

5km NSW ACT Border Zone Planning Group Inc.

A non-profit Association of NSW ratepayers in the 5km area along the ACT NSW border.
Facebook @5kzplanninggroup, ccepl.com.au, 5kzplanninggroup@gmail.com



November 26, 2019

The NSW Minister for Planning, Industry and Environment
NSW State Parliament
PO Box 39
Sydney 2000

Issues of concern over the actions of the Yass Valley Council

Dear Minister,

The 5km NSW ACT Border Zone Planning Group Inc. would like to bring to your attention the problems that the Yass Valley Council will cause if the policy stated in the Yass Valley Settlement Strategy 2016 and the associated Draft Local Strategic Planning Statement is implemented.

Our concern is that these two documents that will form Council policy for the next 20 years will have long term negative effects on the environment, the economy and social amenity of Yass Valley Local Government Area (LGA). These two planning documents are not supported by the community nor will they achieve the best use of this very important land area to the immediate north of the ACT.

Councillors actions suggest that they are acting for personal gain, or out of ignorance, or are being guided in their decision making by developers. There are billionaires and the ACT Government involved in land speculation and development in Yass Valley who will make huge profits if Council's policy is implemented. It is understandable, but unacceptable that these wealthy people and the ACT Government will apply pressure to get Councillors to create policy that will protect profits.

A detailed outline of our specific concerns is given later in this letter. We believe that our concerns can only be addressed by the intervention of the Minister for Planning, Industry and Environment and possibly the Independent Commission Against Corruption.

We believe the Minister needs to take the following steps to protect community's interests in the future development of the Yass Valley Local Government Area:

1. Suspend the Yass Valley Council's decisions on the Parkwood proposal, the Yass Valley Settlement Strategy 2036 and the Draft Local Strategic Planning Statement until an independent investigation is carried out to determine the validity and legality of Councillor's decisions on future planning for Yass Valley.
2. Instruct Yass Valley Council to suspend all activities in support of developments that flow from the Yass Valley Settlement Strategy and the Parkwood proposal.
3. Ask the NSW Independent Commission Against Corruption to investigate individual Councillor's conflict of interest in Council's decision making.
4. Appoint an independent group of planners with no conflict of interest to consult with the community to determine a community supported vision for Yass Valley LGA and prepare a settlement strategy that will achieve that vision and the best use of the land.

For the past two years we have held community meetings, engaged with planning professionals and tried to have a logical conversation with the Yass Valley Councillors on planning for the LGA. Our input to the Yass Valley Council has largely been ignored so we have no other option than to seek Ministerial intervention into the conduct of the Yass Valley Councillors.

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We believe that the beneficiaries of the huge profits to be made from selected developments such as around Murrumbateman and Parkwood are shaping an anti-competitive and discriminating planning policy for Yass Valley

Below is a summary of our main areas of concern about the actions of Yass Valley Councillors.

1. Conflict of Interest – Councillors

The following table lists the Mayor's conflict of interest and actions in the production of the documents and subsequent adoption as policy by the Council.

Document	Status	Council Vote
Yass Valley Settlement Strategy 20136 (YVSS)	Approved August 2017	8 out of 9 Councillors voted for the motion to accept the Strategy. Mayor Abbey removed herself from the meeting due to declared conflict of interest. The Minutes of that meeting state that “..she is the owner of land and has relatives that own land potentially affected by outcomes of the Settlement Strategy”
Draft Local Strategic Planning Statement (LSPS)	Draft released for public consultation October 2019	5 Councillors including Mayor Abbey present at the meeting voted for the motion to release the document for public consultation. According to the minutes of the October 2019 Council meeting: “The draft Statement (is) based on Council’s Settlement Strategy..” Unless the Mayor’s conflict of interest had been totally removed, Mayor Abbey should not have been present for the vote on the LSPS. I that case there would not have been a quorum at the meeting for the vote on the LSPS.
Parkwood Planning Proposal	Approved October 2019	4 Councillors voted for the motion to accept the Parkwood proposal, Nathan Furry voted against the motion. The Parkwood Planning Proposal is part of the YVSS so the Mayor should have been absent on the vote for this motion. There would not have been a quorum for the meeting had the Mayor been absent for the vote on the motion.

