

# West Belconnen urban release – NSW position paper



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**Date: 21 March 2013**

## **1. Purpose of Position Paper**

The purpose of this Position Paper is to describe and provide commentary on the strategic setting and specific issues arising in relation to the location of the proposed West Belconnen urban release on and adjacent to the NSW/ACT border. The Position Paper provides the strategic context for considering the planning proposal for the rezoning of land at West Belconnen in NSW being that land along Parkwood Road bounded by Ginninderra Creek and the Murrumbidgee River. The West Belconnen NSW lands form part of a wider proposed urban release intended to be developed adjacent and across the border with the aim of being planned as a single harmonious community irrespective of jurisdictional boundaries. This is clearly a significant challenge and equally an opportunity to develop and promote a model of development adjacent to the border that can practically function as one community. It provides an opportunity for innovation and leadership on how to plan and provide for such future urban releases within the Yass Valley Local Government Area (LGA).

In order to describe and demonstrate the extent to which West Belconnen has strategic merit, this Position Paper addresses the key aspects of:

1. Referencing and commentary against the Threshold Sustainability Criteria set out in the Sydney to Canberra Corridor Regional Strategy.
2. An understanding and describing of what municipal and state services are required in order to sustain a viable community adjacent to the border, specifically a review of what services are required; to what standard; when required and; how funded both in terms of capital and recurrent costs.
3. Potential governance arrangements noting the unique circumstances of West Belconnen in terms of its physical location.

The Position Paper will form part and provide the basis for addressing the strategic merit of the planning proposal as is required by the NSW Environmental Planning and Assessment Act. The Position Paper will also assist the NSW/ACT Cross Border Senior Planning officials working group in determining the most appropriate way forward in terms of a coordinated cross border approach to West Belconnen.

This Position Paper has been prepared by Knight Frank Town Planning in collaboration with Elton Consulting on behalf of the Riverview Group.

## **2. Background and introduction to West Belconnen**

The West Belconnen release is a reference to a proposal to plan and develop a new community adjacent to the established north western suburban edge of Belconnen in the ACT together with the land adjoining in NSW. The adjoining NSW lands comprise of 5 land holdings collaborating on the proposal to plan for the development. The ACT land comprising the majority of the overall planned release is currently held under a 99 year lease by Corkhill Brothers. However, upon the approval of an amendment of the ACT Territory Plan to facilitate the proposed development, that land will be transferred to the Land Development Agency (LDA) and the Riverview Group representing the Corkhill family as leaseholders. Riverview Projects (ACT) Pty Limited, as associate of Corkhill Brothers, will manage the planning design, construction and sale of the ACT land on behalf of the LDA and the NSW land on behalf of the NSW landowners. Corkhill Brothers (via its subsidiary Reid and Stevens Pty Limited) is the largest landholder on the NSW lands. As a consequence, the majority of the land proposed to be released is in a contiguous ownership across the state/territory border. This is a unique circumstance not replicated anywhere else on the border between NSW and the ACT. Apart from land

use planning, the land title regimes of leasehold and freehold is perhaps the most significant difference in terms of determining land will be subdivided and developed in a coordinated manner.

The proposal for one planned community on and adjacent to the border presents a number of challenges reflecting the various jurisdictional interests and statutory requirements of the various levels of government being Yass Valley Council; NSW Government; the ACT and the Commonwealth.

The heads of agreement between the ACT Government and the Riverview Group makes provision for trunk services being water and sewer to be made available to development in NSW adjacent to the release in the ACT subject to the release of an agreed number of lots within the ACT being met. Again, this is a unique circumstance in terms of border adjacent developments.

Leading up to the preparation of the Position Paper has been a series of discussions and planning investigations with key authorities on both sides of the border being:

1. Yass Valley Council
2. NSW Planning and Infrastructure
3. NSW Premier and Cabinet
4. ACT Chief Ministers Department
5. ACT Environment and Sustainable Development Directorate
6. ACT Land Development Agency
7. National Capital Planning Authority

In addition a Planning Design Forum as a collaborative design lead exercise with community and government stakeholders has provided the basis for the current structure plan for the overall release both sides of the border.

### **3. Executive Summary**

West Belconnen will be a single planned community that is sited on and adjacent to both sides of the border between NSW and the ACT. Both sides will share many mutual interests across the two jurisdictions. Those mutual interests are not however regarded as barriers to development or a community in NSW. Rather, as confirmed by the servicing review undertaken by Elton Consulting, there are administrative and funding solutions to sustain a viable border adjacent community. Whether over time, there is an agreement by governments at all levels to review the state/territory border is a matter separate to this Position Paper and servicing review.

For the purposes of this Position Paper in supporting the proposed rezoning of the NSW lands, the assumption has been made that the state /territory border remains as is and that West Belconnen is most appropriately described as a border adjacent community.

In establishing how West Belconnen then fits in terms of the wider strategic setting for Yass Valley and region, the challenge remains how to understand, prepare and position parts of the Yass LGA for the likely change from rural to what might be described as 'urban fringe' as a contributor to regional housing supply. West Belconnen is an opportunity to provide leadership in how that regional housing supply might be partly met. West Belconnen is contemporary approach to partly meeting the demand for housing that will compliment not compete with the historical and important role of the towns and villages in Yass Valley.

In terms of strategic merit, a review of West Belconnen NSW lands has been undertaken against the local (Yass Valley) and regional (NSW Government) policy framework, critically the Threshold Sustainability Criteria within the Sydney to Canberra Corridor Regional Strategy. That review whilst acknowledging that West Belconnen falls outside the current and anticipated settlement framework, confirms that West Belconnen is justified and supportable in terms of meeting all the desirable and proper planning principles for where new development should occur irrespective of the state/territory border.

#### **4. West Belconnen - Assumptions**

For the purposes of this Position Paper the following assumptions have been made concerning the scale and mix of uses likely as part of the eventual West Belconnen release as it applies to both the NSW and ACT lands. Those assumptions are based on both the extent of design work and planning investigations undertaken to inform the current structure planning undertaken by Roberts Day on behalf of The Riverview Group and the ACT Land Development Agency. The key assumptions are:

1. West Belconnen will ultimately comprise of 11500 dwellings of which approximately 4500 will be located within NSW.
2. Based on these dwelling yields the projected population for West Belconnen in total is approximately 30000 and for the NSW lands, approximately 11,000. By way of comparison the existing population of Yass town is approximately 7,000.
3. West Belconnen will be developed in a staged manner extending from south to north coinciding with the provision of utilities and services.
4. Based on this staging plan and subject to the actual take up of lots, the West Belconnen NSW lands are expected to commence development by 2024.

#### **5. The Planning and Development Process**

To assist in understanding how this Position Paper and more importantly, the servicing review 'fits' in relation to the overall planning and development process, it is important to note that the planning and approvals pathway for West Belconnen (NSW) provides for a number of 'checks' on the adequacy of services and infrastructure coinciding with key steps in both the process of rezoning and the development approvals process. In effect, there will be a stepped process from inception to 'development ready'. Having an understanding as to what those steps are is critical to establishing what level of information is required and extent to which issues need to be both detailed and resolved prior to development proceeding. To assist, set out in the table below are those processes and where the key opportunities or 'checks' are for Council and Government to be satisfied as to the extent and details of particular servicing and infrastructure requirements.

The rezoning (Planning Proposal) ought not to be regarded as the only opportunity to address Council's interests in the adequacy of services and infrastructure. The planning system is purposely designed to have matters of detail addressed at the subsequent stages of more detailed controls (say the Development Control Plan and Local Planning Agreement on funding) and development assessment.

## Planning Proposal

In summary, the Planning Proposal process is deliberately structured in a stepped fashion to ensure there are various opportunities for Council and Government to be satisfied as to the adequacy of information provided starting from the broad through to greater detail. Each step is an opportunity for Council to review and where necessary, refine the proposed LEP amendment.

1.Planning Proposal	How infrastructure and service provision are addressed
Lodgment of Planning Proposal to Council  Current Step	The lodged Planning Proposal needs to address and demonstrate that the Proposal has strategic and site specific merit. It is principally at the broad level of review and not intended to address matters of detail. Rather, to demonstrate that the Proposal has sufficient merit to enable 'in principle' support by Council in order to progress to seeking a Gateway Determination.
Gateway Determination	The Gateway Determination is an assessment by NSW Planning and Infrastructure (Director General) on the adequacy and merit of the Planning Proposal. The conditions of the Gateway Determination will specify what planning, environmental and servicing issues need to be addressed and satisfied before a Proposal can proceed to exhibition. The Determination will also set out which agencies need to be consulted with. The Gateway Determination will also confirm who will be the Relevant Planning Authority (RPA). Ordinarily this will be Council. As the RPA, Council retains responsibility and 'control' as to the processing and overall adequacy of the planning proposal.

Post exhibition and submitting to the Minister	Council as the RPA has the opportunity again after exhibition of the Planning Proposal, to review and either proceed with or amend.
Making of the LEP amendment	The Minister also has the authority to review the LEP amendment or in certain circumstances, amend.
<b>West Belconnen LEP (amendment to Yass Valley LEP 2013)</b>	
Satisfactory arrangements for services and infrastructure for new urban release areas.	As part of the West Belconnen amendment to the Yass LEP 2013 and like many Standard Instrument LEP's for new release areas, (by way of a 'local' example, the Queanbeyan LEP (South Tralee) 2012), it is likely that the West Belconnen amendment will include a statutory requirement that the Director General be satisfied that arrangements are in place for state services and infrastructure before any development consents are granted. This is a statutory requirement to be satisfied before development consent can be issued. Attached are the example provisions from the Queanbeyan LEP (South Tralee) 2012, with key provisions highlighted in Appendix 1. .

<b>B. Development Control Plan</b>	
A number of the Standard Instrument Local Environmental Plans for new release areas do expressly provide for and require the preparation of a Development Control Plan.	It is likely that the West Belconnen amendment will include a statutory requirement that a Development Control Plan be in place and that Council be satisfied that it addresses a number of prescribed matters including the sequencing of services and infrastructure,, prior to issuing development consent. See extract attached from the Queanbeyan (South Tralee) LEP 2012 at Appendix 2.
<b>C. Planning Agreement</b>	
The Environmental Planning and Assessment Act provides for the preparing of funding and servicing agreements between Council and developers. These agreements are referred to as Local Planning	A Planning Agreement can specify what services and infrastructure are to be provided, to what standard, at what time linked to stages of development and who it will be provided by.

Agreements.	A Planning Agreement can be both a Local Planning Agreement between the Council and the developer or a State Planning Agreement between the State (NSW Planning and Infrastructure) and the developer.
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D. Development approval pathways	
Development consent of Council	Generally all aspects of the West Belconnen release will fall under Part 4 of the Environmental Planning and Assessment Act and will be uses that will require the development consent of Council pursuant to S79C of the Act. The key 'check' for Council will be the obligation on the developer/applicant to ensure that satisfactory service and infrastructure arrangements are in place before consent will be issued

### Implications for West Belconnen

In summary, the complete land development process from inception (say rezoning) through to the release of the first lots has a number of deliberate and clear statutory safeguards to ensure that Council's and the State's interests in terms of servicing and infrastructure are protected and properly addressed.

The West Belconnen proposal is only at the first step and does not need to have all matters of servicing detail resolved at this stage.

## **6. West Belconnen – Strategic Context**

### **A. Does West Belconnen have Strategic Merit?**

In order to determine whether West Belconnen does have strategic merit it is useful and important to understand firstly what is the settlement pattern and character of Yass and secondly, how does West Belconnen 'fit' in terms of both that pattern and when considered against the current planning policy framework, local and regional.

#### **1. What is the settlement pattern and character of the Yass LGA?**

Located to the immediate north of the ACT, Yass Valley is historically a rural based Shire comprising of Yass town and a number of smaller villages each originally serving rural areas of the LGA. Rather than rural, the principal drivers however of growth and change have for some time been the demand for housing driven by proximity to Canberra. This was acknowledged by the ACT and Sub Region Planning Strategy in 1995 that set out the planning framework for the area of Yass Valley generally regarded as being within 'commuting distance' of Canberra. This strategy was prepared in collaboration by the surrounding councils, the NSW, ACT and Commonwealth Governments. This has continued to be the strongest driver of growth of population and in turn the demand for housing in the LGA as evidenced by comparing the growth in the 'commuting area' versus the balance of the LGA. Prior work was also undertaken in 2004 on drivers of change in the Sydney to Canberra Corridor by Macroplan.

