural and heritage aspects of Crown land should be considered and addressed prior to any aspect of the proposed development affecting Crown waterways.

Conservation area

The proposed development has identified a staged approach to establishing and managing conservation areas that adjoin the Murrumbidgee River and Ginninderra Creek. The Department requests that as these areas come on line for detailed planning that the Department is consulted to ensure there is no detrimental impact on Crown waterways.

Local Environment Plan

Any future planning decisions relating to Yass Valley Local Environment Plan must take into consideration any potential impacts on the Crown Waterways either directly or indirectly and be referred to the department accordingly. Should the development be modified in any manner that impacts the adjoining Crown land (e.g. by amendment to the proposal or draft conditions of consent), this department requests an opportunity to further review the application prior to determination.

Should you require any further information, please do not hesitate to contact Cliff Lloyd at the Crown Lands office in Goulburn by phone on (02) 4824 3707 or email cliff.lloyd@crownland.nsw.gov.au.

Yours sincerely



Cliff Lloyd

Group Leader, Property Management
Department of Industry - Lands and Water Division

Date: 17 May 2019

: |

From: Matthew Dudley
Sent: Monday, 20 May 2019 1:14 PM
To: Frances Henman
Cc: Gee, Julie ; Maurice Morgan
Subject: RE: Parkwood Planning Proposal

Dear Frances,

Thank you for offering Transport for NSW (TfNSW) the opportunity to review and comment on Planning Proposal (PP.2014.01) - Parkwood (Ginninderry).

TfNSW notes that arrangements for cross-border service provision and cost recoupment will need to be agreed by the NSW and ACT Governments prior to any development occurring, and that it is assumed that transport services will be provided by the ACT Government as part of this arrangement.

Further to the above, I note the release in 2018 of Future Transport 2056 and a suite of supporting plans, including the Regional NSW Services and Infrastructure Plan and NSW Freight and Ports Plan, which outline the NSW Government's transport priorities and plans for NSW. These plans include a number of outcomes and actions relevant to planning and integration of transport services and infrastructure for the part of the proposal located in NSW, including:

- The Ten Customer Outcomes for Regional NSW
- Implementation of a Hub and Spoke Network Model for Regional service and infrastructure provision
- The Movement and Place Framework which enables planning for movement corridors and places with a view to balancing the needs of all customers and users

TfNSW also requests that the following Road Safety guidelines and standards are used in relation to the planning of road infrastructure for the part of the proposal located in NSW:

- Austroads Publication No. AP-R518-16 (Safe System for LG)
- Austroads Publication No. AP-R509-16 (Safe System Assessment Framework)
- Austroads Project No SRD6045 - Inclusion of Recent Road Safety Research into Guide to Road Design (Recommended the default for a median divided road should ALWAYS be a barrier system, regardless of the width. If one is to be omitted then a risk assessment should be carried out to justify that)

Lastly, in relation to the proposed cross-section for Stockdill Drive between Spofforth Street and the Estate entrance, TfNSW request that the on-road cycle lane is designed in accordance with current Austroads guidance and that mitigation measures are considered to prevent vehicles entering the cycle lane.

Should you have any questions in relation to these comments or in relation to future consultation with Transport for NSW please contact myself on 0427481825 or by email.

Regards,

Matthew Dudley
Principal Transport Planner, Regional Strategy
Transport Planning
Customer Strategy and Technology
Transport for NSW

M 04 2748 1825 | E matthew.dudley@transport.nsw.gov.au
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29 April 2019

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

Dear Ms Makin,

Planning Proposal (PP.2014.01) Parkwood (Ginninderry)

Thank you for the opportunity to provide comment for the above proposal as per your correspondence dated 25 March 2019. The NSW Department of Primary Industries (NSW DPI) Agriculture provides advice to consent authorities about the protection and growth of agricultural industries and the resources upon which these industries depend to provide economic growth.

NSW DPI has perused the reports on the Parkwood (Ginninderry) Development, in particular the "Buffer Zone for Parkwood Egg Farm" report (the report) prepared by CEE March 2014. It is noted from the report, that the following buffer distances from the perimeter of the sheds are recommended (page 11):

- Minimum buffer distance = 500m
- 600m to the north, north-east and west due to night drainage breezes and
- 800m to any constructed wetland to provide adequate biosecurity against disease transmission from wild birds.

