

Parkwood (West Belconnen) Planning Proposal

Proposal Title : **Parkwood (West Belconnen) Planning Proposal**

Proposal Summary : **Council seeks to prepare a new local environmental plan to rezone land for urban development on the boundary of the ACT and the NSW border within Yass Valley Shire.**

The new release area will be in conjunction with a release area in the ACT collectively known as 'Parkwood'.

The Parkwood release area covering both the ACT and NSW will create approximately 11,500 dwellings with urban services for the area to be provided primarily by the ACT Government.

The planning proposal for the Parkwood release area in NSW will create approximately 5,000 dwellings to accommodate a population of 13,000 people.

The NSW component of the Parkwood site has an area of approximately 600 hectares. Approximately 394 hectares is proposed to be used for urban purposes and 206 hectares proposed to be used for conservation/riparian uses.

PP Number : **PP_2015_YASSV_001_00**

Dop File No : **15/01667**

Proposal Details

Date Planning
Proposal Received : **27-Jan-2015**

LGA covered : **Yass Valley**

Region : **Southern**

RPA : **Yass Valley Council**

State Electorate : **BURRINJUCK**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Precinct**

Location Details

Street :

Suburb :

City :

Postcode :

Land Parcel : **Lots 1,2,3 and 7 DP 771051**

Street :

Suburb :

City :

Postcode :

Land Parcel : **Lot 61 and 62 DP 801234**

Street :

Suburb :

City :

Postcode :

Land Parcel : **Lot 4 and 5 DP 771051**

DoP Planning Officer Contact Details

Contact Name : **Martin Brown**
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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Sydney-Canberra Corridor Regional Strategy	Consistent with Strategy :	N/A
MDP Number :		Date of Release :	
Area of Release (Ha) :	400.00	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	4,500
Gross Floor Area :	0	No of Jobs Created :	1,000

The NSW Government Lobbyists Code of
Conduct has been
complied with : **Yes**

If No, comment :

Have there been
meetings or
communications with
registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting
Notes : **This is a significant urban land release covering land in both the Australian Capital Territory and New South Wales. It is anticipated future services and infrastructure for the development will be wholly provided by the ACT Government.**

The proposal is not identified in the Sydney Canberra Corridor Regional Strategy, but is accompanied by a detailed assessment against the Sustainability Criteria contained in the Strategy.

It is understood the ACT Government and the developer have signed a Joint Venture Agreement to develop the ACT component of the land and that the ACT will provide local and State/Territory services to the NSW component. The ACT Government supports the

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External Supporting Notes :

development proceeding through the rezoning and investigation stage due to its ability to meet housing demand arising from the ACT.

Arrangements for cross border service provision and cost recoupment between the respective governments will need to be resolved prior to any development occurring.

This is a significant urban land release covering land in both the Australian Capital Territory and New South Wales. It is anticipated future services and infrastructure for the development will be wholly provided by the ACT Government.

The proposal is not identified in the Sydney Canberra Corridor Regional Strategy, but is accompanied by a detailed assessment against the Sustainability Criteria contained in the Strategy.

It is understood the ACT Government and the developer have signed a Joint Venture Agreement to develop the ACT component of the land and that the ACT will provide local and State/Territory services to the NSW component. The ACT Government supports the development proceeding through the rezoning and investigation stage due to its ability to meet housing demand arising from the ACT.

Arrangements for cross border service provision and cost recoupment between the respective governments will need to be resolved prior to any development occurring.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment : The statement of Objectives clearly states that the planning proposal is to create a new urban release area (Parkwood) on the ACT/NSW border within the Yass LGA.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : The Planning Proposal clearly states that a new stand alone LEP will be applied to the proposed Parkwood urban release area and replace the provisions of the Yass LEP 2013.

The new LEP will comprise a Land Zoning Map and Lot Size Map with an E3 Environmental Management Zone (80 ha MLS) and an R1 General Residential Zone (250 m2 MLS). The new LEP will also include new land use tables for the E3 Environmental Management Zone and an R1 General Residential Zone specifically applied to the Parkwood site.

The LEP will also identify the R1 General Residential Zone as an Urban Release Area on an Urban Release Area Map. Provisions within the LEP will require that development cannot proceed in the urban release area until issues associated with the provision of public infrastructure have been addressed and that a Development Control Plan has been prepared for the site.