The relatively high level of growth experienced and forecasted for Yass Valley is not typical of most other rural local government areas across the State as evidenced by the LGA statewide population forecasts published by NSW Planning and Infrastructure. Those figures confirm the extent of change Yass can expect over the next 20 – 25 years. For the 10 years from 2001 to 2011, Yass Valley was the equal 4<sup>th</sup> fastest growing of the 152 local government areas in NSW and the 2<sup>nd</sup> highest outside the Sydney metropolitan area (ref: Yass Valley Community Vision 2030)

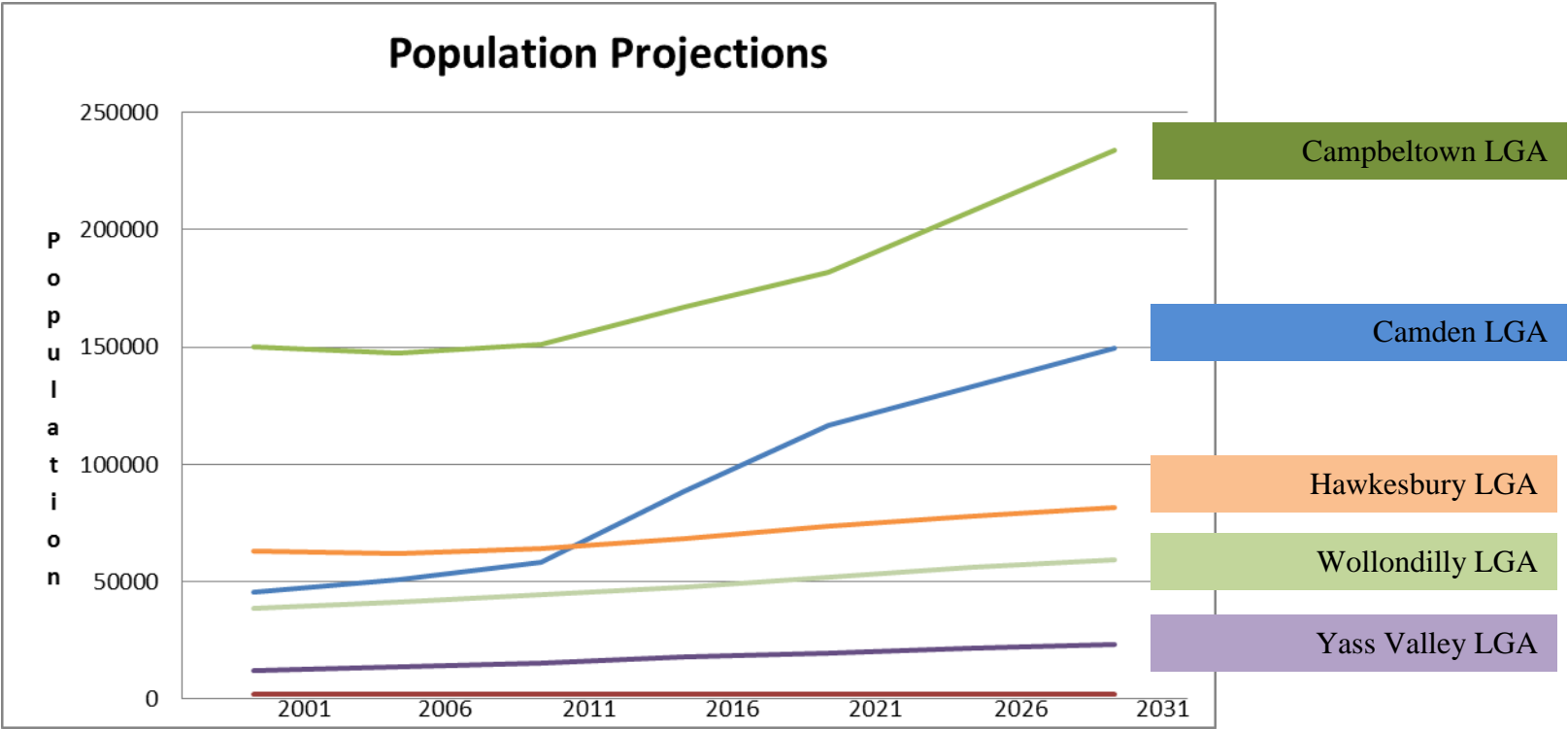
Whilst not typical of most rural local government areas, it is typical of local government areas better characterised as 'urban fringe' rather than rural. Such Councils may be generally characterised by:

- A fringe location close to a metropolitan or large regional centre with continued strong housing demand;
- A shift from rural to more urban based communities;
- A high demand for services and;
- A wider regional role in the supply of greenfield land releases for housing.

They are local government areas that have experienced high urban growth from a relatively low rural base. By way of example it is interesting to note that the growth experienced by Camden and Hawkesbury Valley Councils compared to Yass in terms of trends (not absolute numbers) which shows a similar magnitude of change. (See Figure 1). It is useful to note that Camden in particular, has played a major positive role in the planning and providing of new housing releases as part of the

Sydney south west corridor. It is also relevant to note that Queanbeyan City plays an important role in the providing of land for housing in the wider ACT urban fringe/ sub region.

Figure 1



It is not unreasonable to characterise the southern area of Yass within that commuting distance in much the same way being the urban fringe to Canberra. It is in this capacity that the Yass LGA may potentially take on a similar wider regional land supply role considering the practical and finite limits to land supply within the ACT. It is noted that that Sydney to Canberra Corridor Regional Strategy does otherwise refer to peri urban areas being those areas described as being in close proximity to Canberra or Sydney urban areas. The emphasis of peri urban however is generally the limiting of fragmentation and the value of agriculture. It is an important aspect of managing urban fringe demand for housing.

An urban fringe role for Yass may not necessarily just be 'more of the same' in terms of the historical building on existing villages if the same or perhaps complimentary planning and settlement outcomes can be achieved by also considering the role of new releases where they meet all the relevant and desirable servicing and planning outcomes of Council and Government. How Yass however takes on this role is a wider policy discussion for Government, State, local and

Territory and is beyond the purpose of this Position Paper. It is relevant however to deciding on whether West Belconnen is consistent with the likely future character of some aspects of how land demand and type is met across the Yass LGA. It is envisaged that this form of development at West Belconnen will compliment not compete with the important role and hierarchy of existing centres in the LGA. Again, whilst it is beyond the purpose of this Position Paper, it does also highlight the challenge and opportunity to pro actively prepare Yass for that urban fringe role.

### **Implications for West Belconnen**

There is nothing to indicate that the extent and character of future growth for the Yass Valley LGA will not continue to be largely driven by its proximity and relationship with the ACT. A regional housing approach to the demand for housing across the ACT and surrounding NSW lands suggests an important role for the Yass LGA. In that sense West Belconnen as a greenfield release adjacent to the border will be an important contributor to regional housing supply in a location that in terms of housing choice, will compliment not compete with the hierarchy and role of established towns and villages in the Yass Valley.

In considering the likely settlement pattern and character of Yass and in order to support the rezoning of West Belconnen for urban development, it is necessary to demonstrate that the Planning Proposal has strategic merit.

Whilst it is the conclusion of this Position Paper, that West Belconnen has strategic merit in terms of overall planning and settlement principles, it is recognised that there is an explicit policy framework for planning proposals in NSW that provides the basis for establishing whether a proposal has strategic merit. That reference to strategic merit is outlined in the Guide to preparing planning proposals issued by the Department of Planning and Infrastructure. The Guide issued pursuant to s55 (3) of the Environmental Planning and Assessment Act provides guidance on the process for preparing planning proposals. The Guide notes that in order to demonstrate that a proposal has strategic merit it is necessary to account for the current adopted local and regional strategies together with strategic considerations including “proximity to existing urban areas, public transport and infrastructure accessibility and providing jobs closer to home”.

The strategic merit of West Belconnen has been reviewed against both local and regional plans and strategies as follows:

#### **A. Local plans and strategies**

In terms of Yass Valley, the local strategy or planning policy position of Council is reflected in the following

Strategy	Commentary
Yass Local Environmental Plan 2013 (YLEP)	The YLEP is the principal statutory plan for the LGA. Whilst the LEP was based on and informed by specific planning strategies for certain areas being Yass town and villages, the rural areas including West Belconnen were not. The rural areas were principally a conversion from prior LEPs to the current Yass Valley LEP. In other words, the current rural zoning was not underpinned by a planning strategy that might have otherwise formed a different conclusion on the appropriate contemporary zoning response to areas such as West Belconnen. It is noted however that

	<p>Council did acknowledge in the reporting on the exhibited LEP that West Belconnen would be subject to a separate request for rezoning. It is also noted that Council has a number of separate planning reviews underway for the rural areas of the LGA being the Non-Urban Lands Study and a proposed review of rural residential settlements.</p> <p>Therefore whilst the Yass Valley LEP might be generally regarded as Council's 'policy position' on development it arguably does not do so for the rural areas including West Belconnen. It is the purpose of this Position Paper and the subsequent planning proposal to provide the strategic basis for the appropriate land use zoning response as an amendment to the YLEP 2013.</p>
Yass Valley Town and Villages Study 2010	<p>The Town and Villages Study adopted by Yass Valley Council in 2010 informed the YLEP and is the policy basis for Council considering planning proposals in and generally adjacent to the villages. The objectives in part are to; identify areas for future residential, rural residential and village investigation and; to review and plan for existing town and village expansion noting that the Study has not considered the creation of additional settlement outside the defined investigation areas. Those investigation areas did not include West Belconnen.</p> <p>The Study acknowledged the particular drivers of growth associated with close proximity to Canberra noting that such peri urban areas extended to Gooromon, Jeir, Tallagandra-Picaree, Gundaroo, Sutton and Murrumbatemen. Whilst not expressly mentioned, West Belconnen is part of the same peri urban area and arguably more so than all others mentioned given its unique close proximity and relationship to existing suburban Canberra and services.</p> <p>With the scope of the Study limited to a review of growth and development options for the established towns and villages and only within the Yass Valley LGA, it did not extend to an examination of the merits or otherwise of new settlements close to or adjacent to the NSW/ACT border. Arguably it is then not a case of West Belconnen not being consistent but rather not anticipated by the Town and Villages Study. Nevertheless, it is noted that the Study does expressly refer to and adopt the Sydney to Canberra Corridor Regional Strategy Threshold Sustainability Criteria as the basis for reviewing all recommended zones in each town and village. The same Threshold Sustainability Criteria have been addressed in determining the strategic merit of West Belconnen.</p>
Yass Valley Community Vision 2030	<p>The Yass Valley Community Vision 2013 is a community based statement setting out series of goals and future priorities for 6 key themes across the LGA. Whilst it is not a land use planning statement it is a useful insight to community expectations and priorities. In that regard, a number are relevant and met by West Belconnen even though it was not a proposed development anticipated at the time of the preparing of the Vision Statement. Relevantly, the key ones are:</p> <p><b>Natural Environment</b></p> <p>Long term goal of a natural environment that remains clean and healthy. Strategies include the identifying and promoting of best practice in sustainable land management. <b>Comment:</b> The evidenced based approach to the</p>

	<p>proposal to establish a Murrumbidgee River Corridor Conservation Management Trust as part of the West Belconnen release is intended to be best practice in sustainable land management in terms of the enhancing of conservation values and an approach to on-going funding. Further, on the basis of preliminary advice by AECOM, the proposed Water Sensitive Urban Design (WSUD) strategy for West Belconnen will when implemented result in a net improvement to the quality of storm water flowing from the site to Ginninderra Creek and the Murrumbidgee River.</p> <p><b>Recreation and open space</b></p> <p>Long term goal of expanded outdoor recreation options. <b>Comment:</b> The proposed Murrumbidgee River Corridor which will incorporate the Ginninderra Falls will be an integrated linear conservation park that will plan and incorporate opportunities for both passive and active open space uses.</p> <p><b>Rural and urban development</b></p> <p>Long term goal of a local area that is characterised by its small towns and villages within a rural environment. <b>Comment:</b> Whilst West Belconnen will be urban in character, its siting away from nearly all public vantage points in the Yass LGA will ensure it does not diminish the rural setting or character of existing villages or major view corridors such as the Barton Highway.</p>
Council proposed planning reviews – Non Urban Lands Study and Rural Residential Settlement	Whilst not adopted policy, the current planning reviews by Council for the Non Urban Lands (Planning Proposal) and the resolution to review the potential for rural residential settlement both are relevant to the extent of acknowledging the need Council to be proactive and plan for both the changing role of rural lands and diversity of housing choice.

