

# Planning and Development (Technical Amendment—West Belconnen Concept Plan) Plan Variation 2018

Notifiable Instrument NI2018—683

Technical Amendment No 2018-08

made under the

Planning and Development Act 2007, section 89 (Making technical amendments)

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## 1 Name of instrument

This instrument is the *Planning and Development (Technical Amendment—West Belconnen Concept Plan) Plan Variation 2018*.

## 2 Commencement

This instrument commences on the day after its notification day.

## 3 Technical amendment

I am satisfied under section 89 (1) (a) of the *Planning and Development Act 2007* (the *Act*) that the West Belconnen Concept Plan plan variation is a technical amendment to the Territory Plan.

## 4 Meaning of *West Belconnen Concept Plan plan variation*

For this instrument:

*West Belconnen Concept Plan plan variation* means the technical amendment to the Territory Plan, variation 2018-08, in the schedule.

*Note* Consultation was undertaken in relation to the West Belconnen Concept Plan plan variation in accordance with section 90 of the Act.

Kathy Cusack  
Delegate of the planning and land authority  
30 November 2018



**ACT**  
Government

Environment, Planning and  
Sustainable Development

Planning & Development Act 2007

# Technical Amendment to the Territory Plan

## 2018-08

West Belconnen Concept Plan – greenwaste  
clearance zone changes

December 2018

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# 1. INTRODUCTION

## 1.1 Purpose

This technical amendment makes the following changes to the Territory Plan:

### *West Belconnen Concept Plan*

- Revise Figure 1 to show the 500m landfill clearance zone buffer only
- Introduce a new Figure 6 to show the existing greenwaste clearance zone (area 1) and the relocation of the composting component of the greenwaste facility (area 2) at the West Belconnen Resource Management Centre
- Revise Rule 2 to ensure that there is no gap in the buffer protections in the transition from the existing composting site to the proposed new composting site.

## 1.2 Public consultation

Under section 87 of the *Planning and Development Act 2007* (the Act) this type of technical amendment is subject to limited public consultation under section 90 of the Act.

TA2018-08 was released for limited public consultation on 13 April 2018 and concluded on 14 May 2018.

No public submissions were received during the consultation period.

## 1.3 National Capital Authority

The National Capital Authority was advised of TA2018-08 on 12 April 2018.

## 1.4 Process

This technical amendment has been prepared in accordance with section 87 of the *Planning and Development Act 2007* (the Act).

## 1.5 Types of technical amendments under the Act

The following categories of technical amendments are provided under section 87 of the Act:

- (1) Each of the following territory plan variations is a **technical amendment** for which no consultation is needed before it is made under section 89:
  - (a) a variation (an **error variation**) that –
    - (i) would not adversely affect anyone’s rights if approved; and
    - (ii) has as its only object the correction of a formal error in the plan;

- (b) a variation to change the boundary of a zone or overlay under section 90A (Rezoning – boundary changes);
  - (c) a variation, other than one to which subsection (2) (d) applies, in relation to an estate development plan under section 96 (Effect of approval of estate development plan);
  - (d) a variation required to bring the territory plan into line with the national capital plan;
  - (e) a variation to omit something that is obsolete or redundant in the territory plan.
- (2) Each of the following territory plan variations is a **technical amendment** for which only limited public consultation is needed under section 90:
- (a) a variation (a **code variation**) that –
    - (i) would only change a code; and
    - (ii) is consistent with the policy purpose and policy framework of the code; and
    - (iii) is not an error variation;
  - (b) a variation to change the boundary of a zone under section 90B (Rezoning – development encroaching on adjoining territory land);
  - (c) a variation in relation to a future urban area under section 90C (Technical amendments – future urban areas);
  - (d) a variation in relation to an estate development plan under section 96 (Effect of approval of estate development plan) if it incorporates an ongoing provision that was not included in the plan under section 94 (3) (g);
  - (e) a variation to clarify the language in the territory plan if it does not change the substance of the plan;
  - (f) a variation to relocate a provision within the territory plan if the substance of the provision is not changed.

Following each item in Part 2 Explanation of this technical amendment is a statement of compliance against the specific criteria for the relevant category of technical amendment.

TA2018-08 has been prepared in accordance with section 87(2)(a) of the Act.

## 2. EXPLANATORY MATERIAL

### Background

This part of the technical amendment document explains the changes to be made to the Territory Plan, the reasons for the change, and a statement of compliance against the relevant section of the Act.

#### 2.1 Variation to the West Belconnen Concept Plan

The Ginninderry estate development in West Belconnen is a joint venture between The Riverview Group and the Suburban Land Agency of the ACT Government, to develop new residential areas in the north-west of the ACT near Belconnen.

