



IRF25/1456

## Gateway determination report – PP-2025-610

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Wallaroo Road, Wallaroo

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# Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

## Contents

<b>1</b>	<b>Planning proposal.....</b>	<b>3</b>
1.1	Overview .....	3
1.2	Objectives of planning proposal.....	3
1.3	Explanation of provisions.....	3
1.4	Site description and surrounding area .....	4
1.5	Mapping .....	5
1.6	Background .....	6
<b>2</b>	<b>Need for the planning proposal .....</b>	<b>8</b>
<b>3</b>	<b>Strategic assessment .....</b>	<b>8</b>
3.1	Regional Plan .....	8
3.2	Local.....	8
3.3	Section 9.1 Ministerial Directions.....	9
3.4	State environmental planning policies (SEPPs) .....	10
<b>4</b>	<b>Site-specific assessment .....</b>	<b>10</b>
4.1	Environmental .....	10
4.1.1	EPBC Act approval/Strategic Assessment.....	10
4.2	Social and economic .....	12
4.3	Infrastructure .....	12
<b>5</b>	<b>Consultation.....</b>	<b>12</b>
5.1	Community .....	12
5.2	Agencies .....	12
<b>6</b>	<b>Timeframe .....</b>	<b>13</b>
<b>7</b>	<b>Local plan-making authority .....</b>	<b>13</b>
<b>8</b>	<b>Assessment summary .....</b>	<b>13</b>
<b>9</b>	<b>Recommendation.....</b>	<b>13</b>

**Table 1 Reports and plans supporting the proposal**

Relevant reports and plans
Draft Planning Proposal, Knight Frank Town Planning, 1 April 2025
Appendix A: Ecological Values and Constraints Assessment, Capital Ecology, 25 August 2021

Appendix B: Strategic Assessment Program Report, A T Adams Consulting, 18 April 2017

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Appendix C: Bushfire Report,

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Appendix D: Letters of Support, Various, June 2024

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Appendix E: Concept Access Plan, Egis Group, undated

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

<b>LGA</b>	Yass Valley
<b>PPA</b>	Yass Valley Council
<b>NAME</b>	Rezone land in accordance with the West Belconnen EPBC approval
<b>NUMBER</b>	PP-2025-610
<b>LEP TO BE AMENDED</b>	Yass Valley Local Environmental Plan 2013
<b>ADDRESS</b>	Wallaroo Rd, Wallaroo
<b>DESCRIPTION</b>	Lot 2 DP 1144979
<b>RECEIVED</b>	30/06/2025
<b>FILE NO.</b>	IRF25/1456
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- Preserve the biodiversity conservation values of part of the site in accordance with EPBC requirements, under the West Belconnen EPBC approval; and
- Secure a site for a potential future substation (electricity generating works and access road).

The objectives of this planning proposal are clear and adequate.

## 1.3 Explanation of provisions

The planning proposal seeks to amend the Yass Valley LEP 2013 per the changes below:

**Table 3 Current and proposed controls**

Control	Current	Proposed
Zone	RU1 Rural Landscape	C3 Environmental Management

Control	Current	Proposed
Minimum Lot Size	40ha	40ha
Additional Permitted Uses	n/a	Portion of the site to be identified for potential future use 'electricity generating works'

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

## 1.4 Site description and surrounding area

The site is located in Wallaroo and is legally known as Lot 2 DP1144979 (Figure 1). The site is 86.8ha and irregular in shape. The site is currently vacant and not used for agricultural production. Surrounding land is primarily rural and used for a variety of rural purposes.

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.

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 proposal has been approved by DPHI for the property to the west of the site for a solar farm that will have a capacity of 120MW, including an on-site substation and a battery storage facility with a storage capacity of up to 45MW/90MWh (SSD Application No. SSD-9261283).

The site is located in Wallaroo on the border of the ACT and NSW. South of the site, within the ACT is the West Belconnen Pond and associated Bicentennial National walking track, and further south is the existing residential suburb of Dunlop.