### Implications for West Belconnen

Whilst Yass Valley Council's current policies and position on settlement and growth throughout the LGA do not expressly refer to West Belconnen, this does not necessarily suggest that West Belconnen is not consistent with those policies but rather that West Belconnen had not been accounted for in considering a likely form and location of development in the LGA. That is a development adjacent to the border. West Belconnen does highlight an opportunity to compliment Councils long term planning in terms of one approach on how to manage the future demand for housing in the LGA which is largely driven by proximity to the ACT.

## B. Regional Strategies

In terms of a regional strategic planning position, the Sydney to Canberra Corridor Regional Strategy applies to Yass Valley and has statutory weight by way of the s117 Local Planning Directions under the NSW Environmental Planning and Assessment Act. The Regional Strategy sets out a series of Settlement Outcomes as the basis for the desirable location and type of settlement across the Region together with a series of specific settlement principles as previously endorsed by the NSW and ACT governments as part of the ACT/NSW Cross Border Region Settlement Agreement. Where a proposal falls outside the agreed settlement framework, the Regional Strategy expressly provides for it be considered provided it can be demonstrated that it satisfies the Threshold Sustainability Criteria.

As West Belconnen does fall outside the settlement framework, the strategic merit of the Planning Proposal requires that the Threshold Sustainability Criteria be addressed and satisfied. In the particular circumstances of the locating of West Belconnen the addressing of that criteria has been undertaken in the context of a border adjacent community.

### Threshold Sustainability Criteria

Criteria	Commentary on how addressed
1. Infrastructure Provision Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way	<p>Whilst some distance from established centres in the Yass LGA and other NSW based regional service centres of Queanbeyan (1 hour), Goulburn (1.25 hours) and Yass town (1 hour), West Belconnen is located adjacent to the established north western suburban edge of Canberra. For all practical purposes, services have historically been provided from the ACT.</p> <p>The West Belconnen release within NSW is part of a wider new release that will have utilities provided in an orderly manner based on a staged approach from the ACT. That is, utilities will be in place and available as part of an integrated whole of ACT/NSW integrated approach to the physical planning of the release. A detailed infrastructure plan is underway including utilities and transport planning as well as a community plan describing the open space, community and other human services infrastructure which will be required.</p> <p>In terms of local and state services required, some of which relate to infrastructure; to what standard/capacity; when provided and how funded; a services review has been undertaken by Elton Consulting and forms part of this Position Paper – (Appendix 3). The services review is based on discussions with Yass Valley Council</p> <p>In terms of West Belconnen it is acknowledged that this is a unique set of circumstances in terms of the historical and practical community of interest with an adjoining separate jurisdiction, however the regional settlement</p>

	<p>planning principles remain the same of locating urban releases close to and adjoining established urban centres. The services review confirms that it is practical and viable to co locate West Belconnen adjacent to the border with the ACT.</p>
<p>2. Access</p> <p>Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided</p>	<p>Within the context of a border adjacent community, the structure planning, transport and access plans have taken a whole of release approach to linking West Belconnen to the existing Canberra public transport systems and road network in order to provide viable alternate forms of transport and more generally movement both within the proposed release and to the adjoining north western Canberra corridor.</p> <p>Specific transport and access studies have been undertaken by AECOM</p> <p>It is important to otherwise note that the whole of design approach underpinning West Belconnen aims to support and deliver a 6 star Green Star endorsement as a sustainable community by relevantly:</p> <ul style="list-style-type: none"> <li>• Minimising journey to work by a high level of local job containment as detailed in the economic and employment report prepared by Urbis</li> <li>• Seeking to modify travel behavior by ensuring access to viable alternate forms of transport to private vehicles from the early establishment of the release within the ACT and in sequences to NSW</li> <li>• A design based on walkable neighbourhoods</li> </ul>
<p>3. Housing Diversity</p> <p>Provide a range of housing choices to ensure a broad population can be housed</p>	<p>The West Belconnen structure plan for the proposed release provides for a diversity of housing types reflecting the importance of choice; forecasted changes in demographics and the range of housing costs. The housing stock reflects also a site responsive approach again underpinned by walkable neighbourhoods.</p> <p>In a regional context West Belconnen will be an important contributor to greenfield housing supply and based on current ACT housing demand forecasts is expected to meet approximately 20 percent of that demand. More broadly in terms of the lands generally close or adjacent to the NSW/ACT border, it is noted that are few opportunities apart from West Belconnen to provide for greenfield releases adjacent that coincides with a coordinated and agreed inter governmental approach to service delivery.</p> <p>The population forecasts for Yass and providing of an adequate supply of housing to meet that demand is based on the consolidating of development in and adjacent to existing towns and villages. West Belconnen NSW with an estimated eventual population of 10,000 is expected to be in addition to and not at the expense of the growth of the existing towns and villages, critically Yass and Murrumbateman.</p> <p>In a broader regional housing supply market, West Belconnen will compliment and support the role of the Yass</p>

	Valley LGA as a supplier of long term greenfield releases.
4. Employment Lands Provide regional/local employment opportunities to support the Sydney– Canberra Corridor’s expanding role in the wider regional and NSW economies	<p>A key feature of the planning for West Belconnen is the setting aside of sufficient lands and ways to enable a high level of local job containment. The economic and employment review undertaken by Urbis concludes that is possible.</p> <p>It is acknowledged that in terms of the Yass LGA, Yass town is recognised by the Regional Strategy as a ‘major town’ and in that capacity provides local and district level of services and facilities comprising the general range of weekly and some higher order goods and business services. West Belconnen by virtue of its location will not diminish or adversely affect that role of Yass town. Conversely and mindful of the 20 year plus time frame for development, West Belconnen has the potential to be an emerging service centre for the southern part of the LGA providing Council with an option for how it might plan for and service future urban releases closer to the border. This service role would compliment not compete with the ongoing role of Yass town and Murrumbatemen.</p> <p>At this scale and as concluded by the services review, West Belconnen has the potential to be a viable contribution to housing choice and settlements in the Yass Valley LGA.</p> <p>More broadly, whilst West Belconnen may not necessarily provide direct employment opportunities within Yass Valley LGA, it has the potential to contribute to the regional supply of employment with lands specifically set aside for business development and ‘start up’ businesses coinciding with the proposal to adaptively re-use the former West Belconnen land fill site and upgrade the current recycling facilities on Parkwood Road. Whilst not perhaps a direct contributor to LGA employment in the short term, it equally will not be a burden considering the intended proportion of local job containment and the direct access to the Canberra employment market.</p>
5. Avoidance of Risk Land use conflicts, and risk to human health and life, avoided	<p>As part of the review of the suitability of the site for urban development, a number of environmental and land terrain studies have been undertaken to address both the avoidance of risk and the conservation of important natural values. Those studies have all informed the structure planning for the release and comprise of:</p> <ol style="list-style-type: none"> <li>1. An urban capability study prepared by Douglas Partners</li> <li>2. Bushfire risk assessment prepared by Ecological based on Planning for Bushfire Protection</li> <li>3. Flood risk assessment prepared by SKM based on NSW Floodplain Development Manual</li> <li>4. Contamination study prepared by GHD</li> <li>5. Ecological studies prepared by Kevin Mills and Associates.</li> </ol>

<p>6. Natural Resources Natural resource limits not exceeded/ environmental footprint minimised.</p>	<p>The environmental and natural resource limits of the West Belconnen landscape is a key influence on the form and extent of development provided for through the structure plan. West Belconnen both in planning and the manner in which it is intended to operate as an urban system incorporates a number of significant sustainability initiatives being:</p> <ol style="list-style-type: none"> <li>1. One of the proposed first 6 star accredited communities under the national Green Star initiative</li> <li>2. A fully integrated water cycle management regime including leading water sensitive urban design (WSUD)</li> <li>3. Provision and planning for urban agriculture with the potential for a greater economic return than the current limited grazing</li> <li>4. Recognition and the maintaining of the existing Ginninderra gravel quarry as an important regional resource in the short to medium term.</li> <li>5. Greater planning for and protection of the Ginninderra Creek and Murrumbidgee River Conservation Corridor</li> </ol>
<p>7. Environmental Protection Protect and enhance biodiversity, air quality, heritage and waterway health.</p>	<p>The current land use zoning of West Belconnen is part RU1 – Primary Production and part E3 – Environmental Management. The E3 zone is principally a conversion from the prior 7e zoning. It is not a zone based on any recent empirical assessment. The ecological and landscape studies undertaken to inform the West Belconnen planning proposal has been an evidenced approach undertaken in close collaboration with the Office of Environment and Heritage and the ACT Parks and Conservation Service together with the catchment management authorities. Those studies and planning have identified a riparian and conservation corridor for the Murrumbidgee River and Ginninderra Creek that aims to ensure a positive and enhanced local and regional catchment outcome in the protection and maintaining of the ecological and landscape/scenic values of both waterways. Linked to the direct preservation of the ecological and landscape values of the release are also the water quality initiatives through the proposed water sensitive urban design strategy.</p> <p>A key aspect of an integrated approach to long term viable conservation is the proposed establishment of the Murrumbidgee River Corridor Trust. The Trust will be funded in part by a levy on first purchasers within the NSW release and from the normal operation cost commitment from the ACT Parks and Conservation Service toward such assets for the ACT part.. The Trust will help shift the burden from Government to community based management.</p>
<p>8. Quality and Equity in Services Quality health, education,</p>	<p>The importance of a long term West Belconnen community that is not disadvantaged in terms of access to services is acknowledged. Those services extend to both local and state and most importantly health, education, emergency services and community. Ordinarily for developments elsewhere in Yass Shire, those services</p>

legal, recreational, cultural and community development and other government services are accessible	<p>depending on the level required would be provided through a combination of formal arrangements between service providers in Yass town, Goulburn, Queanbeyan and the ACT. Currently, many of the higher order services at a regional/state/territory level are provided from the ACT as the largest regional centre.</p> <p>In terms of West Belconnen the community of interest is Belconnen and in particular Kippax. Kippax is a designated group centre within the ACT hierarchy of centres providing the full range of community based services. A social impact and needs assessment undertaken by Elton Consulting has identified the complete range of services necessary to support a viable West Belconnen community in both the ACT and NSW. Provision for those services including schools and recreation facilities has been provided for in the structure plan.</p> <p>The services review undertaken by Elton Consulting sets out how a border adjacent community might operate in terms of what services are provided; to what standard and; how funded. This extends to municipal services and references where there are existing state/territory arrangements in place.</p>
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### Implications for West Belconnen

The Threshold Sustainability Criteria within the Sydney to Canberra Corridor Regional Strategy expressly provide for development not anticipated by the regional settlement outcomes to be considered provided they satisfactorily address the criteria. A review of the West Belconnen proposal against the sustainability criteria does demonstrate that the proposal satisfies and arguably exceeds the outcomes for each of those criteria. Accordingly is a supportable planning proposal in terms of its strategic merit in a border adjacent location.

### C. How does West Belconnen relate to the Southern Area Settlement Principles?

In addition to the Threshold Sustainability Criteria that applies generally across the whole of the Sydney to Canberra Corridor Regional Strategy area, it is noted that the Regional Strategy otherwise references the following settlement principles as endorsed by the NSW and ACT governments in the ACT/NSW Cross Border Region Settlement Agreement. Whilst it is understood they were prepared in response to Queanbeyan/ACT border settlement proposals and may not necessarily represent contemporary thinking on some matters, they provide a useful guide against which to also consider West Belconnen against. They are:

#### A. Settlement Principle

All future settlement in the ACT should occur in accordance with the strategic direction outlined in the Canberra Spatial Plan; future settlement in NSW should be in accordance with the Sydney–Canberra Corridor Regional Strategy.

**Comment concerning West Belconnen** –In terms of the Sydney to Canberra Corridor Regional Strategy, the above assessment against the Threshold Sustainability Criteria confirms that it is an appropriate and supportable development.

In terms of the Canberra Planning Strategy the proposal to rezone land at west Belconnen for urban development is in line with the strategic planning intentions for the growth and development of Canberra. A portion of the West Belconnen site was identified for future residential development in the Canberra Spatial Plan, published in 2004 and the development potential has been confirmed in the Canberra Planning Strategy, published in September of 2012. In the Strategy the land is identified as being a “future urban investigation area” (ACTPLA, 2012, p. 40 fig 1.)

The Statement of Strategic Directions In the Territory Plan recognises that the ACT must be planned as both the setting for the National Capital and as a self-governing community in its own right. Accordingly, it complements and applies concurrently with the principles and policies set out in the National Capital Plan, while emphasising the particular needs of the Territory.

