SNOWY MONARO REGIONAL COUNCIL

ATTACHMENTS TO REPORTS

(Under Separate Cover)

Ordinary Council Meeting

18 May 2023

Part 1 of 2

ATTACHMENTS TO REPORTS
FOR
ORDINARY COUNCIL MEETING
THURSDAY 18 MAY 2023

Page No.

9.3 STRATEGY

9.3.3 Post Exhibition Report - Land Use Strategies

Attachment 2 Consultation Report Appendices - Purdon Planning 2


Appendices

Appendix 1 – What we have heard report

What we have heard

CONSULTATION REPORT -DRAFT RURAL LAND USE STRATEGY

Snowy Monaro Regional Council
MARCH 2021 |

CONTENTS

ABOUT THIS REPORT 2

ENGAGEMENT 3

SUBMISSIONS ANALYSIS 4

KEY THEMES 4
E3 ENVIRONMENTAL MANAGEMENT ZONE 5
PROPOSED INCREASE TO MINIMUM LOT SIZE 6
PROPOSED PERMISSIBLE LAND USES, MISCELLANEOUS USES AND OTHER ZONES 7
LENGTH AND COMPLEXITY 8
LACK OF DETAIL 8

THE WAY FORWARD 9

Acknowledgement of Country

We wish to acknowledge the Traditional Custodians of the land upon which the Snowy Monaro Region has grown; the Ngarigo people, and in places the connection of the Walgalu, Ngunnawal and Bidhawal people, and recognise their continuing connection to land, water, and community. Through thoughtful and collaborative planning, we aim to demonstrate our ongoing commitment to designing places where Aboriginal people are socially, culturally and economically included.

About this report

This report summarises feedback received by Snowy Monaro Regional Council on the Draft Rural Land Use Strategy from 20 October 2020 to 1 February 2021.

This report consists of:

- A brief outline of the consultation undertaken with local communities, NSW Government Agencies, surrounding jurisdictions, community organisations and industry.
- A summary of the key themes arising from the submissions during the public exhibition period.
- Next steps for the review and further development of the Draft Rural Land Use Strategy.



About the Draft Rural Land Use Strategy

The Draft Rural Land Use Strategy was developed to guide and inform a comprehensive Local Environmental Plan (LEP) for the Snowy Monaro region.

Council currently operates three LEPs; Bombala LEP 2012, Cooma-Monaro LEP 2013, Snowy River LEP 2013. The intent of this process is to set the direction for the next 20 years, harmonise the approach to permissible land uses but also reflect the characteristics of land which varies across landscapes through zoning and overlays.

Engagement

2019

Council released the **Land Use Discussion Paper** in early 2019 to prompt discussion about future land use planning in the Snowy Monaro region. Over ten weeks Council staff carried out drop in sessions and community meetings across the area, engaging with 300 community members face to face. The Land Use Discussion Paper was also circulated to community groups, government agencies, industry and other key stakeholders.

Feedback received from this engagement informed the 12 Planning Priorities that make up the Local Strategic Planning Statement (LSPS) and provided direction for the Draft Rural Land Use Strategy.

2020

Council prepared and released the **Local Strategic Planning Statement** (LSPS) in 2020. The LSPS was publicly exhibited from 26 February to 19 April 2020. Twelve face to face consultation sessions were undertaken (in person and online). Unfortunately, due to COVID-19 restrictions, in person sessions were limited. As required by the *Environmental Planning and Assessment Act 1979*, the LSPS was adopted in May 2020, before the 1 July 2020 deadline imposed by the legislation.

2020/2021

The public exhibition period for the **Rural Land Use Strategy** commenced on 19th October 2020 with advertising on Council's website, Facebook page, on radio, in newspapers and was shared directly on 17 Facebook community noticeboards. In addition, approximately 2200 letters were sent to potentially impacted landowners. The Draft Rural Land Use Strategy was also circulated to community groups, government agencies, industry and other key stakeholders.

Five full-day in person drop in sessions were held throughout the public exhibition period across the region.

Council took part in 36 in-person consultation sessions across the region, in conjunction with nine online Zoom sessions for greater public accessibility.

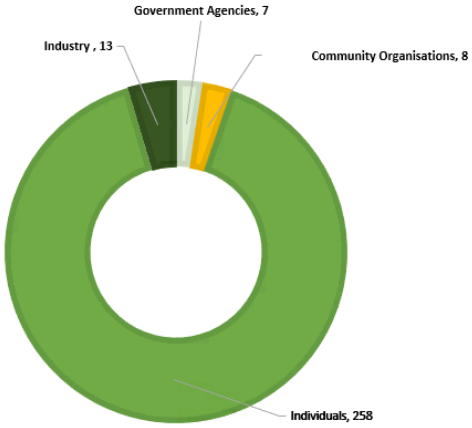
The Snowy Monaro Your Say (online) page on the Rural Land Use Strategy has been accessed more than 5000 times.

Council staff met with local farming, indigenous, and business groups. There were an additional 300 phone conversations with community members and 200 people have registered for updates through Council's mailing list.

Appendix A provides a visual representation of the overall process and the pathway to a consolidated Snowy Monaro Local Environmental Plan.

Submissions analysis

A total of 286 pieces of written feedback were received during the public exhibition of the Draft Rural Land Use Strategy between 20 October 2020 and 1 February 2021 across the following groups, organisations and individuals.



The majority of submissions from individuals came from rural landholders, with a small number coming from interested parties from towns and villages of the Snowy Monaro.

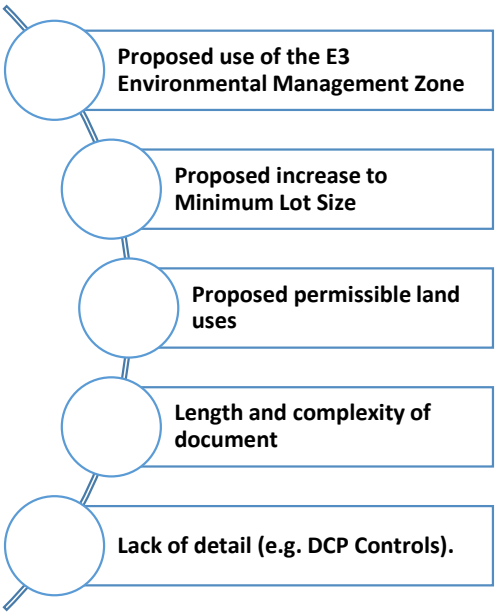
All submissions will be published on the Draft Rural Land Use Strategy Your Say Page.

Key Themes

Many submitters understand the need to rationalise and harmonise the existing LEPs.

The greatest concern was raised in relation to the proposed use of the E3 Environmental Management Zone and to a lesser extent the minimum lot size increase proposed in parts of the RU1 Primary Production and the E3 Environmental Management area.

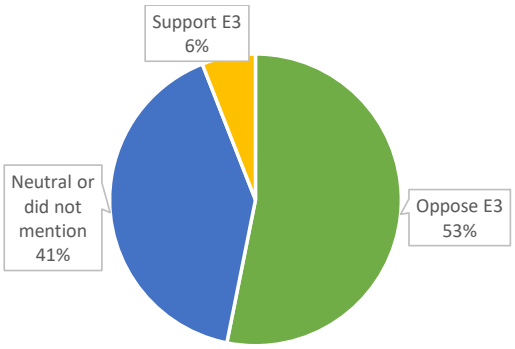
Concerns were raised in relation to community consultation as well as the complexity of the document.



E3 Environmental Management Zone

What you told us

Many written submissions as well as verbal feedback has indicated that the environment is important to those that live in the Snowy Monaro region. However, 53% of written submissions and as well as verbal feedback received during the public exhibition period does not support the use of the E3 Environmental Management zone.



Much of the feedback has related to areas mapped as potentially suitable for an E3 Environmental Management zoning being utilised for a predominantly agricultural purpose. This is acknowledged as being inconsistent with the LEP Practice Note on Environmental Protect Zones, PN 09–002.

The use of the E3 Environmental Management zone impacts on the ability of land holders to utilise provisions within the *Local Land Services Act 2013,* particularly Land Management Code, Allowable Activities and Private Native Forestry.

Other impacts include limitations on the use of the Exempt and Complying SEPP and clearing around rural infrastructure under the *Rural Fires Act 1997*.

Questions were raised in relation to the proposed minimum lot size of 250ha in relation to the E3 Environmental Zone.

We need to consider:

- Significant reduction in the proposed E3 Environmental Management Zone. The methodology for the E3 Environmental Management zone is to be reviewed, and one on one consultation with individual landholders is undertaken where the E3 Environmental Zone is considered for application.
- Alternative ways to achieve the protection of environmental values in an LEP. This could include using an RU2 Rural Landscape zone, which reflects the constraints of land (differing from RU1), in combination with overlays to highlight terrestrial biodiversity, wetlands and other constraints.

We need to clarify that:

- The E3 Environmental Management zone places no restrictions on the ability to manage weeds and feral animals. These matters are dealt with under the *Biosecurity Act 2015*.
- Bushfire hazard reduction works (emergency or managed) are not restricted by the E3 Environmental Management zone as per section 100C of the *Rural Fires Act 1997*.
- Land management practices defined as 'Environmental Protection Works' are proposed to be permitted without consent in the E3 zone. This includes works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works or erosion protection works.
- Use of land zones should reflect land constraints and capabilities as opposed to a one size fits all approach.
- The relationship between the proposed E3 Environmental Management zone and the proposed minimum lot refers to limiting dwelling density in significantly bushfire prone areas to protect life and property.

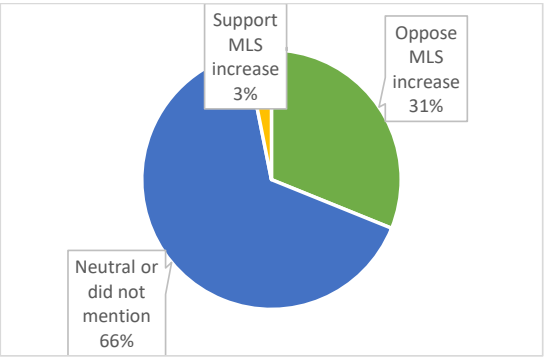
Proposed increase to minimum lot size

What you told us

Of the written submissions received, 31% were opposed to an increase in the minimum lot size. During discussions, many could understand the rationale for applying a minimum lot size and agree that the protection of agricultural land is important across the Snowy Monaro Region.

However, reasons for concern in relation to an increase to minimum lot size include:

- Loss of dwelling entitlement
- Limiting growth of the rural community
- Difficult for young farmers to enter the agricultural industry
- Lack of consideration for innovative and emerging agricultural uses.



Concern was raised, particularly in relation to Bombala, that a large minimum lot size so close to town would stifle the growth and progress of the town. Feedback suggested the need to provide for additional rural living opportunities, particularly close to towns and villages.

Suggestions were made that different areas of the LGA have differing capacities and minimum lot size should reflect this, rather than a "one size fits all approach".

The lot size vs holding size analysis was raised and that lot size should be the basis to establishing a minimum lot size.

We need to consider:

- A more nuanced approach to minimum lot size. Consideration is to be given to analysing holdings size on a landscape scale, which can be further broken down into localities.
- More opportunities for rural living on smaller lots, closer to towns and villages within the area.
- Opportunities for lot averaging in some rural zones.

We need to clarify that:

- Subdivision below the minimum lot size for agricultural purpose is permissible. However, the land does not receive a dwelling entitlement.
- Separate lots (titles) can be transferred to new ownership without issue.
- It is only dwelling houses that are linked to minimum lot size, all other land uses are able to be undertaken (with or without consent) irrespective of minimum lot size.
- Dual occupancies (two dwellings on one lot) are proposed to be permissible with consent in the RU1 Primary Production to allow for intergenerational farming, succession planning and support.
- There are other criteria for dwelling entitlement, not only minimum lot size. For example, subdivisions under previous LEPs are likely to enjoy a dwelling entitlement.
- Consolidation of lots does not require consent and is therefore not affected by the provisions of an LEP.

Proposed permissible land uses, miscellaneous uses and other zones

What you told us

Various issues in relation to land uses and zones were raised, including:

- Opposition to the proposed RU2 Rural Landscape zoning in the Eucumbene/Murrumbidgee area
- Opposition to emphasis on tourism uses in some locations, support in others
- Consider zoning to facilitate appropriate development along the Bundian Way
- Consider zoning to facilitate complimentary uses along the Monaro Rail Trail.

Based on comments received, further thought, engagement and reflection of indigenous aspirations should be incorporated into the Draft Rural Land Use Strategy.

Concern was also raised in relation to existing use rights and abandonment of use.

We need to consider:

- Consider all suggestions in relation to desired land uses.
- Adding land uses into land use tables, even where they are exempt under another Environmental Planning Instrument (such as a State Environmental Planning Policy).
- Re-consider the 'Miscellaneous permissible uses' under Clause 5.4 of the Standard Instrument.

We need to clarify that:

- Some land uses (e.g. home business, home industry, and signage) are exempt development under the Exempt and Complying SEPP or permissible without consent under the Infrastructure SEPP (e.g. water and sewer infrastructure) and therefore did not consider it necessary to include as 'permissible without consent' in the land use tables.
- Some land uses are prescribed by the Standard Instrument LEP and therefore must appear in a certain location in the land use tables.
- Some controls prescribed in 'miscellaneous permissible uses' in clause 5.4 of the LEP are mandated by the Standard Instrument LEP
- 'Existing use' provisions only need to be relied upon where a land use is made prohibited. In the case of 'extensive agriculture', which includes grazing in the E3 Environmental Management zone, 'extensive agriculture' is proposed to be permitted without consent (not prohibited) and therefore existing use rights do not need to be relied upon.
- In terms of 'abandonment of use' after 12 months, this also only relates where uses have become prohibited in the relevant zone. An 'existing use' that has a development consent cannot be abandoned.
- Pursuant to Part 5 of the *Environmental Planning and Assessment Regulation 2000* an existing use may be enlarged, expanded, intensified or rebuilt (with development consent).

Length and complexity

What you told us

Many submissions referenced the length, complexity and difficulty of navigating the document.

We heard that the Draft Rural Land Use Strategy contains too much jargon and is very technical in nature. The language used throughout the draft document makes it difficult to read and interpret.

Another criticism is that the draft document does not provide links to other relevant information.

We need to consider:

- Consider ways to reduce the size of the document e.g. removal of the Section 9.1 Directions to an Appendix.
- Reconsider the language used to ensure it can be understood and interpreted by a large cross section of the community.
- Prepare comparison tables between zones.
- Provide links to other relevant documents and references.
- Including graphs, images and examples.
- Preparing a 'plain English' summary document.

Lack of detail

Submissions have flagged that the Draft Rural Land Use Strategy does not contain enough information and detail, particularly in relation to development siting, design and operation of development.

The DRLUS strategy is not an implementation document or a statutory requirement, but rather is a bridging document from State and Local Strategy. The level of detail sought is likely to be contained in a Development Control Plan.

Further community consultation will be undertaken in the preparation of a Draft Local Environmental Plan, Development Control Plan and Developer Contributions Plan to ensure community views are captured.

We need to consider:

- Clarifying the role of the Draft Rural Land Use Strategy, within the context of the broader planning framework.
- Clarifying the role the Development Control Plan will provide in delivery of objectives in the draft document.

The way forward

The Strategic Planning team will consider in further detail all issues raised in the submissions. The revised draft will seek to address both community and agency feedback on the Draft Rural Land Use Strategy.

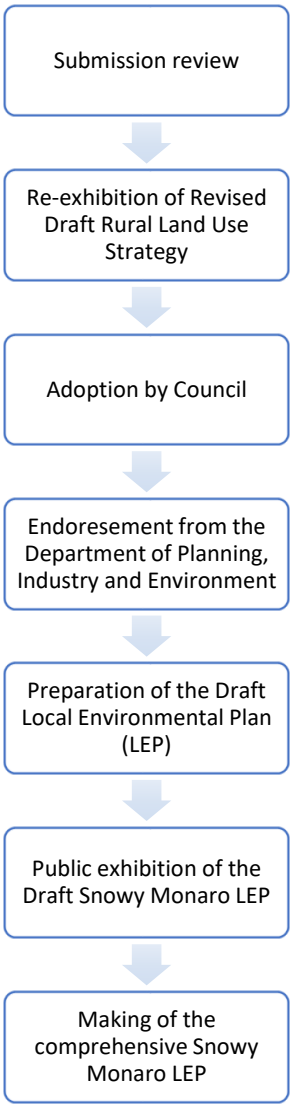
We note that submission content is nuanced and varied and the changes required to the Draft Rural Land Use Strategy will need to be substantial and wide ranging to ensure that the DRLUS better reflects the aspirations of the community.

In response to comments that the Draft Rural Land Use Strategy is too lengthy and difficult to understand, the revised Draft Rural Land Use Strategy will be supported by a 'plain English' summary document.

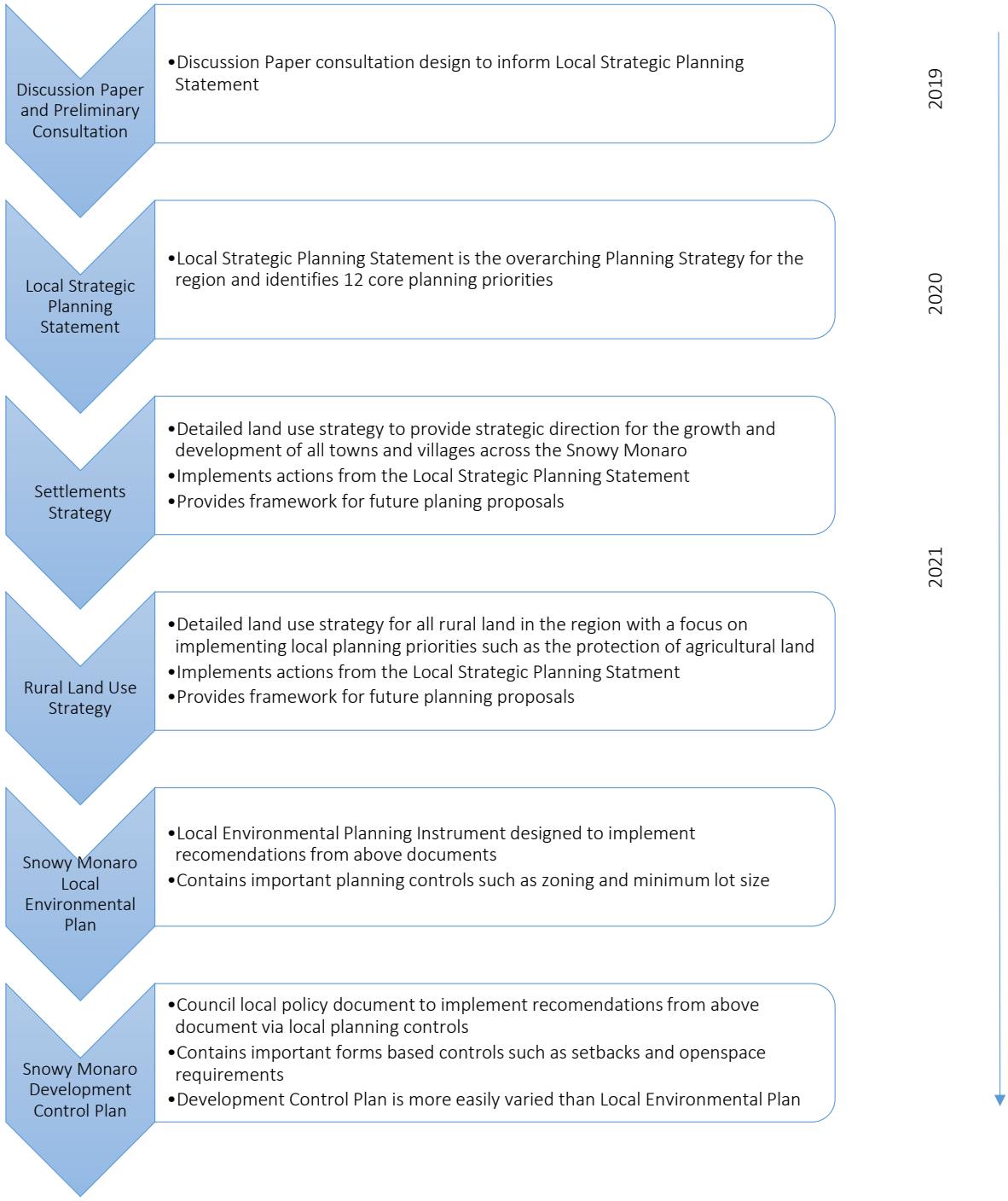
It is anticipated that the Draft Rural Land Use Strategy will be re-exhibited once a full review and re-draft has been completed. Further opportunities for community consultation will also be provided at the Draft LEP stage as shown on the right.