The Mayor's conflict of interest and involvement in the planning for Yass Valley needs to be investigated.

They Mayor might have left the room when the Council voted on motion to adopt the YVSS during the August 2017 Council meeting, but the Mayor could have had a major influence in the content of the YVSS through the selection of the consultant to prepare the YVSS and the subsequent production of the YVSS.

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Also, the conflict of interest of one other Councillor who lives in or near Murrumbateman needs to be investigated. She has stated that she was the architect of the policy that will prevent competition for development around Murrumbateman from more attractive competing development closer to Canberra.

2. Conflict of Interest - Consultant who produced the Yass Valley Settlement Strategy

Elton Consulting engaged by the Yass Valley to produce the Yass Valley Settlement Strategy 2036 (YVSS) had close links with the developers of the Ginninderry/Parkwood proposal. Evidence of that close relationship was the video by the CEO of Elton Consulting on the Ginninderry/Parkwood website pointing out the virtues of the development.

The settlement strategy produced by Elton Consulting for Yass Valley supported the development of Parkwood but ruled out other competing development close to Canberra. That policy is clearly aimed at protecting the profit to be made from the Parkwood development.

There is no public record of an assessment of the conflict of interest of Elton Consulting in the production of the Yass Valley Settlement Strategy 2036.

3. Lack of a holistic approach to planning

In a letter to Council in September 2018, the Department of Planning and Environment advised Council to take a holistic approach to planning. This has not occurred.

The Yass Valley Settlement Strategy 2036 does not take a holistic view of the Yass Valley LGA. As a result, Council is approving ad hoc developments that are not integrated and that do not fit in an overall plan to manage the assets of the LGA. A prime example is Parkwood.

The Parkwood development is being isolated from Yass Valley through the creation of a separate Local Environmental Plan. There is no mention of integration of Parkwood into Yass Valley in the documentation produced by the Parkwood developers or Council.

There has been no attempt at a holistic approach to planning in Yass Valley. This lack of a broader view of the area will have long term negative consequences for the community that will be hard if not impossible to change in the future. The community will suffer in the long term, the developers and large land speculators will win in the short term. That is not good planning.

4. Discriminatory application of policy

The Yass Valley Settlement Strategy and the draft Strategic Planning Statement state that no development is to take place within 5km of the NSW ACT border. At the same time these documents support a 5,000-house housing estate in the most environmentally sensitive area in the 5km zone at Parkwood.

The justification for exempting Parkwood from the no development policy is feeble at best. It is based on a creek that is dry most of the year as a major physical obstacle to providing access to the rest of Yass Valley. Council has built many bridges much larger than what would be required to provide a direct road into Yass Valley.

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The other justification given for creating the separate LEP is that there are no direct road links to Yass. The reality is that the owners of land in Parkwood never go to Yass, so the lack of a direct road connection is irrelevant.

The philosophy used by the surveyors in defining the ACT boundary was to follow the ridge line so that the watershed into the Molonglo river was part of the ACT. The straight-line part of the boundary from Hall to the Murrumbidgee was drawn when the money ran out to pay the surveyors.

If any realignment of the ACT Border was to be made today based on the original philosophy, it would not follow the creek bed of the Ginninderra Creek as is being claimed by the developers of Parkwood and the Yass Valley Councillors.

The creation of a separate LEP that will be controlled by the ACT Government is effectively annexing part of NSW. There is no justification for that change nor has the broader NSW community been consulted.

The Parkwood proposal, adopted by 4 out of 9 Councillors at the October 2019 Council meeting is discriminating against the other landowners within the 5km zone along the NSW ACT border and the only logical explanation for allowing Parkwood to proceed is for the benefit of the profits to be made by the developers, including the ACT Government.

A policy that supports carving up the most environmentally sensitive areas along the border for a massive housing estate and claiming the rest of the 5km zone can't be developed for environmental reasons should be rejected.

It is not acceptable in our community to apply the laws of the land in a discriminatory way. Landowners in other parts of the 5km zone should be given equal opportunity to develop their land to the same standard as permitted in Parkwood.

5. Anti-competitive

The unstated purpose of the 5km zone along the NSW ACT border is to stop development that might compete with development in Parkwood, Murrumbateman and Yass. This is now enshrined in the Yass Valley Settlement Strategy 2036.