#### B. Water Resources Principle

Subject to the terms of the Memorandum of Understanding on Cross-Border Water Resources, water may be supplied to any existing settlement in the Cross Border Region, or any proposed new settlement in the Cross Border Region, where both parties to this memorandum of understanding agree the settlement is in accordance with the following principles.

##### Principle 1

All future settlement in the Region should be located to:

- Maximise the efficient use of existing infrastructure and services
- Minimise the need for additional infrastructure and services through the use of integrated economic, social and environmentally sustainable planning and design solutions
- Minimise the economic and community cost of providing and maintaining infrastructure networks and community services
- Protect areas of high conservation, cultural, natural heritage or landscape value.

**Comment concerning West Belconnen** – One of the key reasons the ACT Government has to date supported West Belconnen is the fact that the site (both ACT and NSW parts) can make cost effective use of existing under utilised infrastructure, especially in terms of bulk water supply (including possibly recycled effluent and / or harvested storm water), effluent treatment plant, road and public transport access, school, retail and commercial facilities and so on. West Belconnen is planned to

be a sustainable urban system from the manner in which it is laid out through to the site responsive structure plan and the integrated approach to managing the natural systems by way of both the water sensitive urban design and the conservation trust approach to the values of the Murrumbidgee River Corridor..

#### Principle 2

Any proposed development bordering the ACT and NSW must be complementary and, where appropriate integrated with the existing land uses (or future land uses proposed under the plans outlined in Principle 1 above if different to existing) on either side of the border to minimise land use conflict. Compatibility of land use, road connections and service ties must support future development.

**Comment concerning West Belconnen** – West Belconnen is the only location on the NSW/ACT border where there is a complete and integrated approach with intergovernmental support to the planning and development of a release sited on both sides of the border.

#### Principle 3

Future urban residential growth will predominantly be accommodated within existing urban areas (as defined in this Strategy) creating a pattern of compact and consolidated urban areas, surrounded by non-urban lands. New settlement areas should demonstrate a high degree of urban containment with regard to services and employment as a means of enhancing transport efficiency

**Comment concerning West Belconnen** – West Belconnen adjoins the suburban areas of north western Canberra. It is consistent with consolidating development close to existing serviced and will provide a high degree of containment both in a wider regional context and in terms of the extent of local services and employment opportunities to be provided within the release

#### Principle 4

Greenfield developments should, wherever possible, be:

- contiguous with (i.e. as close as possible) existing urban settlements, or self-contained in their provision of services
- released and staged in a manner that is consistent with orderly and economic development and that reflects a sustainable and demonstrated demand for housing in the locality and, more generally, in the Region

**Comment concerning West Belconnen** – West Belconnen is adjacent to the existing urban edge of north western Canberra with a proposed high degree of connectivity. The sequencing of the West Belconnen release will coincide with the availability and augmenting of existing services to ensure an orderly and economic approach to the development.

#### Principle 5

Economic development diversity will be supported by:

- The provision and enhancement of employment lands to accommodate long term needs that will be strongly linked to transport networks. This will be the priority land use for these lands
- Supporting the regional value of key infrastructure assets by limiting activities that may diminish their function or ability to contribute to the Region.

**Comment concerning West Belconnen** – The economic and employment lands review undertaken by Urbis confirms the positive contribution that West Belconnen will make to the regional economy and employment. Land for employment and business purposes will be set aside and safeguarded by way of zoning..

#### Principle 6

Rural industry and agricultural landscapes will be protected and supported through limiting activities and development that may diminish their economic, cultural and scenic contribution to the Region. Activities and development that are to be limited include rural residential forms of subdivision and subdivision that generally does not support the agricultural use of land.

**Comment concerning West Belconnen** – An agricultural lands review undertaken by Ian Sinclair of Edge Consulting confirms the limited agricultural value to the local economy of the current grazing on the West Belconnen lands. This is in part a function of limited land area, the distance to local markets for sale of stock and the increasing risk to stock from domestic animals. The specific setting aside of lands within West Belconnen for urban agriculture has in itself the potential to generate income as well as wider positive social benefits. The contained nature of West Belconnen being bordered by Ginninderra Creek and the Murrumbidgee River also has the practical effect of limiting any impact on rural lands beyond the proposed release

A landscape and visual assessment of West Belconnen is currently being prepared to address the broader rural and river corridor setting of the site.

#### Principle 7

Long term land identified as potentially appropriate for urban purposes shall be safeguarded from inappropriate interim land uses and fragmentation that may compromise and conflict with the layout, orderly staging and mix of long term urban uses

**Comment concerning West Belconnen** – Notwithstanding the expected 20 plus year time frame for the take up of the overall release, the proposed structure plan and rezoning will safeguard land for urban purposes in a location consistent with consolidating development close to existing centres.

#### Implications for West Belconnen

Whilst the Southern Area settlement principles may have been intended to apply more directly to the context of Queanbeyan and the ACT, the principles remain valid more generally in terms of development close to or adjacent to the border. They provide a useful benchmark and set of pre-conditions by which development close or adjacent to the border should be considered. In this respect West Belconnen meets all of these pre-conditions.

## **7. Service delivery for the West Belconnen community**

The service delivery outline paper as attached at Appendix 3 has been prepared by Elton Consulting to also inform decisions on the way forward with West Belconnen.

The paper considers the delivery of a wide range of services to the future community at West Belconnen. It also helps to demonstrate that the proposed development accords with the Sustainability Criteria contained in the Sydney-Canberra Corridor Regional Strategy 2006-2031. In particular, it relates to Criteria 1: Infrastructure Provision and Criteria 8: Quality and Equity in Services.

In addition the paper includes proposed principles to guide the delivery of services to the West Belconnen community and options and a suggested approach for local representation and community governance. It also contains a matrix which:

- » documents the understanding of service delivery options, preferences and issues
- » describes the preferred or agreed service delivery approach, where this has emerged
- » suggests the next stage of information or decision making required, including timings linked to the overall planning process.

The paper considers service delivery to both sides of the ACT-NSW border. However, it focuses particularly on arrangements for the West Belconnen community in NSW.

It is anticipated the paper will be frequently reviewed and revised as the project proceeds and agreements on the optimal arrangements for specific services are reached.

The development of the entire West Belconnen community is expected to take some 30 years. There may be considerable changes to legislation, policy, technology, community expectations and other factors impacting service provision during that timeframe.

This paper focuses on the context for service provision as it currently exists. It also identifies areas where there are likely to be relevant changes to the context for service provision.

In order to assist in establishing the appropriate type and level of service necessary to support a viable West Belconnen community, a series of local infrastructure and service provision principles have been prepared in collaboration with Yass Valley Council as set out below.

- » Ensure that West Belconnen looks and feels like a cohesive, borderless community
- » Prepare and implement a consistent master plan and associated development controls for the West Belconnen community on both sides of the border
- » Recognise residents of West Belconnen will be represented in local governance processes in both the ACT and NSW
- » Provide appropriate community governance arrangements to enable West Belconnen residents to be engaged in, and able to advocate for, the needs and interests of their community
- » Provide local service delivery through the ACT Government, Yass Valley Council and other service providers as appropriate
- » Continue to explore ownership options for local infrastructure including the ACT Government or associated authorities, NSW Government or associated authorities, and Yass Valley Council
- » Ensure that West Belconnen residents, and particularly those living in Yass Valley Council, clearly understand the roles and responsibilities of all infrastructure and service providers
- » Incorporate long term maintenance, renewal and replacement of infrastructure in planning for the development, including in the preparation of funding and servicing agreements

## 8. Options for West Belconnen

The assumption of the Position Paper is that West Belconnen NSW will be planned as part of one overall community on and adjacent to the NSW/ACT border. Nevertheless, it is acknowledged that there are a number of options for future service delivery and governance that may wish to be considered by Yass Valley Council, State and Territory Governments. They are:

1. A **border adjacent community** that is managed by Yass Valley Council with agreements for service delivery on an as needs basis with the ACT Government
2. A **cross border community** that relies principally on service delivery and management by the ACT Government with recurrent funding and service level arrangements in place with Yass Valley Council
3. A **shifting of the State/Territory border** to incorporate that land bounded by Ginninderra Creek and the Murrumbidgee River on Parkwood Road within the ACT subject to all necessary statutory obligations being met concerning existing land owners

It is not the purpose of this Position Paper to make a recommendation on any specific option however there is a number of **DRAFT** 'community management principles' regarded as relevant to short - longer term decisions and which the cross border senior planning officials working group may wish to consider.

1. Recognise the mutual interest of all jurisdictions in supporting a functional community whilst still respecting the policies and priorities of each
2. Ensure that West Belconnen looks and feels like a cohesive, borderless community
3. West Belconnen to be a viable and functional community in terms of how services are provided and funded.
4. Like all new releases and to the extent possible, West Belconnen is not to be a burden on either governments or Yass Valley Council
5. To the extent possible, development and land use controls are to be harmonised
6. Decisions concerning West Belconnen should not result in barriers or impediments to future decisions on options for managing

## Appendix 1

### Extract from Queanbeyan Local Environmental Plan (South Tralee) 2012

#### 6.1 Arrangements for designated State public infrastructure

1. The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.
2. Development consent **must not be granted** for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area, unless the Director-General has certified in writing to the consent authority **that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure** in relation to that lot.

Subclause (2) does not apply to:

- (a) any lot identified in the certificate as a residue lot, or
  - (b) any lot to be created by a subdivision of land that was the subject of a previous development consent granted in accordance with this clause, or
  - (c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or any other public purpose, or
  - (d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.
- (4) This clause does not apply to land in an urban release area if all or any part of the land is in a special contributions area (as defined by section 93C of the Act).

## Appendix 2

### Extract from Queanbeyan Local Environmental Plan (South Tralee) 2012

#### 6.3 Development control plan

1. The objective of this clause is to ensure that development on land in an urban release area occurs in a **logical and cost-effective manner**, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.
2. Development consent **must not be granted** for development on land in an urban release area **unless a development control plan** that provides for the matters specified in subclause (3) has been prepared for the land.
3. The development control plan must provide for all of the following:
  - a. **A staging plan for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing,**
  - b. An overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,
  - c. An overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,
  - d. A network of active and passive recreation areas,
  - e. Stormwater and water quality management controls,
  - f. Amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,
  - g. Detailed urban design controls for significant development sites,
  - h. Measures to encourage higher density living around transport, open space and service nodes,  
Measures to accommodate and control appropriate neighbourhood commercial and retail uses,
  - j. Suitably located public facilities and services, including provision for appropriate traffic management facilities and parking

## **Appendix 3**

### **Service delivery for the West Belconnen community report by Elton Consulting**

# **Service delivery for the West Belconnen community**

## **Report**

7 March 2013

## **List of acronyms**

ACT = Australian Capital Territory

AUV = Average Unimproved Value

CMT = Conservation Management Trust

ESDD = ACT Environment and Sustainable Development Directorate

ILGRP = Independent Local Government Review Panel

IPR = integrated planning and reporting

JO = regional Joint Organisation of councils

JRPP = Joint Regional Planning Panel

NSW = New South Wales

SEROC = South East Regional Organisation of Councils

TAMS = Territory and Municipal Services

TRG = The Riverview Group

VPA = Voluntary Planning Agreement

YVC = Yass Valley Council

# 1 Introduction

This paper has been prepared for presentation to the Cross Border Steering Committee for Senior Planning Officials. It considers the delivery of a wide range of services to the future community at West Belconnen. It also helps to demonstrate that the proposed development accords with the Sustainability Criteria contained in the Sydney-Canberra Corridor Regional Strategy 2006-2031. In particular, it relates to Criteria 1: Infrastructure Provision and Criteria 8: Quality and Equity in Services.

In addition to this introductory section, the paper includes proposed principles to guide the delivery of services to the West Belconnen community and options and a suggested approach for local representation and community governance. It also contains a matrix which:

- » documents the understanding of service delivery options, preferences and issues
- » describes the preferred or agreed service delivery approach, where this has emerged
- » suggests the next stage of information or decision making required, including timings linked to the overall planning process.

The paper considers service delivery to both sides of the ACT-NSW border. However, it focuses particularly on arrangements for the West Belconnen community in NSW.

It is anticipated the paper will be frequently reviewed and revised as the project proceeds and agreements on the optimal arrangements for specific services are reached.

## Introducing the site

The West Belconnen site is located primarily in the north west of the ACT, but also straddles the border with NSW and extends into the Yass Valley Council (YVC) area. It is approximately a 20 minute drive from the centre of Canberra and 60 minutes from Yass. There is direct access to the site from the existing ACT road network, but the Murrumbidgee River and Ginninderra Creek effectively cut the area off from the rest of the Council area.