Figure 1 Subject site (source: Planning Proposal pg.10)

## 1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the maps, which are suitable for community consultation.

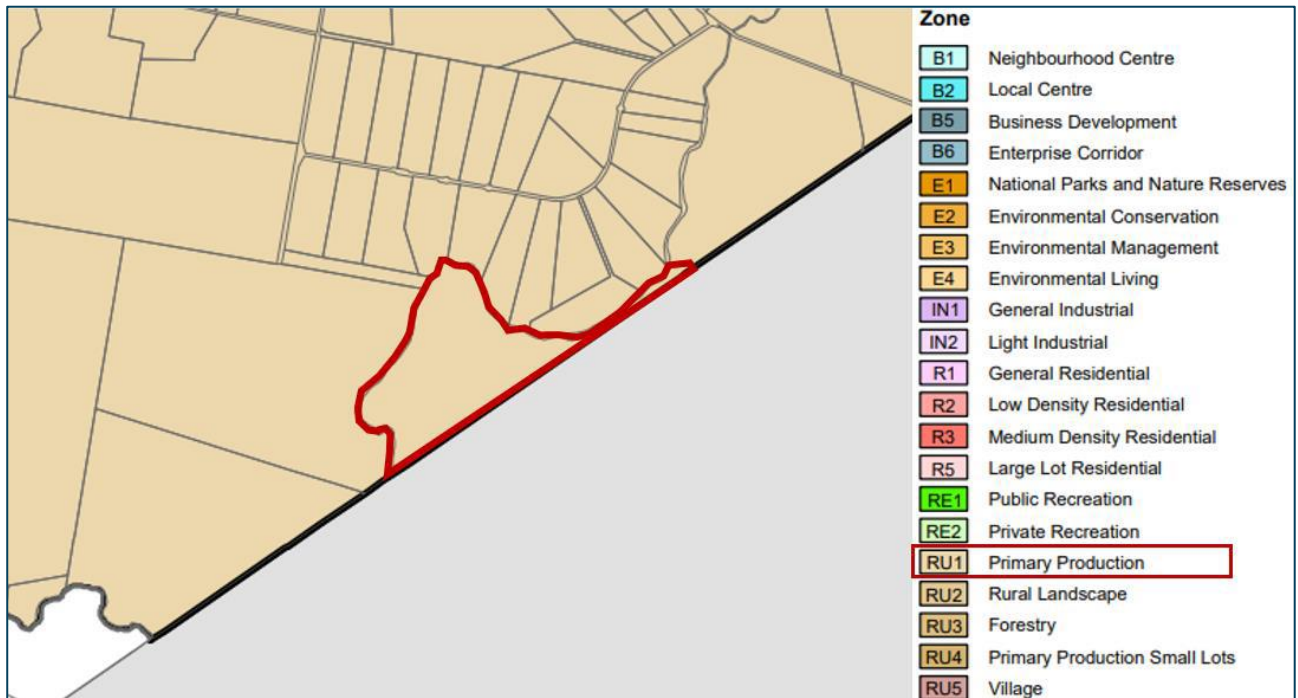


Figure 2 Current zoning map

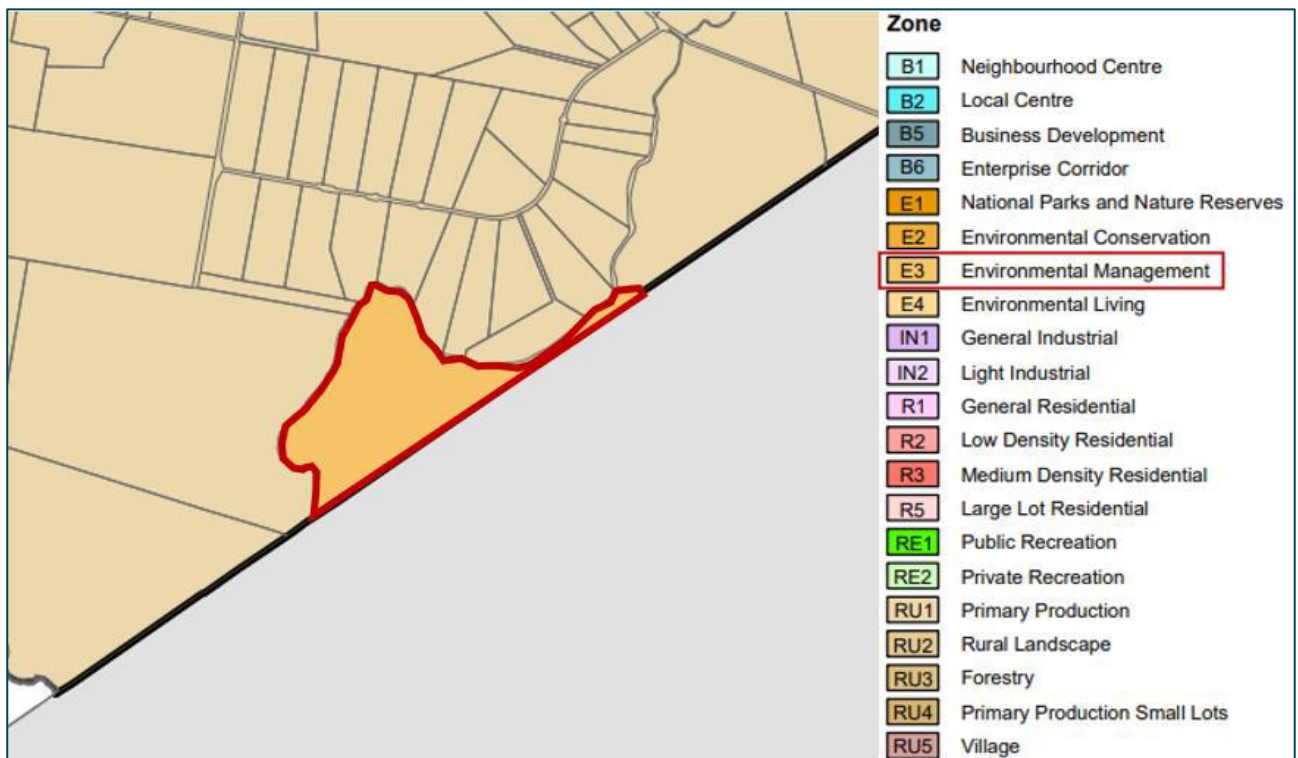
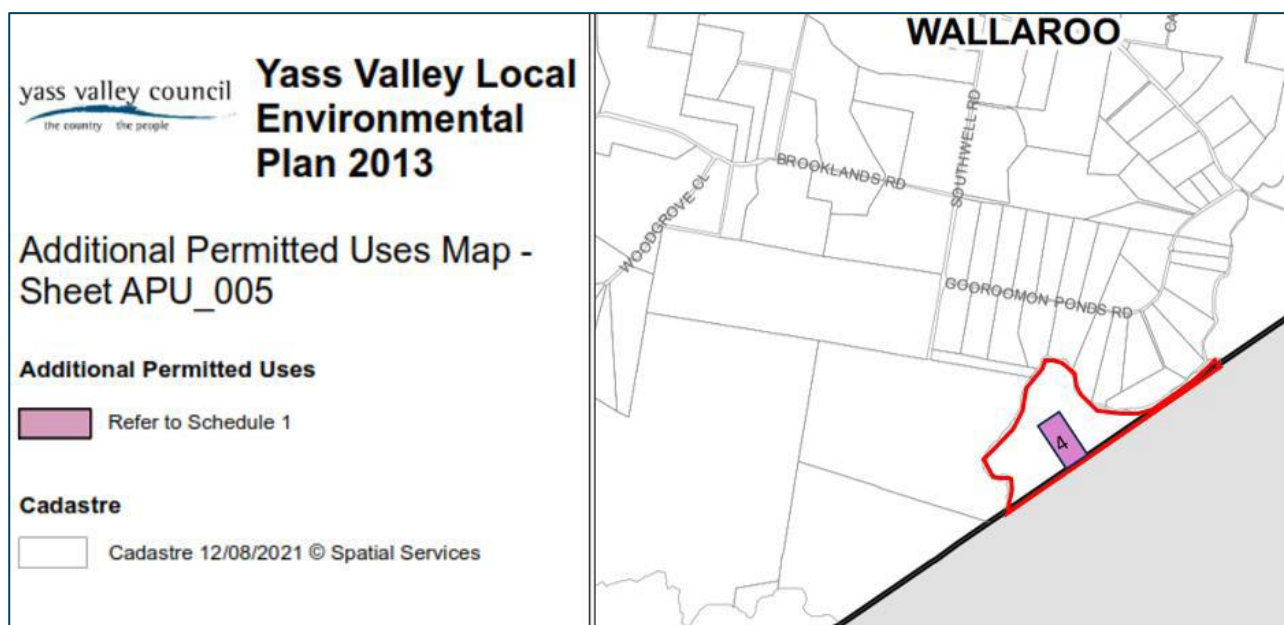


