

PLANNING PROPOSAL

FOR:

Riverview Projects (ACT) Pty Limited, as the Development Manager for Reid and Stevens Pty Ltd and other landowners within Parkwood

IN RESPECT OF:

Parkwood being the NSW part of the Ginninderry Project

October 2017

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Planning Proposal

Parkwood being the NSW part of the Ginninderry Project

Issue updated and revised October 2017

Client: Riverview Projects (ACT) Pty Ltd, as the Development Manager for Reid and Stevens and other landowners within Parkwood

Reference: Blak Spot 257462.05

Knight Frank Town Planning

Qualifications:

1. This Planning Proposal is current at the date of publication only.
2. This Planning Proposal is to be read in its entirety and in association with other relevant documentation and documents submitted as part of this Planning Proposal.

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- Appendix 24 - Rosenberg's Monitor Goanna Habitat Assessment prepared by Ecological Australia December 2016
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- Appendix 27 - West Belconnen Archaeological Report Archaeological Report prepared by Biosis May 2014
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- Appendix 29 - Historical Summary of Land Zoning Historical Summary of Land Zoning prepared by Knight Frank Town Planning April 2017
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- Appendix 45 - West Molonglo Discussion Paper on Infrastructure and Servicing Issues prepared by Lindsay Taylor Lawyers June 2008
- Appendix 46 - West Belconnen Sewer and Water Concept Plan prepared by Brown
- Appendix 47 - Ginninderry-Murrumbidgee River Corridor Boundary Change and Trunk Sewer Alignment letter prepared by Calibre Consulting (ACT) Pty Ltd October 2017
- Appendix 48 - West Belconnen European Cultural Heritage Report 2014 February 2014 Eric Martin and Associates
- Appendix 49 - West Belconnen European Cultural Heritage Report prepared by Eric Martin and Associates February 2013
- Appendix 50 - Aboriginal Cultural Values Assessment report (redacted) prepared by the Waters Consultancy May 2017

1 Introduction

The Ginninderry project is a proposed master planned cross border community comprising some 1,600 hectares of land across and adjacent to the NSW and ACT borders. The locality is referred to as West Belconnen (ACT) and Parkwood (NSW). The proponent of the Ginninderry project is a Joint Venture between the ACT Land Development Agency (LDA) and Riverview Developments Pty Limited. The Project Manager for the Ginninderry Project is Riverview Projects (ACT) Pty Limited. Riverview Projects also acts on behalf of the owners of the other properties that comprises the land subject to the Planning Proposal and otherwise referred to as Parkwood.

Knight Frank Town Planning has been engaged by Riverview Projects (ACT) Pty Ltd, as the Development Manager for Reid and Stevens Pty Ltd and other landowners within Parkwood, to prepare a Planning Proposal (referred to as the Parkwood Planning Proposal) to accompany a request to Yass Valley Council to adopt a Parkwood Local Environmental Plan (LEP), being a principal LEP, and to amend the *Yass Valley Local Environmental Plan (LEP) 2013*.

The principal objective of this Planning Proposal is to facilitate an integrated approach to the conservation of the ecological values of the land together with an orderly and planned new community adjacent to the border with the ACT. For clarity:

- Land located within NSW that is subject to this Planning Proposal is referred to as Parkwood.
- Land located in the adjacent border community in the ACT is referred to as West Belconnen.
- The wider urban release of both Parkwood and West Belconnen is referred to as Ginninderry.

For the purposes of this Planning Proposal, the land is referred to as "Parkwood". Parkwood comprises the following land:

- Lot 1, DP771051 – Reid and Stevens Pty Ltd
- Lot 2, DP771051 – Reid and Stevens Pty Ltd
- Lot 3, DP771051 – Reid and Stevens Pty Ltd
- Lot 7, DP771051 – Reid and Stevens Pty Ltd
- Lot 61, DP801234 – A and J Hyles
- Lot 4, DP771051 – E Shaw and G Armitage
- Lot 5, DP771051 – P Fleming and G Moore
- Lot 1, DP1184677 – P Fleming and G Moore
- Lot 2, DP1184677 – P Fleming and G Moore
- Lot 3, DP1184677 – P Fleming and G Moore
- Lot 62, DP 801234 – S Scibberas

The written consent of all current land owners is attached at Appendix 1.

This Planning Proposal acknowledges and addresses the unique border adjacent location of the land and the intrinsic attributes of the site. The Planning Proposal outlines and confirms that the proposal has both strategic and site specific merit to justify the proposed rezoning.

This Planning Proposal has been prepared in accordance with the provisions of the *Environmental Planning and Assessment (EP&A) Act 1979* (NSW), the Guidelines for preparing Planning Proposals (August, 2016) as issued by the Department of Planning and Environment, and the requirements of Yass Valley Council for the lodging of Planning Proposals (May 2012).

1.1 Executive Summary

Ginninderry Project

As noted above, and subject to rezoning, it is proposed that Parkwood will be part of a wider cross border master planned community. In summary it is proposed that the Ginninderry project will comprise of:

- An estimated 11,500 dwellings of which some 5,000 dwellings will be located in NSW.
- An estimated 596 hectares of Conservation Corridor, of which an estimated 213 hectares are in NSW, along the Murrumbidgee River and Ginninderra Creek including the Ginninderra Falls. (**Note;** The actual area (in hectares) of the Conservation Corridor is subject to detailed land survey).
- An estimated resident population on completion of about 30,000, of which an estimated 13,000 will reside in NSW.
- A total project duration of some 35 to 40 years (market dependent), with first development in Parkwood expected to commence in 2032.

While development within the Parkwood component of Ginninderry is unlikely to occur for some years, consideration and confirmation of Parkwood's development potential is critical to the orderly and economic planning and provision of essential services and other community infrastructure (much of which will be delivered through the ACT).

As noted above, the project is now referred to as Ginninderry. This name was selected following a process of research and consultation into the cultural history of the area. Previously, the project was referred to as West Belconnen, and hence the majority of accompanying scientific and technical report use the name 'West Belconnen'.

Parkwood Planning Proposal

The Planning Proposal seeks to rezone land from the exiting zones under the *Yass Valley LEP 2013* of RU1 Primary Production and E3 Environmental Management to a combination of R1 General Residential, E2 Environmental Conservation, E3 Environmental Management and SP1 Special Activities, as shown in Figure 21, as part of the overall Ginninderry urban release area. It will, if approved, support the establishment of an integrated cross border community.

The Planning Proposal proposes the adoption of a site specific Parkwood LEP, being a principal LEP, and an amendment to the Yass Valley LEP 2013. Under the Parkwood LEP the zones and land uses are tailored specifically to this unique cross border community, with a particular focus on the long term protection of identified sensitive lands. The Planning Proposal describes the capabilities, constraints and opportunities of the subject land, and outlines plans and strategies underpinning a sustainable approach to urban development and innovative conservation management.

The Planning Proposal has provided the opportunity to develop an enhanced understanding of the ecologically and culturally important parts of the site. Particular emphasis has been placed on the preparation of a range of scientific investigations to understand the extent and significance of areas that should be excluded from development, and to clearly define the recommended boundary between land suited to urban development and land that should be conserved on the basis of its intrinsic ecological, cultural, heritage and landscape values. The land to be conserved is referred to as the Conservation Corridor.

That part of Parkwood proposed to be developed for urban purposes is to be zoned R1 General Residential and provides for a range of permitted land uses. This will provide the flexibility required to accommodate for a range of uses, densities and lot sizes over Parkwood's development lifecycle.

Of particular relevance is the intent to apply a set of planning controls that provide a greater level of protection over the identified E2 Environmental Conservation and E3 Environmental Management zones.

At present, the north western end of the site is zoned E3, with a range of permissible uses. It contains farmland, a quarry, a tourism facility and dwelling houses, and is not actively managed for conservation purposes. The Murrumbidgee River and Ginninderra Creek corridors, including Ginninderra Falls, are privately owned with no public access.

Research for this Planning Proposal has revealed that the current E3 zone boundary was not based on any site specific studies, but rather reflects the prior 7(e) – Environmental Protection (Scenic) zone under the previous Yarrowlumla LEP 1986. The 7(e) zone and the objective of the zone was *'to protect various areas which are environmentally sensitive and which enhance the visual amenity of the Shire of Yarrowlumla'*. It is noted that the land was not zoned the *'higher order conservation'* zone of 7(g) - Environmental Protection (Scientific). The objective of the 7(g) zone was *'to protect areas which are of scientific or social significance'*. The original 7(e) zoning was not scientifically based, but rather appears based upon cadastral boundaries.

In that context, a series of scientific investigations have determined the characteristics, extent and significance of ecologically and culturally significant lands and restrictive site specific E2 and E3 zones are proposed to provide the appropriate levels of protection to the Conservation Corridor. The inclusion of the proposed E2 zone will ensure that land identified as being of high ecological, cultural and heritage value will be protected. This will be achieved through the limited range of permissible land uses within the E2 zone.

The proposed E3 zone will result in a zone far more restrictive and in keeping with the now known ecological values of the area than the current E3 zone. The current E3 zone is a broad zone that applies across all of the Yass Valley local government area (LGA). As a broad zone the current E3 zone contains a number of permitted uses not consistent with the ecological values of Parkwood. They are uses with the potential to place risk to those conservation values. The proposed E3 zone in the Parkwood LEP proposes to exclude those uses.

The proposed zonings are accompanied by additional local provisions to address the conservation/urban edge interface, and which require the preparation of a Development Control Plan (DCP) and detailed neighbourhood structure plans prior to urban development commencing.

The proposed rezoning and consequent development activities would, if approved, see the identified Murrumbidgee River and Ginninderra Creek corridors, along with Ginninderra Falls, progressively dedicated to Yass Valley Council and managed by a Trust to preserve, protect and enhance the identified intrinsic ecological, heritage, cultural and landscape attributes of the land on behalf of the broader regional community.

This statutory approach is complemented by the proposed creation of a Conservation Management Trust as the most appropriate long term management structure for the whole of the Conservation Corridor spanning both the ACT and NSW parts of Ginninderry.

Whilst it is anticipated that development of the NSW lands will not commence for approximately ten years, it is important to confirm the urban potential of the land now through the proposed rezoning. This will ensure an integrated and planned approach to the overall urban release to underpin the orderly and economic development of the land. Rezoning of the land will provide the necessary certainty to ensure that services and infrastructure can be planned for, funded and delivered as development in the ACT progresses to the border at Parkwood.

Previous Parkwood (West Belconnen) Planning Proposal

A previous Planning Proposal, known as the Parkwood (West Belconnen) Planning Proposal, was originally submitted to Yass Valley Council in 2014. Yass Valley Council as the Relevant Planning Authority (RPA) lodged the Parkwood (West Belconnen) Planning Proposal with the Department of Planning and Environment on 27 January 2015.

The Department under delegation from the Minister for Planning supported the Parkwood (West Belconnen) Planning Proposal and issued a Gateway Determination on 16 April 2015. A summary of the Gateway Determination conditions, and how and if they needed to be addressed is described in Table 1.

Table 1 Parkwood (West Belconnen) Planning Proposal Gateway Determination Conditions

Condition Number	Gateway Determination Condition	How the Condition Has Been Addressed
1	The planning proposal is to be revised prior to community consultation to include a Cross Border Government Servicing Report that addresses the intended framework for government funding and service delivery to the land by the ACT Government, NSW Government and Yass Valley Council.	<p>The preparation and lodgement of this Parkwood Planning Proposal includes an assessment that addresses the intended framework for the government funding and service delivery of land by the ACT Government, NSW Government and Yass Valley Council.</p> <p>The Planning Proposal has been updated to reflect additional ecological and cultural studies, together with general revisions reflecting changes since the lodgement of the Parkwood (West Belconnen) Planning Proposal in 2014.</p>
2	A revised planning proposal, that includes the Cross Border Government Servicing Report, is to be submitted to the General Manager, Southern Region, for endorsement prior to community consultation.	<p>This revised Parkwood Planning Proposal is to be submitted to Yass Valley Council for assessment and endorsement and subsequent submitting to the Planning Proposal with the Department of Planning and Environment.</p> <p>If the Department of Planning and Environment support the Planning Proposal a new Gateway Determination will be issued which will require the Planning Proposal to be placed on exhibition.</p>

Condition Number	Gateway Determination Condition	How the Condition Has Been Addressed
3	Prior to submitting a revised planning proposal to the General Manager, Southern Region, a forum is to be held with all relevant government service providers to determine if the servicing framework in the Cross Border Government Servicing Report is practicable.	<p>The Cross Border Servicing Forum was held on 16 March 2016.</p> <p>The Cross Border Government Servicing Report (Appendix 37) sets out the various options and the outcome of agency consultations. The Cross Border Government Servicing Report sets a 'base case' option for the delivery of services and infrastructure. This is achieved through coordinated arrangements between the NSW and ACT Governments along with Yass Valley Council that can function within existing legislative frameworks. The Report recommends the base case option, and this is the preferred option to deliver services and infrastructure within Parkwood.</p>
4	The council is to prepare draft Local Environmental Plan Maps that are consistent with the latest version of the "Standard technical requirements for Local Environmental Plan maps" and the draft maps are to be placed on public exhibition as part of community consultation.	It is anticipated that upon Yass Valley Council lodging this Planning Proposal to the Department of Planning and Environment, that Council will prepare draft LEP maps based on this Planning Proposal that are consistent with the "Standard technical requirements for Local Environmental Plan maps".
5	<p>Community consultation is required under section 56(2)(c) and 57 of the Act as follows:</p> <ul style="list-style-type: none"> a) The planning proposal must be publicly available for a minimum of 28 days, and b) The relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning 	<p>If the Department of Planning and Environment supports this Planning Proposal, it is anticipated that a new Gateway Determination for this Planning Proposal will be issued.</p> <p>It is expected that a condition of the new Gateway Determination will require community consultation of this Planning Proposal.</p>

Condition Number	Gateway Determination Condition	How the Condition Has Been Addressed
	proposals as identified in section 5.5.2 of A Guide to Preparing Local Environmental Plans (Department of Planning and Infrastructure 2013).	
6	<p>Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:</p> <ul style="list-style-type: none"> • The ACT Government, including ACT Chief Ministers Department, ACT Treasury and ACT Environment and Planning Directorate • Ambulance Service of NSW • Department of Attorney General and Justice • Murrumbidgee Catchment Management Authority • Department of Family and Community Services • Department of Education and Communities • Office of Environment and Heritage • Department of Premier and Cabinet • Transport for NSW • Office of Environment and Heritage – NSW National Parks and Wildlife Service • Fire and Rescue NSW • Department of Health • NSW Police Force • NSW Rural Fire Service • NSW Treasury • Transport for NSW – Roads and Maritime Services <p>Each public authority is to be provided with a copy of the planning proposal and any relevant</p>	<p>If the Department of Planning and Environment supports this Planning Proposal, it is anticipated that a new Gateway Determination for this Planning Proposal will be issued.</p> <p>It is expected that a condition of the new Gateway Determination will require consultation of this Planning Proposal with the relevant public authorities or for compliance with the relevant Section 117 Directions.</p>

Condition Number	Gateway Determination Condition	How the Condition Has Been Addressed
	support material, and given at least 40 days to comment on the proposal.	
7	A public hearing is not required to be held into the matter of any person or body under section 56(2) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).	It is noted that a public hearing is not required for the Parkwood (West Belconnen) Planning Proposal.
8	The timeframe for completing the Local Environment Plan is to be 24 months from the week following the date of the Gateway determination.	The Parkwood (West Belconnen) Planning Proposal was issued an extension to the completion of the LEP until 16 April 2018.

ACT Territory Plan and National Capital Plan

The Planning Proposal is being prepared in conjunction with the separate statutory plan amendments to the ACT Territory Plan and the National Capital Plan. Since lodgement of the original Planning Proposal, both the ACT Territory Plan and the National Capital Plan have been amended to enable the urban development of the ACT Lands.

Strategic merit of the Planning Proposal

In establishing how Parkwood fits within the wider strategic setting of Yass Valley and the 'border region' with the ACT, a strategic merit review has been undertaken of the Planning Proposal against the local (Yass Valley Council) and regional (NSW Government) policy frameworks, with particular reference to the Threshold Sustainability Criteria within the Sydney to Canberra Corridor Regional Strategy. That strategic merit review whilst acknowledging that Parkwood falls outside the current regional settlement framework, confirms that Parkwood is justified and supportable in terms of satisfying the planning principles that apply to the location of new settlements irrespective of its state/territory border location. It is noted that the Sydney to Canberra Corridor Regional Strategy is to be superseded by the draft South East and Tablelands Regional Plan. The Regional Plan expressly refers to Parkwood by identifying its importance as a cross border release area and the opportunities it presents to the delivery of key infrastructure and services.

Note:

A supplementary submission has been prepared to update the Planning Proposal (Proposal) in relation to the assessment of the Proposal against the relevant regional strategy as required by the s 117 Direction 5.1 –*Implementation of Regional Strategies*. See supplementary submission at Appendix 2.

This supplementary submission updates the regional planning framework as it is referred to in the Planning Proposal. At the time of the preparing of the Planning Proposal, the relevant regional framework was the Sydney to Canberra Corridor Regional Strategy and the draft (as exhibited) South East and Tablelands Regional Plan. It is noted that the adopted South East and Tablelands Regional Plan varies from that which was publicly exhibited.

Local Government Area wide context

The Yass Valley Settlement Strategy 2016-2036 sets out the long term growth and development vision and principles for the Yass LGA. The Strategy focuses on ensuring that growth across the LGA is sustainable, enhancing and protecting existing settlements and identifying where future urban growth can be accommodated.

Parkwood is identified by the Strategy as an area that offers a unique opportunity for growth, due to the site's self-containment and accessibility only via the ACT. The Strategy recognises the importance of the

infrastructure and servicing arrangements that Parkwood has with the ACT to allow development to occur.

Master planning for the overall NSW/ACT release area has been undertaken to ensure a whole of development approach irrespective of jurisdictional boundaries. The master plan has been the result of a significant collaborative and an iterative design process inclusive of Yass Valley Council, NSW and Territory Governments, and local residents. The master plan has principally informed the proposed rezoning on both sides of the state/territory border. The master plan together with the supporting studies confirms that the site is capable of urban development within the environmental and natural resource limits of the site.

A copy of master plan prepared by Roberts Day Urban Designers is at Figure 1. Since the adoption of the master plan, site specific studies have made some refinements to the future urban areas identified by the master plan with regards to the proposed zoning. This is the outcome of further ecological studies and the subsequent cultural heritage studies.

In addition to the master planning undertaken by Roberts Day, the Planning Proposal anticipates the incorporating of specific LEP urban release area provisions that in part require the preparation of a DCP prior to any urban subdivision occurring. The DCP will address:

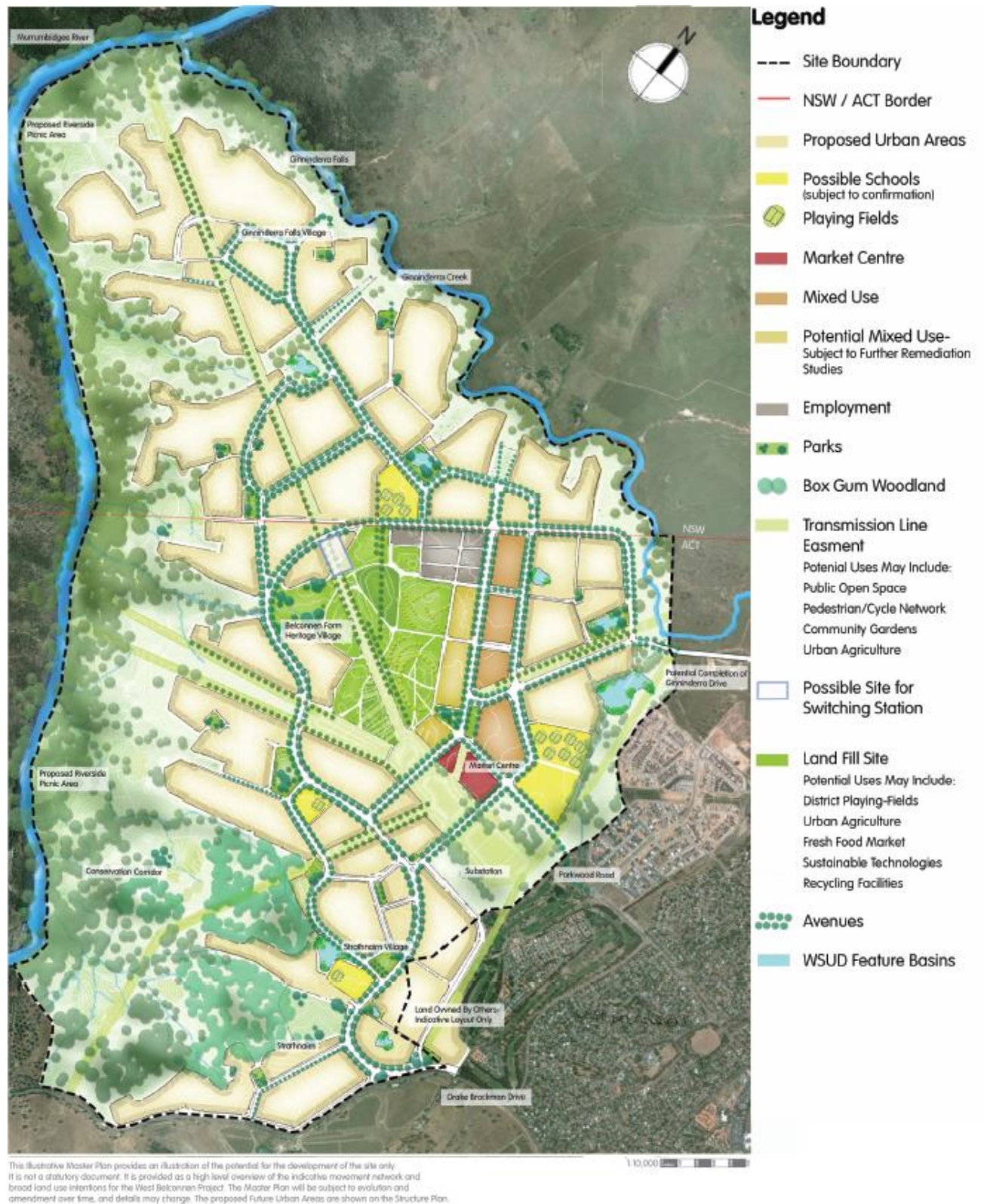
- The staging and sequencing of development, the overall transport hierarchy and identify the overarching design principles for Parkwood. A copy of the staging plan is at Figure 3.
- Specific local or neighbourhood design principles through the inclusion of neighbourhood structure plans attached to the DCP. The neighbourhood structure plans will address the scale of design and siting, local features and any constraints to future urban development or form.

In this regard, Roberts Day have prepared examples of a potential typical transect of housing types across the Parkwood urban release that includes larger lots at a lower density adjacent to the future conservation/urban edge – see Figure 2.

The preparation of neighbourhood structure plans is a planning approach adopted by other DCPs, including the Queanbeyan DCP and the West Dapto DCP in Wollongong. This approach recognises the broad scale of the Parkwood release, the diversity of the landscapes and the long lead time before urban development will occur in Parkwood (up to ten plus years). Neighbourhood structure planning ensures that local features across the land can be addressed in the specific layout, form and type of development. This is particularly the case in terms of managing the interface between conservation and urban lands.

To help inform what requirements must be considered by development in the conservation/urban edge interface, the DCP could include indicative cross sections providing examples of treatments for different neighbourhoods in Parkwood. This could include the location of fences and paths, the treatment of plantings and rocky outcrops, and the siting and treatments of roads.

Figure 1 Ginninderry Master Plan



Conservation Management

In addition to the proposed rezoning and planning controls, there will be the establishment of a Conservation Management Trust. The aim of the Conservation Management Trust is to establish a self-funded entity to maintain and conserve the values of the Conservation Corridor in perpetuity based on a Conservation Management Plan.

The West Belconnen Strategic Assessment Report (Appendix 6) and West Belconnen Strategic Assessment Program Report (Appendix 7) were submitted in January 2017 and address the requirements of the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) for land in NSW and the ACT. An EPBC Approval (Appendix 6a) has subsequently been issued, including a condition that a Conservation Management Trust must be established.

A draft Conservation Management Plan has been prepared setting out the management and funding functions of the Trust. The Trust, once established, will be responsible for the operation and review of the Conservation Management Plan to ensure that the Murrumbidgee River and Ginninderra Creek Conservation Corridor land is protected and conserved.

The Conservation Management Trust will provide a consistent approach to the management of the entire Conservation Corridor (ie, across both the ACT and NSW sections of Ginninderry). The need for an innovative and sustainably funded conservation management solution has also been recognised in discussions with the Commonwealth with respect to the proponent's obligations under the EPBC Act for the whole of the Ginninderry project.

Infrastructure and servicing arrangements

The proposed community on both sides of the state/territory border will share many mutual interests across the two jurisdictions. The servicing and funding review undertaken in conjunction with the Planning Proposal confirms that there are administrative and funding solutions to sustain a viable border adjacent community.

As required by the Gateway Determination issued by the Department of Planning and Environment, dated 16 April 2015, an assessment of the infrastructure and servicing requirements and options has been undertaken in collaboration with NSW and ACT government agencies, and Yass Valley Council. Those discussions included an interagency forum held on 16 March 2016. The Cross Border Government Servicing Report (Appendix 37) sets out the various options and the outcome of agency consultations. The Cross Border Government Servicing Report sets a 'base case' option which allows the delivery of services and infrastructure. This is achieved through coordinated arrangements between the NSW and ACT governments along with Yass Valley Council that can function within existing legislative frameworks. The Report recommends the base case option, and this is the preferred option to deliver services and infrastructure within Parkwood.

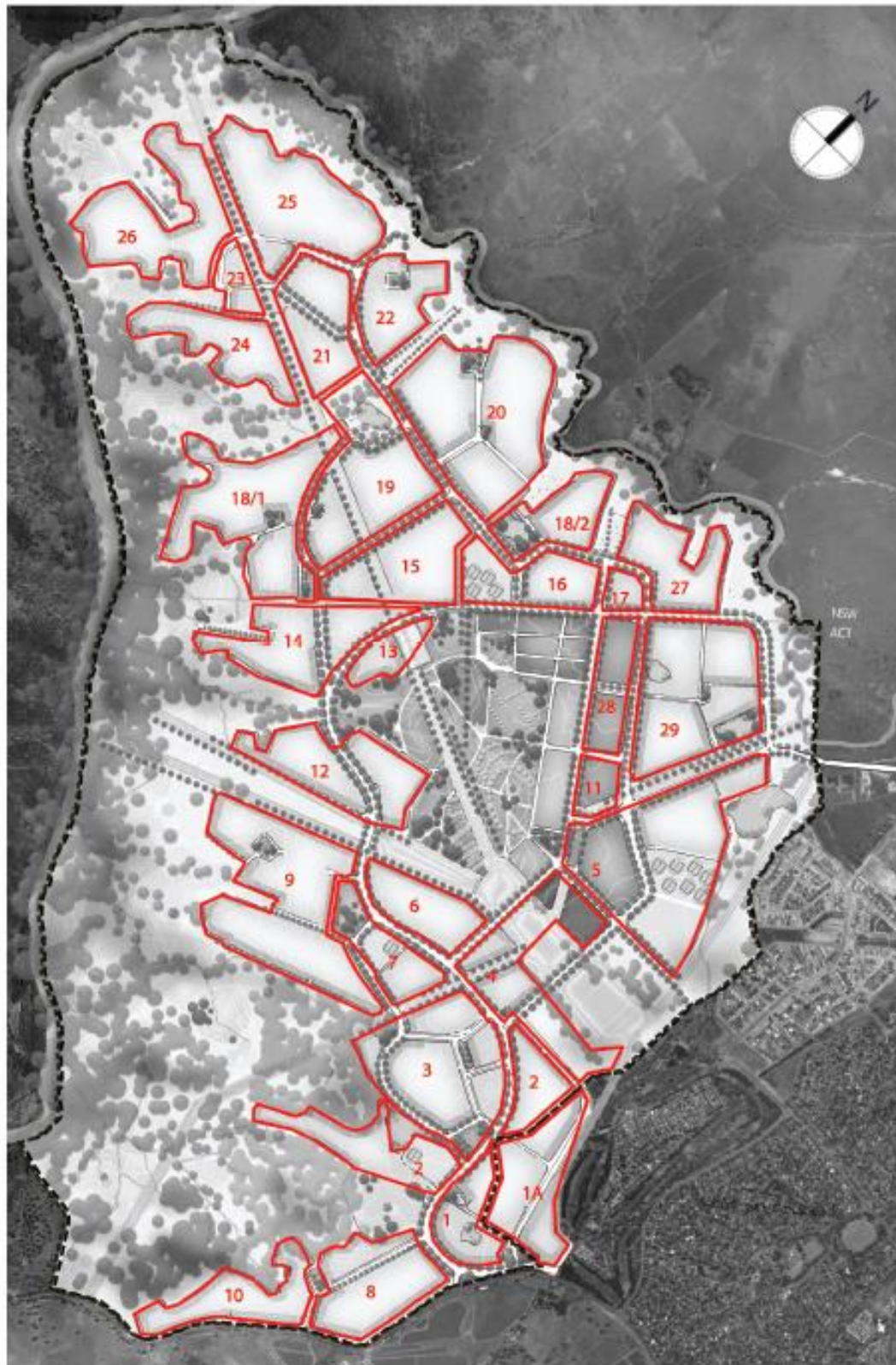
Figure 2 Ginninderry Neighbourhood Transects

Density_ The Transect

Three relevant criteria focusing on
density to support infrastructure / mix of
housing types / increased density
pockets to support use and infrastructure



Figure 3 Ginninderry Staging and Sequencing Plan



Indicative Staging Plan

1.2 Ginninderry Vision

The proponent's vision is that Ginninderry, including Parkwood, will be a sustainable community of international significance in and adjacent to the nation's capital exemplifying world's best practice in design, construction and long term liveability. The West Belconnen Vision Statement (see Appendix 4) sets out a range of detailed principles which will direct decision making as the project proceeds. Principles are specified in the following categories:

- Partnerships.
- Evaluation.
- Ecological.
- Social and cultural.
- Economic.

1.3 Ginninderry – Green Star community

Parkwood, as part of Ginninderry, is a Green Star Communities Pilot Project. The Green Star Communities rating tool developed by the Green Building Council of Australia is Australia's first fully independent national sustainability rating tool for communities.

Green Star Communities Pilot Project defines 38 best practice benchmarks across five sustainability categories, plus innovation for the planning, design and delivery of sustainable communities in terms of:

- Governance.
- Design.
- Liveability.
- Economic prosperity.
- Environment.

The Ginninderry project was required to complete the documented assessment process measured against the above categories within three years of becoming a Pilot Project. The project was awarded a six-Star Green Star – Communities certified rating in August 2016. This is the highest achievable rating and demonstrates world leadership in sustainability. The Ginninderry Joint Venture has committed to the continued recertification of the project throughout the 30-40 year development timeframe. This will ensure that the project keeps up with best practice thinking overtime.

1.4 Background of the site

The project was initiated by the Riverview group of companies (owned by Reid and Stevens) who held a 99 year lease over much of the ACT lands, as well as owners of just over half of the freehold land comprising Parkwood. The contiguous ownership of land across the border is unique, and has enabled a co-ordinated approach to the cross border urban release.

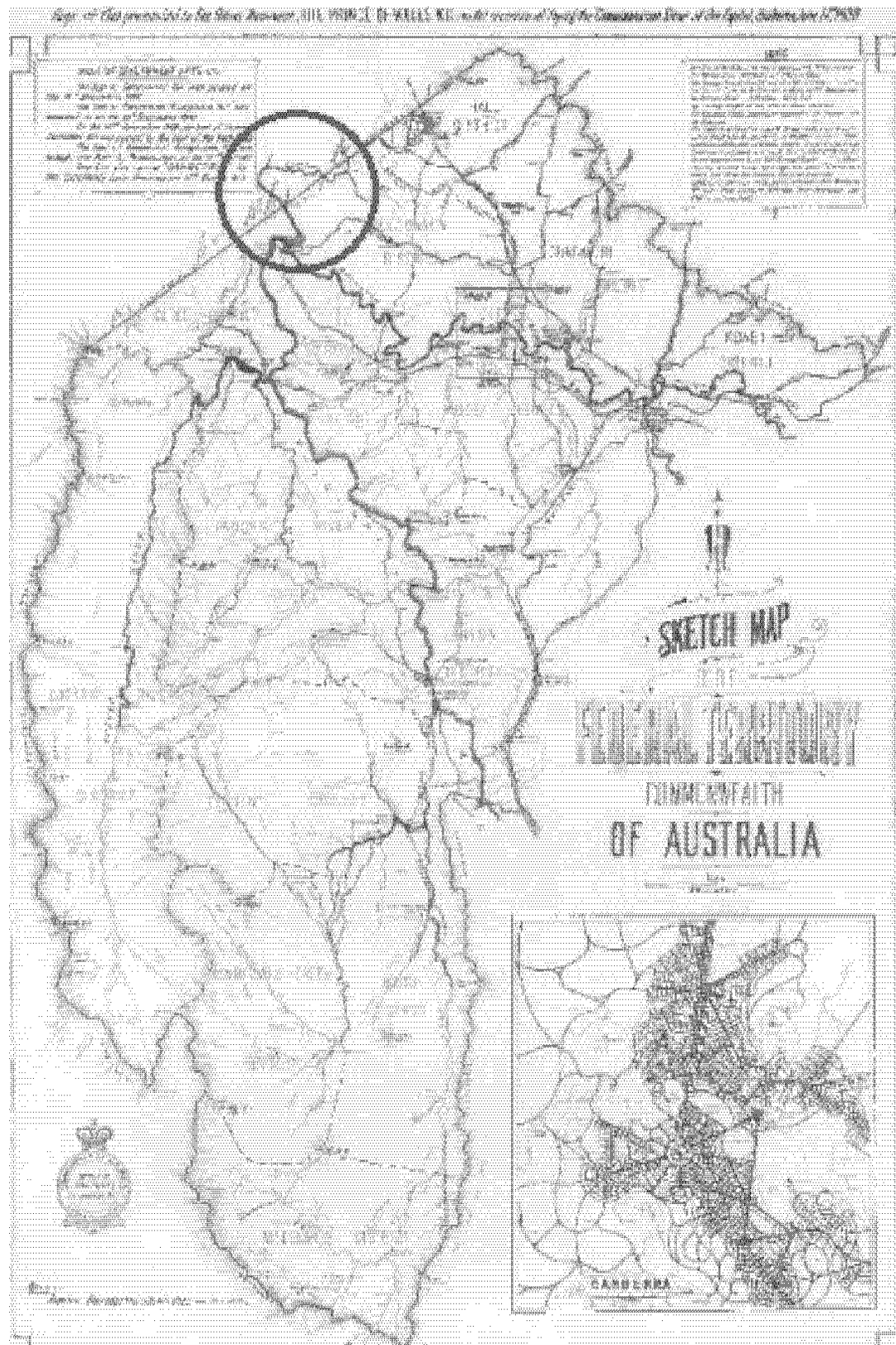
Negotiations between the ACT Government and the Riverview group of companies led to an agreement to transfer the Ginninderry rural lease (previously held by Reid and Stevens) to the ACT Government and to contribute the Riverview owned lands in Parkwood to a Joint Venture enterprise. The Joint Venture would be responsible for the coordinated planning of the whole of Ginninderry and the development of the Joint Venture controlled lands.

The Joint Venture is controlled by a Board comprising representatives of the Territory and Riverview group of companies, and is chaired by an independent chairman. The project is managed by Riverview Projects (ACT) Pty Limited under the direction of the Joint Venture Board.

The remainder of the Parkwood land is owned by four other freehold landowners. Riverview Projects (ACT) Pty Limited acts as the Development Manager for the other four landholders for the purpose of this Planning Proposal.

As a general reference and of interest, the Prince of Wales Plan of the ACT 1920 acknowledged the relationship of the Parkwood Peninsula to Canberra. See Figure 4.

Figure 4 Prince of Wales Plan of the ACT 1920



1.5 Planning Proposal at a glance

The Planning Proposal comprises the following key elements:

1. The rezoning of land from the current RU1 Primary Production and E3 Environmental Management zones to Parkwood site specific R1 General Residential, E2 Environmental Conservation, E3 Environmental Management and SP1 Special Activities zones.
2. The proposed application of a new principal LEP to the land.

A synopsis of the development to occur in Parkwood is provided below.

- Parkwood forms part of the cross border Ginninderry urban release and contains an estimated 5,000 dwellings.
- Parkwood comprises approximately 600 hectares, of which approximately 394 hectares is proposed for urban development while approximately 213 hectares is to be reserved for conservation purposes.
- The development program for Parkwood is expected to be 30 to 40 years.

1.6 Purpose of this Planning Proposal

The purpose of this Planning Proposal is to seek the adoption of a Parkwood LEP to enable the urban development of parts of the subject land and the setting aside of land for conservation purposes based on site specific ecological, cultural and heritage assessments. This Planning Proposal also sets out the amendments required to the *Yass Valley LEP 2013*. The Parkwood LEP will:

1. Create a new '*Land Application Map*' to only show the land identified in Parkwood that the Parkwood LEP will apply to.
2. To make provision for the following specific planning controls:
 - To rezone land from RU1 Land Primary Production to R1 General Residential, E2 Environmental Conservation and E3 Environmental Management.
 - To modify the current E3 Environmental Management zone boundary to more accurately reflect the known ecological, cultural and heritage values of the land.
 - To restrict the range of permissible land uses in the E3 Environmental Management zone to better target sustainable environmental management of the subject land.
 - To rezone some of the current E3 Environmental Management zone to E2 Environmental Conservation to better reflect the ecological, cultural and aesthetic values of parts of the land.

- To rezone part of the land adjoining the Conservation Corridor as SP1 Special Activities for a restricted range of uses that will support the education and interpretation role of the Ginninderra Falls.
- The inclusion of a heritage clause as a 'miscellaneous provision' and Heritage Map. The heritage clause will ensure that development to occur in or near Aboriginal scattered artefacts and cultural deposits are required to meet certain considerations addressing how the development will manage and treat the heritage item or place prior to development consent being granted. Whether the Aboriginal artefacts map is subject to the advice of the Office of Environment and Heritage.
- The inclusion of an urban release areas clause and associated Urban Release Area Map. The urban release area clause will:
 - Require the preparation of a DCP for the land to be zoned R1 General Residential to determine the range of lot sizes and height of buildings. Furthermore, require the preparation of neighbourhood structure plans as part of the DCP for each stage of development for land zoned R1 General Residential to determine the specific design principles that address the scale, siting and local features for a neighbourhood, and to address the conservation/urban edge interface.
 - Require satisfactory arrangements for the provision of designated State and Territory public infrastructure be in place for the land zoned R1 General Residential prior to the approval of residential subdivisions.
 - Require public utility infrastructure for the proposed development to be available or adequate arrangements in place to make the infrastructure available on R1 General Residential zoned land.
- The inclusion of a conservation/urban edge interface clause as an 'additional local provision' and associated Conservation/Urban Edge Interface Map. The clause will include specific provisions that need to be addressed in both the preparation of a DCP and neighbourhood structure plan. These will include provisions such as Asset Protection Zones (APZ), vegetation and landscaping requirements including the preservation of mature trees, the treatment of edge roads, street lighting, water sensitive urban design principles, and potential impacts on environmental values in the adjacent Conservation Corridor.
- The inclusion of an egg farm buffer clause as an 'additional local provision' and an Egg Farm Map. The egg farm buffer clause will require that prior to development consent being granted that certain matters are considered.
- The inclusion of a quarry site development clause as an 'additional local provision' which will require that prior to the development of the land for urban purposes, appropriate measures be undertaken to ensure the rehabilitation of the quarry land to a standard suitable for urban uses.
- The inclusion of Additional Permitted Uses to accommodate the established and continued uses on certain land and the potential for limited subdivision.

3. To amend or retain the following provisions that are applicable under the Yass Valley LEP:

- The Earthworks clause.
- The Flood Planning clause.
- The Terrestrial Biodiversity clause.

It is proposed that the Flood Planning clause provision; the Groundwater Vulnerability clause provision and the Earthworks clause provision will apply to the Parkwood LEP. It is proposed that the Salinity provision clause and: the Highly Erodible Soils provision clause will not apply to the Parkwood LEP. The general purpose and matters set out in the Salinity provision and the Highly Erodible Soils clause provision are to be matters required to be addressed in the proposed applying of a Parkwood Development Control Plan.

The Natural Resources Biodiversity Map is proposed to be amended to reflect the E2 Environmental Conservation zoned land on the basis that:

- The scientific and technical studies prepared to support this Planning Proposal identify more precisely the characteristics of the land and its suitability (or not) for urban development, as well as the land to be retained, protected and conserved for its ecological, cultural, heritage and landscape values.
- The land use zones and specific provisions to be included in the Parkwood LEP restrict development and use of the land within the Conservation Corridor.
- The requirement for a DCP to be prepared will set out those ecological, heritage and cultural considerations that must be addressed prior to development occurring.

4. Amendments to the Yass Valley LEP will also include:

- Amend the Yass Valley LEP '*Land Application Map*' to remove the subject land which will then be included in the Parkwood LEP. The removal of the Parkwood land from the Yass Valley LEP will subsequently require amendments to following maps in the Yass Valley LEP:
 - The Land Zoning Map.
 - The Lot Size Map.
 - Riparian Lands and Watercourses Map, Groundwater Vulnerability Map.
 - Natural Resources Biodiversity Map.
 - Natural Resources Land Map.

Aim of the Planning Proposal

The Planning Proposal aims to:

1. Describe the unique strategic context of the subject lands both regionally and locally.
2. Outline the urban elements of the proposal.
3. Outline how the proposed development will function as a viable border adjacent community as part of the wider Ginninderry urban release.
4. Outline the merits and basis for the proposed urban development based on a master plan and site specific studies that ensures an integrated whole of release approach across the border with the ACT.
5. Outline the proposed approach to the protection of the ecological, cultural and heritage and landscape values of the land.
6. Demonstrate that the proposed rezoning is supportive and justified in terms of both strategic and site specific merit.
7. Seek the endorsement of Yass Valley Council to create a principal Parkwood LEP and amend the Yass Valley LEP in the manner described in the Planning Proposal to facilitate the urban development of the land and the enhancement and conservation of the ecological and cultural values of the land.
8. To demonstrate the net community benefits of the proposed development to the Yass Valley and wider region.

1.7 Planning Proposal Structure

The Planning Proposal structure reflects the statutory requirements and inclusions for Planning Proposals set out in Section 55 of the *Environmental Planning & Assessment Act 1979* (EP&A Act), the Guide to Preparing Planning Proposals as issued by the Department of Planning and Environment in August 2016 and the Yass Valley Council Policy on Planning Proposals – Council policy SEP-POL-1 (Appendix 8)

The structure of this Planning Proposal is summarised below:

Section 1	Introduction
Section 2	Description of the site context
Section 3	Existing planning framework
Section 4	A statement of the objectives and intended outcomes of the Proposal
Section 5	An explanation of proposed instrument
Section 6	Justification including the need for the proposal, the relationship to the relevant strategic planning framework, the potential environmental social and economic impacts, and State and Commonwealth interests
Section 7	Description of the proposed map amendments
Section 8	Details of the likely community consultation processes to be undertaken
Section 9	An indicative project timeline

2 Site Description and Locality

2.1 Proponent and Landowners

The proponent and applicant for the Planning Proposal is Riverview Projects (ACT) Pty Limited, as the Development Manager for the Parkwood landowners listed below.

- Reid & Stevens Pty Ltd.
- A & J Hyles.
- E Shaw & G Armitage.
- P Fleming & G Moore.
- S Scibberas.

2.2 The Locality - surrounding context and setting

The subject land (referred to herein as Parkwood) is located adjacent to the border with the ACT within the Yass Valley LGA. A site map is shown at Figure 5. The subject land is accessible only via the ACT with no direct public road access to other parts of the LGA. The nearest settlement within the Yass Valley LGA is Murrumbateman, approximately a 45 minute drive. Yass town is approximately one hour from Parkwood.

Whilst the subject land is adjacent to rural land used principally for grazing within the surrounding parts of the LGA, it is also adjacent to the established edge of the north western suburbs of Canberra. The nearest urban development is at West Macgregor, approximately one kilometre from the site. Whilst within a rural setting in terms of the LGA, it is in a regional context, more appropriately characterised as urban fringe. The immediate locality and context of the subject land is illustrated at Figure 6.