The joint vision of the ACT Government, Yass Valley Council and The Riverview Group (TRG) is that West Belconnen look and feel like a single, borderless community, with residents experiencing the same high quality environment and an appropriate level of servicing regardless of where they are located.

Current planning indicates that West Belconnen is expected to result in a total of some 6,000 homes in the ACT and NSW, housing some 31,500 people overall. About half of this population, some 15,570 people, would live in the Yass Valley Council area. Development is currently planned to occur over a 30 year period, commencing in the ACT.

## Introducing the service provision context

The development of the entire West Belconnen community is expected to take some 30 years. There may be considerable changes to legislation, policy, technology, community expectations and other factors impacting service provision during that timeframe.

This paper focuses on the context for service provision as it currently exists. It also identifies areas where there are likely to be relevant changes to the context for service provision.

## Local government reform

One of the major areas of potential change is in the legislation, structures and models relating to local government service provision in NSW. In 2012, the NSW Minister for Local Government established two independent bodies to consider and make recommendations regarding reforms to local government across the state.

These bodies are the:

- » Independent Local Government Review Panel (ILGRP), which was appointed to develop options to improve the strength and effectiveness of local government in NSW, including looking at governance models, structural arrangements and boundary changes.
- » Local Government Acts Taskforce, which was appointed to develop a new, modern Local Government Act to meet the current and future needs of the local government sector and the community.

In January 2014, the final reports of both the Panel and the Taskforce were released. The principal ILGRP recommendations with relevance for service delivery at West Belconnen included:

- » Either replace rate-pegging with a new system of 'rate benchmarking' or streamline current arrangements to remove unwarranted complexity, costs, and constraints to sound financial management.
- » Introduce additional options for local government structures, including regional Joint Organisations, Rural Councils and Community Boards, to facilitate a better response to the needs and circumstances of different regions.
- » Introduce new arrangements for collaborative, whole-of-government strategic planning at a regional level.

The recommendations of the Taskforce were consistent with the direction proposed by the Panel. In its final report, the Taskforce recommended the NSW Local Government Act become "a flexible, principles-based legislative framework, avoiding excessive prescription and unnecessary red tape, written in plain language and presented in a logical format". It also recommended

that integrated planning and reporting "form the central framework for the new Act providing local government with a robust strategic planning mechanism that is based on community engagement, expectations and aspirations, and financial responsibilities" (2013: 11).

The Taskforce proposed specific changes to the Act in a large number of areas, including integrated planning and reporting (IPR), community engagement, delegations, financial governance, and management of public land. Where relevant, these recommendations have been further detailed in Section 4 of this report.

## Land use planning reform

Since 2011, the NSW Government has been conducting a multi staged review of the NSW planning system and associated legislation. The review process has included an Independent Review and the release of, and engagement on, a Green Paper and a White Paper.

This process has culminated in the NSW Government proposing that the Environmental Planning and Assessment Act 1979 be replaced by the Planning Bill 2013.

The Bill has been presented to and debated in the NSW Lower and Upper Houses. Debate on the Bill was deferred by the NSW Lower House in November 2013. NSW Government is currently considering its options in progressing reforms to the NSW planning system.

## Other reforms

In addition to major local government and planning reforms, there are a range of other NSW reviews and reforms underway which are relevant to the provision of services at West Belconnen. These include a review of the emergency services funding system and changes to arrangements for companion animals as a result of the recommendations of the Companion Animals Taskforce. Further details about these reforms are included in the matrix of service delivery information (Section 4).

In general, the context for local government in NSW is moving toward a more streamlined, flexible and strategic system which is better able to respond to the differing needs of communities across the state. This includes enabling

different models of service delivery such as outsourcing and joint delivery of services for more than one council.

As the Panel expressed it,

The focus of policy should be on strengthening 'strategic capacity' – ensuring that local government has the right structures, governance models, skills and resources to discharge its responsibilities and realise its potential...Stronger regional organisations are vital to ensure increased resource sharing and joint planning...[In addition] working relations between local government and State agencies need to be improved across the board, and regional coordination should be the centrepiece of this effort (2013: 15).

## 2 Principles to guide service delivery

As part of initial discussions with Yass Valley Council in late 2011, initial principles for the ownership and operation of local infrastructure and services at West Belconnen were discussed.

These principles have been updated based on further discussions with Council in March 2014.

- » Ensure that West Belconnen looks and feels like a cohesive, borderless community
- » Prepare and implement a consistent master plan and associated development controls for the West Belconnen community on both sides of the border
- » Recognise residents of West Belconnen will be represented in local governance processes in both the ACT and NSW
- » Provide appropriate community governance arrangements to enable West Belconnen residents to be engaged in, and able to advocate for, the needs and interests of their community
- » Provide local service delivery through the ACT Government, Yass Valley Council and other service providers as appropriate
- » Continue to explore ownership options for local infrastructure including the ACT Government or associated authorities, NSW Government or associated authorities, and Yass Valley Council
- » Ensure that West Belconnen residents, and particularly those living in Yass Valley Council, clearly understand the roles and responsibilities of all infrastructure and service providers
- » Incorporate long term maintenance, renewal and replacement of infrastructure in planning for the development, including in the preparation of funding and servicing agreements

### 3 Local representation and engagement

This section of the paper considers options for local representation and community governance for the proposed West Belconnen community. Due to the unique circumstances surrounding the development, consideration needs to be given to governance arrangements on both sides of the ACT-NSW border, and how they might complement each other. However, this paper focuses particularly on arrangements for the West Belconnen community in NSW. It suggests community governance mechanisms on the Yass Valley side of the border be designed to evolve with the development of the community, staged as follows:

1. Appointment of a West Belconnen **place manager**, supported by community engagement events and processes.
2. Establishment of a **community committee** with some powers delegated from Yass Valley Council under s355 of the NSW Local Government Act. This committee could be chaired by a councillor, with community and potentially additional councillor representation.
3. Potential creation of a **community board** to taken on some delegated functions of Council, should this be enabled in future changes the Local Government Act in NSW.

#### Existing local representation and engagement

##### ACT

The ACT Legislative Assembly has 17 elected members to represent the approximately 383,000 residents of Canberra. Members are elected for four year terms, with the next election due in October 2016.

The ACT has three electorates. Belconnen and the surrounding suburbs are in the electorate of Ginninderra, which is represented by five members. Ginninderra currently has about a population of about 100,000.

Residents can access services through Canberra Connect shopfronts in five locations, including the Belconnen town centre. A sixth Canberra Connect shopfront is currently being built in Gungahlin.

The ACT Government currently consults its residents through mechanisms including:

- » advisory committees, such as the Ministerial Advisory Council on Aging, Minister's Youth Advisory Council and Community Inclusion Board
- » Community Councils
- » the Time to Talk Canberra website
- » exhibition of policies, plans and other documents, as well as some development applications.

Canberra currently has seven Community Councils. The ACT Government provides financial support to the Community Councils and consults them on a wide variety of matters. Community Councils are independent, not-for-profit organisations which serve local interests. They are not committees of the ACT Government, nor do they have the functions of local councils in NSW.

The Community Council that would cover the ACT part of West Belconnen is the Belconnen Community Council. Meetings of the Belconnen Community Council are held monthly and anyone who lives, works or studies in the District of Belconnen is invited to participate. This area includes over twenty suburbs surrounding the Belconnen town centre. Membership of the Community Council is open to any local resident or business owner. The Community Council is managed by a committee, which is elected by members and includes a four person executive, between three and eight ordinary members, and any sub-committee chairs.

## **Yass Valley Council**

Yass Valley Council currently has nine elected members to represent the area's approximately 15,500 residents (as at the 2011 Census). Councillors are elected for four year terms, with the Mayor elected each year by the Councillors. The next local government election is due in September 2016. The Council does not have wards.

Council is a member of the South East Regional Organisation of Councils (SERO) which, in addition to Yass Valley, consists of the Councils of Bombala, Boorowa, Cooma-Monaro, Eurobodalla, Goulburn Mulwaree, Harden, Palerang, Queanbeyan, Snowy River, Upper Lachlan and Young, and the ACT Government.

Yass Valley Council has one administrative centre, which is located in Yass.

Council currently consults its residents through mechanisms including:

- » advisory committees, such as the Aboriginal Advisory Committee, Health Services Advisory Committee, Sports Council and Sustainable Communities Committee
- » committees established under Section 355 of the Local Government Act, which focus on the management of specific community facilities
- » engagement associated with the preparation of each Community Strategic Plan, undertaken at least every four years
- » exhibition of Council policies, plans and other documents, as well as some development applications.

Current NSW Government projections indicate that the Yass Valley Council population will increase to 23,200 by 2031. This forecast would not take into account the West Belconnen development.

## **Options for future community governance**

### **Local governance in NSW**

Local governance structures and arrangements in NSW are currently under review. A three person Independent Local Government Review Panel (ILGRP)

appointed by the Minister has recently completed an extensive 16 month process of research, consultation and reporting. The role of the ILGRP was to develop options to improve the strength and effectiveness of local government in NSW, including looking at governance models, structural arrangements and boundary changes.

In January 2014 the final report of the ILGRP was released. The report proposed an expanded set of potential local government structures in NSW, being:

- » regional joint organisations (JOs) undertaking a range of high level functions on behalf of members
- » local councils operating in a similar way to existing councils
- » rural councils working as part of a joint organisation but with reduced responsibilities and costs
- » community boards carrying out a range of functions delegated by the council.

The ILGRP's preferred option was for Yass Valley to remain a stand-alone local council. Given Yass Valley's existing and projected population, the Panel saw no need to consider amalgamation with an adjoining local government area. However, it did propose that Yass Valley become part of a new Tablelands JO, along with the Councils of Boorowa, Goulburn Mulwaree, Harden, Upper Lachlan, Wingecarribee and Young. The JO would undertake a number of higher order activities on behalf of its member councils, potentially including strategic planning, coordination of water utilities, major infrastructure projects and a range of shared services.

### **Community boards**

The ILGRP's final report recommended that provisions for optional community boards be included in the Local Government Act. The Panel saw community boards as "elected or appointed sub-council organisations that carry out a range of representational, planning and service delivery functions delegated by the 'parent' council" (2013: 93). The report suggested community boards could be used in two circumstances. Firstly, they could be established to

maintain community identity and representation where rural councils with small populations are amalgamated with a neighbour. Secondly, they could be used to provide local representation and some service delivery in large metropolitan councils.

The circumstances at West Belconnen do not fully align with either of the two scenarios suggested for community boards in the ILGRP report. However, the concept of community boards is also relevant for West Belconnen, as it provides a model for local representation and engagement where a community is geographically isolated from the administrative centre of a council, and where it is important to foster a strong sense of local identity.

The ILGRP report provided international examples of community boards or related concepts, primarily from New Zealand and England. These examples drew from and are further explored in a July 2013 report commissioned by the ILGRP from McKinlay Douglas Limited.

The range of community boards explored in this research includes:

- » self-selected local groups that provide formalised input into community planning processes and more general feedback and advice to council
- » groups which consist of both elected and appointed members and which have a range of advisory, community planning and other responsibilities
- » fully elected local bodies with the ability to raise some of their own revenue and responsibilities including community planning and some service provision.

The ILGRP cited the community governance model used in the Thames-Coromandel District Council as a good example of a community board structure operating in New Zealand. The model combines the delegation of significant community planning and service delivery decision making, along with some budgetary responsibilities and the provision of advice to Council, with a place management approach to local staffing and service delivery. Importantly, the five community boards are championed by the mayor, and may be represented at every council meeting. Also, area managers sit on the council's senior executive group and have direct access to the CEO.

The community governance model recommended by the ILGRP for NSW, based on the New Zealand model, is for a flexible set of legal provisions to enable local councils to establish community boards that could:

- » be elected and/or appointed for a fixed term (but would always include one appointed councillor)
- » advise the council on local priorities and acceptable levels of service
- » play a significant role in integrated planning, reporting and budgeting processes
- » undertake some local functions delegated by the council
- » possibly, raise a community rate in their area to fund local projects and services.

The NSW Government is currently seeking feedback on the ILGRP's final report, with submissions closing in early April 2014. If the NSW Government decides to proceed with the concept of community boards, it will need to amend the Local Government Act to enable them to be formed. This amendment could occur as part of the wider review of the Act currently underway.