NSW DPI has a number of comments in relation to those recommended buffer distances between the proposed residential and egg farm. They include:

- A buffer distance of 1000m between residential development and a poultry farm as outlined in Chapter 6 of the Living and Working in Rural Areas' handbook published by NSW DPI is considered to be an appropriate buffer distance to use within NSW. This is referred to in the report (page 5). The separation distance of 1000m recommended represents a synthesis of existing recommended and best practice minimum buffer distances. There is a risk of heightened level of complaints for buffer distances less than 1000m and a risk to the egg farm for additional costs associated with mitigation measures to reduce impacts.
- The alternative and more technical option is to undertake a level 1 odour assessment in accordance with the "Technical Framework – Assessment and Management of Odour from Stationary Sources in NSW" using information from the egg facility already known (as included in the CEE report) and average S values. Calculations can be undertaken with that information. No additional information is required.
- Additionally, given existing housing is located 750m east of the farm, a search of any complaints in relation to the egg farm operations should be undertaken.
- With regard to distances between the egg facility and wetlands, a 3000m buffer zone is recommended in the "Best Practice Management for Meat Chicken Production in NSW"

Guidelines prepared by NSW DPI. It states that 'preferably locate new farms away from waterways and wetlands (ideally 3000m) that are used extensively by waterfowl as these birds can carry avian diseases' (p 14). Ginninderra Creek and the Murrumbidgee River are already located within that distance. However, any water features proposed in NSW should be mindful of the egg farm and should not be constructed as features that might attract significant waterfowl.

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

DPI Agriculture is working to ensure that the advice provided is of the highest quality. Please take some time to provide us with feedback on our work by completing a [short survey](#).

Yours sincerely



Wendy Goodburn
Agricultural Land Use Planning



Office of Environment & Heritage

DOC19/276996-3
PP.2014.01

Mrs Liz Makin
Strategic Planning Manager
Yass Valley Council
PO Box 6
Yass NSW 2582

Dear Mrs Makin

RE: Planning Proposal (PP.2014.01) Parkwood (Ginninderry)

Thank you for your letter of dated 26 March 2019 seeking comment from the Office of Environment and Heritage (OEH) on the Planning Proposal for Parkwood (Ginninderry) in Yass Valley Council. A summary of key issues and comments is provided below and described further in **Attachment A**.

Background

The Revised Planning Proposal 2018 includes the following changes;

- the footprint of urban development in the R1 General Residential Zone is reduced from 394 ha to 387 ha,
- an E2 Environmental Conservation Zone (188 ha) and E3 Environmental Management Zone (25 ha) is to be applied to environmentally sensitive areas,
- a SP1 Special Activities Zone (1 ha) is to be applied to the Ginninderra Falls Precinct near Ginninderra Falls (recreation area, tourism, community buildings emergency facilities),
- additional LEP provisions to manage environmentally sensitive areas are to be applied.

I note the proponents and their consultants have extensively consulted with OEH in preparing the proposal. Strong emphasis has been placed on avoiding impacts to known natural and culturally significant areas that occur in the Parkwood area.

Adequacy of information

The planning report and accompanying studies provide enough biodiversity and Aboriginal cultural heritage information to fully inform the rezoning proposal and to support the findings in relation to the consistency to the Ministerial Directions for Plan Making.

The planning proposal states that it is consistent with section 9.1 direction 4.3 Flood Prone Land. The OEH however does not consider there is adequate flood risk management information provided in the planning proposal to draw this conclusion. While we acknowledge that much of the proposed residential development is on higher ground, there is a need to prepare a floodplain risk management plan and to establish the flood risk associated with any future development. For more detailed comments please refer to Attachment A.

Conservation areas

OEH supports the E2 Environmental Conservation zone being introduced for the majority of the Murrumbidgee River and Ginninderra Creek Conservation Corridor (the Conservation Corridor).

However clarification is required on the mechanism to dedicate the E2 area for conservation purposes. Two options could be using clause 5.1 Relevant Acquisitions Authority or a Voluntary Planning Agreement.

The proposal to manage the conservation corridor as one continuous area with the adjoining ACT Murrumbidgee Corridor is supported. We also support the establishment of a Conservation Management Trust as a self-funded entity to maintain and conserve the values of the Conservation Corridor in perpetuity. How the area of 10ha mentioned in *Additional Permitted Use Provisions Table 12 Area A* impacts on this needs to be further clarified.

