

6.2 PARKWOOD PLANNING PROPOSAL

SUMMARY

To provide the Cross Border Servicing Report and amended Parkwood Planning Proposal for consideration prior to forwarding it to the NSW Department of Planning & Environment. It is recommended that the Planning Proposal be submitted to the Department as being consistent with the intent of the 2015 Gateway Determination.

RECOMMENDATION

That:

- 1. The revised Planning Proposal PP-2014-01 and Cross Border Servicing Report be forwarded to the Southern Regional Director (Department of Planning & Environment) pursuant to the conditions of the Gateway Determination prior to undertaking community consultation*
- 2. An investigation be undertaken into local government service delivery, provision of infrastructure and the feasibility/viability of moving the NSW-ACT border*

FINANCIAL IMPLICATIONS

Resources for the assessment of Planning Proposals are provided for in the current Operational Plan – Fees and Charges.

POLICY & LEGISLATION

- *Environmental Planning and Assessment Act 1979*
- *Local Government Act 1993*
- South East and Tablelands Regional Plan (2017)
- Yass Valley Settlement Strategy (2017)
- ACT Planning Strategy (2012)
- *Canberra Water Supply (Googong Dam) Act 1974*
- Murray Darling Basin Plan (2012)

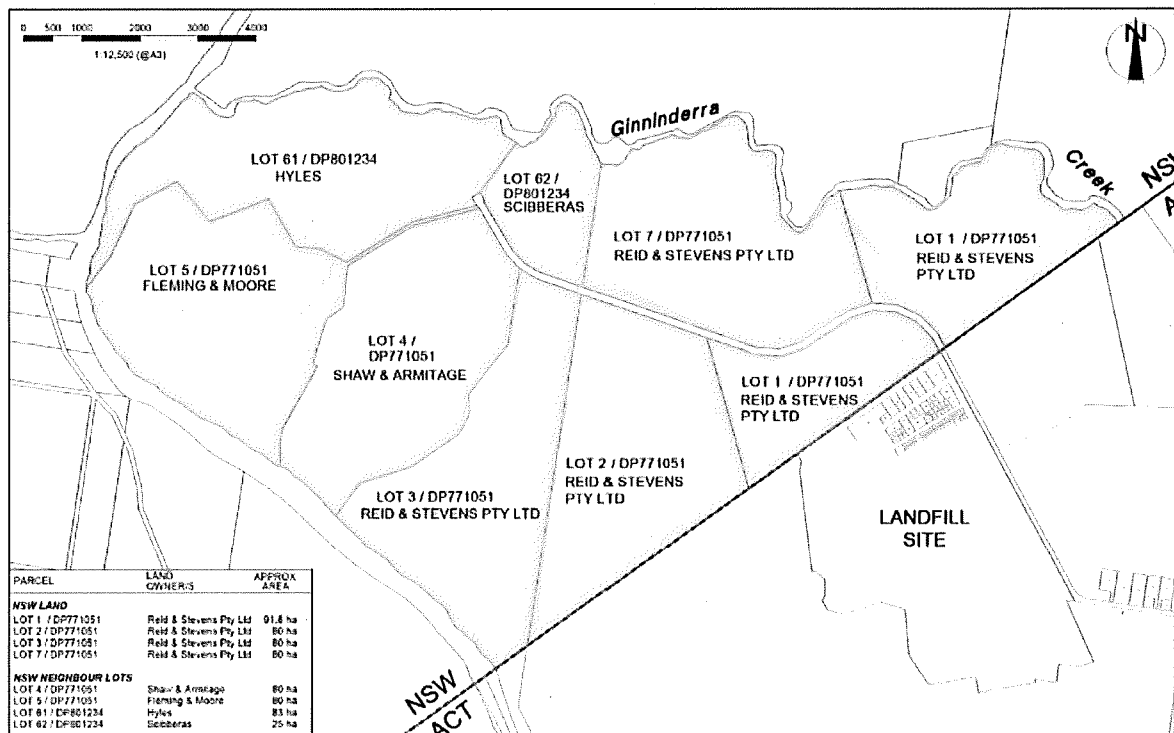
REPORT

1. Background

The Parkwood Planning Proposal was originally submitted in July 2014. The subject land is located adjacent to the NSW-ACT border, and is a peninsula of land bounded by the Murrumbidgee River and Ginninderra Creek. It has no direct road access from NSW – only from the ACT. The ownership and existing land uses are shown in the following table and figure.

Land ownership and existing use		
Land	Owner	Existing Use
Lots 1,2,3 & 7 DP 771051	Reid and Stevens Pty Ltd	Agriculture & Grazing
Lot 4 DP 771051	E Shaw and G Armitage	Agriculture & Grazing
Lot 5 DP 771051	P Fleming and G Moore	Dwelling/Agriculture & Grazing
Lot 61 DP 801234	A & J Hyles	Red Granite Quarry & Former Ginninderra Falls Recreation Area
Lot 62 DP 801234	S Scibberas	Ginninderry Homestead – Accommodation /Day Spa /Function Centre

Note: Reid and Stevens Pty Ltd is a subsidiary of Corkhill Brothers Pty Ltd. Riverview Developments act on behalf of Corkhill Brothers and entered into a Joint Venture (JV) with the ACT Government in 2016. Riverview is acting as Project Manager for the entire 'Ginninderry' project (incorporating Parkwood in NSW and West Belconnen in ACT).



Parkwood Lot Descriptions and Land Ownership

The former *Sydney Canberra Corridor Regional Strategy 2008* did not specifically discuss or anticipate cross border development between the ACT and the Yass Valley. It did outline 'Sustainability Criteria' which were to be used to consider proposals outside the defined settlement framework in the Strategy. Council and the Department of Planning & Environment (DP&E) considered Parkwood against these criteria and were satisfied the proposal met them. Since this time, the *South East & Tablelands Regional Plan* has been approved and is discussed separately below.