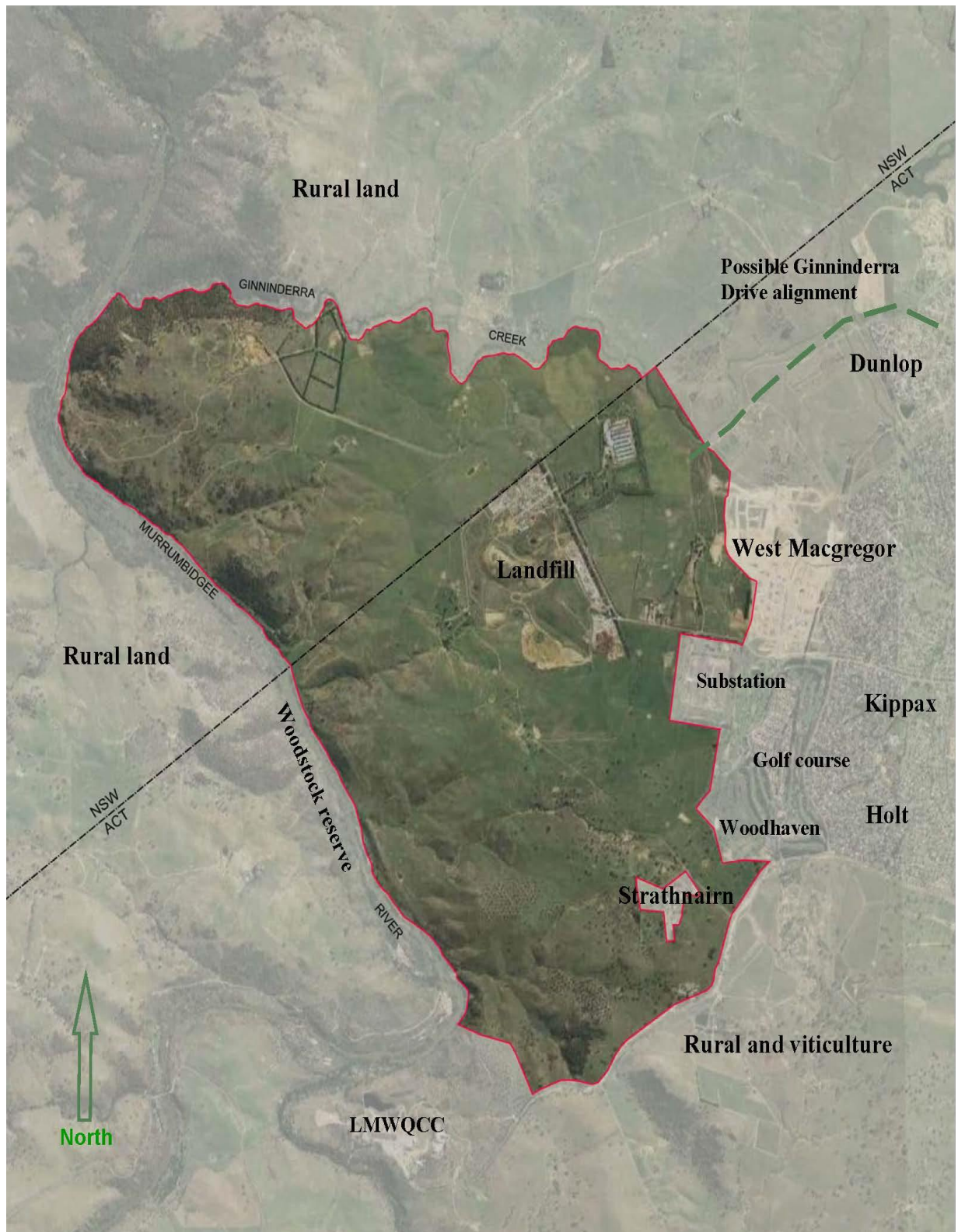
Given the unique "landlocked" nature of the site, its urban fringe location, and the availability of servicing arrangements through the ACT, the proposed urban development of the subject land is entirely consistent with the principle of locating new settlements close to established services and infrastructure. Notwithstanding the state/territory border servicing and governance reviews undertaken in support of the Planning Proposal confirm that the proposed urban development can be viably serviced.

This Planning Proposal details the availability and proposed delivery of infrastructure and services, and discusses the cross border service arrangements agreed between relevant NSW and ACT government agencies, and Yass Valley Council.

Physically bounded by the Murrumbidgee River and Ginninderra Creek with access only via the ACT, the subject land can be characterised as a land peninsula to the adjoining parts of Canberra. In turn the peninsula land holders have historically regarded Canberra and Ginninderry as their community of interest where all services have been provided from.

This particular setting is unique to the NSW/ACT border and ought not to be regarded as a precedent for other potential urban settlements elsewhere adjacent to the border. This is also consistent with the actions contained in the draft South East and Tablelands Regional Plan.

Figure 5 Site Map



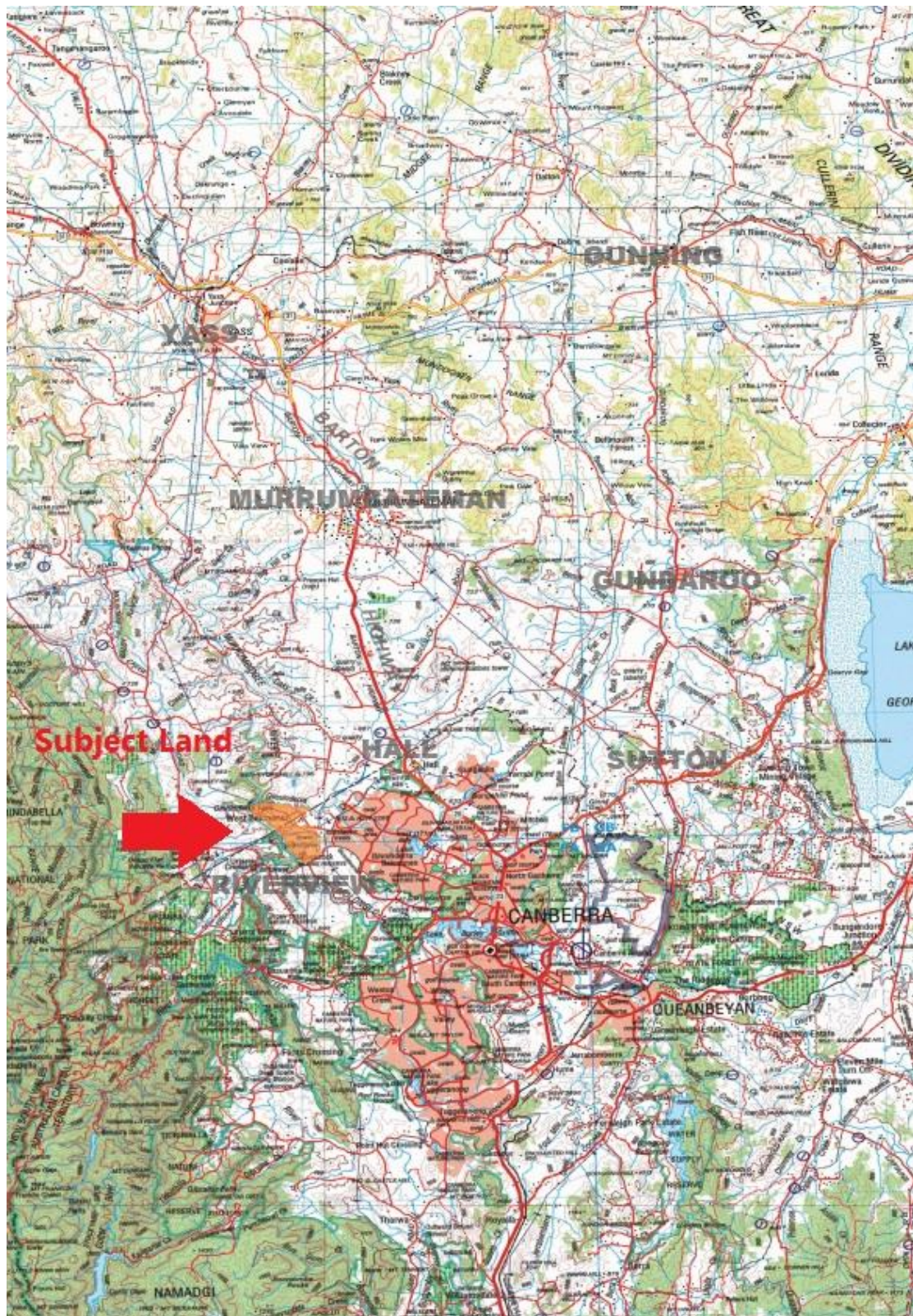
The general locality map at Figure 6 illustrates the location of the subject land in terms of settlement in the Yass Valley LGA and the north western suburbs of Canberra. Figure 6 indicates the location of the land in terms of the nearby northern suburbs of Canberra.

In terms of the wider regional context, the subject land as part of the Yass Valley LGA forms part of the Sydney to Canberra Corridor. The Sydney to Canberra Corridor Regional Strategy (Regional Strategy), as it currently still applies, sets out a number of settlement outcomes to guide strategic planning and rezonings. Whilst the settlement outcomes are specific to NSW and do not anticipate new settlements being located adjacent to the existing urban areas over the border within the ACT. The Regional Strategy does provide for those circumstances where the location of settlements has not been anticipated subject to satisfying the 'Threshold Sustainability Criteria'. The Planning Proposal has been considered and justified against the Threshold Sustainability Criteria.

The draft South East and Tablelands Regional Plan, prepared by the Department of Planning and Environment, was placed on exhibition in mid-2016. This Regional Plan when adopted will supersede the current Regional Strategy. It is noted that Yass Valley Council has prepared a settlement strategy for the LGA, referred to as the draft *Yass Valley Settlement Strategy 2016-2036*.

The strategic context and setting of the subject land has been otherwise described in the *West Belconnen urban release NSW Position Paper* as prepared by Knight Frank Town Planning (Appendix 9).

Figure 6 Locality Map



2.3 Description of Subject Site

The land subject of this Planning Proposal is described as follows:

2.3.1 Land area

The subject land has an area of some 600 hectares including the areas to be set aside for conservation purposes, see Figure 1. The extent of land identified by this Planning Proposal as suitable for urban development is approximately 387 hectares, subject to the outcome of the assessment of this Planning Proposal by Yass Valley Council.

2.3.2 Land ownership

The current land ownership is illustrated in Table 2.

Table 2 Land Ownership

Title description	Area	Land owner
Lot 1, DP771051	91.8 hectares	Reid and Stevens Pty Ltd
Lot 2, DP771051	80 hectares	
Lot 3, DP771051	80 hectares	
Lot 7, DP771051	80 hectares	
Lot 4, DP771051	80 hectares	E Shaw and G Armitage
Lot 61, DP801234	83 hectares	J and A Hyles
Lot 5, DP771051	80 hectares	P Fleming and G Moore
Lot 1, DP1184677	1.078 hectares	
Lot 2, DP1184677	0.8764 hectares	
Lot 3, DP1184677	1.061 hectares	
Lot 62, DP801234	25 hectares	S Scibberas

Current land uses

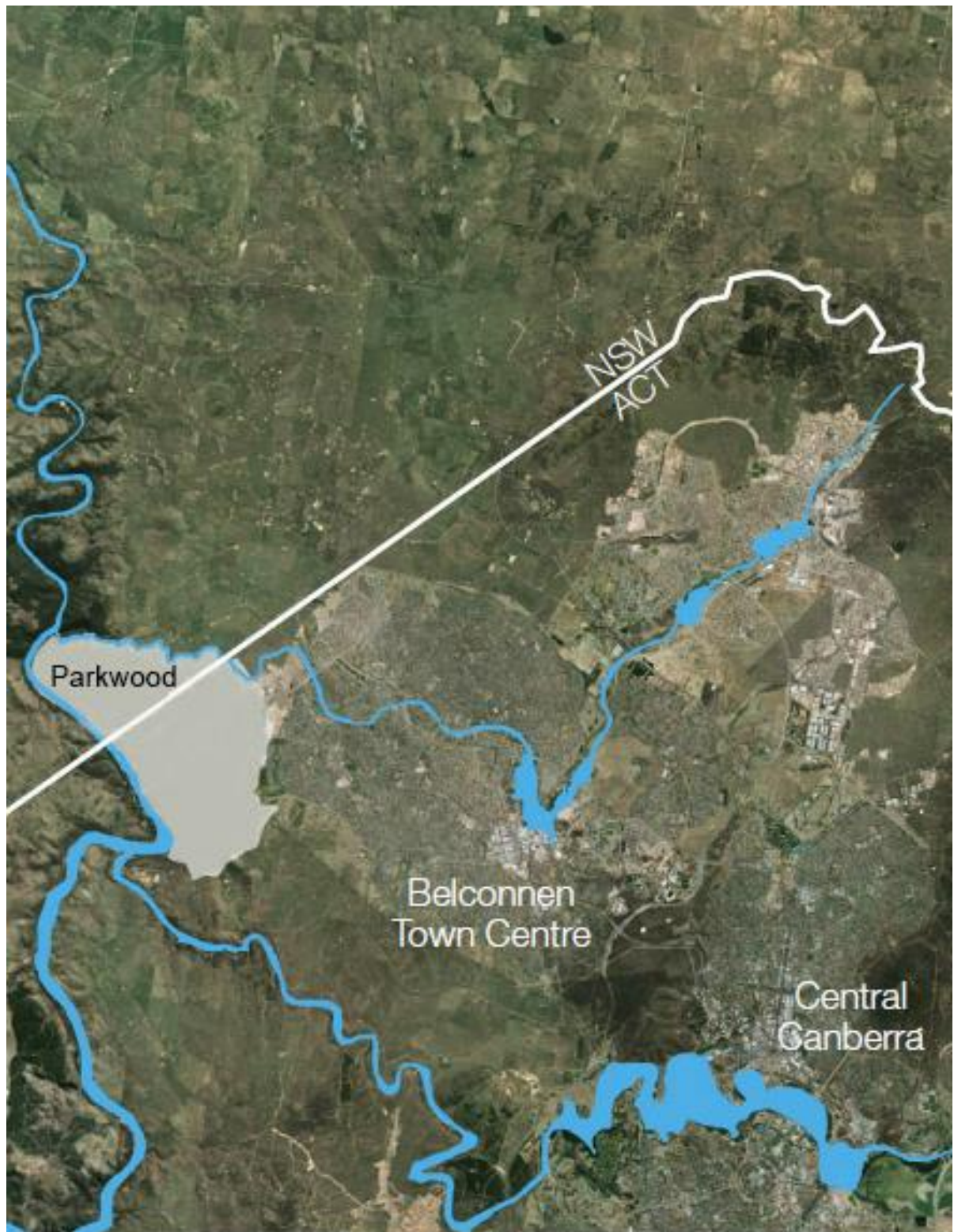
The current land uses are as follows in Table 3.

Table 3 Current Land Uses

Lot	Land Use
Lot 1, DP771051 Lot 2, DP771051 Lot 3, DP771051 Lot 7, DP771051	Agriculture/grazing
Lot 5, DP771051 Lot 1, DP1184677 Lot 2, DP1184677 Lot 3, DP1184677	Agriculture/grazing Dwelling and out buildings
Lot 62, DP801234	Retreat and resort comprising: Bed and Breakfast accommodation Manager's residence Cottage Day spa Reception centre Restaurant (in bed and breakfast) Various outbuildings and improvements (Note: In further stages, cabins and additional health facilities in conjunction with the day spa are also proposed)
Lot 61, DP801234	Ginninderra Falls recreation area comprising: Falls lookouts and walking trails Picnic facilities (Note: The Ginninderra Falls recreation area has been closed to the general public since 2004 as a result of costs to upkeep and risk to visitors of the Ginninderra Falls).

Lot	Land Use
Lot 61, DP801234	Quarry operations comprising extraction pits, processing of material, stockpiling, machinery sheds and haulage of product to various locations principally in the Canberra market. The operations are site specific and self-contained.
Lot 4, DP771051	Agriculture/grazing Farm sheds

Figure 7 Location Map





The location of the existing land owner parcels is also shown in Figure 8.

In terms of the existing agricultural use of the land, an agricultural lands review has been undertaken by Edge Land Planning (Appendix 10 **Error! Reference source not found.**). The review notes that the current principal agriculture use of Lots 1, 2, 3, 5 and 7 is the grazing of Angus cattle. The majority of the land is natural pasture with approximately 30 hectares sown to dryland lucerne as well as phalaris and clover. The lucerne is sown on the north western corner of the land along the banks of Ginninderra Creek. The phalaris and clover is grown on both sides of Parkwood Road on the western side of the site. This is used for fodder for the supplementary feeding of cattle.

In addition to the established uses on the land as referred to in Table 3, it is noted that the land is traversed in a north west to south east direction by high voltage transmission lines connecting the ACT supply to the NSW electricity grid. These transmission lines owned by Transgrid are key infrastructure items to be considered in the master planning of the site.

Together with the principal use of most of the land for grazing and the Ginninderry Homestead, the existing quarry operations on Lot 61, DP801234 comprises of the extraction of red granite. The quarry extraction method involves the use of excavators and stripping with no blasting involved.

2.3.3 Landscape setting

The subject land to the north-east of the transmission line easement is generally flat to gently undulating, while south-west of the easement falls away through moderate to steep slopes to the Murrumbidgee River Corridor. The northern part of the land is bordered by the lower reaches of the Ginninderra Creek gorge. Together with the framing by the 'Wallaroo' ridge line to the north and east, the river creek gorge and the 'Wallaroo' ridge are the dominant landscape features that clearly demarcate the visual extent of the urban release.

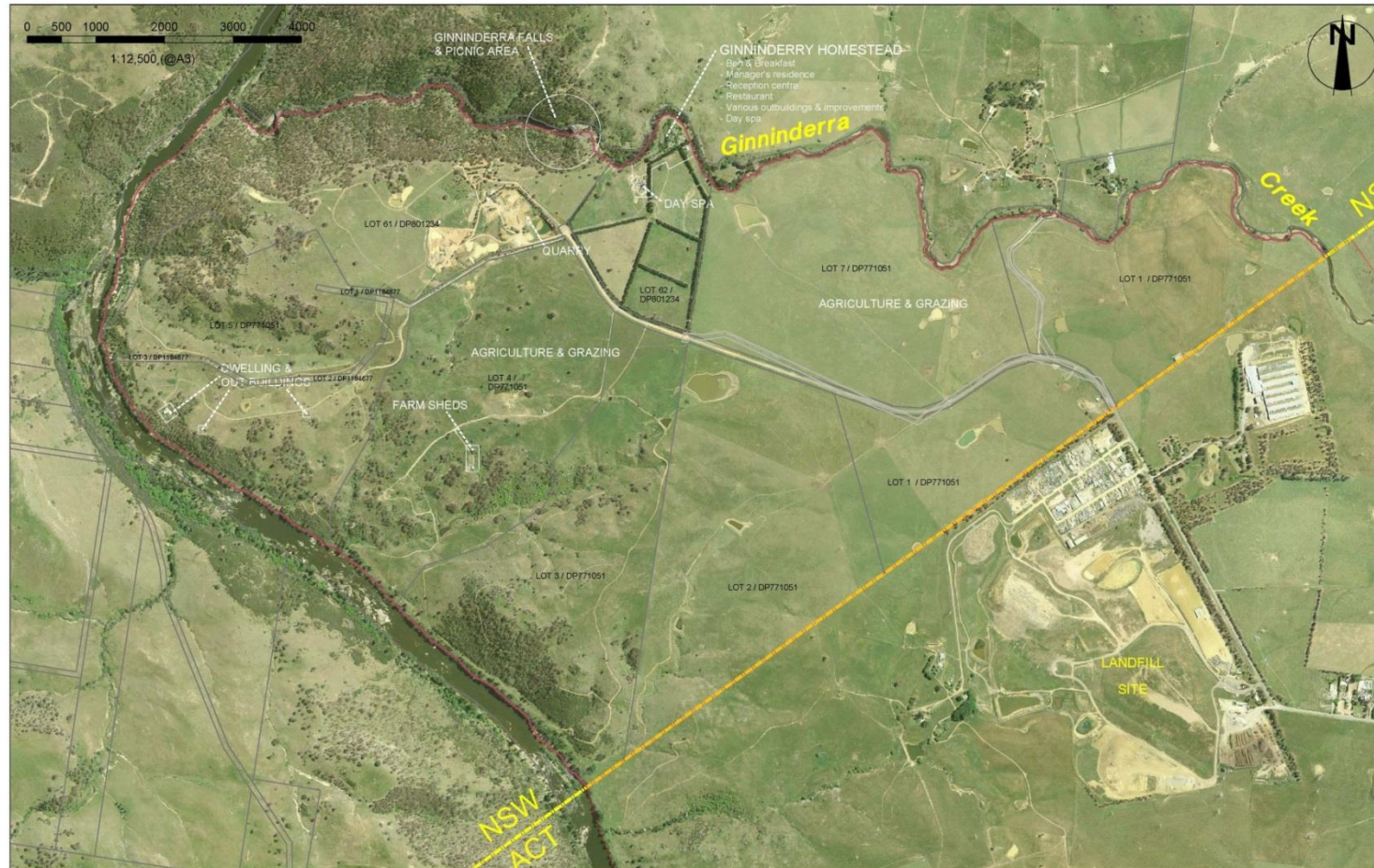
Set above the river corridor, the urban capable parts of Parkwood are essentially a plateau, characterised by open paddocks framed by the ridges and river/creek corridors, with broad river and mountain vistas. This setting provides a high level of visual amenity and an attractive setting for the proposed urban development of Parkwood.

The majority of the land has historically been used for grazing and is characterised by open paddocks framed by the ridges and river/creek corridors. It can be characterised as a modified rural landscape.

The undulating nature of the land and varying topography makes for a variety of internal views and a number of settings with distinct features that maybe characterised as follows and as illustrated at Figure 10

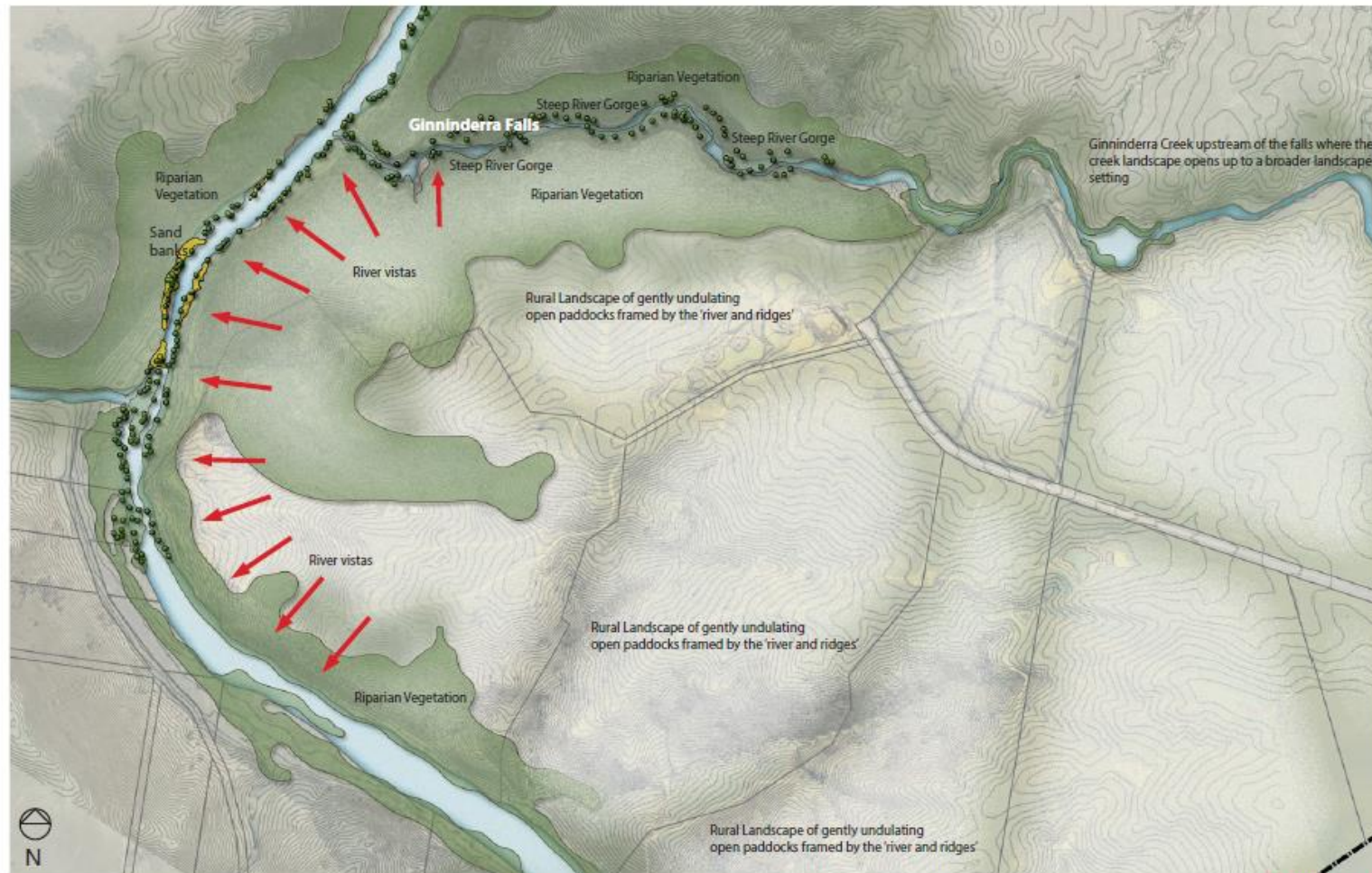
- River landscape with gorges, sand banks and riverside plantings.
- Ginninderra Falls landscape of steep highly enclosed gorges.
- River edge of moderate to steep land with river vistas.
- Ginninderra Creek upstream of Ginninderra Falls where the creek landscape opens up to a broader rural setting.
- Rural landscape of gently undulating open paddocks framed by the 'river and ridges'.

Figure 9 Current land uses Map



PARKWOOD NSW CURRENT LAND USE

Figure 10 Landscape Features Map



Parkwood Landscape Features

The 'Wallaroo' ridge line has similarities to the hill ridges and buffers that form an integral part of the Canberra key planning principle and character of containment of the urban areas. With the ridges to the north and east and the hill slopes and ridges to the immediate west of the Murrumbidgee largely suitable only for grazing, the rural setting of the land is expected to be retained.

In terms of the views out from the river corridor, the steep nature of the topography results in a highly enclosed view shed unlikely to be impacted on by future urban development. The impact of views will be limited to the flat to gently undulating upper parts of the land. This is illustrated in Figure 10.

A visual analysis undertaken by Roberts Day titled West Belconnen Visual Impact Assessment (Appendix 11) illustrates and describes the general setting of the site and the extent of any visual impact when viewed from key locations. In summary, the analysis notes that:

- The significant amount of land to be set aside for conservation and recreation purposes will reduce the visual impact of the proposed development resulting in the overall visual impact of the proposed development being predominantly low.
- The topography on the site preserves and will enhance the visual amenity of the eventual development and reduces the visibility of aspects of the urban release.
- The visual impact from most of the viewing locations across all three development phases are generally ranked as low, with some as nil (based on the visual analysis criteria).

The analysis included an assessment of the visual impact of the proposed development from selected rural locations. In doing so, the analysis assessed the visual impact over progressive periods of development noting that by the full development period, a buffer zone coinciding with retaining the natural features of the riparian zone along the Murrumbidgee River and Ginninderra Creek will have been created between the existing rural lands and future development. In addition, embellished open space areas within the urban release will serve to visually relieve and break up the scale of urban form.

2.3.4 Landform and urban capability

The central part of the site sits across a broad gently undulating plateau, falling away on steep to moderate slopes to the Murrumbidgee River and parts of Ginninderra Creek. The undulating central parts of the land have no major topographical constraints to urban development.

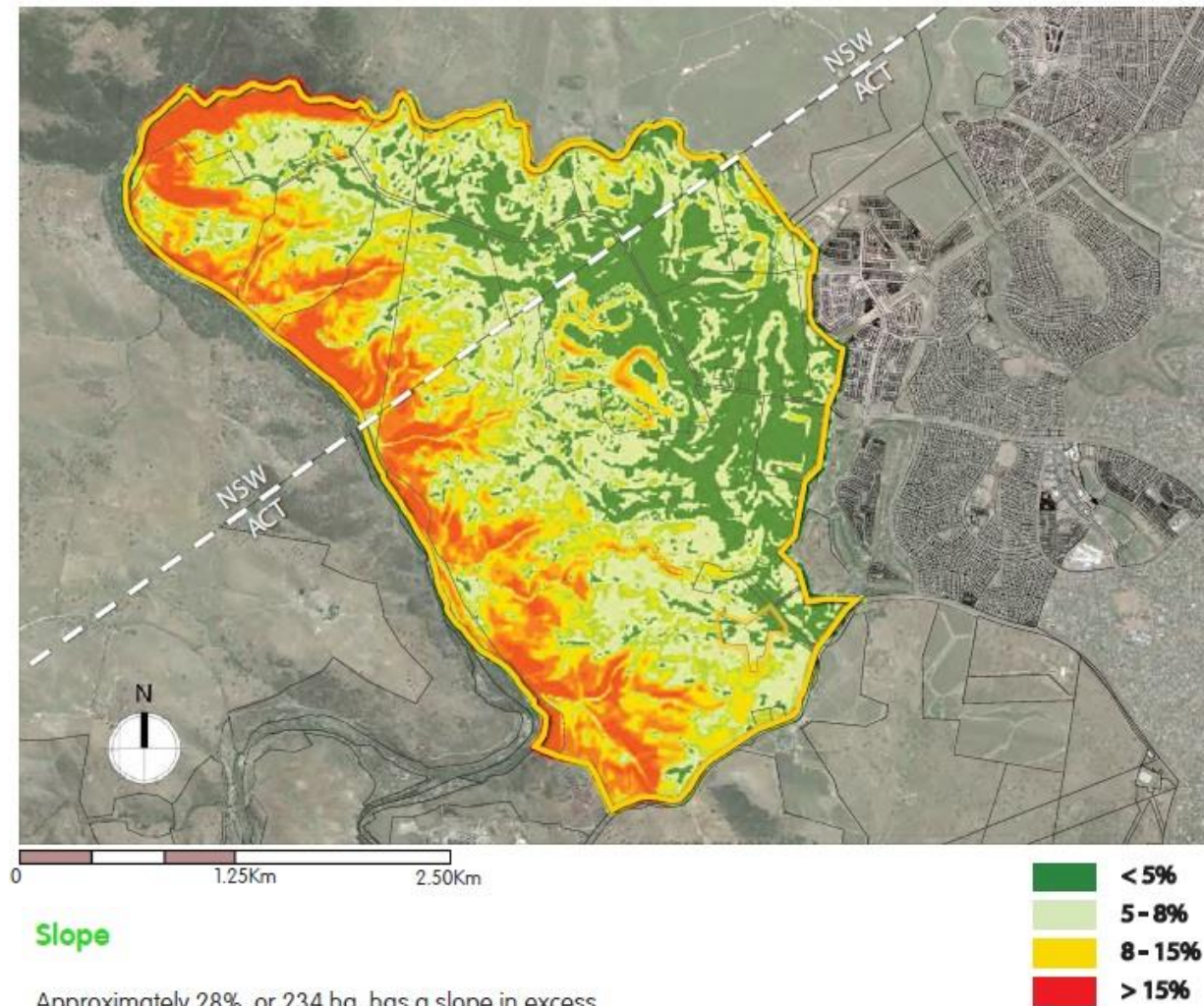
The urban capability of the site has been assessed by Douglas Partners and a copy of the urban capability report is at (Appendix 12). The slope map prepared by Roberts Day at Figure 11 does identify areas where further specific design and siting of future urban development will be the subject of detailed master planning for the overall release and neighbourhoods. The detailed neighbourhood structure planning to form part of the DCP for the Parkwood land will be a requirement of the urban release area clause in the Parkwood LEP.

The majority of the land is undeveloped and partially used for grazing purposes. The undulating parts of the property are mostly clear with a variable tree density primarily along gully lines and in the western half of the land. There is an existing quarry and associated earthworks and clearing on the northern part of the land. Douglas Partners note that extensive rock outcropping and/or cobbles/boulders sub-cropping are evident across the site. Uncontrolled filling is limited to farm dam wall construction and more broadly in some gully lines. This is evident on parts of Lot 4, DP771051 and south west of Parkwood Road. Site levels fall in variable directions away from a number of ridgelines and hill tops at

grades ranging from near vertical in the river corridor to 1 in 40 with an overall fall to the west. See Figure 12 that illustrates the existing topography of part of the land.

The urban capability report assessed the site from a geotechnical perspective to contain urban development. Development considerations that were tested included the existing geology and hydrogeology of the site, site stability, soil erosion, site preparation and earthworks, drainage and salinity measures. A summary of these measures is outlined in the Table 4.

Figure 11 Slope Analysis Map

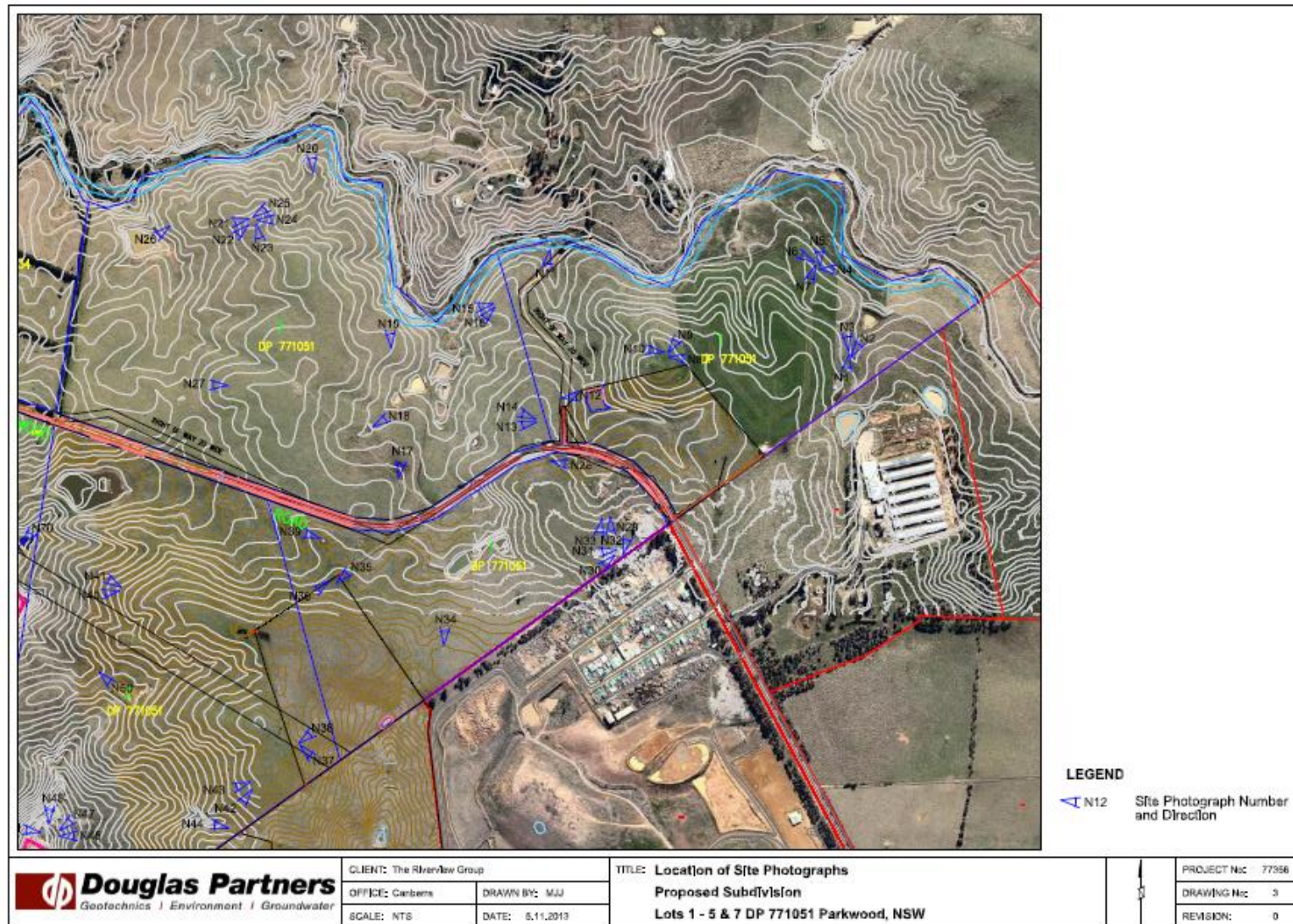


Approximately 28%, or 234 ha, has a slope in excess of 10% and approximately 20%, or 160 ha, of the site is south facing. Most of the steeper south facing slopes are located within the Conservation Corridor.

Table 4 Urban Capability Considerations

Development considerations	Site Assessment
Site and slope stability	<p>The site has been divided into four zones and an assessment of the creep of surface soils, near surface slumping and active/deep seated slide was undertaken. For each zone the results showed:</p> <ul style="list-style-type: none"> • Zone 1 – is identified as the gently sloping land and there will be almost no impact of all measures on the site. • Zone 2 – is identified as the moderately sloping land and there will be minimal impact of all measures on the site. • Zone 3 – is identified as the moderately to steeply sloping land and there will be only moderate impact on the site. • Zone 4 – is identified as the steeply sloping land and there will be impact on the site. The land within Zone 4 is located along the Murrumbidgee River and this area will contain the Conservation Corridor.
Soil erosion	<p>Soil erosion within the areas of proposed urban development is considered to be within acceptable limits and can be managed through good engineering and land management practices.</p> <p>To ensure flood hazards and localised waterlogging is mitigated; site treatments such as using selected fill materials, channel lining and appropriate flow piping should be implemented during development of the site.</p>
Footings	<p>It is recommended that all footings for residential development should be designed and constructed to Australian Standards.</p>
Site preparation and earthworks	<p>Works that will most likely be undertaken as part of the site preparation and earthworks include stripping, excavation, and filling placement and compaction. The existing farm dams on the site were also considered during the site assessment.</p> <p>The report makes recommendations for how excavation and filling compaction should be undertaken.</p>
Drainage	<p>To mitigate the poor natural subsurface drainage on the site, specific treatments including that flood ways and deep subsurface gravel drains should be constructed.</p>
Site maintenance	<p>The report recommends that the CSIRO's 'Guide to Home Owners on Foundation Maintenance and Footing Performance' should be followed to minimise foundation movement.</p>
Salinity	<p>No visual signs of salinity were observed during the site assessment.</p>

Figure 12 Topography Map



A number of development constraints were identified that need to be further addressed during the detailed neighbourhood design and planning stages. The subdivision pattern, the location of roads and the timing of works will need to be considered to ensure that drainage and erosion is managed.

In summary, the geotechnical/urban capability assessment undertaken by Douglas Partners indicates that the majority of the land is suitable from a geotechnical perspective for residential development (Appendix 12).

2.3.5 Hydrology

Catchment context

The site falls within the upper catchment of the Murrumbidgee River. The Murrumbidgee River Catchment covers 84,000 square kilometres of southern NSW and incorporates the ACT. The Murrumbidgee River rises on the Monaro Plain initially flowing southeast then north near Cooma where it is joined by the Numeralla and Bredbo Rivers. The River then flows northwest through the ACT before entering Burrinjuck Dam near Yass with a total catchment of 13,100 square kilometres (Ref: *Water Resources and Management Overview of the Murrumbidgee Catchment; NSW Office of Water 2011*). The Ginninderra Creek catchment upstream from the site drains an area of approximately 32,000 hectares extending north east draining the Gooromon Ponds north of Hall within Yass Valley, and approximately one quarter of the urban runoff from Canberra. (Ref: *Ginninderra Catchment Group 2014*).

Both the Murrumbidgee River and Ginninderra Creek bordering the site are opportunities to extend a coordinated approach to catchment management and the treatment of riparian corridors.

Conservation Corridor

The undulating nature of the land has a number of gentle swale depressions draining from the central broad ridge to the Murrumbidgee River and Ginninderra Creek. As the drainage lines fall away onto the steeper lands they coincide in part with gullies dissecting the river corridor. The gully areas largely coincide with the land not suitable for urban development and form part of the proposed Murrumbidgee River and Ginninderra Creek Conservation Corridor (the Conservation Corridor). The Conservation Management Plan, the approach to which is outlined in the Proposed West Belconnen Conservation Area report (Appendix 13), will include erosion and land management practices. Management of the Corridor will be via the proposed Conservation Management Trust to be established for both the NSW and ACT components of the Conservation Corridor.

Murrumbidgee River and Ginninderra Creek

The overall landscape and land form is dominated by the river/creek system that forms defined edges and a riparian 'border' to the site. What might otherwise be characterised as a 'waterway' landscape influences all aspects of the site from:

- dominant views:
- water sheds draining the site:
- ecological values coinciding with the steeper lands: and

- the recreational value of the watercourses, including Ginninderra Falls as a regional asset.

The proposed integrated WSUD strategy, set out in the West Belconnen: A Water Sensitive Community – Water Sensitive Urban Design Report (Appendix 15), for the site will reinforce the 'waterway' landscape.

The 1 in 100 year (1% probability) flood line has been plotted by Jacobs' consultants along Ginninderra Creek together with the precaution of a one metre "freeboard". The flood line as illustrated by the Ginninderra Creek flood lines map, at Figure 13, reflects the varying terrain along the Ginninderra Creek banks with the wider 'flood plain' at the upper reaches (eastern end) of the land. As the Ginninderra Creek flows west to north west, the terrain is considerably steeper dissecting the granite hill slopes with flooding largely confined to the existing channel beyond the extent of land suitable for urban development. A more detailed flood study (Appendix 43) accounting for the broader upstream catchment within the ACT has since been prepared. In terms of the Murrumbidgee River, the steep nature of the corridor slopes confines flooding to the area to be set aside for conservation purposes.

The 1% probability flood line plus a one metre freeboard has been adopted as the Flood Planning Level and the limit on the extent of urban development through the proposed rezoning of land to R1 General Residential.

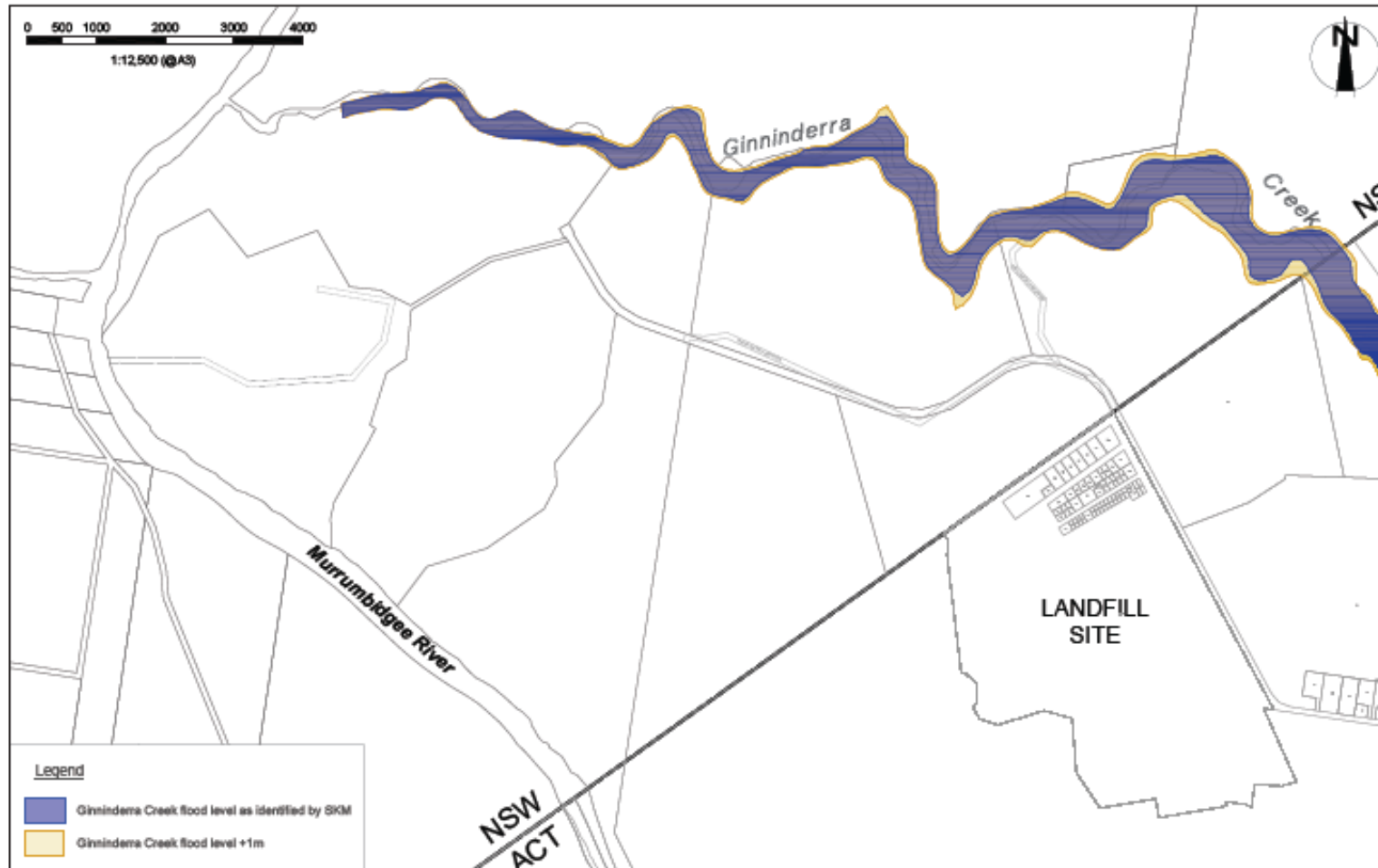
Current hydrological conditions

The hydrology of the site is unique in that the development area is located on a plateau perched above the Murrumbidgee River with multiple watercourses draining the site either to the Murrumbidgee River or to Ginninderra Creek requiring a decentralised WSUD strategy. Each of these watercourses between the development and Murrumbidgee River run through the river corridor reserve down steep terrain to the river for some distance up to several kilometres in some cases. The watercourses to Ginninderra Creek are more gentle with the development boundary being in close proximity to the creek.