Other competing developments that would be in the best interests of the community should be included in any holistic approach to land management.

We live in a society where competition is recognized as beneficial to the community at large. Anti-competitive behaviour by a local government is not in the best interest of the community and is illegal.

6. Not acting in the best interest of the community

So far there has not been a study to determine what the community wants in the way of development to the immediate north of the ACT. The ratepayers of the 5km zone for example were not consulted on the creation of the 5km zone and the 20-year plan to limit any development to Parkwood.

A report by Jon Stanhope said that over 80% of ACT residents who responded did not want more high-density housing. Any demand for high density housing in Parkwood is therefore largely artificially

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generated by a very tight restriction on land available for housing in the ACT and no alternative housing land near Canberra.

The neighbouring Queanbeyan Palerang Council has clearly shown leadership in planning by supporting rural residential development within easy commuting distance of Canberra. The type of development and quality of the land management is in stark contrast to what the Yass Valley Council appears to be doing.

Very few people want to commute long distances for work or other services. Yass and Murrumbateman are too far from Canberra for most Canberra workers. The turnover of houses in Murrumbateman is a clear indication that people give up after a year or two trying to commute to Canberra even though housing is cheaper in Murrumbateman than most parts of Canberra.

The community demand for low density rural residential style housing is also clearly identified in the South East and Tablelands Regional Plan, Direction 25.

The Yass centric approach to development might have made sense if there was a source of employment in the area. Without a source of employment people in Yass and Murrumbateman would have to commute a long way to Canberra. That is both high risk and expensive and not what the community wants.

7. No vision for the area

Yass Valley Councillors actions demonstrated a lack of vision for the future of Yass Valley by accepting the Yass Valley Settlement Strategy 2036, a strategy with no foundation vision statement. While Councillors may be excused for not having the imagination and clear thinking to develop a vision, they should have at least consulted with the community to develop a vision for Yass Valley.

No logical or community accepted vision for Yass Valley would support the destruction of the most environmentally sensitive area in Yass Valley at Parkwood.

No logical or community supported vision would put developers before the interests of the community.

No logical or community supported vision would support sporadic development that is being approved in Yass Valley.

This lack of vision has been pointed out to Yass Valley Councillors on many occasions, but Councillors have yet to engage with the community to develop a vision to guide future settlement and development.

Had Yass Valley Councillors asked for community input for a vision for the future of the area they would most likely have ended up with a vision such as below:

By 2036:

The people of Yass Valley and the broader community will be part of a borderless society where Yass Valley Local Government Area will be integrated with Canberra, but retain a distinct rural flavour, preserve the natural landscape and have enhanced environmental benefits for those living in Yass Valley and the broader community.

The Yass Valley will be a vibrant social, economic area of affordable low-density housing that is designed with extensive wildlife corridors and world leading environmental management.

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Yass, Murrumbateman and Gundaroo shall remain rural centres that are within easy access by people from Canberra who will want to visit these towns because of the contrasting social and environmental values that are preserved in these areas.

The area closer to Canberra will be a high quality rural residential landscape with extensive wildlife corridors and areas set aside to preserve the natural environment. Sutton will be a major town centre in Yass Valley due to its proximity to Canberra and the easy access to water from Canberra.

8. Inadequate consultation with the community

The community relies on Governments to act in the best interests of the community that they represent. Governments can only do this if they consult with the community. The Yass Valley Council has a very poor record of community consultation on the Yass Valley Settlement Strategy.

Had Council bothered to consult the community, they would have found that the community:

- a. does not want more high-density housing in Parkwood,
- b. doesn't want to have to commute long distances to work and services,
- c. is interested in the environment and would not choose to build a massive housing estate in the environmentally sensitive area near the Murrumbidgee River in Parkwood,
- d. would want the Ginninderra Falls area and the Murrumbidgee River corridor to be used for recreation rather than a housing estate whose only purpose is to make a massive profit for the developers, and
- e. the community would prefer the opportunity for lower density housing near to Canberra as is provided in the Queanbeyan Palerang Council area.

9. Rural Residential small acreage land use

Retaining the RU1 zoning and 40 ha minimum lot size next to Canberra where land supply is constrained to high-density housing makes no planning sense nor does it result in good land management.