Figure 3 Proposed zoning map





**Figure 4 Proposed additional permitted uses map**

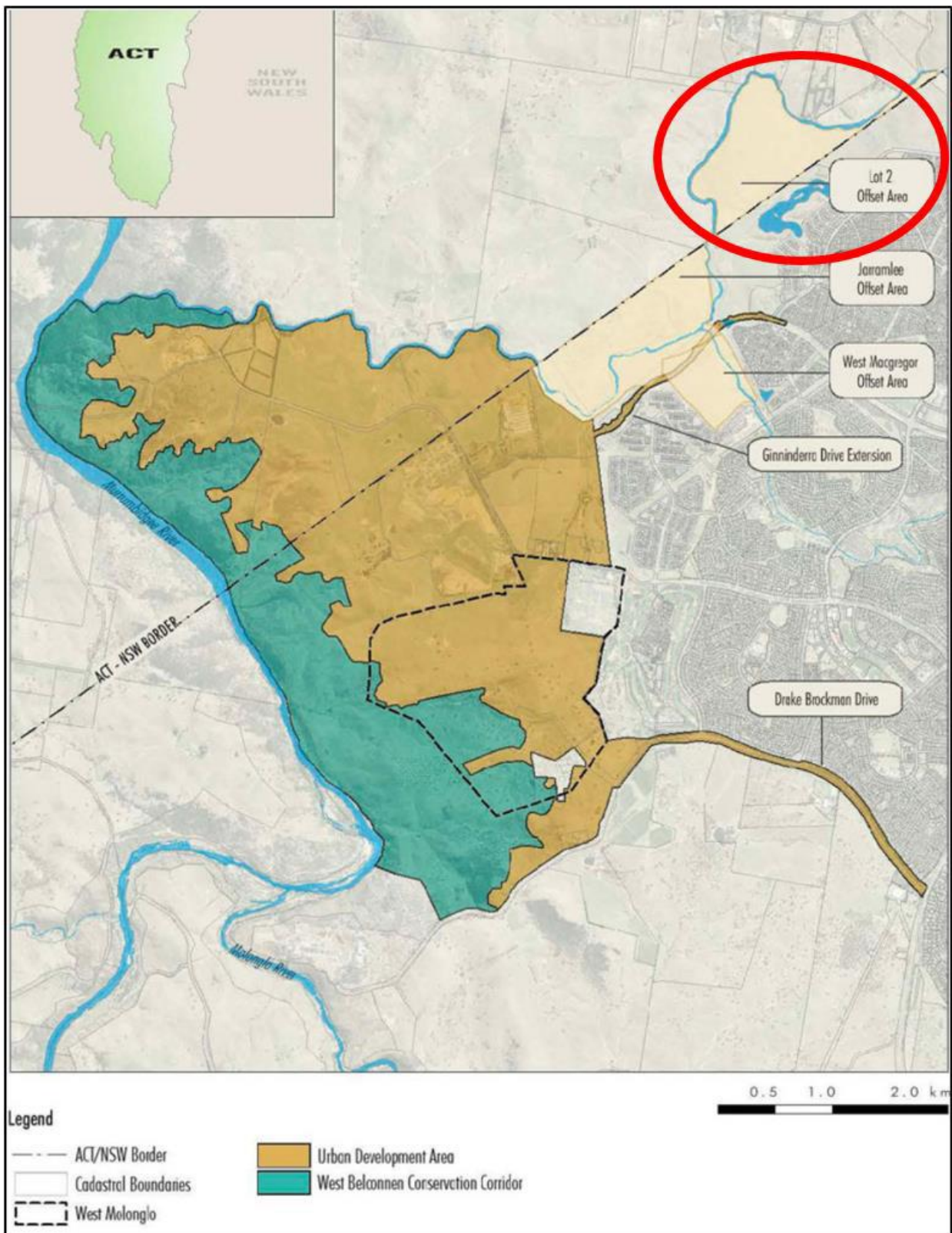
## 1.6 Background

The West Belconnen Strategic Assessment (SA024) approval was granted in September 2017 under Part 10 of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). The development area covers land within both the Australian Capital Territory (ACT) and New South Wales (NSW). This is now known as Ginninderry (Figure 5).