Water Cycle Strategy

AECOM were engaged to prepare a water cycle strategy for the entire Ginninderry development including ACT and NSW. AECOM investigated a wide range of water cycle strategies for the development, set out in AECOM's West Belconnen – A Water Sensitive Community report (Appendix 15). Given the immediate proximity of the Lower Molonglo Water Quality Control Centre for receiving and treating sewerage from the entire development, it was deemed that sewerage was more appropriate to be disposed of offsite and was not considered for mining on site in the development. Icon Water already have a recycled effluent rising main from LMWQCC which provides treated effluent to a number of users along Stockdill Drive.

Figure 13 Ginninderra Creek Flood Lines Map



PARKWOOD NSW GINNINDERRA CREEK FLOOD LINES

Urban development generates significantly increased annual runoff volumes with the water cycle strategy for this development focusing on the capture of this increased stormwater runoff volume for harvesting and reuse on the development in order to reduce the use of potable water, and to minimise hydrological and ecological change and the risk of erosion within the Conservation Corridor.

The capture and reuse of this excess urban runoff has the benefits of allowing the development to address a number of key issues identified by AECOM that needed to be resolved at this development site:

- Reduction of peak flows to predeveloped levels.
- Reduction in key pollutants from the urban runoff.
- Reduction in increased urban runoff volume discharged to downstream watercourses.
- Provision of a second class non-potable water supply for use in landscaping within the development to reduce the use of potable water.
- Protection of natural watercourses between the development and Murrumbidgee River from erosion and changes in ecology due to the urban runoff.

AECOM and Aither (Appendix 30) undertook a triple bottom line analysis of multiple options for treatment and distribution of harvested stormwater in the development. The resulting water cycle strategy and WSUD design approach and parameters that were determined for this development as a result of the AECOM WSUD report is as follows:

- Approximately 40 smaller ponds scattered across the development situated in the various watercourses across the site. These ponds provide capture and treatment of urban stormwater runoff entering Murrumbidgee River and Ginninderra Creek.
- Provision of rainwater tanks on every block.
- Meet ACT Regional water quality targets at all stormwater discharge points at the development boundary.
- Reduction in peak flow rates to predeveloped flows.
- Reduction in runoff volume with a target of 75% reduction in urban excess runoff volume.
- Harvesting and reuse of urban stormwater for irrigation across the development as a measure to reuse urban excess on site rather than discharge it downstream.
- Future proofing to enable the option (at a later time, if and when acceptable to the community) to treat urban stormwater to potable water standard and to place this into a new Icon Water reservoir to be constructed to the south west of the development off Stockdill Drive to service the development. This reservoir will service the intermediate zone and NSW portion of the development. It is noted that current regulatory framework in the ACT does not permit use of treated stormwater for potable water. The pond system will be designed to facilitate this use in the future if it becomes permissible. This approach negates the need for a 'third pipe' to each home.
- Protection of watercourses between the development and Murrumbidgee River from increased erosion due to changes in flow regime from urban runoff.

2.3.6 Flora and fauna

Extensive ecological studies have been undertaken by a number of ecologists coordinated by Dr Kevin Mills and Dr David Shorthouse. The following supporting specialist studies were undertaken in order to inform the Planning Proposal:

- West Belconnen Project ACT and NSW Land Flora and Fauna Studies 2009 Appendix 16.
- Further Flora and Fauna Studies Land at West Molonglo and Ginninderra Creek Appendix 17.
- West Belconnen Project NSW Land Flora and Fauna Studies 2013 Appendix 18.
- West Belconnen ACT and NSW Land Targeted Bird Surveys Appendix 19.
- Ecological Studies West Belconnen ACT Appendix 20.
- The extent of habitat for the vulnerable Pink-tailed Worm Lizard (*Aprasia parapulchella*) in the West Belconnen – Ginninderra Creek investigation area – confirmatory distribution surveys and mapping Appendix 21.
- West Belconnen Golden Sun Moth Surveys October to December 2012 Appendix 22.

In addition to the above original studies, a three further studies focusing on the Ginninderra Gorge and Falls and Rosenberg's Monitor have been prepared as follows:

- A Preliminary Biodiversity Survey of the Ginninderra Falls Area (Ginninderra Catchment group) Appendix 23.
- Rosenberg's Monitor Goanna Habitat Assessment (EcoLogical Australia) (Appendix 24).
- Habitat evaluation of two proposed extension areas to the Ginninderry reserve to provide improved ecological outcomes for *Varanus rosenbergi* Appendix 25.

A fourth report prepared by EcoLogical in 2017 (Appendix 26), having regard to the above three and specifically concentrating on the location of the proposed Conservation Corridor boundary to ensure adequate protection for Rosenberg's Monitor's habitat, forms the basis for the final recommended Conservation Corridor boundary. This is particularly evident with the inclusion of the E2 Environmental Conservation zone around Ginninderra Falls.

The presence of species and ecological communities that are listed under the Commonwealth EPBC Act 2007 has triggered a requirement for an assessment under the terms of that Act. There are four species and communities identified as "matters of national environmental significance" (MNES) in Ginninderry. These include the:

- Box Gum Woodland – located in the ACT only.
- Golden Sun Moth – located in the ACT only.
- Pink-tailed Worm Lizard – located in NSW.
- Natural temperate (rocky) grassland – likely to be found within the Conservation Corridor in NSW.

The West Belconnen Strategic Assessment Report and West Belconnen Strategic Assessment Program have been finalised and lodged with the Commonwealth Department of the Environment for evaluation. The reports have been compiled in close consultation with the Commonwealth Department. A copy of the West Belconnen Strategic Assessment Report and West Belconnen Strategic Assessment Program are at Appendices 6 and 7.

The opportunity was taken, during the EPBC assessment process to evaluate all species and ecological communities of interest, in addition to the MNES. The West Belconnen Strategic Assessment Report addresses all listings under both the ACT legislation and the NSW *Threatened Species Conservation Act (TSC Act)*. The Conservation Corridor Environmental and Planning Response Matrix at Appendix 3 provides an overview of the findings with respect to these species and how the species and their habitats will be conserved and protected from a strategic planning perspective.

The ecological studies which have been prepared for Ginninderry conclude that the NSW land is largely cleared of any original woodland and has been pasture improved, at least across the land above the river and creek gorges. The relatively level land in the area, which has most of the development potential is almost devoid of trees and supports an exotic grassland. The areas of conservation importance are in the river and creek gorge and their upper edges. The following are the matters of most conservation importance:

1. The Murrumbidgee River and Ginninderra Creek corridors, containing the watercourses and adjacent riparian vegetation and habitats.
2. The woodland in the gorge and in some places on the edge of the more level land. The woodland is not a listed endangered community. The woodland provides animal habitat, is part of a regional habitat corridor along the river and is known to be habitat for several listed bird species and is possible habitat for Rosenberg's Monitor goanna which is listed as vulnerable.
3. The rocky habitat above the river and on the edge of the level land is part of an extensive area of similar habitat for the listed Pink-tailed Worm Lizard extending into the ACT to the south. This habitat is of national importance for this lizard because of the large population of lizards found here.

The Planning Proposal reflects the above ecological surveys and recommendations and has informed the boundary between the R1, E2 and E3 zones.

In terms of a land use planning response, the protection of the conservation values of the corridor will be achieved by:

1. The amendment of part of the current E3 Environmental Management zone to E2 Environmental Conservation generally adjacent to the Ginninderra Falls and downstream to the confluence with the Murrumbidgee River.
2. The inclusion of an E2 Environmental Conservation zone in the Parkwood LEP. See Part 5 of the Planning Proposal in terms of the proposed E2 zone objectives and proposed permitted uses.
3. The restriction of the range of permissible uses within the proposed E3 zone.

In addition to the proposed provisions to be included in the LEP, a Conservation Management Plan for the Conservation Corridor will be adopted and administered by the proposed Conservation Management Trust. The purpose of the Conservation Management Plan is:

1. To specify the location of uses and activities within the corridor.

2. To specify the land management practices consistent with protecting the conservation values of the corridor, the management of urban impacts such as domestic animals, and managing the risk of bushfire.
3. To identify, set aside and protect areas of high conservation and cultural value.
4. To identify preferred locations for recreation uses consistent with conservation values.

In terms of the current E3 zone and zone boundary under the Yass Valley LEP 2013, it is noted that the current E3 zone boundary, was in effect a 'conversion' from the prior 7(e) zoning under the Yarrowlumla LEP 2012. The current E3 zone is not based on any site specific ecological studies.

The current E3 zone permits a range of uses, including the development of dwellings and dual occupancies. The Parkwood Planning Proposal is proposing that the E3 zone as it applies to Parkwood will limit the range and types of land uses included in the E3 zone compared to the Yass Valley LEP E3 zone. The introduction of the E2 zone will further restrict the range of permitted uses, thus conserving those parts of the land that are identified as being of high ecological value.

The Ginninderry, including Parkwood, has been the subject of intensive investigations and discussions with the Commonwealth Government pursuant to the requirements of the EPBC Act. The West Belconnen Strategic Assessment Report and West Belconnen Strategic Assessment Program supporting a submission to address the requirements of the Commonwealth Government under the EPBC Act for approval are attached at Appendix 6A.

A summary of the flora and fauna species identified within Ginninderry, including Parkwood, is outlined in Table 5.

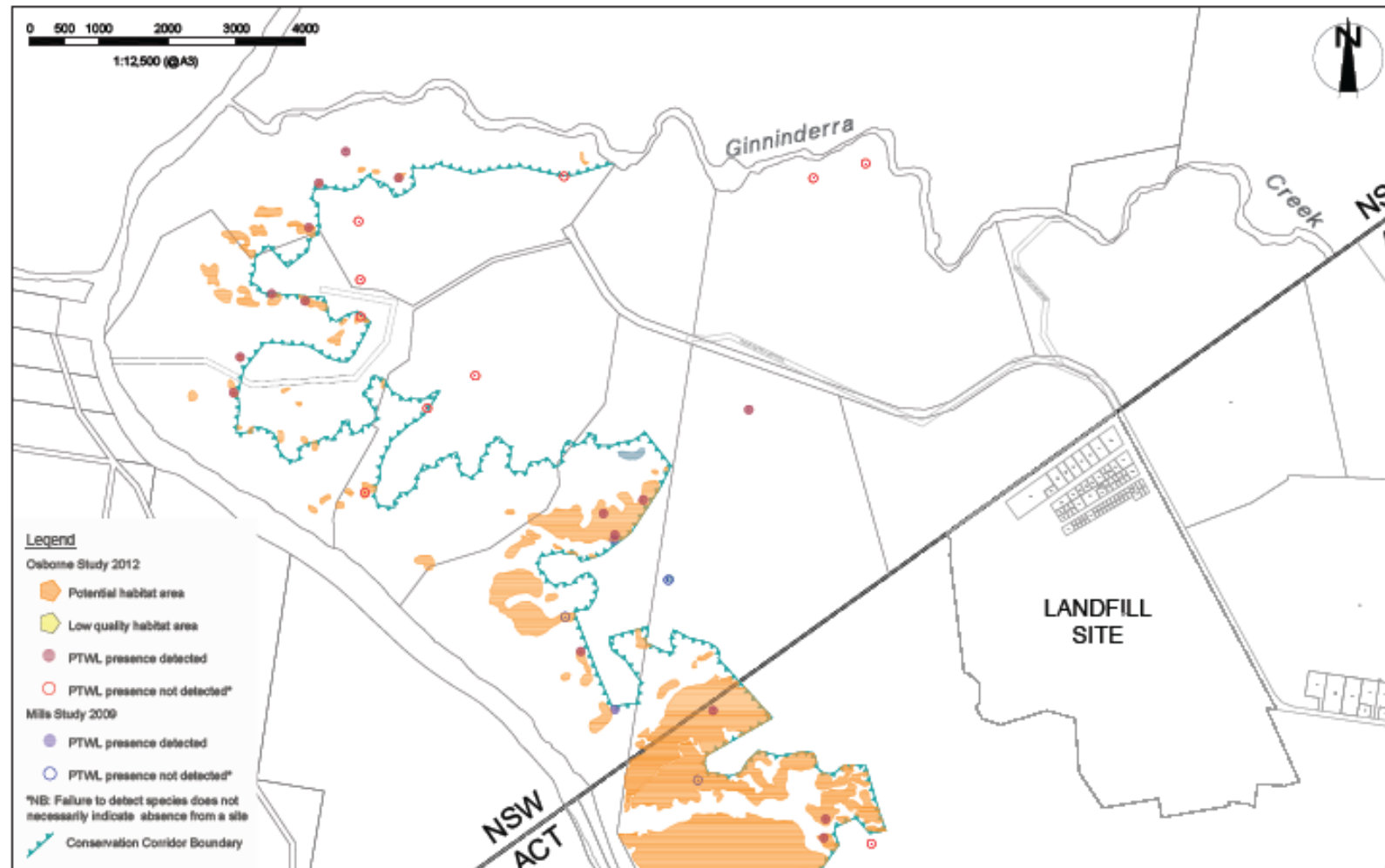
Table 5 Identified Flora and Fauna Species

Flora and Fauna Species	Description
Pink-tailed Worm Lizard	<p>The extent of the Pink-tailed Worm Lizard habitat was determined on the ground as discussed by Osborne and Wong; see Figure 14.</p> <p>146.4 hectares, including 16.1 hectares in NSW, of Pink-tailed Worm Lizard habitat will be protected within the Conservation Corridor. The provision of limited land uses within the Conservation Corridor will result in no net loss of Pink-tailed Worm-Lizard habitat within the Conservation Corridor. The Conservation Management Plan will include measures to avoid and mitigate identified impacts as more detailed design is undertaken, and construction and operation phases begin. The West Belconnen Strategic Assessment Report discusses a range of measures as well as detailed environmental offset arrangements guided by the EPBC Act Offset Policy.</p>
Rosenberg's Monitor	<p>Rosenberg's Monitor goanna is known to be present in the study area and the little whip snake is potentially present; both of these are listed under the TSC Act. The PBC Assessment report finds that the proposal is unlikely to have an adverse impact on the little whip snake. With regard to Rosenberg's Monitor Goanna the assessment report says as follows:</p> <p><i>"The Program will protect habitat within Ginninderry including termite</i></p>

Flora and Fauna Species	Description
	<p><i>mounds, and enforce a cat containment policy across the entire development area. These measures will reduce the impact of the Program on Rosenberg's Monitor goanna."</i></p> <p>A full assessment has been undertaken by EcoLogical on the appropriate extent of the Rosenberg's Monitor goanna's habitat. The findings set out in the EcoLogical report have been adopted for the purposes of this Planning Proposal, and are reflected in relation to the boundary of the Conservation Corridor and relevant proposed zonings.</p>
Natural Temperate Grassland	<p>Due to the recent change in the listing of natural temperate grassland under the EPBC Act, it has now been identified that the community occurs within Ginninderry. The community is generally co-located with Pink-tailed Worm-Lizard habitat, however, the exact extent and quality within land that is capable of urban development is not known.</p> <p>Any potential impacts to natural temperate grassland would be surveyed, assessed and offset (if required) using the defined Process Strategy set out in the West Belconnen Strategic Assessment Report.</p>
Bird species	<p>The West Belconnen Strategic Assessment Report includes consideration of five bird species listed under both the EPBC Act and TSC Act, and a further 25 bird species listed under the TSC Act. Of these 21 are known to or have potential to be present in Ginninderry, three are considered to be potentially present and six are unlikely to be present. In all cases the West Belconnen Strategic Assessment Report finds that the proposed development will not have a significant adverse impact on the species.</p>
Aquatic species	<p>Three aquatic species are listed under both the EPBC Act and TSC Act. These include the Macquarie perch, Trout Cod and Murray cod. Another two aquatic species are listed under the <i>Fisheries Management Act 1994</i> (NSW) and are known to exist in Ginninderry. These include the Murray river crayfish and the eel-tailed catfish. In both cases the West Belconnen Strategic Assessment Report found that the proposed development is unlikely to have a significant adverse impact on the species.</p>
Amphibians	<p>The Booroolong frog is listed under both the EPBC Act and TSC Act. The West Belconnen Strategic Assessment Report found that the proposal is unlikely to have a significant adverse impact on the species.</p>

Flora and Fauna Species	Description
Mammals	Two mammal species the eastern bent-wing bat and the southern myotis are listed under the TSC Act and known or potentially (respectively) present in Ginninderry. In both cases the West Belconnen Strategic Assessment Report concludes that the proposal is unlikely to have significant adverse impacts to the species.
Flora	A Small purple pea, Tarengo leek orchid, and hoary sunray are all listed as endangered under the EPBC Act. Pale pomaderris and austral toadflax are both listed as vulnerable under the EPBC Act. A plant listed under the TSC Act, silky swainson pea, is potentially present in Ginninderry. The West Belconnen Strategic Assessment Report found that these species are unlikely to be adversely impacted by the proposed development.

Figure 14 Pink-tailed Worm Lizard Habitat Map



PARKWOOD NSW PINK TAIL WORM LIZARD HABITAT

2.3.7 Aboriginal/Indigenous cultural heritage

An Aboriginal Cultural Heritage Assessment Report has been undertaken by Biosis (Appendix 27). The report identified sixteen Aboriginal Cultural Heritage sites during the field survey consisting of small artefacts scatters or isolated finds. In summary, and based on the predictive site models the report indicates the following statements as applicable to the study area.

- Open camp sites (artefact scatters) are likely to be the most common site types.
- Artefact scatters are most likely to occur on level or gently sloping well drained ground in association with major waterlines or drainage features.
- Larger sites will occur near the major water courses of the Murrumbidgee River or Ginninderra Creek.
- Isolated finds are likely to occur anywhere in the landscape.
- Scarred trees are likely to occur in all topographies where old growth trees survive, likely to occur as isolated trees.
- Rock shelter sites may occur wherever suitable rock outcrops exist.
- Burial sites are likely to occur in land forms characterised by relatively deep profiles of soft sediments such as sand and alluvium and on hill tops. The rolling hill high tops of the study area may be suitable for burials.

Together with the sites identified, the report confirms that a search of the OEH Aboriginal Heritage Information Management System data bases identified five Aboriginal archaeological sites within the study area and a one kilometre buffer centred on the study area.

Consultations by Biosis have taken place with the Aboriginal community in accordance with the process outlined in the OEH document, *Aboriginal cultural heritage requirements for proponents, 2010*. Ten Aboriginal organisations registered an interest in the project.

In summary the Biosis report makes the following recommendations:

- Continued consultation with the registered Aboriginal parties.
- Application for an Aboriginal Heritage Impact Permits (AHIP) for the identified Aboriginal sites WB1 – WB16. These sites should be collected, subjected to analysis and relocated to an agreed place within the Conservation Area of the Project Area to maintain their “connection to country”.
- Impacts to area of potential archaeological deposit (PAD) should be avoided. If the two areas of PAD are to be impacted a program of sub surface investigation is required to determine the presence, extent and significance of any sub surface deposits.
- Sites located within the Conservation Area (corridor) are not to be impacted. In the event of any future action impacting on these known sites further assessment of the impacts and application for an AHIP may be required.
- The area of the Ginninderra Creek has been assessed as holding high potential for heritage sites. Any development that occurs in this area should be subject to sub surface testing within the development footprint to avoid damage to the archaeological record.
- Finding of low potential for cultural heritage sites or deposits across remainder of development area – proceed with caution.

- Due to the nature of the archaeological record it is possible that additional cultural heritage sites exist within the Project Area which were not located during the planning field survey. As a result the Registered Aboriginal Parties (RAP) have requested that a cultural heritage induction should be included in the induction package for all construction workers who will be involved with extractive works.
- All Aboriginal objects and places are protected under the *NSW National Parks and Wildlife Act 1974*. It is an offence to knowingly disturb an Aboriginal site without a consent permit issued by the OEH.
- Relics are historical archaeological resources of local or State significance and are protected in NSW under the Heritage Act 1977. Relics cannot be disturbed except with a permit or exception/exemption notification.

In addition to the above, an Aboriginal Cultural Values Assessment report has been prepared by the Waters Consultancy specifically aimed at identifying intangible cultural values through consultation with identified knowledge holders, and associated historical research (see redacted version of report at Appendix 50). Areas of high Aboriginal cultural heritage significance have been identified and the boundary of the Conservation Corridor has been adjusted to ensure that all of the areas that have been identified are contained within the corridor. Management arrangements for these areas will be developed in consultation with the knowledge holders to ensure that accessibility to and use of these areas is culturally appropriate. In some cases this may require limitations on public access. A full copy of the Aboriginal Cultural Values Assessment report is confidentially held by OEH due to cultural sensitivity and site security purposes. A redacted version of the report is at Appendix 50.

2.3.8 Murrumbidgee River and Ginninderra Creek Corridors

The Murrumbidgee River and Ginninderra Creek corridors set aside the land recognised as having ecological, cultural, heritage, riparian and landscape values that warrant conservation and enhancement. The Conservation Corridor will be managed and set aside for complementary conservation, bushfire management, recreation, education, tourism and other community benefits. It will include the Murrumbidgee River frontage, the lower part of Ginninderra Creek, Ginninderra Falls and associated gorge areas. In establishing the most appropriate ways to protect and manage these values and benefits, the following are relevant:

1. Landscape context, reserve design, and integration with open space strategy

Retention of a significant conservation corridor within Parkwood is important at the landscape scale. The location is an important node on the Murrumbidgee River, being the confluence with Ginninderra Creek. The riparian corridors of each of these systems provide important landscape connections for flora and fauna migrating the landscape. Ginninderra Creek is recognised as an important pathway for Indigenous people and this pathway will be protected through the establishment of a Conservation Corridor. Finally, the width of the Conservation Corridor is beyond the recommended minimum widths for water quality protection from broad-scale agricultural run-off.

In the context of planning for potential future urban development, in 2013 a team of ecologists, including people with expertise in Grassy Woodlands and reptile habitats, surveyed a potential conservation corridor. The primary purpose of the survey was to consider an optimal ecological design that protected habitats of important biodiversity elements. The Conservation Corridor boundary proposed sought to optimise protection for high quality habitat, especially for Pink-tail Worm Lizard,

Box Gum Grassy Woodlands and the unique flora and fauna around Ginninderra Falls. Areas where a long grazing history was evident were not included in the proposed Conservation Corridor.

The proposed Conservation Corridor boundary was adopted and was drafted into a Landscape and Open Space Strategy (Appendix 14). The Landscape and Open Space Strategy contains several important elements relevant to the traditional role of a conservation protected area. It provides:

- Off-leash dog areas within the urban footprint, enabling the Conservation Corridor will be dog-free.
- Significant space for Water Sensitive Urban Design (WSUD) features within the proposed urban footprint (ie not within the Corridor). These decentralised facilities will control urban runoff in terms of both quality and quantity.
- Landscape connectivity elements by enabling the protection of stepping-stone woodland parks that retain existing trees with experimentally enhanced ground-storey treatments.
- A system of tracks and trails for bikes and walking utilising existing tracks to minimise the impact on the Conservation Corridor.
- APZs that can be designed to minimise edge-effects from urban areas on the Conservation Corridor – including through predator-proof fencing, direction lighting and interpretive and signage opportunities for people entering the Conservation Corridor.
- Development such as interpretive centres or car parks will be provided at the urban edge instead of within the Conservation Corridor.

The provision of these services outside of the Conservation Corridor will enhance the ecological integrity of the core corridor area, increasing its effectiveness in the protection of ecological and cultural values. The location and restricted range of educational and interpretive uses will be specified and limited to a location by the proposed special activities zone.

1. Options for conservation and management

TRC Tourism Pty Ltd considered the range of conservation management options, set out in the Proposed West Belconnen Conservation Area – Options for establishment and management (Appendix 13). The report notes that the Conservation Corridor will protect nationally significant habitat, contribute to biodiversity across the landscape, provide ecosystem services through vegetation restoration and catchment protection and protect areas significant to local indigenous people and the wider community.

In addition, the report notes the current statutory mechanism currently available in NSW for a private sector conservation reserve. Relevantly, a Conservation Agreement under s69A to 69K of the *National Parks and Wildlife Act 1974*. The report notes that management planning will be required and should comprise of two stages, being a concept plan setting out the strategic guiding framework and a subsequent plan of management providing the more detailed prescriptions and responsibilities for management.

The Conservation Corridor is proposed to be managed by a not-for-profit organisation (Conservation Management Trust). This model enables the capture of economic value in and around the corridor for re-investment in the protection and management of cultural and biodiversity values. More generally the reserve will also become a regional asset for NSW and Yass Valley, as it transfers from private to public land managed for its conservation purposes.

2. Proposed environmental trust for Ginninderry, including Parkwood

It is proposed that a Conservation Management Trust will be the preferred vehicle for the seamless management of the Conservation Corridor across both the ACT and NSW sections of Ginninderry. An overview of the proposed management and funding framework for the Conservation Corridor is set out in Elton Consulting's report, An Environmental Trust for West Belconnen (Appendix 28) The strategic benefits of the establishment of a not-for-profit Conservation Management Trust include:

- Establishing a collaborative vehicle, so that the private sector, government and community partners can enact a community stewardship model for the area.
- Establishing a cross-border organisation that can address land management and community engagement issues seamlessly, including under the current border and any 'changed border' scenarios.

3. Ginninderra Falls

As well as having important ecological and Aboriginal cultural values, Ginninderra Falls has historically been an important recreation and education asset to the region and Canberra. The Ginninderra Falls have been closed since 2004 due to operational issues and its private ownership. As part of the Parkwood urban release, it is proposed that Ginninderra Falls will be reopened to the public as a recreation/tourism and educational destination in five to seven years. In doing so, Ginninderra Falls is expected to be a:

- Significant ecological and cultural asset for the region.
- Major recreational and educational asset to the Canberra and Yass Valley communities.
- Contributor to the local economy.

It is however important to recognise and protect identified culturally significant areas within the vicinity of the Ginninderra Falls. Further work with the consulted knowledge holders will be held as part of the preparation of plans for the provision of facilities, trails and the like in the vicinity of the site before any works are considered.

To service the Ginninderra Falls as a recreation and education destination, an area of land adjacent to the Conservation Corridor (but outside the E2 Environmental Conservation zone) is proposed as a SP1 Special Activities zone. This SP1 zoned land will provide for a range of compatible land uses to service the Ginninderra Falls on land that is not deemed sensitive. The range of uses is consistent with the cultural, conservation and scenic values of the Ginninderra Falls and surrounds, and is likely to include:

- Eco tourism facilities.
- Restaurant/cafes.
- Tourist accommodation.
- Function facilities.
- Picnic facilities.
- Constructed trails/lookouts.

A collaborative concept planning exercise will be undertaken to document the aspirations of the Indigenous community, current landholders, and conservation stakeholders. This process will establish a

plan for managing visitor access and egress, the design standards and locations for tracks, trails, lookouts and interpretive media, and supporting visitor infrastructure.

3 Existing Planning Framework

3.1 Local Planning Controls (Yass Valley Local Environmental Plan 2013)

The site is currently zoned part RU1 Primary Production and part E3 Environmental Management under the *Yass Valley LEP 2013*. See land use zoning map at Figure 15. In terms of both zones, the objectives and uses permitted with development consent are as follows:

RU1 Primary Production

The objectives of the RU1 Primary Production zone are:

- *To encourage sustainable primary production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To protect and enhance the biodiversity of Yass Valley.*
- *To protect the geologically significant areas of Yass Valley.*
- *To maintain the rural character of Yass Valley.*
- *To encourage the use of rural land for agriculture and other forms of development that are associated with rural industry or that require an isolated or rural location.*
- *To ensure that the location, type and intensity of development is appropriate having regard to the characteristics of the land, the rural environment and the need to protect significant natural resources including prime crop and pasture land.*
- *To prevent the subdivision of land on the fringe of urban areas into small lots that may prejudice the proper layout of future urban areas.*

The range of uses permitted with development consent in the RU1 zone are:

Air transport facilities, Airstrips, Animal boarding or training establishments, Aquaculture, Bed and breakfast accommodation, Boat launching ramps, Boat shed, Camping grounds, Caravan Parks, Cellar door premises, Cemeteries, Charter and tourism boating facilities; Community facilities, Correctional centres, Crematoria, Depots, Dual occupancies, Dwelling houses, Eco-tourist facilities, Environmental facilities, Extractive industries, Farm buildings, Farm stay accommodation, Flood mitigation works, Function centre, Helipads, High technology centres, Home industries, Industrial retail outlets, Industrial training facilities, Information and education facilities, Intensive livestock agriculture, Landscaping material supplies, Markets, Open cut mining, Places of public worship, Recreation areas, Recreation facilities (major), Recreation facilities (outdoor), Restaurants or cafes, Roads, Roadside stalls, Rural industries, Rural supplies, Rural workers dwelling, Serviced apartments, Signage, Timber yards, Transport depots, Truck depots, Turf farming, Waste or resource management facilities, Water reticulation structures, Water supply systems

E3 Environmental Management

The objectives of the E3 Environmental Management zone are:

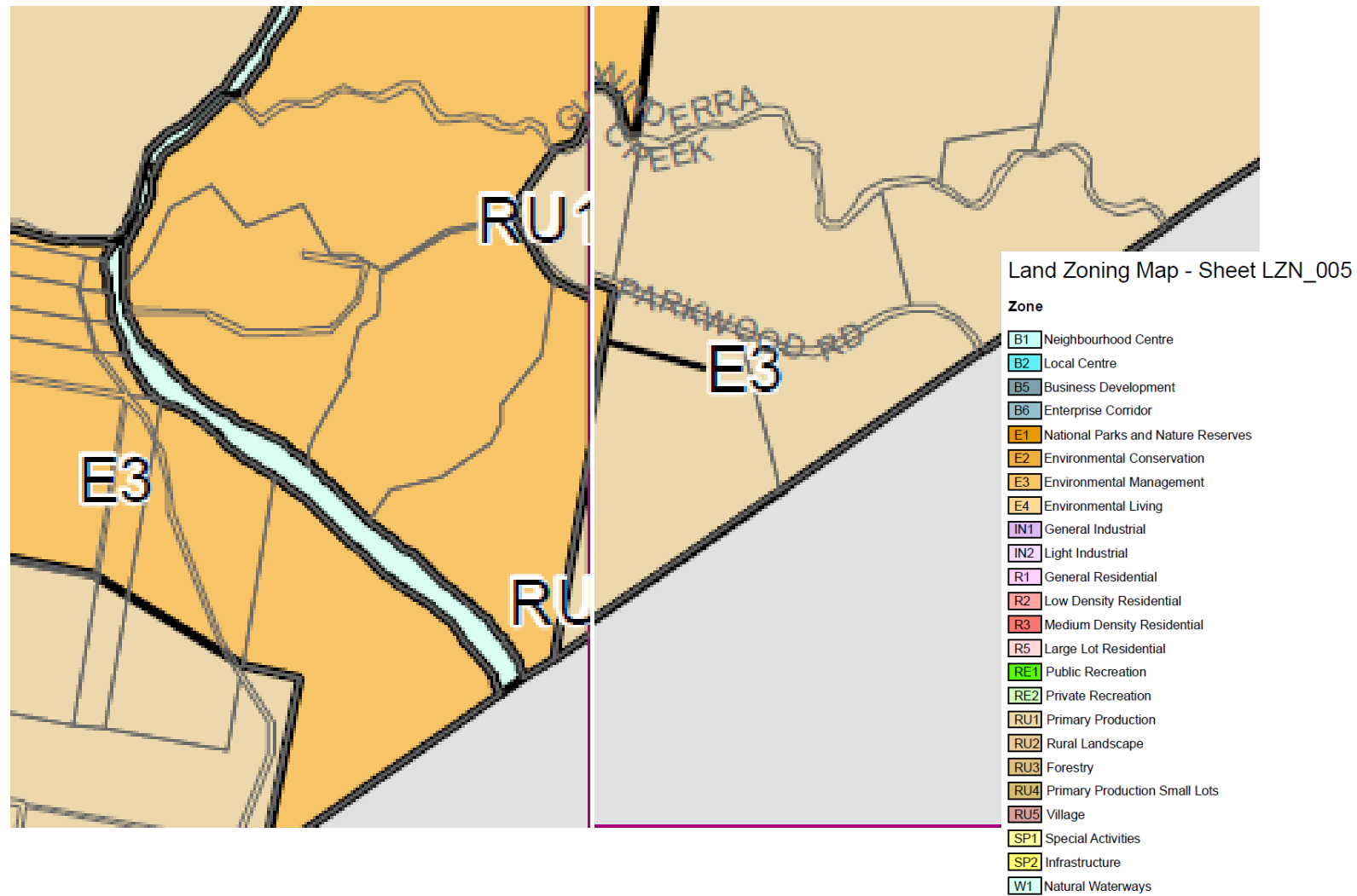
- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*

The range of uses permitted with development consent in the E3 zone are:

Bed and breakfast accommodation, Boat launching ramps, Camping grounds, Dual occupancies, Dwelling houses, Eco-tourist facilities, Emergency service facilities, Environment facilities, Extensive agriculture, Farm buildings, Flood mitigation works, Horticulture, Information And education facilities, Research stations,, Roads, Signage, Water storage facilities

In terms of the current E3 zone it is important to note that this reflects the extent of land previously zoned 7(e) – Environment Protection (Scenic) under the *Yarrowlumla LEP 2002*, since repealed by the *Yass Valley LEP 2002* and subsequent *Yass Valley LEP 2013*. The *Parkwood* land was originally zoned 7(e) under the *Yarrowlumla LEP 1986* and which contained dual occupancy buildings and dwelling houses as permitted with consent uses.

Figure 15 Current Land Use Zoning Map (under the Yass Valley LEP 2013)



A historical summary of the land zoning of Parkwood is at Appendix 29. The historical summary provides an analysis of the environmental zoning of Parkwood. The Yarrowlumla Interim Development Order (IDO) (Amendment No. 2) 1973 did not include any zone objectives for the Non-Urban 'A' zone. With the adoption of the Yarrowlumla LEP 1986 part of the Parkwood land was zoned 7(e) Environmental Protection (Scenic). There is no site specific evidence base for the change of zoning to the land from Non- Urban 'A' to 7(e). Under the Yarrowlumla LEP 1986 the zone objectives for the 1(a) Rural 'A' zone and 7(e) Environmental Protection (Scenic) zone are:

1(a) Rural 'A' Zone

- *To protect the agricultural potential of rural land and to prevent the fragmentation of viable rural holdings.*
- *To prevent premature and sporadic subdivisions and to ensure consolidation of urban areas, thus enhancing the prospect of the economic provision of public services.*
- *To prevent the subdivision of land on the fringe of urban areas into small allotments that may prejudice the proper layout of future urban areas.*

7(e) Environmental Protection (Scenic) Zone

- *To protect various areas which are environmentally sensitive and which enhance the visual amenity of the Shire of Yarrowlumla.*

Under the Yarrowlumla LEP 1993 the zone objectives for the 1(a) General Rural zone and 7(e) Environmental Protection (Scenic) zone are:

1(a) General Rural zone

- *To protect the agricultural potential of rural land and to prevent the fragmentation of viable rural holdings.*
- *To prevent premature and sporadic subdivisions and to ensure consolidation of urban areas, thus enhancing the prospect of the economic provision of public services.*
- *To prevent the subdivision of land on the fringe of urban areas into small allotments that may prejudice the proper layout of future urban areas.*
- *To ensure that development occurs only on land which is suitable for, and economically capable of, the proposed development and so as not to create conflicting uses.*
- *To allow the use of land within the zone for agricultural purposes and for a range of other appropriate purposes, whilst minimising conflict between other uses and intensive agriculture.*
- *To restrict the establishment of inappropriate traffic generating uses along arterial and main road frontages.*
- *To ensure sound management of land which has an extract or mining industry potential and to ensure that development does not adversely affect the potential of any existing or future extractive industry.*
- *To permit the development of industries that are appropriately located in the rural environment.*

7(e) Environmental Protection (Scenic) Zone

- *To protect various areas which are environmentally sensitive and which enhance the visual amenity of the Shire of Yarrawlumla.*

The zone objectives in previous Environmental Planning Instruments (EPI) show that the 7(e) Environmental Protection (Scenic) zone objectives have not been amended, whereas the General Rural zone objectives have become more comprehensive. The 7(e) zone under the Yarrawlumla LEP 1986 and 1993 also permits the development of dwelling houses with consent.

With the amalgamation of Yarrawlumla LGA into Yass Valley LGA, and the required change to the Standard Instrument LEP, the zoning of the Parkwood land changed from:

- 1(a) General Rural to RU1 Primary Production, and
- 7(e) Environmental Protection to E3 Environmental Management.

The changes to the zoning to the Standard Instrument LEP land use zoning categories under the Yass Valley LEP were the most comparable zones for the Parkwood land. The establishment of the Principal Parkwood LEP would allow for a site-specific planning response to the conservation and management of the Conservation Corridor and the appropriate development of urban zoned land. The boundary of the R1 General Residential land and the E2 Environmental Conservation and E3 Environmental Management land is evidence-based.

The ecological, landscape and cultural heritage reports prepared ensure that there is a clear delineation between what land is suitable for development and what land should be retained for conservation purposes. The Conservation Corridor boundary has been determined on the basis of the aforementioned scientific investigations and in consultation with the NSW Department of Planning and Environment, the NSW Office of Environment and Heritage and Yass Valley Council. Further treatment of the conservation/urban edge interface through the DCP requirements will ensure that development in this area is appropriate and mitigates any impact to the Conservation Corridor.

The inclusion of an E2 Environmental Conservation zone in the Principal Parkwood LEP will further limit the type of uses permitted on the land with the identified highest conservation values (ie that land generally adjacent to the Ginninderra Falls and Gorge and down to the confluence of the Ginninderra Creek and Murrumbidgee River).

In addition to the land use zoning controls, the Yass Valley LEP also specifies a number of development standards and other environmental overlays. These are set out in Table 6.

Table 6 Yass Valley LEP Provisions

Yass Valley LEP 2013 – Provision	Control
Minimum lot size	The applicable minimum lot size is 40 hectares across the land zoned RU1 and 80 hectares on land zoned E3. See extract from Yass Valley LEP 2013 at Figure 15.
Natural resource overlays:	Additional Local Provision clauses under Part 6 of the Yass Valley LEP set out a range of matters Council must take into account

<ul style="list-style-type: none"> • Terrestrial biodiversity • Groundwater vulnerability • Riparian land and watercourses • Salinity • Highly erodible soils 	before determining a development application over land on which the natural resource features have been identified on the Riparian Lands and Watercourses map, Groundwater Vulnerability map, Natural Resources Biodiversity map and Natural Resources Land map that form part of the Yass Valley LEP. See Figure 17 and Figure 18.
Heritage	There are no listed heritage items on the site, however it is noted that the Parkwood homestead and chapel are located on Lot 1, DP602262 to the north east of Ginninderra Creek. It is noted by the Yass Valley LEP as being of local significance.