The development includes land within the ACT and in adjacent New South Wales (within Yass Valley Council's jurisdiction) for residential and other related purposes and for the creation of a Conservation Corridor along the Murrumbidgee River and Ginninderra Creek. The project has a 40 year timeframe for the development of a sustainable settlement for 30,000 residents. The West Belconnen Concept Plan was developed to guide the preparation and assessment of the development of the land in a logical and appropriate manner.

The West Belconnen Resource Management Centre (WBRMC) is within part of the proposed area for the Ginninderry development. The ACT Government proposes to close all waste disposal operations on the site by 2021 and thereafter remediate and determine the suitability of the site for subsequent uses.

The greenwaste clearance zone identified in the West Belconnen Concept Plan Figure 1 impacts on areas proposed for the second stage of the Ginninderry estate development. For this proposal to proceed, it is necessary to revise the clearance zone around the greenwaste facility.

The clearance zone is in place to prevent conflict between odour from greenwaste composting and residential use. In order to enable this to be adjusted, the composting operation will be relocated to the north-western part of the WBRMC site, where it will continue to have a 1000m clearance zone as at present. The residual activities of receiving greenwaste and shredding it (which is not expected to generate significant odour) will have a smaller clearance zone of 300m to ensure that noise and dust do not cause conflict with residential development.

The West Belconnen Concept Plan allows for the adjustment to clearance zones "subject to an appropriate audit process and approval from the Environment Protection Authority" (criteria C2, C7 and C13).

To ensure that there is no gap in the buffer protections in the transition from the existing composting site to the proposed new composting site, a new Figure 6 is included in the concept plan that will show both the existing and new composting site clearance zones (Clearance Zone A – area 1 and Clearance Zone B – area 2 respectively). Rule R2 has been revised to ensure that Clearance Zone A (area 1) will continue to apply until such time as the new composting site (area 2) is ready for

operation and the previous site (area 1) is no longer in use for composting activities, at which time Clearance Zone B will take effect and Clearance Zone A will cease or become redundant. Clearance Zone C (300m) will apply regardless of the location of the greenwaste composting operations as the greenwaste delivery, handling, processing or stockpiling operations will be remaining in the same place (area 1).

The final approval of this TA is contingent upon the outcomes of the proponent's application for exemption from the requirements for an environmental impact statement (EIS) under section 211 (s211) of the *Planning and Development Act 2007* (the Act). The application for an exemption is based on the previous studies and assessments undertaken by the proponent on the land subject to the proposed development. The Minister for Planning and Land Management is responsible for the approval of s211 exemption applications. The commencement of the TA to formalise the clearance zone changes could not proceed until such time as the Minister had considered the s211 exemption application.

On 24 October 2018, the Minister granted the Ginninderry Urban Development Stage 2 and subsequent stages EIS exemption with conditions, none of which directly impact on the greenwaste clearance zone changes proposed in TA2018-08.

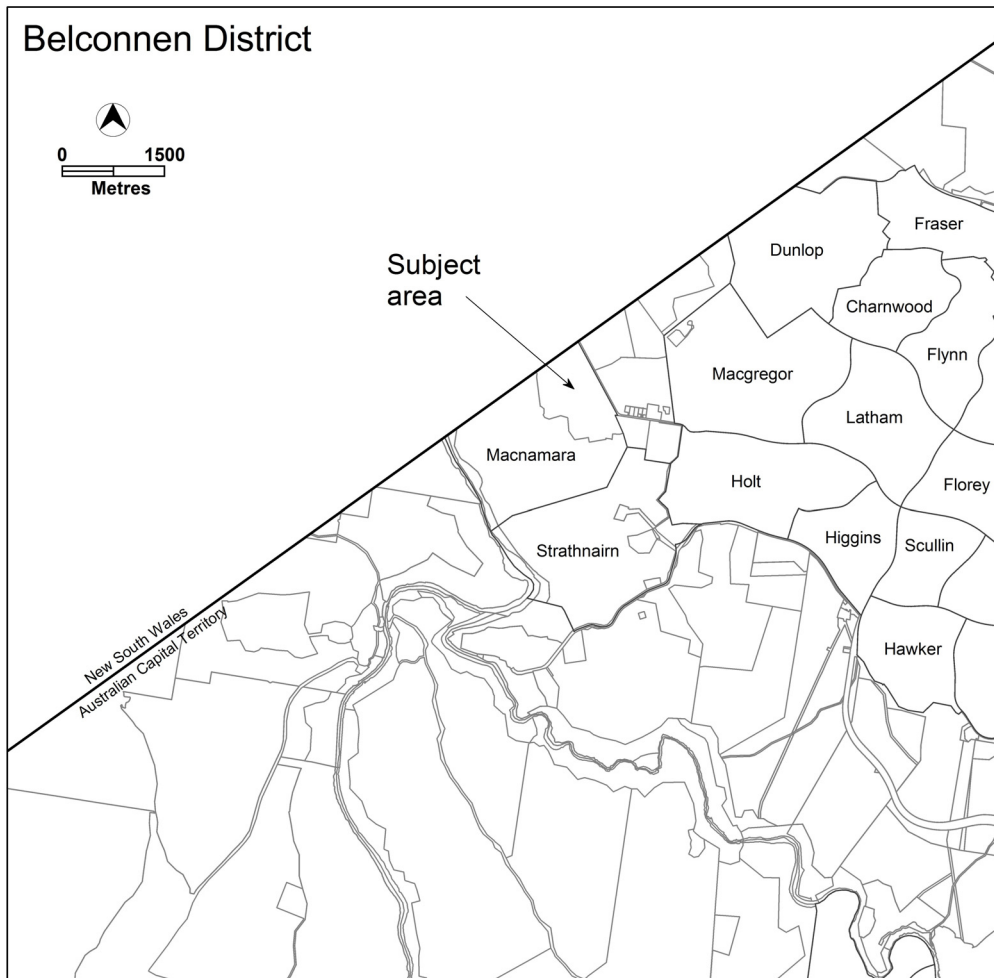
On 27 November 2018 the EPA advised that “the Technical Amendment as circulated to amend the buffers is supported. The outstanding contamination issues will be resolved through the planning delivery processes.”