Submissions will be placed on the Draft Rural Land Use Strategy Your Say page.

Appendix A provides the pathway forward to a comprehensive Snowy Monaro LEP.



Appendix A


Discussion Paper and Preliminary Consultation
•Discussion Paper consultation design to inform Local Strategic Planning Statement
2019
Local Strategic Planning Statement
•Local Strategic Planning Statement is the overarching Planning Strategy for the region and identifies 12 core planning priorities
2020
Settlements Strategy
•Detailed land use strategy to provide strategic direction for the growth and development of all towns and villages across the Snowy Monaro
•Implements actions from the Local Strategic Planning Statement
•Provides framework for future planing proposals
2021
Rural Land Use Strategy
•Detailed land use strategy for all rural land in the region with a focus on implementing local planning priorities such as the protection of agricultural land
•Implements actions from the Local Strategic Planning Statment
•Provides framework for future planning proposals
Snowy Monaro Local Environmental Plan
•Local Environmental Planning Instrument designed to implement recomendations from above documents
•Contains important planning controls such as zoning and minimum lot size
Snowy Monaro Development Control Plan
•Council local policy document to implement recomendations from above document via local planning controls
•Contains important forms based controls such as setbacks and openspace requirements
•Development Control Plan is more easily varied than Local Environmental Plan

Appendix 2 – Letter to the ratepayer

SNOWY MONARO REGIONAL COUNCIL

XX Month 2022

<Firstname> <Lastname>

<Address Line 1>
<Address Line 1>
<Address Line 1>
<Address Line 1>

Dear <Ratepayer>

Our Council has a vision of a more prosperous and sustainable Snowy Monaro region for everyone that calls our beautiful part of the world home. Whether you're here for the lifestyle, raising your family, or involved in business or agriculture – we need an integrated and updated Local Environmental Plan (LEP).

The objective of the draft Snowy Monaro Regional LEP is to balance the opportunities for growth and development with the protection of our unique scenic landscape and biodiversity values.

Based on community feedback, we have revised the draft Settlements Strategy and draft Rural Land Use Strategy and prepared the draft Snowy Monaro Regional LEP. All three draft documents are now available for comment.

It is important to us that you consider how these land use controls will impact you. We seek broad community feedback to ensure that these documents reflect our communities views.

Please see the enclosed flyer for ways to have your say. Submissions close 6 February 2023.

To find out more scan the QR Code or visit: **yoursaysnowymonaro.com.au**

Yours Sincerely

Peter Bascomb
Chief Executive Officer

SCAN ME

PO Box 714 COOMA NSW 2630
P 1300 345 345
E draftLEP@snowymonaro.nsw.gov.au
W yoursaysnowymonaro.com.au

SNOWY MONARO REGIONAL COUNCIL

Appendix 3 – Information flyer



SNOWY MONARO REGIONAL COUNCIL

Snowy Monaro Regional
Local Environmental Plan

Why are we seeking your feedback?

Snowy Monaro Regional Council has reviewed and updated the Bombala, Cooma-Monaro and Snowy River Local Environmental Plans (LEP) into one comprehensive plan covering the whole Snowy Monaro region.

The current LEPs are out of date, and are no longer meeting the needs of our changing community, as identified in 2020 in the Snowy Monaro Local Strategic Planning Statement (LSPS).

The LSPS made clear the Snowy Monaro needs revised plans that:

- Support environmental sustainability and connection to heritage
- Support growth and change
- Protect the capacity of productive rural land
- Provide efficient, safe and sustainable infrastructure

As part of the development of the new LEP, we have revised the draft Rural Land Use Strategy and the draft Settlements Strategy, which aligns with the objectives of the LSPS.

The new LEP will set the direction for all development across the Snowy Monaro region and will be assessed by the NSW State Government.



The Snowy Monaro will be a desirable region for people of all ages to live, offering an unmatched regional lifestyle in a picturesque and unique landscape.

– Snowy Monaro LSPS 2020

Bombala
Local Environmental Plan

Cooma-Monaro
Local Environmental Plan

Snowy River
Local Environmental Plan

→

LSPS Objectives

- Support environmental sustainability and connection to heritage
- Support growth and change
- Protect the capacity of productive rural land
- Provide efficient, safe and sustainable infrastructure

→

Snowy Monaro Regional
Local Environmental Plan

To find out more visit: yoursaysnowymonaro.com.au

Timeline

2017	South East and Tablelands Regional Plan 2036
2019	Snowy Monaro Region Planning and Land Use Discussion Paper
2020	Snowy Monaro Local Strategic Planning Statement (LSPS)
2020-21	Snowy Monaro draft Rural Land Use Strategy and draft Settlements Strategy opened for comment
Mar 2021	'What we heard' report released
Nov 2022 – Feb 2023	**Second revision of draft Settlements Strategy opened for comment**
Nov 2022 – Feb 2023	**Second revision of draft Rural Land Use Strategy opening for comment**
Nov 2022 – Feb 2023	**Draft Snowy Monaro Regional Local Environmental Plan released for comment**
Early 2023	Draft Snowy Monaro Regional LEP to be submitted to NSW Government for assessment
Mid 2023	Further opportunity for community consultation
2024	Finalisation of the Snowy Monaro Regional LEP



Tourism, agriculture and forestry will continue to provide the foundation for the region's prosperity supported by the protection of our unique scenic landscape and biodiversity.

– Snowy Monaro LSPS 2020

Upcoming Engagement

IN PERSON

Adaminaby	Cooma	Michelago
Berridale	Dalgety	Nimmitabel
Bombala	Delegate	Numeralla
Bredbo	Jindabyne	Smiths Road

ONLINE *Online sessions are also planned*

Engagement undertaken so far

41 **IN PERSON** meetings with community members

9 **ONLINE MEETINGS** with the community

9,400 **YOUR SAY** page visits

2,200 **LETTERS** mailed out

300+ pieces of **WRITTEN FEEDBACK**

Opportunity to comment

If you would like to provide feedback on the revised draft Settlements Strategy, draft Rural Land Use Strategy or draft Snowy Monaro Regional LEP please do so via our **Your Say** website or email: **draftLEP@snowymonaro.nsw.gov.au**

Where can I find more information?

To find out how the changes relate to your land, please visit our **Your Say** website or scan the QR-code and follow the link to the mapping software.

PO Box 714 COOMA NSW 2630
P 1300 345 345
E draftLEP@snowymonaro.nsw.gov.au
W yoursaysnowymonaro.com.au

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Appendix 4 – Information fact sheets



SNOWY MONARO REGIONAL COUNCIL

Snowy Monaro Regional
Local Environmental Plan | Fact Sheet

Why are we doing this work?

Snowy Monaro Regional Council needs to review and update the current Bombala, Cooma-Monaro and Snowy River Local Environmental Plans (LEP's). These are out of date and no longer meeting the needs of our changing community, as identified in 2020 in the Snowy Monaro Local Strategic Planning Statement (LSPS).

We need to harmonise these three LEP's into one comprehensive plan covering the whole Snowy Monaro Local Government Area.

Bombala
Local Environmental Plan

Cooma-Monaro
Local Environmental Plan

Snowy River
Local Environmental Plan

→

LSPS Objectives
- Environmental sustainability and connection to heritage
- Support growth and change
- Protect the capacity of productive rural land
- Provide efficient, safe and sustainable infrastructure

→

Snowy Monaro Regional
Local Environmental Plan

The LSPS clearly indicated the Snowy Monaro needs a region wide Local Environmental Plan that:

- Promote environmental sustainability and connection to heritage
- Support growth and change
- Protect the capacity of productive rural land
- Provide efficient, safe and sustainable infrastructure

To create the new LEP that meets all of these objectives, we need to revise the draft Rural Land Use Strategy and the draft Settlements Strategy.

Once created, the new LEP will be assessed by the NSW Government, before being approved as the set of rules that control all development in the Snowy Monaro region.

For more informationsee the *Planning Context* fact sheet for the Snowy Monaro region.

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SNOWY MONARO REGIONAL COUNCIL

Snowy Monaro Regional
Local Environmental Plan | Fact Sheet

Where are we up to in the process?

Timeline

2017	South East and Tablelands Regional Plan 2036
2019	Snowy Monaro Region Planning and Land Use Discussion Paper
2020	Snowy Monaro Local Strategic Planning Statement (LSPS)
2020-21	Snowy Monaro draft Rural Land Use Strategy and draft Settlements Strategy opened for comment
Mar 2021	'What we heard' report released
Nov 2022 – Feb 2023	**2nd Revision of draft Settlements Strategy opened for comment**
Nov 2022 – Feb 2023	**2nd Revision of draft Rural Land Use Strategy opening for comment**
Nov 2022 – Feb 2023	**Draft Snowy Monaro Regional Local Environmental Plan released for comment**
Early 2023	Draft Snowy Monaro Regional Local Environmental Plan to be submitted to NSW Government for assessment
2024	Finalisation of Snowy Monaro Regional Local Environmental Plan

Community feedback received so far

41
IN PERSON meetings with community members

9
ONLINE MEETINGS with the community

9400
YOURSAY page visits

2200
LETTERS mailed out

300+
pieces of **WRITTEN FEEDBACK**

For more information and to see where we are in the process, have a look at the *Planning Context* fact sheet.

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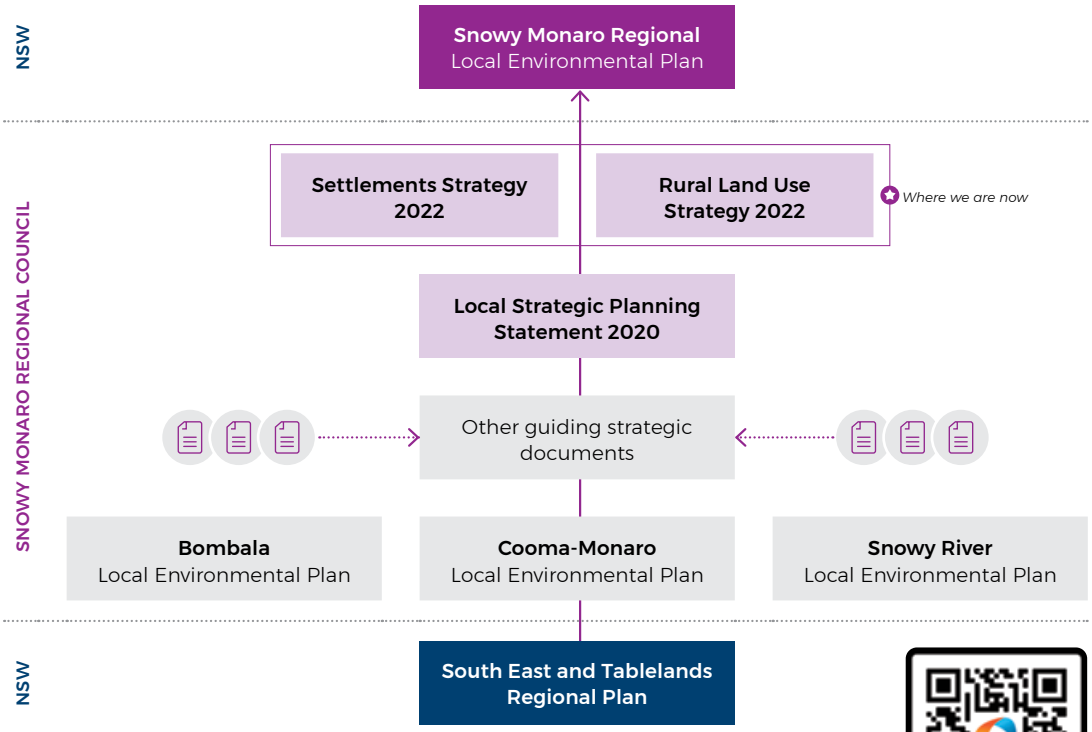
SNOWY MONARO REGIONAL COUNCIL

Snowy Monaro Regional
Local Environmental Plan | Fact Sheet

Planning Context

Snowy Monaro Regional Council sets its planning policies within a framework established and overseen by the NSW State Government. The NSW Government establish the South East and Tablelands Regional Plan to serve as the overarching planning framework for our wider region.

The draft Snowy Monaro Regional Local Environmental Plan will be assessed by the NSW State Government to ensure its consistency with that strategic planning framework. This new plan will inform the Snowy Monaro's other strategic planning documents (see graphic below), which all feed into the Local Environment Plan (LEP).



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SNOWY MONARO REGIONAL COUNCIL

Snowy Monaro Regional
Local Environmental Plan | Fact Sheet

What does the draft **Rural Land Use Strategy** focus on?

The draft Rural Land Use strategy aims to balance the interests of agriculture and tourism in the region, while protecting the environmental values that exist in the region.

The draft Rural Land Use Strategy has been substantially redrafted, following community consultation and now sets seven key policy directions:

56 ACTIONS | **20** YEAR STRATEGY

- Provide sustainable infrastructure
- Protect environmental values
- Support rural tourism
- Protect agricultural production
- Support existing and emerging industries
- Provide dwelling options
- Provide transparency and certainty

→ **Agriculture** / **Tourism** / **Biodiversity** → **Snowy Monaro Regional** Local Environmental Plan

For more information see the *What has changed* fact sheet.

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SNOWY MONARO REGIONAL COUNCIL

Snowy Monaro Regional
Local Environmental Plan | Fact Sheet

What does the draft **Settlements Strategy** focus on?

The draft Settlements Strategy focuses on putting in place the right planning controls to ensure the Snowy Monaro's towns, villages and settlements provide the right mix of housing and employment to sustain the region into the future, while protecting its natural assets and preserving the character of its places.

The strategy looks at six towns specifically, a number of villages, employment land and housing land.

49 RECOMMENDATIONS

20 YEAR STRATEGY



For more information see the *What has changed* fact sheet.

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What has changed since we last spoke with the community about the draft **Settlements Strategy?**

Issue the community raised	Changes made to the document
The document too long and technical	Responses to Ministerial Directions has been removed and the document has been shortened and simplified
Jerangle community thought RU1 was not the right zoning	Strategy now proposes that Jerangle be zoned RU5 Village
Adaminaby Village zone	A more structured town zoning has been prepared for Adaminaby
Berridale Industrial Land was too large and too close to rural residential properties	Reviewed and reduced proposed industrial zone land at Berridale to avoid rural residential properties and reduce land use conflict
Snowy Mountains SAP Masterplan was not reflected in the Settlements Strategy	The Settlements Strategy has been updated to provide clarity, consistency and alignment with the Snowy Mountains SAP Masterplan including further strategic consideration of Kalkite Village
Council land at Hawkins Street should be RE1 Public Recreation	The Strategy proposes that land along the Cooma Creek at Hawkins Street be zoned RE1 Public Recreation
Protect residential land at East Jindabyne	The Strategy proposes that residential land in East Jindabyne outside of the Growth Areas, is changed to R2 Low Density Residential

For more information see 'Maps' link on YourSay page to see what zoning applies to your land.

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SNOWY MONARO REGIONAL COUNCIL

Snowy Monaro Regional
Local Environmental Plan | Fact Sheet

What has changed since we last spoke with the community about the draft **Rural Land Use Strategy?**

Issue the community raised	Changes made to the document
Document too long and technical	• The Rural Land Use Strategy (RLUS) has been re-drafted and is now focused around 7 Policy positions • All of the proposed Local Environmental Plan clauses have been removed and are contained within the full draft of the Snowy Monaro Regional LEP • The Policy context has been relocated to an Appendix of the draft RLUS • Ministerial Directions are now contained within the Planning Proposal document • Hyperlinks to relevant documents embedded throughout
Proposed C3 Environmental Management Zoning not appropriate in most areas	• Previous proposed changes to make some rural zoned land Environmental/ Conservation Zone have been removed • The revised proposal makes that land RU1 or RU2 • The RU2 Rural Landscape Zone benefits from all allowable activities under the Local Land Services Act • The change to RU2 reflects the continued agricultural use of the land
Some changes to Minimum Lot Size were not appropriate	• The approach to minimum lot size (MLS) has been reviewed. Advice from the Community Reference Group (CRG) was that a consistent methodology was necessary (particularly in relation to Zone RU1 Primary Production) • The majority of land in the Snowy Monaro is unaffected by these changes • Some area have decreased their MLS, typically on rural land around service centres where land fragmentation has occurred • Some areas have increased their MLS, typically based on analysis of land capability, existing holding sizes, steep slopes, erodible soils, biodiversity values and bushfire risk
Dual Occupancy in rural areas would be desirable	• Dual Occupancy is proposed to be permissible in RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots, C3 Environmental Management Zones and C4 Environmental Living Zone
Lacks opportunity for diversification of rural and other industries	• The RU4 Primary Production Smalls Lots provides opportunities for diversity and innovation on smaller lots. These areas are identified within discrete areas to limit the road impacts, but 40ha is large enough to undertake many boutique or artisan agricultural land uses, provide for rural infrastructure as well as buffer areas

For more information see 'Maps' link on YourSay page to see what zoning applies to you block.

SCAN ME

PO Box 714 COOMA NSW 2630
P 1300 345 345
E DraftLEP@snowymonaro.nsw.gov.au
W yoursaysnowymonaro.com.au



SNOWY MONARO REGIONAL COUNCIL

Snowy Monaro Regional
Local Environmental Plan | Fact Sheet

Planning acronyms, definitions and explanations

Bombala LEP	Will be merged into the Snowy Monaro Regional LEP
Cooma-Monaro LEP	Will be merged into the Snowy Monaro Regional LEP
Development Control Plan (DCP)	Rules and guidelines that sit below the LEP
Local Environmental Plan (LEP)	The plan is developed by Council but assessed and endorsed by the NSW government that sets the framework for all development in the council area
Local Strategic Planning Statement (LSPS)	Council's principal land use planning document for the council area
Rural Land Use Strategy (RLUS)	Strategy focused on rural land outside townships and settlements
Settlement Strategy	Strategy focused on Snowy Monaro townships and villages
SMRC	Snowy Monaro Regional Council
Snowy River LEP	Will be merged into the Snowy Monaro Regional LEP
South East and Tablelands Regional Plan	The plan set by the NSW government to provide a framework for development, within which council's plans must operate
SAP	Special Activation Precinct
SEPP	State Environmental Planning Policy
NSW	New South Wales

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SNOWY MONARO REGIONAL COUNCIL

Snowy Monaro Regional
Local Environmental Plan | Fact Sheet

Frequently asked questions

Will my rates change if my zone changes?

Rates are administered under the Local Government Act 1993 are not necessarily linked to land use zone.

However, rezonings that change the allowable use of the land (Eg if land becomes commercial instead of residential) may change the value of your land and if it does any increases or decreases in value may impact your rates liability accordingly.

My land has changed from RU1 Primary Production to RU2 Rural Landscape, what are the impacts?

The RU2 Rural Landscape zone has been applied to rural lands used for primary production that are also physically constrained by slope and poor soils, and have ecological values or scenic landscapes.

Applying a different rural zone means that some high impact or hazardous land uses can be prohibited within the RU2 zone, such as heavy industries, electricity generating works, intensive livestock agriculture and some rural industries.

Allowable activities under the *Local Land Services Act 2013* cover a range of routine land management activities associated with agriculture and other common practices in rural areas. Landholders do not need to seek approval for allowable activities in any of the Rural Zones (RU1, RU2 or RU4).

How are we providing for future growth?

The draft Settlements Strategy outlines a framework for future growth across the region including allowing for suitable land to be zoned for residential and employment generating development in and around towns and villages.

My Land is in or near a 'Growth Investigation Area' does this mean the zone is changing?

Not necessarily, the 'growth investigation areas' identifies land which may be suited for another zone and/or development type, subject to further investigation. Once further investigation is undertaken this could mean the owners lodge a rezoning application (planning proposal) with Council.

I have my DA approved, but the rules are changing. Can I still do what I have approval for?

Yes you can. A development approval generally lasts for five years (check your consent) and therefore you have five years to physically commence the development. Once you undertake physical works, the consent is enlivened and this ensures the consent will never lapse.