3.2 State and Regional Environmental Planning Policies

The State and Regional Planning Policies relevant to the Planning Proposal are:

3.2.1 State Environmental Planning Policy (Rural Lands)

The *State Environmental Planning Policy (Rural Lands) 2008* (Rural Lands SEPP), came into effect in 2008 and seeks to outline the planning approach to the development of rural lands. Whilst the Rural Lands SEPP applies to development occurring on land assumed to be used for rural purposes, it is considered to be a relevant matter in terms of that part of the land currently zoned RU1 Primary Production. The Rural Lands SEPP contains a number of rural planning principles to guide land use decisions that within the context of a proposed urban zoning are not directly applicable. However, the following relevant rural planning principles, the following is noted:

- *The promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas.*
- *Recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region and or State.*
- *Recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development.*

Figure 16 Current Lot Size Map (under Yass Valley LEP 2013)

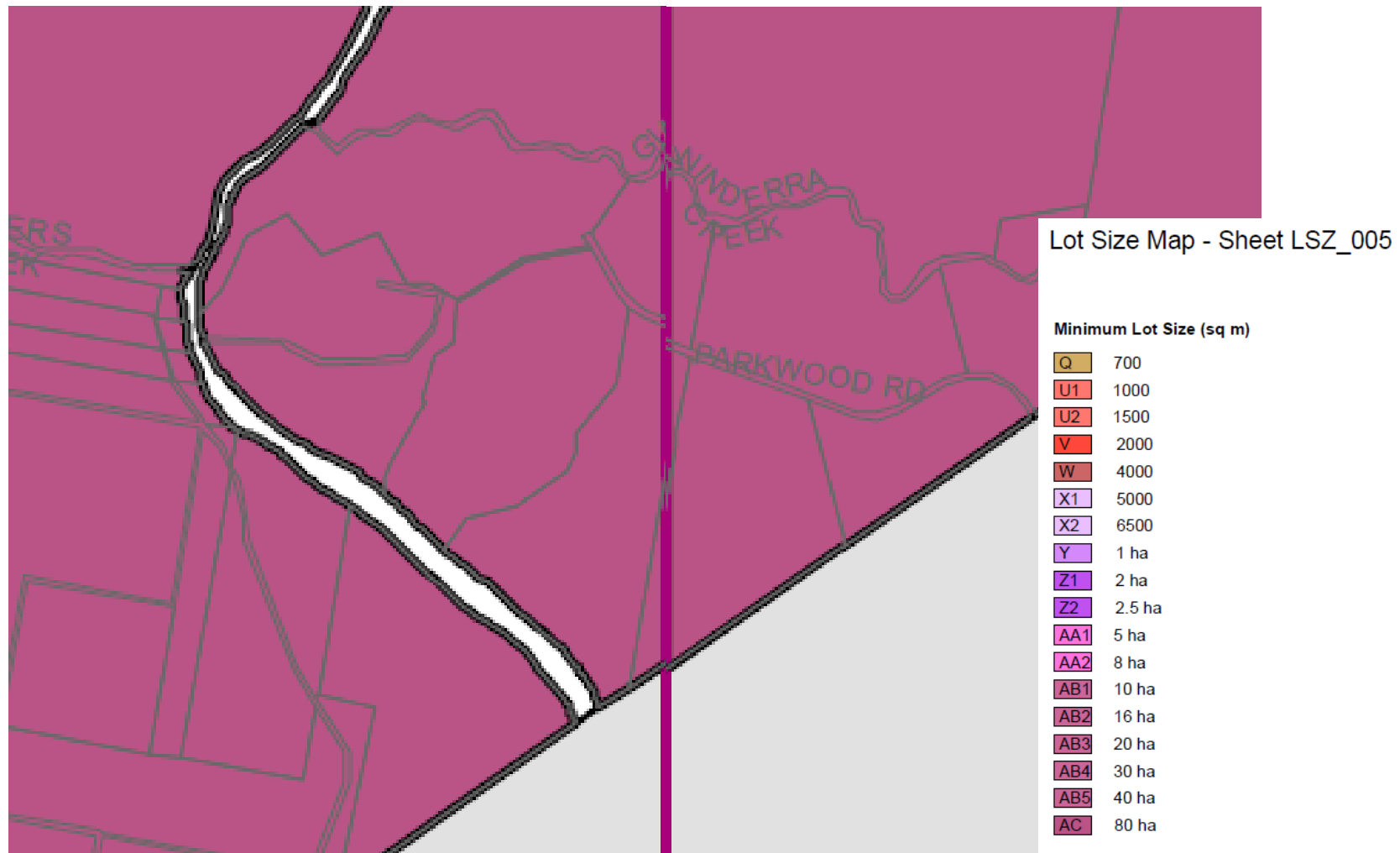


Figure 17 Natural Resources Land Map (under Yass Valley LEP 2013)

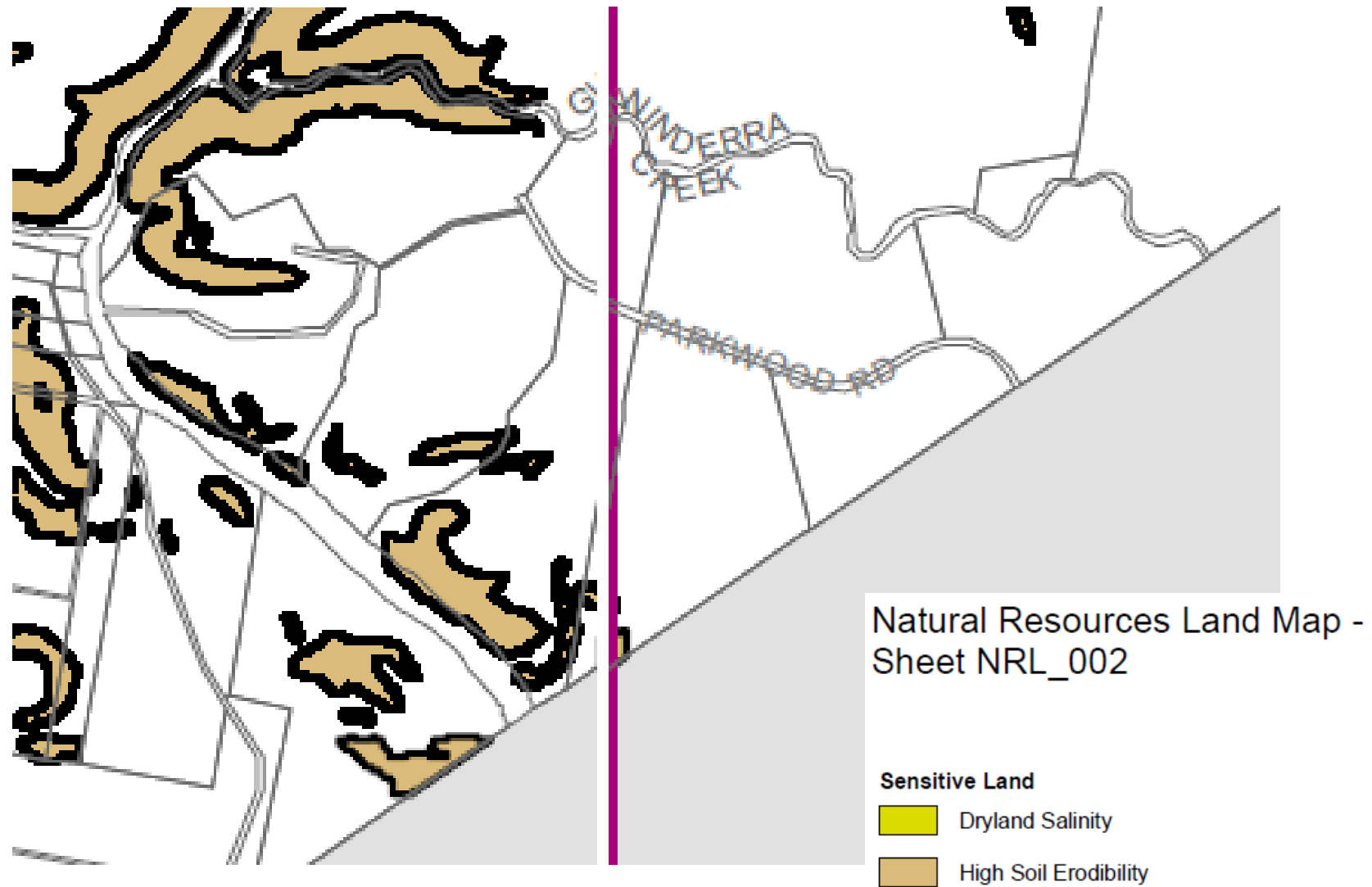
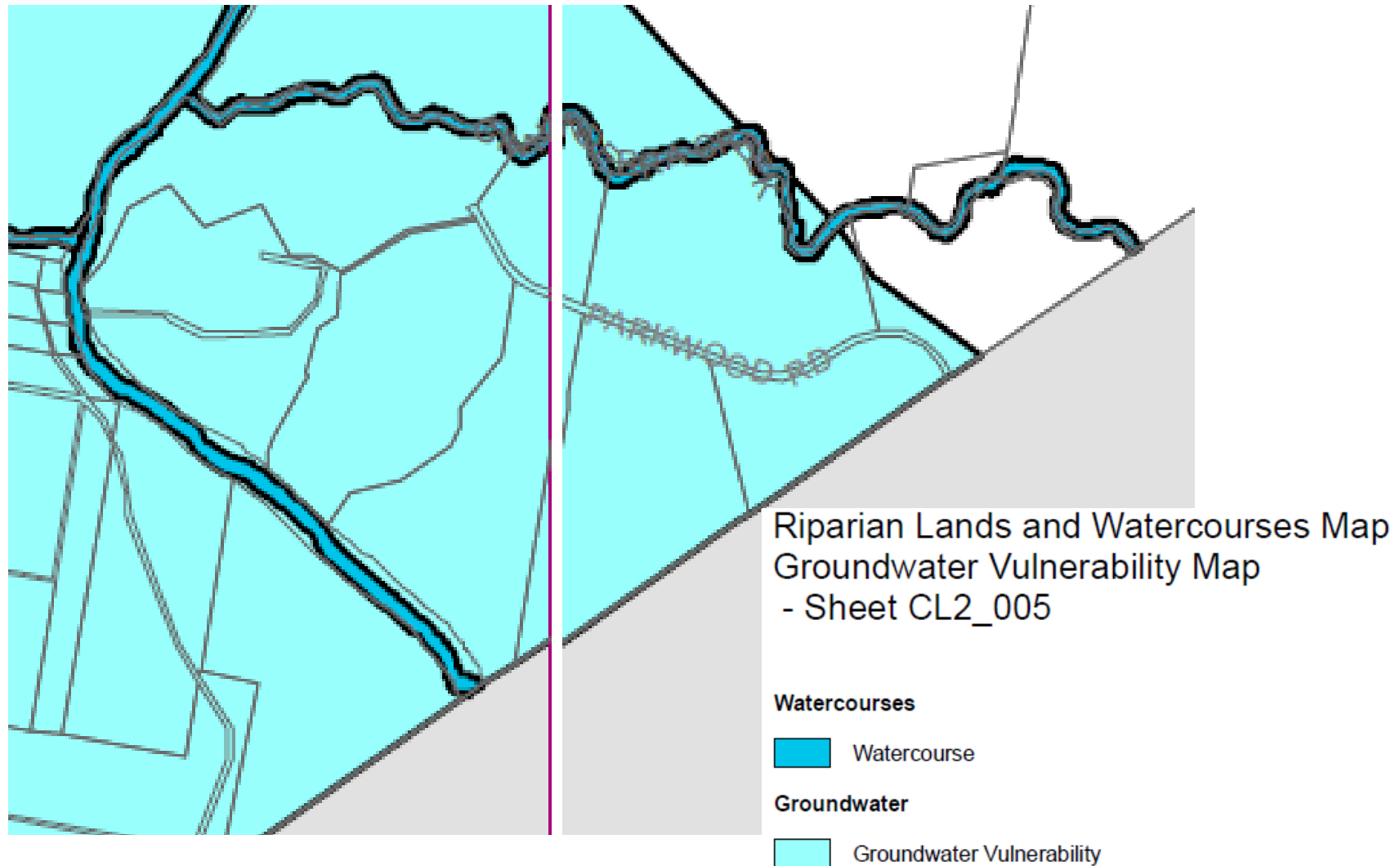


Figure 18 Riparian Lands, Watercourses and Groundwater Vulnerability Map (under Yass Valley LEP 2013)



Comment: The site adjoins the existing urban edge of Canberra with only limited agricultural potential considering its proximity to existing urban areas, the practical problem of moving stock through urban parts of Canberra to the nearest regional sale yards and the limited size of the site. A description of current agricultural uses is included in the Agricultural Lands Review (Appendix 10). Accordingly the agricultural use is not considered significant to Yass Valley. By virtue of the location of the site adjacent to existing urban areas of Canberra's north western suburbs, it is appropriately characterised as peri urban.

Rather than being regarded as the loss of agriculture to the area, the establishment of a new community at Parkwood is the opportunity to make a positive contribution to locally based urban agriculture. It acknowledges the adaptive and changing nature of agriculture as a contributor to the local economy, amenity and community wellbeing. These are all outcomes consistent with the Rural Lands SEPP planning principles. Edge Land Planning note that urban agriculture is a well-established contributor to local communities elsewhere with 19 existing community gardens in Canberra. Edge Land Planning notes that urban agriculture has been defined by Hodsgon et al (2011) as:

"...the production of food for personal consumption, education, donation or sale and includes associated physical and organisational infrastructure.."

As Edge Land Planning notes there is the opportunity to employ urban agriculture within the proposed urban development to make it a 'food positive' outcome. There may be opportunities for urban agriculture within Parkwood, this is evident by the Stage 1 development application within Ginninderry including two community gardens.

3.2.2 State Environmental Planning Policy No 55 – Remediation of Land

The *State Environmental Planning Policy No 55 – Remediation of Land* (SEPP55) and accompanying Planning Guidelines: SEPP55 – Remediation of Land on managing land contamination (1998) seek to ensure that any contamination of land on its use, say for residential purposes is addressed to reduce the risk of harm to human health. A Phase 1 Environmental Site Assessment undertaken by AECOM (Appendix 30) has been commissioned to examine the land on the Parkwood peninsula. The purpose of this assessment was to determine the extent, if any, of contamination that may be present. Isolated contaminated sites and areas of possible contamination have been identified. All identified sites will be investigated in further detail and remediated as part of the land development process.

Section 4.1 of the SEPP55 Planning Guidelines on managing land contamination refers to matters to be addressed in relation to 'spot rezonings' and 'generalised rezonings'. Generalised rezonings are characterised by the SEPP55 Planning Guidelines as rezonings that cover a large area, for example, more than one property, usually describing proposed land uses very generally both in type and location.

In this instance, given the scale of the proposed rezoning, it is appropriately characterised as a generalised rezoning. The SEPP55 Planning Guidelines note that for generalised rezonings this could include a neighbourhood specific contamination assessment, the extent of which would be subject to any identified sources of contamination. It is difficult for a planning authority to be satisfied that every part of the land is suitable for the proposed uses, in terms of contamination at the time of the rezoning. In these cases, the SEPP55 Planning Guidelines note that the rezoning should be allowed to proceed, provided measures are in place to ensure that the potential for contamination and the suitability of the land for any proposed use are assessed once detailed proposals are made. In terms of the Parkwood development, it is noted that detailed neighbourhood structure plans are likely to resolve the location of particular land uses as part of the proposed requirement for a DCP to be in place prior to development

consent being granted. An independent environmental auditor has been appointed to oversee the management of land contamination matters as the project proceeds.

3.2.3 Better Placed – Draft policy from the Government Architect NSW

It is noted that the Ginninderry Joint Venture partner the LDA is the ACT Government's land development agency dedicated to achieving new standards of innovation, excellence and value in urban design and sustainable development.

Since the Parkwood (West Belconnen) Planning Proposal was lodged, the Office of the Government Architect for NSW has released the draft Better Placed – A design led approach: developing Architecture and Design Policy of NSW. The draft policy sets out the NSW Government's position on design in the urban environment. The Better Placed policy provides details on objectives and expectations in relation to design and creating good places, principles and requirements to achieve these and a framework for examining places and reviewing proposals from a design perspective.

As part of this Parkwood Planning Proposal we have used the framework to review the proposal from a design perspective as detailed in the Better Placed policy.

It is however noted that due to the focus of the Parkwood Planning Proposal being primarily rezoning of the land through the creation of a new principal Parkwood LEP, the level of detail that could demonstrate that Parkwood fully embodies the seven distinct principles of the draft Better Placed policy (which seeks a safe, equitable, sustainable built environment which is distinctive and of its place, creates value and is fit for purpose) is not yet available. As such the results of Ginninderry's Green Star – Communities certified rating have been used to assess Parkwood's performance against the principles.

The project's Green Star – Communities certified rating is an independent verification of its performance in relation to a holistic set of benchmarks and criteria identified as the sustainability attributes related to the planning, design, and construction of a sustainable place.

It is noted that the key directions and actions of the principles although distinct are also interrelated and as such the contribution of the Green Star – Category achievements are applicable against more than one of the seven principles. From the review it is clear that the approach to the planning, design and delivery of Parkwood, as verified through Green Star, embraces the objectives of the Better Placed policy and the principles for understanding, measuring and capturing the benefits of good design. Through the process of recertification (the continued reassessment of the project) over the life of the project and using the principles and requirements from the Better Placed policy to inform the development of the Parkwood DCP and any associated design guidelines. The outcomes of the review are summarised in Appendix 31.

3.3 Regional Strategies

The Yass Valley LGA falls within the Sydney to Canberra Corridor Regional Strategy. The Regional Strategy sets out a series of Outcomes to guide land use and most relevantly, Housing and Settlement Outcomes as the basis for the desirable location and type of settlement across the Region. This is paired 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. The following describes the Outcomes as they apply to both Housing and Settlement and the Natural Environment.

The Sydney to Canberra Regional Strategy has been reviewed and replaced by the South East and Tablelands Regional Plan (Regional Plan) that is no longer a draft and has been adopted. A review of the Planning Proposal against the relevant Directions, Actions and the local government narrative of the

Regional Plan has been undertaken and is set out in the *Parkwood Planning Proposal supplementary submission* at Appendix 2.

3.3.1 Regional Strategy Housing and Settlement

Whilst the Sydney to Canberra Corridor Regional Strategy (Strategy) has been replaced, the Planning Proposal when originally submitted referenced the Housing and Settlement Outcomes of the Strategy. The Outcomes however in terms of a general approach to settlement are still considered relevant and appropriate to review the Planning Proposal against - see Table 7.

Table 7 Housing and Settlement Outcomes (of the prior Sydney to Canberra Corridor Regional Strategy)

Outcome	Comment
Future residential growth is predominantly accommodated within existing centres or contiguous to existing settlements.	The Regional Strategy is a plan to guide settlement in NSW. It does not expressly account for Canberra as a settlement within the Region despite Canberra having the largest influence over the demand for the location of housing in the southern part of the Region. The intent of the outcome is to ensure that new settlements support the hierarchy or role of existing centres and are a sustainable use of services and infrastructure. While Parkwood is relatively isolated from existing settlement in Yass Valley, it is in fact contiguous with Ginninderry and the north western suburbs of Canberra, suggesting that it is consistent with this outcome of the Regional Strategy despite not being anticipated by it.
<ul style="list-style-type: none"> A more appropriate mix for future housing that reflects the Region's changing housing needs (ie 70 percent Greenfield and 30 percent medium density/infill averaged across the Region) is achieved. An appropriate mix of housing for a range of regional and local choices in housing and lifestyle will be available. 	<p>The master planning for Ginninderry, including Parkwood, provides for a wide range of potential housing types consistent with:</p> <ul style="list-style-type: none"> Providing a diversity of housing choice. Opportunities for ageing in place. A range of densities consistent with promoting a walkable place. A site responsive solution reflecting the diversity of landscape attributes across the site. A proposed neighbourhood/precinct based approach to determining built form and in turn, the key guiding development controls such as lot sizes, floor space ratios and height of buildings. <p>The ACT Indicative Land Release Program 2016/17 to 2019/20 identifies Ginninderry as an indicative greenfield land release that will provide housing opportunities. The first stage of development is currently underway in Ginninderry which will provide 300 detached dwellings. The development of Ginninderry will provide for a range of housing choices and this is carried over into Parkwood in NSW. It is anticipated that higher densities will be concentrated around the town centre and employment precinct.</p>

Outcome	Comment
<p>New greenfield development and the redevelopment of existing urban areas utilise the Neighborhood Planning Principles set out in the Strategy to achieve a form of urban settlement that supports multiple forms of transport, provides jobs close to home and respects the natural environment. The Neighbourhood Planning Principles are outlined in Table 8.</p>	<p>The master planning for Ginninderry, including Parkwood, as one community either side of the state/territory border has informed and is the basis of the proposed rezoning. The master planning has been the result of a multi-disciplinary design process undertaken collaboratively with key government and community stakeholders on both sides of the border. Accordingly, there is a high degree of confidence that the master plan reflects a wide consensus on the most appropriate form of urban development. Relevantly, the master plan as prepared by urban designers, Roberts Day (Appendix 41), incorporates all aspects of the above mentioned Neighbourhood Planning Principles.</p> <p>Specifically:</p> <p>a) In terms of streets and suburbs, a whole of places approach has been taken that balances the needs of pedestrians, cyclists, public transport users and drivers. The general principles for both Parkwood streets are:</p> <ul style="list-style-type: none"> • Streets must be safe for all users. • Streets should be attractive and shaded to enhance their usability for all users. • Street landscaping to employ best construction practice and wherever possible, passively watered. <p>b) In terms of public transport networks, the master plan road network and hierarchy of road types, provides for trunk and recreational cycle and pedestrian paths, including a network of segregated off-road cycle-only paths and shared paths, bus routes to service the entire release in an integrated manner both sides of the border. The Roberts Day masterplan report details the proposed location of routes, bus stops and bus terminus.</p> <p>A comprehensive examination of requirements for public transport and active transport modes for Ginninderry has been undertaken by MR Cagney (Appendix 32). The examination of requirements undertaken by MR Cagney is based on the premise that successful sustainable transport planning in terms of urban communities can be defined as the provision of an integrated suite of initiatives that minimises the dependence of residents and businesses on the use of the private motor vehicle. In terms of public transport, the report by MR Cagney sets out a progressive approach ensuring the availability of a bus service from the initial development and eventually a service with 15 minute peak and 30 minute off peak frequency servicing all of the development area.</p> <p>c) In terms of a wide range of housing choice, the master plan identifies a range of likely dwelling typologies and character zones/precincts reflecting the varying site attributes. The dwelling</p>

Outcome	Comment
	<p>types identified are:</p> <ul style="list-style-type: none"> • Eco living as a lifestyle choice as a transition to the Conservation Corridor. • Traditional residential character comprising of traditional single detached dwellings and sideyard housing. • Urban village comprising of small cottages, sideyard houses, terraces, live-work residencies, studio apartments and apartments. <p>The proposed R1 General Residential land use zoning will ensure that all of the above housing types are permissible.</p> <p>d) In terms of the conservation lands, the master plan recognises the ecological, cultural and riparian values of the Murrumbidgee River and Ginninderra Creek corridors, by confirming limits on the land for urban development through the proposed rezoning of part of the Parkwood lands to R1 General Residential and the retention of the balance for environmental purposes. The planning response to the Conservation Corridor, including the adjacent conservation/urban edge interface has been detailed in the Conservation Corridor Environmental and Planning Response Matrix (Appendix 3).</p> <p>The Conservation Corridor aims to preserve the cultural and ecological values of the land whilst accommodating a range of compatible uses. The Conservation Corridor will form part of the broader whole of development integrated open space network that will incorporate at appropriate locations, a range of active and passive recreation opportunities for both the Ginninderry, including Parkwood, community and the broader Canberra/Yass Valley region. The Conservation Management Plan for the Conservation Corridor will also detail specific land management practices as well as identifying preferred locations for specified complementary recreation activities.</p> <p>The proposed modified E3 Environmental Management zone boundary together with the proposed E2 Environmental Conservation zone will establish a hierarchy of protection and reflect the above desirable conservation, use and management outcomes.</p>
<p>Adequate infrastructure, community services and transport is provided to service both greenfield and additional infill development. A reticulated water supply will be provided which will be subject to satisfying the water supply planning principles.</p>	<p>A review of community and social planning requirements for Ginninderry has been undertaken by Elton Consulting and is set out in four reports (Appendices 33, 34 35 and 36). The Parkwood reports assess the need for a range of social infrastructure requirements to meet the needs of future residents.</p> <p>It is important to note that historically residents and owners of land at Parkwood have relied on and principally used the services, facilities and shops in the nearby centres within the ACT, and in particular Kippax. In that regard, the community of interest for the Parkwood</p>

Outcome	Comment
	<p>land has historically been and continues to be the ACT.</p> <p>In terms of the Elton Consulting review and in summary, the future residents of Ginninderry and Parkwood will require access at the local level to the following:</p> <ul style="list-style-type: none"> • Retail and commercial services. • Spaces for informal meeting and gathering, such as cafes. • Indoor spaces for community activities, programs and services. • Medical services such as GP's. • Childcare and some family support services. • Pre-schools and primary schools. • Local leisure and entertainment facilities, such as restaurants. • Places of worship. <p>In addition and relevant to Parkwood, will be local access to municipal services provided by Yass Valley Council, including development inquiries, payment of rates and inquiries concerning Council services. The report on NSW service delivery arrangements prepared by Elton Consulting outlines delivery options for Council services (Appendix 37). At a district level, residents within Ginninderry will require access to the following:</p> <ul style="list-style-type: none"> • Multipurpose spaces for a range of community activities, programs and events. • A high school and other learning facilities. • Civic and cultural spaces including a library. • Sporting and recreation facilities. • Larger areas of open space for active and passive recreation. • Individual and family support services as well as services addressing particular issues such as welfare, legal aid, employment and housing. • Facilities and services for particular sections of the community, such as young people, older people, people with a disability, people from culturally and linguistically diverse communities. • Larger places of worship. • Emergency and safety services. <p>It is important to note that for the Ginninderry and Parkwood community, those services not able to be provided within the development are expected to be accessed from the nearby established centres in the ACT of Kippax and Holt. The service delivery arrangements report prepared by Elton Consulting also addresses the</p>

Outcome	Comment
	<p>future NSW residents' requirements for the provision of the State services of emergency services, health and education.</p> <p>In terms of water and sewer infrastructure and in order to secure long term service provision to the land subject to the proposed rezoning, the Joint Venture Agreement between the ACT Government and Riverview Projects (ACT) Pty Limited sets out the coordinated provision, design and delivery of infrastructure, services and utilities for Ginninderry.</p> <p>In addition, confirmation of services being made available from existing ACT utilities has also been provided by ACTEW Water (Appendix 38).</p> <p>The Gateway Determination issued by the Department of Planning and Environment on 16 April 2015 for the Parkwood (West Belconnen) Planning Proposal required in part the preparation of a Cross Border Government Servicing Report (Servicing Report) including the <i>"..holding of a forum with all relevant government service providers to determine if the servicing framework in the Cross Border Servicing Report is practicable."</i> The Cross Border Government Servicing Report is attached at Appendix 37. The outcomes of the interagency government services providers' forum held 16 March 2016 is contained within the Cross Border Government Servicing Report. It is expected any updating of the infrastructure or servicing requirements for Parkwood will also be subject to the conditions of any revised Gateway determination.</p> <p>The Servicing Report concludes that a review of the options for the delivery of services and infrastructure to support the urban development of Parkwood confirms that there is at least one existing legal, practicable and financially feasible option for the delivery of all infrastructure and services. This is referred to in the Cross Border Government Servicing Report as the 'base case' option.</p> <p>Based on a review of the services and infrastructure options, it is the conclusion of the Cross Border Government Servicing Report that the Planning Proposal is supportable and justified in proceeding. The base case option provides certainty within existing legislation.</p> <p>In the base case option, financial arrangements between the NSW and ACT governments would be in accordance with 'business as usual', developed and implemented within overarching frameworks.</p> <p>These frameworks include:</p> <ul style="list-style-type: none"> • Commonwealth/ State agreements, which may also require associated bi-lateral agreements. • Overarching and operational Memorandums of Understanding (MOUs) between NSW and the ACT Governments, for example, emergency services, which are updated from time to time. <p>The base case option involves financial arrangements between Yass</p>

Outcome	Comment
	Valley Council and the ACT Government for the provision of contracted municipal/local services in Parkwood by the ACT Government. In the event that agreement cannot be reached on service costs, Yass Valley Council could provide the service itself or consider an alternative outsourced service provider. Yass Valley Council, and NSW and ACT service delivery agencies believe there are more efficient and effective service delivery options in addition to the base case option. The long lead time for planning Parkwood in NSW provides flexibility to respond to emerging government policy and legislative directions, as well as changes in government and Council preferences, over time. There is also the opportunity for the exploration of more innovative and efficient service delivery options which are described in the Servicing Report.

Table 8 Sydney to Canberra Corridor Regional Strategy Neighbourhood Planning Principles

- Public transport networks that link bus services into rail systems and major regional centres.
- A range of land uses to provide the right mix of houses, jobs, open space, recreational space and green space.
- Easy access to major town centres.
- Jobs available locally and regionally – reducing the demand for transport services.
- Streets and suburbs planned so that residents can walk or cycle to shops and other activity spaces for their daily needs.
- A wide range of housing choices.
- Conservation lands in and around the development sites to help protect biodiversity and provide open space for recreation.

Regional Strategy Threshold Sustainability Criteria

Where a proposed urban release falls outside the settlement framework as outlined in the Sydney to Canberra Corridor Regional Strategy, the Regional Strategy expressly provides for proposals to be considered provided it can be demonstrated that they satisfy the Threshold Sustainability Criteria. The Regional Strategy notes that “...Additional housing areas outside of those set out in this Regional Strategy and supporting local environmental plans are only to be supported if they can satisfy the Threshold Sustainability Criteria...” (p39, *Sydney- Canberra Corridor Regional Strategy*).

Whilst Parkwood satisfies the Settlement Outcomes and the Neighbourhood Planning Principles of the Regional Strategy, it does fall outside the settlement framework. Accordingly, demonstrating the strategic merit of the Parkwood Planning Proposal requires that the Threshold Sustainability Criteria be addressed and satisfied. In terms of Ginninderry, addressing that criteria has been undertaken in the context of a border adjacent community and with regard to the West Belconnen urban release NSW Position Paper prepared (Appendix 9) by Knight Frank Town Planning and the Service Delivery Assessment prepared by Elton Consulting (Appendix 37).

Table 9 Threshold Sustainability Criteria

Criteria	How the Criteria is addressed by the Parkwood Planning Proposal
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 (one hour), Goulburn (1.25 hours) and Yass town (one hour), Parkwood is located adjacent to the established north western suburban edge of Canberra, being Holt and West Macgregor. For all practical purposes, services have historically been provided from the ACT.</p> <p>Parkwood 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 a whole of ACT/NSW integrated approach to the physical planning of the release. See also letters concerning infrastructure availability from ACTEW (Appendix 38).</p> <p>A services review of both local and State service requirements has been undertaken by Elton Consulting and forms part of this Planning Proposal. The services review sets out:</p> <ul style="list-style-type: none"> • What infrastructure and services are required? • To what standard and/or capacity the infrastructure is required to be. • When the infrastructure will be provided and how it will be funded. <p>The services review is based on extensive discussions with Yass Valley Council and as presented to the cross border interagency government services providers forum.</p> <p>Parkwood 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 planning principles remain the same as locating urban releases close to and adjoining established urban centres. The services review confirms that it is practical and viable to collocate a new community at Parkwood adjacent to the border with the ACT.</p>
2. Access Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided	<p>Within the context of a border adjacent community, the structure planning, and transport and access plans have taken a whole of release approach to linking Ginninderry and Parkwood to the existing Canberra public transport systems and road network. This is in order to be able to provide viable alternate forms of transport, and more generally movement both within the proposed urban release and to the adjoining north western Canberra corridor.</p> <p>Specific transport and access studies have been undertaken by AECOM (Appendix 39) in terms of the connecting road network to urban Canberra and by MR Cagney (Appendix 32) in terms of the proposed transport plan for the overall Ginninderry urban release.</p> <p>To provide context the location of Parkwood relative to urban Canberra and key suburban centres is illustrated at Figure 6 and Figure 7.</p> <p>It is important to otherwise note that the whole of design approach underpinning Ginninderry, including Parkwood, aims to support and deliver a 6 star Green Star endorsement as a sustainable community by:</p>

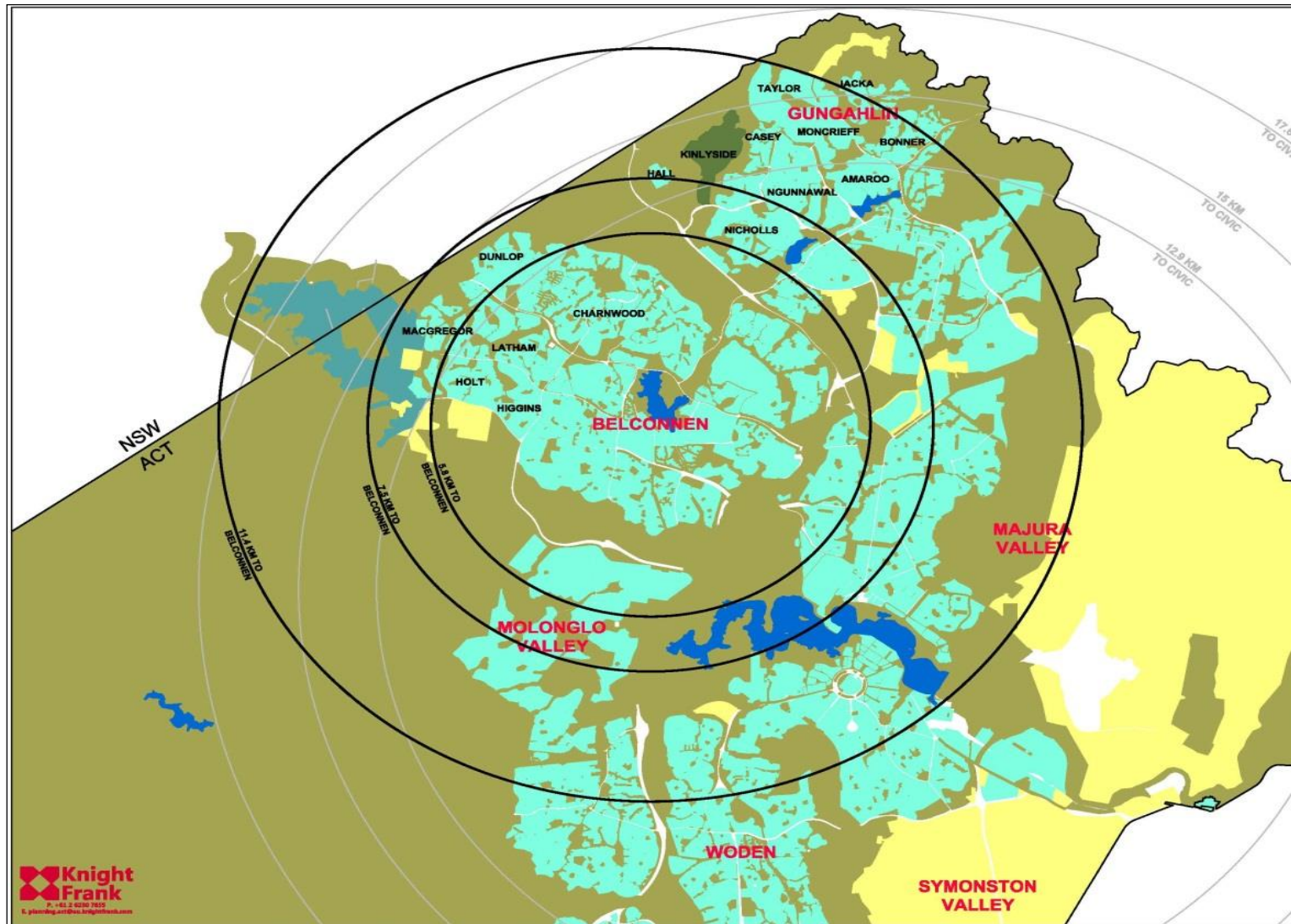
Criteria	How the Criteria is addressed by the Parkwood Planning Proposal
	<ul style="list-style-type: none"> Minimising journey to work by a high level of local job containment as detailed in the economic and employment report prepared by Urbis (Appendix 40). Seeking to modify travel behavior by ensuring 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. A design based on walkable neighborhoods (refer to Master Plan report prepared by Roberts Day (Appendix 41)
3. Housing Diversity Provide a range of housing choices to ensure a broad population can be housed	<p>The Ginninderry structure plan for the whole of the proposed urban release provides for a diversity of housing types reflecting the importance of choice, forecast changes in demographics and a range of housing costs. The housing stock reflects also a site responsive approach underpinned by walkable neighbourhood.</p> <p>In a regional context Ginninderry, including Parkwood, will be an important contributor to greenfield regional housing supply. More broadly in terms of the lands generally close or adjacent to the NSW/ACT border, it is noted that there are few opportunities apart from Parkwood to provide for greenfield releases that coincide with a coordinated and agreed inter-governmental approach to service delivery.</p> <p>The draft Yass Valley Settlement Strategy forecasts the population growth in Yass to increase by approximately 9,000 people (to approximately 25,000) by 2036. The majority of growth will be concentrated on consolidating development in and adjacent to existing towns and villages. Parkwood with an estimated eventual population of 13,000 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, Ginninderry will complement and support the role of the Yass Valley LGA as a provider of long term greenfield urban releases, and is proposed to form an integral part of the ACT Land Release Program.</p>
4. Employment Lands Provide regional/local employment opportunities to support the Sydney– Canberra Corridor’s expanding role in the wider regional	<p>A key feature of the planning for Ginninderry 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 (Appendix 40).</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. Parkwood by virtue of its location will not diminish or adversely affect the role of Yass town.</p> <p>At this scale of development and as concluded by the services review by Elton Consulting, Parkwood has the potential to be a viable contributor to housing choice and settlements in the Yass Valley LGA.</p>

Criteria	How the Criteria is addressed by the Parkwood Planning Proposal
and NSW economies	<p>More broadly, whilst Parkwood may not necessarily provide direct employment opportunities within Yass Valley LGA, it will contribute to the regional supply of employment via the proposed Ginninderry town centre located within one kilometre of the Parkwood land (on Parkwood Road) and via land set aside for business development and 'start up' businesses, coinciding with the proposal to remediate the current recycling facilities on Parkwood Road adjacent to Parkwood within the ACT.</p> <p>The Urbis report provides considerable detail on the employment generating potential of the project.</p>
<p>5. Avoidance of Risk</p> <p>Land use conflicts, and risk to human health and life, avoided</p>	<p>As part of the review of the suitability of the site for urban development, a number of environmental studies and an urban capability study have been undertaken to address both the avoidance of risk and the conservation of natural values. Those studies have all informed the master planning for the release and include:</p> <ul style="list-style-type: none"> • An urban capability study prepared by Douglas Partners. • Bushfire risk assessment prepared by Ecological based on Planning for Bushfire Protection. • Flood risk assessment prepared by Jacobs based on NSW Floodplain Development Manual. • Contamination study prepared by AECOM. • Ecological studies, as listed in Section 2.3.6. <p>The constraints identified by these studies are reflected in the limits to either the extent of the proposed R1 General Residential zone and that specific local land terrain matters be addressed in detail at the DCP stage as required by the inclusion of the urban release area provisions in the Parkwood LEP. The above studies have also informed the setting aside of the conservation lands and the exclusion of development from the flood prone lands.</p> <p>The Parkwood LEP will also contain appropriate provisions to ensure the avoidance of risk from land uses which may conflict with urban development. These provisions will include:</p> <ul style="list-style-type: none"> • An Egg Farm Buffer clause that requires any development occurring within the buffer to have due consideration for the egg farm prior to development consent being granted. • A Quarry Site Development clause that requires development occurring on the quarry site to undertake remediation measures prior to development consent being granted. • A Conservation/Urban Edge Interface clause that requires development occurring within the interface to consider certain requirements prior to development consent being granted.
6. Natural	The environmental and natural resource limits of the Ginninderry landscape is a key influence on the form and extent of development provided for through the

Criteria	How the Criteria is addressed by the Parkwood Planning Proposal
Resources Natural resource limits not exceeded/ environmental footprint minimised.	master plan, which 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: <ol style="list-style-type: none"> 1. The accreditation of Ginninderry as a 6 star accredited community under the national Green Building Council Green Star initiative. 2. A fully integrated water cycle management regime including leading WSUD. 3. Provision and planning for urban agriculture with the potential for a greater economic return than the current limited grazing.
7. Environmental Protection Protect and enhance biodiversity, air quality, heritage and waterway health.	<p>The current land use zoning of Parkwood is part RU1 Primary Production and part E3 Environmental Management. The E3 zone is principally a conversion from the prior 7(e) zoning. As far as can be determined, it is not a zone based on any strategic studies or empirical assessment. The ecological and landscape studies undertaken to inform the Parkwood Planning Proposal has been an evidence-based approach undertaken in close collaboration with the NSW OEH and the ACT Parks and Conservation Service. Those studies and planning have identified a riparian and scenic 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 maintenance of the ecological and landscape/scenic attributes of both waterways. Linked to the direct preservation of the cultural, heritage, ecological and landscape values of the urban release are also the water quality initiatives achieved through the proposed water sensitive urban design practices to be implemented.</p> <p>A key aspect of an integrated approach to long term viable conservation is the establishment of the Conservation Management Trust. The Conservation Trust will be established and constituted as a condition of the EPBC Approval that will be issued. The Trust will be responsible for the management, protection and conservation of the Murrumbidgee River and Ginninderra Creek Conservation Corridor.</p> <p>An overarching Conservation Management Plan will set out the management, operation and funding functions of the Conservation Management Trust. The Conservation Management Trust will be funded by a proposed rate on all residential lots within the urban release. This will shift the funding and operational expense from Government to community based management.</p> <p>AECOM and Aither undertook a triple bottom line analysis of multiple options for treatment and distribution of harvested stormwater within Ginninderry. Based on the recommendations of this work, a comprehensive water cycle management and WSUD design approach are to be implemented as the development progresses in the both ACT and NSW. This will include the construction of ponds, the provision of rainwater tanks, and the harvesting and reuse of stormwater for irrigation purposes.</p>
8. Quality and Equity in Services	<p>The importance of a long term Parkwood community that is not disadvantaged in terms of access to services is acknowledged. They extend to both local and State services, most importantly health, education, emergency services and</p>

Criteria	How the Criteria is addressed by the Parkwood Planning Proposal
<p>Quality health, education, legal, recreational, cultural and community development and other government services are accessible</p>	<p>community facilities. Ordinarily for developments elsewhere in Yass Valley, those services depending on the level required would be provided through a combination of formal and informal 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 Parkwood, the community of interest is Belconnen and in particular Kippax. Kippax is a designated group centre within the ACT hierarchy of centres providing a number of community based services and retailing. A social impact and needs assessment undertaken by Elton Consulting has identified the complete range of services necessary to support a viable border adjacent community at Parkwood and more broadly Ginninderry. Provision for those services including schools and recreation facilities has been allowed for in the master plan.</p> <p>The services review undertaken by Elton Consulting (Appendix 37) 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>

Figure 19 Radial Distances Map



Radial Distances

Threshold Sustainability Criteria summary

In summary, the Parkwood Planning Proposal satisfies and arguably, exceeds the Threshold Sustainability Criteria in terms of being a justifiable departure from the settlement framework of the Regional Strategy. Parkwood is the type of innovative approach to housing for which the Threshold Sustainability Criteria are intended to apply. That is, the Regional Strategy notes that “... *The Sustainability Criteria allow the Government to take strong positions in relation to matters of urban settlement in the Sydney to Canberra Corridor confident that innovative development proposals can still be considered even though they be outside the regional strategy process...*” (p53 Sydney to Canberra Corridor Regional Strategy). In this regard Parkwood is considered to be an innovative and supportable development proposal.

Natural Environment

In terms of the relevant Natural Environment Outcomes of the Regional Strategy, they are most relevant to ensure that the impacts of development are mitigated by protecting and enhancing the long term viability of vegetation and habitat corridors.

In terms of the Planning Proposal, it is noted that the ecological values of the land have been confirmed through the numerous site specific surveys listed at section 2.3.6 of the Planning Proposal. As noted previously, Ginninderry is also the subject of a West Belconnen Strategic Assessment Report and West Belconnen Strategic Assessment Program prepared and submitted to the Commonwealth Government under the provisions of the EPBC Act.

The identified ecological, cultural, heritage and landscape values of the site are to be recognised through the proposed E2 and E3 zones, specific additional local provisions, the Conservation Management Trust), the Conservation Management Plan and other initiatives noted throughout this Planning Proposal.

The Water Sensitive Urban Design Strategy prepared by AECOM identifies measures to protect the water quality of the Murrumbidgee River catchment.

3.4 Local Planning Strategies

In terms of local planning strategies, the following are relevant to the Parkwood Planning Proposal.

Table 10 Local Planning Strategies

Strategy	Summary
Yass Local Environmental Plan 2013	<p>The Yass Valley LEP is the principal statutory plan for the LGA. Whilst the LEP was in part informed by specific planning strategies for certain areas being Yass town and villages, the rural areas including Parkwood 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 planning studies or a planning strategy that might have otherwise formed a different conclusion on the appropriate contemporary zoning response to areas such as Parkwood. It is noted that Council did acknowledge in the reporting on the exhibited LEP that Parkwood would be subject to a separate request for rezoning.</p> <p>The Yass Valley LEP is generally regarded as Council’s ‘policy position’ on</p>

Strategy	Summary
	<p>development. However, the current planning controls, particularly for rural areas including Parkwood, are typically a transfer of the planning controls (ie, the best like-for-like fit) from previous EPIs and are not based on comprehensive research. It is the aim of the Planning Proposal to provide the strategic basis for the appropriate land use zoning response as an amendment to the Yass Valley LEP.</p>
Yass Valley Settlement Strategy 2016-2036	<p>The draft Yass Valley Settlement Strategy 2016/2036 was exhibited by Yass Valley Council in early 2017. The draft Settlement Strategy sets the long term growth and development principles for Yass LGA. The draft Settlement Strategy focuses on ensuring that growth across the LGA is sustainable, enhances and protects existing settlements, and identifies where future urban growth can be accommodated.</p> <p>The draft Settlement Strategy (Strategy) has now been adopted by Yass Valley Council</p> <p>The Strategy includes settlement specific recommendations highlighting key opportunities and challenges for villages and towns in Yass. One of the key challenges faced by growth in Yass is the ability to ensure future development has adequate access to infrastructure and services, including water and sewerage services.</p> <p>The Strategy identifies Parkwood as an area that offers a unique opportunity for growth, due to the site's self-containment and accessibility only via the ACT. The Strategy recognises the importance of the infrastructure and servicing arrangements that Parkwood has with the ACT to allow development to occur.</p>
Yass Valley Town and Villages Study 2010	<p>The Town and Villages Study adopted by Yass Valley Council in 2010 informed the Yass Valley LEP and is the policy basis for Council considering planning proposals in and 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. This is noting that the Study has not considered the creation of additional settlement outside the defined investigation areas. Those investigation areas do not include Parkwood.</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, Parkwood forms part of the same 'peri-urban' area, arguably more so than other locations referred to 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 Parkwood not being consistent but rather not being 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.</p>

Strategy	Summary						
	The same Threshold Sustainability Criteria have been addressed in determining the strategic merit of Parkwood.						
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 six key themes across the LGA. Whilst it is not a land use planning statement it is a useful insight to community expectations and priorities. A number of goals and priorities are met by Parkwood even though it was not a proposed development anticipated at the time of the preparation of the Vision Statement. The relevant goals and priorities are outlined below.</p> <table border="1"> <tr> <td data-bbox="469 714 963 1039"> 1. Natural Environment 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. </td><td data-bbox="963 714 1466 1039"> The evidenced based approach to the proposal to establish a Conservation Management Trust as part of the Parkwood urban release is intended to be best practice in sustainable land management in the enhancement of conservation values and an approach to on-going funding. </td></tr> <tr> <td data-bbox="469 1039 963 1711"> 2. Recreation and open space Long term goal of expanded outdoor recreation options. </td><td data-bbox="963 1039 1466 1711"> The Murrumbidgee River and Ginninderra Creek corridors are proposed to be managed by the Conservation Management Trust. Through arrangements with the Conservation Management Trust, access to Ginninderra Falls and associated passive and active open spaces in the Conservation Corridor are proposed to be available to the public. This will be subject to the appropriate recognition and protection of the identified ecological, heritage and cultural values within the Conservation Corridor. This will be primarily achieved through the measures included in the Conservation Management Plan. </td></tr> <tr> <td data-bbox="469 1711 963 1908"> 3. Rural and urban development Long term goal of a local area that is characterised by its small towns and villages within a rural environment. </td><td data-bbox="963 1711 1466 1908"> Whilst Parkwood will be urban in character, its location in the broader rural setting including hills/ridges and river gorge frame the extent of proposed urban development. </td></tr> </table>	1. Natural Environment 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.	The evidenced based approach to the proposal to establish a Conservation Management Trust as part of the Parkwood urban release is intended to be best practice in sustainable land management in the enhancement of conservation values and an approach to on-going funding.	2. Recreation and open space Long term goal of expanded outdoor recreation options.	The Murrumbidgee River and Ginninderra Creek corridors are proposed to be managed by the Conservation Management Trust. Through arrangements with the Conservation Management Trust, access to Ginninderra Falls and associated passive and active open spaces in the Conservation Corridor are proposed to be available to the public. This will be subject to the appropriate recognition and protection of the identified ecological, heritage and cultural values within the Conservation Corridor. This will be primarily achieved through the measures included in the Conservation Management Plan.	3. Rural and urban development Long term goal of a local area that is characterised by its small towns and villages within a rural environment.	Whilst Parkwood will be urban in character, its location in the broader rural setting including hills/ridges and river gorge frame the extent of proposed urban development.
1. Natural Environment 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.	The evidenced based approach to the proposal to establish a Conservation Management Trust as part of the Parkwood urban release is intended to be best practice in sustainable land management in the enhancement of conservation values and an approach to on-going funding.						
2. Recreation and open space Long term goal of expanded outdoor recreation options.	The Murrumbidgee River and Ginninderra Creek corridors are proposed to be managed by the Conservation Management Trust. Through arrangements with the Conservation Management Trust, access to Ginninderra Falls and associated passive and active open spaces in the Conservation Corridor are proposed to be available to the public. This will be subject to the appropriate recognition and protection of the identified ecological, heritage and cultural values within the Conservation Corridor. This will be primarily achieved through the measures included in the Conservation Management Plan.						
3. Rural and urban development Long term goal of a local area that is characterised by its small towns and villages within a rural environment.	Whilst Parkwood will be urban in character, its location in the broader rural setting including hills/ridges and river gorge frame the extent of proposed urban development.						