The LEP will also include map overlays and provisions for natural resource management, e.g. groundwater, biodiversity and riparian land.

The stand alone LEP for Parkwood will also comprise standard provisions consistent with a Standard Instrument LEP.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? No

b) S.117 directions identified by RPA :

1.2 Rural Zones

1.5 Rural Lands

* May need the Director General's agreement

2.1 Environment Protection Zones

2.3 Heritage Conservation

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3.1 Residential Zones
3.4 Integrating Land Use and Transport
4.3 Flood Prone Land
4.4 Planning for Bushfire Protection
5.1 Implementation of Regional Strategies
6.1 Approval and Referral Requirements
6.2 Reserving Land for Public Purposes
6.3 Site Specific Provisions

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

**SEPP No 55—Remediation of Land
SEPP No 60—Exempt and Complying Development
SEPP No 70—Affordable Housing (Revised Schemes)
SEPP (Exempt and Complying Development Codes) 2008
SEPP (Infrastructure) 2007
SEPP (Rural Lands) 2008**

e) List any other matters that need to be considered :

The proposal in this instance seeks to provide up to 4,500 dwellings within NSW to be wholly serviced by the ACT Government.

Detailed consultation between the ACT Government, the NSW Government and service providers will be required early in the process to identify and address the financial and servicing issues associated with the proposal.

Have inconsistencies with items a), b) and d) being adequately justified? **Unknown**

If No, explain :

To be determined.

Whilst the proposal is generally consistent with relevant policies from a planning perspective, many of the issues crucial to the proposal proceeding are more broadly related to the issue of cross border coordination and service provision.

It is proposed all services will be provided by the ACT Government.

Consultation between the ACT Government, the NSW Government and service providers will need to be required early in the process to identify and address the financial and servicing issues associated with the proposal.

Consistency with s117 directions is difficult to determine. Given there are no strategic plans in place that justify the planning proposal at this time, its strategic merit has largely been determined against the sustainability criteria set out in the Sydney-Canberra Corridor Regional Strategy. A detailed and comprehensive assessment of the proposal against the sustainability criteria contained in the Strategy has been undertaken by the proponent and accompanies the planning proposal (NSW Position Paper - Knight Frank Town Planning). It is considered that the assessment is more than sufficient to enable the proposal to proceed to further investigation and consultation.

Consultation with relevant agencies, both NSW and ACT, will further inform the merits of the proposal against the sustainability criteria. This can be done post consultation with agencies and prior to the plan being placed on public exhibition.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Indicative at this time but suitable for illustrating the intent of the proposal. More detailed mapping illustrating proposed changes to the Yass LEP will be required for Community Consultation.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Significant consultation with both governments and the community has already occurred.**

Council has proposed consultation with a number of agencies. However Council has not included the respective Treasuries (NSW and ACT) and other agencies that should be consulted (such as NSW Premiers and Cabinet).

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **The studies that have been prepared are extensive and address most of the relevant physical and environmental constraints for the site.
As noted, a detailed and comprehensive assessment of the proposal against the sustainability criteria contained in the Strategy has been undertaken by the proponent and accompanies the planning proposal. It is considered that this assessment is more than sufficient to enable the proposal to proceed to further investigation and consultation.**

Again, consultation between the ACT Government, the NSW Government and service providers will need to be required early in the process to identify and address the financial and servicing issues associated with the proposal.

Proposal Assessment

Principal LEP:

Due Date : **July 2013**

Comments in relation to Principal LEP : **Comprehensive LEP made in July 2013.**

Assessment Criteria

Need for planning proposal : **The planning proposal has merit in the context of it being a sustainable cross border urban settlement that would provide significant land supply in the Regional market into the future.**

Masterplanning for the overall NSW/ACT release area has been undertaken to ensure a whole of development approach irrespective of jurisdictional boundaries.

Consistency with strategic planning framework : **A detailed and comprehensive assessment of the proposal against the sustainability criteria contained in the Sydney Canberra Corridor Regional Strategy has been undertaken by the proponent and accompanies the planning proposal (NSW Position Paper - Knight Frank Town Planning).**

It is considered that the assessment is more than sufficient to enable the proposal to proceed to further investigation and consultation.