Council is conscious that this proposal could be considered a precedent for cross border development, however it recognises the unique characteristics of this site. The physical/geographical constraints which define the boundary of this site (i.e. Murrumbidgee River and Ginninderra Creek) means the site is contained and can only be accessed from within the ACT which requires travelling a distance of 16kms through ACT suburbs from NSW. Infrastructure provision, servicing and governance of border adjacent development are complex, particularly when the nearest NSW administrative centre, Yass, is approximately 50km away from the site. It is recognised that this development will provide housing for the Canberra market and will have limited relationship to the rest of the Yass Valley Local Government Area.

In December 2014 Council determined to endorse the Planning Proposal and forward it to the Minister for Planning to request a Gateway Determination.

2. Gateway Determination

DP&E issued the Gateway Determination in April 2015 as shown in Attachment A, subject to conditions including:

- The preparation of a Cross Border Servicing Report to provide an intended framework for:
 - Infrastructure provision
 - State, Territory and Municipal service delivery
 - Administration and recoupment of State and Territory taxes, fees and charges
 - Ongoing engagement and dispute resolution between respective jurisdictions
- Holding a forum with all relevant government service providers to consider whether the Cross Border servicing framework is practicable

Council did not request DP&E authorisation to use its delegation for plan making having regard to the significance and scale of this proposal.

A revised version of the Planning Proposal (included under Separate Cover) has now been submitted for consideration. It should be noted that there are 50 separate Appendices, and it is not practical to attach all of them to this report. If specific reports are required by Councillors, they can be made available upon request. All documents will be forwarded to DP&E for uploading to the LEP Tracking Website should the proposal proceed.

3. South East & Tablelands Regional Plan

The *South East & Tablelands Regional Plan* came into effect in July 2017, and supersedes the former *Sydney Canberra Corridor Regional Strategy*. The plan provides a high level framework for land use planning within the Region.

Direction 24 '*Deliver greater housing supply and choice*' places emphasis on Council's preparing Local Housing Strategies to create downward pressure on house prices, maximise the use of existing infrastructure and protect environmentally sensitive areas. Council's Local Housing Strategy is in the form of the *Yass Valley Settlement Strategy*.

Direction 25 '*Focus housing growth in locations that maximise infrastructure and services*' recognises that pressure for housing in NSW is driven by ACT policies for more compact settlement and housing affordability.

Direction 26 '*Coordinate infrastructure and water supply in a cross-border setting*' is of direct relevance to Parkwood, as development of this site is relying on infrastructure provision and water supply from the ACT. This direction also discusses the capacity of Yass Valley and Queanbeyan-Palerang Local Government Areas to accommodate a significant proportion of the Region's growth – with a specific mention of the proposed cross-border development at Parkwood.

The plan acknowledges the inherent complexities of cross border development which Council is extremely familiar with, having been involved in discussions regarding the feasibility of this site for over a decade. Coordinating the funding and delivery of infrastructure in a cross-border setting requires cooperation between jurisdictions and an understanding of their different governance and budgetary structures. One of the housing priorities listed for the Yass Valley is to identify and manage the efficient delivery of services to the proposed Parkwood development.

The plan also notes the significant work undertaken to date on obtaining water from the ACT to service the Parkwood development, and refers to the need to address sustainable diversion limits, trading of water entitlements, agreement between jurisdictions and a commercial agreement with Icon Water.

4. Yass Valley Settlement Strategy

The Settlement Strategy provides a framework for anticipated growth in the Local Government Area. While the majority of growth is directed to the Yass and Murrumbateman area, the Parkwood development is recognised in the Settlement Strategy because the Gateway Determination was received prior to the commencement of the project.

Inclusion of Parkwood in the Settlement Strategy also provides consistency with the Regional Plan.

5. Forum and Servicing Report

Numerous high level meetings have been held over almost 10 years with various individual ACT, NSW Agencies and Yass Valley Council prior to the Cross Border Forum in March 2016. This forum brought representatives from the relevant agencies together in one place to 'test' scenarios of service delivery and their feasibility. The agencies represented were:

<u>Agencies Represented</u>	
Yass Valley Council	ACT Rural Fire Service
NSW Cross Border Commissioners Office	ACT State Emergency Service
ACT Chief Minister & Treasury and Economic Development Directorate	ACT Justice & Community Safety Directorate
ACT Land Development Agency	Australian Federal Police
NSW SES	NSW Police
NSW Fire and Rescue	ACT Education Directorate
NSW Ambulance	NSW Education

NSW Department of Justice – Office of Emergency Management	Southern NSW Local Health Services
NSW Rural Fire Service	NSW Health
ACT Emergency Services Agency	NSW Department of Premier and Cabinet
ACT Fire & Rescue	ACT Community Services Directorate

The outcomes of this forum, where agreement was reached or potential alternatives to service delivery were suggested, informed the revised Cross Border Servicing Report (included under **Separate Cover**).

6. Local Government Infrastructure & Services

In addition to options for servicing by State and Territory agencies, local governance options for the development have been explored in depth. Although the site is located within NSW, the geographical distance from Yass (the closest NSW servicing and administration centre), presents a significant constraint.

The review of options indicates that ACT could be contracted by Council to deliver the majority of local governance services (refer following table). However, in some instances, NSW legislation or regulations would require amendment to allow the ACT to be considered a 'local authority' or ACT employees to be 'authorised officers' (e.g. swimming pool inspections, illegal dumping and companion animal management).

