

6.6 PLANNING PROPOSAL - LOT 2 DP1144979 WALLAROO ROAD, WALLAROO

SUMMARY

To present a report on a draft Planning Proposal seeking an amendment to the land use zoning under the Yass Valley Local Environmental Plan 2013 for Lot 2 DP1144979, Wallaroo Road, Wallaroo.

RECOMMENDATION

That:

1. *The Planning Proposal for Lot 2 DP1144979 Wallaroo Road, Wallaroo be endorsed.*
2. *The draft Planning Proposal be forwarded to the Minister for Planning to request a Gateway determination pursuant to s3.34 of the Environmental Planning and Assessment Act, 1979*

FINANCIAL IMPLICATIONS

Resources for the assessment of planning proposal are provided for in Council's Fees and Charges.

POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- *Yass Valley Local Environmental Plan 2013*
- *Local Strategic Planning Statement*
- *South East and Tablelands Regional Plan 2036*
- *Draft South East Tablelands Regional Plan 2041*

REPORT

1. Background

Council has received a Planning Proposal seeking an amendment to the Yass Valley Local Environmental Plan 2013 (LEP) to rezone Lot 2 DP1144979 Wallaroo Road from RU1 Primary Production to C3 Environmental Management. The Planning Proposal seeks to preserve the biodiversity conservation values existing on part of the lot in accordance with the Environmental Protection and Biodiversity Conservation Act (EPBC Act) approval requirements being the West Belconnen SA024 EPBC Approval. **Attachment A** shows the location of the subject site and **Attachment B** is the West Belconnen SA024 EPBC Approval. **Attachment C** is the planning proposal.

2. Planning Proposal

The subject land is approximately 86ha in area bounded by the NSW/ACT border west of the Bicentennial National Trail and Gooromon Ponds.

The land is required as part of a biodiversity offsetting process for an EPBC Act approval granted in 2017 for the development of the West Belconnen development area (known as Ginninderry). The EPBC approval included a condition of consent that required the subject site to be rezoned to C3 Environmental Management (previously known as E3 Environmental Management zoning) due to the significant biodiversity values of this site. The EPBC approval required 33.1 ha to be preserved as Golden Sun Moth habitat which would be met via the outcome of this Planning Proposal.

Furthermore, the Planning Proposal also seeks to amend Schedule 1 of the LEP to enable an additional permissible use (APU) for 'electricity generating works' and an associated access road on part of the site. At this stage the planning proposal only intends to set aside this land for a potential substation, and there is no certainty that this site will be used for this purpose. Whilst the provision of a substation was not a requirement of the EPBC Approval, it is proposed to secure a site for a potential future substation for TransGrid. This will make provision for the potential relocation of the existing TransGrid substation from North Belconnen. In order to access the potential future substation site, it will be necessary to

gain access via the ACT. It is anticipated that this would be via an unsealed existing track through the suburb of Dunlop. ACT Parks and Conservation, as custodians of the land where the unsealed existing track is located, have provided in principle support for this to occur which has been included as part of the Planning Proposal.

It should be noted that pursuant to the provisions State Environmental Planning Policy (Transport and Infrastructure) 2021 an electrical substation is permissible in any zone. Accordingly, the planning proposal reaffirms what is permissible in the current and proposed zone and provides certainty into the future by explicitly providing for an electrical substation on the site as an APU.

The subject site at approximately 86.8ha, is greater than the area required to be preserved under EPBC approval with the potential substation location being on that part of Lot 2 which is not identified to have biodiversity values. It is anticipated that an area of not greater than 19ha be included in the APU for the provision of 'electricity generating works' (herein referred to as a substation) as development that requires development consent. The provisions of the APU will include a requirement that the site is to be adequately serviced by a vehicular access and must not have any adverse impact on the areas of high biodiversity value.

3. Site Analysis

The site and surrounding area are zoned RU1 Primary Production in the LEP. The site is currently vacant and not used for agricultural production. The site is an isolated parcel and has no direct formal road access. There is an existing dirt track through ACT lands that provides informal access to the site. Gooromon Ponds, which are a tributary of the Ginninderra Creek, form the north, east and west borders of the site. There is an existing 330kV and 132kV TransGrid easement for transmission lines in the southern part of the site close to the NSW-ACT border.

A State Significant Development of a solar farm has recently received consent for land to the west of the site. The solar farm will have a capacity of 120MW and will include an onsite substation and battery storage facility with capacity of up to 45MW/90MWh.