As was pointed out in a previous Yass Valley study, rural residential small acreage land tends to be much better managed in terms of weeds, native flora and fauna than on lot sizes limited to 40ha. Lot sizes down to about 1 hectare can be self-sufficient in water, power and wastewater disposal. No additional infrastructure is required on the site other than road access and local amenities.

Allowing rural residential small acreage development along the NSW ACT border would transform the area into a vibrant semi-rural area and create new employment opportunities for the community. Such a semi-rural community will be a significant addition to the landscape leading to the nation's capital city.

Such land use would provide the community with a choice of land. Based on the prices paid for small acreage in Queanbeyan Palerang Local Government Area it is obvious that there is a huge demand for rural residential small acreage land close to Canberra.

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Every major city has a graded housing density peri urban area. That makes the best use of land in a peri urban area. The Queanbeyan – Palerang Regional Council has a simple strategy of a graded housing density going from urban, to low density rural residential development near the ACT and open rural areas further away from the high-density population centre.

The only logical explanation for Yass Valley Councillor's support for high density housing at Parkwood and to prevent lower density rural residential development near the ACT is to prevent highly desirable rural residential developments near Canberra competing with the less attractive high density housing in Parkwood and medium density housing long commuting distance away in Yass and Murrumbateman.

That is not a logical or community supported strategy. The Yass centric and profit protection strategy that Yass Valley Council is trying to implement should not be allowed to proceed any further.

10. The Water Issue

In the Department of Planning and Environment's to Yass Valley Council dated September 2018 the Council was told that no further rezoning of rural land in Yass and Murrumbateman would be permitted until a reliable source of water was found to support the planned growth of Yass to 10,000 and Murrumbateman to 5,000 people.

Two years after the adoption of the Yass Valley Settlement Strategy no reliable source of water has been identified for the planned expanded Yass and Murrumbateman, but Council continues to work on plans for the expansion of Yass and Murrumbateman. A significant part of this work is on the construction of a water supply pipe from Yass to Murrumbateman.

According to the November 2019 Council meeting minutes the Yass Dam was about 92% full. That is very surprising given that the area is in the most severe drought in living history. Other drought affected towns must be envious of Yass's supply of water.

While that envious state of water exists for Yass now, it won't exist in the future after Murrumbateman is connected to the Yass Dam supply and the population of Yass and Murrumbateman is increased by the planned 100%.

With no new water supply identified it makes no sense from a water supply point of view to plan in a major expansion of the population of Yass and Murrumbateman.

It makes more sense to allow development closer to Canberra so that these areas can access Canberra Water as has been done for Parkwood. If it is feasible for ACT water to be supplied in the 5km zone for Parkwood, it can be done for the rest of the 5km zone and most likely Sutton.

Summary

Thank you for reading this document.

We are an amateur group with no expertise in complex planning issues, but we have consulted with the community and we have sought professional advice. We have yet to find anyone who supports the Yass centric planning approach or who supports the destruction of the environmentally sensitive area of Parkwood.

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All the town planning consultants we have spoken to all consider the Yass centric approach by Council to be creating a future planning disaster. They all refer to the land use in peri urban areas around major capital cities and in the Queanbeyan Palerang LGA.

The points we have made in this document are genuine concerns that we have expressed to Yass Valley Council, ACT Government, NSW Cross Border Commissioner, NSW Department of Planning and Environment and the community. Our concerns were shared by the NSW Cross Border Commissioner but the other organizations that would benefit from the Yass centric plan ignored the logic of our arguments against the Yass Valley Settlement Strategy.

There is a clear problem with the Yass Valley Council development policies. The policies if left unchallenged will be detrimental in the long term to the community, stifle economic, social and environmental improvement to the area.

We also believe that the actions of Councillors strongly suggest that the Independent Commission Against Corruption should investigate conflict of interest by Councillors and the undue influence of very big developers such as the ACT Government.

It is our understanding that as Minister for Planning, Industry and Environment that you have taken an oath to ensure that the actions of government in NSW, including local government, should always be in the best interest of the people of NSW to the exclusion of all others. All others in this case would include developers, land speculators and the ACT Government.

We look forward to some clear direction from your Department on the future of Yass Valley.

Yours sincerely,

William Ginn

Secretary, for and on behalf of members of the 5km NSW ACT Border Zone Planning Group Inc.