Local Service Delivery Options		
Key infrastructure/ service	Summary of service delivery options	Recurrent funding source
Abandoned vehicles regulation	1. Yass Valley Council 2. Contracted by Yass Valley Council to ACT Government	Rates income and fines
Community strategic planning	Yass Valley Council	Rates income
Companion animals management	1. Yass Valley Council 2. Contracted by Yass Valley Council to ACT Government	Rates income and user charges
DA assessment	1. Yass Valley Council 2. Contracted by Yass Valley Council to ACT Government	Rates income and user charges
DA determinations	Yass Valley Council	Rates income and user charges
Development certification	1. Yass Valley Council 2. Contracted by Yass Valley Council to ACT Government or ACT service provider	Rates income and user charges
Community Home Support Service Program services	1. Yass Valley Council 2. Community organisations 3. Contracted by Yass Valley Council to ACT Government or ACT service provider	Commonwealth funding- consumer based

Food shop regulation	1. Yass Valley Council 2. Contracted by Yass Valley Council to ACT Government	User charges
Illegal dumping regulation	1. Yass Valley Council 2. Contracted by Yass Valley Council to ACT Government	Rates income and fines
Library services	1. Yass Valley Council -mobile service 2. Contracted by Yass Valley Council to ACT Government- Kippax library possibly supported by a shop front drop off.	Rates income and fines
Parking regulation	1. Yass Valley Council 2. Contracted by Yass Valley Council to ACT Government	Fines and user charges
Parks and open space maintenance	1. Yass Valley Council 2. Contracted by Yass Valley Council to ACT Government	Rates income
Private pool inspections	1. Yass Valley Council 2. Contracted by Yass Valley Council to ACT Government or 'authorised authority'	Rates income and user charges
Public health inspections, including hairdressers	1. Yass Valley Council 2. Contracted by Yass Valley Council to ACT Government	Rates income and user charges
Rate setting and collection	Yass Valley Council	Rates income
Roads, stormwater and footpaths maintenance	1. Yass Valley Council 2. Contracted by Yass Valley Council to ACT Government	Rates income
Waste collection and recycling	1. Yass Valley Council 2. Contracted by Yass Valley Council to ACT Government	User charges

An alternative arrangement for Yass Valley is to establish a works depot and administration branch within the Parkwood site, to provide any or all of the services if required. The JV has been requested to set aside land for this purpose, and this will be given effect through an 'Additional Permitted Use' provision within the Parkwood LEP.

Future NSW residents of this area would expect a parity of service delivery with their ACT neighbours, and it should be seamless regardless of the border. To enable this, and ensure that there is no adverse impact on the balance of Yass Valley ratepayers, a Special Rate Variation (SRV) for Parkwood will be required. Given the long lead time of the development and potential for significant impacts on Yass Valley, there has been substantial input from staff in refining a workable model. The JV and Council will need to approach the NSW Office of Local Government (OLG) and Independent Pricing & Regulatory Tribunal (IPART) to determine the likelihood of approving a future SRV.

Council needs to consider and review the local service delivery options and be satisfied that servicing this development will be financially sustainable and not have a negative impact on the balance of Yass Valley ratepayers. Consideration can occur concurrently with the planning process, and a valuation and investigation of local service delivery and infrastructure options, including alternatives such as the feasibility/viability of moving the NSW-ACT border- should be undertaken.

7. Water & Sewerage Provision

Icon Water has confirmed that it is technically feasible to accept sewage from a future development at Parkwood into the ACT, subject to the resolution of legal and logistical issues of cross border sewerage connections, and detailed feasibility and design studies.

Icon Water has indicated it is feasible to provide water to Parkwood. However Council will need to reach an agreement with the ACT and the Commonwealth under the *Canberra Water Supply (Googong Dam) Act 1974* to enable this, and ensure it is within the Murray Darling Basin Plan Sustainable Diversion Limit for NSW (not ACT).

The two options which have been considered for water and sewerage servicing are:

<u>Options for Water and Sewerage Services to Parkwood</u>	
Option 1 Icon Water provides all water and sewerage services to residents at Parkwood	<ul style="list-style-type: none"> • Icon Water owns all the infrastructure • Residents are Icon Water customers • Equivalent to business-as-usual in the ACT
Option 2 Icon Water provides bulk water and sewerage services to Parkwood (on behalf of Yass Valley Council)	<ul style="list-style-type: none"> • Icon Water owns all bulk infrastructure to identified boundaries • Icon Water provides bulk services to Yass Valley Council (for Parkwood) • Residents are Yass Valley Council Customers • Would require some minor modification to proposed network design