4 Objectives and Intended Outcomes (Part 1)

The Parkwood Planning Proposal seeks to support and facilitate the orderly and economic development of a viable border adjacent community on Parkwood Road at Parkwood. The objectives of the Planning Proposal are to:

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

Intended Outcomes

The specific intended outcomes of the Planning Proposal are outlined below:

- To support a new community that can function in a viable way as one place irrespective of the state/territory border.
- To support a new community underpinned by a 'whole of place' plan that addresses how the community will live, work and play in terms of the range of uses to be planned for.
- To make a positive contribution to the conservation, cultural, landscape and complementary recreation values of the Murrumbidgee River and Ginninderra Creek/Falls corridors in a manner that is sustainable in terms of management funding, and uses.
- To ensure the ecological, cultural and heritage values of the land are acknowledged and conserved.
- To support a positive contribution to the sustainable use of resources required by an urban release.
- To set aside part of the land for urban purposes.
- To ensure that the urban development of the land only occurs in a manner that does not adversely impact on the ecological or cultural values of the Conservation Corridor.
- To support a community that is developed in a staged manner consistent with the satisfactory provision of services and infrastructure.
- To enable the progressive detailed neighbourhood structure planning of the site consistent with the economic staging of development.
- To support a new community that is an asset to Yass Valley and the region.
- To make a positive contribution to the regional supply of housing and the regional economy.
- To provide for a diversity of housing choice in type and densities.
- To ensure the avoidance of risk by accounting for bushfire, local flooding and land terrain limits to development by either zoning or specific development controls.
- To recognise established land uses on the subject land.

The Planning Proposal will result in the community benefits of:

- A leading example of a sustainable regional settlement.
- The conservation and setting aside of much of the Murrumbidgee River corridor and Ginninderra Creek/Falls for conservation, cultural, landscape and complimentary recreation purposes with community access.
- The conservation lands will be an asset not a liability with the management and funding being the responsibility of the Conservation Management Trust.
- A major contributor to regional housing supply in a location that will not compromise the role of the major towns and villages in Yass Valley, in particular to Yass town and Murrumbateman.

5 Explanation of Provisions (Part 2)

The Planning Proposal seeks to achieve the above objectives and intended outcomes by creating the Parkwood LEP and subsequent amendments which will occur to the Yass Valley LEP in the following manner:

Note:

It is important to note that the proposed Local Environmental Plan provisions in relation to land use zones and other controls maybe subject to change by the Department of Planning and Environment or Parliamentary Counsel to improve their clarity or interpretation prior to the draft LEP being finalised.

5.1 Principal LEP – Land to which the Plan applies

With the creation of the Principal Parkwood LEP, the subject land will be subject to a new '*Land Application Form*'. Refer to Land Application Map at Figure 20. The subject land will also be removed from the Yass Valley LEP '*Land Application Map*'.

5.2 Aims of the Plan

The principal objective of this Planning Proposal is to facilitate an integrated approach to the conservation of the ecological values of the land together with an orderly and planned new community adjacent to the border with the ACT. The primary aims of this Planning Proposal are to:

- Describe the unique strategic context of the subject lands both regionally and locally.
- Outline how the proposed development will function as a viable border adjacent community as part of the wider Ginninderry urban release.
- Outline the merits and basis for the proposed urban development based on a master plan that ensures an integrated whole of release approach across the border with the ACT.
- Outline the proposed approach to the protection of the ecological, cultural, heritage and landscape values of the land.
- Demonstrate that the proposed rezoning is supportive and justified in terms of both strategic and site specific merit.

5.3 Land Use zoning

The proposed land use zoning for Parkwood is shown at Figure 21. Specifically the land use zoning will:

- a. Rezone the majority of RU1 Primary Production land under the Yass Valley LEP 2013 to R1 General Residential.
- b. Rezone part of the land from RU1 Primary Production to E2 Environmental Conservation and E3 Environmental Management to confirm the riparian and conservation values of areas adjacent to the Murrumbidgee River and Ginninderra Creek.

Figure 20 Draft Land Application Map

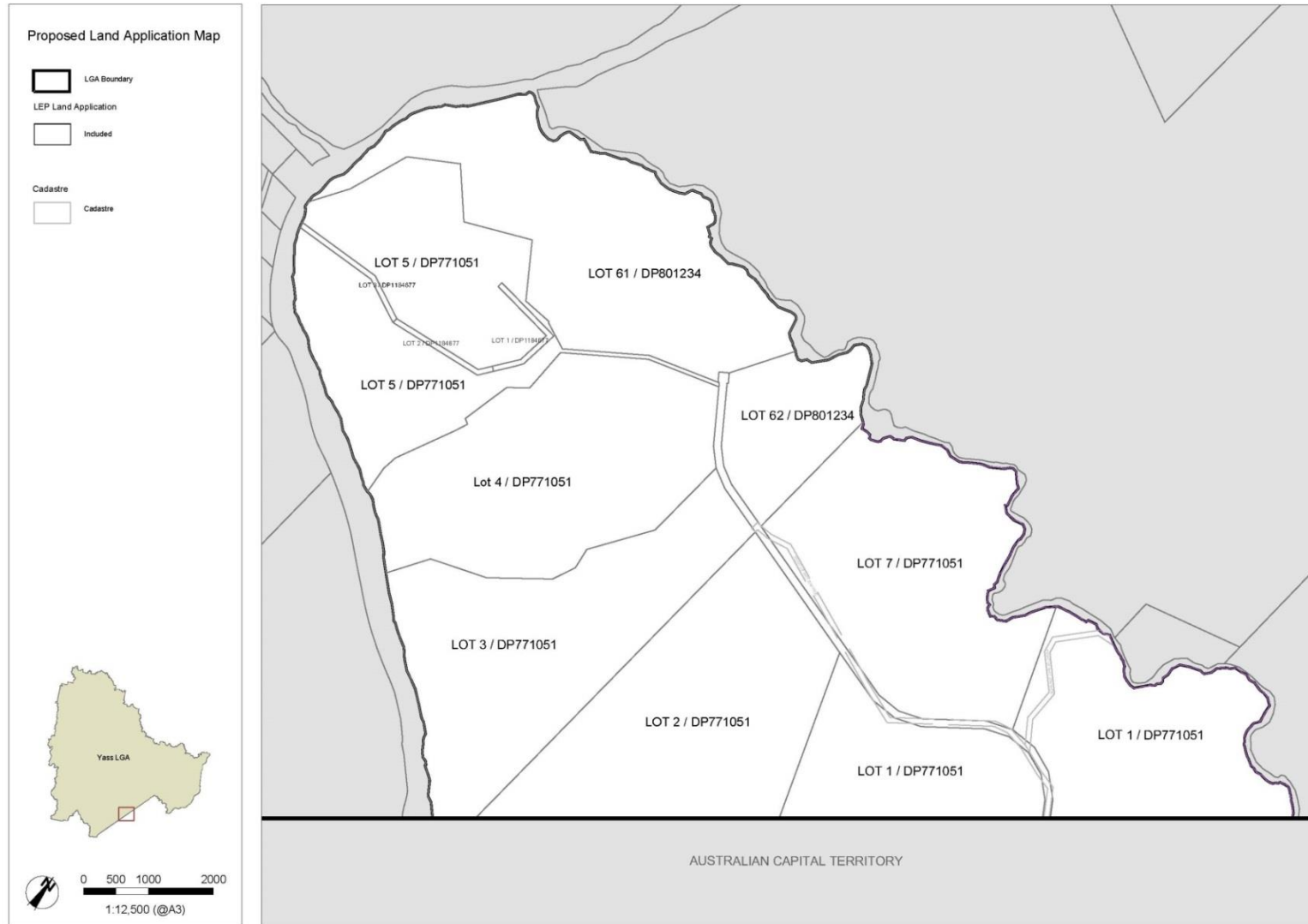
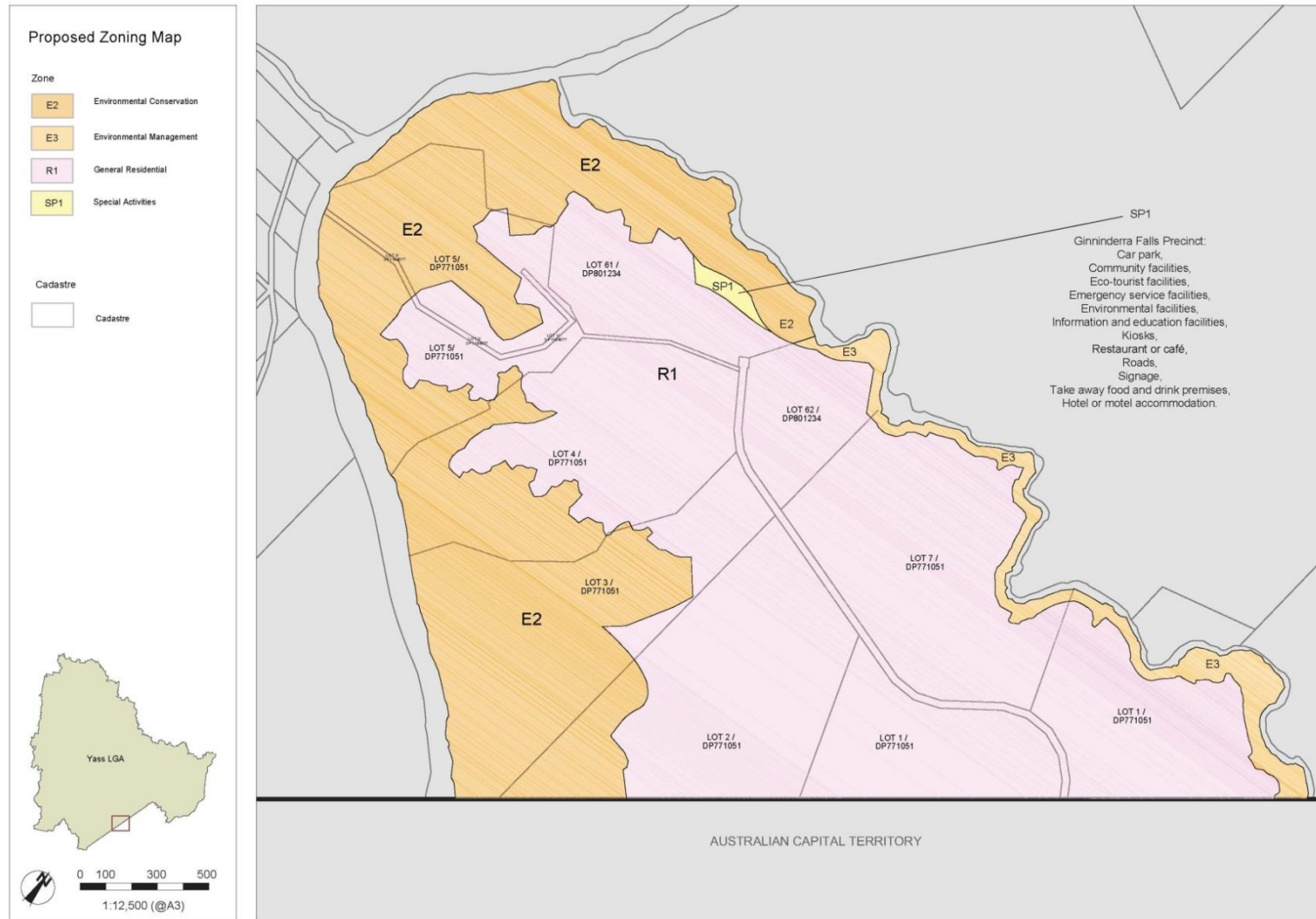


Figure 21 Draft Land Use Zoning Map



- c. Amend the current E3 Environmental Management zone boundary to part of the subject land by rezoning part of the land currently zoned E3 Environmental Management to R1 General Residential, E2 Environmental Conservation and E3 Environmental Management. The amendment of the E2 and E3 zone boundary is based on detailed site specific ecological and cultural heritage surveys. The amendment of the boundary is only occurring where there is evidence-based justification to ensure the preservation of ecological habitats.
- d. Amend the E3 Environmental Management zone objectives, and permitted and prohibited uses. Some additional uses will only be included where they are consistent with the established uses on the land. Refer to the draft land use zoning table at Table 11.
- e. Amend the R1 General Residential zone objectives, and permitted and prohibited uses. The use of the R1 General Residential zone is to ensure that a broad range of uses are permitted for urban development, that cater to the development sequencing and timeframes, and allow for housing diversity. More detail of the R1 General Residential zone objectives is in Table 11.
- f. Amend part of the current E3 Environmental Management zone to an E2 Environmental Conservation zone. The proposed zone objectives and permitted land uses of the E2 Environmental Conservation zone reflect the higher conservation and cultural value of the land and are intended to provide a greater level of protection to those values than those afforded under the current or proposed E3 Environmental Management zone.
- g. Amend the E3 zone boundary to make provision for uses associated with the educational and interpretative role of the Ginninderra Falls by zoning part of the land SP1 Special Activities.

Table 11 Draft Land Use Table

Zone E2 – Environmental Conservation
<p>1. Objectives</p> <p><i>The objectives of the E2 Environmental Conservation zone are:</i></p> <ul style="list-style-type: none"> • <i>To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.</i> • <i>To prevent development that could destroy, damage or otherwise have an adverse effect on those values.</i> • <i>To protect the environmental and cultural values of the Murrumbidgee River, Ginninderra Creek and Ginninderra Falls by limiting development that may have an adverse impact on those values.</i> • <i>To provide for land management practices consistent with enhancing and protecting the ecological and cultural values of the land.</i> • <i>To protect the water quality of the Murrumbidgee River and Ginninderra Creek, and to preserve and conserve the natural resources of the land in Parkwood.</i> <p>2. Permitted without consent</p> <p><i>Bush fire hazard reduction work; Environmental protection works</i></p> <p>3. Permitted with consent</p> <p><i>Environmental facilities; Roads; Signage</i></p> <p>4. Prohibited</p> <p><i>Business premises; Dwellings; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3</i></p>
Zone E3 – Environmental Management
<p>1. Objectives</p> <p><i>The objectives of the E3 Environmental Management zone are:</i></p> <ul style="list-style-type: none"> • <i>To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.</i> • <i>To provide for a limited range of development that does not have an adverse effect on those values.</i> • <i>To protect the water quality of the Murrumbidgee River and Ginninderra Creek by limiting</i>

inappropriate development that may have an adverse impact on those values

- *To preserve and improve the natural resources of the land through appropriate land management practices.*
- *To provide for recreation opportunities that are compatible with the natural, cultural and aesthetic values of the land.*
- *To provide for applicable bushfire management consistent with the ecological values of the land.*

2. Permitted without consent

Bush fire hazard reduction work; Environmental protection works; Home occupations

3. Permitted with consent

Dwelling houses; Emergency services facilities; Environmental facilities; Flood mitigation works; Information and education facilities; Research stations; Roads; Signage; Water storage facilities

4. Prohibited

Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Zone SP1 – Special Activities

1. Objectives

The objectives of the SP1 Special Activities are:

- *To provide for special land uses that are not provided for in other zones.*
- *To provide for sites with special natural characteristics that are not provided for in other zones.*
- *To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impact on surrounding land.*

2. Permitted without consent

Nil

3. Permitted with consent

The purposes shown on the Land Zoning Map including any development that is ordinarily incidental or ancillary to development for that purpose.

<p>4. Prohibited</p> <p><i>Any development not specified in item 2 or 3</i></p>
<p>Zone R1 – General Residential</p>
<p>1. Objectives</p> <p><i>The objectives of the R1 General Residential zone are:</i></p> <ul style="list-style-type: none"> <i>To provide for the housing needs of the community.</i> <i>To provide for a variety of housing types and densities.</i> <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> <i>To promote a variety of urban neighbourhoods that reflect the diversity of terrain and character of Parkwood.</i> <i>To ensure that development occurs in a timely and orderly manner consistent with the economic provision of services and infrastructure.</i> <p>2. Permitted without consent</p> <p><i>Bush fire hazard reduction work; Environmental protection works, Home-based child care, Home businesses, Home occupations</i></p> <p>3. Permitted with consent</p> <p><i>Attached dwellings; Bed and breakfast accommodation; Bee keeping; Boarding houses; Business premises; Child care centres; Commercial premises; Community facilities; Dual occupancies; Dwelling houses; Eco-tourist facility; Education establishment; Emergency services facility; Entertainment facility; Environmental facility; Food and drink premises; Group homes; Health consulting rooms; Health services facility; Hostels; Hotel or motel accommodation; Information and education facility; Kiosk; Light Industry; Medical centre; Multi dwelling housing; Neighbourhood shops; Office premises; Places of public worship; Residential accommodation; Residential flat buildings; Respite day care centres; Restaurant or café; Retail premises; Semi-detached dwellings; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4.</i></p> <p>4. Prohibited</p> <p><i>Agriculture; Air transport facility; Airstrip; Animal boarding or training establishment; Biosolids treatment facility; Brothel; Canal estate development; Caravan park; Cemetery; Correctional centre; Crematorium; Dairy (pasture-based); Dairy (restricted); Extensive agriculture; Extractive industry; Feedlot; Forestry; Freight transport facility; General Industry; Heavy industrial storage establishment; Heavy industry; Helipad; Heliport; Highway service centre; Home occupation (sex services); Industrial retail outlet; Intensive livestock agriculture; Intensive plant agriculture; Liquid fuel depot; Livestock processing industry; Marina; Mining; Mortuary; Offensive industry; Open cut</i></p>

mining; Port facilities; Resource recovery facility; Restriction facilities; Rural industry; Sawmill or log processing works; Sewage reticulation system; Sewage treatment plant; Sewerage system; Sex service premises; Stock and sale yard; Turf farming; Underground mining; Waste disposal facility; Waste or resource recovery management facility.

***Note: The objectives and development in the draft land use zones that are in red font are not mandated by the NSW Standard Instrument LEP.*

5.4 Heritage

The Biosis' Aboriginal Cultural Heritage Assessment Report identified 16 smaller areas, scattered artefacts and cultural deposits. Consultations by Biosis have taken place with the Aboriginal community in accordance with the process outlined in the OEH document, *Aboriginal cultural heritage requirements for proponents, 2010*. Ten Aboriginal organisations registered an interest in the project.

Additionally, an Aboriginal Cultural Values Assessment report has been prepared by the Waters Consultancy. The report identifies intangible cultural values through consultation with identified knowledge holders, and associated historical research. Areas of high Aboriginal cultural heritage significance have been identified and the boundary of the Conservation Corridor has been adjusted to ensure that all of the areas that have been identified are contained within the E2 and E3 zoned land. A full copy of the Aboriginal Cultural Values Assessment report is confidentially held by OEH due to cultural sensitivity and site security purposes.

Consideration for the inclusion of a heritage clause and Heritage Map in the Parkwood LEP will be made by OEH as part of the assessment of the Parkwood Planning Proposal. Should a heritage clause be proposed for inclusion in the Parkwood LEP, the wording outlined in Box 1 could be used?

Box 1 Heritage conservation clause

Heritage conservation

Note

Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule.

Direction

Heritage items as identified in Schedule 5 must be shown on the Heritage Map. The location and nature of Aboriginal objects and Aboriginal places of heritage significance may be described in Schedule 5 and shown on the Heritage Map

(1) The objectives of this clause are as follow:

- a) To conserve the environmental heritage of '[describe items and/or places]'.*
- b) To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.*
- c) To conserve archaeological sites.*
- d) To conserve Aboriginal objects and Aboriginal places of heritage significance.*

(2) Development consent is required for any of the following:

- a) *Demolishing or moving any of the following or altering the exterior of any of the following (including in the case of a building, making changes to its details, fabric, finish or appearance):*
 - i. *A heritage item,*
 - ii. *An Aboriginal object,*
 - iii. *A building, work or tree within the Conservation Corridor or located in the conservation/urban edge interface (as identified on the Conservation/Urban Edge Interface map),*
- b) *Disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*
- c) *Disturbing or excavating an Aboriginal place of heritage significance,*
- d) *Erecting a building on land:*
 - i. *On which a heritage item is located or that is within the Conservation Corridor or located in the conservation/urban edge interface (as identified on the Conservation/Urban Edge Interface map), or*
 - ii. *On which an Aboriginal object is located or that is within the Conservation Corridor or located in the conservation/urban edge interface (as identified on the Conservation/Urban Edge Interface map),*
- e) *Subdividing land:*
 - i. *On which a heritage item is located or that is within the Conservation Corridor or located in the conservation/urban edge interface (as identified on the Conservation/Urban Edge Interface map), or*
 - ii. *On which an Aboriginal object is located or that is within the Conservation Corridor or located in the conservation/urban edge interface (as identified on the Conservation/Urban Edge Interface map).*

(3) However, development consent under this clause is not required if:

- a) *The applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:*
 - i. *Is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the Conservation Corridor or located in the conservation/urban edge interface (as identified on the Conservation/Urban Edge Interface map), and*
 - ii. *Would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place or archaeological site.*
- b) *The development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or*
- c) *The development is exempt development.*

(4) The consent authority must, before granting consent under this clause in respect of a heritage item,

consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

Heritage assessment

(5) The consent authority may, before granting consent to any development:

- a) On land on which a heritage item is located, or*
- b) On land that is within the Conservation Corridor or located in the conservation/urban edge interface (as identified on the Conservation/Urban Edge Interface map), or*
- c) On land that is within the vicinity of land referred to in paragraph (a) or (b),*
- d) Require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or Conservation Corridor.*

Heritage conservation management plans

(6) The consent authority may require, after considering the heritage significance of a heritage item and the extent of the change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

Archaeological sites

(7) The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies):

- a) Notify the Heritage Council of its intention to grant consent, and*
- b) Take into consideration any response received from the Heritage Council within 28 days after the notice is sent.*

Aboriginal places of heritage significance

(8) The consent authority must, must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

- a) Consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and*
- b) Notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.*

Demolition of nominated State heritage items

(9) The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:

- a) Notify the Heritage Council about the application, and*
- b) Take into consideration any response received from the Heritage Council within 28 days after*

the notice is sent.

Conservation incentives

(10) The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

- a) The conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and*
- b) The proposed development is in accordance with a heritage management document that has been approved by the consent authority, and*
- c) The consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and*
- d) The proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and*
- e) The proposed development would not have any significant adverse effect on the amenity of the surrounding area.*

5.5 Residential lands in egg farm buffer

Pace Farms operate a barn egg production facility on land within Ginninderry which is located in close proximity to the ACT/NSW border. The land within the current egg farm buffer is capable of being used for urban purposes consistent with the master planning of the overall Ginninderry urban release. Consistent however with the current sequencing timetable of the future urban release, the lease of the egg farm will expire in 2032 and the egg farm will be relocated before the urban development of the land within the designated buffer occurs. No residential development is planned to occur within the buffer zone until such time as the egg production facility ceases to operate.

Some development activities may need to occur within the buffer zone while Pace Farm operates such as enabling works to service land beyond the buffer (including roads, services and the like).

Nevertheless, it is appropriate to designate and provide for the identified buffer as part of the Planning Proposal. The land will be zoned R1 General Residential and the inclusion of an egg farm buffer clause as an 'additional local provision' and an Local Clauses Map. The egg farm buffer clause will be similar to clause 6.9 – '*development within a designated buffer area*' under the Yass Valley LEP, and will require that prior to development consent being granted that certain matters are considered.

The recommended wording for the additional local provision clause in relation to the buffer to the egg farm during the lifetime of its operations is in Box 2. The Local Clauses map is shown at Figure 22.

Box 2 Egg Farm Buffer clause

Egg Farm Buffer

(1) The objective of this clause is to protect the operational environment of the egg farm and to limit the impact of the egg farm on proposed sensitive land uses.

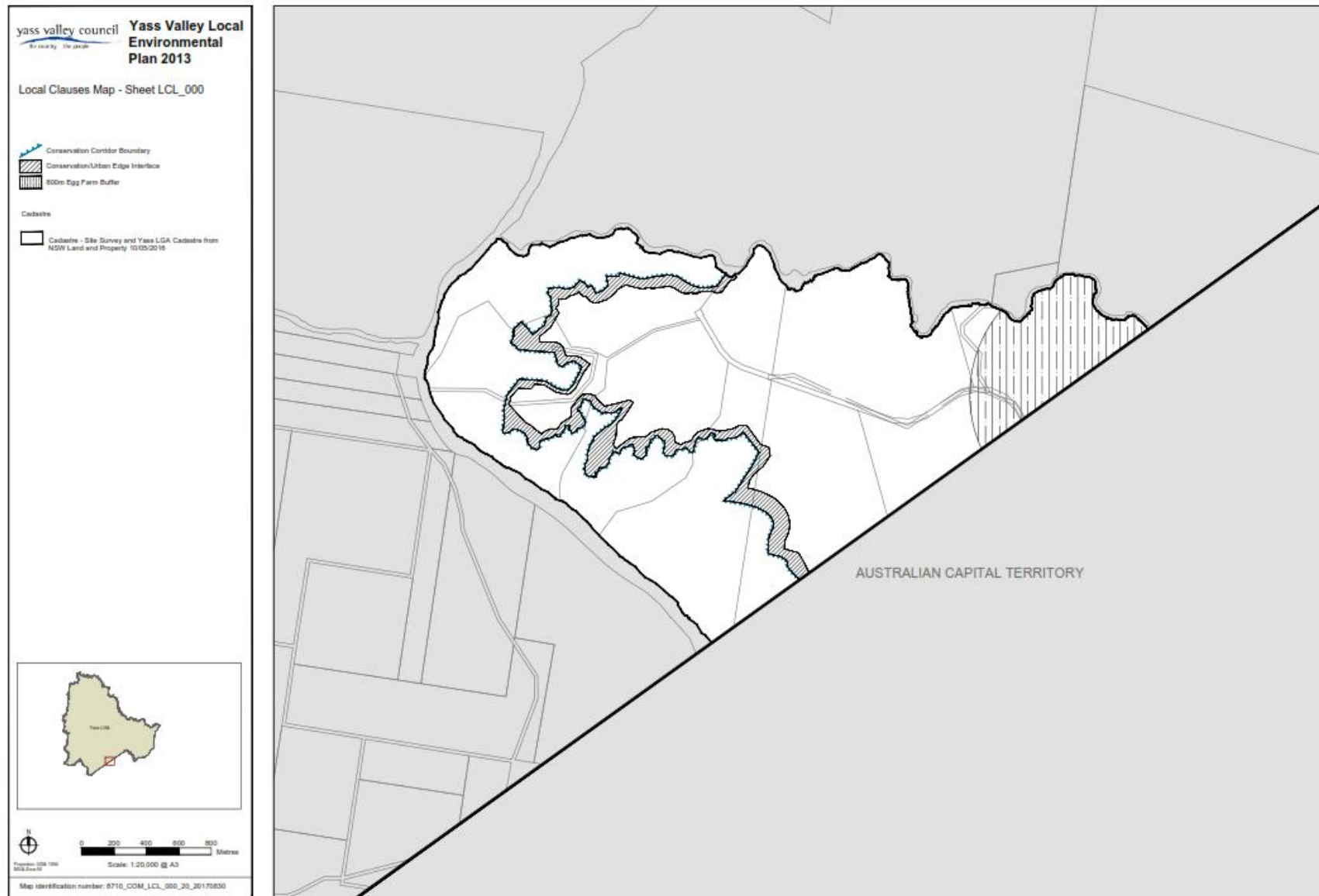
(2) This clause applies to land identified as 'Egg Farm Buffer' on the Local Clauses Map.

(3) Before granting development consent for development on land to which this clause applies, the consent authority must consider the following:

- a) The impact that any odour, noise, vibration or other emissions from the egg farm would have on the development,*
- b) Any measures incorporated into the development that would limit the impact of noise, odour and other emissions from the egg farm,*
- c) Whether the development would adversely affect the operation environment of the existing facility of land to which this clause applies.*

(4) This clause is only applicable to the land identified as 'Egg Farm Buffer' on the Egg Farm Buffer Map during the operational life of the facility.

Figure 22 Local Clauses Map



5.6 Tharwa Sands quarry

The Tharwa Sands quarry on Lot 61, DP801234 comprises the of extraction of red granite by ripping with no blasting, together with the processing of material, stockpiling, machinery sheds and haulage of product to various locations principally in the Canberra market.

Based on the current proposed sequencing of urban development at Parkwood, the adjoining land to the south west is expected to be developed in approximately 15 to 20 years, coinciding with the remaining expected operational life of the quarry. Should the quarry still be operating at this time, it is not known as to whether the staging of quarrying works will still be occurring adjacent to the boundary with the proposed urban lands. Should the quarry be operating at the time of the urban development of the adjoining lands, the potential impacts on adjoining lands would be limited due to the small scale and low impact nature of the quarrying operations, but may include:

- Dust/air quality.
- Visual.
- Noise.
- Vibration.
- Trucks movements.

Any development adjacent to the working area of the quarry would need to be assessed against the potential impacts of the quarry on the proposed development, and the potential impacts of the development on the quarry at that time.

It is recommended that the provision be made in the Parkwood LEP, for ensuring that the long term use of the quarry land is appropriate and consistent with its final rehabilitation in terms of being suitable and capable of future urban development.

The recommended wording for the local provision clause in relation to development occurring on land formerly used for the quarry operations is in Box 3. This is similar to clause 6.5 of *Wagga Wagga LEP 2010* that applies to the Lloyd Quarry.

Box 3 Quarry Site Development clause

Quarry site development

(1) The objective of this clause is to ensure that the land which the quarry operates on is rehabilitated prior to development consent being granted for urban development.

(2) This clause applies to Lot 61, DP801234

(3) Before granting development consent for development on land to which this clause applies, the consent authority must consider the following:

- a) Quarrying activities have ceased permanently, and*
- b) A mining operation plan that has been approved by NSW Resource and Energy and Yass Valley Council and that demonstrates that the land is capable of being rehabilitated and used for urban development.*

5.7 Conservation lands/urban interface

In recognition of the importance of managing and minimising the potential impact of future urban areas on the land to be set aside for conservation purposes, the Planning Proposal includes the identification of a specific conservation lands/urban interface buffer, the objectives of which are set out below. The overall guiding principles and approach to the treatment of the interface should take into account the findings and recommendations of the report prepared by Ecological of May 2017 titled Ginninderry Project – Rosenberg’s Goanna Discussion Paper. It is the intention that the buffer would be identified by mapping in the Parkwood LEP and an *additional local provision* in part 6 of the LEP.

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

Box 4 Conservation/Urban Edge Interface clause

Conservation/Urban Edge Interface

(1) *The objectives of this clause are to:*

- a) *To preserve and enhance the landscape, cultural, heritage, visual and ecological values of the Murrumbidgee River and Ginninderra Creek corridors.*
- b) *To restrict development, including buildings, alterations and vegetation clearing on the subject land, so as to minimise any adverse impact on the landscape, cultural, heritage, visual and ecological values of the Murrumbidgee River and Ginninderra Creek corridors.*
- c) *To ensure that the risk of bushfire is satisfactorily addressed in the design and siting of development.*
- d) *To ensure that development takes into account and is appropriate for the land terrain and slopes.*

(2) *This clause applies to land identified as ‘Conservation/Urban Edge Interface’ on the ‘Local Clauses’ map.*

(3) *Development consent must not be granted to development, unless the consent authority is satisfied that:*

- a) *The development will not have any significant adverse impact on the ecological, cultural or scenic values of the Murrumbidgee River and Ginninderra Creek corridor, and the development will not:*
 - i. *Result in any urban stormwater flows entering directly into the Conservation Corridor without first being treated in accordance with an approved Water Sensitive Urban Design Strategy for the site;*
 - ii. *Require any earthworks to extend into the Conservation Corridor except in respect of any approved Water Sensitive Urban Design facility, stream stabilisation or habitat protection or enhancement works;*
 - iii. *Require the removal of any significant existing native vegetation within the Conservation Corridor; and*
 - iv. *Directly impact on any defined habitat for threatened species within the Conservation Corridor.*
- b) *The proponent has considered and provided an assessment of any areas or items that are of high*

cultural significance to the Aboriginal community that may be impacted upon by development.

- c) The proponent has carried out and provided an assessment of any existing native vegetation on the development site which demonstrates that the proposed development will retain any identified significant existing native vegetation in a sustainable manner as part of the development.*
 - d) The development will be constructed of unobtrusive non-reflective materials that are complementary in colour and hue to the natural environment of the adjacent Murrumbidgee River and Ginninderra Creek corridors.*
 - e) The risk of bushfire has been addressed in accordance with the NSW Planning for Bushfire Protection, including the provision (if required) for an APZ.*
 - f) The development will be designed and sited to respond sympathetically to the land form of which it will form a part.*
 - g) A geotechnical report prepared by a suitably qualified person demonstrates that the land is suitable for the proposed development.*
 - h) The habitat values of the Rosenberg Goanna Monitor within the Murrumbidgee River and Ginninderra Creek corridors are not adversely impacted. .*
- (4) This clause does not apply to land where a neighbourhood structure plan has been prepared and adopted by the relevant planning authority.*

In addition to the above proposed clause, the Parkwood Planning Proposal will also include a local provision clause that requires the preparation of a DCP prior to any development occurring. The DCP and subsequent neighbourhood structure plans will set out specific development controls, such as design and siting requirements for development in the conservation/urban edge interface buffer to address the following:

- Assessment of how the development will not adversely impact on any known ecological values within the adjoining Conservation Corridor.
- The satisfying of the requirements of the Planning for Bushfire Protection as produced by the NSW Rural Fire Service in terms of the design and the siting of development.
- An assessment of the land terrain to determine the appropriate design and siting approach to development.
- The specific details of the interface in terms of edge treatments.

The recommended wording for the local provision clause in relation to requirements that must be considered during the preparation of a DCP and neighbourhood structure plans is in Box 7.

5.8 Minimum lot sizes

The minimum lot size proposed for the E2 Environmental Conservation and E3 Environmental Management zoned land is 80 hectares. Under the Yass Valley LEP the minimum lot size for the E3 zoned land is 80 hectares. The retention of the 80 hectare minimum lot size is to ensure that Conservation Corridor remains as unfragmented as possible.

The Parkwood LEP is not proposing to include a minimum lot size for the R1 – General Residential zone and SP1 - Special Activities zone. Rather this will be set out as a requirement to consider during the preparation of the neighbourhood structure plans to be included in the DCP. This approach will allow the minimum lot size and range of lot sizes to respond to the topography and character of the land, and the typology of development.

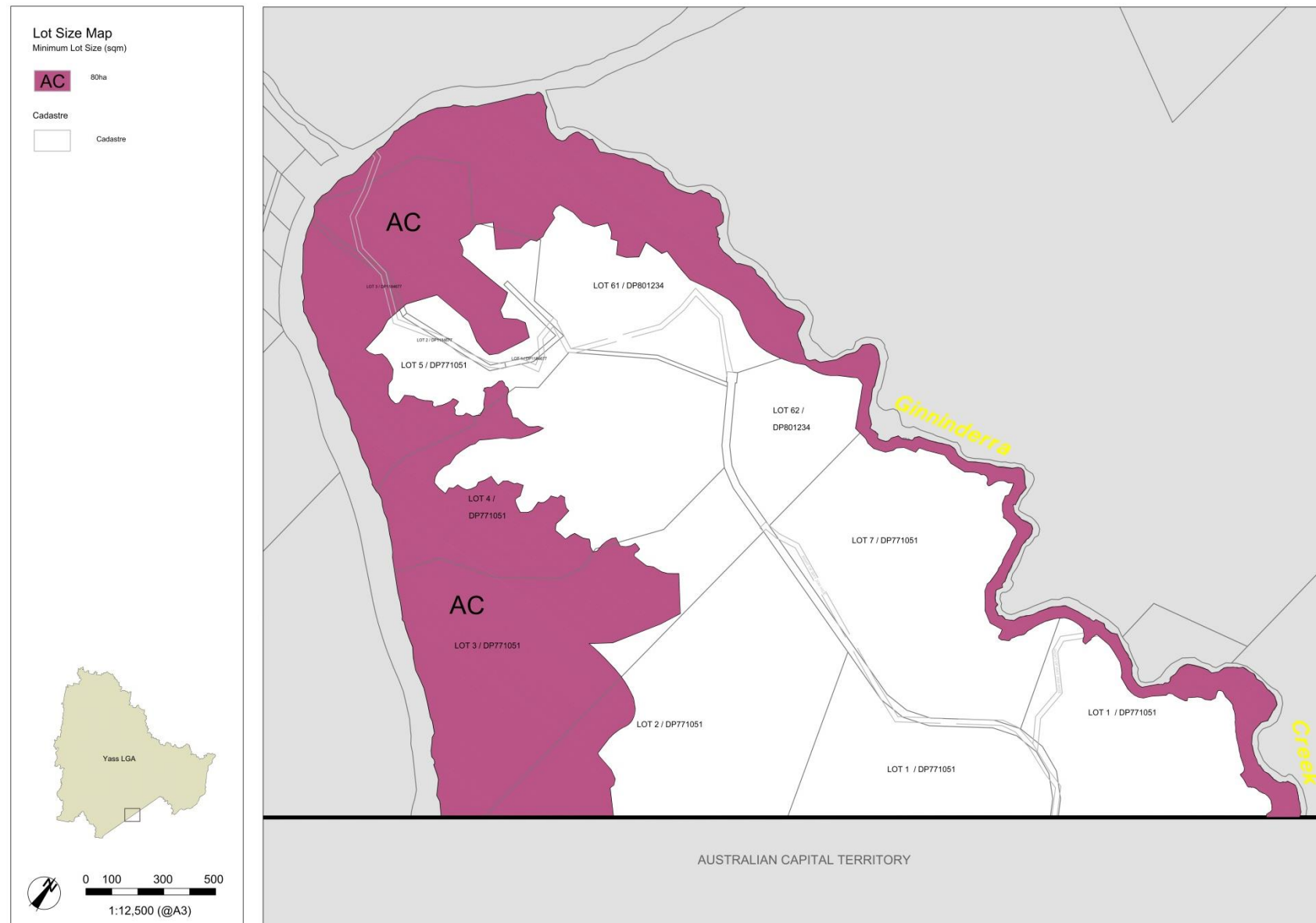
The inclusion of minimum lot sizes and range of lot sizes in neighbourhood structure plans will:

1. Ensure a high standard of built form, residential amenity and places created.
2. Provide for a wide diversity of housing choice.
3. To reflect a range of appropriate densities, built form and typologies.
4. Allow for flexibility in the density and form of development across the site reflecting the diversity of site conditions.
5. Acknowledge that the detailed local planning providing the necessary certainty over the form and scale of development is most appropriately done at the neighbourhood scale.
6. Maintain sufficient flexibility in determining the eventual densities and lot sizes noting that the Parkwood release has a long lead time of up to 20 to 25 years before completion.

The key advantages of not including a minimum lot size for the R1 General Residential and SP1 – Special Activities land is that:

- It enables a much more site responsive solution to urban form considering the diversity of landscapes across the site.

Figure 23 Draft Minimum Lot Size Map



- Allows for flexibility in the form, character and density of development considering the overall length of time for the development of Parkwood.

The inclusion of a minimum lot size is not a mandated development standard in a LEP. Under the Parkwood LEP, it is proposed that development cannot commence until a DCP and subsequent neighbourhood structure plan have been prepared. Specifically, the neighbourhood structure plans will set out:

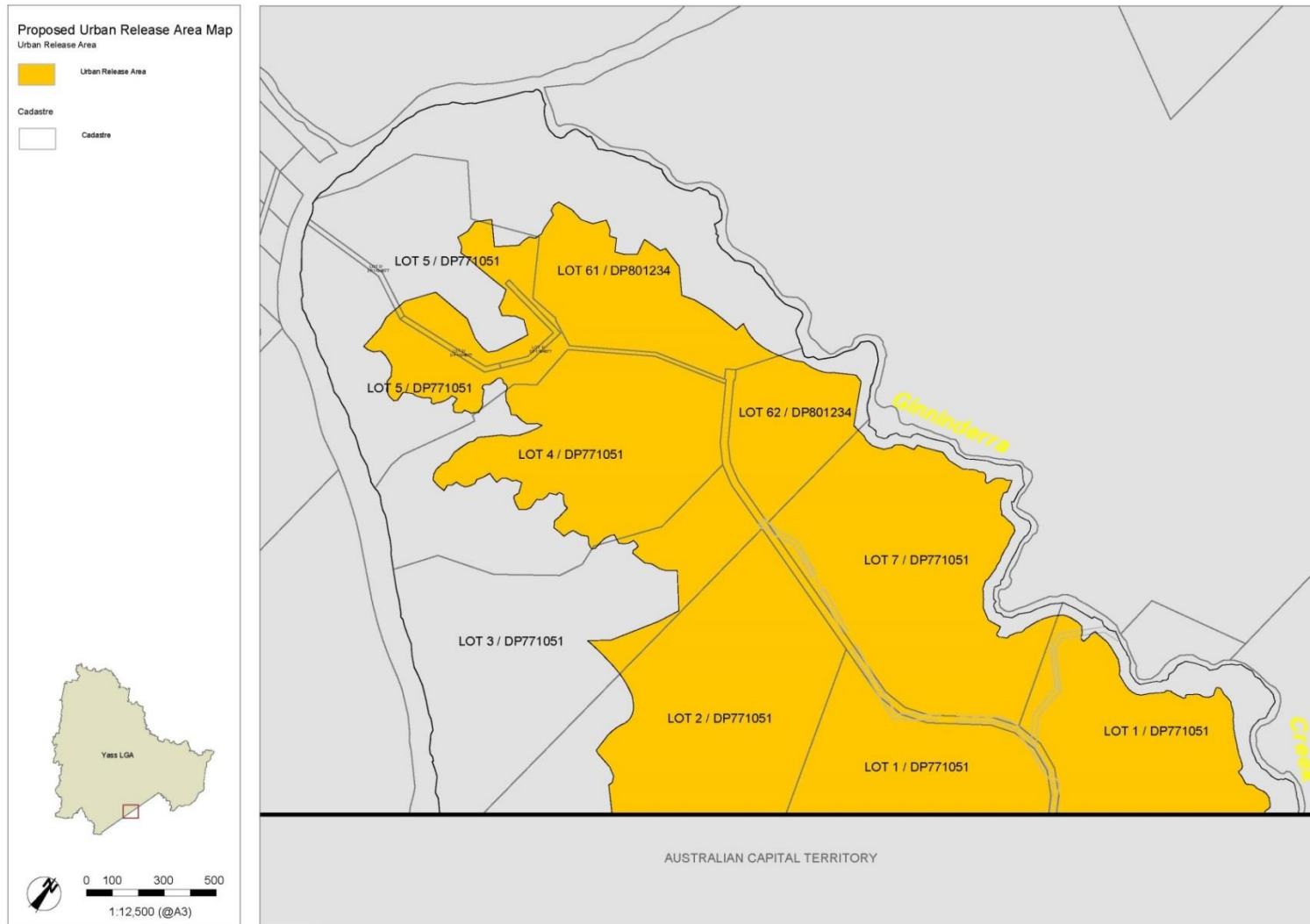
- The range of lot sizes.
- Lot orientation and configuration.
- How the lot sizes achieve the objectives of the master plan.