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P 1300 345 345
E DraftLEP@snowymonaro.nsw.gov.au
W yoursaysnowymonaro.com.au

Can I continue to operate my business if the zone is changed and the use becomes prohibited?

Yes you can. The provisions of the *Environmental Planning and Assessment Act 1979* acknowledge that there will be circumstances where land uses have commenced lawfully, and a subsequent change in planning legislation has the potential to restrict how that use may be conducted into the future.

These provisions will generally fall into one of the following categories:

- "existing uses" where a use is lawfully commenced and a subsequent law (e.g. LEP, SEPP) makes that use prohibited; or
- "continuing use" where a use is lawfully commenced without consent and a subsequent law (e.g. LEP, SEPP) requires consent to be obtained for that use.

The provisions of the Environmental Planning and Assessment Act 1979 allow existing/continuing uses to continue operating without the need for further approval to be obtained from Council, provided that the nature of the use remains the same as that which existed at the date the new LEP comes into effect.

Can I make changes to my existing/ continuous use?

If a person is conducting an existing/continuing use on a property, and wishes to undertake:

a. any alteration or extension to or rebuilding of a building or work; or
b. increase the area of the use; or
c. any enlargement or expansion or intensification of the use;

development consent from Council will be required.

Obtaining approvals in these circumstances can become complicated, and it is recommended that you obtain advice from Council or a consultant to ensure that you are properly prepared.

Can existing/continuous use rights lapse?

Any existing or continuous lawful use may continue unless the land use is abandoned. A use is to be presumed to be abandoned if it ceases to be used for a continuous period of 12 months.

However, section 4.70 of the Act provides if a development consent is in force, a land use can't be abandoned.

The existing use provisions aim to balance the potential difficulty and dislocation that could result if landowners or occupiers were required to discontinue a land use no longer permitted under current planning controls, against the need to transition to the new and preferred planning regime for the area.

Please note: *the information is general in nature and may not take into account your specific circumstances. You should rely on your own independent legal or financial advice to ascertain what is best in your circumstances now and into the future.*



SNOWY MONARO REGIONAL COUNCIL

Snowy Monaro Regional
Local Environmental Plan | Fact Sheet

Agritourism Reform 2022

Definition	Exempt Development *(does not require consent)*	Complying Development *(fast track approval – does not require public exhibition)*
Farm gate premises— a. means a building or place— i. on a commercial farm*, and ii. ancillary to the farm, and iii. used to provide visitors to the farm, on a commercial basis, with agricultural products predominantly from the farm, supplemented by products from other farms in the region, or with services or activities related to the products, including the following— A. processing, packaging and sale of the products, but not the processing of animals, B. the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided, C. tastings or workshops, D. the provision of information or education related to the products, and b. includes cellar door premises.	Permitted in RU1, RU2, RU4 zones and in other zones where agriculture, extensive agriculture, intensive livestock agriculture and intensive plant agriculture are permitted under the LEP 100 visitors at any one time Hours of operation - Sunday to Friday 8am – 5pm, Saturday 7am-5pm Use up to 200m2 gross floor area of an existing building Off street parking Vehicular or pedestrian access to the accommodation must not be directly from a freeway, highway or tollway within the meaning of the *Roads Act 1993*.	Permitted in RU1, RU2, RU4 zones where agritourism is permitted under the LEP Maximum 200m2 gross floor area for each building to maximum 500m2 for all farm gate premises and farm experience premises buildings on the landholding The standards for exempt development for maximum guest numbers, hours of operation and parking also apply
Farm experience premises means a building or place— a. on a commercial farm*, and b. ancillary to the farm, and c. used to provide visitors to the farm, on a commercial basis, with small-scale and low-impact tourist or recreational activities, including the following, but not including motor sports— i. horse riding, ii. farm tours, iii. functions or conferences, iv. farm field days.	Permitted in RU1, RU2, RU4 zones and in other zones where agriculture, extensive agriculture, intensive livestock agriculture and intensive plant agriculture are permitted 50 visitors at any one time (excluding school visits, farm tours and horse riding tours) Total 100 guests at any one time for all farm gate premises and farm experience premises (excluding tours and school visits) Maximum 52 days per year (excluding school visits, farm tours and horse riding tours) Hours of operation - Sunday to Friday 8am – 6pm, Saturday 8am-12am Use up to 200m2 gross floor area of an existing building Off street parking Vehicular or pedestrian access to the accommodation must not be directly from a freeway, highway or tollway within the meaning of the *Roads Act 1993*.	Permitted in RU1, RU2, RU4 where agritourism is permitted Maximum 200m2 gross floor area for each building to maximum 500m2 for all farm gate premises and farm experience premises buildings on the landholding The standards for exempt development for maximum guest numbers, maximum days, hours of operation and parking also apply

The below list does not constitute the full list of development standards.

Definition	Exempt Development *(does not require consent)*	Complying Development *(fast track approval – does not require public exhibition)*
Farm stay accommodation means a building or place— a. on a commercial farm*, and b. ancillary to the farm, and c. used to provide temporary accommodation to paying guests of the farm, including in buildings or moveable dwellings.	Permitted in RU1, RU2, RU4 zones and in other zones where agriculture, extensive agriculture, intensive livestock agriculture and intensive plant agriculture are permitted Maximum 20 guests in tents, caravans and campervans. Maximum 6 caravans and campervans Maximum 21 consecutive days of stay Minimum landholding of 15ha for camping/ caravans Use up to 60m2 gross floor area of an existing residential accommodation or manufactured home Off street parking Vehicular or pedestrian access to the accommodation must not be directly from a freeway, highway or tollway within the meaning of the *Roads Act 1993*.	Permitted in RU1, RU2, RU4 zones where farm stay accommodation is permitted under the LEP Maximum 6 buildings on the landholding Maximum 21 consecutive days of stay Minimum landholding size of 15ha (new buildings) Maximum 60m2 gross floor area for a new building or use up to 60m2 of an existing building Use up to 25m2 of an existing building to provide communal amenities or facilities Off street parking
Roadside stall means a place or temporary structure used for the retail sale of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.	Permitted in RU1, RU2, RU4 zones One stall per farm, located on the property Cannot be located on land adjacent to a freeway, tollway or highway Max 9m2 footprint Parking on the property or on the road verge subject to certain requirements	N/A

*commercial farm means a farm on which agriculture is undertaken that is—
a. on land categorised as farmland under the Local Government Act 1993, section 515, or
b. a primary production business within the meaning of the Income Tax Assessment Act 1997 of the Commonwealth, or part of a primary production business, including a business that—
   i. was a primary production business, and
   ii. has temporarily ceased to be a primary production business because of a natural disaster, including a drought, flood or bush fire.



Minimum Lot Size and Subdivision

This information sheet is relevant to land within the following zones:

- **RU1 Primary Production**
- **RU4 Primary Production Small Lots**
- **C4 Environmental Living**
- **RU2 Rural Landscape**
- **C3 Environmental Management**

Please note: All other zones where dwellings are proposed to be permissible are not subject to minimum lot size requirements.

A dwelling opportunity refers to the potential for Council to approve a dwelling on certain land. It is important for the community and landowners to consider that rural zones are to be primarily used for production and/or environmental protection and the construction of dwellings should not conflict with this primary purpose. Minimum lot size is a tool to manage the density of dwellings in the above zones.

The objectives of Clause 4.2A of the draft Snowy Monaro Regional LEP are:

a. to minimise unplanned rural residential development,
b. to enable the replacement of lawfully erected dwelling houses and dual occupancies in rural, residential and environment protection zones.
c. to ensure that rural residential development does not create unreasonable or uneconomic demands for the provision or extension of public infrastructure.

The criteria for whether land has a dwelling entitlement is more complex than simply meeting the prescribed minimum lot size. There are several criteria that may mean land has a dwelling opportunity.

Generally, where one of the criteria below can be met, land will permit a dwelling:

- The lot meets the minimum lot size
- If a subdivision was approved under either the Bombala LEP 2012, Cooma-Monaro LEP 2013, the Snowy River LEP 2013 or a previous Environmental Planning Instrument and a dwelling was permissible before the new Snowy Monaro Regional LEP commenced. Please note: It doesn't matter if the Linen Plan has been registered or not
- Land that is an existing holding under the Snowy River LEP 2013 will have 5 years to submit a development application to secure a dwelling and then a further 5 years to commence construction
- If there is or was a lawfully erected dwelling house located on the land and the new dwelling house is intended to replace the old, dilapidated or destroyed house

Other important things to note in relation to rural land and subdivision:

- A change to MLS does not affect any existing lawfully constructed dwelling house.
- Subdivision below the minimum lot size for an agricultural purpose is permissible. However, the land does not receive a dwelling opportunity.
- Separate lots (titles) can be transferred to new ownership without requiring Council approval.
- It is only dwelling houses that are linked to minimum lot size, all other permissible land uses are able to be undertaken (with or without consent) irrespective of minimum lot size.
- Dual occupancies (two dwellings on one lot) are proposed to be permissible with consent to allow for intergenerational farming and support.
- Consolidation of lots does not require consent and is therefore not affected by the provisions of an LEP.
- Subdivision should not be relied upon as a tool for succession planning

Why are minimum lot sizes changing?

Part of the process of harmonising the LEP is having a consistent approach to minimum lot size across the LGA. Our current LEPs have an inconsistent approach to minimum lot size and the Bombala and Cooma-Monaro LEPs do not rely on any land use planning methodology.

Minimum lot size for each of the rural zones is to consider the objectives and intent of the zone. Therefore, there are different matters for consideration for each of the rural zones.

RU1 Primary Production

The matters for consideration in relation to minimum lot size within the RU1 Primary Production Zone are:

- The current distribution of property sizes and the agricultural industries they support
- The productivity and capability of the land
- The nature and requirements of agricultural industries in the area
- Long-term sustainability of agriculture
- Avoiding fragmentation of productive agricultural lands
- The risk of creating land use conflict
- Protecting the supply chain for agriculture
- Providing for buffers
- Servicing and maintenance of infrastructure, particularly roads
- Cumulative impacts e.g. the gradual subdivision of agriculture becoming a rural residential zone.

The rural landscape was broken down into eight subregions based on the Local Strategic Planning Statement. The table below outlines the subregions, the average holding size within each subregion the recommended minimum lot size and the number of new dwelling opportunities at the recommended minimum lot size.

In total there remains 1,112 opportunities for new dwellings within the proposed RU1 Primary Production Zone across the LGA.

A full discussion on the recommended minimum lot size within the RU1 Zone can be found in Appendix 1 Holding Analysis and Land Capability of the draft Rural Land Use Strategy.

Subregion	Average Holding Size (ha)	Recommended MLS (ha)	New dwelling opportunities
Canberra Corridor	104	100	222
Eastern Valleys	211	200	132
Cooma	79	80	82
Monaro	263	400	193
Bombala	224	250	255
Jindabyne	182	200	18
Eucumbene	224	250	133
Murrumbidgee Mountains	170	200	77

RU2 Rural Landscape and C3 Environmental Management

The criteria for consideration in relation to minimum lot size within the RU2 Rural Landscape Zone and C3 Environmental Management Zone are:

- Biodiversity, sensitive land and water conservation
- Land capability (Class 7 and 8)
- Manage the exposure to natural hazards, protecting life and property (Category 1 BFPL and slope)
- Retain the landscape character of the land
- Servicing and maintenance of infrastructure

The average holding size of land within the proposed RU2 Rural Landscape Zone is 203 hectares. At the recommended minimum lot size of 200 hectares, there remains 632 opportunities for new dwellings across the LGA within the proposed RU2 Rural Landscape Zone.

RU4 Primary Production Small Lots

The area proposed to be zoned RU4 Primary Production Small Lots is to support opportunities for rural tourism and diverse and innovative agricultural opportunities on land that is not used for traditional broadacre farming, i.e. on smaller lots.

These discrete areas have been selected as they are close to centres thereby providing access to a customer and employment base and are generally well serviced by sealed roads, or allow for focused and strategic infrastructure provision.

Importantly, these areas are existing areas of lower minimum lot size, generally 40 hectares, although there are areas around Adaminaby and Berridale where this would be an increase or decrease in minimum lot size. Therefore, the application of a 40 hectare minimum lot size would not provide any significant opportunities for additional fragmentation below 40ha.

Any further reduction in lot size is likely to encourage lifestyle lots and rural residential living, cause land use conflict with those that are undertaking agricultural land uses and this would be inconsistent with the zone objectives.

At the recommended minimum lot size of 40ha, there remains 467 opportunities for new dwellings across the proposed RU4 Primary Production Small Lots zone.

Please note: *The information is general in nature and may not take into account your specific circumstances. You should rely on your own independent legal or financial advice to ascertain what is best in your circumstances now and into the future.*

Appendix 5 – Monaro Post advertisement

SNOWY MONARO REGIONAL COUNCIL

Council News

Updates | Information | Consultation

COMMUNITY SERVICES ADVISORY COMMITTEE

Council is seeking nominations for the Community Services Advisory Committee, comprised of up to eight community representatives, Council staff and a Councillor.

We are seeking suitably qualified people with experience in: financial management, law, having a relative at Yallambee Lodge, having a relative at Snowy River Hostel, or having a relative using Council's Community Support Programs.

The primary role of the Committee is to provide advisory support related to Residential Aged Care and Community Support Programs.

Applications close Friday 3 February 2023.

Visit **www.snowymonaro.nsw.gov.au/Council/Section-355-Committees** to apply.

JOB VACANCIES

Check out our careers portal through the link below to learn more about working with Council.

www.snowymonaro.nsw.gov.au/careers

Listings updated regularly.

Closing Monday 30 January 2023

- Building Certifier – Full Time – Cooma
- Coordinator Development – Full Time – Jindabyne
- Education Officer – Full Time – Flexible
- Mobile Library Operator – Full Time – Cooma
- Trainee Water and Wastewater Civil Maintenance (Snowy) – Contract – Jindabyne

Closing Monday 6 February 2023

- Community Development Planner – Temporary – Cooma
- Resident Support Assistant Trainee – Temporary – Cooma
- Registered Nurse (RN) – Full Time – Cooma
- Team Leader Resident Support – Full Time – Cooma

AUSTRALIA DAY 2023

Respect, reflect and celebrate this Australia Day with events scheduled across the Snowy Monaro.

Bredbo, Cooma and Jindabyne will hold their celebrations on Thursday 26 January 2023, with Bombala to follow on Saturday 28 January 2023.

Other towns and villages event details are being finalised. Visit **www.snowymonaro.nsw.gov.au/Events-directory** for all the latest information.

COOMA LANDFILL: TEMPORARY CLOSURE

Cooma Landfill will open on Tuesday 31 January 2023 for two hours only, from 7am to 9am.

This is a temporary disruption to operating hours due to a scheduled power outage.

Cooma Landfill operating hours will return to normal – 9:30am to 4:30pm – on Wednesday 1 February 2023.

NOTIFICATION OF ROAD NAME PROPOSALS

Notice is hereby given pursuant to Section 163 of the Roads Act 1993 and Part 7 of the Roads Regulations 2018 of the proposals for the following road names:

Locality	Jindabyne
Name	Sugarloaf Road
Description	A private right-of-carriageway due to subdivision, off Chongs Road, Jindabyne.
Name origin	Road travels through catchment of nearby Sugarloaf Creek.

Locality	Berridale
Names	Higgins Circuit, Hyles Street, and Try Street.
Description	Subdivision at 10 Jindabyne Road, Berridale requires naming three new roads.
Name origin	The proposed names are in commemoration of fallen World War I servicemen from Berridale: Marcus Higgins, Oscar Hyles, and Ernest Christian Try.

These proposed names are open for feedback submissions for twenty-eight (28) days, ending Wednesday 8 February 2023.

Submissions should be made in writing to Chief Executive Officer Peter Bascomb. Email council@snowymonaro.nsw.gov.au or mail PO Box 714, Cooma NSW 2630.

HAVE YOUR SAY: CONSULTATIONS OPEN FOR COMMUNITY FEEDBACK

Did you know that Council's Your Say page is the easiest way for you to have direct input into important Council initiatives, strategic planning and more?

There are consultations open now for feedback and we would really like to hear from you.

- **Draft Development Servicing Plans**
  Closes 11.59pm Monday 30 January 2023
- **Draft Development Control Plan Amendment 3**
  Closes 11.59pm Wednesday 8 February 2023
- **Draft Land Use Strategies and Draft Local Environmental Plan**
  Closes 11.59pm Monday 20 February 2023

Head to **www.yoursaysnowymonaro.com.au** to have your say today.

UNSEALED ROAD MAINTENANCE SCHEDULE

Road maintenance is scheduled in advance, but is subject to change due to the determination of specific roads or unforeseen circumstances.

Please **visit www.snowymonaro.nsw.gov.au/Roads-Traffic-Maintenance/Road-Maintenance** to view the latest schedule.

DRAFT SOUTH EAST AND TABLELANDS REGIONAL TRANSPORT PLAN

Transport for NSW (South East Team) has released the Draft South East and Tablelands Regional Transport Plan for public exhibition. The Draft Transport Plan will be open for review and feedback until 24 February 2023.

The Draft Transport Plan outlines the strategic framework for how Transport for NSW will respond to changes in land use, population, and travel demand across the South East Region of NSW over the next 20 years.

It has been developed alongside the NSW Department of Planning and Environment's Draft South East and Tablelands Regional Plan and provides a blueprint to transform how people and goods will travel to, within, and through the South East and Tablelands region in the future.

They invite all residents, community members, business owners and regional stakeholders to provide feedback on the Draft Transport Plan. Your input will help shape the future vision for transport in the region.

To view the draft Transport Plan and to provide feedback or make a submission, please visit their Have Your Say page or contact the Project Team.

Visit **https://yoursay.transport.nsw.gov.au/hys-draft-south-east-and-tablelands-regional-transport-plan** or email **SouthEastTablelandsRTP@transport.nsw.gov.au**

NOMINATIONS OPEN FOR YOUTH COUNCIL

Applications for the 2023 Snowy Monaro Youth Council are now open, giving our next generation of leaders the opportunity to make a real difference to their community.

Positions are open to young people between 12 and 24 years old who live in the Snowy Monaro.

Applications close 5pm Friday 4 February 2023.

Visit **www.snowymonaro.nsw.gov.au/Community/Young-People/Snowy-Monaro-Regional-Youth-Council** to apply today, or learn more about how you can make a difference.

PARKS AND GARDENS MAINTENANCE SCHEDULE

The latest schedule for parks and gardens maintenance is now available on our website.

All works are weather dependent.

Schedule updated regularly.

Visit www.snowymonaro.nsw.gov.au/Recreation/Parks-and-Garden-Maintenance to view the latest schedule.

24/7 Customer service line
1300 345 345

Head Office Cooma
81 Commissioner Street COOMA NSW 2630
PO Box 714 COOMA NSW 2630

Berridale Office 2 Myack Street
Bombala Office 71 Caveat Street
Jindabyne Office Shop 2 Gippsland Street

E council@snowymonaro.nsw.gov.au
W www.snowymonaro.nsw.gov.au

Appendix 6 – Media release

Media Release

Tuesday 22 November 2022

Planning documents have been endorsed for public consultation and feedback

Councillors voted last week to endorse a suite of comprehensive planning documents for the Snowy Monaro to be placed on public exhibition. The revised documents will update and unify development and development planning in our region.

Following extensive consultation in 2020 and 2021, Snowy Monaro Regional Council reviewed the feedback from our community in detail. As a result, our teams then re-drafted these important strategic documents and planning instruments following feedback received, Council direction, legislation and government policy.

The strategy and plans endorsed for exhibition at the meeting are:

- Draft Rural Land Use Strategy
- Draft Settlements Strategy
- Draft Comprehensive Snowy Monaro Regional Local Environmental Plan
- Draft Development Servicing Plans

The consultation is open now for your feedback until 11.59pm Monday 6 February 2023. Visit www.yoursaysnowymonaro.com.au/draftsnowymonarolep

As the major revisions to these documents show, what the community tells us during these consultations really does make a difference.

These critically important documents seek to balance the opportunities for growth and development with the protection of our unique scenic landscape and biodiversity values.

Engagement is at the core of what Snowy Monaro Regional Council does. This means that when we ask you to have your say, we listen, and we consider what we hear.