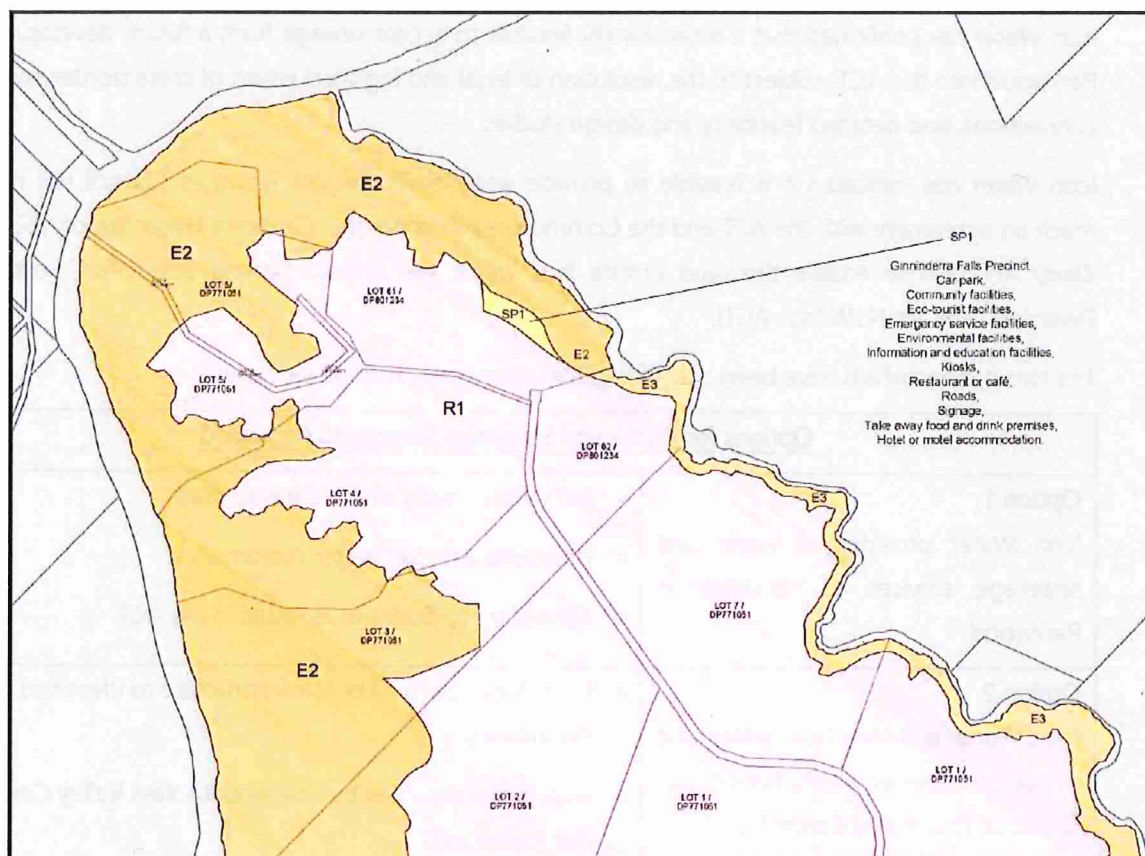
Icon Water has indicated a preference for being the supplier of 'bulk water' consistent with the arrangement for Queanbeyan and to supply bulk sewerage services. The issue of which authority will set water prices has not been resolved - in NSW it is IPART, whereas Icon Water currently has water prices set by the ACT Independent Competition & Regulatory Commission (ICRC). Understandably Icon Water would prefer to deal with only the ACT regulator, however Council will need to ensure that it is an equitable arrangement for all Yass Valley users, also being mindful of the precedent that may be set in the event a pipeline is provided from the ACT to Yass and Murrumbateman.

For Icon Water to provide all water and sewerage services, as per Option 1, they would need to obtain a licence from IPART under the *NSW Water Industry Competition Act 2006*.

A water supply agreement would be required well in advance of the development reaching the ACT-NSW border.

8. Proposed Zoning

The Planning Proposal seeks to create a new principal 'Parkwood' LEP, and amend the existing Yass Valley LEP 2013 so that it will no longer apply to the subject land. It also seeks to rezone the land from the existing zones under the *Yass Valley LEP 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 (Ginninderra Falls Precinct) i.e.



Proposed land use zones within Parkwood LEP

The revised version of the Planning Proposal (included under **Separate Cover**) introduces an E2 Environmental Conservation zone over the Murrumbidgee River Corridor, the Ginninderra Falls and that part of the Ginninderra Creek downstream from the Falls. In accordance with DP&E Practice Note- PN 11-002, the E2 Environmental Conservation zone is intended *'to protect land that has high conservation values outside the national parks and nature reserve system. The use of this zone needs to be justified by appropriate evaluation of the area in terms of meeting the core zone objectives of having high ecological, scientific, cultural or aesthetic values.'*

The additional studies which have been carried out over the corridor, including surveys of the Pink Tailed Worm Lizard, habitat evaluation of the Rosenberg's Goanna, Environmental Protection & Biodiversity Conservation Approval (including the requirement to establish a Management Trust), and the Aboriginal Cultural Values Assessment all support the application of an E2 Environmental Conservation zone, and the increased area of the corridor.

The proposed land uses within the E2 Environmental Conservation zone are very restrictive – much more so than the current E3 Environmental Management zone under the *Yass Valley LEP 2013*. Uses are

limited to those associated with the management of the corridor, with residential and commercial uses prohibited.

The E3 Environmental Management zone proposed for Ginninderra Creek, upstream of the Falls reflects the lower ecological and cultural values, and although restrictive, does allow for some additional uses such as home occupations and dwellings which are mandated uses.

It should be noted that a much greater range of land uses are proposed to be permitted within the R1 General Residential zone within the *Parkwood LEP* than the *Yass Valley LEP 2013*, which reflects the intention to create a more mixed use zone accommodating commercial uses and urban agricultural uses.

An SP1 Special Activities zone is also proposed to indicate a clear area of land adjacent to the Ginninderra Falls where the following uses (only) can be considered:

Car parks, community facilities, eco-tourist facilities, emergency service facilities, environmental facilities, information and education facilities, kiosks, restaurant or cafés, roads, signage, take-away food and drink premises, hotel or motel accommodation.

9. Urban Release Area & Lot Size

There is no minimum lot size proposed for land within the R1 General Residential zone. Given the long lead time for the development, and the requirement to prepare a DCP/Neighbourhood Structure Plans to enable site specific planning, this is considered reasonable.

Given there is no minimum lot size proposed, the area would be identified as an 'Urban release area' on a map within the *Parkwood LEP*, together with local clauses for local/public, state (and in this case Territory) infrastructure.

The clauses will essentially prevent any urban subdivision unless the DP&E Secretary and Council are satisfied that satisfactory arrangements have been made for public infrastructure. *Public utility infrastructure*, in relation to an urban release area, is defined as including infrastructure for the supply of electricity, or supply of water/ disposal of sewage.

Given the unique cross border infrastructure arrangements that are proposed for this development, there is likely to be further refinement to these clauses to reflect any agreed cross border infrastructure delivery.

In addition to the above, the minimum lot size on the subject site, for land zoned E3 Environmental Management under the *Yass Valley LEP 2013* is currently 80ha, and land zoned RU1 Primary Production is 40ha. It is proposed to retain the 80ha minimum lot size in the proposed E2 Environmental Conservation and E3 Environmental Management zones along the Murrumbidgee and Ginninderra Creek corridors.