Yass Valley Council has no objection to the proposed relocation of the facility to the new location on the basis that the Canberra Sand and Gravel lease ends in 2021 and the use ceases, and any proposed development associated with Ginninderry is not proposed to reach NSW until 2032.

*Proposed revised Rule R2:*

Rules	Criteria
<p>R2</p> <p>No residential leases may be granted within the clearance zones as shown in Figure 1 Clearance Zone Map A, Figure 2 Clearance Zone Map B and Figure 3 Clearance Zone Map C.</p> <p>No residential leases may be granted within:</p> <ul style="list-style-type: none"> <li>a) Clearance Zone A when greenwaste composting operations are occurring in area 1</li> <li>b) Clearance Zone B when greenwaste composting operations are occurring in area 2</li> <li>c) Clearance Zone C when greenwaste delivery, handling, processing or stockpiling operations are occurring in area 1</li> </ul> <p>as indicated in Figure 6 Clearance Zone Map D.</p> <p>Note: Clearance Zone A (for area 1) will cease or become redundant once greenwaste composting operations have been relocated to area 2.</p>	<p>C2</p> <p>Clearance zones may be adjusted, subject to an appropriate audit process and approval from the Environment Protection Authority.</p>

## Location plan



## Compliance with the Planning and Development Act 2007

Section	Statement
<p>s87(2)(a)            (a) a variation (an <b>code variation</b>) that—</p> <ul style="list-style-type: none"> <li>(i) would only change a code</li> <li>(ii) is consistent with the policy purpose and policy framework of the code; and</li> <li>(iii) is not an error variation</li> </ul>	<p>Compliant.            This adjustment</p> <ul style="list-style-type: none"> <li>(i) only changes the West Belconnen Concept Plan;</li> <li>(ii) is consistent with the policy purpose and policy framework of the code (concept plan) to guide the design and assessment of estate development plan (subdivision proposals) development applications in West Belconnen and provides for clearance zones that limit the development of sensitive uses in areas affected by noise, odour and air quality issues, and to provide for the adjustment of clearance zones when appropriate; and</li> <li>(iii) It is not an error variation.</li> </ul>



