



# **MEMORANDUM OF UNDERSTANDING**

**BETWEEN**

**AUSTRALIAN CAPITAL TERRITORY GOVERNMENT**

**NEW SOUTH WALES GOVERNMENT**

**ON**

# **Australian Capital Territory and New South Wales Cross Border Region Settlement**

**2006**

## 1 GUIDING PRINCIPLES

1.1 The Memorandum of Understanding (MoU) on ACT/NSW Cross-Border Region Settlement has been developed according to the guiding principles outlined below:

### **Governance Arrangements**

- 1.1.1 Planning for the sustainable future of the ACT/NSW Cross Border Region<sup>1</sup> is best achieved with the cooperation and collaboration of all levels of government with an interest in the Region. In this context, discussions with the ACT and NSW have led to a number of principles that will guide settlement as well as access to other services and infrastructure in the Cross Border Region. It is the responsibility of the Territory and NSW Governments, with input from affected local government areas, to determine what is the most appropriate and sustainable urban settlement pattern to accommodate growth in surrounding NSW.
- 1.1.2 The ACT/NSW Cross Border Regional Management Framework involves a high level bipartite arrangement providing for direct NSW/ACT Government consultations, with involvement from other stakeholders such as local governments and the Commonwealth as required. This Framework sets the context within which the outcomes of the Strategy will be agreed, monitored and reviewed.
- 1.1.3 In the ACT, the Settlement Strategy will be delivered by the ACT Government through its Canberra Spatial Plan and the Territory Plan.
- 1.1.4 In NSW, the Settlement Strategy will be delivered by the Department of Planning through the Sydney-Canberra Corridor Regional Strategy and through Local Councils' Local Environmental Plans (LEPs). These LEPs are being prepared within the framework of the Sydney-Canberra Corridor Regional Strategy and will specifically address the principles contained in the Cross Border Region Settlement Strategy.

### **Ecologically Sustainable Development**

- 1.1.5 The achievement of a sustainable future for the ACT /NSW Cross-Border Region will mean that development and growth that meets present day needs and desires will not compromise the ability of future generations to meet their needs.
- 1.1.6 The Sydney-Canberra Corridor Regional Strategy and the NSW component of this Settlement Strategy adopts the overarching ecologically sustainable development (ESD) principles<sup>2</sup> of:

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<sup>1</sup> 'ACT/NSW Cross Border Region' includes the ACT and surrounding NSW Local Government areas of Yass Valley, Queanbeyan City and Palerang.

<sup>2</sup> This Profile embraces the concept of ecologically sustainable development as provided in section 6(2) of the *Protection of the Environment Administration Act 1991*. This definition is the basis for many of the ecologically sustainable development objectives that are now

- the precautionary principle;
- inter-generational equity;
- biodiversity conservation; and
- improved valuation, pricing and incentive mechanisms.

### **Principles for Managing Change**

- 1.1.7 This MoU is based on the best available information at this point in time and does not take into account the impact on settlement of:
- a second commercial airport within the Sydney-Canberra Corridor;
  - a Very Fast Train in the Sydney-Canberra Corridor;
  - changes to immigration policy which would encourage in-migration into the Cross-Border Region; or
  - an increase in the movement of people out of Sydney.

*Any of the above would trigger the need for a review of this MoU.*

- 1.1.8 This MoU is consistent with ACT and NSW legislation, recognising the special nature of the ACT as the National Capital.

- 1.1.9 A separate MoU on Cross Border Water Resources accompanies this MoU, and the two MoUs operate together.

## **2 SIGNATORIES TO THIS MEMORANDUM OF UNDERSTANDING**

- 2.1 This Memorandum of Understanding (MoU) is entered into by the Australian Capital Territory Government (ACT) and the New South Wales Government (NSW).

## **3 TERM OF MEMORANDUM OF UNDERSTANDING**

- 3.1 The term of this MoU is for 30 years from the date of signing.
- 3.2 This MoU supersedes all previous agreements, whether signed or unsigned, that dealt with regional settlement.
- 3.3 A formal review of this MoU will occur every 5 years.
- 3.4 Further, this MoU can be superseded by the agreement of all parties.

## **4 COVERAGE OF THE MEMORANDUM OF UNDERSTANDING**

### **Application of MOU**

- 4.1 Consistency with the settlement principles and the ACT/NSW Cross-Border Region Settlement Strategy to allow the implementation of this MoU would allow for the provision of ACT sourced water to service population growth over the next 30 years in the ACT and Region.

Consistency with the Memorandum of Understanding on the Cross Border Water Resources is also required.

## **5 FUNCTIONS OF THE MEMORANDUM OF UNDERTANDING**

There are a number of mutually agreed positions that shape a common approach to managing settlement in the Cross-Border Region. These are:

- 5.1 Planning decisions should be made in the interests of the sustainability of the Region – where there are competing development options, the long term interests of the Region as a whole will take precedence;
- 5.2 Planning decisions should strive to achieve planning outcomes that benefit the whole of the Region – neither the ACT or NSW will take a decision at the expense of the other;
- 5.3 Growth and development in the Region should be located in areas that result in the best social, environmental and economic outcomes – achieving a sustainable settlement pattern, an efficient urban system and minimising ecological footprint will guide decision making;
- 5.4 The ACT and surrounding NSW governments will provide for and encourage economic and employment growth in a manner that provides for regional benefits and acknowledges the value of key regional infrastructure – key determinants will be minimising land use conflict and supporting the efficiency of the urban system, in particular transport and commuter travel;
- 5.5 All governments will work cooperatively, direct investment and manage development to ensure residents have appropriate access to services and infrastructure across the ACT and surrounding NSW; and
- 5.6 All governments will seek to retain and enhance environmental values and consider their relative value within a regional context.