### **Committees with delegations under Section 355 of the Local Government Act**

Section 355(b) of the existing NSW Local Government Act allows for council functions to be delegated to a committee of the council. Section 355 provides only the power of delegation and does not specify how committees should be formed or the kinds of functions they should oversee. However, s377 of the Act does contain a list of functions which cannot be delegated to committees.

Many councils in NSW operate committees with delegations under s355. These committees cover a range of functions, typically including management of council facilities, community events or capital works. Membership of such committees can include councillors, community representatives, or a combination of the two. Community representatives are generally appointed directly or selected by the council via written expressions of interest.

In considering local governance options and particularly the community boards concept, the ILGRP noted that some councils have established committees with s355 delegations as ward or neighbourhood forums which provide, to some extent, “a legislative basis for community governance initiatives” (2013: 93). It gave the example of Lake Macquarie City Council’s Sustainable Neighbourhood Program as an example of establishing committees which act in this way. However, the ILGRP ultimately concluded that an additional, more formalised mechanism, such as community boards, is required in the NSW system to increase the range of community governance options available. Nevertheless, a committee with responsibilities and powers delegated under s355 provides an option to support local representation and engagement for the West Belconnen community in NSW.

Yass Valley Council currently operates nine committees with s355 delegations. As noted above, all of those existing committees relate to specific community facilities, such as halls, reserves, swimming pools and heritage buildings. The committee roles include managing the relevant facilities and providing advice to Council on fees and capital works programs.

Voting members of Yass Valley Council’s existing committees with s355 delegations include up to two councillors and up to 10 community representatives. Council staff are sometimes included on the committees as non-voting members.

### **Place management**

Another option to support local governance and engagement in West Belconnen is the use of a place management model. A designated place manager could be given responsibility for undertaking consultation with West Belconnen residents and resolving and coordinating any service delivery issues. A place manager could also act as a single point of contact for councillors and community members with issues related to West Belconnen, as well as liaison at an operational level with ACT agencies. It would also be possible for the place manager to assist in, or take responsibility for, administering the servicing agreement between the ACT Government and YVC.

Place management models are currently used by a number of councils in metropolitan NSW, including Fairfield, Parramatta, Sydney and Waverley. It has also been used in urban and regional Victoria, particularly as part of the process of implementing metropolitan-wide strategic planning.

In general, the place management model works best when it involves the creation of a senior position with authority to ensure coordination of a range of service delivery functions and/or capital works projects. In some areas, place managers have a focus on economic development and on liaising with local businesses. In other locations, particularly in newer developments, place managers focus on residents and on improving connections within a community.

Effective place management can also involve the use of a range of methods to increase the engagement of residents.

### **Other engagement mechanisms**

There are numerous other ways residents of West Belconnen can be engaged in planning and decision-making for their area. In particular, digital technology now enables residents to contact councils more easily, despite geographic separation, and councils are increasingly using online mechanisms for information and consultation. This is likely to grow exponentially and result in the majority of consultation and contacts between residents, council staff and councillors occurring online.

Options for digital and other forms of engagement and communications at West Belconnen could include:

- » an online community panel
- » online forums and community noticeboards
- » a dedicated community Facebook page, as well as use of other social media
- » regular ‘Have a Say’ days or community information sessions on site
- » community drop in sessions relating to specific projects or services
- » ‘meet your Councillors’ events and other community building activities.

There may also be an option for Yass Valley Council and the ACT Government to incorporate, separately or jointly, some form of contemporary customer service centre at West Belconnen. More flexible forms of service delivery are increasingly being used by councils in Australia and elsewhere. These include the provision of customer service kiosks and desks in community facilities such as libraries and recreation centres.

## Suggested approach

### ACT

As things stand, the West Belconnen community in the ACT will vote in Legislative Assembly elections and be represented by the members for the seat of Ginninderra.

In terms of community governance, it is expected the interests of the West Belconnen community in the ACT will be represented by the Belconnen Community Council, as is the case with nearby suburbs to the west and south west. At this stage the ACT Government does not appear to have plans to establish any statutory form of community governance.

### NSW

The West Belconnen community in NSW will vote in local government elections and be represented by local councillors. As noted earlier, Yass Valley Council currently has nine councillors elected 'at large'. The population of the local government area, including the NSW proportion of the West Belconnen community, could increase to a total of some 39,000 people by 2031 or soon after. There are many councils in NSW with nine councillors and a population well in excess of this figure. As one example, Coffs Harbour Council has over 70,000 residents represented by nine councillors. Thus, it would appear unnecessary for the number of councillors in Yass Valley to increase due to the development of West Belconnen.

It is suggested that community governance mechanisms in Yass Valley be designed to evolve with the development of the community itself, as follows:

1. Appoint a West Belconnen **place manager**, supported by community engagement events held at least twice yearly. It is suggested the place

manager should commence three to six months before the first houses in NSW are occupied.

2. Establish a **community committee** with appropriate s355 delegations, chaired by a councillor (possibly the Mayor to start with) and with community and potentially additional councillor representation. The committee could be established once the population of the West Belconnen community in NSW reaches an agreed threshold figure, such as one thousand residents.
3. Potentially create a **community board** to take on additional delegated functions of Council and perhaps levy a modest local (special) rate. The composition, role and responsibilities of a community board would need to be considered once legislative changes and any associated guidelines are in place.

This evolutionary approach linked to the West Belconnen development program would enable the community's needs to be appropriately represented, without over committing Council resources or providing structured opportunities for community governance much beyond those available to other Yass Valley residents. It will also allow the community governance structures to incorporate lessons learned from the implementation of previous stages, respond to emerging resident needs, and adapt to any legislative changes.

Another approach could see the community governance mechanisms at West Belconnen move directly from a place manager to a community board, without the need to establish a community committee as an interim stage.

Depending on its focus, the position of West Belconnen place manager could potentially be located within the Operations or Corporate and Community Services Directorates of Yass Valley Council. To enable the position to coordinate activities across Council and to provide a high level resource for councillors and the community, it is suggested the place manager be appointed at no less than third tier level, report directly to a Director, and be invited to participate in most senior management meetings. This approach is supported by the recent experience at the Thames-Coromandel District

Council in New Zealand, where area managers are appointed at the second tier level and attend all executive meetings.

The position description of the responsible Director could also include specific responsibilities for the overall negotiation and management of the servicing agreement between YVC and the ACT Government.

Responsibilities of a West Belconnen place manager could include:

- » acting as a single point of contact for resident questions and complaints, as well as for Councillor requests
- » coordinating communication with West Belconnen residents, potentially through existing and future electronic media
- » facilitating consultation with West Belconnen residents, both on a regular, structured basis and in regards to specific projects
- » coordinating events and activities for residents, such as street BBQs and 'meet your neighbour' events, particularly in the early stages of the development
- » monitoring the operation of service agreements and following up on any issues
- » monitoring the condition and appearance of infrastructure and following up on requests for maintenance and repairs
- » assisting in the coordination of capital works
- » advocating for West Belconnen residents in discussions with service and infrastructure providers
- » liaising at operational level with relevant ACT Government agencies
- » day-to-day administration of the servicing agreement between YVC and the ACT Government.

The place manager position could also be appointed jointly with the ACT Government to ensure coordination of service delivery and capital works projects in West Belconnen on both sides of the border.

In addition, a community committee or community board established on the NSW side of the border could develop strong links with the Belconnen Community Council in the ACT.

## 4 Matrix of service delivery information

The matrix on the following pages provides a consolidated point of reference for information on service delivery.

The matrix currently includes the following service areas:

- » rates and charges
- » residential waste and recycling
- » residential water and sewer
- » electricity and gas
- » roads and street lighting
- » parks and open space
- » fire, rescue and ambulance services
- » policing
- » development assessment
- » schools
- » library
- » child and family care
- » health services
- » integrated planning and reporting
- » ranger services
- » companion animals.

Potential structures and mechanisms for local representation and engagement are discussed in Section 3 of this report.

For each of these service areas, it:

- » documents the existing understanding of service delivery options, preferences and issues
- » describes the preferred or agreed service delivery approach, where this has emerged
- » suggests the next stage of information or decision making required, including timings linked to the overall planning process.

It is intended the matrix will be updated frequently as the planning process progresses.

Current position	Next stage	Timing of next stage
<p><b>Rates and charges</b></p> <p><b>Option currently under consideration:</b></p> <p>1. YVC undertakes functions</p> <p><b>Commentary:</b></p> <p>The Local Government Act prevents councils from delegating the collection of rates. However, legal advice indicates that income obtained by YVC from ordinary rates and untied grants could be used to fund contractual arrangements with ACT Government authorities for the provision of general municipal services. Income from special rates, charges and tied grants could also be made available to the ACT Government provided that the income was used for its intended purpose.</p> <p>In order to cover its own costs, as well as the costs of infrastructure and services likely to be provided in the NSW portion of the West Belconnen development by the ACT Government and charged back to Council, YVC may wish to establish a separate sub category of rate for West Belconnen that ensures that the new development does not have a negative cost impact on Council's budget once all costs are considered. It is very likely that this rate will need to be higher than that charged for existing residential areas of the YVC.</p> <p>YVC currently has separate rating sub categories, with different rates for most residential sub categories. A new sub category could be created and an appropriate rate applied, collected and distributed to the ACT Government, minus a fee to cover Council's administrative and other costs.</p> <p>Minimum rates for the Yass and Murrumbateman areas of YVC for 2013/14 are \$472. Additional annual charges for residential properties in Yass are a Stormwater Improvement Charge of \$25, Kerb Side Collection Charge of \$330 and Waste Management Environmental Charge = \$59. The total minimum rate for residential properties in <b>Yass = \$886</b>.</p> <p>Rates levied by the ACT Government have two components: a fixed charge and a valuation charge. The fixed charge for residential properties in 2013/14 is \$626. The valuation charge is based on a three year average unimproved value (AUV). It ranges from 0.2306% for a residential property valued up to \$150,000 and 0.4312 for a property valued over \$450,000. These charges include garbage, recycling and stormwater services. In addition to rates, land taxes apply to residential rental properties. All residential properties in the ACT must also pay a Fire and Emergency Services Levy. This is discussed below in the section on emergency services.</p> <p>Rates for a residential property with an AUV of \$220,000 in 2013/14 in <b>Canberra = \$1,198</b>, excluding the fire and emergency services levy. If the property were rented, an additional \$1,598 in land tax would be payable.</p> <p>It would therefore appear that a rate could be charged for the YVC component of West Belconnen which is higher than that which applies to other residential areas in YVC, but equivalent to (or lower than) the rates charged on the ACT side of the development.</p> <p>It is expected that income from rates and charges in West Belconnen would be supplemented by developer contributions, including for some services such as open space maintenance and community development activities in the early years of the development.</p> <p>In addition, the ILGRP has recommended rate pegging be streamlined to strengthen the revenue base for all councils (see Section 1). More specifically, it has suggested that "councils be able to increase rates by up to 5% pa above the rate-pegging limit over the life of a Delivery Program" (2013: 44), provided that some conditions regarding the preparation and communication of IPR documents have been met.</p>	<p>» Servicing agreement between YVC and ACT Government</p>	<p>» Two to five years prior to homes being built and occupied on the NSW lands</p>
	<p>» Negotiation of Section 94, VPA and/or other developer funding mechanism</p>	<p>» After DPI considers the planning proposal at the Gateway stage and after the exhibition of the proposal</p>

Current position	Next stage	Timing of next stage
<p><b>Residential waste and recycling</b></p> <p><b>Options currently under consideration:</b></p> <ol style="list-style-type: none"> <li>1. YVC undertakes functions directly</li> <li>2. YVC undertakes functions via a contractor</li> <li>3. ACT NOWaste undertakes functions via a contractor</li> </ol> <p><b>Commentary:</b></p> <p>YVC undertakes its own waste and recycling services. In Canberra, ACT NOWaste manages domestic waste and recycling collection, with services being contracted to a commercial provider.</p> <p>NOWaste currently manages the provision of waste and recycling services to Queanbeyan City Council. The ACT Waste Management Strategy 2011-2025 identifies opportunities for the ACT Government to expand its regional role in the provision of waste and recycling services. NOWaste is currently reviewing the Strategy with a view to further enhancing its focus on managing and providing cross border services.</p> <p>There is therefore both an established model and a strategic focus on the provision of waste and recycling services by NOWaste across the ACT-NSW border.</p> <p>Legal advice indicates that income obtained by YVC from charges including the waste management charge could be made available to ACT authorities provided that the income was used for its intended purpose ie to provide waste services. A new West Belconnen sub category of Domestic Waste Management Charge could be adopted if desired and applied to properties in West Belconnen and then distributed back to ACT Government, minus a fee to cover Council's administrative costs. In terms of funding residential waste and recycling services, YVC levies an annual Kerb Side Collection Charge to all occupied properties where service is available. A Waste Management Environmental Charge is also levied on all rateable properties. YVC's Kerb Side Collection Charge for 2013/14 was \$330, with an additional Waste Management Environmental Charge of \$59 on all rateable properties.</p> <p>The ACT does not charge a residential waste fee separate to its residential property rates.</p>	» Determine service provider	» Two to five years prior to homes being built and occupied on the NSW lands
	» Potentially a servicing agreement between YVC and ACT Government, depending on the provider	» Two to five years prior to homes being built and occupied on the NSW lands