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. The EPBC approval included a condition of consent that required the subject site to be rezoned to C3 Environmental Management 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.





**Figure 5 Subject Site in relation to the Ginninderry Strategic Assessment Area, ACT and NSW**  
(source: Planning Proposal, pg.8)

## 2 Need for the planning proposal

The PP is not the result of any strategic study or report but is required to comply with the EPBC approval as an offset requirement.

The PP is the best way of achieving the aims and objectives of the EPBC approval. The PP will provide certainty for Council, the local community and the land owner as to the future intended use of the land.

## 3 Strategic assessment

### 3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the South East and Tablelands Regional Plan.

**Table 4 Regional Plan assessment**

Regional Plan Objectives	Justification
Draft South East and Tablelands Regional Plan 2041	The PP is consistent with objective 5 protect important environmental assets and objective 6 enhance biodiversity habitats and the connections between them, as the PP will protect important environmental features.
South East and Tablelands Regional Plan 2036	The PP is consistent with Direction 14 of protecting important environmental assets and Direction 15 of enhancing biodiversity connections, as the PP will create a diverse environment by interconnected biodiversity corridors.

### 3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

**Table 6 Local strategic planning assessment**

Local Strategies	Justification
Yass Valley Local Strategic Planning Statement (LSPS)	The PP is consistent with Planning Priority 4, which aims to “Protect and conserve the natural environment, built and Aboriginal cultural heritage of Yass Valley” as the PP will reserve land for environmental conservation.

### 3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

**Table 7 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Consistent	See section 3.1
3.1 Conservation Zones	Consistent	The PP will facilitate the protection and conservation of environmentally sensitive areas, as per the requirement of the EPBC Approval.  See section 4.1.1
3.2 Heritage Conservation	Consistent	The site is not mapped as containing any historical items, however a AHIMS search identified 8 potential Aboriginal items on, or in proximity to the site.  Any future DA would require a Heritage Report that details how the sites would be protected.
4.3 Planning for Bushfire Protection	Consistent	The site is identified as bushfire prone land. A Bushfire Report (Appendix C) has been provided to support the application. The report concludes that whilst the site is vacant no emergency plan is required. The report also identifies the proposed APU site as the most suitable for any future development as it is not impacted by environmental constraints and will allow for suitable defensible space without impacting on native vegetation.  The PP will be required to be forwarded to the NSW RFS prior to community consultation in accordance with the Act.
9.1 Rural Zones	Consistent	The site is to be zoned from rural to environmental and will not increase permissible density of the site.
9.2 Rural Lands	Consistent	The site is to be zoned from rural to environmental retaining its land value.  There is no change to the minimum lot size.  The environmental values of the site are being protected under the EPBC approval as a biodiversity offset.

### 3.4 State environmental planning policies (SEPPs)

The PP is consistent with all relevant SEPPs and will have no impact on the application of those SEPPs for any future development application over the site.

## 4 Site-specific assessment

### 4.1 Environmental

The site is identified as containing terrestrial biodiversity and biodiverse riparian land. The site was purchased in 2015 specifically to be used as an environmental offset area for urban development of the West Belconnen area, known as Ginninderry.

In 2014, the Australian Government and Riverview Projects (ACT) Pty Ltd agreed to a strategic assessment of a proposed development in the West Belconnen area of the Australian Capital Territory (ACT) and New South Wales (NSW). Strategic assessments are used to consider impacts to protected matters on a broad scale, safeguarding protected matters from the impacts of development over a long time. Actions covered by a strategic assessment do not need individual approval.

The West Belconnen (ACT/NSW) strategic assessment is finalised. This means the Environment Minister agreed to areas where development is allowed and implementation of the environmental commitments and conditions must be undertaken. Works are restricted to agreed developments in the program. The Australian Government has given the partnership approval until 2067 to complete the action and reporting requirements outlined in the Strategic Assessment and Program Report approval.

#### 4.1.1 EPBC Act approval/Strategic Assessment

The Strategic Assessment and Program Report [SA024](#) (Appendix B) was endorsed on the 18 July 2017 with the [original approval](#) granted on 1 September 2017. The program was amended on 15 November 2024 ([variation approval](#)).