Existing clearance zones

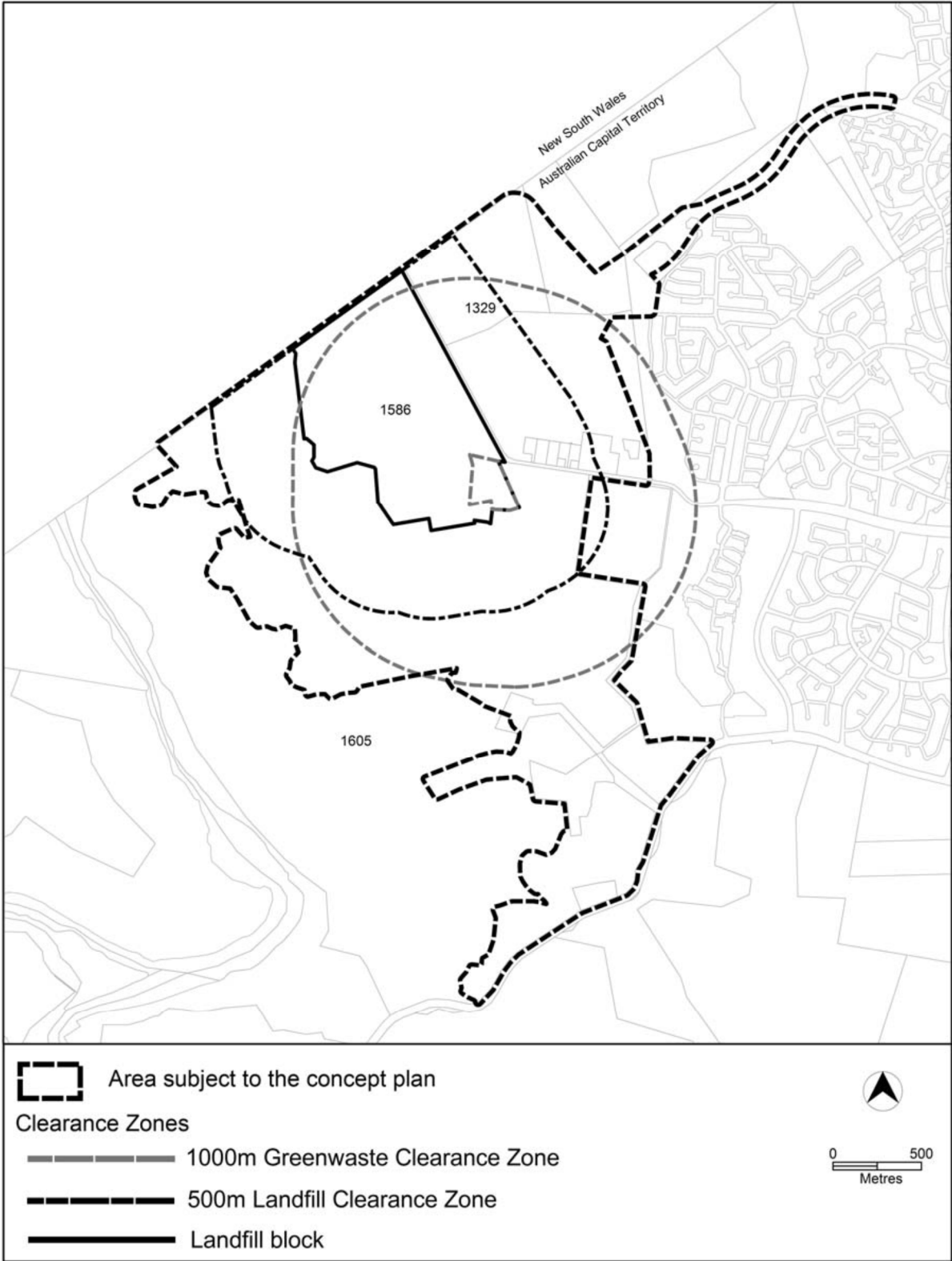