These planning documents are drafts. What we hear from you in this next round of consultation and engagement will meaningfully inform and shape what the final versions of these documents look like.

Contact Council for advice and further information – 1300 345 345 or council@snowymonaro.nsw.gov.au

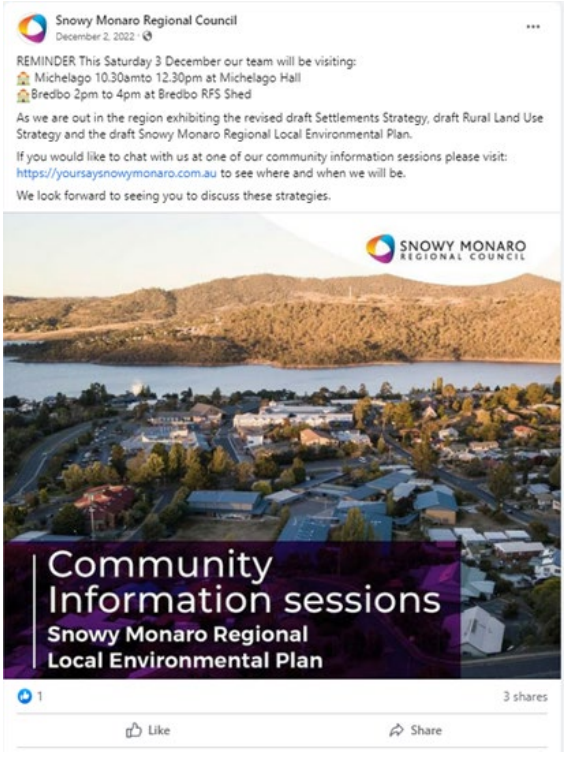
Media Contact

Communications Team – 1300 345 345 – communications@snowymonaro.nsw.gov.au

Go to www.snowymonaro.nsw.gov.au or follow Council's Facebook page.

Appendix 7 – Facebook advertisement examples


Snowy Monaro Regional Council
November 21, 2022
Based on community feedback, we have revised the draft Settlements Strategy and draft Rural Land Use Strategy and prepared the draft Snowy Monaro Regional Local Environmental Plan (LEP). These strategies are now on public exhibition. To view the strategies and provide comments please visit: https://yoursaysnowymonaro.com.au/draftsnowymonarolep
SNOWY MONARO REGIONAL COUNCIL
Have Your Say
Snowy Monaro Regional
Local Environmental Plan
32
15 comments 31 shares
Like
Comment
Share


Snowy Monaro Regional Council
December 2, 2022
REMINDER This Saturday 3 December our team will be visiting:
Michelago 10.30amto 12.30pm at Michelago Hall
Bredbo 2pm to 4pm at Bredbo RFS Shed
As we are out in the region exhibiting the revised draft Settlements Strategy, draft Rural Land Use Strategy and the draft Snowy Monaro Regional Local Environmental Plan.
If you would like to chat with us at one of our community information sessions please visit: https://yoursaysnowymonaro.com.au to see where and when we will be.
We look forward to seeing you to discuss these strategies.
SNOWY MONARO REGIONAL COUNCIL
Community
Information sessions
Snowy Monaro Regional
Local Environmental Plan
1
3 shares
Like
Share

Appendix 8 – Media coverage summary

Media Coverage: Draft Land Use Strategies and LEP

Wednesday, 12 October 2022

The Monaro Post

The case for small rural development - From Cr Williamson

- Disclaims these are his personal views
- SMRC will soon release RLUS draft, led petition against first go round
- Aware of anxiety
- Raising minimum lot size economically risky, will reduce value of rural land
- Dire effects on financial and mental health of farmers
- Surely legal claims to follow
- Will damage trades and entire economic confidence in the Snowy Monaro
- Provides context of agriculture in SMRC
- Says forbidding small lot housing on agricultural land will stifle diversification
- More small farmers means more business for small communities
- Wants us to lower lot sizes for building entitlements

https://monaropost.com.au/post-rail/the-case-for-small-rural-development

Wednesday, 27 October 2022

ABC Radio South East NSW

Interview with Craig Mitchell following his successful election in countback
- No word on swearing-in ceremony, in financial meeting/induction today, LEP tonight

Wednesday, 2 November 2022

The Monaro Post

Mitchell elected to SMR Council

- Countegany grazier Craig Mitchell elected to Council following countback
- Wants to improve comms and engagement at Council
- Vocal critic of Draft RLUS and process around that document last year, thinks it's looking much better
- Not enough consultation on financial statements
- Thinks finances are much better than people think, hence the need for improved communication

https://monaropost.com.au/news/mitchell-elected-to-smr-council

Wednesday, 16 November 2022

The Monaro Post

Resident concern over Rural Land Use Strategy

- 'A concerned group of residents' met last weekend to discuss RLUS
- Council considering RLUS at meeting this week

- First RLUS 'rejected' by community last year with over 300 submissions
- Community Reference Group established last year during the drafting of new strategy
- RU2 zones not supported by CRG, now proposed
- Hans Saxinger says RU2 zones not a part of former council areas, impact on development unknown, Council staff have no experience applying this zoning to local development
- CRG against increase to lot sizes, being proposed to RU2, impact on housing availability and farmers negative
- New proposal has environmental zones, article claims Councillors voted against environmental zones entirely
- Claims LEP, based on RLUS, to be submitted for approval before RLUS; ignores community wishes
- Will push for CRG review of RLUS and LEP before public exhibition
- Another new 'community group' is apparently forming purely for rural land use matters

https://monaropost.com.au/news/resident-concern-over-rural-land-use-strategy

Wednesday, 21 November 2022

2MNO

Interview with Mayor Narelle Davis

- Draft LEP, Draft Settlements Strategy, Draft RLUS endorsed for consultation
- Not approved, just out for consultation
- Dates coming shortly
- Invites people to write thoughts in on these documents

Wednesday, 23 November 2022

The Monaro Post

Council News

- DLUS and LEP Your Say open

Wednesday, 23 November 2022

The Monaro Post

Mayor Column

- Have your say: DLUS and LEP

Wednesday, 30 November 2022

The Monaro Post

Council Update

- DLUS and LEP – documents endorsed – have your say

Wednesday, 30 November 2022

The Monaro Post

Council News

- Have your say: DLUS and LEP
- Drop in and pop up events listed

Wednesday, 7 December 2022

The Monaro Post

Council News

- Rural Land use and LEP drop-ins and pop-ups details

Wednesday, 14 December 2022

The Monaro Post

Council News

- Share your opinion on these important consultations today

- DLUS and LEP – open to have your say

Wednesday, 21 December 2022

The Monaro Post

Council News

- Promotes DLUS/LEP consultations

Wednesday, 28 December 2022

The Monaro Post

Council News

- It's easy to give your input - DLUS/LEP consultations

Wednesday, 4 January 2022

The Monaro Post

Council News

- Have your say: Draft Land Use Strategies and Draft Local Environmental Plan

Wednesday, 11 January 2022

The Monaro Post

Letter to the editor – From Luke Williamson

- States Draft RLUS will likely see financial value of much of the region's rural land falling
- Rural land owners will reduce spending on improvements, this means less work for contractors and less sales for rural suppliers
- Houses won't be able to be built, perhaps thousands of them, means less work for trades and suppliers
- Overall less money circulating in local economy, less people moving here
- Summarises that RLUS and SRV will hit the local economy negatively immediately and over the long term
- Encourages readers to review the documentation and participate in the consultations for SRV and land use strategies

https://monaropost.com.au/post-rail/letters-to-the-editor-longterm-effects

Wednesday, 11 January 2022

The Monaro Post

Ratepayers group rejects SRV

- Intend to put land use strategy, demerger on election agenda
https://monaropost.com.au/news/ratepayers-group-rejects-srv

Wednesday, 11 January 2022

The Monaro Post

Council News

- Have your say: Draft Land Use Strategies and Draft Local Environmental Plan

Wednesday, 18 January 2022

The Monaro Post

Letter to the editor - From Kingsley Warburton

- Claims new draft settlements policy will see local land holders take over the financial responsibility of road and infrastructure maintenance
https://monaropost.com.au/post-rail/letters-to-the-editor-no-more-taxes-for-the-monaro

Wednesday, 18 January 2022

The Monaro Post

Council News

- Have your say: Draft Land Use Strategies and Draft Local Environmental Plan

Wednesday, 25 January 2022

The Monaro Post

Council News

- Have your say: Draft Land Use Strategies and Draft Local Environmental Plan

Wednesday, 1 February 2023

The Monaro Post

Council News

- Have your say: Draft Land Use Strategies and Draft Local Environmental Plan

Wednesday, 1 February 2023

Snowy Monaro Farmer

Time remaining for land use feedback

- Less than a month left to provide feedback on draft RLUS and LEP
- Re-exhibited following strong objection to E3 zones
- E3 removed, lot sizes reviewed
- Closes 20-Feb
- Lists info from Your Say page explaining why these strategic documents need to be changed, lists Q&As

https://www.farmernews.com.au/digital-editions/snowy-monaro-farmer-january-2023

Wednesday, 8 February 2023

The Monaro Post

Landholders having their say

- Less than two weeks for landholders to provide feedback on draft RLUS and LEP
- Summarises first round controversy around plans for E3 zones
- New draft has removed E3 and reviewed approach to lot sizes
- Encourages participation by 20-Feb
- Posts unabridged infor from Your Say page explaining the plans, why they're changing, and what's different than the first set of drafts

https://monaropost.com.au/news/landholders-having-their-say

Wednesday, 8 February 2023

The Monaro Post

Bewildering land use changes - Letter to the editor from Jenny Wholohan, Tinderry

- Bewildered by push to increase lot sizes

- Tinderry area not prime agricultural land that would suffer from the kind of fragmentation the policy would prevent
- Further assessment needed, not broad brush approach
- Policy would prevent growth, despite saying it promotes it
- Disagrees that smaller blocks would encourage absentee owners, says that her experience shows the opposite is true
- Proposed policy will only cause out of control weed problems, doesn't help housing crisis
https://monaropost.com.au/post-rail/letters-to-the-editor-bewildering-land-use-changes

Wednesday, 8 February 2023

The Monaro Post

Council News

- Have your say: Draft Land Use Strategies and Draft Local Environmental Plan

Monday, 27 February 2023

2MNO

Interview with Mayor Narelle Davis

- LEP and Land Use Strategies

Appendix 9 – Social media results

Draft Land Use Strategy and the draft Settlements Strategy – social media summary

Title	Date published	Reach	Engagements	Likes and reactions	Comments	Shares
This is your last chance to view and give fe... Boost post ··· Snowy Monaro Regional Council	Sun Jan 15, 6:00pm	1K Accounts Center accou...	26 Post engagements	0 Reactions	0 Comments	1 Shares
We are coming to the end of our consultat... Boost post ··· Snowy Monaro Regional Council	Mon Jan 9, 3:00pm	604 Accounts Center accou...	3 Post engagements	0 Reactions	0 Comments	0 Shares
We are currently exhibiting the revised Dra... Boost post ··· Snowy Monaro Regional Council	Thu Jan 5, 6:00pm	1.7K Accounts Center accou...	113 Post engagements	5 Reactions	0 Comments	19 Shares
REMINDER Our team will be out today, We... Boost post ··· Snowy Monaro Regional Council	Dec 14, 2022	1.1K Accounts Center accou...	12 Post engagements	2 Reactions	0 Comments	0 Shares
REMINDER This Wednesday 14 December ... Boost post ··· Snowy Monaro Regional Council	Dec 13, 2022	1.4K Accounts Center accou...	78 Post engagements	7 Reactions	12 Comments	6 Shares
REMINDER Our team will be out today, Tu... Boost post ··· Snowy Monaro Regional Council	Dec 13, 2022	917 Accounts Center accou...	8 Post engagements	3 Reactions	0 Comments	1 Shares
REMINDER This Tuesday 13 December our... Boost post ··· Snowy Monaro Regional Council	Dec 12, 2022	696 Accounts Center accou...	3 Post engagements	1 Reactions	0 Comments	0 Shares

Title	Date published	Reach	Engagements	Likes and reactions	Comments	Shares
 REMINDER Our team will be out today, Mo... Snowy Monaro Regional Council Boost post •••	Dec 12, 2022	1.1K Accounts Center accou...	16 Post engagements	3 Reactions	0 Comments	0 Shares
 REMINDER This Monday 12 December our... Snowy Monaro Regional Council Boost post •••	Dec 11, 2022	866 Accounts Center accou...	11 Post engagements	1 Reactions	0 Comments	2 Shares
 During the next few weeks, we will be out i... Snowy Monaro Regional Council Boost post •••	Dec 11, 2022	1.1K Accounts Center accou...	14 Post engagements	4 Reactions	0 Comments	2 Shares
 REMINDER This Friday 9 December our tea... Snowy Monaro Regional Council Boost post •••	Dec 8, 2022	843 Accounts Center accou...	8 Post engagements	3 Reactions	0 Comments	0 Shares
REMINDER Our team will be out today, Thu... Snowy Monaro Regional Council • Create ad •••	Dec 8, 2022	348 Accounts Center accou...	3 Post engagements	0 Likes and reactions	0 Comments	0 Shares
REMINDER Our team will be out today, Thu... Snowy Monaro Regional Council • Create ad •••	Dec 8, 2022	525 Accounts Center accou...	11 Post engagements	1 Likes and reactions	0 Comments	1 Shares
 REMINDER Our team will be out today, Th... Snowy Monaro Regional Council Boost post •••	Dec 8, 2022	2.8K Accounts Center accou...	98 Post engagements	7 Reactions	3 Comments	6 Shares

Title	Date published	Reach	Engagements	Likes and reactions	Comments	Shares
 REMINDER This Thursday 8 December our ... Snowy Monaro Regional Council Boost post •••	Dec 7, 2022	1.5K Accounts Center accou...	92 Post engagements	7 Reactions	3 Comments	1 Shares
 REMINDER This Wednesday 7 December o... Snowy Monaro Regional Council Boost post •••	Dec 6, 2022	1.4K Accounts Center accou...	57 Post engagements	2 Reactions	4 Comments	3 Shares
 During the next few weeks, we will be out i... Snowy Monaro Regional Council Boost post •••	Dec 4, 2022	2.7K Accounts Center accou...	205 Post engagements	13 Reactions	10 Comments	14 Shares
 REMINDER This Saturday 3 December our ... Snowy Monaro Regional Council Boost post •••	Dec 2, 2022	757 Accounts Center accou...	17 Post engagements	1 Reactions	0 Comments	4 Shares
 During the next few weeks, we will be out i... Snowy Monaro Regional Council Boost post •••	Nov 28, 2022	1.8K Accounts Center accou...	208 Post engagements	9 Reactions	5 Comments	6 Shares
 Councillors voted last week to endorse a s... Snowy Monaro Regional Council Boost post •••	Nov 22, 2022	1K Accounts Center accou...	56 Post engagements	5 Reactions	0 Comments	1 Shares
 Ad completed Based on community feedback, we have r... Snowy Monaro Regional Council Boost again •••	Nov 21, 2022	5.4K Accounts Center accou...	1.4K Post engagements	45 Reactions	27 Comments	32 Shares

Appendix 10 – Your Say submissions

Draft Settlements Strategy Feedback

Personal details have been removed from the responses to protect privacy. Some submissions have been removed from this list as they were either duplicates, not relevant to the consultation, or contained no response.

Submission Number	Submission
1	Not acceptable to change the use on our land, leave it as is for all existing titles as this is how we purchased it. It is our land, not councils. Leave it as it is, you tried this last year and the people didn't want it, now you are trying again with a more convoluted approach and hard to navigate web site. Send everyone effected a letter showing your proposed changes to their land title so it is clear. Leave our land titles and zoning on existing parcels alone, that is how they were bought and should remain that way. It is privately owned land and not the councils to change as they see fit unless individually agreed to by the owner, case by case.
5	Does not impact on me
7	There is absolutely no reason to change anything except the incompetent councillors who have not lived up to their promises during the election, no audit undertaken, constant feedback from ratepayers that we don't want any rate increases considering the incompetence exhibited by council in the past and the dangerous condition of roads in the shire, money spent on indulgences and virtue signalling, very few councillors are doing their job to any satisfaction, leave it alone, just fix the roads and then I'll agree to a rate rise, council has to live within its means, just like we do, we don't get a pension rise every time we run out of money, how about you practice good accounting practices.
8	It's an area of opportunity for the region, the proper planning and investment needs to be put in before the opportunity gets missed. The area is ripe for improvement from Williamsdale out, infrastructure needs to be upgraded, especially accessible to water
13	I live in Rockton. (Which the Snowy Monaro Regional council took 24 days to help us in the bush fires as they were not sure where we are.) I think the new rules that you are bringing in are unfair. We own just under 200 acres. The was once three homes on our property. Due to the bush fire, that the fire services were not able to attend we lost everything, our homes, sheds, out buildings. We are waiting for a builder to rebuild our home, but if you bring in the new rules our son will not be able to build his home. There is a historic grave on our land which dates back to 1800, and we have many visitors that are connected to this area from around the world, before it was forested to pines trees. The new ruling would make it impossible for people to have home in this area as many blocks are forty acres to sixty acres. I have a map that dates to 1904 with many names of people that lived down here in the Valley. I am opposing to the new ruling that you want to bring in.

17	I do not consent for the new zoning to change or effect on my property. I bought the property for my future generations and want them to be able to build a second home and use the land in viable way respecting the environment.
18	Remove the Low-Density Zone in Jindabyne.
19	With the lack of a Polo Flat Structures plan, I would like to see greater definition buffering between Low Density Residential and General Industrial. In some areas these zones are less than 50m apart, without consideration of visual and/or acoustic barriers. Vegetation barriers between the two zones would also contribute to beautification of public land and bird corridors.
21	In specific regards to [redacted] Dalgety Road Berridale Id[redacted] I refer to Pg. 69 "Snowy Monaro Local Strategic Planning Statement" of 2020 where it was stated this land was an investigation area for town expansion and was looking to "reduce R5 zones to a more suitable area with an appropriate lot size". And also "8.6 Council will review zone structure for Berridale town and surrounding areas growth possibilities". However, the Draft proposed LEP 2022 shows no change for the lot sizes and remains at R5 - 8ha even though the land directly boarders the town (Boundary St) and would be ideal for town expansion. I urge you to reconsider the zoning of this land to reflect the demand for growth in the region and rezone this lot to R1 500m2 General Residential.
24	Generally, endorse the strategy. However, investigation area for Kalkite could be expanded. In particular, it could be expanded to include the existing Crown land between the existing village and 56 Hillsdown Rd which is currently the subject of a PP. Nominating all of this land for open space and possible education purposes is inflexible, particularly given the extent of services/utilities which will be in proximity to such crown land should the PP for 56 Hilldowns Rd proceed to development.
25	I do not believe you should continue to zone land that is between the roads and the foreshore in Jindabyne as residential. In particular there are 2 areas of land between Cobbon Crescent, and the lake shore zoned residential. This land should be zoned open space as it is used for cycling, picnics, dog walking and sightseeing. At the open house in Jindabyne, I was told the land could not be rezoned because it was zoned as such under the last LEP. Just because this land was zoned residential in the last LEP is no reason not to change the zoning under a new LEP when there are good reasons to do so. I strongly believe this land should be rezoned for public use.
27	Strategies are good, but as a pensioner suffering high inflation rates, I can't afford any rate increase. Leave the rates the same as they are now for pensioners.
28	As long as all roads - tar and dirt ones - are always kept up to a good standard for us all, any increase in population and housing is not such a bad thing. Just keep as many trees as possible and don't build on top of each other, what's the point in that when you come to the country? The Arts should always be on the table just like every other vocation when making decisions on jobs and cultural planning. Seems to me that if you're not a farmer type person or family out in the regional areas you are some sort of artist. Art and culture can play a very big part in making a town attractive for residents and for tourism. Technology/ internet needs to keep up to date to help this sector too...and let's face it all sectors.