Additional Permitted Use Provisions Box 12 Area A

While OEH is supportive of maintaining existing use rights provisions to the area described on page 119 of the planning report., the additional permitted use provisions appear to facilitate further built development on site. OEH does not support these additional uses.

Box 12 applies to an area of 10 ha, however this area is not clearly mapped. More information on how this area will be managed is also necessary. In particular:

- Clarification on whether this area is going to be part of the Conservation corridor.
- We note that the 10 ha contains an area of known pink tailed worm lizard habitat, the future management of this site has not been clearly articulated in the documentation. This information is important as it will inform offsetting calculations and management actions in the future.
- If the area is not going to be managed as part of the conservation corridor and future management impacts on vegetation cover it will reduce the corridors effective width. The impact of this on the connectivity of the conservation corridor needs to be considered. See **Map 1.**

Biodiversity Certification

The recent Capital Ecology Flora and Fauna summary report 2019 recommends that Biodiversity Certification under the *Biodiversity Conservation Act 2016* be pursued for the subject land. OEH agrees. After biodiversity certification is conferred on an area of land, development may proceed without further triggering the Biodiversity Offsets Scheme under the BC Act. This gives Council and proponents greater certainty that the biodiversity issues have been addressed ahead of any subsequent development.

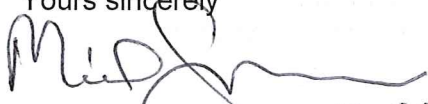
The Commonwealth West Belconnen Strategic Assessment determination September 2017 requires the NSW portion of the West Belconnen Conservation Corridor to be secured for conservation in perpetuity through a legally binding mechanism. We note this is required to happen upfront as one entity rather than wait piecemeal as the various sections are developed. How the *Additional Permitted Use Provisions Table 12 Area A* relates to this determination needs clarification as well.

Heritage values

The heritage studies undertaken for the Parkwood (Ginninderry) area to date have identified highly significant Aboriginal cultural heritage values. OEH support the addition of a heritage clause and heritage map in the proposed Parkwood LEP.

If you have any questions regarding this matter, please contact Ms Allison Treweek on 62297082.

Yours sincerely



MICHAEL SAXON
Director South East Branch
Conservation and Regional Delivery

14.6.2019

Attachment A

Comments on LEP Wording and Mapping Changes to Yass LEP 2016 Chapter 5 Parkwood Planning Report Pages 89 to 123

5.3 Land Use zoning Page 83 Environmental Zonings

OEH supports the rezoning of E2 Environmental Conservation and E3 Environmental Management to confirm the conservation and riparian values of areas adjacent to the Murrumbidgee River and Ginninderra Creek

That the E2 and E3 zone boundary is based on extensive ecological and cultural heritage surveys.

It considered important to cater for the uses associated with the educational and interpretative role of the Ginninderra Falls by zoning part of the land SP1 Special Activities.

Table 11 Draft Land Use Table Changes Page 86

The additional E2 and E3 zone objectives and limited permitted uses are consistent with the desired land use of the environmental area. OEH query, should agriculture also be a prohibited use for these areas?

Heritage Box 1 Heritage Conservation clause Page 89

Under Box 1 Heritage conservation clause - amend the proposed wording at 3 a) to state:

- (a) The applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
- (b) is consistent with an approved heritage management document.

This amendment is based on the understanding that significant Aboriginal cultural values occur within the Conservation Corridor that should be considered prior to any works being undertaken in the area.

Box 4 Conservation/Urban Edge Interface clause and Map Page 96

The recommended wording for the local provision clause in relation to considerations for development in the Conservation/Urban Edge Interface is in Box 4 is supported. The boundaries to these areas shown Local Clauses map is shown at Figure 22.

It is essential that the bushfire protection APZ zones and the Water Sensitive Urban Design structures and ponds are situated in the development area not the conservation area.

5.8 Minimum lot sizes Pages 98

The minimum lot size proposed for the E2 Environmental Conservation and E3 Environmental Management zoned land is 80 hectares. This is seen as consistent with the rest of the local government area.

It is important that the E2 and E3 lands be kept as unfragmented as possible to maximise their ecological integrity. The only exception to this should be subdivision related to additional permitted uses to allow the conservation zones and redevelopment zone to be subdivided along zoning boundaries to reflect different intended tenures.

Box 9 Flood planning clause Flood planning Box 9 Page 105

It is noted that the standard instrument flood planning clause has been included for Parkwood which is supported.