Consultation with relevant agencies, both NSW and ACT, will further inform the merits of the proposal against the sustainability criteria. This can be done post consultation with agencies and prior to the plan being placed on public exhibition.

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Environmental social
economic impacts :

Proposal primarily focused on previously disturbed and cleared lands. Capable for being fully serviced. Offers access to high level ACT services and facilities. Will provide numerous jobs during construction phase. Consolidated urban settlement with potential for strong community cohesion and focus.
Need to resolve details regarding cross border servicing and financial recoupment.

Assessment Process

Proposal type : **Precinct** Community Consultation Period : **40 Days**

Timeframe to make LEP : **24 months** Delegation : **DDG**

Public Authority
Consultation - 56(2)
(d) :

**Ambulance Service of NSW
Department of Attorney General and Justice
Murrumbidgee Catchment Management Authority
Department of Family and Community Services
Department of Family and Community Services
Department of Education and Communities
Office of Environment and Heritage
Department of Premier and Cabinet
Transport for NSW
Office of Environment and Heritage - NSW National Parks and Wildlife Service
Fire and Rescue NSW
Department of Health
NSW Police Force
NSW Rural Fire Service
NSW Treasury
Transport for NSW - Roads and Maritime Services
NSW Electoral Commission
Other**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **The planning proposal should proceed because it is an extension of a proposed urban release area in the ACT. The demand for housing is essentially being driven by the Canberra market.**

There has been extensive cross border consultation on the development prior to it being submitted the Council. ACT, NSW and Yass Valley authorities are all aware of the complexities of the proposed service provision and cross border infrastructure funding. Although a good understanding exists of likely infrastructure and service needs, it has not been officially agreed by either jurisdiction. As a consequence, the proposal for a cross border report and forum has been recommended to provide an appropriate mechanism and forum for the ongoing discussion of these issues.

Given the significant cross border planning issues raised by the planning proposal and the lack of consistency with any endorsed strategic planning framework, Council should not be authorised to use its plan making delegations in this instance.

RECOMMENDATION: That the Executive Director, Regions, as the Delegate for the Minister of Planning, approve the Gateway Determination subject to a condition requiring a report and forum that addresses government funding and servicing for the Parkwood urban release area.

Resubmission - s56(2)(b) : **No**

If Yes, reasons : **The major issue with the planning proposal is the additional information required to address the arrangements for the provision of government services to the Parkwood**

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urban release area (e.g. water, sewerage, roads, garbage collection, dog control, child care facilities, libraries, public open space, street lighting, policing, fire and rescue, development assessment, etc).

The planning proposal has outlined options for the provision of government services either by the ACT Government, NSW Government and Yass Valley Council. The issue of the ongoing funding and provision of urban services is yet to be fully discussed and addressed.

The Planning Proposal will therefore require extensive consultation with NSW and ACT agencies and prior to any exhibition of the proposal. Amendment and alteration of the planning proposal and supporting documentation, that adequately addresses the funding and provision of services, may be required before the planning proposal is suitable for community consultation.

RECOMMENDATION: The planning proposal is to be submitted with the General Manager, Southern Region, Department of Planning and Environment for endorsement following the preparation of the necessary supporting studies on infrastructure. The revised planning proposal must include a report that addresses the ongoing provision and funding of government services for the Parkwood release area. The report must be based on consultation with relevant State and local government agencies.

Identify any additional studies, if required. :

Other - provide details below

If Other, provide reasons :

The planning proposal includes a number of background studies on land capability and suitability.

However further information is required to address the ongoing funding and management of government services for the Parkwood release area.

RECOMMENDATION: A revised planning proposal is to be prepared to include a report that addresses the ongoing provision and funding of government services for the Parkwood release area. The report must be based on consultation with relevant State and local government agencies.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **Yes**

If Yes, reasons :

Further information is required to be submitted with the planning proposal to address the ongoing funding and management of government services for the Parkwood release area.