5.9 Urban Release Area

In recognition of the scale of the proposed development, the Planning Proposal includes provisions that:

1. Identify Parkwood as an urban release area on an Urban Release Area map in the Parkwood LEP – refer to draft map at Figure 24.
2. Include urban release area clauses address the:
 - a. Provision of designated State and Territory public infrastructure. The objective of this clause is to require that satisfactory arrangements be made for the provision of designated State and Territory public infrastructure before the subdivision of land in a designated urban release area. The recommended wording for the provision of designated State and Territory public infrastructure is in Box 5.
 - b. Provision of public utility infrastructure. This clause requires that development consent is not to be granted unless Yass Valley Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required. The recommended wording for the provision of public utility infrastructure is in Box 6.
 - c. Require a DCP to be prepared and adopted. The objective of this clause is to ensure that development in Parkwood occurs in a logical and cost effective manner, in accordance with a staging plan. The preparation of a DCP will include specific controls that will apply to the form and layout of development across the site. The recommended wording for the preparation and adoption of a DCP is in Box 7. This includes a list of the controls that the DCP must contain.
 - d. Relationship between Part and remainder of Plan. This is a standard clause included with urban release area provisions in LEPs that sets out that the urban release area clause prevails over any other part of the LEP to the extent of any inconsistency (see Box 8).

Figure 24 Urban Release Area Map



Box 5 Arrangements for designated State and Territory public infrastructure clause

Arrangements for designated State and Territory public infrastructure

- (1) *The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State and Territory 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 unless the Secretary has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State or Territory public infrastructure in relation to that land.*
- (3) *Subclause (2) does not apply to:*
 - a) *Any lot identified in a certificate as a residue lot, or*
 - b) *Any lot identified as a super lot and is intended to be further subdivided for urban purposes, or*
 - c) *Any lot created by a subdivision previously consented to in accordance with this clause, or*
 - d) *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*
 - e) *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).*

Box 6 Public utility infrastructure clause

Public utility infrastructure

- (1) *Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.*
- (2) *This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.*
- (3) *Subclause (1) does not apply to:*
 - a) *Any lot identified in the certificate as a residue lot, or*
 - b) *Any lot identified as a super lot and is intended to be further subdivided for urban purposes, or*
 - c) *any lot created by a subdivision previously consented to in accordance with this clause, or*
 - d) *Any lot that is proposed in the development application to be reserved or dedicated for designated State public infrastructure, or*
 - e) *A subdivision for the purpose only of rectifying an encroachment on any existing lot, or*
 - f) *Proposed development on land that is of a minor nature only, if the consent authority is of the*

opinion that the carrying out of the proposed development would be consistent with the objectives of the zone in which the land is situated, or

- g) A subdivision for the purpose of a realignment of boundaries that does not create additional lots.*

public utility infrastructure, in relation to an urban release area, includes infrastructure for any of the following:

- a) the supply of water,*
- b) the supply of electricity,*
- c) the disposal and management of sewage.*

super lot, in relation to an urban release area, means a lot that identified and set aside for further subdivision, and that the further subdivision of the land will require satisfaction of subclause (2).

Box 7 Development Control Plan clause

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 on 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. A neighbourhood structure plan must be prepared in accordance with the adopted staging plan addressing the following considerations:*
 - a. Flooding requirements to provide safe access/egress for residents in times of flooding.*
 - b. Bushfire requirements to ensure protection and management issues are identified through land use planning to provide a safer environment to the community.*
 - c. Biodiversity requirements to:*
 - i. Conserve the diversity of native vegetation communities, including their component species and genes throughout the identified E2 and E3 zones, and the conservation/urban edge interface within Parkwood.*
 - ii. Minimise the impact of development on the biodiversity of Conservation Corridor and the conservation/urban edge interface.*
 - d. Contamination requirements to ensure that the land to be developed is not subject to any contaminants that may cause harm to the future population of Parkwood.*
 - e. Cultural and Aboriginal heritage requirements to protect and enhance the sites, items or areas of cultural and Aboriginal significance within Parkwood.*

- f. *The design and siting of development ensuring that it takes into account the land capability in terms of land form, slopes, drainage lines and soil erodability.*
- g. *Access and movement requirements to:*
 - i. *Facilitate legible, safe and efficient pedestrian, bicycle, public transport and private vehicle movements.*
 - ii. *Ensure pedestrian and cycle paths in Parkwood provide good access to key destinations and through connections to the ACT.*
 - iii. *Connect neighbourhoods and provide identifiable transport routes. Vehicular access into Parkwood from the ACT will be via Parkwood Road.*
- h. *Essential service requirements to:*
 - i. *Ensure adequate utilities including water, sewerage, electricity, gas, telecommunications and public lighting is available to service the future development and peak demands.*
 - ii. *Ensure development is serviced by infrastructure designed to achieve sustainable outcomes.*
 - iii. *Locate services that reduce environmental impact, are not visually obstructive and do not compromise community safety.*
 - iv. *Provide public utilities in a timely, efficient and cost effective manner.*
- i. *Drainage requirements to ensure development in Parkwood incorporates stormwater management, reuse, retention and detention strategies to limit change to the hydrological system (flow rate and duration) of the receiving waterways.*
- j. *Water Sensitive Urban Design (WSUD) requirements to:*
 - i. *Ensure the layout and design of development promotes sustainable and integrated land and water resource management strategies incorporating best practice stormwater management, water conservation and environmental protection.*
 - ii. *Provide WSUD measures in a timely, efficient and cost effective manner.*
- k. *Water and energy requirements to adopt principles of sustainable development in terms of the overall usage of water and energy within the neighbourhood.*
- 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 contamination.*
- g) *Detailed urban design controls for significant development sites.*
- h) *Measures to encourage higher density living around transport, open space and service nodes.*
- i) *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.*
- k) *In terms of the conservation/urban edge interface the DCP will be required to incorporate the following additional specific controls:*
 - a. *Local flora and fauna assessment to ensure that the design and siting of development takes into account the specific locating of house sites, the size and orientation of lots, the design of roads and the conserving of any additional vegetation of habitat identified.*
 - b. *The identifying of edge or interface treatment between urban development and the conservation corridor.*
 - c. *An integrated approach to bushfire management along the conservation/urban edge interface, including the provision of edge roads and APZs within the residential zoned land.*
 - d. *A neighbourhood character that reflects the urban and bushland edge setting in the overall form of any residential development including size and placement of lots, replanting of local native tree species once cleared due to grazing, and the scale of houses.*

(4) Subclause (2) does not apply to any of the following development:

- a) *Any lot identified in a certificate as a residue lot, or*
- b) *Any lot identified as a super lot and intended to be further subdivided for urban purposes, or*
- c) *Any lot created by a subdivision previously consent to in accordance with this clause, or*
- d) *Any lot that is proposed in the development application to be reserved or dedicated for designated State or Territory public infrastructure, or*
- e) *A subdivision for the purpose only of rectifying an encroachment on any existing lot, or*
- f) *Proposed development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the proposed development would be consistent with the objectives of the zone in which the land is situated, or*
- g) *A subdivision for the purpose of a realignment of boundaries that does not create additional lots.*

Box 8 Relationship between Part and remainder of Plan clause

Relationship between Part and remainder of Plan

A provision of this Part prevails over any other provision of this Plan to the extent of any inconsistency.

5.10 Natural resource mapping

The Yass Valley LEP has a number of natural resource maps, including:

- Riparian Lands and Watercourses, Groundwater Vulnerability.
- Natural Resources Biodiversity.
- Natural Resources Land.

Part 6 (Additional Local Provisions) of the Yass Valley LEP sets out the natural resource constraints that Council must take into account before determining a development application, where the land is affected by the mapped natural resource.

Numerous scientific and technical studies have been prepared to demonstrate the urban development capability of Ginninderry. These studies show the extent to which development can occur within Parkwood and this is reflected in the proposed land use zoning (being the R1 General Residential land) and the development standards.

The Parkwood Planning Proposal is intending to retain the following clauses from the Yass Valley LEP:

- Flood planning.
- Groundwater Vulnerability.

The Parkwood Planning Proposal proposes the adoption of a Parkwood Development Control Plan (DCP) to be adopted by Yass Valley Council, prior to development consent being granted for development on land in an urban release area (see Box 7). The DCP will require the preparation of a neighbourhood structure plan that will address a range of natural resource features addressing land capability. The recommended wording for the clauses in relation to flood planning and groundwater vulnerability is set out in Box 9 and Box 10.

Box 9 Flood planning clause

Flood planning

(1) *The objectives of this clause are as follows:*

- a) To minimise the flood risk to life and property associated with the use of the land,*
- b) To allow development on land that is compatible with the land's flood hazard, taking into account projected changes as result of climate change,*
- c) To avoid significant adverse impacts on flood behaviour and the environment.*

(2) *This clause applies to land at or below the flood planning level.*

(3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:*

- a) Is compatible with the flood hazard of the land, and*
- b) Will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
- c) Incorporates appropriate measures to manage risk to life from flood, and*
- d) Will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
- e) Is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

(4) *A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7347 547 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.*

(5) *In this clause:*

Flood planning level *means the level of 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.*

Box 10 Groundwater Vulnerability clause

Groundwater Vulnerability

(1) The objectives of this clause are as follows:

- a) To maintain the hydrological functions of key groundwater systems.*
- b) To protect vulnerable groundwater resources from depletion and contamination as a result of development.*

(2) This clause applies to land identified as 'Groundwater vulnerability' on the Groundwater Vulnerability Map.

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following:

- a) The likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals),*
- b) Any adverse impacts the development may have on groundwater dependent ecosystems,*
- c) The cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply),*
- d) Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

- a) The development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
- b) if that impact cannot be reasonably avoided by adopting feasible alternatives – the development is designed, sited and will be managed to minimise that impact, or*
- c) if that impact cannot be minimised – the development will be managed to mitigate that impact.*

The Parkwood Planning Proposal is proposing to amend the Natural Resources Biodiversity Map, as shown in Figure 25 and Figure 26. This will reflect the land proposed to be zoned E2 Environmental Conservation which will be managed and protected by the Conservation Management Trust.

The recommended wording for the Terrestrial Biodiversity clause is set out in Box 11.

Box 11 Terrestrial Biodiversity clause

Terrestrial Biodiversity

(1) The objective of this clause is to maintain terrestrial biodiversity by:

- a) protecting native fauna and flora, and*
- b) protecting the ecological processes necessary for their continued existence, and*
- c) encouraging the conservation and recovery of native fauna and flora and their habitats.*

(2) This clause applies to land identified as 'Biodiversity' on the Natural Resources Biodiversity Map.

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider:

- a) whether the development is likely to have:

 - i. any adverse impact on the condition, ecological value or significance of the fauna and flora on the land, and*
 - ii. any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*
 - iii. any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
 - iv. any adverse impact on the habitat elements providing connectivity on the land, and**
- b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

- a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
- b) if that impact cannot be reasonably avoided by adopting feasible alternatives – the development is designed, sited and will be managed to minimise that impact, or*
- c) if that impact cannot be minimised – the development will be managed to mitigate that impact.*

Figure 25 Natural Resources Biodiversity Mapping

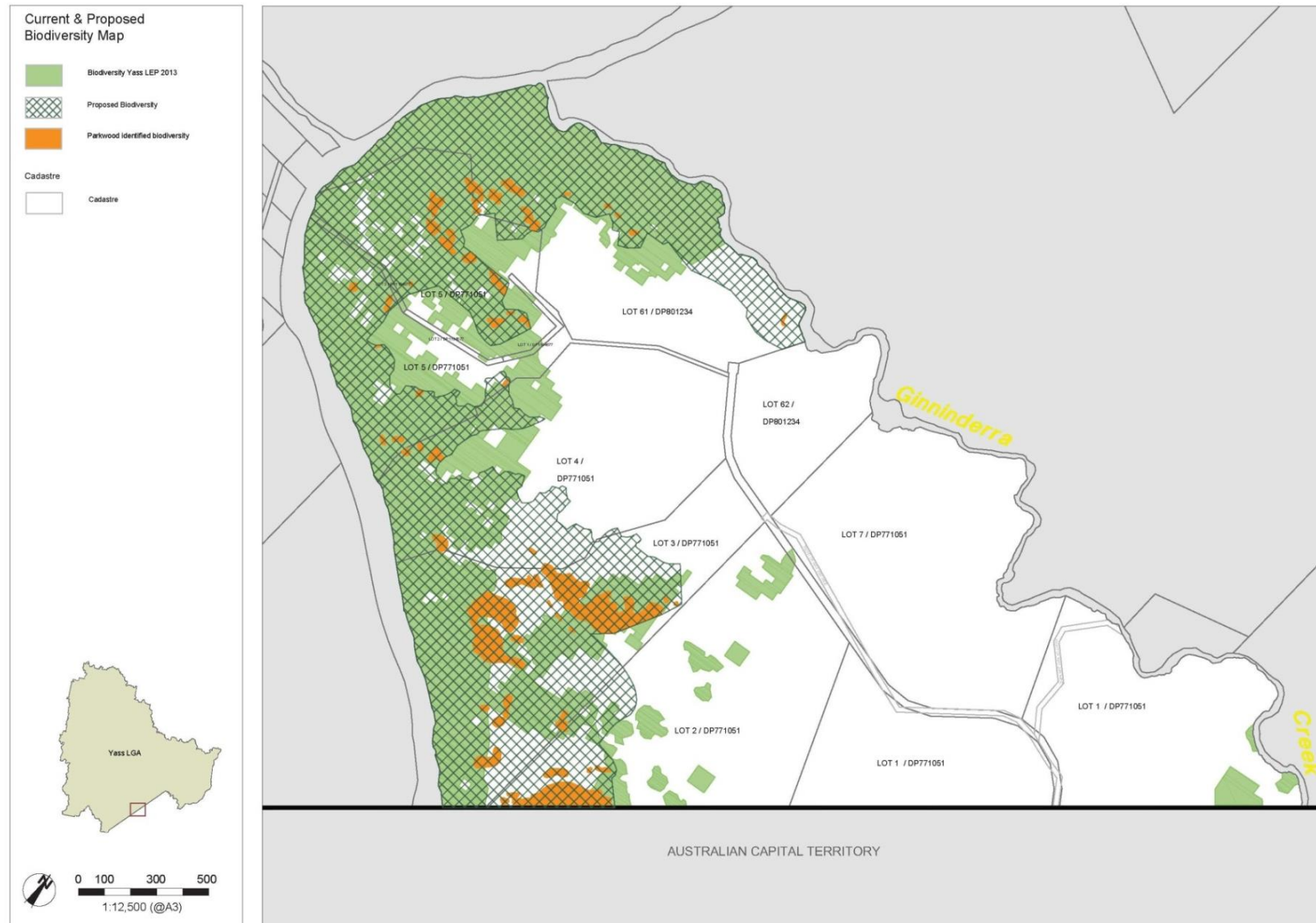
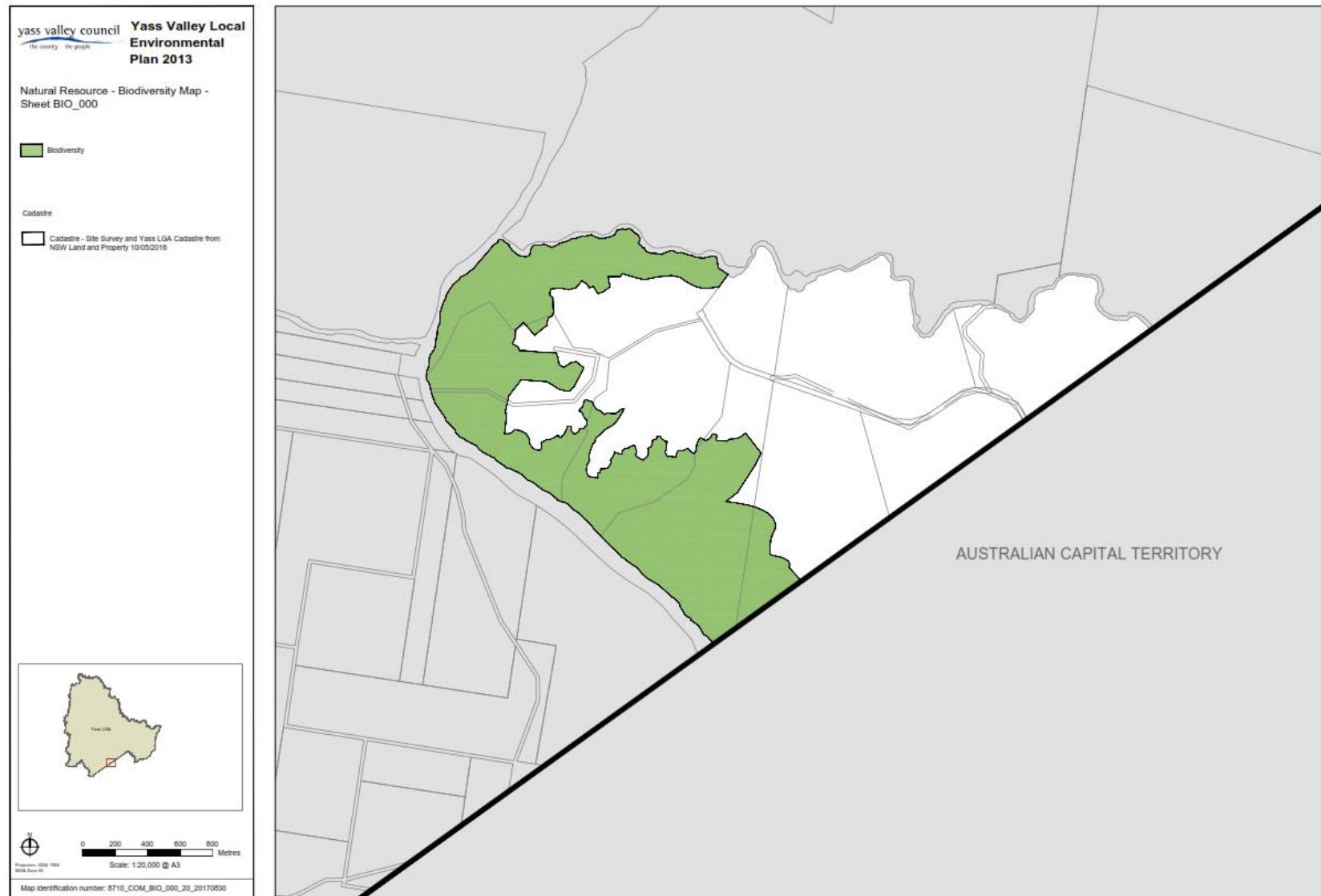


Figure 26 Natural Resource Biodiversity Map



The proposed applying of the Development Control Plan for the urban development at Parkwood will address the matters generally as set out in the Riparian Land and Watercourses clause provisions and the Salinity clause provisions of the Yass LEP 2013. Accordingly, the Planning Proposal proposes not to include these provisions in the draft LEP.

5.11 Relevant Acquisition Authority

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

5.12 Development Control Plan

A DCP is required to be prepared prior to development consent being granted (the recommended wording for the DCP clause is in Box 7). This DCP will be Parkwood specific and will reflect a consistent approach to detailed local design and siting controls to the whole urban release on both sides of the border. The DCP will replace and be in lieu of the current DCPs in place for urban development in the Yass Valley LGA, being:

- Yass Valley Council Multi Unit Residential Development DCP 2003.
- Yass Valley Council Community Consultation DCP.
- Yass Exempt and Complying DCP.
- Yarrowlumla 7(e) Environment Protection Zone DCP.

5.13 Master Plan

The illustrative master plan prepared by Roberts Day Urban Designer (Appendix 41) provides the basis for the proposed urban release both sides of the NSW/ACT border. The specific proposed zone boundaries whilst generally consistent with the master plan reflects the range of known constraints and limits to urban development, as derived by the many supporting studies accompanying this Planning Proposal. The master plan will be reviewed from time to time, and will inform the ongoing subsequent detailed neighbourhood structure planning within the area to be zoned for residential purposes. The detailed planning within the Murrumbidgee River and Ginninderra Creek corridors will be based on a Conservation Management Plan.

5.14 Additional Permitted Uses

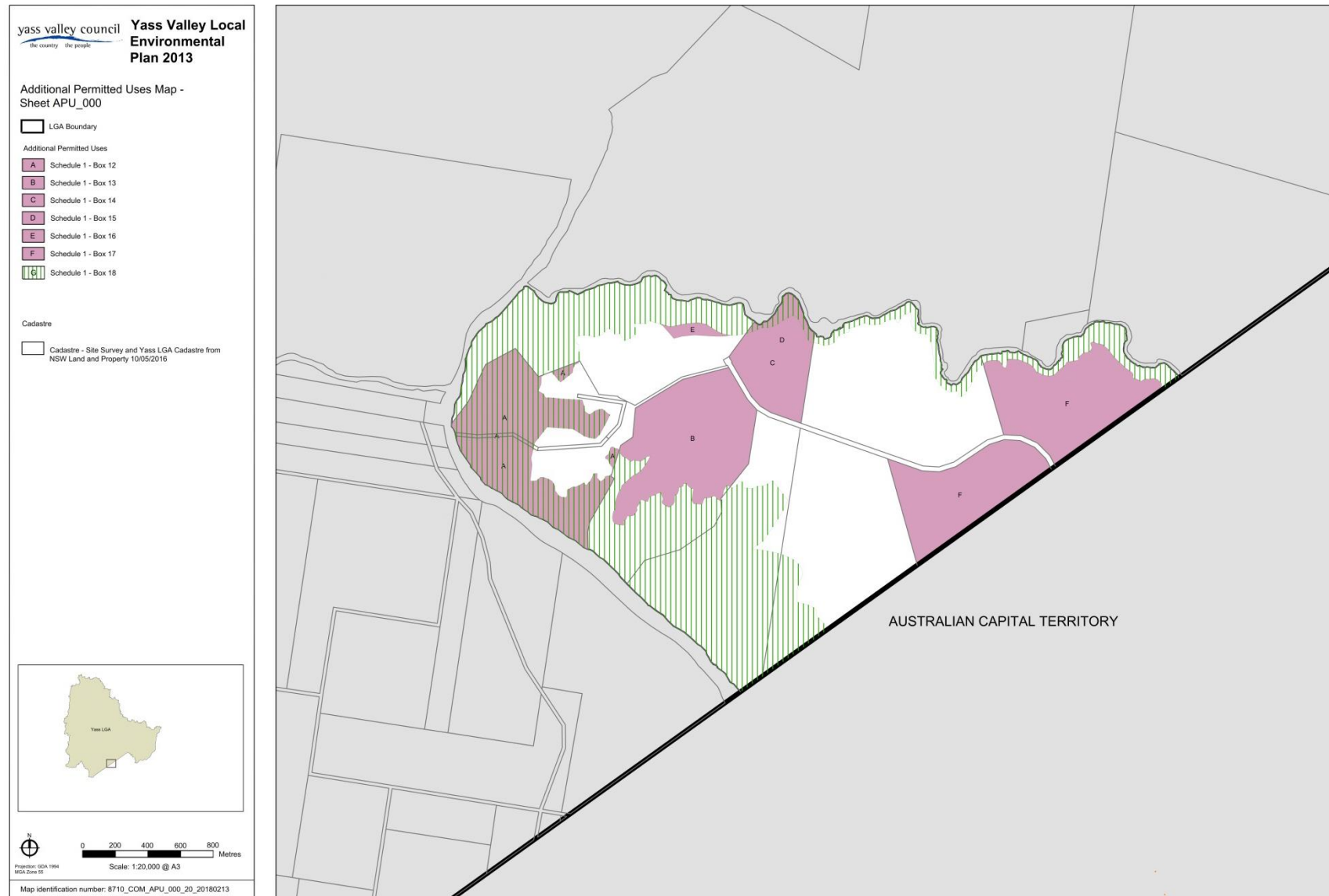
Schedule 1 of the Parkwood LEP will include provisions that recognise established uses and that make provision for additional permitted uses on nominated lots and by reference to an Additional Permitted Use map within the Parkwood LEP – see Figure 28.

The intent behind the inclusion of these provisions is to make allowance for the continuation of established uses, as well as reasonably facilitating appropriate uses until the land is developed for urban purposes.

Figure 27 - Land Reservation Acquisition Map



Figure 28 - Additional Permitted Use map



Note

It is important to note that the Planning Proposal proposed additional permitted use provisions maybe subject to change by the Department of Planning and Environment or Parliamentary Counsel to improve their clarity or interpretation prior to the draft LEP being finalised.

In addition to making provision for specific additional land uses, the Planning Proposal proposes the addition of specific additional land uses and to allow for the subdivision of some of the existing allotments pursuant to Schedule 1 – Additional Permitted Uses of the proposed draft LEP. The following table (Table 12) summarises the description and intended purpose of the proposed Additional Permitted Uses. The proposed Additional Permitted Uses are detailed in Box 12, Box 13, Box 14, Box 15, Box 16, Box 17 and Box 18 of the Planning Proposal and graphically represented in Figure 29.

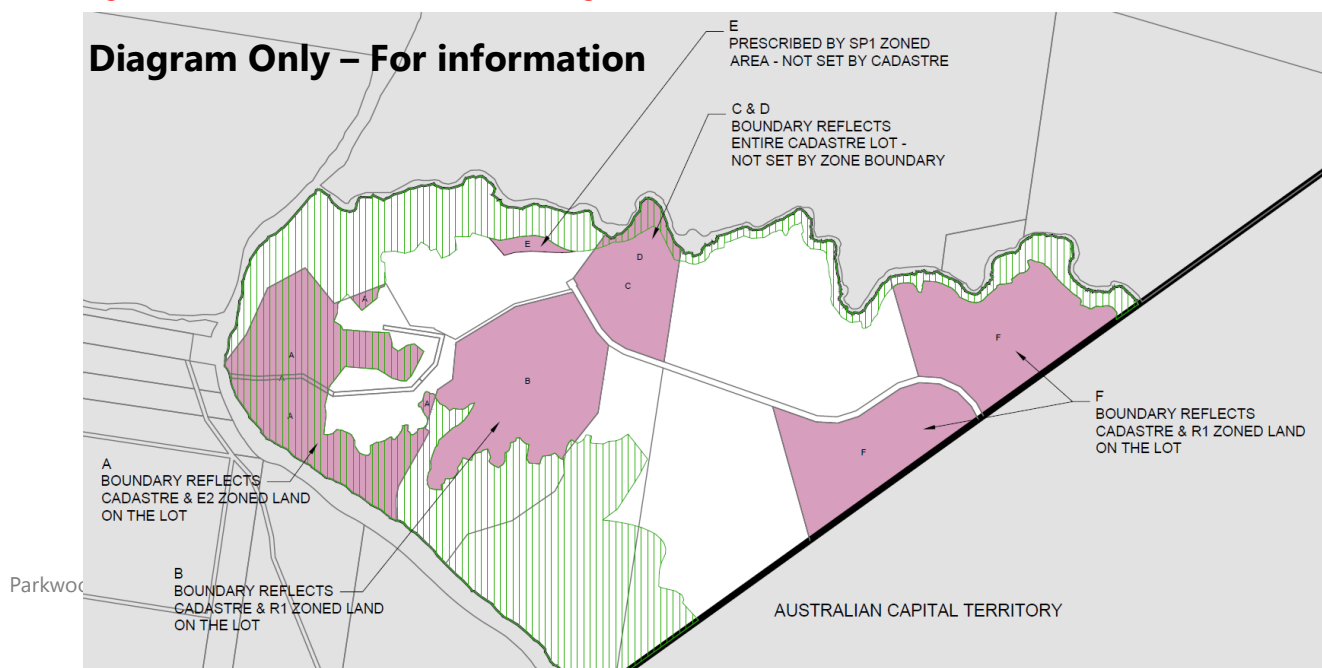
Table 12 – Description and purpose of additional permitted uses

Subject land	Description and purpose of proposed additional permitted use	Planning Proposal text box reference
Part Lot 5, DP 771051; Part Lot 1 DP 1184677, Part Lot 2 DP 1184677 and Part Lot 3 DP 1184677	<p>To enable subdivision of a separate lot on which the existing house is located. The lot is to be of a sufficient size to also accommodate the property improvements and curtilage of the house. Provision has also been made for a limited range of uses subject to development consent once the lot has been created. This allowance for additional limited uses is in recognition of the proposed E2 Environmental Conservation zoning of the land and the restricted range of uses in that E2 zone.</p> <p>The additional permitted use clause also seeks to ‘turn off’ the proposed Urban Release Area provisions given that the house already exists.</p>	12
Part Lot 4 DP 771051	<p>To enable subdivision to create two lots for the purposes of dwelling houses and a residual lot (three lots in total). This acknowledges the intent of the current owners ahead of the proposed staging which anticipates the urban development of their land in 2042 - 2055.</p> <p>Again, the additional permitted use clause seeks to ‘turn off’ the proposed Urban Release Area provisions which are considered to be an unreasonable burden for two dwelling lots likely to be created well ahead of the anticipated staging.</p>	13
Lot 62 DP 801234	To acknowledge and enable the established facilities including associated outbuildings, curtilage, gardens and improvements associated with the tourism, accommodation	14

Subject land	Description and purpose of proposed additional permitted use	Planning Proposal text box reference
	<p>and function centre uses to continue despite the proposed rezoning of part of the land to E3 Environmental Management.</p> <p>To enable also a subdivision to create a separate lot coinciding with the established facilities.</p>	
Lot 62 DP 801234	<p>To enable subdivision to create two lots for the purposes of dwelling houses and a residual lot to be occupied by the established tourism, accommodation and function centre uses (three lots in total). This acknowledges the intent of the current owner ahead of the proposed staging which anticipates the urban development of their land in 2042 - 2055. The size and location of these lots is subject to the consent authority being satisfied that the lots provide for the orderly and economic subdivision of the land and does not hinder its future use for ecological and environmental purposes.</p> <p>Again, the additional permitted use clause seeks to 'turn off' the proposed Urban Release Area provisions which are considered to be an unreasonable burden for two dwelling lots likely to be created well ahead of the anticipated staging and a residual lot occupied by established facilities.</p>	15
Part Lot 61 DP 801234	<p>To enable a subdivision for the purposes of creating one lot for the Ginninderra Falls Precinct coinciding with the land proposed to be zoned SP1 – Special Activities and; the creation of a lot coinciding with the land proposed to be zoned E2 Environmental Conservation adjoining the Ginninderra Falls precinct. The size and location of the SP1 – Special Activities zoned lot is subject to the consent authority being satisfied that the lot provides for the orderly and economic subdivision of the land and does not hinder its future use for ecological and environmental purposes..</p> <p>The subdivision creating both lots will facilitate the early public access to the Ginninderra Falls.</p> <p>The additional permitted use clause seeks to 'turn off' the proposed Urban Release Area provisions which are considered to be an unreasonable burden for the Ginninderra Falls precinct lot to be created well ahead of the</p>	16

Subject land	Description and purpose of proposed additional permitted use	Planning Proposal text box reference
	anticipated staging and for which the proposed additional permitted use clause requires the adequate provision of services.	
Part Lot 1 DP 771051	<p>To provide for the establishment of potential facilities for municipal services that maybe required to service the future residential development at Parkwood. These facilities could comprise of a waste disposal facility, waste or resource recovery management facility or depot for Council purposes. Given the objectives of the proposed R1 General Residential zone, it is not appropriate that these uses be made permissible in the zone. Whilst it is acknowledged that limited provisions are available in <i>State Environmental Planning Policy (Infrastructure) 2008</i>, it is considered appropriate to remove any current or future uncertainty by including these uses in the 'Additional Permitted Uses Schedule'.</p> <p>The general location of these potential facilities has been identified by Council by reference to that part of the lot not proposed to be zoned E2 Environmental Conservation. The specific siting of any facilities is subject to a neighbourhood structure plan as proposed to be required under the Urban Release Area provisions.</p>	17
Part Lots 1 – 7 DP 771051, Part Lots 61 – 62, DP 801234 and Part Lots 1 – 3 DP 1184677	To enable the creation of lots for the purposes of E2 Environmental conservation or E3 Environmental Management. This is intended to provide for the securing of land for environmental or conservation purposes that maybe less than the 80 hectare minimum lot size.	18

Figure 29 – Additional Permitted Use - Diagram



Box 12 Schedule 1 – Additional Permitted Uses

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

(1) This clause applies to part of the land at Lot 5, DP771051, part of the land at part Lot 1, DP1184677, part of the land at Lot 2, DP1184677 and part of the land at Lot 3, DP1184677 in Wallaroo.

(2) Development for the purposes of the subdivision for the existing dwelling house located within land zoned E2 Environmental Management is permitted with development consent, if the consent authority is satisfied that:

- a) The subdivision of land for a dwelling house is on a lot no larger than ten hectares in size, and*
- b) The lot can adequately utilise existing arrangements to ensure it is serviced for the purpose of water supply, effluent disposal and electricity; and*
- c) The lot has practicable and legal road access.*

(3) Upon the subdivision of the land as outlined in subclause (2), development for the purposes of bed and breakfast accommodation, a dual occupancy, eco-tourist facilities, extensive agriculture, farm buildings, and horticulture is permitted with development consent, if the consent authority is satisfied that:

- a) The development does not have any adverse impact on the ecological, scenic or other natural values of the land; and*
- b) The development can be adequately serviced for the purpose of water supply, effluent disposal and electricity, and*
- c) The development has practicable and legal road access.*

(4) Land which is subject to this clause is not subject to the proposed urban release area provisions that require arrangements for designated State and Territory public infrastructure; public utility infrastructure, and a development control plan to be in place before development consent for subdivision and/or development is granted.

Box 13 Schedule 1 – Additional Permitted Uses

Additional Permitted Uses – Part Lot 4, DP771051

(1) This clause applies to part of the land at Part Lot 4, DP771051, in Wallaroo.

(2) Development for the purposes of the subdivision from one lot into three lots within land zoned R1 General Residential is permitted with development consent, if the consent authority is satisfied that:

- a) The subdivision is for the purposes of a dwelling house on each of two of the proposed lots with*

the third lot to be created as a residual lot; and

b) The subdivision of land for a dwelling house will create lots no larger than three hectares in size; and

c) The subdivision does not have any adverse impact on the ecological, scenic or other natural values of the lands; and

d) The two lots for a dwelling house on each can be adequately serviced for the purpose of water supply, effluent disposal and electricity; and

e) The two lots for a dwelling house on each will have practicable and legal road access; and

f) The size and dimension of the subdivision provides for the orderly and economic subdivision of the land and does not hinder its future use for ecological and environmental purposes.

(3) Land which is subject to this clause is not subject to the proposed urban release area provisions that require arrangements for designated State and Territory public infrastructure, and a development control plan to be in place before development consent for subdivision and/or development is granted.

Box 14 Schedule 1 – Additional Permitted Uses

Additional Permitted Uses – Lot 62, DP801234

(1) This clause applies to land at Lot 62, DP801234, in Wallaroo.

2) Development for the purpose of the established tourist and visitor accommodation, eco-tourist facilities, a recreation facility (indoor), a function centre, and restaurant or café.

(3) Development for the purposes of the subdivision of the established tourist and visitor accommodation, eco-tourist facilities, a recreation facility (indoor), a function centre, and restaurant or cafe is permitted with development consent, if the consent authority is satisfied that:

a) The subdivision does not have any adverse impact on the ecological, scenic or other natural values of the lands; and

b) The subdivision can adequately utilise existing arrangements to ensure the development is serviced for the purpose of water supply, effluent disposal, and electricity; and

c) The subdivision will allow for practicable and legal road access; and

d) The size and dimension of the subdivision provides for the orderly and economic subdivision of the land and does not hinder its future use for urban and residential purposes.

(4) Land which is subject to this clause is not subject to the proposed urban release area provisions that require arrangements for designated State and Territory public infrastructure; public utility infrastructure, and a development control plan to be in place before development consent for subdivision and/or development is granted.

Box 15 Schedule 1 – Additional Permitted Uses

Additional Permitted Uses – Lot 62, DP801234

(1) This clause applies to land at Lot 62, DP801234, in Wallaroo.

(2) Development for the purposes of the subdivision from one lot into three lots within land zoned R1 General Residential and E3 Environmental Management is permitted with development consent, if the consent authority is satisfied that:

- a) The subdivision is for the purposes of a dwelling house on each of two of the proposed lots with the third lot to be created as a residual lot; occupied by the existing tourist and visitor accommodation and*
- b) The subdivision does not have any adverse impact on the ecological, scenic or other natural values of the lands; and*
- c) The lots are adequately serviced for the purpose of water supply, effluent disposal and electricity; and*
- d) The lots have practicable and legal road access; and*
- e) The size and dimension of the subdivision provides for the orderly and economic subdivision of the land and does not hinder its future use for ecological and environmental purposes.*

(3) Land which is subject to this clause is not subject to the proposed urban release area provisions that require arrangements for designated State and Territory public infrastructure; public utility infrastructure, and a development control plan to be in place before development consent for subdivision and/or development is granted.

Box 16 Schedule 1 – Additional Permitted Uses

Additional Permitted Uses – Part Lot 61, DP801234

(1) This clause applies to part of the land at part Lot 61, DP801234, in Wallaroo.

(2) Development for the purposes of the subdivision of a lot for the creation of the Ginninderra Falls Precinct that is zoned SP1 Special Activities and the subdivision of a lot on land zoned E2 Environmental Conservation adjoining the Ginninderra Falls Precinct, is permitted with development consent, if the consent authority is satisfied that:

- a) The subdivision does not have any adverse impact on the ecological, scenic or other natural values of the lands; and*
- b) The Ginninderra Falls Precinct lot (zoned SP1 Special Activities) is adequately serviced for the purpose of water supply, effluent disposal and electricity; and*
- c) The subdivision will allow for practicable and legal road access; and*
- d) The size and dimension of the subdivision provides for the orderly and economic subdivision of*

the land and does not hinder its future use for ecological and environmental purposes and.

- e) The lot to be created by subdivision in dimensions, shape and area takes into account the arrangement of buildings; access ways; carparking; landscaping; recreation areas and the requirements of the conservation/urban edge as otherwise set out in the Local Environmental Plan.*

(3) Land which is subject to this clause is not subject to the proposed urban release area provisions that require arrangements for designated State and Territory public infrastructure; public utility infrastructure, and a development control plan to be in place before development consent for subdivision and/or development is granted.

Box 17 Schedule 1 – Additional Permitted Uses

Additional Permitted Uses – Part Lot 1 DP 771051

(1) This clause applies to part of the land at Part Lot 1, DP 771051, in Wallaroo.

(2) Development for the purposes of a waste disposal facility, waste or resource recovery management facility centre or depot for Council purposes are permitted with consent if the consent authority is satisfied that:

The development will only occur on land zoned R1 General Residential; and

- a) The development will not have any adverse impact on the ecological, scenic or other natural values of the land; and*
- b) The development does not adversely impact on the orderly and economic subdivision of the remainder of the land; and*
- c) The development is adequately serviced for the purpose of water supply, effluent disposal and electricity; and*
- d) The development will include practicable and legal road access and*
- e) The development will not adversely impact any future uses permitted with consent on land proposed to be zoned R1 General Residential and*
- f) The development will not occur on a lot greater than 1.0 hectare in size*

Box 18 Schedule 1 – Additional permitted uses

Additional Permitted Uses – Part Lots 1 – 7 DP 771051, Part Lots 61 – 62 DP 801234 and Part Lots 1 – 3 DP 1184677

- (1) This clause applies to part of the land at Part Lots 1-7 DP 771051, Part Lots 61 – 62 DP 801234 and Part Lots 1- 3 DP 1184677 in Wallaroo*
- (2) Development for the purposes of the subdivision of land zoned E2 Environmental Conservation or E3 Environmental Management is permitted with development consent, if the consent authority is satisfied that:*

- (3) The subdivision is for the purposes of uses permitted with consent; and*
- (4) The subdivision will create one lot and a residue being the land zoned R1 General Residential; and*
- (5) The subdivision does not have any adverse impact on the ecological, scenic or other natural values of the lands; and*
- (6) The lot will have practicable and legal road access; and*
- (7) The size and dimension of the lot created does not hinder its future use for ecological and environmental purposes.*

5.15 Landfill and Recycling Materials Facility

There is a landfill and recycling material facility plant located on the border in the ACT. Due to the sequencing of development the landfill and recycling materials facility will have no impact on the development of Parkwood. By the time development occurs on the landfill and recycling materials facility land, the land will be remediated and urban development occurring within Ginninderry.

Due to the long lead time for development of Parkwood and that the landfill site will be remediated before development occurs in NSW, the Planning Proposal does not include any landfill buffer provisions or maps.

6 Justification (Part 3)

6.1 Introduction

Parkwood will form part of a single master planned community that is sited on land adjacent to the border between NSW and the ACT. As a single planned community it will facilitate urban development in an orderly and economic manner consistent with the proper provision of services. The Planning Proposal for Parkwood and the amendment to the Territory Plan #351 for the adjacent ACT land will also ensure an integrated and planned approach to the conservation and management of the ecological, heritage, cultural and landscape values of the Murrumbidgee River and Ginninderra Creek corridors across both jurisdictions.

The proposed community spanning the state/territory border will share many mutual interests across the two jurisdictions. Those mutual interests are not regarded as barriers to development rather the servicing and funding review confirms that there are administrative and funding solutions to sustain a viable border adjacent community.

Master planning for the overall NSW/ACT release has been undertaken to ensure a whole of development approach irrespective of jurisdictional boundaries. The master plan has been the result of a significant collaborative and iterative design process inclusive of Yass Valley Council, NSW and Territory Governments and local residents. The master plan was informed by the accompanying studies for Ginninderry which demonstrate the urban development capabilities of the land and which identify those areas of ecological, cultural, heritage and landscape value. The master plan has helped informed the proposed rezoning on both sides of the state/territory border. Further refinements to the subsequent detailed planning will be informed by the neighbourhood structure planning to be undertaken as part of the proposed DCP.

A rezoning of the land is required in order for the proposed urban release to proceed and to do so in a manner that is consistent with the environmental capacity of the land and the conservation of the ecological, heritage, cultural and landscape values of the Murrumbidgee River corridor.

In summary the Parkwood Planning Proposal is justifiable and supportable in terms of its strategic and site specific merit.

In establishing how Parkwood fits in terms of the wider strategic setting of Yass Valley and the 'border region' with the ACT, a review has been undertaken of the proposal against the local (Yass Valley) and regional (NSW Government) policy framework with particular reference to the Yass Valley Settlement Strategy; the *South East and Tablelands Regional Plan 2036* and the Threshold Sustainability Criteria within the *Sydney to Canberra Corridor Regional Strategy that previously applied to the original Planning Proposal*. The strategic merit review confirms that Parkwood is consistent with the local strategic policy framework being the Yass Valley Settlement Strategy and the regional settlement framework. Accordingly, Parkwood is considered to be justified and supportable in terms of satisfying the planning principles for where new settlements should occur irrespective of the state/territory border. The Ginninderry urban release NSW Position Paper and Service Delivery Assessment details the strategic basis of the Parkwood proposed urban release.