It should be noted that further investigation is required as outlined in "Flooding" section to identify where flood prone land and risk assessment exists on the site by preparation of floodplain management plan for the lands.

5.10 Natural resource map Figure 26 Page 111

The Parkwood Planning Proposal is proposing to amend the Natural Resources Biodiversity Map, as shown in Figure 25 and Figure 26. This needs to include the best biodiversity mapping information available.

Updated information has been provided recently on the *Pink-tailed Worm-lizard survey and habitat mapping*. Capital Ecology April 2019 mapped an additional 5 hectares of habitat within the residential zone. This area should be included on biodiversity map. This will be a flag as a matter that will have to be considered at the development application stage in the future.

5. 11 Relevant Acquisition Authority Page 112

A Land Reservation Acquisition Map has been prepared and will form part of the proposed Parkwood LEP –map at Figure 27.

The E2 lands at Parkwood should be identified for inclusion in the above subclause (2) table and the authority identified as the Council, or the corporation constituted under section 8 of the Act and the E2 lands identified on the relevant acquisition map.

This is mechanism for future reserves to be identified for acquisition in the future under LEP provisions. It provides for owner-initiated provisions for continued use of the lands until the owner-initiated sale is sought. This would fulfil the stated project objective sort to ensure that the reserve trust will have first offer on the lands when the owners want to sell.

5.14 Additional Permitted Uses Page 112

Box 12 Schedule 1 –Additional Permitted Uses – Part Lot 5, DP771051 and Part Lot 1, DP1184677, Part Lot 2, DP1184677 and Part Lot 3, DP1184677

It is understood this clause is aiming to allow the current owners to continue to utilise the land for specified range of uses. It is unsure that the current wording meets this aim and it is unclear where the 10-hectare lot is to be located.

Existing use rights already apply to the existing dwelling, grazing and the vineyard. It is OEH's view that creating further subdivision rights and additional permitted uses will work counter to the area ever becoming part of the reserve system and raise the cost of any future acquisition significantly.

It our preference that the E2 lands be included in relevant acquisition map and the current existing use rights continue to apply until the owner initiates sale of the land to the nominated acquisition authority.

Box 18 Additional permitted uses- part Lots 1-7 DP 771051, Part Lot 61-DP801234 and Part Lots 1-3 DP 1184677

Further clarification is required regarding the interaction between these additional permitted uses and the conservation corridor in this area. Figure 28 shows an area of Conservation Corridor as

an overlay, this overlaid area appears to coincide with the location of the existing uses identified in Box 14 and Box 15. Is it intended for the corridor to include these areas?

Aboriginal Cultural Heritage:

The Planning Proposal is consistent with the Heritage Conservation Direction due to the upfront Aboriginal cultural heritage studies already undertaken in consultation with OEH, ACT Heritage and Aboriginal stakeholders. As these studies have identified highly significant Aboriginal cultural heritage values that warrant avoidance, protection and further investigations - we support the need for a heritage clause and heritage map in the proposed Parkwood LEP.

OEH is happy to consult further with council on the wording for a heritage conservation clause. Given the long-term nature of the staged development, we recommend the preparation of an Aboriginal Heritage Management Plan that outlines how values will be managed and when further investigations would be required once project design has been completed. We recommend continuing consultation with the Aboriginal community as part of this process.

Council are reminded that under the *National Parks and Wildlife Act 1974* all Aboriginal objects and Aboriginal places are protected. It is in the interest of the proponent to ensure that all reasonable precautions are taken to prevent the occurrence of harm to Aboriginal objects. Any activities that may impact Aboriginal cultural heritage values will require an Aboriginal Heritage Impact Permit (AHIP). This includes any proposed management activities within the Conservation Corridor. Further consideration should also be given to avoiding inadvertent impacts to the broader cultural values including Ginninderra Falls as a result of increased visitation.

Floodplain Risk Management

The planning proposal indicates that the rezoning "is considered to be consistent with section 9.1 direction 4.3 Flood Prone Land". The planning proposal however does not contain adequate flood risk management information to draw this conclusion. The planning proposal requires a more detailed flood risk assessment that includes all sources of flooding including the Murrumbidgee River, Ginninderry Creek and tributary streams on the site.