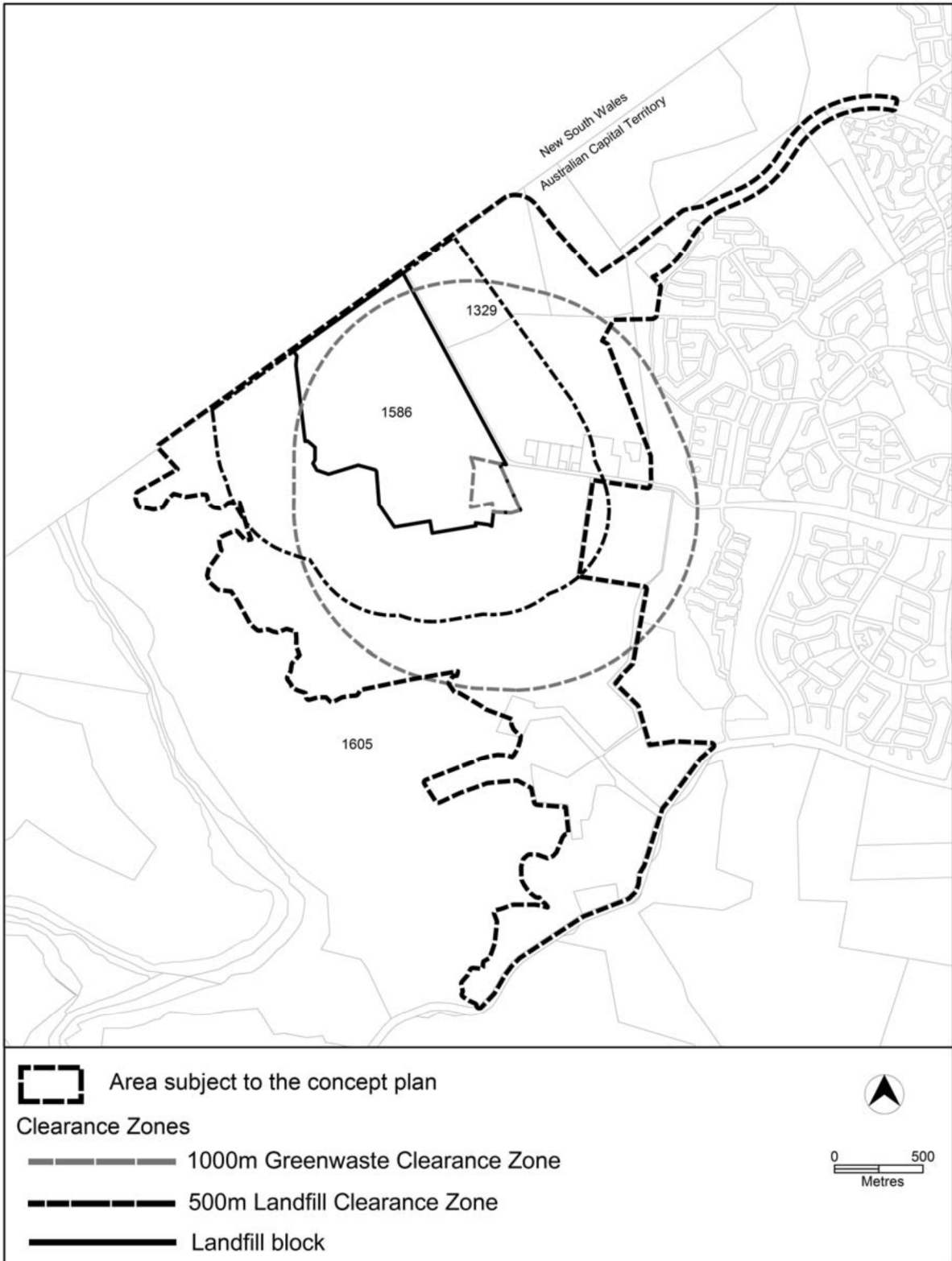
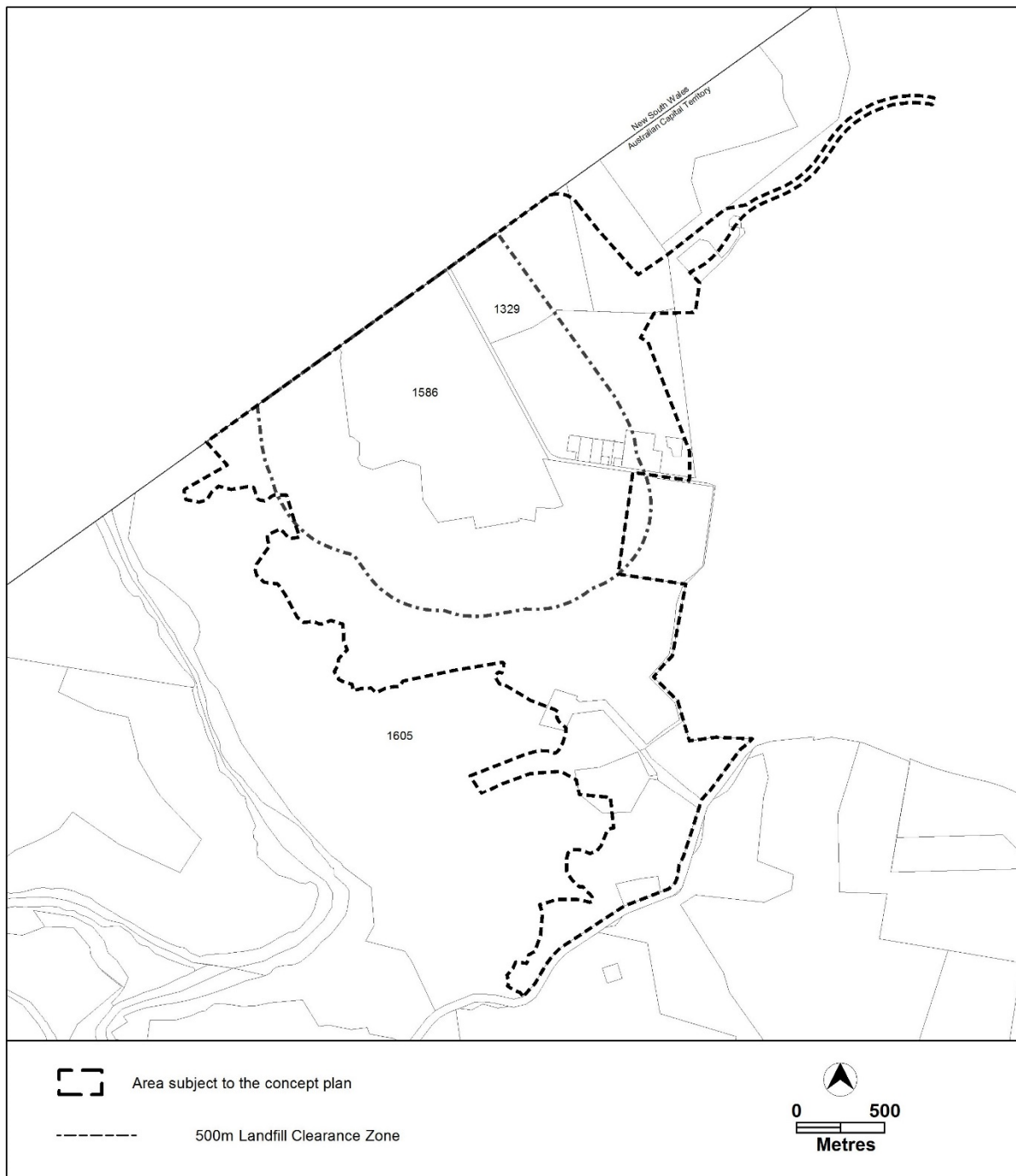