6.2 Section A - Need for the Planning Proposal

6.2.1 Is the Planning Proposal a result of any strategic study or report?

In addition to the now adopted *South East and Tablelands Regional Plan 2036* that specifically references *Parkwood in Direction 26*, it is noted that the now previous Regional Strategy otherwise referenced 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, they provide a useful guide against which to also consider Parkwood. They are:

Table 13 Settlement Principles

Principle	Comment
<p>A. <u>Settlement Principle</u></p> <p>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 to Canberra Corridor Regional Strategy.</p>	<p>In terms of the <i>Sydney to Canberra Corridor Regional Strategy</i>, the above assessment against the Threshold Sustainability Criteria confirms that it is an appropriate and supportable development.</p>
<p>B. <u>Water Resources Principle</u></p> <p>Avoiding or mitigating the impacts of hazards, including the implications of climate change</p> <p>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</p> <ul style="list-style-type: none"> • Principle 1 <p>All future settlement in the Region should be located to:</p> <ul style="list-style-type: none"> ○ 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 	<p>The Parkwood urban release is located adjacent to existing services and infrastructure within the ACT. A Joint Venture agreement has been entered into between the ACT Government and Riverview Projects (ACT) Pty Ltd to provide the trunk infrastructure and services into Parkwood.</p> <p>The Cross Border Servicing Forum was held on 16 March 2016 and from this the Cross Border Government Servicing Report was prepared. The report sets out how infrastructure and service delivery achieved through coordinated arrangements between the NSW and ACT</p>

Principle	Comment
<p>networks and community services.</p> <ul style="list-style-type: none"> ○ Protect areas of conservation, cultural, natural heritage or landscape value. <ul style="list-style-type: none"> • 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. • 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. • Principle 4 Greenfield developments should, wherever possible, be: <ul style="list-style-type: none"> 1. Contiguous with (ie, as close as possible) existing urban settlements, or self-contained in their provision of services. 2. 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. 	<p>Governments and Yass Valley Council. The Report recommends the base case option, and this is the preferred option to deliver services and infrastructure within Parkwood.</p> <p>Ginninderry, including Parkwood, 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 an urban release sited on both sides of the border.</p> <p>Ginninderry, including Parkwood, adjoins the suburban areas of north western Canberra. It is consistent with consolidating development close to existing services 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 urban release</p> <p>Ginninderry, including Parkwood, is adjacent to the existing urban edge of north western Canberra with a proposed high degree of connectivity. The sequencing of Ginninderry will coincide with the availability and augmentation of services to ensure an orderly and economic approach to the development in Parkwood.</p>

Principle	Comment
<ul style="list-style-type: none"> • Principle 5 <p>Economic development diversity will be supported by:</p> <ol style="list-style-type: none"> 1. 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 2. Supporting the regional value of key infrastructure assets by limiting activities that may diminish their function or ability to contribute to the Region. <ul style="list-style-type: none"> • Principle 6 <p>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.</p> <ul style="list-style-type: none"> • Principle 7 <p>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.</p>	<p>The economic and employment lands review undertaken by Urbis confirms the positive contribution that Parkwood will make to the regional economy and employment.</p> <p>An agricultural lands review undertaken by Edge Land Planning confirms the limited agricultural value to the local economy of the current grazing at Parkwood. 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 contained nature of Parkwood being bordered by Ginninderra Creek and the Murrumbidgee River also has the practical effect of limiting any impact on rural lands beyond the proposed urban release.</p> <p>The landscape and visual assessment of Parkwood prepared by Roberts Day Urban Designers addresses the broader rural and river corridor setting of the site.</p> <p>Notwithstanding the expected 30-40 year timeframe 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.</p> <p>In order to describe and demonstrate the extent to which Ginninderry has strategic merit, a Position Paper titled, <i>West Belconnen urban release – NSW Position Paper</i> (Position Paper) (Appendix 9), has been previously prepared by Knight Frank Town Planning and reviewed by the cross border senior planning officials working group. The working group comprises of representatives from Yass Valley Council, Department of Planning and Environment, the Department of Premier and</p>

Principle	Comment
	<p>Cabinet, and ACT Government agencies. The Position Paper references and includes the Services Delivery Assessment prepared by Elton Consulting. The Position Paper addresses the key aspects of:</p> <ol style="list-style-type: none"> 1. Referencing and commentary against the Threshold Sustainability Criteria set out in the Sydney to Canberra Corridor Regional Strategy. 2. An understanding and description 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 the services are required, and how the services will be funded both in terms of capital and recurrent costs. 3. Potential governance arrangements noting the unique circumstances of Parkwood and more generally, Ginninderry in terms of its physical location. <p>In establishing how Parkwood 'fits' within the wider strategic setting for Yass Valley and region, the Position Paper notes the challenge of how to prepare and position parts of the Yass LGA close or adjacent to the ACT for the likely change from rural to what might be described as 'urban' as a contributor to regional housing supply. Parkwood is an opportunity to provide leadership in how that regional housing supply might be partly met. Parkwood is a contemporary approach to meeting some of the demand for housing that will complement, not compete with, the historical and important role of the towns and villages in Yass Valley. This is further supported by the recommendations of the Yass Valley Settlement Strategy which note Parkwood as a location of urban development and housing supply.</p>

6.2.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Parkwood Planning Proposal is the best means of achieving the objectives and intended outcomes for the land. This will be achieved through the creation of the Parkwood LEP which includes site specific land uses and planning provisions that will allow the appropriate urban development of the land, along with ensuring the protection and enhancement of the Conservation Corridor.

Approximately half of the land is currently zoned RU1 Primary Production, and the aim of the Parkwood Planning Proposal is to allow this land to be rezoned as R1 General Residential. The primary purpose of the R1 zone is to allow a broad range of urban uses.

The proposed rezoning for urban purposes together with the other key provisions proposed to be included in the Parkwood LEP, such as the additional local clauses and urban release area provisions are considered to be the best means of achieving the stated objectives and intended outcomes.

Furthermore, the proposed revision of the current E3 Environment Management boundary, and the inclusion of the E2 Environmental Conservation zone will ensure that the ecological and landscape values of the Murrumbidgee River and Ginninderra Creek corridors are preserved. The conservation/urban edge interface clause guarantees that development in the R1 General Residential zone adjacent to the Conservation Corridor addresses site specific ecological and environmental considerations.

To achieve the objectives and intended outcomes for Parkwood, the best statutory plan option is to create a new Parkwood LEP. This will remove Parkwood from the Yass Valley LEP and apply specific development standards and provisions to the land.

This is the simplest and most effective way of addressing the site specific characteristics of Parkwood and ensuring that the ecological and landscape values of the Murrumbidgee River and Ginninderra Creek corridors are conserved. The Parkwood LEP will be supported by a subsequent comprehensive Parkwood DCP. The reference to Parkwood is an acknowledgement of the locality name.

As a principal LEP, the Parkwood LEP will need to incorporate the provisions and be consistent with the NSW Standard Instrument LEP.

6.3 Section B - Relationship to the Strategic Planning Framework

6.3.1 Is the Planning Proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)

South East and Tablelands Regional Plan 2036

The Planning Proposal has been reviewed against the Directions of the *South East and Tablelands Regional Plan 2036* (Regional Plan) and is considered to be justifiable and supportable in terms of its strategic merit. The Parkwood Planning Proposal supplementary submission at Appendix 2 sets out how the Planning Proposal addresses the relevant Directions, Actions and the Local Government Narrative

For the purpose of this Planning Proposal the *South East and Tablelands Regional Plan 2036* is the relevant and current strategic planning framework to be considered and consistent with as required by the s117 Local Planning Direction 5.1 – *Implementation of Regional Strategies*. As otherwise mentioned in the Planning Proposal, due regard has also been given to the prior Sydney to Canberra Corridor Regional Strategy acknowledging that the Planning Proposal as originally prepared was done so when the Regional Strategy was still in force.

In addition to the adopted Regional Plan, there are a number of ACT and sub region planning initiatives with the aim of coordinating settlement and service provision between NSW, the ACT and surrounding Councils including Yass Valley. They include; the Memorandum of Understanding between the NSW and ACT Governments and the Yass Valley Settlement Strategy.

6.3.2 Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?

The Planning Proposal has been reviewed against a number of Yass Valley Council's local planning policies and strategies. These are:

1. Local Environmental Plan 2013.
2. Yass Valley Town and Villages Study.
3. Yass Valley Community Vision 2030.
4. Yass Valley Settlement Strategy

The adopted Yass Valley Settlement Strategy (Strategy) expressly acknowledges Parkwood with the recommended outcome of:

- Rezoned for 5000 dwellings (R1 General Residential) and E2 – Environmental Conservation and E3 Environmental Management for the Conservation Corridor
- Prepare a Parkwood Local Environmental Plan with specific zones, land use tables and local provisions specific to this site.
- That the natural boundaries created by the Ginninderra Creek and Murrumbidgee River form the boundary of settlement. No urban growth beyond these boundaries will be considered. Growth is to be directed towards the regional centres of Yass and Murrumbidgee.

The Strategy justification for the recommended outcomes for Parkwood are as follows:

- The rezoning has progressed through the NSW Gateway process
- Unique circumstances apply to this development in particular the land locked nature of the site (constraining future growth) and the joint venture with the ACT Government.

6.3.3 Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

An assessment of the Planning Proposal against the applicable State Environmental Planning Policies (SEPP) is provided in Table 14.

Table 14 State Environmental Planning Policy Assessment

State Environmental Planning Policy (SEPPs)	Consistent		N/A	Comment
	Yes	No		
SEPP No.1 Development Standards			✓	No longer applies to Yass Valley LEP 2013.
SEPP (Rural Lands) 2008	✓			Whilst the SEPP applies to development occurring on land assumed to be retained for rural purposes, it is a

State Environmental Planning Policy (SEPPs)	Consistent		N/A	Comment
	Yes	No		
				<p>relevant matter in terms of that part of the site currently zoned RU1 Primary Production.</p> <p>The site adjoins the existing urban edge of Canberra with only limited agricultural potential considering the practical problem of moving stock through urban parts of Canberra to the nearest regional sale yards and the limited size of the site. See also the description of current agricultural uses by Edge Land Planning (Appendix 10 Error! Reference source not found.).</p> <p>Accordingly the agricultural use is not considered significant to Yass Valley. By virtue of the location of the site adjacent to existing urban areas, it is appropriately characterised as peri urban.</p> <p>Rather than being regarded as the loss of agriculture to the area, the establishment of a new community at Ginninderry is the opportunity to make a positive contribution to locally based urban agriculture. It acknowledges the adaptive and changing nature of agriculture as a contributor to the local economy, amenity and community well being. These are all outcomes consistent with the Rural Lands SEPP planning principles. Edge Land Planning note that urban agriculture is a well established contributor to local communities elsewhere with 19 existing community gardens in Canberra.</p> <p>As Edge Land Planning notes, there is the opportunity to employ urban agriculture within the proposed urban development to make it a 'food positive' outcome. In part and subject to the approval of Transgrid, the potential to use the wide electricity easement as a community garden resource.</p>
SEPP No.55 – Remediation of Land	✓			<p>A contamination report has been prepared by AECOM.</p> <p>Phase 1 Environmental Site Assessments has been commissioned to examine the Riverview and neighbouring land on the Parkwood Peninsula. The purpose of this assessment was to determine the extent, if any, of contamination that may be present. Isolated contaminated sites and areas of possible contamination have been identified. All identified sites</p>

State Environmental Planning Policy (SEPPs)	Consistent		N/A	Comment
	Yes	No		
				<p>will be investigated in further detail and remediated as part of the land development process, as set out in the AECOM report (Appendix 30).</p> <p>Section 4.1 of the Planning Guidelines on managing land contamination, refer to matters to be addressed in relation to 'spot rezonings' and 'generalised rezonings'. Generalised rezonings are characterised by the Guidelines as rezonings that cover a large area, for example, more than one property, usually describing proposed land uses very generally both in type and location. In this instance, given the scale of the proposed rezoning, it is appropriately characterised as a generalised rezoning. The Guidelines note that in this instance, it is difficult for a planning authority to be satisfied that every part of the land is suitable for the proposed uses, in terms of contamination at the time of the rezoning. In these cases, the Guidelines note that the rezoning should be allowed to proceed, provided measures are in place to ensure that the potential for contamination and the suitability of the land for any proposed use are assessed once detail proposal are made. In terms of the Ginninderry development, it is noted that detailed neighbourhood structure plans are likely to resolve the location of particular land uses as part of the proposed requirement for a DCP to be in place prior to development being approved.</p>
SEPP Exempt and Complying Development Codes 2008	✓			The SEPP (Exempt and Complying Development Codes) 2008 applies to the site and may apply to any future development of the site.
SEPP No.70 – Affordable Housing (Revised Schemes)			✓	Not relevant to the proposed amendment.
SEPP (Affordable Rental Housing) 2009			✓	Not relevant to the proposed amendment.

State Environmental Planning Policy (SEPPs)	Consistent		N/A	Comment
	Yes	No		
SEPP (Infrastructure) 2007	✓			The SEPP may apply to future development, particularly works associated with the electricity easement or the establishment and development of a school site.

6.3.4 Is the Planning Proposal consistent with applicable Ministerial Directions (s 117 directions)?

The Planning Proposal is generally consistent with the relevant Section 117 Directions in that it achieves and/or gives effect to the principles, aims, objectives or policies set out in the Directions noted in the Table 15.

Table 15 Section 117 Directions

Ministerial Direction	Comment
1. Employment and Resources	
<p>1.2 Rural Zones</p> <p>The objective of the direction is to protect the agricultural production value of rural land</p> <p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) A planning proposal must:</p> <p>(a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</p> <p>(b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).</p> <p>Consistency</p>	<p>The proposed rezoning of the rural land for urban purposes is considered to be a justified departure from the Direction for the following reasons.</p> <ul style="list-style-type: none"> As mentioned in section 3.2.1 of the Planning Proposal, the site adjoins the existing urban edge of Canberra with only limited agricultural potential considering the practical problem of moving stock through urban parts of Canberra to the nearest regional sale yards and the limited size of the site. See also the description of current agricultural uses by Edge Land Planning (Appendix 10). Accordingly the agricultural use is not considered significant to Yass Valley. By virtue of the location of the site adjacent to existing urban areas, it is appropriately characterised as peri urban. The Planning Proposal is consistent with the location of future settlements by addressing the Threshold Sustainability Criteria of the <i>Sydney to Canberra Corridor Regional Strategy</i>. The study by Edge Land Planning confirms the limited agricultural production value of the land. The departure from the Direction is considered to be of minor significance in the context of the wider Yass Valley LGA.

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<p>(5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:</p> <p>(e) justified by a strategy which:</p> <p>(i) gives consideration to the objectives of this direction,</p> <p>(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and</p> <p>(iii) is approved by the Director-General of the Department of Planning, or</p> <p>(b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or</p> <p>(c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or</p> <p>(d) is of minor significance.</p>	
<p>1.3 Mining, Petroleum Production and Extractive Industries</p> <p>The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other materials, petroleum and extractive materials are not compromised by inappropriate development.</p>	<p>The Planning Proposal has considered the direction and notes that the quarry on Lot 62, DP801234 does not provide extractive materials of a State or regional significance.</p>
<p>1.5 Rural Lands</p> <p>The objectives of this direction are to:</p> <p>(a) protect the agricultural production value of rural land,</p> <p>(b) facilitate the orderly and economic</p>	<p>The Planning Proposal has had due regard and is considered to be a justified departure with the Direction as it will be of minor significance as set out in the commentary below.</p> <p>The proposed rezoning of the rural land for urban purposes</p>

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<p>development of rural lands for rural and related purposes.</p> <p>When this direction applies</p> <p>(3) This direction applies when:</p> <p>(a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the lateration of any existing rural or environment protection zone boundary) or</p> <p>(b) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>A planning proposal to which clauses 3(a) or 3(b) apply must be consistent with the Rural Planning Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>.</p> <p>A planning proposal to which clause 3(b) applies must be consistent with the Rural Subdivision Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>.</p> <p>Consistency</p> <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning</p> <p>authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:</p> <p>(a) justified by a strategy which:</p> <ol style="list-style-type: none"> gives consideration to the objectives of this direction, identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites, 	<p>has had due regard to the Rural Planning Principles of the State Environmental Planning Policy (Rural Lands) and is considered to be a justified departure for the following reasons:</p> <ul style="list-style-type: none"> Parkwood adjoins the existing urban edge of Canberra with only limited agricultural potential considering the practical problem of moving stock through urban parts of Canberra to the nearest regional sale yards and the limited size of the site. See also the description of current agricultural uses by Edge Land Planning (Appendix 10). Accordingly the agricultural use is not considered significant to Yass Valley. By virtue of the location of the site adjacent to existing urban areas, it is appropriately characterised as peri urban. Accordingly, the inconsistency with the Direction is considered to be of minor significance in the context of the wider Yass Valley LGA. The Planning Proposal is consistent with the location of future settlements by addressing the Threshold Sustainability Criteria of the <i>Sydney to Canberra Corridor Regional Strategy</i>. The Planning Proposal has identified and seeks to protect the natural resources of the site by maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land. This will be achieved through the use of an E2 Environmental Conservation zone that will limit the uses on the land. <p>In terms of the proposed removal of the current minimum lot size to the proposed R1 and SP1 zoned land, the Planning Proposal is a justified departure from the Direction noting that the land is intended to be used for urban purposes and accordingly will not adversely impact on any ongoing rural use. The removal of the minimum lot size from part of the land currently zoned RU1 and rezoning the land for urban purposes as it applies to the site will not set a precedent for rural lands elsewhere across the LGA. This is primarily due to the unique cross border location of Parkwood, and its separation from other urban settlements in Yass LGA because of the Murrumbidgee River and Ginninderra Creek.</p>

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<p>and</p> <p>iii. is approved by the Director-General of the Department of Planning and is in force, or</p> <p>(b) is of minor significance.</p>	
2 Environment and Heritage	
<p>2.1 Environmental Protection Zones:</p> <p>The objective of this Direction is to protect and conserve environmentally sensitive areas.</p> <p>When this direction applies</p> <p>This direction applies when a relevant planning authority prepares a planning proposal.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>(5) A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land).</p> <p>Consistency</p> <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary that the provisions of the planning proposal that are inconsistent are in this instance, justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction.</p>	<p>The departure from the Direction is justified by numerous site specific ecological surveys and studies to confirm the extent and type of threatened species and conservation values on the site. The Planning Proposal includes measures to protect and conserve environmentally sensitive land.</p> <p>In summary and in terms of the planning responses, the following is noted:</p> <ul style="list-style-type: none"> • An ecological and planning response matrix has been prepared to identify the appropriate planning responses to the ecological values identified for each of the site specific studies. This matrix has been reviewed by the Department of Planning and Environment and OEH, and includes input from their feedback. • The adoption of an E2 Environmental Conservation zone which aligns with the land identified around the Ginninderra Falls and surrounds – see also proposed land use zoning map at Figure 21. The E2 zone acknowledges and ensures a greater level of protection than the current E3 zone. The proposed objectives of the proposed E2 zone are as follows: <ul style="list-style-type: none"> ○ To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values. ○ To prevent development that could destroy, damage or otherwise have an adverse effect on those values. ○ To protect the environmental and cultural values of the Murrumbidgee River, Ginninderra Creek and Ginninderra Falls by restricting development that may have an adverse impact on those values. ○ To provide for land management practices consistent with enhancing and protecting the ecological and cultural values of the land. • The recognition and protection of the ecological,

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	<p>cultural and heritage values of the land are confirmed by scientific and technical studies prepared to support the development capability of the land, and which accompany this report.</p> <ul style="list-style-type: none"> • The improved E3 zoning outcomes which restrict the range of permitted development uses. The proposed E3 zone is a better planning outcome than the 7(e) Environmental Protection (Scenic) zoning under the Yarrowluma LEP 1993 and an E3 Environmental Management zone under the Yass Valley LEP 2002 which allow for a broad range of development uses. • To further protect the ecological values of the land, the proposed limitation of permissible uses in the E2 zone. The range of permissible uses will also be limited in the E3 zone, particularly when compared to the current range of permissible uses. This can only occur as a result of this Planning Proposal that recommends the adoption of a new principal LEP that allows for the inclusion of an E2 and E3 zones specific to Parkwood. <p>The current E3 zone permits uses which are arguably not consistent with the protection and conservation of the ecological values of the land. To achieve an improved environmental and planning outcome, the uses permitted with consent in the current E3 zone that are proposed to be removed from the Parkwood LEP E3 zone include:</p> <ul style="list-style-type: none"> ○ Bed and breakfast accommodation. ○ Boat launching facilities. ○ Camping grounds. ○ Dual occupancies. ○ Eco-tourist facilities. ○ Extensive agriculture (being the production of crops, livestock grazing for commercial purposes, bee keeping and dairying). ○ Farm buildings. • Horticulture (being the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes). The proposed inclusion of a conservation/urban edge interface, the purpose of which is to ensure that the potential impacts of urban development on the conservation lands is minimised. The <i>Guidelines for developments adjoining</i>

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	<p><i>Department of Environment and Climate Change land</i> as issued by the NSW Department of Environment and Climate Change in May 2008, note the following issues should be considered in the establishment of an interface:</p> <ul style="list-style-type: none"> ○ Erosion and sediment control. ○ Stormwater runoff. ○ Management implications, pests, weeds, edge effects. ○ Fire and the location of asset protection zones ○ Boundary encroachments. ○ Visual, odour, noise, air quality impacts and amenity. ○ Threats to ecological connectivity. <p>The <i>Managing the Urban Edge – Discussion Paper December 2013</i> as prepared by the Conservation Council ACT Region, also states the following additional issues, that are expressed as principles in the Discussion Paper, are to be addressed by the interface:</p> <ul style="list-style-type: none"> ○ Introduced predators such as cats and dogs are a threat to ecological values. ○ Sensitive fauna and conservation habitats abutting suburbs and housing developments should be protected from the impacts of domestic animals. ○ Restrictions should be placed on domestic animals that have the potential to threaten biodiversity in natural areas. ○ Ecological assets should be protected alongside lives and property. ○ APZs should be incorporated within the urban footprint of the development wherever possible. ○ APZs should be located outside areas of ecological value where there is a risk that hazard reduction measures will impact on those values. <p>It is proposed that a Conservation Management Plan will be adopted for the Conservation Corridor, separate to the Planning Proposal. The EMP's principles, which are referenced in the <i>Proposed West Belconnen Conservation – Options for Establishment and Management</i> by TRC Tourism</p>

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	<p>Pty Ltd dated June 2014, include:</p> <ul style="list-style-type: none"> • Planning, including identification of natural and cultural values, and development of strategies for their protection. Strategies and actions (agreed with the relevant governments) for threatened species and ecological community management and restoration. • Improving the overall environmental condition of the area and its provision for sustainable visitor use. This will include weed, pest and bushfire management, vegetation and habitat restoration and revegetation. • Zoning for different uses and activities, particularly in relation to conservation and recreation purposes. • A landscape approach that promotes connectivity between vegetation and habitat corridors. other protected areas across the landscape, such as the adjoining Murrumbidgee River Corridor. Woodstock Nature Reserve and Ginninderra Creek. • Adaptive management – which involves monitoring and review of reserve conditions followed by any necessary management changes to deal with identified issues.
<p>2.3 Heritage Conservation:</p> <p>The objective of this direction is to conserve items, areas, objectives and places of environmental heritage significant and indigenous heritage significance.</p> <p>When this direction applies</p> <p>This direction applies when a relevant planning authority prepares a planning proposal.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) A planning proposal must contain provisions that facilitate the conservation of:</p> <p>(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area,</p>	<p>The Planning Proposal is considered to be consistent with this Direction.</p> <p>The Planning Proposal will include a heritage clause as a 'miscellaneous provision' and Heritage Map. The heritage clause will ensure that development to occur in or near Aboriginal scattered artefacts and cultural deposits are required to meet certain considerations addressing how the development will manage and treat the heritage item or place prior to development consent being granted.</p> <p>The subject property is not currently heritage listed, however, a number of sites of local heritage interest have been identified and incorporated into the master planning of the site.</p> <p>Aboriginal archaeological and cultural research have identified a number of sites on the subject land. Together with the sites identified, the report confirms that a search of the OEH Aboriginal Heritage Information Management System databases identified five Aboriginal archaeological sites within the study area and a one kilometre buffer</p>

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<p>object or place, identified in a study of the environmental heritage of the area,</p> <p>(b) Aboriginal objects or Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i>, and</p> <p>(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</p> <p>Consistency</p> <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary that:</p> <p>(a) The environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land, or</p> <p>(b) the provisions of the planning proposal that are consistent are of minor significance.</p>	<p>centred on the study area.</p> <p>Consultations have taken place with the Aboriginal community in accordance with the process outlined in the OEH document, <i>Aboriginal cultural heritage requirements for proponents, 2010</i>. Ten Aboriginal organisations registered an interest in the project.</p> <p>Ways to mitigate any impact on known sites will form part of the detailed master planning at the local/neighbourhood level.</p>
3. Housing, Infrastructure and Urban Development	
<p>3.1 Residential Zones</p> <p>The objectives of this direction are:</p> <p>(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,</p> <p>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</p> <p>(c) to minimise the impact of residential development on the environment and</p>	<p>The Planning Proposal is considered to be consistent with this Direction.</p> <p>The Planning Proposal is proposing to rezone part of the land for urban purposes to R1 General Residential. This will provide for the widest range of housing types consistent with a broad range of choice. The typical dwelling typologies illustrated by Figure 2 sets out the proposed range to be provided for.</p> <p>The master planning and proposed subsequent detailed neighbourhood structure plans, will ensure that the range</p>

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<p>resource lands.</p> <p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:</p> <p>(a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary),</p> <p>(b) any other zone in which significant residential development is permitted or proposed to be permitted.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) A planning proposal must include provisions that encourage the provision of housing that will:</p> <p>(a) broaden the choice of building types and locations available in the housing market, and</p> <p>(b) make more efficient use of existing infrastructure and services, and</p> <p>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</p> <p>(d) be of good design.</p> <p>(5) A planning proposal must, in relation to land to which this direction applies:</p> <p>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</p> <p>(b) not contain provisions which will reduce the permissible residential density of land.</p> <p>Consistency</p> <p>(6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary that the provision of the</p>	<p>of dwelling forms and densities reflects the land terrain, whilst maximising the number of new residents within a walkable distance of public transport.</p> <p>The proposal to not adopt a minimum lot size clause aims to ensure that the density and typology of dwellings and resulting lot sizes are based on a whole of place/neighbourhood approach to built form and public domain. The DCP and Urban Release Area provisions will set out the preferred range of lot sizes.</p> <p>The proposed Urban Release Area provisions are intended to ensure that satisfactory arrangements are in place for services and infrastructure. The provisions included in the Urban Release Area clauses include:</p> <ul style="list-style-type: none"> • Arrangements for designated State and Territory public infrastructure. The objective of this provision is to require that satisfactory arrangements be made for the provision of designated State and Territory public infrastructure before the subdivision of land in a designated urban release area. • Require the preparation and adoption of a DCP. The objective of this provision will be to ensure that development in Parkwood occurs in a logical and cost effective manner. Development will occur in accordance with a staging plan and only after a neighbourhood structure plan that sets out specific controls for inclusion in the DCP has been prepared. • Provision of public utility infrastructure. This provision will require that development consent is not to be granted unless Yass Valley Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required. <p>It is envisaged that a Local Planning Agreement will be executed with Yass Valley Council prior to the first development consent being issued for urban development. A s94 contributions plan and Development Services Plan may also be required depending in part on the land ownership of the land subject to the Planning Proposal. In consultation with Yass Valley Council, it has been agreed that a Planning Agreement not be entered into at the time of the rezoning.</p> <p>This is due to:</p> <ul style="list-style-type: none"> • The long lead time before development commences in

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<p>planning proposal that are inconsistent are:</p> <p>(b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction.</p>	<p>Parkwood. Development is expected to occur over a 25 year plus period, and it is therefore uncertain what specific design standards and infrastructure provision will be applicable at that time.</p> <ul style="list-style-type: none"> • The absence of detailed neighbourhood structure planning at this stage to understand what specific infrastructure items may need to be included in a Planning Agreement. Such items may include local parks and embellishment works. • The potential for changes in the regulatory framework that apply to how Planning Agreements are negotiated and managed. <p>A draft Local Heads of Agreement has been prepared and will be provided under separate cover. The draft Local Heads of Agreement sets out the framework for the proposed local voluntary planning agreements and sets out the intended mechanisms by which infrastructure and services will be delivered and funded. The preparation of the draft Local Heads of Agreement demonstrates the commitment to ensure that Parkwood is adequately serviced prior to development occurring.</p> <p>Parkwood and Ginninderry offers a unique opportunity to deliver infrastructure and service provision in a 'borderless' manner across an entire community. In a practical sense, this means:</p> <ul style="list-style-type: none"> • That infrastructure is likely to be designed and constructed to the ACT standard. This is because the majority of infrastructure, including water and stormwater infrastructure, will be delivered through the ACT (Ginninderry). • The service providers will be largely ACT based. This will include public bus services. • Many of the community facilities and some of the open space and recreation facilities will be provided for the NSW lands within the adjoining ACT catchment. <p>It is noted that under s94CA of the Environmental Planning and Assessment Act, a condition may, with the written approval of the Minister, be imposed under section 94 or 94A for the provision of a public amenity or public service on land in another State or Territory if the area in which the development the subject of the condition is to be carried out adjoins the other State or Territory.</p>
<p>3.4 Integrating Land Use and Transport</p> <p>(1) The objective of this direction is to</p>	<p>The Planning Proposal is consistent with the Direction.</p> <p>The master planning in conjunction with the transport and</p>

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<p>ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <p>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</p> <p>(b) increasing the choice of available transport and reducing dependence on cars, and</p> <p>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</p> <p>(d) supporting the efficient and viable operation of public transport services, and</p> <p>(e) providing for the efficient movement of freight.</p> <p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p>(a) <i>Improving Transport Choice – Guidelines for planning and development (DUAP 2001)</i>, and</p> <p>(b) <i>The Right Place for Business and Services – Planning Policy (DUAP 2001)</i>.</p> <p>Consistency</p> <p>(5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary that the provisions of the</p>	<p>access planning by MR Cagney aims to provide for an integrated approach to land use and transport by:</p> <ul style="list-style-type: none"> • Maximising choice in transport options to limit reliance on private motor vehicles. • Densities of development based on accessibility to transport. • Support to the establishment of bus services from the first release. • Bus route planning that ensures that most parts of the release are within 400 metres walkable distance. • Provision for local business and employment opportunities by the proposed inclusion of business and office premises as permissible uses with consent to assist in reducing journey to work trips. <p>The West Belconnen Technical Traffic Report of June 2014 prepared by AECOM recommends:</p> <ul style="list-style-type: none"> • The future need to duplicate Stockhill Drive and Drake Brockman Drive. It also identifies the need to duplicate William Hovell Drive, Southern Cross Drive and Ginninderra Drive. • That further traffic modelling work is required to provide detail analysis to inform intersection and public transport improvements. This further modelling work will also inform the staging of works. <p>The Cross Border Government Servicing Report sets out how infrastructure and service delivery will be achieved through coordinated arrangements between the NSW and ACT Governments and Yass Valley Council. This includes the delivery and funding of traffic and transport infrastructure. The Report recommends the base case option, and this is the preferred option to deliver services and infrastructure within Parkwood.</p>

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<p>planning proposal that are inconsistent are:</p> <p>(b) justified with a study prepared in support of the planning proposal which gives consideration to the objective of this direction.</p>	
4. Hazard and Risk	
<p>4.3 Flood Prone Land</p> <p>The objectives of the Direction are:</p> <p>(a) to ensure that development on flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i>, and</p> <p>(b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</p> <p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) A planning proposal must include provision that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i>.</p> <p>(6) A planning proposal must not contain provisions that apply to the flood planning areas which:</p> <p>(a) permit development in floodway areas,</p> <p>(b) permit development that will result in significant flood impacts to other properties,</p> <p>(c) permit a significant increase in the development of that land,</p>	<p>The Planning Proposal is considered to be consistent with the Direction.</p> <p>In terms of the Murrumbidgee River and much of Ginninderra Creek, the deep incised nature of the landscape restricts any flooding generally to the water course channel. By virtue of the steep terrain, flooding occurs well below the physical limit of any proposed urban development.</p> <p>In terms of the upper reaches of Ginninderra Creek, the 1% (1 in 100 year flood level) has been identified and plotted by Jacobs – refer to Figure 13. A precautionary one metre freeboard has been used to define the extent of the flooding and the extent of the proposed urban zone (R1 General Residential) is consistent with the Direction in terms of not rezoning flood prone land zoned rural to residential. The use of a one metre freeboard is in excess of the 0.5 metre freeboard that is used to define the Flood Planning Level by the <i>Yass Valley LEP 2013</i>. A wider Ginninderra Creek flood study extending upstream into the ACT has been prepared.</p> <p>The proposed <i>Parkwood LEP</i> will also include the local provision on Flood Planning similar to that contained in the <i>Yass Valley LEP 2013</i> (clause 6.2). Clause 6.2 states:</p> <p>Clause 6.2 - Flood planning</p> <p>(1) <i>The objectives of this clause are as follows:</i></p> <p>(a) <i>to minimise the flood risk to life and property associated with the use of land,</i></p> <p>(b) <i>to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,</i></p> <p>(c) <i>to avoid significant adverse impacts on flood behaviour and the environment.</i></p> <p>(2) <i>This clause applies to land at or below the flood planning level.</i></p> <p>(3) <i>Development consent must not be granted to</i></p>

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<p>(d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or</p> <p>(e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.</p> <p>(7) A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Secretary.</p> <p>(8) For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the <i>Floodplain Development Manual 2005</i> (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Secretary.</p> <p>Consistency</p> <p>A planning proposal may be inconsistent with this direction only if the relevant planning authority can satisfy the Secretary that:</p> <p>(a) the planning proposal is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the <i>Floodplain Development Manual 2005</i>, and</p> <p>(b) the provision of the planning proposal that are inconsistent are of minor significance.</p>	<p><i>development on land to which this clause applies unless the consent authority is satisfied that the development:</i></p> <p>(a) <i>is compatible with the flood hazard of the land, and</i></p> <p>(b) <i>will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and</i></p> <p>(c) <i>incorporates appropriate measures to manage risk to life from flood, and</i></p> <p>(d) <i>will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and</i></p> <p>(e) <i>is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.</i></p> <p>(4) <i>A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.</i></p> <p>(5) <i>In this clause:</i></p> <p><i>flood planning level</i> <i>means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.</i></p> <p>The inclusion of these measures in the Parkwood LEP adequately addresses the objectives of this Direction.</p>
<p>4.4 Planning for Bushfire Protection Objectives</p>	<p>The Planning Proposal is considered to be consistent with the Direction.</p> <p>A bushfire hazard assessment has been undertaken by</p>

Ministerial Direction	Comment
<p>(1) The objectives of this direction are:</p> <p>(a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and</p> <p>(b) to encourage sound management of bush fire prone areas.</p> <p>Where this direction applies</p> <p>(2) This direction applies to all local government areas in which the responsible Council is required to prepare a bush fire prone land map under section 146 of the <i>EP&A Act 1979</i>, or, until such a map has been certified by the Commissioner of the NSW Rural Fire Service, a map referred to in Schedule 6 of that Act.</p> <p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made,</p> <p>(5) A planning proposal must:</p> <p>(a) have regard to <i>Planning for Bushfire Protection 2006</i>,</p> <p>(b) introduce controls that avoid placing inappropriate developments in hazardous areas, and</p> <p>(c) ensure that bushfire hazard reduction is</p>	<p>Ecological (see Appendix 42) which addresses the provisions of the <i>Planning for Bushfire Protection</i>. The Assessment identifies the following requirements to occurs as part of the rezoning:</p> <ul style="list-style-type: none"> • The provision of a perimeter road with two-way access which delineates the extent of the intended development. • The provision, at the conservation/urban edge interface for the establishment of adequate APZs for future housing. • Specifying the minimum residential lot depths to accommodate APZs for lots on perimeter roads. • Minimising the perimeter of the area of land interfacing the hazard, which may be developed. • The introduction of controls on the placement of combustible materials in APZs. <p>The requirements that will be detailed through the specific design and siting of:</p> <ol style="list-style-type: none"> 1. The neighbourhood planning as part of the proposed required DCP before urban development can proceed. 2. The conservation/urban edge interface clause to be included as an additional local provision.

Ministerial Direction	Comment
<p>not prohibited within the APZ.</p> <p>(6) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</p> <p>(a) provide an APZ incorporating at a minimum:</p> <p>(i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and</p> <p>(ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,</p> <p>(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the <i>Rural Fires Act 1997</i>), the APZ provisions must be complied with,</p> <p>(c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,</p> <p>(d) contain provisions for adequate water supply for firefighting purposes,</p> <p>(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,</p> <p>(f) introduce controls on the placement of combustible materials in the Inner Protection Area.</p> <p>Consistency</p> <p>(7) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary that the council has obtained</p>	

Ministerial Direction	Comment
<p>written advice from the Commissioner of the NSW Rural Fire Service, to the effect that, notwithstanding the noncompliance, the NSW Rural Fire Service does not object to the progression of the planning proposal.</p>	
5. Regional Planning	
5.1 Implementation of Regional Strategies	
<p>The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.</p> <p>Where this direction applies</p> <p>(2) This direction applies to land to which the following regional strategies apply:</p> <ul style="list-style-type: none"> (a) Far North Coast Regional Strategy, (b) Lower Hunter Regional Strategy, (c) Illawarra Regional Strategy, (d) South Coast Regional Strategy, (e) Sydney to Canberra Corridor Regional Strategy, (f) Central Coast Regional Strategy, and (g) Mid North Coast Regional Strategy. <p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) Planning proposals must be consistent with a regional strategy released by the Minister for Planning.</p> <p>Consistency</p> <p>(5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary that the extent of inconsistency</p>	<p>The Planning Proposal is considered to be consistent with the Direction.</p> <p>The <i>South East and Tablelands Regional Plan</i> is the relevant regional strategy. As otherwise noted, the Planning Proposal was originally prepared and submitted when the applicable regional strategy was the <i>Sydney to Canberra Corridor Regional Strategy</i>.</p> <p>To update the Planning Proposal, a review of the Planning Proposal against the <i>South East and Tablelands Regional Plan</i> has been undertaken – see Appendix 2.</p>

Ministerial Direction	Comment
<p>with the regional strategy:</p> <p>(a) is of minor significance, and</p> <p>(b) the planning proposal achieves the overall intent of the regional strategy and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.</p>	
6 Local Plan Making	
<p>6.1 Approval and Referral Requirements</p> <p>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) A planning proposal must:</p> <p>(a) minimise the inclusion of provision that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</p> <p>(b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:</p> <p>(i) the appropriate Minister or public authority, and</p> <p>(ii) the Secretary,</p> <p>Prior to undertaking community consultation in satisfaction of section 57 of the <i>EP&A Act 1979</i>, and</p> <p>(c) not identify development as designated development unless the relevant planning authority:</p> <p>(i) can satisfy the Secretary that the class of</p>	<p>The Planning Proposal does not propose any such provisions listed in Direction 6.1 except as otherwise included as part of the preparation of a new principal LEP for the land.</p>

Ministerial Direction	Comment
<p>development is likely to have a significant impact on the environment, and</p> <p>(ii) has obtained the approval of the Secretary prior to undertaking community consultation in satisfaction of section 57 of the <i>EP&A Act 1979</i>.</p> <p>Consistency</p> <p>(5) A planning proposal must be substantially consistent with the terms of this direction.</p>	
<p>6.2 Reserving Land for Public Purposes</p> <p>A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Secretary of the Department of Planning (or an officer of the Department nominated by the Director-General).</p>	<p>No new reservations are proposed, nor are they proposed to be reduced by the Planning Proposal.</p> <p>The Planning Proposal does not seek to create land for a public purpose. The land to be set aside for the proposed conservation corridor is to be owned by Yass Valley Council and managed by a public Trust.</p> <p>The Planning Proposal does not seek to create zonings or reservations of lands for public purposes. The proposed R1 General Residential zone provides for recreation areas as development permitted with development consent (development not specified in item 2 or 4 of the land use table). In accordance with the Standard Instrument, a recreation area means a place used for outdoor recreation that is normally open to the public, and includes:</p> <ul style="list-style-type: none"> (a) a children's playground, or (b) an area used for community sporting activities, or (c) a public park, reserve or garden or the like, <p>and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).</p>
<p>6.3 Site Specific Provisions</p> <p>(4) A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:</p> <ul style="list-style-type: none"> (a) allow that land use to be carried out in the zone the land is situated on, or (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land 	<p>As a proposed principal LEP, the Planning Proposal will amend the Yass Valley LEP 2013 by introducing a modified Land Application map to exclude the operation of the Yass Valley LEP 2013 on the land subject to the Planning Proposal.</p> <p>Pursuant to the s117 Direction 6.3, the Planning Proposal seeks to allow particular development proposals to be carried out by allowing that land use on the relevant land without imposing any development standards or</p>

Ministerial Direction	Comment
<p>use without imposing any development standards or requirements in addition to those already contained in that zone, or</p> <p>(c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.</p> <p>(5) A planning proposal must not contain or refer to drawings that show details of the development proposal.</p>	<p>requirement in addition to those already contained in the principal environmental planning instrument being amended.</p> <p>The particular development proposals and the relevant land are set out in s 5.14 <i>Additional Permitted Uses</i> of this Planning Proposal.</p>

6.4 Section C - Environmental, Social and Economic Impacts

6.4.1 Is there any likelihood that critical habitat or threatened species, population or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

Numerous scientific and technical studies have been prepared to support and accompany this Planning Proposal that demonstrates the urban development capability of Parkwood. These studies identify and acknowledge any critical habitats, threatened species, population and ecological communities that would be adversely affected by the proposal. These studies identified the proposed rezoning boundaries, and those areas that would expressly be set aside for E2 Environmental Conservation and E3 Environmental Management zones. This E2 and E3 zoned land along the Murrumbidgee River and Ginninderra Creek is referred to as the Conservation Corridor.

The Planning Proposal also includes site specific provisions to address the ecological, cultural, heritage and landscape values of the Conservation Corridor.

A key component of the development of the land is the establishment of a Conservation Management Trust. The aim of the Conservation Management Trust is to establish a self funded entity to maintain and conserve the values of the Conservation Corridor in perpetuity based on an Conservation Management Plan (EMP).

The West Belconnen Project Strategic Assessment Report (Appendix 6) and West Belconnen Project Strategic Assessment Program Report (Appendix 7) were prepared in January 2017 and address the requirements of the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) for land in NSW and the ACT. An EPBC Approval (Approval) (EPBC Ref: SA024) dated 1/9/17 has since been issued for the West Belconnen Strategic Assessment (see Appendix 6A). A condition (No 8) of the Approval is the preparation of the West Belconnen Conservation Corridor Reserve Management Plan that must be prepared in consultation with the NSW Office of Environment and Heritage.

A draft Conservation Management Plan has been prepared setting out the management and funding functions of the Trust. The Trust, once established, will be responsible for the operation and review of the Conservation Management Plan to ensure that the Murrumbidgee River and Ginninderra Creek Conservation Corridor land is protected and conserved.

The Conservation Management Trust will provide a seamless approach to management of the entire Conservation Corridor (ie, across both the ACT and NSW sections of Ginninderry). The need for an innovative and sustainably funded conservation management solution has also been recognised in discussions with the Commonwealth Government with respect to the proponent's obligations under the EPBC Act for the whole of the Ginninderry.

6.4.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The potential environmental effects of the Planning Proposal have been addressed in supporting studies in terms of:

- Ecology.
- Cultural/heritage.

- Bushfire.
- Flooding.
- Urban capability.
- Hydrology.
- Contamination.

Set out below is a description of those potential environmental effects and how they are proposed to be addressed and managed.

6.4.3 Ecological – Flora and Fauna

Extensive ecological studies have been undertaken by a number of ecologists coordinated by Dr Kevin Mills and Dr David Shorthouse. The following supporting specialist studies were undertaken in order to inform the Planning Proposal:

- West Belconnen Project ACT and NSW Land Flora and Fauna Studies 2009 (Appendix 16).
- Further Flora and Fauna Studies Land at West Molonglo and Ginninderra Creek (Appendix 17).
- West Belconnen Project NSW Land Flora and Fauna Studies 2013 (Appendix 18).
- West Belconnen ACT and NSW Land Targeted Bird Surveys (Appendix 19).
- Ecological Studies West Belconnen ACT (Appendix 20).
- The extent of habitat for the vulnerable Pink-tailed Worm Lizard (*Aprasia parapulchella*) in the West Belconnen – Ginninderra Creek investigation area – confirmatory distribution surveys and mapping (Appendix 21).
- West Belconnen Golden Sun Moth Surveys October to December 2012 (Appendix 22).