	I would also like to add that the mention of increases in rates - up to about 53%? - seems incredibly high and unsustainable - especially after the three years we have all endured, and still trying to make ends meet now...
29	Increased low-cost housing will increase property crime and have a direct public perception of felling safe and wanting to relocate to the area or remaining in the area. Council should be encouraging new businesses and middle to high earners. Then you wouldn't need to increase rates.
30	It will be disregarded like everything else this council does.
35	Fully supportive of the C4 rezoning for my area. Have been pushing for this for years.
36	Create satellite communities around existing small rural subdivisions encouraging a greater sense of community and agri tourism opportunities e.g., Cobbin Creek and Albion Park Jindabyne.
38	A considered document. In my view the outcome should encourage the Snowy Monaro area to be a liveable residential with good services, as well as destination of choice for tourists
40	Areas of Crown land that surround towns such as Adaminaby should be allowed to be developed to enable the town to grow and become a better community.
41	"Diversification Farming a value-adding and niche marketing our traditional farming enterprises present the start-up opportunities and established businesses to complement the existing industry and generate employment". Within the 12 stated priorities are stated - provide for employment lands in appropriate locations that maximise the potential for business growth and efficiency. - provide destination tourism development - provide a variety of housing options. The RU4 40 ha. is ideal however I feel that smaller lot sizes should be an option for ALL farms for the reasons in my above comments in Draft Rural and Use Strategy. Bombala District in particular needs population growth which in turn would result in improved Govt. infrastructure, increased business opportunities and regrowth and expansion.
45	In regard to Michelago settlements strategy, I propose that any private developers undertaking any high, medium of low-density development in the Village area must undertake sufficient water and sewerage development to provide potable water to all residents, existing and future, of the Michelago Village and surrounding area before such approval be given. I encourage Council to develop Michelago Village to a much higher density than has been previously proposed, on condition of suitable water options being secured. Extremely low-density rural development, i.e., small rural residential blocks of more than 2000m2, is not supported by me, nor is the development of blocks only at 1800m2. I support the development of Michelago to include all levels of development, from large residential blocks of around 1800m2 to townhouse size blocks of 350m2, and everything in between. As long as it is planned with balance and meets the rural character of the Village, all development is OK by me.
54	The solution to Planning Priority Action 5.2. Create the "Landed Gentry"

60	I oppose the settlements strategy because it contains proposals to vary the lot size. See above
61	Adaminaby/Old Adaminaby (7kms from Adaminaby, not 9kms) and Anglers Reach Both Old Adaminaby and Anglers Reach are NOT just tourist villages. Both villages have significant permanent populations. The town of Adaminaby also includes a public school, 2 churches, a community hall, hotel, motels, caravan park, bowling club, racecourse, airfield and a 9-hole golf course. The town and its surrounds are of a significant heritage and environment value. A reference to the Snowy Scheme Museum must be included, as this is a significant regional and state museum and attraction with many thousands of visitors each year. Future development and expansion of the museum is already being planned. The continued growth museum, other potential tourist and recreational facilities (e.g. shared walking/riding trail on the shores of Lake Eucumbene) need to be highlighted as options for further growth and diversification of the local economy for better social inclusion. The Snowy Mountains Highway (B72) is a major NSW road, which needs to be acknowledged. The close proximity to the mid and northern section Kosciuszko National needs to be highlighted. The reference to "lacklustre urban form" maybe a judgement based on a personal opinion. A significant number of residences in Adaminaby are in excess of 100 years of age and should be considered of heritage value, particularly given that they were moved from the Old Town of Adaminaby. Historical growth should not be the sole determinant of future growth. Sustainable growth must be considered in the context of opportunities, attractions, lifestyle and regional population growth. There are a considerable number of enquiries from people wishing to move to the area, who are not able to do so due to a shortage of supply. Further detailed study is required as an outcome of the settlement strategy.
62	Ridiculous
67	It is difficult to determine whether the Settlement Strategy (SS) adequately addresses many of the core issues numerous landowners face currently and, how it will seek to encourage the utilisation of underutilized land to ensure it can be properly maintained to improve environmental sustainability and hazard reduction and, how it will increase/ improve public services and facilities and, how it will achieve the necessary funding or revenue to implement such change. The proposed appears to have the opposite effect in that it disincentivises Landowners, development, and operators and as a result will likely destabilise the region. The current LEP does not hinder Councils ability to "make the region a premier Alpine Region", conversely the prosed does very little directly to deliver on this objective, the standard of visitor and tourist offering has declined year on year, without state support infrastructure will fail to keep up with demands, experienced operators /business will be deterred as visitors cannot be accommodated. The proposed Strategy may also fail to provide adequate measures that meet the specific needs of the broader community and the landowners of unique landscapes. Rural Residential Development in the region should be viewed as a

	way of embracing farm type activities, grazing, housing diversity and emerging technology, there is a real opportunity to create sustainable environmental living and co-habitation, in particular “lifestyle blocks” and /or rural land in around Kalkite, Avonside, Moonbah, Crackenback which is otherwise considered unsuitable for traditional primary production and or is heavily vegetated, offer vast areas of underutilised land that can be developed to improve environmental outcomes these rural sites do not increase load on mains services such as town sewer, power, water, these developments are typically off grid, the RRD should be interwoven into any future growth strategy drawing a line on the map and rendering land otherwise unusable is in no way conducive to the needs of the community in the long term nor sustainable for the environment. Housing development between Berridale and Crakenback should be given key consideration, the argument that the eastern areas are relatively constrained with slope and high-quality ecological values and high biodiversity values is unfounded for the main part, I challenge Council evidence of this keeping in mind may of the current reports won’t hold water. Lifestyle blocks provide opportunity for design excellence and innovative housing development, creating genuine ecological integration which cannot be achieved nor attempted in Town Centres or village environments and long term provides added assurances with respect to the retention and rejuvenation of private bush land. Increased housing will generally provide opportunity to attract professional to the area and retain skilled labour and services to support the community and broader region the issue is circular. Moreover establishing controls to prop-up say Cooma at the detriment of neighbouring towns is counterintuitive, while this concepts appears to adopt traditional town planning principals it fails to consider the significant distance between the townships, for example, people do not drive from Jindabyne to Cooma for a coffee, in fact at times when I do shop in Cooma I have been questioned as to why I am so far from home, the point being communities should be permitted to grow organically allow new settlers to take up residency in the region so that communities can thrive and grow on their own merit.
69	Any development to increase tourism should be finance mainly by the businesses who will benefit from increased trade. However, you don't want to push for dense development as it will take away any aesthetic value which attracts tourism in the first place. Keep it small so it commands demand and doesn't become tawdry.
75	For the most part this is an excellent document. The Council should be congratulated on the initiative taken, and the effort made. I am a 16-year resident of Jindabyne, but I have unfortunately been priced out of the market. Along with family members I have invested in the 24-hectare lot at [redacted] Hickeys Road, Dalgety. We recently received approval for a 4-lot subdivision. Should the changes in the draft LEP take effect, the minimum lot size will be reduced to 2 hectares (5 acres). Meaning we will be able to reapply to subdivide into 12 lots. This is a fantastic result for not only us, but the many young people and families that want to make the Snowy Monaro region their home but cannot afford to do so. Dalgety could become a first step on the property ladder for locals. Our plan is to sell the 5 acre lots at less than half the price of a small block in Jindabyne. Unfortunately, in the Strategy, the town of Dalgety only gets 1 page of attention. Notwithstanding the changes in minimum lot size, there seems to be belief that the town should not grow – it should remain a quaint village. In my opinion, there is room for growth in the town and the village zoning should be expanded into the

	current large lot residential zoning. This opinion is shared by many other people I have spoken with. The school and café have both recently closed down. The town may not be sustainable. More land for sale would bring young families from other towns in the region. Small business activity would increase within the village. I think the initial vision when the Settlements Strategy began may have been that young families could affordably live in Berridale. This has changed quickly. Currently advertised are 700 sq.m. blocks for $480,000. A lot of young people I have spoken to about my investment are very keen on buying a block. Unfortunately, even with the changes in the LEP there won't be enough blocks for the demand. Dalgety is less than 30 mins from Jindabyne, 15 minutes from Berridale, and less than 40 minutes from Cooma. It is well situated and has existing infrastructure; population density increase makes sense.
78	Again, council has zero credibility in this space and has already been told emphatically clearly and loudly NO. The high court ruled that No means NO. When will this council listen to and obey the clear majority opinion of the community that funds it?
79	Just a flat out no on this one! Bin it.
84	It does not represent the landowner Has not consideration for the younger farmers. Another impacted to rural people. Reject to all strategy.
89	Reject this strategy.
90	Reject this Rural this Draft Settlements Strategy.
91	Reject this draft settlement strategy.
96	Maybe council should focus on what it says it will do…. Preserve the character of its places. (Our interpretation NO wind turbines.
99	Maybe council should focus on what it says it will do…. Preserve the character of its places. (Our interpretation NO wind turbines.
100	Maybe council should focus on what it says it will do…. Preserve the character of its places. (Our interpretation NO wind turbines.
101	Change from R2 to R1 in some towns and suburbs. I endorse this suggestion because it will concentrate residential activities into towns rather than sprawling this over rural land. Reduction in large residential lot zoning to smaller lots (R5 to R2) in East Jindabyne. I strongly support this as it will allow in-fill and dual occupancies - thus helping with housing supply - without significant impacts on liveability. However, the infrastructure will need to be upgraded significantly to cope with these changes. RU4 zones. I do not support the introduction of RU4 zones as I suspect the outcomes will run counter to the overall strategy underlying the Rural Land Use Strategy, namely, to avoid fragmentation of productive land while maintaining environmental values on the less productive but biodiversity-rich other rural land. I suspect the RU4 zone will instead create, under the guise of 'special agricultural

	use', large rural lots that are not valuable for agricultural production or, by the nature of the activity, lead to adverse environmental outcomes (e.g., lavender farms). I also don't see the necessity of introducing this 'new' zoning as I suspect these types of enterprises could be covered under alternative zonings. Minimum lot size increase in rural production areas. I support the increased minimum lot sizes in the productive rural areas to prevent land fragmentation and protect productive capacity of these areas. Biodiversity corridors. How does the LEP serve to "identify potential opportunities to enhance biodiversity connections through terrestrial biodiversity mapping which will also include regional biodiversity corridors" as under Direction 5 in the Southeast Regional Plan. Have biodiversity corridors been adequately provided for in the LEP zoning map? I could not discern whether the biodiversity corridors identified in the Regional Plan coincide with a zoning type that is appropriate, namely, environmental zone C2 or C3. Objectives of Zone RU2. In the notes, it says "This zone is not to be used where the main purpose of the zone is to protect significant environmental attributes or to provide for rural residential accommodation". However, this zone's Objectives include "To protect the environmental significance of certain areas, including koala habitat. ". These two statements are in conflict. Permitted uses under Zone RU2. The Rural Land Use Strategy aims to eliminate dwellings unrelated to commercial agriculture on rural land and yet many of the Permitted Uses included just - Eco-tourist facilities; Emergency services facilities; Environmental facilities; Farm stay accommodation; Information and education facilities; Plant nurseries; Recreation facilities (outdoor); Research stations; Sawmill or log processing works, Telecommunications facilities. Permitted uses under Zone RU1. The Rural Land Use Strategy aims to reduce fragmentation and loss of productive land to development. Many (most) of the permitted uses, however, are not consistent with that intent. Serviced apartments. I welcome the prohibition of Serviced apartments in large lot residential areas (R5). Permitted uses under Zone C3. I would argue that many of the permitted uses are not compatible with the stated objectives of the zone since they undoubtedly will have an adverse environmental impact. There are several examples from the past 5 years where significant development has been allowed in C3 (previously E3 zones). Such permitted uses undermine the overall objective of the C-zoning types, namely, preservation of the environmental values. There is plenty of other land zoned as rural or residential that could accommodate these permitted uses. Zone C4 objectives. These sub-objectives are contradictory. How can allowing residential development "minimise the impact of any development on the natural environment". Purpose of C4? It is difficult to discern how the outcomes under C4 would differ from those under C3, especially if the objectives were truly compatible with the permitted uses (which they are not). Part 4. Minimum subdivision lot size. Allowing sub-division in RU1, RU2, RU4, C3 and C4 is not compatible with the Rural Land Use Strategy's objectives of avoiding

	further fragmentation of productive land and protecting environmental values of conservation land. Additional Permitted Use at East Jindabyne. I strongly endorse the removal under the proposed LEP of the APU for Lot [redacted] DP [redacted] at East Jindabyne. Renewable energy zones. I would like the zoning map to designate specific and limited areas within our LGA for commercial renewable energy creation (solar, wind) which are chosen for their minimal impact on scenery and visibility from the highways, or for their minimal additional impact, e.g., on town areas where significant infrastructure already exists (such as Radio Hill in Cooma or Royalla solar farm). By concentrating these industries into a few limited zones, their scenic environmental impacts would be minimised. Lake foreshore access. I would like to see prohibition of gated communities in the areas surrounding Lake Jindabyne and Lake Eucumbene in order to preserve universal and equal access to the recreational opportunities provided for on the lake foreshores. For the same reasons, I would like the LEP to prevent private lease-holding of the Snowy Hydro-owned land on the lake foreshores. Scenic protection. The views of Kosciuszko National Park when approached from the east along Kosciuszko Road are world-class and must be protected. Instead, the scenic protections written into the LEP are designed to preserve the scenery from the lake looking back towards the east into the residential developments! Why do we want to protect the view of residential areas for fisherman, or any other temporary lake-dweller? This is the wrong way around. This clause needs to be re-written in order to fulfil what I believe to be the original objective, namely, protecting the untrammelled views of the mountains of Kosciuszko National Park for the million tourists who arrive at East Jindabyne from the north each year. Dark Sky zones. I would like some areas in the LGA (e.g., those adjacent to the Kosciuszko National Park, the Tinderries, Varneys Range, the Murrumbidgee corridor) to be declared as Dark Sky zones (akin to that for Siding Springs). Dark sky environments are highly valued by many residents and tourists and significantly enhance the environmental values of the area. Riparian zones. Is the clause for protection of riparian zones strong enough? I have not seen it once applied to subdivisions or individual residence developments within the former Snowy River area despite it being in the Snowy River LEP. I am also puzzled as to how defined watercourses on the maps such as the creek line near Siesta Villa Hotel on Jerrara Drive of East Jindabyne can be classified as private land? I believe that all watercourses in residential areas should be excluded from private use so that they can function as pedestrian throughways for the public.
102	Thank you for the opportunity to review the updated Rural Land Use Strategy for the Snowy Monaro. We note the strategy aims to simplify some of the zones and land usage - and improve overall planning for existing and future land holders. As land holders at [redacted] Jerangle Road, we contributed feedback to the last iteration and feel this version is also not yet ready to be fully adopted - as there are still some areas that remain vague or confusing (including mapping vignettes), the strategy is yet to recognise that as long term, family land holders we aim to leave a rich legacy of land and dwellings, agricultural and low impact commercial

	opportunities as we mature and for our children. We fully support land use planning and environmental protection action to ensure our flora and fauna are best placed to survive and flourish. However, we still take the position that future land use and environmental protection strategies, particularly where there are proposed broad-brush restrictions, should remain balanced and transactional. Any environmental planning or rural land use restrictions should remain voluntary for existing, long-term landowners. Incentives, such as improved mobile phone coverage, additional and more frequent sealed road segments (Jerangle Road), and better value for our exorbitant rates, may improve landowner take up of certain land use restrictions. The strategy should not yet be endorsed - as there are still the above and other areas requiring further stakeholder consultation.
104	We need to aim to get more bums in the shire and this strategy along with the rural land use strategy minimum lot size and removal of many building entitlements, creates a shire that will not grow in population nor with financial wealth.

Draft Rural Land Use Strategy Feedback

Personal details have been removed from the responses to protect privacy. Some submissions have been removed from this list as they were either duplicates, not relevant to the consultation, or contained no response.

Submission Number	Submission
1	We do not consent to you modifying our land title as it stands. Leave it as it is, you tried this last year and the people didn't want it, now you are trying again with a more convoluted approach and hard to navigate web site. Send everyone effected a letter showing your proposed changes to their land title so it is clear. Leave our land titles and zoning on existing parcels alone, that is how they were bought and should remain that way. It is privately owned land and not the councils to change as they see fit unless individually agreed to by the owner, case by case.
3	The changes from RU1 to RU4 still leave those with existing blocks less than 40ha in limbo in regards to dwelling houses. If RU4 is to be deemed "small lot agriculture" then it should really allow a dwelling house on existing lots that are less than 40ha. I am not proposing that RU4 lots created under the new LEP are less than 40ha but rather we use this proposed RU4 zoning to "clean up" existing stranded RU1 lots (within the proposed RU4 zone) less than 40ha by allowing a single occupancy dwelling house to be constructed in these existing lots. This would be in keeping with the proposed RU4 "small lot agriculture zoning.
4	There is no need to change zoning on rural land. If zoning changes are required it should be part of the DA process.
5	There Is insufficient information on the economic sustainability of further development and the impact on already under resourced community services in this document, I am very concerned that the council struggles now. Consolidate what we have and make it work before we stretch our resources further. On Smiths Rd, the road is only graded when/before the mayor or councillors attend meetings. My Mum who has been part of the community for 50yrs cannot get a regular rubbish service or tip access. As a farmer I believe that reducing the lot sizes allowing landowners to make economic gain is not a sustainable way forward for my area. Although we are close to the ACT our location places us at a disadvantage when it comes to services now. More small lot sizes would increase the damage to the road etc. Our two main roads are maintained by the ACT, and I don't see them funding upgrades for NSW rate payers. It is good to see that Smiths Rd is identified in the draft report as an area for further works. The concept to allow dual occupancy/ granny flat is a good one. On productive land it is hard to complete succession plans etc and as our landowners age

	allowing the next generation to add a dwelling within the lot sizes is a good idea, this should be fast tracked.
7	There is absolutely no reason to change anything except the incompetent councillors who have not lived up to their promises during the election, no audit undertaken, constant feedback from ratepayers that we don't want any rate increases considering the incompetence exhibited by council in the past and the dangerous condition of roads in the shire, money spent on indulgences and virtue signalling, very few councillors are doing their job to any satisfaction, leave it alone, just fix the roads and then I'll agree to a rate rise, council has to live within its means, just like we do, we don't get a pension rise every time we run out of money, how about you practice good accounting practices.
13	I live in Rockton. (Which the Snowy Monaro Regional council took 24 days to help us in the bush fires as they were not sure where we are.) I think the new rules that you are bringing in are unfair. We own just under 200 acres. The was once three homes on our property. Due to the bush fire, that the fire services were not able to attend we lost everything, our homes, sheds, out buildings. We are waiting for a builder to rebuild our home, but if you bring in the new rules our son will not be able to build his home. There is a historic grave on our land which dates back to 1800, and we have many visitors that are connected to this area from around the world, before it was forested to pines trees. The new ruling would make it impossible for people to have home in this area as many blocks are forty acres to sixty acres. I have a map that dates to 1904 with many names of people that lived down here in the Valley. I am opposed to the new ruling that you want to bring in.
15	The draft Rural Land Strategy doesn't seem to take in the account of what the current land is being used for. Specifically, the land on the Western side of Jindabyne which in the draft is asking to be rezoned to RU4. I believe that some of this land, more to the SW and from Kosciuszko to the lake foreshore could be zoned this but from Kosciuszko Road up to towards the National Park (West) Should either stay at RU1 or RU2. A lot of this land is used for traditional farming and the roads are privately owned.
20	I am very displeased with the rezoning of some RU1 land to RU2 zoning, imposing increased restrictions on landholders with no compensation. This will very likely reduce land values and increase operating costs for current owners of these parcels, such as myself. If such a process were to proceed, I would expect some sort of compensation be made to affected landholders. This could be in reduced rates, no-fee approvals for things like farm buildings/roads or any additional restrictions that are implemented - even if only for existing landholders. Or monetary compensation.
22	Please ensure that the scenic protection areas along Kosciuszko Road near Hatchery Bay are maintained, including in the SAP documents for Western Lake Jindabyne sub-precinct. According to the information provided on the interactive map these are not acknowledged and are potentially able to be ignored by the SAP team. Additionally in the Snowy Monaro Regional Council Draft Land Use Strategy document provided on this website it indicates in table on page 70 that the scenic protection provisions do not have a relationship to any other plans. Please ensure that the SAP documents and plans are included as having a relationship to the provisions and that the State Government abides by the character and intent of the community to maintain this scenic protection.