Figure 1 Clearance Zone Map A

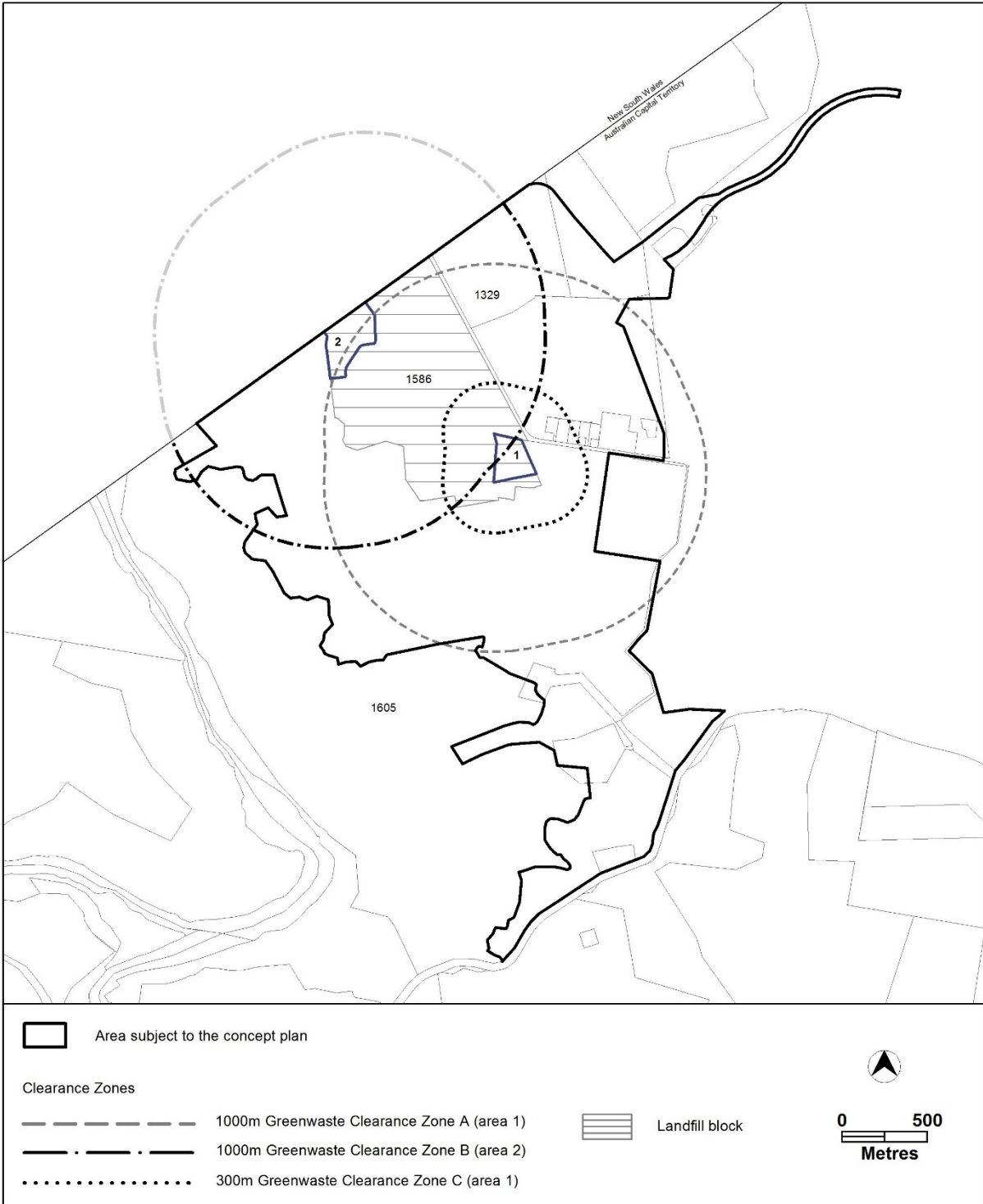


**Figure 6 Clearance Zone Map D**

*Proposed clearance zones*



**Figure 1 Clearance Zone Map A**



**Figure 6 Clearance Zone Map D**

### 3. TECHNICAL AMENDMENT

This section of the technical amendment document provides the actual instructions for implementing the changes to the Territory Plan.