Current position	Next stage	Timing of next stage
<p><b>Residential water and sewer</b></p> <p><b>Options currently under consideration:</b></p> <ol style="list-style-type: none"> <li>1. ACTEW owns the infrastructure, ACTEW Water supplies the water and receives and treats effluent</li> <li>2. YVC owns the infrastructure, ACTEW Water supplies the water and receives and treats the effluent</li> </ol> <p><b>Commentary:</b></p> <p>West Belconnen is being planned with sufficient water and sewer piping and associated infrastructure to service development in both the ACT and NSW. The ACT Government has agreed to this in its Heads of Agreement with the Riverview Group. This accords with YVC's preference for water to be provided to West Belconnen via piping from the ACT. One option being considered is that the ACT Government (ACTEW) will own the water and sewer infrastructure, with ACTEW Water supplying the water and receiving and treating effluent.</p> <p>YVC levies a Sewer Charge to all residential properties. In 2013/14, this charge was \$580. Legal advice indicates that income obtained by YVC from charges could be redistributed provided that the income was used for its intended purpose.</p>	» Provide a high level description of the specific infrastructure to be provided	» As part of Planning Proposal
	» Provide greater detail about the specific infrastructure to be provided	» As part of the Infrastructure Delivery Plan, prepared after DPI considers the planning proposal at the Gateway stage and prior to exhibition of the proposal

Current position	Next stage	Timing of next stage
<b>Electricity and gas</b> <b>Option currently under consideration:</b> 1. ActewAGL owns electricity infrastructure in ACT, Essential Energy owns electricity infrastructure in NSW, ActewAGL and Essential Energy provide electricity services on both sides of the border, ActewAGL owns gas infrastructure and provides gas services on both sides of the border	» Provide a high level description of the specific infrastructure to be provided	» As part of Planning Proposal
	» Provide greater detail about the specific infrastructure to be provided	» As part of the Infrastructure Delivery Plan, prepared after DPI considers the planning proposal at the Gateway stage and prior to exhibition of the proposal
<b>Roads and street lighting</b> <b>Options currently under consideration:</b> 1. Vested in YVC with YVC undertaking maintenance and renewal functions 2. Vested in YVC with the ACT Government and its agencies undertaking maintenance and renewal functions under a servicing agreement with YVC 3. Held in Community Title <b>Commentary:</b> Council is concerned about long term renewal and replacement costs associated with ownership of the assets. While Community Title has been used in the YVC area for rural residential projects, the use of Community Title on such a large suburban project is rare in NSW and would require careful consideration prior to being considered a desirable option. Nonetheless, both options will be examined further as part of a range of discussions. If option 2 emerges as the optimal model, and maintenance is undertaken by the ACT Government, the servicing agreement between YVC and the ACT Government for roads and associated infrastructure could incorporate provision for the funding and delivery of long term asset maintenance and renewal.	» Determine and detail preferred solution to road titling	» After DPI considers the planning proposal at the Gateway stage and prior to exhibition of the proposal
	» Potentially a servicing agreement between YVC and ACT Government	» Two to five years prior to homes being built and occupied on the NSW lands

Current position	Next stage	Timing of next stage
<p><b>Parks and open space</b></p> <p><b>Options currently under consideration:</b></p> <ol style="list-style-type: none"> <li>1. ACT Government and its agencies undertake functions in ACT, YVC undertakes functions in NSW</li> <li>2. ACT Government and its agencies undertake functions in ACT, ACT Government and its agencies undertake functions in NSW under servicing agreement with YVC</li> </ol> <p><b>Commentary:</b></p> <p>High quality, well designed parks and open space will be provided by the developer as part of the development of West Belconnen. TRG will liaise with the ACT Government and YVC to ensure the design of parks and open spaces minimises ongoing maintenance while creating good public amenity.</p> <p>It is currently proposed that a Conservation Management Trust (CMT) be established for the lands adjacent to the river. The Trust would be separately funded and administered by a Board. The CMT fund would be used to achieve conservation objectives, including appropriate bushfire management. It could be used to fund specific conservation works and activities including environmental research and education programs.</p> <p>TRG would contribute to the maintenance of parks and open space in the NSW lands for an agreed transition period, while a viable rate base is being established. This transition period will be negotiated.</p> <p>After the transition period, the maintenance of parks and other open space in the YVC component of West Belconnen could be undertaken by YVC or by the ACT Government, with financing provided by Council's ordinary rates income. The latter servicing arrangement would be formalised in an agreement between YVC and the ACT Government.</p> <p>All public land in NSW must be classified as 'community' or 'operational'. Most parks, sports fields and other open spaces are classified as community land. Sections 36-40 of the Local Government Act currently require councils to prepare, consult on and adopt plans of management for all community lands.</p> <p>The final report of the Local Government Acts Taskforce recommended "ceasing the need for separate plans of management for community land to be prepared and maintained and, in lieu, utilise the Asset Management Planning and Delivery Program of the IPR process" (2013: 16). Local Government NSW strongly supports this proposal.</p> <p>It is therefore likely the current requirements for councils to prepare plans of management for community land will be removed, or significantly reduced, as part of the review of the Act. This change will reduce the cost of compliance related long term planning and management parks and other open space for the West Belconnen community in NSW.</p>	» Describe the quantity and typologies of parks and open space to be provided	» As part of Planning Proposal
	» Describe the arrangements for the transition period during which TRG will fund the maintenance of parks and open space in the NSW lands	» At least five years prior to homes being built and occupied on the NSW lands
	» Determine service provider	» Two to five years prior to homes being built and occupied on the NSW lands
	» Potentially a servicing agreement between YVC and ACT Government, depending on the provider	» Two to five years prior to homes being built and occupied on the NSW lands

Current position	Next stage	Timing of next stage
<p><b>Fire, rescue and ambulance services</b></p> <p><b>Option currently under consideration:</b></p> <p>1. Functions provided on both sides of border as per existing MOU between the ACT and NSW Governments</p> <p><b>Commentary:</b></p> <p>There are two areas of interest in relation to fire and rescue services: provision and funding.</p> <p><b>Provision</b></p> <p>There is a currently a MOU between the ACT and NSW Governments which allows for the provision of emergency services across the border. This includes fire and rescue services, rural fire services and ambulance services. The first MOU was prepared in 2003 and it has been regularly reviewed and updated since that time. Fire and rescue services officers from both sides of the also border meet regularly for planning and coordination purposes.</p> <p>The ACT Ambulance Service is responsible for providing emergency and non emergency ambulance and aeromedical ambulance services to the ACT and surrounding south east NSW region. ACTAS also provides intensive care paramedics to, and conducts the day-to-day management of, the Snowy Hydro SouthCare helicopter. Snowy Hydro SouthCare is a joint initiative of the governments of NSW and the ACT, and provides aeromedical rescue and retrieval services to the ACT and south eastern NSW, including within YVC.</p> <p><b>Funding</b></p> <p>In relation to the funding of services, the State Emergency Services Act 1989, Fire Brigades Act 1989 and Rural Fires Act 1997 require councils in NSW to contribute to funding the SES, Fire and Rescue NSW and Rural Fire Service. The contribution amount is related to the cost of providing services in each area and is determined by the Minister/s. Councils must pay the contributions from their consolidated funds. From 1 July 2010, council contributions to the SES have been calculated based on population.</p> <p>In October 2012 the NSW Government undertook consultation on the findings of a review of the emergency services funding system in NSW. The review proposed a property based levy replace the existing system. The Government has since deferred making a decision on the proposed change to a property based levy until it has assessed the outcomes of the introduction of a similar levy in Victoria in July 2013.</p> <p>Given that changes may occur in funding arrangements, the way in which emergency services contributions are calculated and paid in the West Belconnen community in NSW should be reviewed once NSW Government has made an announcement about the future funding arrangements, or at least five years prior to homes being built and occupied on the NSW lands.</p> <p>All properties in the ACT must pay a fire and emergency services levy as part of their rates. In 2013/14, the levy is \$120.</p>	<p>» Review information when NSW Government decides whether to move to a property based emergency services levy, or at least five years prior to homes being built and occupied on the NSW lands</p>	<p>» Once NSW Government has announced a decision</p>

Current position	Next stage	Timing of next stage
<p><b>Policing</b></p> <p><b>Option currently under consideration:</b></p> <p>1. Function undertaken in NSW by NSW Government and in ACT by ACT Government, with inter jurisdictional cooperation</p> <p><b>Commentary:</b></p> <p>There are current arrangements between the ACT and NSW Governments which allow police from each jurisdiction to have special status in the other. This means, for example, there can be cross border chases and arrests where required. There can be some issues, however, about the different laws operating in each jurisdiction. Ongoing operational discussions occur to highlight difficulties and potential solutions.</p>	<p>» Review the status of cross jurisdictional arrangements and liaise with relevant planning and operational agencies</p>	<p>» Two to five years prior to homes being built and occupied on the NSW lands</p>

Current position	Next stage	Timing of next stage
<p><b>Development assessment</b></p> <p><b>Options currently under consideration:</b></p> <ol style="list-style-type: none"> <li>1. YVC undertakes functions directly, with consultant assistance where necessary</li> <li>2. YVC delegates some functions to the ACT Government and its agencies and undertakes some functions directly</li> <li>3. YVC delegates all functions legally permissible to the ACT Government and its agencies</li> </ol> <p><b>Commentary:</b></p> <p>The draft Master Plan for West Belconnen as of February 2014 proposes the NSW lands contain the following uses:</p> <ul style="list-style-type: none"> <li>» residential</li> <li>» parks and open space</li> <li>» education and community</li> <li>» roads and associated infrastructure</li> <li>» neighbourhood centre.</li> </ul> <p>The draft Master Plan does not currently include any major employment or mixed uses (other than the neighbourhood centre and possible tourism related development at Ginninderra Falls) in the NSW component of the development area.</p> <p>The outcome of the planning proposal process will include an amended LEP and a site specific DCP. Infrastructure plans, VPA and/or additional agreements will also be developed.</p> <p>Subdivision, the provision of infrastructure, major earthworks and similar activities will then require development assessment and determination by Council, its delegated body or, if the works are over \$20 million in value, by the Joint Regional Planning Panel (JRPP).</p> <p>Yass Valley Council is able to delegate its development assessment and determination functions to the ACT Government's Environment and Sustainable Development Directorate (ESDD), subject to appropriate arrangements. ESDD is also able, with the Minister's approval, to provide planning services outside the ACT.</p> <p>It is intended that the West Belconnen master plan and associated DCP will be designed to enable the majority of residential development to be complying development. As there are currently major reforms to planning legislation proposed in NSW, the mechanisms for complying development at West Belconnen will need to be reviewed once the NSW Government determines the future direction of the planning reforms.</p> <p>Any appeals to determinations about development applications in the West Belconnen community in NSW will be heard by the NSW Land and Environment Court under existing legislation and using existing processes. Council would be able to appoint ESDD officers, legal experts and other consultants to appear on its behalf before the Court if it delegates the approvals process to ESDD. An agreement about funding the costs of appeals would be included in the servicing agreement between Council and the ACT Government.</p>	<p>» Review information when NSW Government decides direction of planning reforms</p> <p>» Determine who will undertake functions</p> <p>» Potentially a servicing agreement between YVC and ACT Government, depending on who will undertake the functions</p>	<p>» Once NSW Government has announced a decision</p> <p>» Two to five years prior to homes being built and occupied on the NSW lands</p> <p>» Two to five years prior to homes being built and occupied on the NSW lands</p>