The Approval required the following to be undertaken:

- Condition 7 - The approval holder must not commence construction of the Ginninderra Drive extension unless the Golden Sun Moth Conservation Reserves have been established in accordance with Section 4.2.3 and Actions 2 to 4 at Table 4 of the Program, for Jarramlee (52 ha) West Macgregor (37 ha) and Lot 2 Wallaroo Road (86.8 ha) to offset impacts to Golden Sun Moth.
- Condition 3 - The approval holder must ensure that the conservation outcomes species in Section 5 of the Program are achieved.

Section 5 of the Program outlines the following program of work, actions, management and funding arrangements, and commitments:

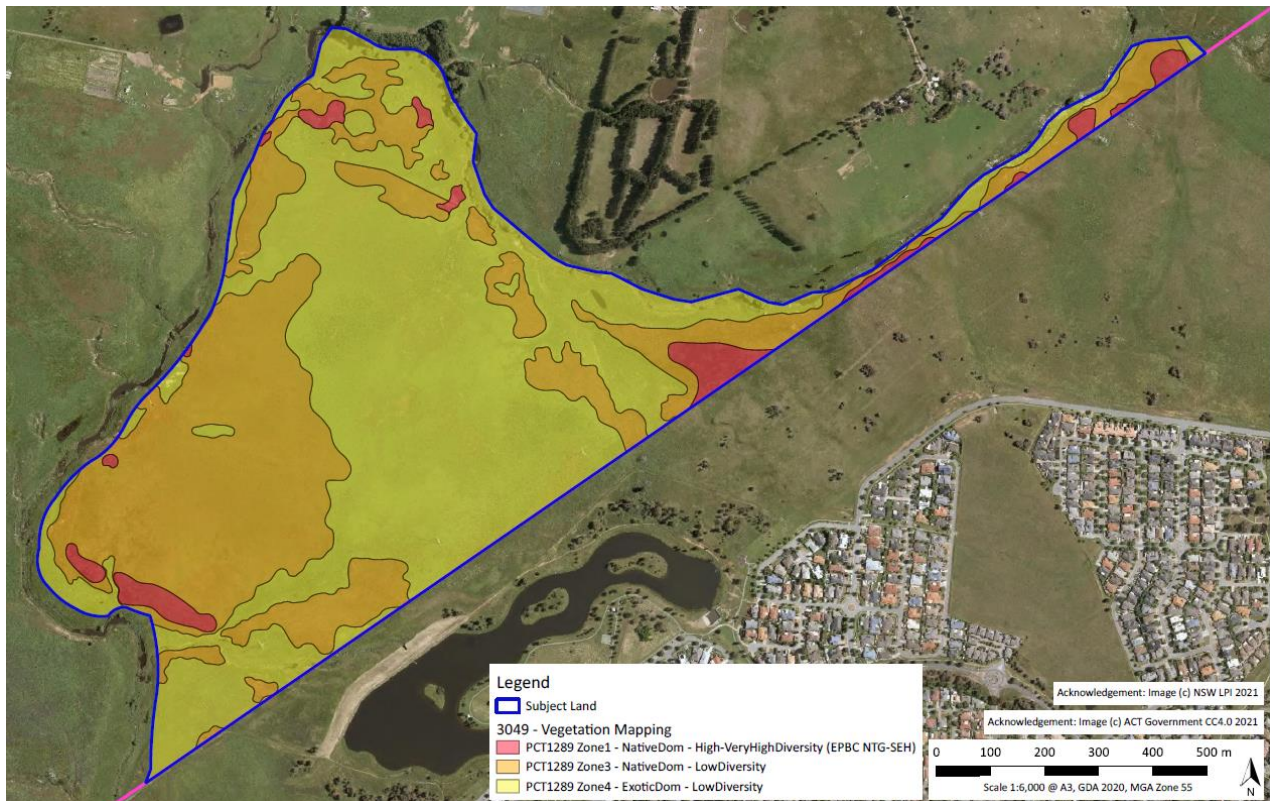
- Outcome 4 - Apply a conservation covenant requiring the long-term protection and enhancement of GSM habitat on lot 2 Wallaroo Road. Whilst the covenant will provide long term protection for the Wallaroo Rd offset area, further investigations should occur for the potential to rezone the land to E3 Environmental Management.
- Outcome no. 5 - the site to provide 33.1ha of GSM habitat (increased from 11.9ha recorded at the time of the assessment).