Documents

Document File Name	DocumentType Name	Is Public
FINAL Planning Proposal combined.pdf	Proposal	Yes
1. Vision Statement - Tony Adams Report.pdf	Study	Yes
2. sep-pol-1YVC.pdf	Study	Yes
3. West Belconnen urban release Position Paper.pdf	Study	Yes
4. Edge - Agricultural Lands Review June 2014.pdf	Study	Yes
5. Visual Impact Assessment 140602 LR.pdf	Study	Yes
7. West Belc Conservation Area-TRC Tourism Final Report-15062014.pdf	Study	Yes
8. West Belconnen, NSW Blocks Rev1.pdf	Study	Yes
Flora and Fauna.Jan.09.pdf	Study	Yes
Flora and Fauna.Sep.2013.pdf	Study	Yes
Targeted Bird Survey.pdf	Study	Yes
10. Biosis Archaeological Report (2).pdf	Study	Yes
11. AECOM Environmentall.pdf	Study	Yes
13. Cagney - Transport- Final Report June 2014 - WB ISTEP.pdf	Study	Yes

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(Elton 2014c) Comprehensive Community Plan Part 1 Background Report 17-06-14-Elton-140617-v1.pdf	Study	Yes
(Elton 2014d) Comprehensive Community Plan Part 2 soc sustainability strat 17-06-14-Elton-140617-v1.pdf	Study	Yes
(Elton 2014e) Comprehensive Community Plan Part 3 Soc infrastructure reqs 17-06-2014-Elton-140617-v1.pdf	Study	Yes
(Elton 2014f) Comprehensive Community Plan Part 4 Housing 20-06-14-Elton-140529-v1.pdf	Study	Yes
15. ACTEW.pdf	Study	Yes
16. Eltons Environmental Trust-final.pdf	Study	Yes
17. Ecological - Bushfire.pdf	Study	Yes
18 West Belconnen, NSW Blocks Rev1.pdf	Study	Yes
20. CEE-Parkwood Egg Farm Buffer-March 2014.pdf	Study	Yes
21 -Lindsay Taylor paper.pdf	Study	Yes
22. Browns-Sewer and Water concept Plan.pdf	Study	Yes
23. OSBORNE & WONG Final Report PTWL West Belconnen - Ginninderra Creek 10 May 2013.pdf	Study	Yes
24. EMA 20140217 WBECHA Area NSW Block FD Iss 3.pdf	Study	Yes
25. WBECHA NSW Neighbours FD iss 3.pdf	Study	Yes
26.AECOM Technical Traffic Report.pdf	Study	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.2 Rural Zones
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

Additional Information :

The Executive Director Regions, as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that the draft Local Environmental Plan should proceed subject to the following conditions:

1. The planning proposal is to be revised prior to community consultation to include a Cross Border Government Servicing Report that addresses the intended framework for government funding and service delivery to the land by the ACT Government, NSW Government and Yass Valley Council.
2. Prior to any community consultation on the draft plan, a forum is to be held with all relevant government service providers to determine if the servicing framework in the Cross Border Government Servicing Report is practicable.
3. A revised planning proposal, that includes the Cross Border Government Servicing Report, is to be submitted to the General Manager, Southern Region, for endorsement prior to community consultation.
4. The Council is to prepare draft LEP Maps that are consistent with the latest version of the "Standard technical requirements for LEP maps" and the draft maps are to be placed on public exhibition as part of community consultation.
5. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the planning proposal must be made publicly available for a minimum of ²⁸60 days; and BW
(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).

6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

- The ACT Government, including ACT Chief Ministers Department, ACT Treasury and ACT Environment and Planning Directorate.
- Ambulance Service of NSW
- Department of Attorney General and Justice
- Murrumbidgee Catchment Management Authority
- Department of Family and Community Services
- Department of Education and Communities
- Office of Environment and Heritage
- Department of Premier and Cabinet
- Transport for NSW
- Office of Environment and Heritage - NSW National Parks and Wildlife Service
- Fire and Rescue NSW
- Department of Health
- NSW Police Force
- NSW Rural Fire Service
- NSW Treasury
- Transport for NSW - Roads and Maritime Services

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 40 days to comment on the proposal.

7. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

8. The timeframe for completing the LEP is to be 24 months from the week following the date of the Gateway determination.

Supporting Reasons :

A revised planning proposal is required to address government funding and servicing arrangements for the Parkwood release area on ACT/NSW border.

Signature:

Printed Name:

Brett Whitworth
General Manager
SOUTHERN REGION

Date:

2 March 2015

THE SOUTHERN REGION
Regional Manager
Brett Whitworth