#### 3.1 Variation to the West Belconnen Concept Plan

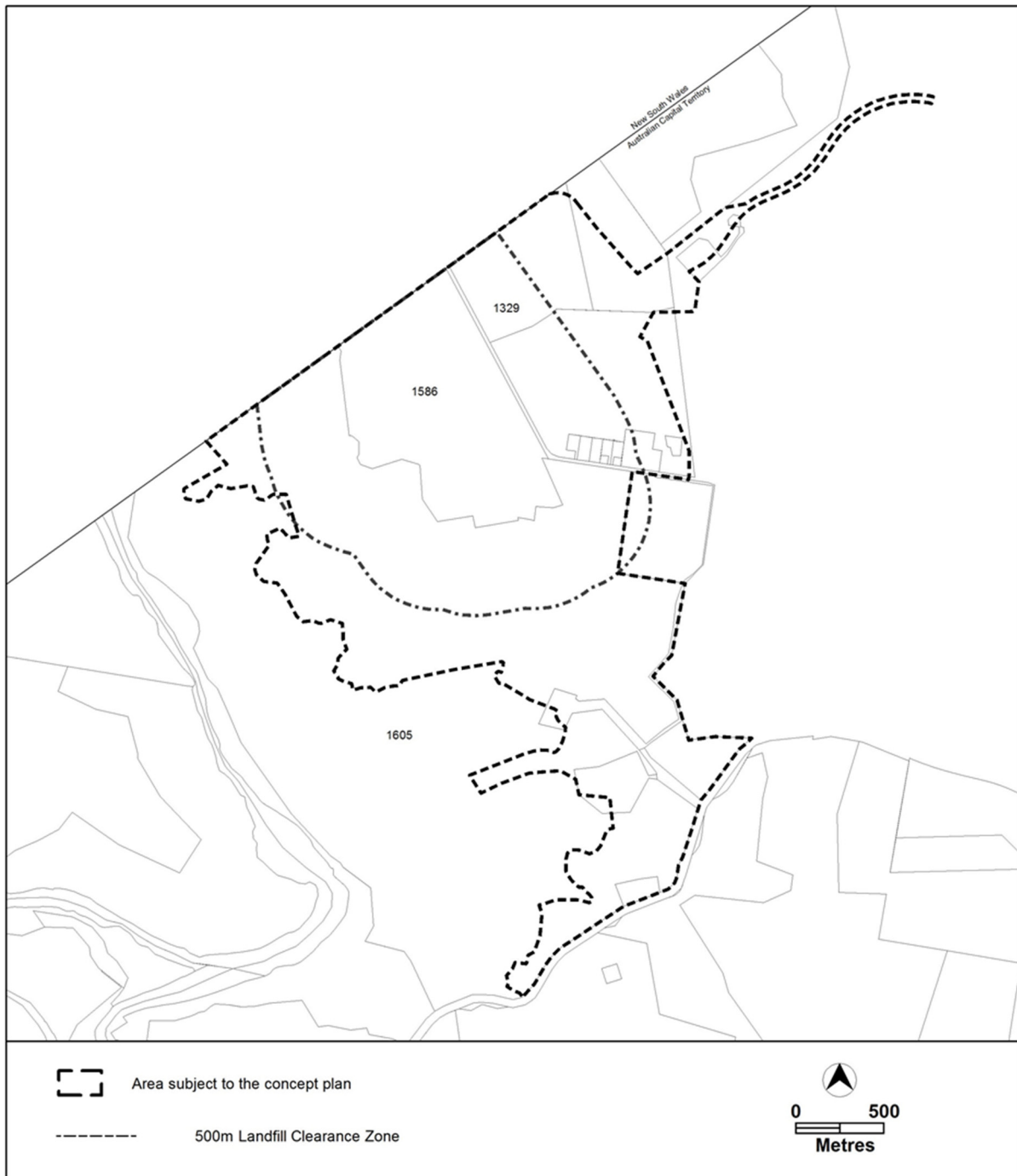
##### 1. Part A – Land Use; Element 1. Land Use Plan

*Substitute*

Rules	Criteria
<p>R2</p> <p>No residential leases may be granted within the clearance zones as shown in Figure 1 Clearance Zone Map A, Figure 2 Clearance Zone Map B and Figure 3 Clearance Zone Map C.</p> <p>No residential leases may be granted within:</p> <ul style="list-style-type: none"><li>a) Clearance Zone A when greenwaste composting operations are occurring in area 1</li><li>b) Clearance Zone B when greenwaste composting operations are occurring in area 2</li><li>c) Clearance Zone C when greenwaste delivery, handling, processing or stockpiling operations are occurring in area 1</li></ul> <p>as indicated in Figure 6 Clearance Zone Map D.</p> <p>Note: Clearance Zone A (for area 1) will cease or become redundant once greenwaste composting operations have been relocated to area 2.</p>	<p>C2</p> <p>Clearance zones may be adjusted, subject to an appropriate audit process and approval from the Environment Protection Authority.</p>