	In particular the current Snowy River clauses must be maintained not just in the new LEP and also applied to the SAP conditions and development plans: • Snowy River LEP 'Part 3 clause 3.3' state under 'item 1' that "Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development." • With item 2(ja) stating that "for the purposes of this clause environmentally sensitive area for exempt or complying development means land identified as 'Lake Eucumbene and Lake Jindabyne' on the Scenic Protection Area Map". • Snowy River LEP clause 7.6 limits "Development in areas to which this provision applies must not have an unacceptable visual impact on the scenic quality of the area when viewed from the lake at its full capacity or from a public space." and protect "the sense of isolation that can be enjoyed in many areas on and adjacent to the lakes". • Snowy River LEP clause 7.7 provides "Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development complements the natural beauty of the surrounding area, and the development is compatible with the surrounding natural environment and scenic landscape."
23	I cannot understand how as a council you can put forward a plan that could potentially adversely affect your rate payers who have purchase property under one set of rules and then retrospectively change those rules. This has the potential to have large financial impacts on some owners. In some cases, this could be in the millions of dollars. With the amounts involved you can expect there will be legal challenges. More cost to a council who has shown it has no capacity to control its costs.
26	I completely support the proposal to rezone the northern end of Smiths Road from C3 Environmental Management to C4 Environmental Management. This will guarantee a stronger community, easier weed management which means less chance of out-of-control grass fires, support for elderly residents on the road, and improved land/soil quality because lot sizes will not be too large to maintain. There are three (3) roads out of the area in an emergency which are graded and maintained enough to be accessible to all. These include Sunshine Rd, Angle Crossing Rd and Northern end of Smiths Road into Tharwa. Currently, the minimum lot size is too big for some people to build yet are required to maintain large lots (minimum 80 ha) that are too big to manage for young families, retired couples and older residents who have been there for over 30 years. This means the weeds get out of control on the properties that are not occupied and forgotten about and spread weed seeds across on to other properties, making weed management harder for those who want to look after their properties. Changing the zoning will also increase young families who desire a tree change and want to raise their children in nature and in a supportive community. However, a large block of minimum 80 ha is too much to maintain for people who may not have the agricultural knowledge.
29	Keep your nose out of my business. I've purchased my land I should be able to do what I wish too. Sort the mess that [redacted] has at Polo flat and Nimmitabel. Get the money he owes. That should fix a bridge.
30	The proposal is not something that is helpful to people who bought land with the zoning it currently has in mind. All this council seems to want to do is detract from the experience of living in the region. How about leave people alone, manage the

	budget properly so you don't have to try extortion with appalling rate hikes and let people live their lives without your petty and unwelcome interference.
31	Hey Snowy Monaro Council, Thank you for the hard work behind keeping this great region great. I do have something to say around minimum lot sizes in the LEP. I currently reside in Canberra and own a RU1 zoned block of land about 10km outside Michelago village. I am in full support of protecting agricultural land and revenue generated from it. but there would be many blocks of land link mine (all the adjoining land is the same), where it was already subdivided into uselessness. at 28ha of mostly rocky terrain, it's not only the wrong land for it but also too small for farming or anything that would bring revenue in for myself and the region. I would like nothing more than to bring my family and business into the region, injecting money into local businesses, services and products. Even though the land wasn't even close to the previous 80ha min lot size changing it to 100 feels like it is going in the wrong direction. I know my single bit of feedback is most likely has zero weight, all I ask is that you think outside the box by adding conditions to make it possible for blocks like mine that were previously zoned into uselessness by this council or the previous to be able to erect a dwelling (completely sustainable and off grid if needed). As it stands now outside of rates the land brings no value to the region and by enabling some hoops to jump through land like mine will bring money into the region with no impact and be a win-win for everyone.
32	I bought my property in Dalgety 1 year ago with the intention of building our home. It has a building allowance on it. I am concerned that any change in rural land strategy will impact my ability to build my home and render the land useless. The property is 2ha in size, and without the building entitlement is frankly not of use for anything.
34	I would like to provide feedback in support of the proposed changes for Smiths Road Rezone to C4 and reduction of minimum lot size to 15ha. I feel this new proposal takes into consideration the importance of Community Growth and sustainability while maintaining an environmental awareness and managing the associated risks. The following are some of the reasons, reducing the lot size is the best strategic approach for the region 1. Weed Control Management The current landscape in the northern end is largely cleared plains and grassland. It is evident, that trying to control 200 acres of grass is not sustainable for one family to manage, especially working parents. Feral animals and weeds now overwhelm properties and pose the greatest risk to our biodiversity and environment, then a small growth in population and dwellings. The northern region is not farmland or dense woodlands, it is barely good for commercial grazing, so it leaves very little options for families to effectively manage large lot sizes. We do not have the time or resources to effectively control the abundance of weeds, ferals or manage the current size. Reducing lot sizes to 15ha will definitely provide better options for the community to protect their land, native wildlife and the region. 2. Community Resilience and Growth

	My family has only been active in the community for a year and during this time, we have participated in being a bushfire volunteer, stand on the Community Association committee and I am the main coordinator for Smiths Road Landcare group. For one family needing to volunteer for all these roles, is evidently clear that this community has fatigue and are burnt out. There are not enough members to fill all the important volunteer roles to maintain the community's resilience and sustainability. Anyone that says otherwise, is clearly not volunteering and seeing our struggle. During the past year, my family has managed to plant 15,000 trees in the region, conducted a weed workshop, key project member in controlling woody weeds along the Murrumbidgee and treated over 50 wombat burrows for manage. This is the value of only 1 family to this region, so with small growth, the potential value 50 additional families could bring to the area, will make this community strong, thrive and be in a better position to meet its commitment to protecting our natural landscape and wildlife in the area. 3. Consistent approach I own 150acrs of land and live 200mtres away from a number of properties that have dwelling entitlements on only 4ha blocks. This is a land use conflict and inequitable, which has caused divided and confusing opinions. These properties that have small lot sizes are of no less significance than my 150acres, yet different entitlements and approaches have been adopted. If anything, these smaller lots are demonstrating with more manageable land sizes that biodiversity, controllable weeds and wildlife better co-exist. Their properties are healthier, contain more native shrubs/trees and recover from major weather events quicker than a lot of the larger properties, especially mine. Unfortunately, without this rezoning and reduction in lot size, my family will not be able to build and continue in this community, so I strongly encourage you to continue with the proposal of 15ha lot sizes. It is evident that change must occur and so this is our opportunity to lead the change and drive growth that will help build a strong community and a more resilient environment. The community needs to move forward and keeping lot sizes the same will send us backwards to continue battling the same challenges that we clearly have not won over the past 20yrs. Lastly, I wanted to say a huge thankyou to the council for taking the time to listen and for the tremendous effort in coming out to our community and being visible. It is a credit to the core values shown by the new council and clearly demonstrate that you are listening, the people matter, and we are in it together.
35	Fully supportive of the C4 rezoning for my area. Have been pushing for this for years.
36	Generally good except council needs to maintain lot sizes (in all towns) representing comfortable green space/block. There are too many dual occupancies allowed at present crowded onto small areas e.g., Old Jindabyne Rd and Jerrara Drive intersection Australian Land Council development. Once a development is approved the developer MUST not be allowed by council to change the terms of this development particularly once lots have been sold. e.g., Berridale by Australian Land Company. Developments within towns - developers MUST pay for the road infrastructure to support the developments rather than raising council rates to achieve safe and effective road systems.

	No building on current flood areas ... water run-off from new developments e.g., Berridale will create new water issues. Again, developers must pay for this infrastructure does not rate payers.
37	I oppose the increase in land size for rural development.
38	Positive initiative to 'modernise' planning
39	We have been members of the Smith Road Community for over 15 years. We are hopeful that the change to C4 environmental living will be supported. We believe that the change will enable the community to expand and thrive. We are not set on the subdivision size of 15 hectares but fully support the reduction of current size limits. It seems like a wasted opportunity if the council is not able to support and make the necessary changes.
40	In response to the DRLUS 2022 2042. My property has been in our family for five generations and has been used solely for primary production as previously stated. I wish to remain within the RU1 zone and have the same considerations over the property. I also require that the naming of enclosure permits within my property be removed immediately as it is illegal. The dam sizes in Lots should also be addressed as this is not clearly stated. Thank you for the extended time frame to respond to this document
41	I shall make 2 observations - 1. One size does not fit all. Bombala District is geographically and socially isolated from the rest of the Shire's economic main driver, Snowy Tourism, so must create its own Destination Tourism strategies, hopefully within a whole of Shire co-operative action and so consideration should be given to alternative strategies for each district. 2. AfriFutures stated aim is to promote Rural Destination Tourism through farming diversification and value-adding and niche marketing our traditional agricultural industries. They are providing funding to encourage Australian farmers to expand their enterprises into diversification activities and products as is done in Europe, so they are not dependent on only 1 or 2 end products. N.B. an AgriFutures paper "A Place-based Agricultural Development Framework" which emphasises Place/Regional Branding, Value-adding, Agri-tourism and Niche Marketing. This suggests to me that the Council should rethink its minimum lot sizes with dwelling permits on larger farms as Australian agriculture faces dynamic changes which will enhance their viability opportunities. Most of our cattle and sheep farms have some land unsuitable for profitable grazing and those areas could provide ancillary production opportunities. They could lease these areas, but the lessees would require on-site residences. The Draft Rural Land Use Strategy states aims: * to increase diversity and economic resilience * provide opportunities for rural tourism and increasing year-round tourism * provide infrastructure to service rural businesses and encourage Emerging Industries * provide for rural dwelling options where associated with commercial agriculture Its vision is for agriculture to have space to innovate and for rural industries to have the confidence to invest and grow. Council must fulfill these aims in a unique and innovative manner. Some lateral thinking is imperative.

42	I support the Strategy, specifically the proposal to rezone Smiths Road to C4 and to reduce the minimum lot size for building entitlement to 15Ha. Me and my partner currently own a block on Smiths Road and are parents to a little one. Since joining the community, we have found it difficult to meet young families in the community to provide our little fella with the sense of community he needs. By reducing the minimum lot size, there will be the opportunity for more families to move in, thus increasing his and others' local social networks. The Smiths Road community needs to grow in size in an effort to ensure continuity in the community through increased participation in community activities, fire brigade duties and assisting neighbours in their goals. This is increasingly important in an ageing society, where the ability to meet the needs is decreasing. In buying this block, we had the aim of managing the land in a sustainable manner and helping to regenerate it into what it was prior to being used for agricultural purposes. However, it is becoming increasingly difficult for us to manage the block. As it stands, the block we own currently falls short of the minimum lot size for building entitlement and as such we are not there throughout the week (we treat it as a weekender). Not being able to live on the block permanently makes it difficult to find the time to manage the land on a day-to-day basis. The ad-hoc time spent caring for the land before or after work is becoming necessary to adequately manage the land. Further, we want to use sustainable practices in managing the land and not further damage the ecosystem after years of human interference. This means a lot of manual work compared to common agricultural practices. By rezoning and reducing the minimum lot size we will be available more often to engage with these activities. With additional people living in the community there comes increased ability to manage the environment in a more sustainable manner for all. Landholders will have smaller lots to manage and can opt for similar land care methods. There is also more hands-on deck to assist neighbours in these methods. While a concern is that more people lead to more destruction of habitat, I see minimum lots of 15Ha as not being of sufficient density for this concern to be realised. I believe that the C4 zoning provides adequate provision to mitigate against this risk and ensure protection of the environment.
43	I strongly disagree with the proposal that the land at [redacted] Forest View Road, should now have a minimum lot size of 200 hectares. The current minimum is 40 hectares. No rationale is provided for the change. Once my mother's estate is administered, this would for practical purposes prevent my sister and me each having a living area on the land.
44	I own "[redacted]", [redacted] Monaro Highway, Glen Allen, NSW.2631. Firstly, I mailed a letter to the Snowy Monaro Council several months ago highlighting my concern about the entire mapping process. I mentioned that the forested area bordering the New Line Road on my property had been logged via the existing Nimmitabel sawmill and the predominant species remaining was E. Rubida, the rest having already been harvested. My block was assessed a couple of decades ago as suitable for pulping and is currently on the Eden mills list. I also mentioned that in this same forested block was a disused gravel quarry that was

	used by the Cooma Council until it was relocated further down the New Line Road near the Creewah River. In the future this gravel quarry could be reopened if the council needed a nearby gravel quarry. The map, as far as I can ascertain, and as I stated in my letter to council, shows nearly all my land on the Eastern side of the Native Dog Creek as grassland protected, yet a reasonable portion was sown down in the late 1970's and basically the rest sown down to improved pastures in the 1990's and remains as introduced grasses. All of the above is easily evidenced by doing an on the ground grassland survey. It needs to be mentioned that in the late 1970's and through the 1980's nearly the entire property had super phosphate aerially spread from my airstrip and simultaneously sown with subterranean clovers and white clovers that are endemic across all my grassland and lightly forested country. Similarly, the further eastern area of my property is also inundated with Yorkshire fog, another introduced pasture species. I can see no logic in why all this country on my property is deemed as Environmentally sensitive when bar the trees 80 percent plus (by self-assessment) is covered with introduced grass species, particularly, Phalaris, Cocksfoot, Fescues, Rye's, some lucerne, Yorkshire Fog and introduced Clover, primarily Sub and White Clovers. In Summary, I cannot recall receiving a response to my letter. in which I similarly outlined my concerns as above. Whoever decided on the environmental map demarcations has not examined the actual on the ground pasture/ grassland species that presently exist. Finally, most farmers I have talked to about the draft map have complained about how the map has not been designed to let them to clearly expand it, so they are able to look at their property in detail. This also has meant that I have other queries about certain portions of land on the western side of the Native dog creek going back to the Monaro Highway, but they are not so glaringly obvious. I hope my feedback will be properly considered and I welcome your response to my comments and to my knowledge of my property
45	The comments I make below relate specifically to my current situation and the issues I face as an approved business operating on land zoned as, currently RU1, but proposed to be RU2. I acknowledge that Council has recognised that many rural blocks in the Michelago area are not suitable for normal agricultural pursuits and that landholders should look at more intensive farming practices or alternative uses for such land. Whilst this is a great concept in theory, I don't believe Council fully understands the practical issues involved for landholders looking to establish such businesses. In particular, the main issues are access to a sustainable water supply, African lovegrass infestation, land sizes smaller than proposed minimum lot sizes, and access to affordable finance to establish, sustain or expand such businesses. For example, I have built [redacted], a luxury dog boarding facility, on my land near Michelago. That land is approximately 97 acres or 39.38 hectares

consisting of approximately 40% heavily sloped and some flat grazing land, about 50% protected woodland areas and the residential building and surrounding gardens.

The grazing land is nothing but African lovegrass, which does not support year-round grazing of any stock and is too expensive and time consuming to eradicate due to the lack of available return on such a small parcel of land.

Water access for stock is through a bore that is heavily mineralised and substandard for the raising of healthy stock over the longer term. The water itself is too hard to permit usage on horticultural or viticultural endeavours as is too mineralised to provide enough sustenance to the plants for sufficient growth.

On this particular block of land, the slope of the hills and the makeup of the rock structure of the hills ensures uncontrollable run-off that floods the lower half of the property bordering the Monaro Highway. And while this problem can be overcome with major land improvements, the return on the cost of investment is not there to justify the expense.

My property, at 39.38 hectares, with about 16 hectares of usable land is more than big enough to establish a rural business on, as I have done. This cost me a total investment of approximately $1.8 million, of which $400,000 was provided through bank finance.

Most people with a non-productive rural block in the Michelago region do NOT have the funds available to establish a business without bank finance.

The problem with that, is that banks will not finance rural landholders to the same extent as metropolitan residents due to the business being established on residential land.

Therefore, in order to achieve Council's stated aims of encouraging more rural landholders with non-productive land to diversify and establish other businesses that still fit within the rural landscape and with the appropriate scenic outlook.

Currently, to expand my business, which is enormously successful and has been going for more than six years now, I need finance of approximately $500,000. The banks will lend me only up to 60% of my property value (LVR) as it is a rural block, and they won't lend for business purposes if the block has a residence on it. At the same time, the banks won't currently lend for a rural residential mortgage if there is a business located on the property. Both of these restrictions do NOT apply to metropolitan residents, where the average LVR is 80% of the property value and can even be extended to 95% under approved circumstances.

This places rural residents and business developers in the unfortunate position of having the land available to develop or expand a suitable business and having the Council's support and encouragement to develop or expand a suitable business, but without the practical means to do so unless lucky enough to be rich enough to self-fund such a business, which we know is most unlikely for rural landholders.

So it doesn't really matter if my landholding is 40 hectares or minimum lot size of 80 hectares - I, and any other landholders in the region looking to stablish or

expand their business, can't get bank finance to support my business unless I meet the banks' criteria. That is, I can't have a business on my residential land and I can't have a residence on my business land (unless it is a caretaker's or manager's residence, and therefore subject to GST and FBT).

Now, if landholders looking to establish or expand a business on rural land (RU1, RU2 or RU4) were able to separate the business holding from the residential holding, whether by subdivision, strata title or any other legal means, with no rights to establish an additional residential premises (yet maintain the existing right to, with approval, build a caretaker's or manager's residence), then this would alleviate the issue for landholders and help achieve Council's aims to diversify the region's agricultural base, particularly in those areas of the region that are non-productive and, essentially, opportunities going to waste.

Council may also be able to achieve other aims through having an open mind to the concept of subdividing or using a strata title to separate the business land area from the residential area.

In my case, being able to access the bank finance I need to expand my business, will create additional full-time, part-time and casual employment in the Michelago area, something that is virtually non-existent in this area.

Separating the business area from the residential area of some blocks of land in the region will not impact the scenic or cultural aspects of the region. It would simply be a means of allowing landholders the opportunity to access finance which they otherwise would not have been able to access. It would also allow landholders to separate their business from their residence, making it easier to sell either or both upon retirement or hand one or both down through the family if desired.

More businesses in the area would create more employment in the region, keep the NSW dollars earnt in NSW rather than going to the ACT and would even encourage more ACT dollars to be spent in NSW.

The additional land titles created by subdivision or strata-title would mean more rates payable to Council, more employment in the region, greater opportunities for women and youth and help support future development of the township of Michelago.

Making the additional land title created by subdivision or strata-title specific to business, and completely excluding residential development will ensure development is controlled and meets the specific criteria that Council might set for approval of such developments.

The important thing for Council to realise is that allowing for the potential for certain things to happen through changes to Rural Land use and zoning is not the same as encouraging these things to occur.