10. Proposed Local Clauses

Local clauses are proposed within the Parkwood LEP for:

- Quarry rehabilitation
- Egg farm buffer
- Conservation/Urban edge interface

- Development Control Plan

Quarry rehabilitation

The red granite quarry on Lot 61 DP801234 is currently operational, however it is expected to reach the end of its operational life around the time development is proposed to reach that part of the site. If the quarry use continues beyond that time, the impacts on amenity would need to be mitigated.

It is proposed to include a local clause within the LEP, requiring:

- Quarrying activities have ceased permanently, and
- A mining operation plan has been approved by NSW Resource & Energy and Council (for rehabilitation of the site)

There is no current approved rehabilitation plan for the site as required by NSW Resources & Energy. This would be due in part due to the age of the Development Consent. Including a local clause in the LEP for such a plan will address this issue.

Egg Farm Buffer

An intensive agricultural use in the form of a barn based egg farm is located on the ACT portion of the development in close proximity to the border. The lease to Pace Eggs is due to expire in 2032, and Council has been advised that it will not be renewed. No residential development on either side of the border could be considered within this buffer until the use ceases. A buffer of 500-600m has been recommended.

Although development within NSW is not scheduled until 2032, it is prudent to include a provision in the LEP in the scenario that this lease is extended, or the timing of development in NSW is brought forward. It is proposed to include it on the local clauses map (refer egg farm buffer and conservation area interface figure) together with a clause requiring consideration of:

- The impact of any odour, noise, vibration or other emissions from the egg farm
- Any mitigating measures to limit the impact of noise, odour and other emissions from the egg farm
- Any adversely effect on the operational environment of the existing egg farm

Conservation/Urban Edge Interface

There have been ongoing discussions relating to avoiding or mitigating the potential impacts of future urban residential development upon the ecological and cultural values within the Conservation Corridor. There is also the reverse impact of the steep topography and heavily vegetated characteristics of the site presenting a bushfire risk to any adjacent development.

It is proposed to introduce a specific conservation/urban interface local clause and include on the local clauses map i.e.

Proposed Local Clauses Map (Egg Farm Buffer, Conservation Corridor/Interface)

The proposed clause would require prior to any Consent being issued that Council would need to be satisfied that:

- The development would not have any significant adverse impact on the ecological, cultural or scenic values of the Murrumbidgee River and Ginninderra Creek corridor, and would not:
 - i. Result in any urban stormwater flows entering into the Conservation Corridor without being treated in accordance with a Water Sensitive Urban Design Strategy for the site
 - ii. Require any earthworks in the Conservation Corridor (other than a Water Sensitive Urban Design facility, stream stabilisation or habitat protection or enhancement works)
 - iii. Require the removal of any significant existing native vegetation within the Conservation Corridor
 - iv. Directly impact on any defined habitat for threatened species
- Areas or items that are of high cultural significance to the Aboriginal community have been considered
- Significant native vegetation is retained
- The development is constructed of unobtrusive non-reflective materials that are complementary to the natural environment of the adjacent river corridors
- The risk of bushfire has been addressed in accordance with the NSW Planning for Bushfire Protection, including provision for any Asset Protection Zone.
- The development is designed and sited to respond sympathetically to the land form
- A geotechnical report confirms the site is suitable for the proposed development.

- The Rosenberg's Monitor Goanna Habitat reports have been considered

While the draft wording of this clause is considered reasonable, it will need to be reviewed by NSW OEH to ensure that it can give effect to the significant ecological and cultural work which has been undertaken.

Development Control Plan (DCP)

The DCP and subsequent Neighbourhood Structure Plans will set out specific development controls e.g.

- Design and siting requirements for development in the conservation/urban edge interface buffer
- Bushfire protection measures
- Design and siting approach in relation to land terrain, energy efficiency, addressing public spaces, etc.
- Specific details of the interface in terms of edge treatments (e.g. fencing)

Flood Planning

A local clause based on the DP&E's model Flood Planning Clause is proposed to be included.

Natural Resource Mapping

The Natural Resource mapping in the current LEP that applies to this site is Terrestrial Biodiversity, Riparian Land and Watercourses, Highly erodible soils and Groundwater Vulnerability. The mapping has been supplied by the Office of Environment and Heritage, and varies in terms of data quality, due to map scale, currency of data and whether an area has been 'ground truthed'.

The full suite of natural resource mapping is not proposed to be included within the *Parkwood LEP* over the subject site due to the extensive amount of site specific studies including the Agricultural Land Review, Geotechnical, Water Sensitive Urban Design, various Flora and Fauna Studies, and an Environmental Site Assessment.

The recommendations of these studies have informed the extent of the proposed E2 Environmental Conservation and E3 Environmental Management zones, and as such they include riparian land and areas of steep topography associated with the Murrumbidgee River and Ginninderra Creek. Adjacent areas with high flora and fauna conservation value have also been included within the Environmental zones.

Nevertheless, the Terrestrial Biodiversity Map will be retained to apply to these areas within the E2 Environmental Conservation zone, which reflects the site specific studies undertaken. The local LEP clauses which are proposed that relate to the Conservation/Urban Edge Interface and the preparation of a DCP, set out requirements and matters to be considered including biodiversity requirements, protection of remnant vegetation, design and siting of development in relation to the conservation/urban edge, and water sensitive urban design.

Groundwater Vulnerability mapping will still have some relevance. Although Parkwood will be serviced with reticulated water and sewer, the clause is still a consideration for uses which may include on-site storage or disposal of solid or liquid waste or chemicals. Although the eventual uses/development within Parkwood are unknown at this time, the proposed zoning of R1 General Residential would limit the range of permitted uses, as opposed to more intensive uses within a business or industrial zone.

11. LEP - Additional Permitted Uses

The proposed *Parkwood LEP* proposes to incorporate some site specific provisions to permit some existing uses to remain, and some limited subdivision/land use opportunities despite any change in zoning. i.e.