**2. Figure 1 – Clearance Zone Map A**

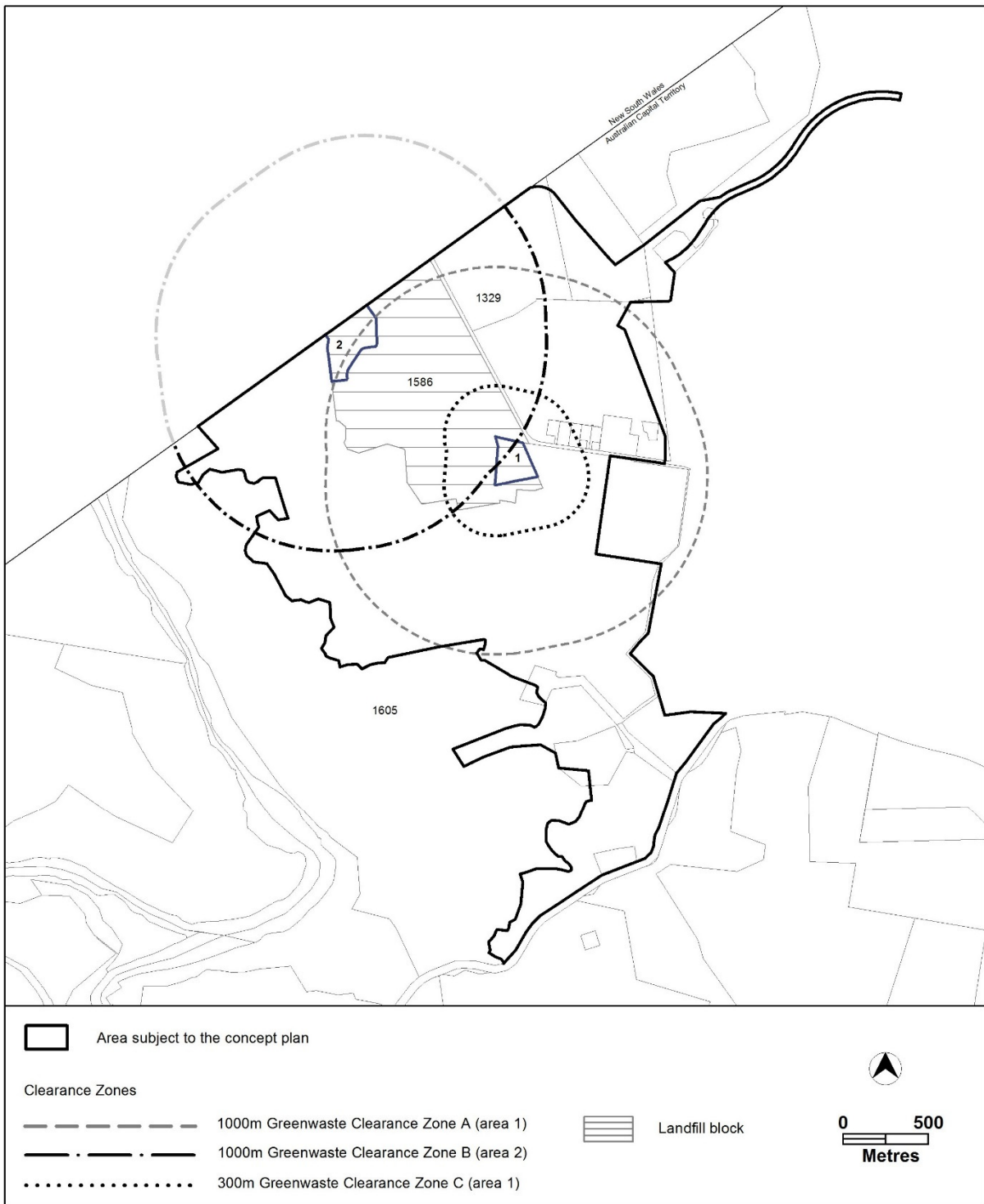
*Substitute*



**Figure 1 Clearance Zone Map A**

**3. Figure 6 – Clearance Zone Map D**

*Insert new Figure 6 – Clearance Zone Map D*



**Figure 6 Clearance Zone Map D**

## Interpretation service

ENGLISH	If you need interpreting help, telephone:
ARABIC	: إذا احتجت لمساعدة في الترجمة الشفوية ، إتصل برقم الهاتف :
CHINESE	如果你需要传译员的帮助，请打电话：
CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήσετε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajjnuna t'interpretu, çempel:
PERSIAN	: اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
SERBIAN	Ako vam je potrebna pomoć prevodioca telefoniрајте:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacınız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

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