Businesses in rural areas, particularly intensive agricultural or non-agricultural businesses, NEED access to finance, and the people trying to establish or expand on these businesses do not have the same access to finance as people in metropolitan areas. Banks lend against people's assets, not the quality or financial

	success of their small business, and rural landholders are already 33% worse off than metropolitan residents even before we start. So for Council to achieve its stated aims in regards to diversifying and encouraging business development in rural areas of the Shire, it seriously has to consider how to assist those landholders with non-productive or too small a landholding to be productive, to use their land assets to access such finance and build a business that helps build solid rural communities - think sponsorships, events, community support, community projects, employment opportunity (particularly for women and youth) without the travel to Canberra, closer communities, stronger local economies, more business opportunities..... etc, etc. Other opportunities for Council to achieve other stated and desirable aims could include some of Council's development proposals or ideas being out-sourced to landholders as part of any approval process for the subdivision or strata-title of rural landholdings. For example, Council has expressed the wish to have a scenic lookout placed opposite the best view of the Tinderry Ranges. It so happens that my block of land includes the hilltops opposite the best view of the Tinderry Ranges, and that area of my block has access to it from Clearview Road. With Council support of my project and my support of Council's project, we could both achieve benefits for the community and each other, while still maintaining the scenic and cultural integrity of the region. Council needs to find some flexibility in its land zoning proposal to allow consideration of such ideas as expressed above, and not adhere strictly to certain zones for all rural blocks in particular areas. What may be appropriate on my block, for example, may not apply elsewhere, so zoning my 39.38 hectare block as RU2, the same as many 80 hectare blocks in the region that have no protected woodlands or African lovegrass infestation, doesn't really make sense considering Council's desire to encourage more intensive agricultural or non-agricultural business on the non-productive rural land. I propose that Council give consideration to another zone option that allows such subdivision or strata-title options as mentioned above and apply this to all of the proposed RU2 land within 5 kilometres of the Michelago Village and make any such development at the discretion of Council criteria that meets developer, Council and LEP objectives.
46	I am writing to show my support for the rezoning of the northern portion of Smiths Road from C3 to C4 with a reduced lot size to 15ha. History Smiths Road was taken into the then Cooma-Monaro Shire Council after the dissolving of the Yarrowlumla Shire Council in 2004. At that time, Smiths Road was zoned 7(e). This then translated to E3 – Environmental Management. Since moving to the Cooma-Monaro Shire Council, Smiths Road has been advocating for the removal of the inappropriate E3 zoning. The community and I as a whole are very pleased to see that Smiths Road is now being considered for the more appropriate C4 zoning. This new zoning combined with a development standard of 15ha will allow our community to enjoy small-scale population increase. The

	new zoning and reduced lot size will also address past planning discrepancies which will see several lots regain their building entitlement or be able to build with the reduced lot size. There is great feeling in the community that this rights the wrongs of the past for those landholders. Community The Smiths Road Community is a vibrant, cohesive one. There are many long-term friendships on the road and people go to great lengths to assist their neighbours and help those in need. We enjoy regular social events such as our Christmas party, progressive dinners and a vast amount of social occasions between friends. The Smiths Road community is vibrant, healthy and very lucky to have all who live here. Smiths Road has many long-term residents who raised family here. The change of zoning will allow some of those residents' children to take advantage of the dual occupancy provision and build a home to support their elderly parents and enjoy raising their children where they themselves were raised. There is a lot of support for this scenario and people are very pleased that they can have children/grandchildren nearby. Committees The Smiths Road Community has two committees – the Smiths Road Community Committee and the S355 Committee. Both these committees have been staffed by the same people, in a variety of positions over multiple years. Many committee members have reached volunteer fatigue and would like to step down and make way for someone new. Without an increase in our population however, this is difficult to do. RFS Brigade Smiths Road has an active fire brigade, most recently assisting across the Monaro and external deployments in the 2019/2020 fire season. We have a good facility which serves as our official Neighbourhood Safer Place in the case of emergency. We also have 3 well-equipped fire trucks. Similar to the Smiths Road Community Committee and S355 Committees however, our brigade suffers from volunteer fatigue and also an aging member base. In the 2019/2020 fires for e.g., 3 of our members formed a crew and attended a fire at Shannon's Flat. Jokes were made that the total combined age of those 3 members was 210 years. The joke was made in jest, but clearly shows that we need younger people in our brigade. Fire risk and remediation For the purposes of the proposed rezoning, a Bushfire Strategy report was prepared by a BPAD qualified consultant. In summary, the report showed that the northern portion of Smiths Road was suitable for small-scale population increase and a reduction in the lot size to 15ha. In summary, I would again like to voice my support for the proposed rezoning of Smiths Road. Thank you to Council for finally addressing this issue and bringing with it a sensible solution that will allow our precious community to thrive and continue into the future.
47	I would like to express my support for the proposed Rural Land Use Strategy in particular to the zoning changes on the northern end of Smiths Road The Angle.

	Changing the zoning to CA – Environmental living with a reduced minimum lot size for building entitlements on land parcels over 15 ha will bring many social, biodiversity and financial benefits to the community and council. The northern end of Smiths Road is mostly cleared degraded farmland being used as lifestyle living blocks. Most properties are heavily weeded and are difficult for most land holders to manage. The land is generally unproductive and does not lead to many opportunities for owners to make a living from the land resulting in many landowners drawing income from fulltime jobs in Canberra. As a result, landowners on the larger blocks find it difficult to manage their responsibilities to control weeds, feral animals and bushfire mitigation before contributing to volunteer community groups. By reducing the minimum block size, I believe landowners will not only be able to manage their blocks in line with the current legislative requirements, but it would also increase the population in the community and increase the volunteers contributing to the local rural bushfire brigade and other community groups. The council will also benefit from the additional rates paid. We have owned a block on Smiths Road for the past 2 years and in this time, we have spent most weekends slashing grass, spraying weeds. We have also spent many hours planting trees and have worked with Greening Australia to plant over 14,000 native plants to rejuvenate the land. Along with this I have joined the Rural Fire brigade and assist with the local community group. Being part of the Fire Brigade and community group, I have consulted with other community members, and it is the consensus that the zoning needs to change and minimum block sizes in this area are too large. Reducing the minimum lots sizes would allow landholders to better manage their land to meet their responsibilities and reduce bushfire risks. The current zoning arrangements are also not consistent as previous zoning rules have allowed building entitlements on 10-hectare blocks which are scattered between large blocks that have an 80-hectare minimum lot size. The current approach is not fair or consistent and has led to conflict on how land is currently being used or managed by neighbouring properties in the community. I would like to thank the council for the work they have put into producing the Rural Land use strategy. I feel they have presented a plan that balances the land use appropriately and is reflective of the views of the community.
48	My husband and I were horrified to learn of the proposed rezoning of the land along Calabash Rd, Tinderry (Anembo). We bought our property there as part of our superannuation. It forms an important component of our retirement plan. We have Council advice from 2008 informing us that for the 1997 holding of 340ha the minimum lot size for a dwelling would be 80 ha and that our land would be able to be subdivided into four lots. We bought the property on that basis. The rezoning. and especially the proposed 200 ha minimum lot size, will seriously affect our future. Speaking with local real estate agents, they confirmed that land rezoning to a more restrictive use and removal of dwelling entitlements in rural areas results in a significant drop in land values. Property value evidence shows that the value of a parcel of land without a dwelling entitlement can be reduced by as much as 80% compared to the value of an equivalent parcel of land with a dwelling entitlement.

	The area along Calabash Road has been zoned for 80ha lot sizes for decades. It will be a disaster to rezone this area. It will also result in lower Council income from rates when the land value plummets. Please do not let the area along Calabash Rd. Tinderry be rezoned to RU2. The minimum lot size needs to remain 80 ha. Yours sincerely [redacted]
49	I live on 16ha, a small rural lifestyle block. This block has been continuously cleared and has had a dwelling and residents for a number of decades now. We use our block for small scale food production; we have a small herd of sheep and an extensive garden, and we are satisfied with our ability to manage this size block and maintain professional positions in town. The current rezoning proposal from C3 to C4 seems logical and appropriate for this locality. Reducing the minimum lot size to 15ha has many benefits - newcomers are fast more able to manage weed infestations and boundary fences, and increased the occupancy within the local area assists with maintaining or refreshing the vibrancy of the community.
50	My comments relate to the rezoning of Smiths Road. The change to C4 Environmental Living is welcomed. The change from AC3 to AB2 being the reduction of the minimum lot size to 15ha is concerning given the condition of Smiths Road, both on the NSW and ACT sides and the ongoing bushfire risk. An increase in the population of the Smiths Road area from an increase in the number of lots and the ability to build dual occupancy houses will significantly increase the traffic volume on Smiths Road. This will also be increased given the aging population of the area and the gradual shift away from the area by older residents. Newer residents will not match the current population profile - most new residents will likely have 2 cars and work in Canberra resulting in a significant increase in traffic volume. There is no guarantee that funding will be received to upgrade the NSW side of Smiths Road. The likelihood funding can be secured is further lowered given the demands on the NSW to repair flood affected roads throughout the state. The road deteriorates quickly and even more so after rain just with the current traffic load. Having come close to having 3 head on collisions on this road I consider it dangerous to drive now let alone with more traffic. The ACT side of Smiths Road also needs to be considered. There is no planned upgrade program for this road - this was recently confirmed by the ACT government. We rely on this road for access. Again, the condition of this section of Smiths Road is poor and requests to fix significant hazards are slow to be actioned. How are the required road improvements being taken into account with the timing of the proposed lot size changes? To allow the changes without a concrete plan to improve the road will put all residents at increased risk. How will the Council work with the ACT to ensure that the ACT side of the road can support the increase in the number of vehicles? You cannot only fix one side of the road and not the other.

	A second point is the ever-present bushfire risk posed to residents of Smiths Road as evidenced by the 2003 fires and more recently the Orroral Valley fire. I understand that a group of residents who will benefit from the subdivision funded a bushfire plan as part of this planning process - this has not been circulated in the community (or the local brigade) and I have not received any information about its contents. I hope the Council has engaged experts to review the plan and ensure that is comprehensive and evidence based. There is only one way out along Smiths Road through the ACT. The recent replanting of the Ingledene Forrest with pine trees also adds significantly to the danger posed by fire to local residents - not only through adding an accessible highly farmable fuel source but effectively a roadblock out of the area. How is the Council going to ensure that residents of Smith Road have viable, safe options if a bushfire was to threaten the area? How has the bushfire risk been taken into account when assessing the safe population level for the area? Thank you.
53	I would like to express my support for the Draft Rural Land Use Strategy. The council have produced a plan that balances the land use appropriately and is reflective of the views of the community. As a land holder on Smiths Road I feel the zoning changes will assist me in meeting my responsibilities for weed and pest control plus reduce the bush fire risk. Increasing the population in the area by reducing the minimum lot size to 15ha will also help the volunteer community groups better manage the overall area.
54	How was the Community Reference Group assembled and have we been told who is part of it. The only thing that is compatible with agriculture. Dual Occupancy!
56	Nimmitabel misses out on RU4 Primary Production Small Lots zoning allocation in this draft Rural Land Use Strategy, while Jindabyne, Berridale, Adaminaby and Bombala have clearly defined RU4 areas proposed in proximity to town. RU4 Small Lots zoning would provide a solution for property owners near Nimmitabel, e.g., properties such as my own (40ha) serviced by Tom Groggin Road, Kybean Road, Winifred Hill Rd, Bells Rd, etc in proximity to Dangelong Nature Reserve and close to Nimmitabel town. There are many existing small lots such as mine that have existed since original titles were granted from the first settler Runs near Nimmitabel e.g., Burangandra Run, Dangelong Run in the County of Beresford Parish of Bulgundramine, so the use of these properties is a matter of heritage and not a fragmentation issue. Small lots in the Nimmitabel region are subject to proposed RU1 and RU2 zoning with minimum lot size of 200ha which severely and unfairly places limits on the use of these existing properties that could be providing agri-tourism and eco-tourism, housing and accommodation opportunities to support economic development in Nimmitabel town. Snowy Monaro Regional Council must address the needs of small lot property owners across the region, and it is clear from looking at the draft maps, the enforcement of unreasonable minimum lot sizes on existing small lots, that Nimmitabel is missing out.

57	If you value a Rural Landscape and have classified the area on the eastern shore of Lake Jindabyne outside the settlements as RU2 AE1 200ha, why is the Western side of the lake RU1 and AB3 40ha? The western side is currently a lot less developed and has higher scenic value on the approaches to the mountains. Eventually subdivision will lead to many houses and the associated roads, sheds, vehicles, caravans and mess along the whole way from Jindabyne to the National Park entrance on Kosciuszko Road. The view of this area from the eastern side of the Lake and Jindabyne itself is currently natural and relatively unspoilt and subdivision into 40ha blocks will destroy it.
58	The proposed prohibition of eco tourist facilities in the RU1 zone is not supported. Council should be applying robust controls and lifting the standard on these types of developments, instead of prohibiting them, because they attract objections. This is just lazy.
59	Mrs [redacted] [redacted] Applebox Lane via The Angle NSW 2620 As previously advised in October 2021 I strongly support the rezoning of the northern portion of Smiths Road from Environmental Management (E3) to Environmental Living (E4). My 69 Ha property is [redacted] Lot/DP [redacted] and [redacted] The Angle. There are literally hundreds of small communities throughout NSW with no town water or reticulated sewer and people live and recreate there happily. The properties in my area have been extensively cleared many years ago for farming. My property is adjacent to poorly managed ACT pine plantations. The lack of proper management added to the bushfire fuel load of 2003 that destroyed 35% of my property. I advised them of the poor state of the adjacent plantation by phone on numerous occasions and yet nothing was done. Biodiversity value in my area is low and development of 490 Ha for the ACT Emissions Reduction project is essentially a monoculture further reducing biodiversity. Smaller lot sizes may very well increase biodiversity as farming is phased out for other activities. I know of a number of properties that have been privately purchased and planted to return them to a more natural state. Infrastructure provisions have greatly improved over time. The Gudgenby River bridge below Cuppacumbalong woolshed is a concrete all weather structure. The ACT section of Smiths Road is currently being graded and sealed to a high standard. In the event of an emergency, access out of my property is also available west via Sunshine crossing and east via The Angle crossing. The weeds and feral animals on my property have come directly from ACT land and Namadgi. I have become an unpaid servant of ACT Parks and Conservation Service fighting weeds and trying to discourage feral pigs and deer. My 69 Ha property has been held by the same family group for over 90 years. Fragmentation of agricultural land occurred many years ago. Whilst it was a viable farm originally, 35 years ago livestock on adjacent leased land and seasonal work were necessary to remain viable. Today my farm is not viable and is only a hobby

	for grandchildren and great grandchildren to enjoy. I support the Snowy Monaro Draft Rural Land Use Strategy which recommended the northern portion of Smiths Road be rezoned from E3 to E4, with a reduced minimum lot size of 15Ha. I am fully supportive of this change which would allow a small amount of potential development in an area of cleared farmland adjacent to the ACT border including my property. I understand the remaining area of the zone would remain as E3, offering greater protection to the areas in the current zone that have higher value biodiversity. Under our current zoning there is little opportunity for our community to grow. Our ageing population is overstretched and cannot adequately support the civic functions of our local community and infrastructure. My neighbours, including absentee landowners who cannot build on their land due to restrictive zoning have worked very hard to support a rural fire brigade, S355 committee, community committee and Landcare group. If you would like more detail or ask any questions, I can be contacted by email at [redacted]
60	I oppose the proposed RLUS because it alters the minimum plot size in my area from the current 5 acres to 8 Ha which is approximately 20 acres. All of the properties on what is known as Woodlands Estate. I operate a water supply Association that supplies water to 25 properties on Scotts Road, Woodlands Drive and Pygmy Possum Place. We charge for our water using a 2 tariff system where those who take and use water currently pay rates of $800 PA, and those who do not take water but have the right to take it (and thus increasing the value of their property) pay half that at $400 PA. Currently 7 of the 25 properties do not contain houses, although some contain water tanks and other buildings and on one a house is under construction. If these 6 properties lose the right to build, (even though I have been assured that is not the case as buildings were permissible on 5 acre lots under previous LEP's), the value of those properties will drop, and the owners will have no incentive to pay for future water supplies. Thus, my Association will lose approximately $2400 annually. Which may not seem to be a large amount but for a small association like ours where we are effectively a hand to mouth organisation, it is a considerable amount. Because our costs would continue to be as at present, if the 6 properties stopped paying and thus we lose the income from them, we would be forced to increase the charges to the remaining members by up to $150 PA. In addition some of the undeveloped properties are intended to be used when the owner retires either as savings or for a dwelling. If, as has been stated by a council employee, the lands with existing building rights will not be affected then why have they been included in the RLUS? The only reason I can see that they have included them is they intend in future to rescind people's rights to build on their 5-acre plot. It would be a simple matter for the properties to be removed from the Rural Land Use Strategy.
61	I reside at [redacted] Old Adaminaby Rd (DP[redacted]) Both Lots [redacted] and lot [redacted] of DP[redacted] are 2 hectare blocks with existing housing. Lot[redacted] has a main dwelling plus 2 bedroom eco tourist dwellings. Lot[redacted] has a main dwelling. The draft mapping shows lot [redacted] to be zoned as RU2

	The daft mapping shows lot [redacted] to be both RU2 and RU4 Both lots should be RU4 which more closely reflects the current status.
62	Ridiculous
64	I have previously submitted comments on the plan but reading this version it is quite obvious that those comments were deliberately ignored and in fact the current request for comments is merely ticking a box and NOT genuine. My very brief comments this time relate to the Ingebirah area and the change in land use from RU1 to E3 which is contrary to our land titles and ignores the simple fact that grazing, mining, forestry, tourism etc has occurred for over 180 years and there have been very significant negative changes particularly post 2002 through the impact of bushfires originating in the Kosciuszko National Park as well as feral species also from the national park. If the country is considered environmentally valuable, then it is a credit to the current and previous landholders over the last 180 years. The proposed changes/restrictions along with those imposed by other organisations such as the NSW RFS will further degrade the country as well as placing landholders lives and property at risk. The land should NOT change from RU1 to E3.
65	Council staff did an excellent job reflecting accurately the land use for northern Smiths Road area. Well done for including long-standing community concerns. I strongly recommend the draft be adopted as circulated.
67	I do not support this strategy it will result in devaluing private property and other benefits permissible under the current controls and zoning without compensation or offset and, fails to address the site specific characteristics and potential use of privately owned rural land, which accounts for vast areas of land across the region, this Strategy is idealistic and lacks foundation. Furthermore, the RLUS fails to demonstrate how it will: 1. Provide sustainable infrastructure – Council should identify “details to the proposed strategy and how it will achieve this before imposing any new controls, the proposed LEP appears to contradict the objectives, which is regressive and creates a legacy of adverse impacts. 2. Protect environmental values – On what basis have these environmental values been established and on what basis, many of the current maps are unreliable and incorrect, there is a lack of evidence to demonstrate that current assumptions are factual or accurate, many EEC/TEC/Bio Zones are predictive and inconclusive, consequently Council adopt these plans by assumption which significantly infringe upon land owners, in some cases these objectives as surmised are completely baseless. 3. Support Rural Tourism – Councils objectives are notional and unrealistic; in some cases, the very controls being proposed stifle innovation and opportunity. By way of example the restrictions being proposed with the introduction of the R2 zone and increase to minimum lot size and I believe this is squarely aimed at overriding any form of future use potential, moreover the indiscriminate application of “Sensitive/ High Value Zones” and other “environmental

	significance/ biodiversity zones/ Riparian Zones" which are nothing more than i.e. a cluster of trees of no known condition or significance or "water Course" be it class 1 or less, merely an overland run off is Councils way of further removing rights of Landowners. Rural Tourism cannot be realized without supporting landowners and facilitating suitable development, the proposed restricts housing diversity and growth. Micro tourist opportunities create a micro economy this creates diversity and reduces pressure on existing infrastructure and allows for an organic and sustainable spread. 4. Protect Agricultural Production - it is fair to say that areas which have been previously used for grazing should be protected for primary production this is of local and national importance. Local Gov should do more to attract State support and education in areas such as land management, water, land rejuvenation and other to improve sustainability. 5. Support existing and emerging industries; where has Council allocated these policies? The proposed strategies and LEP do very little to facilitate this. 6. Provide dwelling options – there is less opportunity for dwelling options" under the proposed, RU4 is tokenism at best a distraction to the R2 and change to min lots. Council representations are Idealistic and fanciful, Council has no capacity or capability to achieve many of the claims made and frequently contradicts its intent, lacks transparency and feasibility, rather creates undue limitations and complexity which hinders development. Further it is difficult to ascertain how Council align with the principals of housing diversity or higher density as identified within the SAP.
68	My partner and I currently own a block on Smiths Road and I would like to show my support for the Strategy, and to rezone Smiths Road to C4 and reduce the minimum lot size for a permanent dwelling to 15ha. At the moment, we are not allowed to build a permanent dwelling on the block (which we treat as a weekender) and would very much love the opportunity to do so we can properly participate in the community. Since joining the community, we find it difficult to contribute to activities (such as community initiatives or the RFS), or even just socialise with neighbours, as we are not there frequently. Additionally, we have found it difficult to meet neighbours with children a similar age to my son. It would be great if we were able to spend more time there to meet neighbours with similarly aged kids. Further, by reducing the minimum lot size, there would be the opportunity for more families to join the community thus increasing his social network. Since moving there, we have noticed how inadequate the care is for the road is and how infrequent rubbish collection services are. If the minimum lot size was reduced to 15ha then there would be the opportunity to generate more rates through higher population and then put that money back into better rubbish collection services and maintaining the road. We also really care about managing the environment in a sustainable manner. After decades of damage caused by modern agriculture and practices, we really believe it is our responsibility to treat the land in a responsible way. But it is becoming increasingly difficult to find the time given we aren't able to live on the land. Also, with smaller lot sizes it will become easier for the community as a whole to manage the land.