## **6 OUTCOMES OF THE MEMORANDUM OF UNDERSTANDING**

- 6.1 To sustainably manage growth in the residential and employment lands sector in the Cross Border Region in accordance with the principles outlined in this MoU; and
- 6.2 To support the sustainable management of water resources, through operation of this MoU in tandem with the MoU on Cross Border Water Resources.

## **7 LEGISLATIVE FRAMEWORK**

- 7.1 The legislative framework which operates within each State or Territory jurisdiction will be the dominant consideration for each jurisdiction.

## **7.2 Commonwealth**

- 7.2.1 *Australian Capital Territory (Planning and Land Management) Act 1988* – provides for the preparation of the National Capital Plan, and the declaration of declared national land (which includes Lake Burley Griffin and a small section of the Molonglo River).
- 7.2.2 *National Capital Plan* – under the Constitutional provision, the Commonwealth remains the owner of land in the Territory, even after the granting of self-government. The Act requires that a Territory Plan, which is consistent with the National Capital Plan, be prepared by the ACT.

## **7.3 New South Wales**

- 7.3.1 The *Environmental Planning and Assessment Act 1979* establishes the environmental and land use planning system for NSW and encourages the proper management, development and conservation of natural and artificial resources, for the purpose of promoting the social and economic welfare of the community and a better environment.
- 7.3.2 The *Local Government Act 1993* establishes local government in NSW and provides the legal framework for an effective, efficient, environmentally responsible and open system of local government in New South Wales.

## **7.4 Australian Capital Territory**

- 7.4.1 *Land (Planning and Environment) Act 1991* – provides for the preparation of the Territory Plan that identifies water use and catchment policies, consistent with the requirements of the National Capital Plan.
- 7.4.2 *The Territory Plan* – sets out the principles and policies that guide the development of the ACT. Amongst the goals of the Territory Plan are:
- To conserve the enhance valued features of the Territory's natural environment; and
  - To promote ecologically sustainable development, protect biodiversity, and provide for high standards of environmental amenity and landscape.

## **8 SETTLEMENT PRINCIPLES FOR THE REGION**

- 8.1 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-Canberra Corridor Regional Strategy.
- 8.2 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 MoU agree the settlement is in accordance with the following principles.

- 8.3 Principle 1: All future settlement in the Region should be located to:
- 8.3.1 maximise the efficient use of existing infrastructure and services;
  - 8.3.2 minimise the need for additional infrastructure and services through the use of integrated economic, social and environmentally sustainable planning and design solutions; and
  - 8.3.3 minimise the economic and community cost of providing and maintaining infrastructure networks and community services; and
  - 8.3.4 protect areas of high conservation, cultural, natural heritage or landscape value.
- 8.4 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.
- 8.5 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.
- 8.6 Principle 4: Greenfield developments should, where ever possible, be:
- 8.6.1 contiguous with (ie. as close as possible) existing urban settlements, or self-contained in their provision of services; and
  - 8.6.2 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;
- 8.7 Principle 5: Economic development diversity will be supported by:
- 8.7.1 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;
  - 8.7.2 supporting the regional value of key infrastructure assets by limiting activities that may diminish their function or ability to contribute to the Region;
- 8.8 Principle 6: 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; and

- 8.9 Principle 7: 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.

## **9 OBLIGATIONS OF SIGNATORIES**

9.1 ACT obligations include, but are not limited to:

- managing future urban growth in accordance with the principles of this MoU, and with the Canberra Spatial Plan, or subsequent Plan, outlining preferred sustainable settlement patterns for the region

NSW obligations include, but are not limited to:

- managing future urban growth in accordance with the principles of this MoU, and the Sydney-Canberra Corridor Regional Strategy or subsequent Strategy outlining preferred sustainable settlement patterns for the region.

9.2 Joint ACT - NSW obligations include, but are not limited to:

- Managing future growth in accordance with the ACT/NSW Cross-Border Region Settlement Strategy.

## **10 MONITORING, EVALUATION AND REPORTING**

10.1 In the recognition of the spirit of regional cooperation, and to enable both parties to more effectively implement the intent of the MOU, each party will share or supply relevant data and information and provide updated information where necessary.

## **11 COMPLIANCE AND DISPUTE RESOLUTION**

11.1 Each jurisdiction will monitor compliance with the MoU and non-compliance will be managed through the Regional Management Framework or subsequent arrangements.

## **12 AMENDMENTS TO THE MEMORANDUM OF UNDERSTANDING**

12.1 Proposals for amendments to the MOU can be put forward by one of the signatories to all other signatories at any time and will require agreement by all signatories to support the amendment.

### **13 IMPLEMENTATION**

13.1 Within 12 months of the signing of this MoU, the following implementation projects will be completed:

13.1.1 ACT/NSW Cross Border Region Settlement Strategy

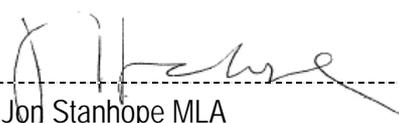
13.1.2 Sydney Canberra Corridor Regional Strategy.

13.2 Within 5 years of the signing of this MoU, the following implementation projects will be completed:

13.2.1 review of Canberra Spatial Plan; and

13.2.2 review of the Sydney-Canberra Corridor Regional Strategy.

ACT-NSW Cross Border Region Settlement Agreement



Jon Stanhope MLA

ACT Chief Minister

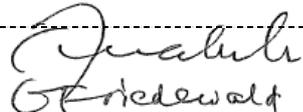
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The Hon. Morris Iemma MP

NSW Premier, Treasurer, Minister for Citizenship

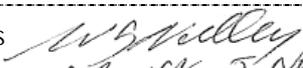
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