Accordingly, the PP is required to rezone the land to C3 Environmental Management in accordance with the EPBC Approval and the Strategic Assessment. The Approval requires that

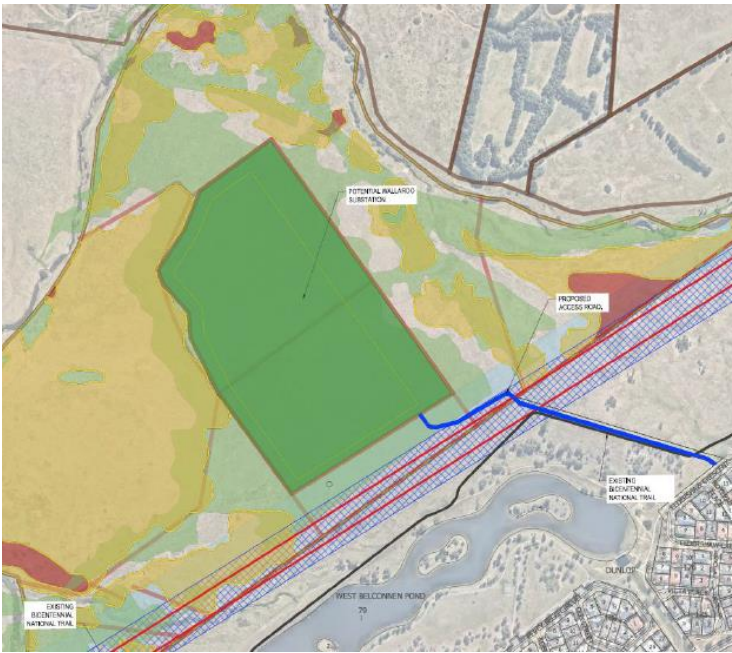


33.1ha of the total 86ha of the site be preserved for GSM habitat. As the whole site is not required for offset, the portion of land with the identified least environmental significance has been identified as suitable for a potential future substation.

Any future development proposed within the subject site would be classified as a State Significant Development (SSD) and would trigger the need for a Biodiversity Development Assessment Report (BDAR). The Ecological Values and Constraints Assessment (Appendix A) is the first step in this process and identifies the areas of high and low diversity, along with the areas containing exotic species (Figure 6). The areas with significant diversity are identified to be protected and rehabilitated where needed, with the exotic species area identified as the most suitable location for any future development. The area set aside for future development is 19ha total (Figure 6) resulting in the remaining 67ha being available for protection measures.



**Figure 5 Vegetation Assessment (Source: Ecological Values and Constraints Assessment pg. 24)**



**Figure 6 Identified suitable location for future substation (Source: Draft Planning Proposal pg. 18)**

## 4.2 Social and economic

The securing of a site for a future substation provides certainty that the site could be used for this purpose subject to necessary approvals being obtained. Ensuring a reliable power supply is consistent with meeting the needs of the local and regional community resulting in positive social and economic impacts.

## 4.3 Infrastructure

The PP does not create any additional need for essential services or infrastructure. The need for public infrastructure will be considered at the approvals stage should there be a requirement for a future substation.

# 5 Consultation

## 5.1 Community

The planning proposal is categorised as standard under the LEP Making Guidelines (August 2023). Accordingly, a community consultation period of 20 working days is recommended and this forms part of the conditions to the Gateway determination.

## 5.2 Agencies

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- NSW Rural Fire Service
- NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW)



## 6 Timeframe

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as standard

The Department recommends an LEP completion date of 22 May 2026 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

## 7 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan-making authority.

As the site/planning proposal is standard, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

## 8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The PP is consistent with local and regional strategic planning.
- The PP is considered to have strategic and site merit.
- The PP is in accordance with the EPBC approval related to development.

## 9 Recommendation

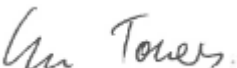
It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

- 1 Prior to community consultation, consultation is required with the NSW Rural Fire Service
- 2 Consultation is required with the following public authorities:  
NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW)
- 3 The planning proposal should be made available for community consultation for a minimum of 20 working days

Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 22 May 2026 be included on the Gateway.

The timeframe for the LEP to be completed is on or before 22 May 2026

 8/8/25

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