In addition to the above original studies, a three further studies focusing on the Ginninderra Gorge and Falls and Rosenberg's Monitor have been prepared as follows:

- A Preliminary Biodiversity Survey of the Ginninderra Falls Area prepared by the Ginninderra Catchment group (Appendix 23)
- Rosenberg's Monitor Goanna Habitat Assessment prepared by EcoLogical Australia (Appendix 24).
- Habitat evaluation of two proposed extension areas to the Ginninderry reserve to provide improved ecological outcomes for *Varanus rosenbergi* (Appendix 25)

A fourth report prepared by EcoLogical in 2017 (Appendix 26), having regard to the above three and specifically concentrating on the location of the proposed Conservation Corridor boundary to ensure adequate protection for Rosenberg's Monitor's habitat, forms the basis for the final recommended Conservation Corridor boundary. This is particularly evident with the inclusion of the E2 Environmental Conservation zone around Ginninderra Falls.

The presence of species and ecological communities that are listed under the Commonwealth EPBC Act 2007 has triggered a requirement for an assessment under the terms of that Act. There are four species and communities identified as “matters of national environmental significance” (MNES) in Ginninderry. These include the:

- Box Gum Woodland – located in the ACT only.
- Golden Sun Moth – located in the ACT only.
- Pink-tailed Worm Lizard – located in NSW.
- Natural temperate (rocky) grassland – likely to be found within the Conservation Corridor in NSW.

The West Belconnen Strategic Assessment Report and West Belconnen Strategic Assessment Program have been finalised and the EPBC Approval issued – refer to Appendix 6A. A copy of the West Belconnen Strategic Assessment Report and West Belconnen Strategic Assessment Program are at Appendix 6 and Appendix 7.

The opportunity was taken, during the EPBC assessment process to evaluate all species and ecological communities of interest, in addition to the MNES. The West Belconnen Strategic Assessment Report addresses all listings under both the ACT legislation and the NSW *Threatened Species Conservation Act (TSC Act)*. The Conservation Corridor Environmental and Planning Response Matrix (Appendix 6) provides an overview of the findings with respect to these species and how the species and their habitats will be conserved and protected from a strategic planning perspective.

The ecological studies which have been prepared for Ginninderry concludes that the NSW land is largely cleared any original woodland and has been pasture improved, at least across the land above the river and creek gorges. The relatively level land in the area, which has most of the development potential is almost devoid of trees and supports an exotic grassland. The areas of conservation importance are in the river and creek gorge and their upper edges. The following are the matters of most conservation importance.

- The Murrumbidgee River and Ginninderra Creek corridors, containing the watercourses and adjacent riparian vegetation and habitats.
- The woodland in the gorge and in some places on the edge of the more level land. The woodland is not a listed endangered community. The woodland provides animal habitat, is part of a regional habitat corridor along the river and is known to be habitat for several listed bird species and for Rosenberg’s Monitor goanna which is listed as vulnerable.
- The rocky habitat above the river and on the edge of the level land is part of an extensive area of similar habitat for the listed Pink-tailed Worm Lizard extending into the ACT to the south. This habitat is of national importance for this lizard because of the large population of lizards found here.

In terms of a land use planning response, the protection of the conservation values of the corridor will be achieved by:

- The amendment of part of the current E3 Environmental Management zone to E2 Environmental Conservation generally adjacent to the Ginninderra Falls and downstream to the confluence with the Murrumbidgee River – see draft zoning plan at Figure 15.

- The inclusion of an E2 Environmental Conservation zone in the Parkwood LEP. See Part 5 of the Planning Proposal in terms of the proposed E2 zone objectives and proposed permitted uses.

In addition to the proposed provisions to be included in the LEP, a conservation management plan for the Conservation Corridor will be adopted and administered by the proposed conservation Trust. The purpose of the conservation management plan is:

1. To specify the location of uses and activities within the corridor.
2. To specify the land management practices consistent with protecting the conservation values of the corridor, the management of urban impacts such as domestic animals, and managing the risk of bushfire.
3. To identify, set aside and protect areas of high conservation value.
4. To identify preferred locations for recreation uses consistent with conservation values.

In terms of the current E3 zone and zone boundary under the Yass Valley LEP 2013, it is noted that the current E3 zone boundary, was in effect a 'conversion' from the prior 7e environmental zoning under the Yarrowlumla LEP 2012. The current E3 zone is not based on any site specific ecological studies.

The current E3 zone permits a range of uses, including the development of dwellings and dual occupancies. The Parkwood Planning Proposal is proposing that the E3 zone will limit the range and type of land uses included in the E3 zone compared to the Yass Valley LEP E3 zone. The introduction of the E2 zone would further restrict number of permitted uses, thus conserving those parts of the land that are identified as being of high ecological value.

In addition to the provisions of the *Threatened Species Conservation Act* and section 5A – *Significant effect on threatened species, populations or ecological communities* of the EP&A Act, it is noted that the provision of the EPBC Act, will apply to any proposed actions that have the potential to impact on Pink Tailed worm lizard habitat or natural temperate (rocky) grassland.

Site specific flora and fauna studies and surveys have been undertaken by several consultants and as referred to in the reports by Kevin Mills (Appendices 16, 17, 18, 19 and 20) being:

- Will Osborne – Pink-tailed Worm Lizard (*Aprasia parapulchella*).
- Alison Rowell – Golden Sun Moth (*Synemon plana*).
- Kevin Mills – general surveys on vegetation and fauna.

The ecological assessment has been coordinated by Kevin Mills and Associates (KMA). Together with that ecological assessment has been the additional work undertaken specific to the Rosenberg's Monitor and the assessment of the ecological values of the land in terms of the *EPBC Act 1999* and the submission to the Commonwealth.

KMA notes the following as those threatened animals previously recorded in the locality, as set out below in Table 16.

Table 16 Threatened fauna species known to have occurred in the locality

Table 1
Threatened fauna species known to have occurred in the locality

Common name	Taxonomic Name	TSC Act ¹	EPBC Act ¹
Mammals			
Koala	<i>Phascolarctos cinereus</i>	V	-
Spotted-tailed Quoll	<i>Dasyurus maculatus maculatus</i>	V	E
Birds			
Brown Treecreeper	<i>Climacteris picumnus</i>	V	-
Diamond Firetail	<i>Stagonopleura guttata</i>	V	-
Flame Robin	<i>Petroica phoenicea</i>	V	-
Gang-gang Cockatoo	<i>Callocephalon fimbriatum</i>	V	-
Hooded Robin	<i>Melanodryas cucullata</i>	V	-
Little Eagle	<i>Hieraaetus morphnoides</i>	V	-
Painted Honeyeater	<i>Grantiella picta</i>	V	-
Regent Honeyeater	<i>Xanthomyza phrygia</i>	E	E
Rosenberg Monitor	<i>Varanus rosenbergi</i>	V	-
Scarlet Robin	<i>Petroica boodang</i>	V	-
Speckled Warbler	<i>Chthonicola sagittata</i>	V	-
Spotted Harrier	<i>Circus assimilis</i>	V	-
Varied Sittella	<i>Daphoenositta chrysoptera</i>	V	-
White-browed Woodswallow	<i>Artamus leucorhynchus</i>	V	-
Reptiles			
Pink-tailed Worm Lizard	<i>Aprasia parapulchella</i>	V	V
Rosenberg's Goanna	<i>Varanus rosenbergi</i>	V	-
Frogs			
Green and Golden Bell Frog	<i>Litoria aurea</i>	E	V
Invertebrates			
Golden Sun Moth	<i>Synonyma plana</i>	E	CE

1. V = vulnerable, E = endangered; CE – critically endangered. - = not listed.

According to the KMA report, the following are the matters of conservation value:

1. The Murrumbidgee River and Ginninderra Creek corridors, containing the watercourses and adjacent riparian vegetation and habitats.
2. The woodland in the gorge and in some places on the edge of the more level land. The woodland is not a listed endangered community; tiny areas of regrowth Box-Gum Woodland occur in a few places on the edge of the gorge woodland. The woodland provides animal habitat, is part of a regional habitat corridor along the river and is the habitat for several listed bird species. The extent of the lizard habitat was determined on the ground by a team of reptile/environmental specialist. (see attached map).
3. The rocky habitat above the river and on the edge of the level land in the far west of the subject land is part of an extensive area of similar habitat for the listed Pink-tailed Worm Lizard extending into the ACT to the south. This habitat is of national importance for this lizard because of the large

population of lizards found here. As a result the proposed E3 zone is intended to provide a greater level of protection by restricting the permissible land uses and heightening the zone objectives.

4. Three threatened species were recorded, all of which inhabit open farming land in winter when they were recorded; these are the Flame Robin, Scarlet Robin and Spotted Harrier.
5. The following species, recorded in the locality, appear not to be present in the areas most likely to be able to be developed: Superb Parrot and Golden Sun Moth.
6. Only limited trees with hollows occur in the paddocks across the more level land in the far west. These trees have some value to native hollow-using animals, but are few in number (13 live trees) and quite scattered and isolated across the landscape. Most are stringybarks where hollows have been created by wind thrown branches. Many more hollow-bearing trees are present in the gorges of the river and creek.

How the conservation of the ecological values will be addressed by the Planning Proposal?

The conservation of the ecological values is addressed in the Conservation Corridor Environmental and Planning Response Matrix (Appendix 3). The Matrix outlines the planning response to the Conservation Corridor, including how ecological, cultural, heritage and landscape values will be protected and conserved in the adjacent conservation/urban edge interface. A summary of the proposed planning responses included in the Matrix include:

1. The adoption of an E2 Environmental Conservation zone coinciding generally with the Ginninderra Falls and surrounds – see also proposed land use zoning map at Figure 15. The use of an E2 zone acknowledges and ensures a greater level of protection than the current E3 zone. The proposed objectives of the proposed E2 zone are as follows:
 - To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
 - To prevent development that could destroy, damage or otherwise have an adverse effect on those values.
 - To protect the environmental and cultural values of the Murrumbidgee River, Ginninderra Creek and Ginninderra Falls by restricting development that may have an adverse impact on those values.
 - To provide for land management practices consistent with enhancing and protecting the ecological and cultural values of the land.
2. The recognition and protection of the ecological values of the land confirmed by studies undertaken subsequent to the adoption of the current E3 zoning and the previous 7(e) Environmental Protection (Scenic) zoning under the Yarrowlumla Local Environmental Plan 1993 through the adoption of a modified E3 zone boundary.
3. To further protect the ecological values of the land, the proposed limitation of permissible uses in the E2 zone. The range of permissible uses will also be limited in the E3 zone, particularly when compared to the current range of permissible uses. This can only occur as a result of this Planning Proposal that recommends the adoption of a new principal LEP that allows for the inclusion of an E2 and E3 zones specific to Parkwood.

The current E3 zone permits uses which are arguably not consistent with the protection and conservation of the ecological values of the land. To achieve an improved environmental and planning outcome, the uses permitted with consent in the current E3 zone that are proposed to be removed from the Parkwood LEP E3 zone include:

- Bed and breakfast accommodation.
- Boat launching facilities.
- Camping grounds.
- Dual occupancies.
- Eco-tourist facilities.
- Extensive agriculture (being the production of crops, livestock grazing for commercial purposes, bee keeping and dairying).
- Farm buildings.

Horticulture (being the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes).

4. The inclusion of a conservation/urban edge interface which will ensure the potential impacts of urban development on the conservation lands is minimised. The *Guidelines for developments adjoining Department of Environment and Climate Change land* as issued by the NSW Department of Environment and Climate Change in May 2008, note the following issues should be considered in the establishment of a buffer:

- Erosion and sediment control.
- Stormwater runoff.
- Management implications, pests, weeds, edge effects.
- Fire and the location of asset protection zones.
- Boundary encroachments.
- Visual, odour, noise, air quality impacts and amenity.
- Threats to ecological connectivity.

The *Managing the Urban Edge – Discussion Paper December 2013* as prepared by the Conservation Council ACT Region, also states the following additional issues, that are expressed as principles in the Discussion Paper, are to be addressed by the proposed buffer:

- Introduced predators such as cats and dogs are a threat to ecological values.
- Sensitive fauna and conservation habitats abutting suburbs and housing developments should be protected from the impacts of domestic animals.
- Restrictions should be placed on domestic animals that have the potential to threaten biodiversity in natural areas.
- Ecological assets should be protected alongside lives and property.
- APZs should be incorporated within the urban footprint of the development wherever possible.
- APZs should be located outside areas of ecological value where there is a risk that hazard reduction measures will impact on those values.

The width of the buffer will vary depending on terrain and aspect.

5. It is proposed that a Conservation Management Plan will be adopted, separate to the Planning Proposal. The Conservation Management Plan's principles, which are referenced in the *Proposed West Belconnen Conservation – Options for Establishment and Management* by TRC Tourism Pty Ltd dated June 2014, include:

- Planning, including identification of natural and cultural values, and development of strategies for their protection. Strategies and actions (agreed with the relevant governments) for threatened species and ecological community management and restoration.
- Improving the overall environmental condition of the area and its provision for sustainable visitor use. This will include weed, pest and bushfire management, vegetation and habitat restoration and revegetation.
- Zoning for different uses and activities, particularly in relation to conservation and recreation purposes.
- A landscape approach that promotes connectivity between vegetation and habitat corridors, and other protected areas across the landscape, such as the adjoining Murrumbidgee River Corridor, Woodstock Nature Reserve and Ginninderra Creek.
- Adaptive management – which involves monitoring and review of reserve conditions followed by any necessary management changes to deal with identified issues.

6.4.4 Bushfire risk

An assessment of the bushfire risk has been undertaken by Ecological (Appendix 42). The purpose of the Strategy was to inform the Planning Proposal by providing a bushfire risk assessment of the proposed rezoning. The Strategy specifically addresses the following:

- Whether the statutory and policy requirements for bushfire protection in ACT and NSW are met by the structure plan.
- The extent to which best practice approaches to bushfire planning are achieved.

The existing and potential bushfire hazard and associated risk (post-development) has been assessed using the respective State and Territory bushfire planning provisions. This includes statements against the *Planning for Bushfire Protection Guidelines*.

The Planning Proposal involves the rezoning of land for urban purposes adjacent to the Murrumbidgee River and Ginninderra Creek corridors. The conservation lands in themselves will be a source of bushfire risk as well as ecologically sensitive lands. Given the diversity of the terrain and the scale of the proposed urban release, it will be important that the specific planning and design response to bushfire protection, including APZs, be site responsive and based on the neighbourhood structure planning to be undertaken as part of the proposed DCP. It is noted that the proposed conservation/urban edge buffer will incorporate the APZs within the land proposed to be zoned for urban purposes and not within the conservation lands.

How the bush fire risk will be addressed by the Planning Proposal?

The Strategy sets out a number of strategies in the form of planning controls to ensure that the risk of bushfire is reduced to an appropriate level and a level that meets the deemed to satisfy

protection requirements for NSW. The Strategy notes the following strategies to reduce the bushfire risk associated with the rezoning:

- Setbacks from bushfire prone vegetation (achieved through APZs).
- Fuel management within the APZ that is appropriate for the management of the Pink-tailed Worm Lizard habitat and the Yellow Box Blakely's Red Gum Woodland where relevant to the NSW lands.
- Integration of non-combustible infrastructure within APZs such as roads, easements and parking areas.
- Access and egress from the site through a well-designed road system.
- Underground electricity and gas services.
- Compliant water supplies.
- Emergency response planning.
- Interim APZs and perimeter roads provided for each stage of development.
- Special Fire Protection Purposes (SFPP) and more vulnerable development types are located further from the hazard.

It is noted that the *Planning for Bushfire Protection* does stipulate specific objectives for SFPPs in addition to the requirements for residential development.

6.4.5 Urban capability

The central part of the site sits across a broad gently undulating plateau, falling away on steep to moderate slopes to the Murrumbidgee River and parts of Ginninderra Creek. The undulating central parts of the land have no major topographical constraints to urban development.

The urban capability of the site has been assessed by Douglas Partners and a copy of the urban capability report is at (Appendix 12). The slope map prepared by Roberts Day at Figure 11 does identify areas where further specific design and siting of future urban development will be the subject of detailed master planning for the overall release and neighbourhoods. The detailed master planning will address the requirements for the provision of a DCP included as part of the urban release area clause in the Parkwood LEP.

The majority of the land is undeveloped and partially used for grazing purposes. The undulating parts of the property are mostly clear with a variable tree density primarily along gully lines and in the western half of the land. There is an existing quarry and associated earthworks and clearing on the northern part of the land. Douglas Partners note that extensive rock outcropping and/or cobbles/boulders sub-cropping are evident across the site. Uncontrolled filling is limited to farm dam wall construction and more broadly in some gully lines. This is evident on parts of Lot 4, DP771051 and south west of Parkwood Road. Site levels fall in variable directions away from a number of ridgelines and hill tops at grades ranging from near vertical in the river corridor to 1 in 40 with an overall fall to the west.

The urban capability report assessed the site from a geotechnical perspective to contain urban development. Development considerations that were tested included the existing geology and hydrogeology of the site, site stability, soil erosion, site preparation and earthworks, drainage and salinity measures. A summary of these measures is outlined in the Table 4.

A number of development constraints were identified that need to be further addressed during the detailed neighbourhood design and planning stages. The subdivision pattern, the location of roads and the timing of works will need to be considered to ensure that drainage and erosion is managed.

In summary, the geotechnical/urban capability assessment undertaken by Douglas Partners indicates that the majority of the land is suitable from a geotechnical perspective for residential development (Appendix 12).

How the geotechnical, land terrain and land characteristics will be addressed by the Planning Proposal?

The neighbourhood structure planning through the proposed required DCP will ensure a site responsive design and siting approach to development. The DCP will require the land terrain/slopes and geotechnical conditions to be considered in the:

- Layout of subdivisions.
- Arrangement and size of lots.
- Identification of practical buildable areas on lots.
- General density, typology and character of each neighbourhood.

In terms of the existing quarry, it is recommended that any assessment as to the future urban capability of the land be subject to:

- The determination of the nature of existing fill on site in terms of its depth, nature of the material and extent to which it can be rehabilitated.
- The determination of the extent to which the areas used for extraction have been rehabilitated and made suitable for urban development.
- The application of an additional local provision clause similar to clause 6.5 of the *Wagga Wagga LEP 2010* that states that “..development consent must not be granted for the subdivision of land to which this clause applies unless the consent authority is satisfied that:
 - quarrying activities have ceased permanently, and
 - the land has been adequately rehabilitated for the purpose of urban development”.

6.4.6 Heritage

A European Cultural Heritage assessment has been undertaken on the Parkwood lands by Eric Martin and Associates (EMA) - refer to *West Belconnen European Cultural Heritage Report NSW Land: Lot 1, 2,3 and 7* dated February 2014 and *West Belconnen European Cultural Heritage Report NSW Neighbours: Lot 4, 5,61 and 62* dated February 2013 (Appendix 48).

EMA's assessment from both reports concludes that there is no part of the NSW lands outside the proposed river corridor that meets the threshold of satisfying any of the criteria for listing on the NSW Heritage Register or the Heritage Schedule to the *Yass Valley LEP 2013*. EMA does however identify a number of elements that should be retained, interpreted and integrated into the future development. Those elements are:

- The western boundary of the Sturt/Campbell land.
- The alignment of the original access road to Parkwood/Kilby Park.
- Some tree planting along Ginninderra Creek to protect views from Parkwood/Kilby Park.
- Retention of vistas/views to distant ranges and the Murrumbidgee River valley.
- The ACT border alignment.
- The alignment of the access road to Cusack's Crossing.
- Retention of vistas/views to distant hills and mountain ranges, the Murrumbidgee River valley and Ginninderra Creek.
- Cusack's Crossing site.

The detailed master planning of the urban release will provide the basis for how these elements might be interpreted in the development of Parkwood.

An Aboriginal Cultural Heritage Assessment Report has been undertaken by Biosis (Appendix 27). The report identified sixteen Aboriginal Cultural Heritage sites during the field survey consisting of small artefacts scatters or isolated finds. In summary, and based on the predictive site models the report indicates the following statements as applicable to the study area.

- Open camp sites (artefact scatters) are likely to be the most common site types.
- Artefact scatters are most likely to occur on level or gently sloping well drained ground in association with major waterlines or drainage features.
- Larger sites will occur near the major water courses of the Murrumbidgee River or Ginninderra Creek.
- Isolated finds are likely to occur anywhere in the landscape.
- Scarred trees are likely to occur in all topographies where old growth trees survive, likely to occur as isolated trees.
- Rock shelter sites may occur wherever suitable rock outcrops exist.
- Burial sites are likely to occur in land forms characterised by relatively deep profiles of soft sediments such as sand and alluvium and on hill tops. The rolling hill high tops of the study area may be suitable for burials.

Together with the sites identified, the report confirms that a search of the OEH Aboriginal Heritage Information Management System data bases identified five Aboriginal archaeological sites within the study area and a 1 km buffer centred on the study area.

Consultations by Biosis have taken place with the Aboriginal community in accordance with the process outlined in the OEH document, Aboriginal cultural heritage requirements for proponents 2010. Ten Aboriginal organisations registered an interest in the project.

In summary the Biosis report makes the following recommendations:

- Continued consultation with the registered Aboriginal parties.
- Application for an Aboriginal Heritage Impact Permits (AHIP) for the identified Aboriginal sites WB1 – WB16. These sites should be collected, subjected to analysis and relocated to an agreed place within the Conservation Area of the Project Area to maintain their “connection to country”.
- Impacts to area of potential archaeaeological deposit (PAD) should be avoided. If the two areas of PAD are to be impacted a program of sub surface investigation is required to determine the presence, extent and significance of any sub surface deposits.
- Sites located within the Conservation Area (corridor) are not to be impacted. In the event of any future action impacting on these known sites further assessment of the impacts and application for an AHIP may be required.
- The area of the Ginninderra Creek has been assessed as holding high potential for heritage sites. Any development that occurs in this area should be subject to sub surface testing within the development footprint to avoid damage to the archaeological record.
- Finding of low potential for cultural heritage sites or deposits across remainder of development area – proceed with caution.
- Due to the nature of the archaeological record it is possible that additional cultural heritage sites exist within Ginninderry which were not located during the planning field survey. As a result the Registered Aboriginal Parties (RAP) have requested that a cultural heritage induction should be included in the induction package for all construction workers.
- All Aboriginal objects and places are protected under the *NSW National Parks and Wildlife Act 1974*. It is an offence to knowingly disturb an Aboriginal site without a consent permit issued by the OEH.
- Relics are historical archaeological resources of local or State significance and are protected in NSW under the Heritage Act 1977. Relics cannot be disturbed except with a permit or exception/exemption notification.

In addition to the above, an Aboriginal cultural values assessment has been undertaken by the Waters Consultancy specifically aimed at identifying intangible cultural values through consultation with identified knowledge holders, and associated historical research. Areas of high Aboriginal cultural heritage significance have been identified and the boundary of the Conservation Corridor has been adjusted to ensure that all of the areas that have been identified are contained within the E2 and E3 zones. Management arrangements for these areas will be developed in consultation with the knowledge holders to ensure that accessibility to and use of these areas is culturally appropriate. In some cases this may require limitations on public access. A full copy of the Aboriginal cultural values assessment report is confidentially held by OEH due to cultural sensitivity and site security purposes.

6.4.7 Flood

The 1 in 100 year (1% probability) flood line has been plotted by Jacobs consultants along Ginninderra Creek together with the precaution of a one metre “freeboard”. The flood line as illustrated by the site conditions map at Figure 13, reflects the varying terrain along the Creek banks with the wider ‘flood plain’ at the upper reaches (eastern end) of the land. As the Creek flows west to north west, the terrain is considerably steeper dissecting the granite hill slopes with flooding largely confined to the existing channel beyond the extent of land suitable for urban development. A more detailed flood study accounting for the broader upstream catchment within the ACT has since been prepared and is attached as Appendix 43 to the Planning Proposal. In terms of the Murrumbidgee River, the steep nature of the corridor slopes confines flooding to the area to be set aside for conservation purposes.

The 1% probability flood line plus a one metre freeboard has been adopted as the Flood Planning Level and the limit on the extent of urban development through the proposed rezoning of land to R1 General Residential. The flood line as illustrated by the site conditions map at Figure 13, reflects the varying terrain along the Creek banks with the wider ‘flood plain’ at the upper reaches (eastern end) of the land. As the Creek flows west to north west, the terrain is considerably steeper dissecting the granite hill slopes with flooding largely confined to the existing channel beyond the extent of land suitable for urban development.

How will the flood characteristics of the site be addressed by the Planning Proposal?

The flood study by Jacobs Consulting provides the basis for the identification of the flood planning level (FPL) and in turn the limit on the extent of urban development. The land below the FPL is proposed to be zoned E3 Environmental Management and dedicated to the proposed Conservation Trust.

6.4.8 Hydrology

The hydrology of the site is unique in that the development area is located on a plateau perched above the Murrumbidgee River with multiple watercourses draining the site either to the Murrumbidgee River or to Ginninderra Creek requiring a decentralised WSUD strategy. Each of these watercourses between the development and Murrumbidgee River run through the river corridor reserve down steep terrain to the river for some distance up to several kilometres in some cases. The watercourses to Ginninderra Creek are more gentle with the development boundary being in close proximity to the creek.

How will the hydrological characteristics of the site be addressed by the Planning Proposal?

The WSUD Strategy notes the following water design principles for Parkwood as part of the wider Ginninderry urban release:

1. Water Neutral Community – The minimising of potable water demand and wastewater discharges into the Murrumbidgee River and mimicking predevelopment hydrology of the site.
2. The City is not your catchment – The harvesting/using of stormwater as an alternative water source and deploying sensible onsite rainwater capture and use on blocks.
3. Make the landscape work –The use of functional landscapes for stormwater treatment, microclimate management, biodiversity/habitat, soil carbon, carbon sequestration, passive cooling, irrigated public open space to maintain soil moisture, vegetation health and groundwater recharge.

4. Produce the food you consume – The use of wastewater and stormwater to support urban planning and food production.
5. Make the cities work for waterways – The reducing of pollution to waterways, repairing riparian corridors and reducing sewer overflows.

6.4.9 Parkwood Egg Farm

The existing Parkwood Egg Farm is located within the ACT to the south east of the Parkwood lands. The farm is located on land with a limited lease from the ACT Government of up to 2033. An odour study of the poultry farm has been undertaken by Consulting Environmental Engineers (Appendix 44). The report references the relevant NSW and ACT standards together with a review against the Victorian standards. The report notes that the “Technical Framework” – Assessment of Odour from Stationary Sources in NSW provides a policy framework for assessing and managing activities that emit odour and offer guidance on dealing with odour issues.

However, without site specific information on the operation of the Parkwood Eggs facility or its odour emissions, it is not possible to undertake an odour impact assessment described in the “Technical Framework”. Accordingly the report recommends a buffer zone based on the experience with other egg farms and broiler farms, the recommendations from various state guidelines for Poultry Facilities and the *Australian Egg Corporation Buffer Guidelines*.

How will the poultry farm be addressed by the Planning Proposal?

It is understood that the lease of the egg farm will have expired and the egg farm relocated before the urban development of the land within the designated Planning Buffer Zone occurs. Nevertheless, it is appropriate to designate and provide for the identified buffer as part of the Planning Proposal. It is the intention that this be achieved by applying a residential zoning with an ‘additional local provision’ in the LEP similar to the existing clause 6.9 – ‘*development within a designated buffer area*’ in the *Yass Valley LEP 2013*.

6.4.10 Contamination

Consultant research projects, including Phase 1 Environmental Site Assessments, have been commissioned to examine the Riverview and neighbouring land on the Parkwood Peninsula. The purpose of this assessment was to determine the extent, if any, of contamination that may be present. Isolated contaminated sites and areas of possible contamination have been identified. All identified sites will be investigated in further detail and remediated as part of the land development process.

A continuing program of site investigation will be conducted as the development proceeds, noting the long timeframe over which the development will occur.

6.4.11 Has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal has reviewed the proposed urban release in the context of a border adjacent community where many of the services and infrastructure will be provided via the ACT. The anticipated progressive release of land for development is illustrated at Figure 3. It is acknowledged that this raises a number of institutional and funding issues not normally associated with new urban releases. To address these border specific issues a number of supporting studies and analyses have been undertaken to support the Planning Proposal. They are:

- Service delivery assessment for the Ginninderry community by Elton Consulting.
- Funding and delivery options review by Dr Lindsay Taylor.

6.4.12 Service delivery assessment

The service delivery assessment review by Elton Consulting demonstrates how the Planning Proposal is consistent with the applicable Threshold Sustainability Criteria, relevantly Criteria 1: Infrastructure Provision and Criteria 8: Quality and Equity of Services. The service delivery assessment is based on input from both Yass Valley Council and the cross border senior planning officials working group. A servicing matrix has been prepared to assess the following:

- Service delivery options, preferences and issues.
- The preferred or agreed service delivery approach.
- The next stages in terms of resolving details of the service delivery options.

The matrix assessment addresses:

1. Rates and charges.
2. Residential waste and recycling.
3. Residential water and sewer.
4. Electricity and gas.
5. Roads and street lighting.
6. Parks and open space.
7. Fire, rescue and ambulance services.
8. Policing.
9. Development assessment.
10. Schools.
11. Libraries.
12. Child and family care.
13. Health services.
14. Integrated planning and reporting.
15. Ranger services.
16. Companion animals.

The service delivery assessment adopts the following series of principles to guide service delivery.

Service delivery principles

- Ensure that Ginninderry looks and feels like a cohesive borderless community.
- Prepare and implement a consistent master plan and associated development controls for the Ginninderry community on both sides of the border.
- Recognise residents of Ginninderry will be represented in local governance processes in both NSW and the ACT.
- Provide appropriate community governance arrangements to enable Ginninderry 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 NSW Government or associated authorities, Yass Valley Council and/or the ACT Government.
- Ensure that Ginninderry residents and particularly those living in Yass LGA clearly understand the role 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.

6.4.13 Institutional arrangements

In addition to the service delivery assessment, Dr Lindsay Taylor of Lindsay Taylor Lawyers, has reviewed the potential cross border servicing and legislative framework. The review by Dr Lindsay Taylor is set out in Appendix 45.

6.4.14 Funding and service delivery mechanisms

A local heads of agreement has been prepared which sets out the intention and commitment of Riverview Projects (ACT) Pty Ltd, the ACT Government and Yass Valley Council for the provision and extent of local infrastructure and services. The local heads of agreement sets out:

- The land that will be covered by the local heads of agreement.
- The parties to the local heads of agreement and who will be responsible for the provision and delivery of infrastructure and services.
- The types of infrastructure and services to be provided. This includes the provision of public facilities (being roads stormwater, community facilities and open space), public utility infrastructure (being trunk water, electricity and sewerage infrastructure), and the dedication of the Conservation Corridor land.
- The mechanisms that the infrastructure can be provided, including works-in-kind, land dedication or a monetary contribution.
- Reimbursement mechanisms and arrangements for the Developer to ensure the cost of works incurred is reimbursed by other landowners with Parkwood.
- The requirement for Yass Valley Council to prepare a Section 94 Contributions Plan.

The local heads of agreement sets out the framework for a future voluntary planning agreement to be entered into once the full list of infrastructure and services to be provided in Parkwood is known, along with cost estimates and the standard of infrastructure to be provided.

As an urban release, there are a number of potential funding and service provision mechanisms to ensure the delivery of infrastructure and services. They are:

1. Voluntary (local) Planning Agreement entered into between the land developer and Yass Valley Council.
2. State Voluntary Planning Agreement between the land developer and the NSW State Government (Department of Planning and Environment).
3. Local Section 94 Contributions Plan.
4. S64 Developer Contribution Plans for water and sewer.
5. Conditions of development consent.

The funding and delivery mechanism may be a combination of a number of the above mechanisms to be determined in detail through the planning process. A copy of the draft Local Heads of Agreement will be provided under separate cover.

6.4.15 Urban release area provisions

The inclusion of urban release area provisions that:

Address arrangements for designated State and Territory public infrastructure. The objective of this provision is to require that satisfactory arrangements be made for the provision of designated State and Territory public infrastructure before the subdivision of land in a designated urban release area. Current similar provisions in other LEPs do make minor exceptions to this requirement.

Provide for public utility infrastructure. This provision will require that development consent is not to be granted unless Yass Valley Council is satisfied that any public utility infrastructure that are essential for the proposed development are available or that adequate arrangements have been made to make that infrastructure available when it is required. A Sewer and Water Concept Plan has been prepared that sets out how sewer and water services will be provided to Parkwood (Appendix 6). Further to the original sewer and water concept plan, Calibre Consulting have since overlaid the updated river corridor boundary on the original sewer masterplan which highlights one location only where the previously proposed trunk sewer main would run through the area added to the river corridor reserve. This new trunk sewer main alignment can be modified to ensure the trunk sewer is able to stay within the development footprint and outside the river corridor reserve by installing an additional section of micro-tunnel to avoid disturbance to the Corridor area. Calibre have now adopted that additional micro-tunnel as part of the sewer master planning for the project (see Appendix 47).

Require the preparation and adoption of a DCP. The objective of this provision will be to ensure that development in Ginniderry occurs in a logical and cost effective manner, in accordance with a staging plan and only after a DCP that includes specific controls has been prepared. Those controls are expected to include a staging plan for the timely and efficient release of the land, making provision for necessary infrastructure and sequencing.

6.5 Section D – State and Commonwealth Interests

6.5.1 Is there adequate public infrastructure for the planning proposal?

A review of the provision of public infrastructure has been undertaken and it confirms that there are satisfactory service, funding, institutional and governance arrangements to support a viable border adjacent community at Parkwood. Specifically, the following matters are relevant.

6.5.2 Ginninderry cross border service delivery assessment

As a border adjacent community it is acknowledged that a cooperative State/Territory and local government approach is necessary and critical to the physical provision of services and funding arrangements. These arrangements need to satisfy the relevant authorities and critically, Yass Valley Council as the Relevant Planning Authority, that the provision of services is viable and practical in terms of not only the physical provision, but also recurrent maintenance to an agreed standard. Such services need to address physical works and all necessary human services.

As referred to in section 6.3.3.3, a services delivery assessment has been undertaken by Elton Consulting as part of the *West Belconnen Urban Release NSW Position Paper* prepared by Knight Frank Town Planning (Appendix 9) and considered by the cross border senior planning officials working group. The services delivery assessment paper addresses what services need to be provided to support a viable border adjacent community and specifically delivery options.

6.5.3 Cross border senior planning officials working group

A cross border senior planning officials working group was previously been established for the expressed purpose of ensuring a coordinated approach to the planning and delivery of the whole of the Ginninderry urban release, including Parkwood. The working group comprises:

- Yass Valley Council.
- Department of Planning and Environment.
- Premier and Cabinet.
- ACT Government (ESDD planning agency).
- Chief Ministers Department.
- Land Development Agency.

6.5.4 Infrastructure and servicing legislative framework

In order to describe and identify legislative arrangements enabling the cross border delivery of infrastructure and services, Dr Lindsay Taylor of Lindsay Taylor Lawyers has prepared a *Discussion Paper on Infrastructure and Servicing Issues* (Appendix 45). The reference in the discussion paper to the West Molonglo Urban Development Project is a reference to the land now described as Ginninderry. As noted by Lindsay Taylor Lawyers, the purpose of the Discussion Paper is to discuss a suitable regulatory

planning framework within which infrastructure, facilities and services can be provided within the ACT and NSW in an integrated manner in connection with the development. Whilst some specific aspects of the Discussion Paper may require an update, the principles and discussion remain valid.

6.5.5

6.5.6 Community governance/administrative

In acknowledging the distance from Yass town as the administrative centre for Yass Valley Council, the service delivery assessment by Elton Consulting March 2014 outlines a range of community governance/administrative options for the provision of services and representation. This assessment has been considered by the cross border senior planning officials working group. In summary, the assessment notes the following:

a. Local governance in NSW

A review of local government structures and arrangements in NSW has been undertaken by the Independent Local Government Review Panel (ILGP). The ILGP preferred option was for Yass Valley to remain a stand alone Council. Elton Consulting assessment notes that “...Given Yass Valley’s existing and projected population, the Panel saw no need to to consider amalgamation with an adjoining local government area” (Eltons 2014).

The Elton Consulting assessment references the options of:

- Community boards.
- Section 355 Committees under the NSW Local Government Act.
- Place Management.

b. Suggested approach

The Elton Consulting suggested approach notes that the Parkwood community in NSW will vote in local government elections and be represented by local councillors. The population of the LGA, including the NSW proportion of the Ginninderry 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 Parkwood.

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 Parkwood **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 Parkwood 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 overall Ginninderry 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 Parkwood 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 a Parkwood 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 Parkwood 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 Parkwood residents, potentially through existing and future electronic media.
- Facilitating consultation with Parkwood 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 Parkwood 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 Ginninderry 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.

This is the preferred approach that should be taken and the ultimate decision will rest with Yass Valley Council.

6.5.7 Utility service providers/Water and Sewage Services

Written confirmation has been provided by ACTEW Water by letters dated 13 March 2014 and 2 April 2014 (Appendix 38) noting that in terms of water supply *"...From our initial investigations based on information provided to us by EDD (Economic Development Directorate), we believe that supply of potable water to the entire planned developable area is technically feasible to meet the Actew Water's standards"*. In terms of sewerage services, Actew Water notes that *"...Aside from the legal and logistical issues of cross border sewerage connections, it is technically feasible to similarly (as with the ACT) accept sewage from the NSW section of the development, subject to the similar master planning and optimisation rigour (as the ACT section)"*.

It is noted that administrative, statutory and funding arrangements have to be secured and agreed to by Yass Valley Council as the relevant water and sewerage service provider for the Yass LGA.

6.5.8 Heads of Agreement

In order to show the intent and commitment of Riverview Projects (ACT) Pty Ltd to secure long term service provision of Parkwood, a local heads of agreement has been prepared. The local heads of agreement sets out:

- The land that will be covered by the local heads of agreement.
- The parties to the local heads of agreement and who will be responsible for the provision and delivery of infrastructure and services.
- The types of infrastructure and services to be provided. This includes the provision of public facilities (being roads stormwater, community facilities and open space), public utility infrastructure (being trunk water, electricity and sewerage infrastructure), and the dedication of the Conservation Corridor land.
- The mechanisms that the infrastructure can be provided, including works-in-kind, land dedication or a monetary contribution.
- Reimbursement mechanisms and arrangements for the Developer to ensure the cost of works incurred is reimbursed by other landowners with Parkwood.
- The requirement for Yass Valley Council to prepare a Section 94 Contributions Plan.

The local heads of agreement sets out the framework for a future voluntary planning agreement to be entered into once the full list of infrastructure and services to be provided in Parkwood is known, along with cost estimates and the standard of infrastructure to be provided. A copy of the draft Local Heads will be provided under separate cover.

6.5.9 What are the views of State and Commonwealth public authorities consulted?

Extensive consultations have been held with State and Commonwealth public authorities in the course of the preparation of the Planning Proposal and the preparing of the master plan. Consultation has included the following:

- Briefings to the Cross border senior planning officials working group comprising of Yass Valley Council; Department of Planning and Environment; Premier and Cabinet; ACT Government agencies, including Environment and Sustainable Development Directorate and Chief Ministers Department.
- Regular briefings with the Department of Planning and Environment.
- Input by State agencies to the three day planning and design forum.
- Briefings with the National Capital Authority.
- Liaison with the Commonwealth Department of Environment.

The advice and input from all public authorities both State and Commonwealth consulted have been taken into account in the preparing of this Planning Proposal. Based on the master planning, servicing assessment and planning studies so far, there is general support from the Local, State and Commonwealth authorities.

7 Mapping (Part 4)

The proposed amendments to the Yass Valley LEP 2013 are as indicated in Section 5.0.

Mapping has been prepared in accordance with the *Standard Technical Requirements for LEP Maps* issued by the Department of Planning and Environment. The draft maps that form part of the proposed amending of the Yass Valley LEP 2013 are set out in Section 5.0 of the Planning Proposal. The draft maps are as follows:

- Local Application Map
- Land Use Zoning
- Local Clause Map
- Minimum Lot Size Map
- Urban Release Area Map
- Natural Resources Biodiversity Map
- Additional Permitted Uses
- Land Reservation Acquisition Map

Should the Planning Proposal progress through the Gateway and plan making process, additional mapping may be necessary and for it to be prepared in accordance with the *Standard technical requirements for LEP maps*.

8 Community Consultation (Part 5)

As part of the overall integrated planning both sides of the state/territory border, a comprehensive program of public consultation has been and continues to be a key feature of the approach taken for the Ginninderry project. The following engagement strategies have been undertaken and that will continue on an ongoing basis include:

- Meetings and presentations with individuals and groups.
- Local community liaison.
- A people and places group.
- A community shop front and project office at Kippax in the ACT.
- A project web site.
- A range of social media connections.
- Newsletters.
- A community vision and values workshop.
- A three day planning and design forum.
- Community information and feedback sessions.

Should Council resolve to endorse the proposal and a Gateway determination is issued by the Secretary of the Department of Planning and Environment, then formal consultation and exhibition of the Planning Proposal will occur.

The minimum requirements and process for consultation are established within the *EP&A Act 1979* and are discussed in Part 5 of the *A Guide to Preparing Planning Proposals* (Department of Planning and Environment, August 2016).

It is noted that public exhibition of the planning proposal is generally undertaken in the following manner:

- Exhibition in a newspaper that circulates in the area affected by the planning proposal.
- Exhibition on the website of the Relevant Planning Authority.
- Exhibition in writing to affected and adjoining landowners, unless the planning authority is of the opinion that the number of landowners makes it impractical to notify them.

During the exhibition period, the following material is to be made available for inspection:

- The planning proposal, in the form approved for community consultation by the Gateway determination.
- The Gateway.
- Any information or technical information relied upon by the Planning Proposal.

Proposals that are considered to be of low-impact are to be exhibited for a minimum of 14 days, whilst all other proposals are to be exhibited for a minimum 28 days. It is assumed that the Planning Proposal will be exhibited for a minimum of 28 days.

9 Indicative Project Timeline (Part 6)

Assuming the Planning Proposal is endorsed by Council, the timeframe for the consideration and completion of the Planning Proposal is dependent upon a number of variables including:

- Council's consideration of the proposal and need or otherwise for additional information.
- The need or requirement for referrals to any relevant Government agencies.
- The extent and duration of any community consultation.

It is expected that the extent of consultation that has occurred prior to the submitting of the Planning Proposal together with the number of studies already undertaken should assist in limiting the overall timeframe.

The Department's *A Guide to Preparing Planning Proposals* (August 2016) requires an indicative project timeline to be included with the Proposal. This is provided below it assumes Council's endorsement of the Proposal and issue of a revised Gateway determination by the Minister (or delegate) for Planning.

Stage	Estimated timetable
Consideration by Council of planning proposal	October 2017
Referral to Department of Planning and Environment for revised Gateway Determination	November 2017
Anticipated commencement date (revised Gateway Determination)	February 2018
Timeframe for completion of any further technical information	May 2018
Timeframe for any government agency referrals	May 2018
Referrals and need for additional technical information	July 2018
Formal exhibition/community consultation and agency consultation	July 2018
Timeframe for consideration of submissions and consideration of Proposal post exhibition	September 2018
Timeframe for submission to Department to finalise LEP following endorsement by Council	December 2018
Anticipated date the RPA will make the plan	Delegate not known
Anticipated date RPA will forward to the Department for notification	February 2019

10 Conclusion

The Planning Proposal provides for a properly planned and strategic outcome for land that is most appropriately developed for urban purposes together with provisions for the retention and management of the important conservation lands.

The proposed community on both sides of the State/Territory border will share many mutual interests across the two jurisdictions. Those mutual interests are not regarded as barriers to development or a community in NSW, rather the servicing and funding review confirms that there are administrative and funding solutions to sustain a viable border adjacent community.

In establishing how Parkwood fits in terms of the wider strategic setting of Yass Valley and the 'border region' with the ACT, a review has been undertaken of the proposal against the local (Yass Valley) and regional (NSW Government) policy framework with particular reference to the Threshold Sustainability Criteria within the *Sydney to Canberra Corridor Regional Strategy*. That strategic merit review whilst acknowledging that Parkwood falls outside the current and anticipated local and regional settlement framework, confirms that Parkwood is justified and supportable in terms of satisfying the planning principles for where new settlements should occur irrespective of the state/territory border.

Master planning for the overall NSW/ACT release has been undertaken to ensure a whole of development approach irrespective of jurisdictional boundaries. The master plan has been the result of a significant collaborative and iterative design process inclusive of Yass Valley Council, NSW and Territory Governments and local residents. The master plan has principally informed the proposed rezoning on both sides of the State/Territory border. The master plan together with the significant number of supporting studies confirm that the site is capable of urban development within the environmental and natural resource limits of the site and capable of being serviced in a sustainable manner.

Parkwood is a Planning Proposal that is able to be justified in terms of both its strategic and site specific merits.