Fleming and Moore

To allow:

- Retention of existing dwelling on 10ha lot (refer following figure)
- Provision to allow bed and breakfast accommodation, a dual occupancy, eco-tourist facilities, extensive agriculture, farm buildings, and horticulture on this lot



Proposed Additional Permitted Use - Subdivision of existing dwelling (Fleming and Moore)

Shaw and Armitage

To allow subdivision to create two lots (no larger than 3 ha in area) and a residual lot on land proposed to be zoned R1 General Residential.

Scibberas

To ensure the existing uses of Ginninderry Homestead as shown on **Figure 5** are maintained for the purposes of tourist and visitor accommodation, eco-tourist facilities, a recreation facility (indoor), a function centre, and restaurant or café. It also proposed to permit subdivision of the established Ginninderry Homestead as above with development consent, together with two additional lots. The exact location or size of these additional lots is unknown.

To allow:

- Retention on a separate lot the existing Ginninderry Homestead (refer following figure) for tourist and visitor accommodation, eco-tourist facilities, a recreation facility (indoor), a function centre, and restaurant or cafe
- Subdivision into four lots – homestead lot, two additional lots (size and location unknown at this stage) and a residual lot



Proposed Additional Permitted Use – Ginninderry Homestead (Scibberas)

SP1 Special Purposes Zone- Ginninderra Falls Precinct

It is proposed to allow the creation of two lots:

- SP1 Special Purposes zone – Ginninderra Falls Precinct
- E2 Environmental Conservation zone containing the 'Ginninderra Falls'.

This would allow works relating to public access to the Falls to commence well in advance of any residential development on the NSW portion of the site. It would also allow planning and development to commence on the planned 'Discovery Centre' within the Falls precinct. It should be noted that while it is proposed that any lot within the SP1 Special Purpose zone would be 'owned' by the proposed Conservation Trust, and any lot created within the E2 Environmental Conservation zone is proposed to be dedicated to Council.

Land for Council Purposes

A parcel of land has been requested to be set aside for Council in the event that a site is needed to meet servicing obligations. While a specific site has not been identified, this provision would allow land to be set aside up to 1ha in area for the development of a waste transfer facility and depot for Council purposes adjacent to the current ACT landfill site. The use of the site for a Public Administration Building (i.e. Council offices) is proposed to be permitted with consent in the R1 General Residential zone so does not need to be separately listed.

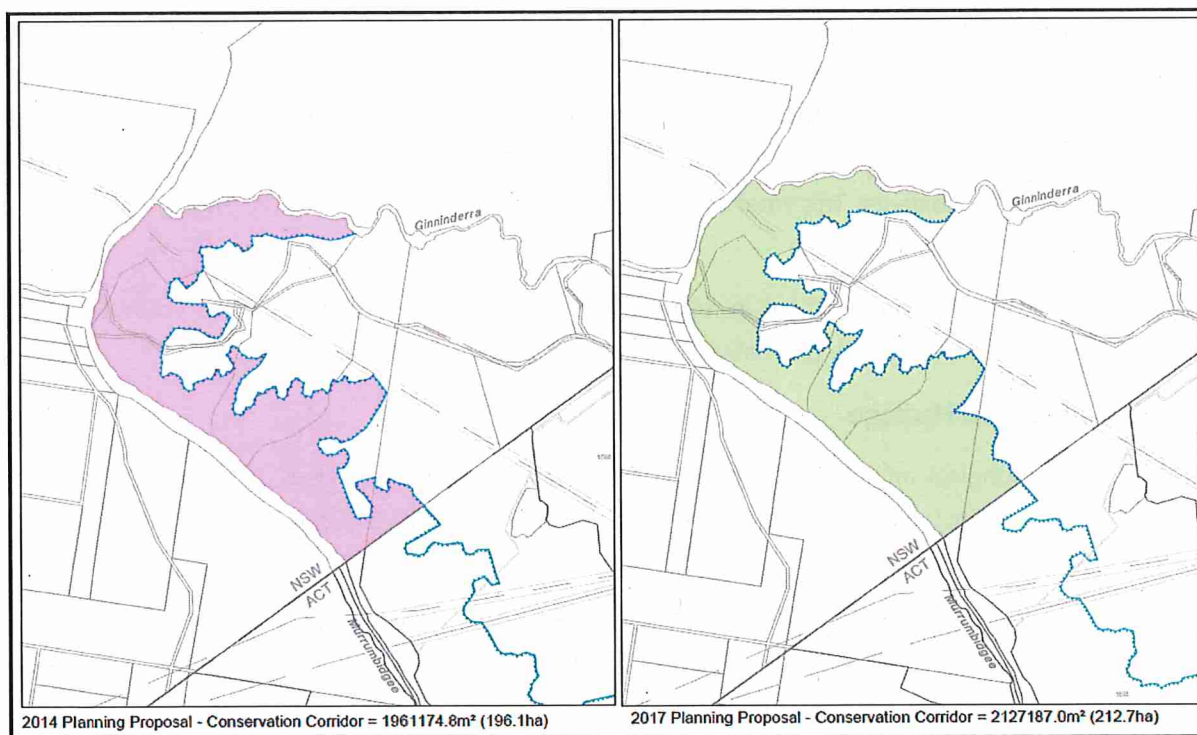
Conservation Corridor

An additional provision is proposed to remove any ambiguity regarding the ability to progressively subdivide as required, to create lots to be set aside for the conservation corridor.

12. Conservation Corridor

There are significant aesthetic, cultural, environmental and topographical characteristics of the land adjacent to the Murrumbidgee River and Ginninderra Creek, and a strong desire from the community to obtain public access to the Ginninderra Falls.

It is proposed to set aside 212.7ha of land as a conservation corridor within Yass Valley, an increase of approximately 17ha in area from 2014 i.e.