In the absence of a floodplain risk management plan and to establish the flood risk associated with any future development, a flood risk assessment should be undertaken that considers the full range of floods from all catchment sources up to the Probable Maximum Flood (PMF). Consideration should also be made to the potential impacts of climate change on flooding. To justify that the "flooding occurs well below the physical limit of any proposed urban development", the flood extent information should also be overlaid with the proposed land-use zones to establish that provisions of the section 9.1 direction 4.3 have been met. It is suggested that this include at least the extent of the 1% Annual Exceedance Probability (AEP) event, the proposed Flood Planning Area and the Probable Maximum Flood (PMF).

As parts of the site of the planning proposal in New South Wales are affected by flooding from a range of sources including the Murrumbidgee River, Ginninderry Creek and a number tributary streams, it will need to be considered in accordance with the NSW Government's Flood Prone Land Policy as set out in the NSW Floodplain Development Manual (2005). There are also provisions in the Environmental Planning and Assessment Act to ensure flood risk is appropriately considered and managed at the rezoning stage, namely section 9.1 direction, 4.3 – Flood Prone Land.

To be consistent with the principles of the Floodplain Development Manual (2005), the implications of the full range of floods, including events greater than the design flood, up to the Probable Maximum Flood (PMF) should be provided including an assessment of:

- The impact of flooding on the proposed development;
- The impact of the proposed development on flood behaviour (particularly downstream flood impacts as a result of potential encroachment, land use and land form changes);

- The impact of flooding on the safety of people/users of the development for the full range of floods up to the PMF including issues linked with isolation and accessibility for emergency services;
- The implications of climate change (particularly increased rainfall intensity) on flooding; and
- The adequacy of design flood level estimates and analysis to support a suitable freeboard to manage uncertainty for the purpose of establishing a flood planning level and flood planning area.

The flood information provided in the Parkwood Planning Proposal (2017) is limited. Flood extent information for the 1% Annual Exceedance Probability (AEP) event is provided for only one of the watercourses which traverse the site (Ginninderra Creek). While reference is provided to the *Ginninderra Creek Flood Study* (Jacobs, 2015) for more details, that study was derived for the purpose of assessing the hydrology of Ginninderra Creek dams within the Australia Capital Territory (ACT) and not for land-use planning. While the results are of some relevance to the planning proposal, there is no reference to the limitations of Jacobs 2015, some of which are qualified in the flood study. Jacobs 2015 however do suggest a 1.0m freeboard implying that there may be a high level of uncertainty in design flood estimates in that report. It is also noted that Jacobs 2015 also references the *Ginninderra Creek Flooding and Dams Assessment Final Report on Hydrology, Dambreak and Consequence Assessment* (Jacobs 2014), however this report is not provided with the planning proposal. This document may provide more detailed extreme flood risk information to support the planning proposal but has not been sighted.

It appears that much of the land proposed for urban development may be on high ground, however the planning proposal does not provide suitably reliable flood risk information to establish consistency of the planning proposal with the principles of the Floodplain Development Manual or section 9.1 direction 4.3. It is therefore recommended that the planning proposal include additional flood risk management information as outlined above. The flood risk assessment should be undertaken utilising contemporary flood modelling techniques and all available topographic, rainfall and flood information covering all sources of flooding affecting the site.



NSW RURAL FIRE SERVICE



The General Manager
Yass Valley Council
Locked Bag 6
YASS NSW 2582

Your reference: PP.2014.01
Our reference: R19/254
DA19032718003 BB

Attention: Liz Makin

16 July 2019

Dear Sir/Madam,

Planning Proposal (PP.2014.01) – ‘Parkwood’ (Ginninderry)

I refer to your correspondence dated 25 March 2019 seeking comment in relation to the above Planning Proposal which seeks to rezone land from the exiting zones under the *Yass Valley Local Environmental Plan 2013* of RU1 Primary Production and E3 Environmental Management, to a combination of R1 General Residential, E2 Environmental Conservation, E3 Environmental Management and SP1 Special Activities.

The New South Wales Rural Fire Service (NSW RFS) has reviewed the proposal with regard to section 4.4 of the directions issued in accordance with section 9.1 of the *Environmental Planning and Assessment Act 1979*.