The site contains some areas of high to very high diversity of native grass and forb species, some areas of potential Golden Sun Moth restoration potential, some of which are constrained by EPBC Act (National) and Biodiversity Conservation Act 2016 (BC Act) (State) provisions. The placement of the proposed substation has been chosen to actively avoid these areas to be positioned in an area with limited biodiversity values. Consultation with Department of Climate Change, Energy, the Environment and Water during the scoping phase indicated that identified high value areas be avoided, any future State Significant Development will automatically require a full Biodiversity Development Assessment Report and additional surveys will be required for the Delma Impar Striped Legless Lizard prior to any development.

The site is bushfire prone and a bushfire assessment report forms part of the Planning Proposal. The report recommends that at the time of development of a future substation a static water supply for fire fighting operations will be required and a defensible space be provided around infrastructure and buildings to reduce the expected level of radiant heat.

4. Strategic Planning Assessment

The Planning Proposal is not the result of any strategy or strategic study, rather is required to meet the biodiversity offset requirements of the EPBC approval. The proposed change of zoning limits the potential uses of the site and reduces its development potential, thereby preserving the biodiversity values and protecting the area of remnant vegetation. The addition of a substation as future development potential on an identified part of the lot only safeguards the environmental values whilst facilitating the ability to safeguard future energy supply to the region.

It is considered that the Planning Proposal is consistent with the draft South East and Tablelands Regional Plan 2041 and South East and Tablelands Regional Plan 2036 which provides strategies to manage the region's growing centres and population:

Draft South East and Tablelands Regional Plan 2041

- Objective 5 – Protect important environmental assets

The land has been identified as potential Golden Sun Moth restoration area with significant biodiversity values including those listed under National and State legislation of EPBC and BC Acts respectively. The proposal involves the rezoning of the entire site from RU1 Primary Production to C3 Environmental Management recognises the important biodiversity of the site and thereby limits the uses that are permissible on the site.

- Objective 6 – Enhance biodiversity habitats and the connections between them

Strategy 6.1 includes “focus offsets from approved developments to regional biodiversity corridors, where possible”. The proposal is to rezone the site to meet the requirements of the EPBC Approval which permitted the approval of the Parkwood Urban Release area for development.

South East and Tablelands Regional Plan 2036

- Direction 14 - Protecting Important Environmental Assets

The proposal sets aside areas of the site as Golden Sun Moth Restoration areas and allows for future regional infrastructure development whilst avoiding areas of high biodiversity values.

- Direction 15 – Enhancing biodiversity connections

The proposal seeks to implement the requirements of the EPBC Approval and preserve areas of high biodiversity values.

The proposal is outside the scope of the Yass Valley Settlement Strategy however it supports the development of the urban release area covered by Yass Valley Local Environmental Plan (Parkwood) 2020 in that it implements the requirements of the EPBC Approval that was issued to allow the urban release area to proceed. Furthermore, it is not inconsistent with the recommendations of the Settlement Strategy for the restriction of isolated and intensive urban development within 5km of the ACT border as the proposal restricts, rather than enables, intensive development and limits the variety of permissible uses. The proposal protects and enhances the biodiversity and environmental values of the site whilst still permitting necessary supportive infrastructure in a controlled and transparent manner by allowing a substation only with development consent and subject to locational and

The identification of a site suitable for a future potential substation and the inclusion of such as an APU in the LEP provides clear guidance and direction on the areas to be avoided and the additional studies required prior such a project proceeding.

5. Conclusion

The draft Planning Proposal is consistent with the provisions of the regional and local planning directions for the preservation and enhancement of environmental values and biodiversity connectivity. It is recommended that the Planning Proposal be endorsed and forwarded to the Minister for Planning and Public Spaces to request a Gateway determination. Council should seek delegations to make the amendment as the local plan making authority.

STRATEGIC DIRECTION

CSP Theme	Our Environment
CSP Strategy Objective	EN3: We have a robust planning framework that considers our rural character and natural landscapes
Strategies	EN3.2 - Future developments should complement existing settlement structure, character and uses and allow for the creation of legible and integrated growth
Delivery Program Action	Complete review of the Yass Valley Settlement Strategy 2036

- ATTACHMENTS:**
- A. Location Plan
 - B. West Belconnen SA024 EPBC Approval
 - C. Planning Proposal - Lot 2 DP1144979, Wallaroo Road, Wallaroo