Changes to extent of Conservation Corridor 2014 -2017

The increased area is most notable in the vicinity of the Falls, and the corridor area adjacent to the ACT-NSW border, due mainly Rosenberg's Goanna habitat and Aboriginal cultural studies which have been recently undertaken. There has been disagreement regarding the extent and edge of the corridor – with the Ginninderra Falls Association (GFA) arguing for nominal/ arbitrary widths from the River and Creek.

The proposed edge/interface design will be based on the detailed ecological and Aboriginal cultural assessments done to date, and other factors such as topography, asset protection zones, vegetation types and limiting public access to the corridor. Recommendations for managing the corridor include

potential predator proof fencing, no development backing onto the corridor, use of light coloured paving materials adjacent to high quality Rosenberg's Goanna habitat to improve visibility of animals, speed limits, introduction of cat containment provision in this part of the Yass Valley,

It is proposed to set aside and provide access to the corridor in stages. The JV propose to progressively dedicate the land within the corridor (within NSW portion) to Council, with the first parcel of land being adjacent to the Falls – well in advance of any residential development.

There have been ongoing discussions regarding the potential management arrangements for this land within the conservation corridor, with a focus on ensuring a funding stream in perpetuity, and a management structure which can operate seamlessly regardless of the ACT-NSW border, rather than relying on separate NSW and ACT agencies. It is proposed to establish a Conservation Management Trust, with Council holding a position on its board. The Trust would oversee the restoration and regeneration of the corridor and implement a Plan of Management consistent with the requirement from ACT Government, Commonwealth environment protection and biodiversity approvals and the requirements under the *NSW Local Government Act 1993*.

Infrastructure is proposed to support the use and access into the corridor including paths, lookouts, picnic areas, and carparks. The initial capital construction costs of these works would be borne entirely by the JV, then become the property of Council, but maintained by the Trust. Unlike the usual process of dedicating land to Council where it then bears the entire management costs, sources of recurrent funding are proposed. The funding model is likely to be a combination of a percentage of land sales, user pays fees (e.g. entry fee to the Falls, car parking etc.), and an annual rates levy/surcharge for Parkwood residents. This rates levy/surcharge could only be collected if the corridor land is within Council ownership.

There are still considerations in relation to management agreements between Council and the Trust, and whether a Lease or alternative License is the most suitable arrangement.

13. Aboriginal Heritage

An Aboriginal archaeology report assessed 'tangible' heritage values of a site (e.g. scarred trees, artefacts etc.). Sites of Aboriginal interest in this regard are to be retained within the conservation corridor.

An additional body of work has been undertaken on the 'intangible' cultural values of the area. This report identified additional land to be included in the conservation corridor. These sites include the Ginninderra Falls ceremonial area, a resource area, an ancestral figure and women's story site. This report recommends that a Cultural Values Management Plan be developed in association with the knowledge holders, to provide detailed management guidelines for the places located within the Project Area (both NSW and ACT). It also recommended that interpretive signs be developed for installation in several locations within the proposed conservation corridor.

Several sites (e.g. fish traps, landscape elements) located outside the Parkwood site have also been identified.

The report has recommended that these Aboriginal places be listed in the respective *Parkwood LEP* or *Yass Valley LEP* as Aboriginal Places of heritage significance. Whether Council decides to include the

identified places located outside the Parkwood site, will depend on discussions with NSW OEH, landowners and Aboriginal Knowledge Holders.

14. Heads of Agreement

The long lead time and complex cross border nature of the Parkwood development requires a high level of certainty on Council's behalf that certain matters will be addressed at the relevant time. The usual mechanism is through a Voluntary Planning Agreement (VPA). With the exception of the first stage of the conservation corridor adjacent to the Ginninderra Falls, the staging of the remainder of the development will not occur for some years, with the first residential development in NSW not expected until 2032, and it has been agreed by all parties that it would be premature to prepare a VPA at this stage.

The proponent has begun drafting an agreement to clearly set out the intentions of the JV, other landowners and Council for preparing a VPA and any Section 94 Contributions Plans (if required), as well as establishing a framework for future negotiations between the parties.

The draft Heads of Agreement also seeks to address the creation and ongoing funding of the conservation corridor although this matter will require further review as parts of the conservation corridor are proposed to be set aside well in advance of any residential development occurring in NSW.

The process of reviewing the Heads of Agreement will occur simultaneously with the community consultation process, and may be informed by some of the advice provided from referral agencies, particularly those within the ACT.

15. Conclusion

The revised Planning Proposal meets the requirements of the 2015 Gateway Determination by holding a forum with relevant State and Territory agencies and providing a Cross Border Servicing Report. The report indicates how cross border servicing arrangements could be negotiated and implemented.

The revised Planning Proposal has also been informed by additional studies particularly in relation to the conservation corridor and Aboriginal Cultural values. Accordingly, adjustments have been made to the proposed zoning and addition of local clauses in the proposed LEP which provide for the future development of the site coupled with appropriate safeguards.

It is recommended that the revised Planning Proposal be submitted to DP&E for a revised Gateway Determination to enable the Planning Proposal to proceed to formal public exhibition.

Council should also undertake an investigation of local service delivery and infrastructure options concurrently with the planning process, as well as investigating the feasibility/viability of moving the NSW-ACT border to facilitate the Parkwood development.