Current position	Next stage	Timing of next stage
<p><b>Schools</b></p> <p><b>Option currently under consideration:</b></p> <p>1. Public primary schools provided by ACT Government in ACT and by NSW Government in NSW, public high school provided by ACT Government in ACT with NSW students able to access the school in accordance with the Priority Placement policy, private schools provided by private sector</p> <p><b>Commentary:</b></p> <p>Initial planning indicates the West Belconnen community of some 30,000 people will require two to three new public primary schools (P-6), one new public high school (P-10), and one to two new non-government primary schools (P-6). It is likely that at least one of the primary schools will need to be located in NSW.</p> <p>It general, it is expected that primary school students in West Belconnen will either attend a primary school located in and operated by the jurisdiction in which they reside, or a non-government primary school. For instance, a primary school student living in the West Belconnen community in NSW would typically be expected to attend a primary school also located in the West Belconnen lands in NSW.</p> <p>It is expected that all high school students in West Belconnen will attend a public or non-government high school located in the ACT.</p> <p>ACT public schools are non-selective. The ACT has an enrolment policy based on Priority Placement areas. Each ACT public school gives priority to the enrolment of children living in its Priority Placement Area (PPA).</p> <p>NSW resident students may apply for placement in ACT schools. Where demand by ACT residents for places at a particular school or college exceeds available places, students resident in NSW will not be considered. In these circumstances NSW residents have the opportunity to apply for a place in another ACT school.</p> <p>PPA boundaries are reviewed annually to ensure there is an acceptable balance between expected student placements and school capacities.</p>	» Undertake further consultation with ACT Education and Training	» Prior to lodgement of Planning Proposal
	» Provide a high level description of the specific infrastructure to be provided	» As part of Planning Proposal
	» Provide greater detail about the specific infrastructure to be provided	» As part of the Community Plan, prepared after DPI considers the planning proposal at the Gateway stage and prior to exhibition of the proposal

Current position	Next stage	Timing of next stage
<p><b>Library</b></p> <p><b>Option currently under consideration:</b></p> <p>1. Library functions provided in ACT by ACT Government and able to be accessed by residents of West Belconnen in YVC under servicing agreement</p> <p><b>Commentary:</b></p> <p>Planning for community services has been based on the principle of West Belconnen as a borderless community. The nearest library to the West Belconnen site is in Kippax shopping centre (a Group Centre in the ACT hierarchy), about 10 minutes' drive from the site. It is a small community library and has some capacity for expansion. It is highly unlikely that West Belconnen residents will travel the distance necessary to access Yass library.</p> <p>An initial analysis of social infrastructure requirements suggests a library facility of between 800-1,200m<sup>2</sup> would be warranted, given the proposed West Belconnen population of some 31,500 people. The library would ideally be co-located with a community centre to form a community hub. It should also be located close to the local centre, near a range of shops and other activity generators.</p> <p>The current draft Master Plan locates the West Belconnen local centre in the ACT lands. Any library facilities associated with the development are currently proposed to be located in the ACT and accessible to West Belconnen residents in YVC. The detailed arrangements for residents in the NSW lands to access library services in the ACT would be included in a servicing agreement between YVC and ACT Government.</p> <p>In the ACT, libraries are not planned according to standards, but reflect the availability of funding and budget allocations in addition to broad issues of population growth and demand. ACT Libraries has advised that a full new community library in West Belconnen is unlikely to be warranted, given the proximity of Kippax community library. However, some form of local library outlet may be required, as a place for pick-up and drop-off of books from Kippax library. The Kingston shopfront library may be an appropriate model, indicating a need for shopfront premises in the main shopping centre. Alternatively, a library outlet may be co-located with the proposed multi purpose community centre.</p> <p>Further consultation will be occurring with ACT Libraries.</p>	» Undertake further consultation with ACT Libraries and YVC	» Prior to lodgement of Planning Proposal
	» Provide a high level description of the specific infrastructure to be provided	» As part of Planning Proposal
	» Provide greater detail about the specific infrastructure to be provided	» As part of the Community Plan, prepared after DPI considers the planning proposal at the Gateway stage and prior to exhibition of the proposal
	» Servicing agreement between YVC and ACT Government	» Two to five years prior to homes being built and occupied on the NSW lands

Current position	Next stage	Timing of next stage
<p><b>Child and family care</b></p> <p><b>Option currently under consideration:</b></p> <p>1. Private sector undertakes functions</p> <p><b>Commentary:</b></p> <p>A number of different forms of childcare and activities for young children are generally provided in a community, including long daycare, family daycare, pre-school, occasional care and playgroups. Additionally, services to support families with young children may be provided.</p> <p>The provision of childcare has changed substantially in recent years, associated with shifts in government regulation and funding policy, such that the private sector is now the provider of the majority of childcare centres in Australia. As such, the provision of childcare in most new developments is commonly now largely left to market forces, once need can be demonstrated.</p> <p>Locations for childcare centres will be identified as part of the planning and design process for each neighbourhood within West Belconnen. Locations close to other community and commercial uses, with good transport access, will be preferred as part of this design process.</p>	<p>» Identify locations for childcare centres</p>	<p>» As part of detailed planning and subdivision for each neighbourhood within West Belconnen</p>

Current position	Next stage	Timing of next stage
<p><b>Health services</b></p> <p><b>Option currently under consideration:</b></p> <ol style="list-style-type: none"> <li>Function formally undertaken in NSW by NSW Government and in ACT by ACT Government, but with residents of NSW able to access services in the ACT</li> </ol> <p><b>Commentary:</b></p> <p>ACT public hospitals accept all patients, regardless of residency. There is currently no signed agreement between the ACT and NSW Governments regarding cost allocation, though negotiations are occurring.</p> <p>The current MOU for ACT-NSW Regional Collaboration contains a priority action relating to integrated service provisions, which will initially focus on the health and education sectors and which will:</p> <ul style="list-style-type: none"> <li>» support discussions about where future services should be located</li> <li>» identify appropriate sequencing of strategic infrastructure</li> <li>» examine cost sharing arrangements.</li> </ul>	<ul style="list-style-type: none"> <li>» Review the status of cross jurisdictional arrangements and liaise with relevant planning and operational agencies</li> </ul>	<ul style="list-style-type: none"> <li>» Two to five years prior to homes being built and occupied on the NSW lands</li> </ul>

Current position	Next stage	Timing of next stage
<p><b>Integrated planning and reporting</b></p> <p><b>Option currently under consideration:</b></p> <p>1. YVC undertakes functions, with assistance from ACT Government as per the servicing agreement</p> <p><b>Commentary:</b></p> <p>The Local Government Act requires each local government area to have a community strategic plan supported by a resourcing strategy. A delivery program and operational plan are also required to explain how council will implement the community strategic plan.</p> <p>Section 232 of the Act states that it is a role of a councillor to “provide a civic leadership role in guiding the development of the community strategic plan for the area and to be responsible for monitoring the implementation of the council’s delivery program”. Responsibilities relating to integrated planning and reporting also form part of the general manager’s functions.</p> <p>YVC will need to include the West Belconnen area in its Community Strategic Plan, as well as the Delivery Program and Operational Plan, and could receive support from ACT Government in exercising its IPR functions. For example, various departments of ACT Government could provide Council with relevant reports to feed into its asset management plans and community strategic plan. The MOU for ACT-NSW Regional Collaboration supports this kind of cooperation on regional community and land use planning. The inclusion of both the ACT Government and YVC in SEROC provides an additional mechanism for enabling cross border assistance in community planning and other forms of IPR.</p> <p>The Local Government Acts Taskforce emphasised the importance of IPR and recommended that “integrated planning and porting form the central framework for the new Act” (2013: 11). More specifically, the Taskforce recommended that the new Act set minimum standards and simplify the provisions for IPR to “increase flexibility for councils to deliver IPR in a locally appropriate manner”. These changes will make it easier for YVC to undertake community planning for West Belconnen, in partnership with ACT Government.</p>	<p>» Servicing agreement between YVC and ACT Government</p>	<p>» Two to five years prior to homes being built and occupied on the NSW lands</p>

Current position	Next stage	Timing of next stage
<p><b>Ranger services</b></p> <p><b>Options currently under consideration:</b></p> <ol style="list-style-type: none"> <li>1. Functions in NSW undertaken by YVC, functions in ACT undertaken by ACT Government and its agencies</li> <li>2. Functions in NSW delegated by YVC to ACT Government and its agencies, functions in ACT undertaken by ACT Government and its agencies</li> </ol> <p><b>Commentary:</b></p> <p>Section 377 of the Local Government Act 1993 sets out the general power of councils to delegate their functions and permits a council to delegate any of its functions to the general manager or 'any other person or body'. A council has the functions that are conferred or imposed on it under the Local Government Act, or any other Act. The delegation power in s377 allows councils to delegate its functions to appoint persons or authorised officers under the Local Government Act or other legislation conferring functions on council to 'any other person or body' which could include the ACT Government or Minister responsible for administering Territory and Municipal Services (TAMS). This is subject to any restrictions in the Local Government Act and other legislation.</p> <p>The general intention is for YVC to delegate its regulatory functions under the following legislation to TAMS officers:</p> <ul style="list-style-type: none"> <li>» Abandoned Vehicles: Under Section 5 of the Impounding Act 1993, impounding officers are given the power to impound motor vehicles, subject to compliance with the processes in s16 of the Act. Under the Act an 'impounding officer' is defined to mean a 'person appointed by an impounding authority to exercise the functions of an impounding officer'. A council is an impounding authority. The Council could delegate its power of appointment under the Impounding Act to the ACT Government or Minister responsible for TAMS who could then appoint persons to exercise the functions of an impounding officer in respect of West Belconnen.</li> <li>» Illegal Dumping: The Protection of the Environment Operations Act 1997 and associated Regulation provide the regulatory framework for managing and preventing illegal dumping in NSW, in addition to other offences. The Act allows for the appointment of authorised officers to investigate environmental offences. The Act imposes functions on a 'local authority' as the 'appropriate regulatory authority' in relation to certain activities. This includes 'an authority prescribed instead by the Regulations'. The Regulations could prescribe an 'authority' of the ACT as the 'local authority' for West Belconnen, who could then appoint its officers or employees to be 'authorised officers' in order to carry out investigative functions under the Act. Changes to the Regulations could also permit the officers to issues penalty notices in respect of certain offences. Subject to confirmation of caselaw on the meaning of 'authority', this could permit TAMS officers to be appointed as authorised officers and enforcement officers.</li> </ul>	<p>» Determine service provider</p> <p>» Potentially a servicing agreement between YVC and ACT Government, depending on the provider</p>	<p>» Two to five years prior to homes being built and occupied on the NSW lands</p> <p>» Two to five years prior to homes being built and occupied on the NSW lands</p>

Current position	Next stage	Timing of next stage
<p><b>Companion animals</b></p> <p><b>Options currently under consideration:</b></p> <ol style="list-style-type: none"> <li>Functions in NSW undertaken by YVC, functions in ACT undertaken by ACT Government and its agencies</li> <li>Functions in NSW delegated by YVC to ACT Government and its agencies, functions in ACT undertaken by ACT Government and its agencies</li> </ol> <p><b>Commentary:</b></p> <p>Under the NSW Companion Animals Act 1998, all NSW cat and dog owners are required to have pets permanently identified and registered for life. Registration is undertaken by councils and a one-off fee is charged.</p> <p>Section 6(2) of the Act provides that the functions of a local authority under the Act may be undertaken by a specified person or person holding a specified office. Clause 29 of the Regulations prescribes the persons who can undertake the functions of local authorities for particular areas, including lands within the Centennial Park and Moore Park Trust, Parramatta Park Trust and the Sydney Olympic Park. Clause 29 of the Regulations could be amended to prescribe that a specified person such as the ACT Government of responsible Minister was the 'local authority' for the West Belconnen area. This would then allow employees of that 'person', such as TAMS officers, to be authorised to exercise the functions of authorised officers under the Act.</p> <p>Changes to the Companion Animal Act and associated systems and processes have recently, or are currently, being made. These changes are the result of the NSW Government's response to the recommendations of the Companion Animals Taskforce. Forthcoming changes include a redesign of the Companion Animals system, including the Companion Animals Register, in to "better ensure responsible cat and dog ownership while minimising regulatory burden".</p> <p>The ACT has its own licensing arrangements for domestic animals.</p> <p>Initial investigation has shown that there are differences between the ACT and NSW provisions for companion animals. In some cases the NSW legislation is more stringent and in other cases the ACT legislation contains more detailed or prescriptive regulations.</p> <p>TAMS officers would be able to be delegated to administer differing NSW and ACT provisions.</p>	<p>» Determine service provider</p>	<p>Two to five years prior to homes being built and occupied on the NSW lands</p>
	<p>» Potentially a servicing agreement between YVC and ACT Government, depending on the provider</p>	<p>» Two to five years prior to homes being built and occupied on the NSW lands</p>