The objectives of the direction are:

- (a) *to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and*
- (b) *to encourage sound management of bush fire prone areas.*

The direction provides that a planning proposal must:

- (a) *have regard to Planning for Bushfire Protection,*
- (b) *introduce controls that avoid placing inappropriate developments in hazardous areas, and*
- (c) *ensure that bushfire hazard reduction is not prohibited within the asset protection zones.*

Based upon an assessment of the information provided, the NSW RFS raises no objections to the progression of the planning proposal subject to the following matters being addressed:

- suitable mechanisms are in place which ensure the implementation of all recommendations outlined in the Strategic Bush Fire Assessment Report prepared by Eco Logical Australia Pty Ltd (Project Number 17CAN_7794, dated February 2019) can be achieved and adopted/incorporated into subsequent

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planning phases. (Note: the report makes recommendations which may impact on the ability of parts of the site to be developed for residential and/or Special Fire Protection Purpose developments).

- all subsequent stages of development shall have regard to, and comply with, the strategic planning principles and relevant provisions of *Planning for Bushfire Protection*. This includes, but is not limited to, the provision of asset protection zones, access, and services in accordance with the acceptable solutions outlined in *Planning for Bushfire Protection*. With regards to the provision of access within the site, all subsequent development shall incorporate perimeter roads separating retained bush land from urban areas.
- a draft Bushfire Management Plan for the land being retained within the conservation corridor shall be provided to the local NSW RFS District Office for comment. Any return comment shall be adopted into an amended plan. This plan should consider the provision of a strategic fire trail network to aid in firefighting operations and hazard reduction activities.
- Development consent must not be granted for any subsequent development within the site until such time as a cross border service delivery agreement has been finalised.

In acknowledgement that the final number of lots and lot layout within each stage will be determined during subsequent planning and development application stages, this correspondence does not constitute approval by the NSW RFS for the indicative layout illustrated on the Concept Masterplan supporting the planning proposal.

If you have any queries regarding this advice, please contact Bradley Bourke on 1300 NSW RFS.

Yours sincerely,



Amanda Moylan
**Team Leader, Development Assessment and Planning
Planning and Environment Services**

Our ref: ID941

3rd September 2019

Mr. Chris Berry
Director of Planning
Yass Valley Council
PO Box 6
Yass NSW 2582
Via email: Liz.Makin@yass.nsw.gov.au

Dear Mr. Berry

PLANNING PROPOSAL – (PP.2014.01) PARKWOOD (GINNINDERRY)

Thank you for the referral of Planning Proposal (PP.2014.01) Parkwood ('Planning Proposal') being the NSW part of the Ginninderry Project - a proposed master planned cross border community comprising some 1600 hectares of land across and adjacent to the NSW and ACT borders. If approved, the planning proposal is expected to result in an additional 5,000 dwellings in NSW and 6,500 in the ACT.

The Planning Proposal has been reviewed using the flood information provided in the proposal, which is the only flood information available to the NSW State Emergency Service (NSW SES) for the site.

The Planning Proposal has mapped the area that would be impacted by a 1 in 100 year Annual Recurrence Interval (ARI) flood and added 1m 'freeboard' for the purpose of separating the planned precinct from the Ginninderra Creek in order to avoid flood risk. The plateau nature of the site and deep gorges of the Murrumbidgee River means there will be little to no impact to the site from the Murrumbidgee River.

The Planning Proposal and precinct plan have taken into consideration flood risk early on in the process. However, what is not apparent is what the impact to the site would be from rarer flood events between the 1% AEP and probable maximum flood (PMF) and what the impact of overland flow or local flooding would be on the precinct.

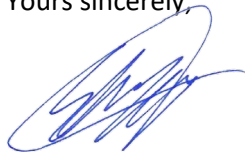
The NSW SES considers the full range of flood events (both riverine and local flooding) up to and including the PMF and not just the 1% AEP flood in developing emergency management plans and strategies for at risk communities to ensure those communities are safe during floods.

At this stage it is difficult to determine whether the proposed development resulting from the planning proposal will have an impact on the NSW SES and the future community.

To provide a further review of the potential impact to the NSW SES and the future community (whether that be minimal or substantial), we would require additional flooding information including information on the PMF and local flood information.

Thank you for referring the Planning Proposal to the NSW SES. Can you please send any future correspondence to erm@ses.nsw.gov.au. You may also wish to contact our Planning Coordinators - Maria Frazer on 0458 737 188 or Marcus Morgan on (02) 4251 6665 - to discuss any of the matters raised in this correspondence.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'G. Jeffreys', is written over a faint, circular blue line.

George Jeffreys, Senior Manager, Risk Reduction and Avoidance

NSW State Emergency Service

Cc: Maria Frazer Planning Coordinator (future risk);
Marcus Morgan, Planning Coordinator (future risk).