STRATEGIC DIRECTION

Key Pillar	1. Our Environment
CSP Strategy	EN4 - Maintain a balance between growth, development and environmental protection through sensible planning

Delivery Program Action EN4.1 - Ensure Council's statutory planning instruments are up to date and reflective of the community needs

Operational Plan Activity EN4.1.1 – Undertake ongoing strategic land use planning and reviews of existing instruments

Attachments:

- A. Gateway Determination ⇒
- B. Cross Border Servicing Report *(Under Separate Cover)* ⇒
- C. Revised Parkwood Planning Proposal (October 2017) *(Under Separate Cover)* ⇒



Mr David Rowe
General Manager
Yass Valley Council
PO Box 6
Yass NSW 2582

15/02778

Attention: Chris Berry/Liz Makin

Dear Mr Rowe

Parkwood Planning Proposal PP_2015_YASSV_001_00

I am writing in response to Council's letter, dated 18 December 2014, requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) for a planning proposal to rezone land at Parkwood in Yass Valley Shire to allow for approximately 5,000 residential dwellings and associated urban uses as part of a broader urban release area in the Australian Capital Territory (ACT).

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination. Given the significant cross-border planning issues raised by the proposal I have decided not to issue an Authorisation to Council to use its delegation for plan making.

I understand that this is a unique, yet challenging planning proposal given its size and location on the boundary of NSW and the ACT. I appreciate that the development is likely to predominantly service demand for housing from the ACT and that Yass Valley Council is keen to understand its future role in the development if it proceeds.

I note that staff from the Department have worked cooperatively with both Council officers and representatives from the ACT Government to progress the planning for this area. I have asked my staff to continue working closely with Council to consider the long-term merits of the proposal and to assist where possible.

Demonstrating that suitable arrangements are in place for cross border service delivery and recovery of costs between governments will be fundamental to the success of the future development on the NSW land. As a condition of the Gateway determination, I have therefore required the preparation of a Cross Border Government Servicing Report, setting out the proposed arrangements for Government service delivery, and that a forum be held with relevant service providers from the ACT and NSW (including Council) to confirm that the proposed arrangements are practicable. This will need to occur before any formal community consultation.

It is expected that the report will be wide ranging in its scope and consider all matters relevant to future cross border co-ordination and management of the release area, including (but not limited to):

- infrastructure provision;
- servicing arrangements for State, Territory and Municipal services covering education, health, social and community welfare services;
- the administration and recoupment of State and Territory taxes, fees and charges; and
- arrangements for ongoing engagement and dispute resolution between the respective jurisdictions.

I envisage that the final report on cross government funding and servicing of Parkwood will be vital to the NSW Government's agreement to the servicing and funding arrangements that will need to be finalised with the ACT Government and therefore allow the release area to proceed. Due to the importance of these funding and servicing issues I am happy for the Department to work closely with Council in the identification and resolution of the cross border planning issues, including assisting Council with coordination of the proposed forum.

Council will need to obtain agreement for any inconsistencies with relevant Section 117 Directions when the revised planning proposal is resubmitted to the Department for endorsement. Council should ensure this occurs prior to the plan being made.

The amending local environmental plan is to be finalised within 24 months of the week following the date of the Gateway determination. Council's request for the Department to draft and finalise the local environmental plan should be made 6 weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete local environmental plans by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the *Environmental Planning and Assessment Act 1979* if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Mr Brett Whitworth, General Manager, Southern Region at the Department on (02) 4224 9450.

Yours sincerely



Marcus Day
Deputy Secretary, Planning Services

16/04/2015
Encl: Gateway Determination

Minutes of the Ordinary Meeting of Council held on 25 October 2017

At 04:47 PM Councillor Turner left the Chambers.

6. Director of Planning Reports

6.1 MAJOR EVENT MARKETING PROGRAM

SUMMARY

At the October 2017 Council meeting this matter could not be considered as the number of Councillors fell below the number needed for a meeting quorum. The report is represented for consideration.

In July 2017 Council approved a \$5,000 grant to the Yass Antique Motor Club for the event Classic Yass under the Major Event Marketing Program. The grant has been declined by the Club. Subsequently an unsolicited request for sponsorship to the value of \$2,000 with no conditions has been requested.

RESOLVED that the:

- 1. Revised funding request of \$2,000 from the Yass Antique Motor Club for the Classic Yass event be accepted.*
- 2. Unallocated funds in the Major Event Marketing Program be held for future consideration.*
- 3. Guidelines for the program be referred to the Economic Development Committee.*

(Frost/Reid) 271

FORESHADOWED MOTION

- 1. The revised funding request from the Yass Antique Motor Club for the Classic Yass event be declined.*
- 2. The unallocated funds in the Major Event Marketing Program be held for future consideration.*
- 3. The guidelines for the program be referred to the Economic Development Committee.*

(Furry)

FOR: Councillors R Abbey, C Burgess, G Frost, A Harker, M McManus, and M Reid

AGAINST: Councillor N Furry

At 05:00 PM Councillor Turner returned to the Chambers.

6.2 PARKWOOD PLANNING PROPOSAL

SUMMARY

To provide the Cross Border Servicing Report and amended Parkwood Planning Proposal for consideration prior to forwarding it to the NSW Department of Planning & Environment. It is recommended that the Planning Proposal be submitted to the Department as being consistent with the intent of the 2015 Gateway Determination.

RESOLVED that :

- 1. The revised Planning Proposal PP-2014-01 and Cross Border Servicing Report be forwarded to the Southern Regional Director (Department of Planning & Environment) pursuant to the conditions of the Gateway Determination prior to undertaking community consultation.*
- 2. An investigation be undertaken into local government service delivery, provision of infrastructure and the feasibility/viability of moving the NSW-ACT border.*

(McManus/Burgess) 272

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

AGAINST: Nil

6.3 TRUCK & TRANSPORT DEPOTS IN RURAL AREAS POLICY

SUMMARY

To present the outcomes from the public exhibition of the revised *Truck & Transport Depot in Rural Areas Policy*.

RESOLVED that the amended Truck & Transport Depot in Rural Areas Policy be adopted.

(McManus/Reid) 273

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

AGAINST: Councillor N Furry

At 05:09 PM Councillors Furry and McManus left the Chambers.

6.4 EXISTING USE RIGHTS - PROPOSED MOTEL REDEVELOPMENT & LAND