69	Updated Draft LEP. February, 2023 Submission by [redacted], [redacted] Yaouk Road, Yaouk NSW 2629. I write this submission as a landowner and resident of the Yaouk Valley. I have a number of comments on your intentions to make changes to the way our land is utilised. 1. I am against changing the zoning from RU1 to RU2. The Yaouk Valley has been noted as having Environmental Value, so I assume that is one of the reasons for changing some of the zoning to RU2. The other conditions for change in the area appears to be the topography of the landscape. The Yaouk Valley has had a long history of land ownership and stewardship by conscientious people. That is the reason it has Environmental Value today. For over two hundred years this valley and the surrounding mountain slopes have been sustained with light grazing of cattle, sheep and horses, without compromising environmental integrity. I see no degradation of land in our area nor has there been any undercover or unlawful land clearing or misuse of the land. We don't need a complicated zoning system to continue on the course of keeping our valued woodlands and valley floor intact. It's to the landowners benefit that we keep maintaining the course of action that sees the valley in its current enviable state. Also, steep topography and riparian zones by their very nature rules out any further development. One stated purpose of your proposal is "To minimise conflict between land uses within this zone (RU1) and land uses within adjoining zones." However, this will not be the outcome in our area. There is no common sense in having a vastly different land use zone dividing a holding. In our case, we'll have some of our valley lands classified as RU1 and some changed from RU1 to RU2. This division of land adds complication and most likely added costs to the landholder. And I repeat; our valley is of enviable Environmental value because the landowners over many years and generations have not compromised the environmental integrity of the land. We don't need directives by way of zoning to tell us what is of environmental importance. This land grab in the disguise of improving environmental outcomes may be just the usual government bureaucrat in the city drawing lines on a map to serve as a feel-good greenwashing exercise. (And someone's productivity gain?) Again, it adds complication where it does not need to be. I do not support changing land use from RU1 to RU2 zones. I disagree with your use of the Biodiversity study as an aid to justify a change from RU1 to RU2 zoning in some areas. The study was conducted in 2019, and since then, the Black Summer bushfires have changed the landscape dramatically with a great loss of biodiversity and will not reflect what is now on the ground. Also, depending on aerial surveys does not make for a reliable comprehensive survey. It can only be a starting point. One survey should not be your sole criteria for making dramatic land use changes. This loss of biodiversity does not change the landowner's obligation of stewardship of their holdings. However, we do not need complicated zonings to achieve this goal. RU2 zoning means a change in rural industries that should only apply to certain areas. Changing industries can happen in certain climatic zones, but we are a high elevation valley with a short growing period. The land is best suited to grazing. Broadacre farming cannot work in our area. 2. I am against changing the minimum lot size for the right to apply for a dwelling application from 80ha to 200 ha. The Rural Land Use Strategy claims there should be a "focus on implementing local planning priorities such as protection of agricultural land" and that there are

"significant threats to agricultural production" under the current strategy. I cannot agree that changing the minimum lot size will have a positive effect on those claims.
First off, the argument that holders of lot sizes under 200ha do not control their weeds. Blanket statements like that are not helpful when it is obvious to anyone who has a keen eye when it comes to weeds, that many plus 200ha holdings have not and do not control their weeds at all. I will admit that these past three years have been difficult to keep weeds under control with bushfires and subsequent rain events being a boon for weeds to flourish. But if you are a rural landholder you know from years past who is unlikely to be at least trying to control their weeds. This argument doesn't hold up to scrutiny.
Second opinion against a minimum lot size of 200ha. LEP OBJECTIVE: "To minimise the fragmentation and alienation of resource lands". The horse has already bolted. The subdivisions to lot sizes ranging from 50 acres to 150 acres are a legacy of the free selection period of the 1800s. Although in most cases selectors could not make a go of their selections and the lots were taken up by the original squatters. Then as generations past on, parts of larger holdings were sold off by the beneficiaries. In most cases the land sold was not the most productive land of the holdings. Council also had a hand in allowing smaller subdivisions based on averaging to take place which has resulted in many smaller than 80ha lots in our area. I would not want to see anymore smaller lot subdivisions allowed. However, those people who now own holdings that are 80 to 199 ha should not be penalised for councils' bad decisions in the past. The proposed change takes away the right to apply for a building entitlement which I know in my area would affect good neighbours I would rather not loose. If this change is allowed to take place, their property value will plummet as will other holdings that are 80 to 199ha and already have a dwelling. The argument that this increase will help protect agricultural land is not well thought out. These fragmented properties will more than likely not be purchased by larger landholders for a multitude of reasons. The most likely being they are not contiguous with their holdings, they don't want the extra workload, then the cost (even if it is at a low value) and it may not be productive land to name a few. To think that someone could make a living running "agricultural production" on a holding of just 200ha is very naive. There are many families who own larger holdings where at least one person has an off the property occupation to bring in a steady income just to survive, as it is nigh impossible to make a reliable living off the land. So now that the andlt;200ha holding has decreased value to the current owner, what are they to do? If you want to see an increase in weeds and pests, then go ahead and implement this bad strategy. The current owner would most likely think why should I put an effort in when I can no longer build after my retirement? They may just abandon the property and hope for a change in the future or sell it to someone who also sees no value in keeping weeds under control and only uses it to camp, cut/collect firewood and shoot the native wildlife.
Third. One argument in your document for the change was the council does not want to service outer areas and feels that there is a danger to life and property. We would not be in so much danger if the council did the basics and maintained all gravel roads on an annual basis so people can have reliable passage to a safe haven if needs be. However, as far as building requirements for living in bushfire prone areas, there could be a requirement for all new buildings to have an approved bushfire shelter in addition to meeting the BAL requirements for new homes. The shelter would be used when stand and defend is no longer possible or evacuation is not possible due to the nature and location of the fire. More eyes

and feet on the ground in a rural setting can only benefit all who live in that area when a bushfire is approaching. The Black summer fires saw many days where our property was predicted to be engulfed by a fire driven by catastrophic winds. During those times, we had little or no support from the firies as they were already being utilised in other areas. Shannons Flat/Yaouk BFB is lucky to have a very large number of willing hands, but during the Black summer fires, it was a case of their use was deemed more beneficial elsewhere. I know that areas with larger populations were considered to be more in need. Please note, I am not complaining about that. I am pointing out that more rural residents can only help maintain a better bushfire response. Worth pointing out is that four of my close neighbours on smaller holdings (80ha and less) are members of the Shannons Flat/Yaouk BFB. We need them and more in the future.
Fourth. If this bad policy is put in place, I would hope to see a legacy policy where current owners of holdings of between 80 and 199 ha are given a period of at least 10 years to submit an application for a dwelling. It will still devalue properties and not result in the outcome you claim you want to achieve.
Fifth. Anyone who has had the pleasure and privilege of owning property in our area will have a deep emotional attachment to their land. It is not only a building entitlement you will be taking away, but a breaking of a bond. I strongly believe it should not be your right to do so.
Sixth. As stated above, Yaouk valley has a short growing period and is only suited for light grazing of stock.
3. Holdings Analysis and Land Capability Assessment document
This document confirms that this is the usual one size fits all policy typical of state and local government. Again, there is an element of greenwashing here.

a). There may well be areas within the SMRC LGA where broad acre farming occurs and the need to maintain larger holdings would protect these areas of high agricultural production. See page 25. However, the current draft LEP just makes wholesale changes without regard to if the situation in a particular subregion warrants such a change.

b). Murrumbidgee Mountains subregion chapter page 64 feeds into what the SMRC really wants to be able to do in this subregion-justifiably ignore the subregion under the disguise of environmental sustainability. It states: "Consideration should be given to the infrastructure available, maintenance requirements and the distance to services when considering an appropriate minimum lot size. "Hello. There are people who already are full time residents in this subregion. If the council cannot provide the basics in its' current form, then a demerger is the only remedy.

c). I disagree with the conclusions of this document which states "the CMSC LEP 2013 of 80 ha and there is no rational basis for this MLS" for the reasons given above. This document does not give any strategic reasons for increasing lot sizes in the old CMSC LGA.

d). The changes to zoning and MLS in the subregions which decreases and devalues so much for the current rural landholders should not be used to justify the desire for increased tourism and development in the Jindabyne area. Restrictions on rural landholders in this LGA will be used as an offset for development in Jindabyne, hence greenwashing. And the rates we pay will go towards any maintenance of infrastructure/buildings that are developed in Jindabyne with state government grants.

	e). Also, "Constraints of land use" are already being managed without the need for zoning changes. See above. f). Under each sub-region the document states that the number of dwellings with a change in MLS may be underrepresented. It is unfair practice to make MLS changes that will deeply affect people based on wild assumptions or to use your word, "no rational basis". g). There is also a huge inconsistency in this document. On page 10 it states "Minimum lot size and the approach to determining minimum lot size is inconsistent across the amalgamated LGA. Historical approaches to MLS have resulted in a politically palatable negotiated outcome, despite any strategic work that is undertaken, particularly in Bombala and Cooma-Monaro. This approach often has no bearing on the needs of the industry and is a blanket application of a minimum lot size, such as has occurred in the Bombala and Cooma-Monaro LEP with a 40ha and 80ha MLS respectively. This approach does not represent the feedback from the community that a 'one size fits all' approach is inappropriate." Yet the conclusions for RU1 (p74) and RU2 MLS for the entire LGA are a one size fits all approach where there is only the 200ha MLS considered appropriate. I don't understand this logic. It looks to me like a "blanket" approach"- "one size fits all" policy. If you don't want a "palatable negotiated outcome" then don't have "Your Say" input. It wastes everyone's time and is being disingenuous. Especially considering you have to adhere to Ministerial Direction 9.1 Rural Zones
70	I oppose the proposed minimum lot size for the Woodlands estate from minimum of 5acres to 8ha. The development was approved by council and the land was divided into 5- and 7-acre blocks with building permits. There are a number of vacant blocks in the estate, one of which we own (a 5acre) block) It is across the road from our 7acre house block. The vacant block is our retirement fund, and a loss of the building permit would render the block worthless. 8ha is ridiculous as the blocks were divided into the approved 5 and 7acre. There is no scope to increase block sizes and the land is not farmable. So, what is the point. Potentially having building permits revoked due to minimum lot size not being achieved would result in worthless blocks that would be unattended/neglected and would pose a significant fire risk for neighbouring properties. And there is the significant financial loss people would incur, be unable to sell but still be locked in to paying rates, which you want to increase. I'm sure a lot of people would be looking to take legal action for loss of value and building permits on land where there is no scope to physically change lot size. Woodlands Estate should be removed from the proposed change.
71	Most of the landholdings in my area, within the northern part of Smiths Road (The Angle and Clear Range NSW), are of little agricultural value and would need to be many hundreds of hectares to support traditional farming such as the grazing of livestock. Grazing could never be the sole source of income even on the larger blocks in this area without damaging the environment in this type of terrain. The majority of the landholders have employment in the Canberra/Queanbeyan area and undertake their small-scale hobby farming pursuits with the aid of that income. Others are either working full or part time at home and away from their urban offices. There are also a number of retirees residing in the area. The landholders prefer their rural lifestyle compared to living in the city or

	suburbs, and in many cases are living off-grid, whilst having a keen interest In improving their physical environment that has been over grazed and damaged in the past. Management of the environment and in particular the control of invasive weeds are best dealt with on smaller holdings. Introducing the 15 hectares minimum lot size as proposed within the draft C4 Environmental Living zone rather than the existing 80-hectare minimum lot size under the existing C3 Environmental Management zone should lead to improvements in land care practices.
72	We are writing to offer our feedback on the current Draft Rural Land Use Strategy (DRLUS). Our property is located in Tinderry. The proposed changes in this area, we believe, will have a significant detrimental impact not only our ability to use the land for its intended purpose, but to our local community up here in the mountains in addition to the future prosperity of the broader Snowy Monaro region. Our biggest concern at this stage is that it appears that the voice of the residents is not being heard. The previous DRLUS was met with a strong negative response from the wider community and was taken away to be reworked, with that feedback supposedly being taken into account. We believe that the changes made to the strategy, while improved, are not reflective of community feedback. It appears the community consultation group was not sufficiently consulted during the reworking period and were left in the dark about the new strategy being presented. The intended purpose for this group was so that the community would have a voice. The community does not seem to have been heard. As a result of this, we feel that the community is likely to become jaded with, if not alienated from, the process of engaging with council. This would not serve council, or the community. Whist we agree with some of the changes proposed within the DRLUS (such as changes to land zoning), a common theme within the documents is that there does not appear to have been sufficient consultation nor is there enough information for impacted residents to be able to provide an informed response to the DRLUS. We have provided our opinion on three key areas of the DRLUS which we trust will be considered. Changes to land zoning We accept that RU2 zoning for our local area better reflects the constraints of the landscape that impact our property whist maintaining the land's intended use of primary production. We are however concerned by the restrictions imposed on the RU2 zoning in addition to restrictive overlays being applied. We have provided our opinion on these key issues below. Minimum Lot Size We consider that the proposed changes to minimum lot size will lead to stagnation in the region in addition to detrimental environmental impacts. The inclusion of the provision within the DRLUS that landholders will have a period of five years to submit a development application before the eligibility is extinguished will cause the community to stagnate. There will be numerous instances in future where a landholder is looking to sell their vacant land and there will be no ability for the purchaser to live on that land, a pathway that we consider many individuals will find unattractive, restricting the future growth of the region.

It appears that the changes proposed do not take into account the reality of land ownership and maintenance. We live in a relatively small community on the mountains, most blocks are around 100 acres, and it is clear to see that these smaller blocks are better maintained (weeds and other pest species are kept under far better control) than the larger blocks. The same can be seen across the council region. It appears that those who own larger blocks are either not on site regularly enough to maintain their property or they have a harder time staying on top of the work required to do so. We believe increasing the minimum lot size will only serve to degrade the environment as pests flourish on some of these larger blocks to the detriment of native species, all while limiting growth in the region.
One of the reasons provided within the DRLUS for the increase in minimum lot sizes is to manage bushfire risk. After discussing this with council staff at the Michelago Hall as part of the community consultation in December 2022, it is clear that the relationship between lot size and bushfire risk has not actually been confirmed. We are unable to find any material from the NSW RFS that suggests a property that is 200 hectares has a lower risk of bushfire than a block of 40 hectares. Further, it appears that the RFS was not consulted in this regard despite their purview being referenced in the draft strategy. Without that consultation, the suggestion that lot size and bushfire risk are somehow related is completely unfounded and is therefore no reason to recommend an increase to minimum lot sizes.

Restrictions on Land Use
We have spent months developing a sustainable plan for our property that will enhance and protect the environmental characteristics of our property. We consider that some of the planned restrictions on use in addition to the proposed biodiversity corridor overlay (which we believe to have been applied with a heavy hand) will have a direct impact on our ability to contribute to our local community through the planned use of our property and will impact the ability for many other landholders in the region to do the same.
The wording used in the draft strategy is particularly vague with regard to what the biodiversity corridor overlay will demand and what land use activities will be restricted. We cannot support a strategy that does not clearly outline the proposed effect of the changes. Of great concern to us are prohibitions on activities that would impact the vast majority of residents in the region such as power generation. The wording used within the DRLUS is broad and could imply limitations on the installation of solar panels to power our homes. Although the staff at Michelago Hall assured us that the prohibition was on large scale power generation, such as wind turbines, nowhere in the strategy does it say this. Until the specific restrictions are made clear it would appear that very little can be done on these blocks. With this vague language, we anticipate a sharp reduction in the value of our property as activities able to be conducted on the land will become unclear and substantially less useful to any future owners. We, the rate payers, will wear financial loss for this uncertainty.
We understand that council is attempting to gain greater control over activities taking place in the region, but who does that truly serve? Most importantly – who doesn't it serve? It doesn't serve the current community, the people who are already living here and who have invested their time and money into their local environment and properties. The very same properties that will be devalued by broad and vague restrictions on the use of their land. Given the proposed reduction in minimum lot size, the only way for growth to continue in the region would be for someone in the community with a large enough block to sell within

	the next five years. Newcomers would otherwise need to rely on the subdivision of a large enough property or move into new medium density housing developments that are not reflective of the character of the vast majority of the council area. While we consider the revised DRLUS to be an improvement on the first version, we still believe that there has been inadequate consultation and that there is insufficient information available to landholders to make informed decisions as to whether they agree with the DRLUS. We are more than happy to discuss our views with you further and would value the opportunity for an open conversation.
73	First of all, I would like to say how disappointed my husband and I are to be addressing this situation yet again. We are strongly opposed to the rezoning of farmland in the Eastern Valleys region which is where we live. We believe there will be unnecessary and inhibiting restrictions placed on what we choose to do on our property and a ridiculous amount of red tape added to an already over-regulated environment. We already manage our land well with great regard to the natural ecosystems and we believe that fellow landowners in our area are also very mindful of these issues.
75	Expanding the village of Dalgety and providing additional residential land/dwellings will support some of the key objectives of the Rural Lands Strategy: 1. Alleviates population growth pressure 2. Provides village housing options for ageing rural landowners. In addition to providing this important function for local citizens, this also accelerates transfer of land ownership and potentially improves productivity of existing agricultural properties. 3. By expanding the borders of the defined village, fragmentation is avoided. The Council should consider expanding the Village zoning in Dalgety.
76	Time unfortunately does not permit a comprehensive response to the draft Rural Land use Strategy or Snowy Monaro Regional Local Environmental Plan. I will, therefore, limit my comments to two issues of concern. Firstly, I am concerned that the current draft proposes re-zoning of some rural zoned land to a new Rural Landscape Zone RU2 rather than the C3 Environmental zoning proposed in the earlier draft. Activities permitted without consent including extensive agriculture, viticulture and horticulture may not be compatible with ecological or scenic landscape qualities if not adequately regulated. For example, high stocking rates of unfenced livestock have the potential to degrade natural vegetation and increase the risk of erosion and so undermine regional biodiversity corridors. I urge Council to establish appropriate guidelines for permitted activities to ensure that they do not adversely impact on environmental values. Secondly, the proposal to provide a buffer of 100m from major rivers and 50m from all other watercourses to manage development within proximity to riparian land and watercourses does not account for the spatial variability in landscape hydrologic connectivity. Such buffers may not, therefore, prevent inappropriate activities adversely impacting on waterway and wetland health. This proposal needs further development to ensure it adequately reflects an understanding of catchment and riparian processes. Thank you for the opportunity to comment on these planning documents.

77	[redacted] Barry Way Moonbah Land Title [redacted] you have marked this block for rezoning to C4 Environmental living from RU1 Primary production on your proposal for land use strategies. We would prefer the block to be zoned RU5 Large Lot residential which is what the blocks in the area of Cobbin creek estate are zoned, just behind us. Also, the area off the "The snowy River Way" on the "High Country Drive" and in "Carruthers Road" area are all RU5 large lot residential as is some of Lakewood Estate so we feel that this would make sense to make our block RU5 large lot residential in keeping with this zoning. Our block is fairly small at 2.72Ha and should probably not be primary production but RU5 would be in keeping with this size. We note the proposed lot size would change with this too. Could you please consider this before changing our zoning to C4 which we would not like? We are the owners of this block, happy to discuss at any time.
78	I completely reject this strategy. It is an 'appropriation as of right' and sets the council up for another Spencer V The Queen argument, and massive compensation liabilities. Council has zero credibility on this space, and the community has already completely rejected this planning agenda via the previous land use strategy attempt. Council should focus on achieving its core objectives and cease wasting money on thinly-disguised green-planning agendas. We need the freedom to pursue food, fibre and fun in this shire area, not allow the green washing and kill-joy agenda to dictate how we use our land.
79	Not impressed at all. This should not be implemented. This will hinder those who want small land holdings of 5 to 10 acres for a hobby farm. Mum and pop 4th generation farmers on huge farms won't be able to subdivide their surrounding paddocks into small lots so they can afford to stay on the farm. Back in the day, the parents would divvy off sections of land for their children to live on so the kids could help the parents. Your plan is clearly to push people off the farm and into town.
80	This whole process has been a disagreeable bureaucratic nightmare. There are so many documents and so much obfuscation that Councillors should be ashamed of sending this nonsense out to ratepayers. One this is certain, very few people will read it and make sense of the trail of documentation and so called "fact sheets". For a start - many of the objectives stated at the high level are in conflict with one another: environmental sustainability and supporting growth and change will undoubtedly conflict with protection of the capacity of productive land. And what on earth is efficient, safe and sustainable infrastructure? The producers of the document appear to have thought that if they use the word "sustainable" enough times, then all will be well. The materials provided are dense and almost impossible to navigate and Councillors should demand a simple rewrite that sets out clearly what the differences are from the former LEP and what is being changed. And who asked anyone in Council to "harmonise" the requirements of the 3 old councils. The 3 areas have 3 different histories and projected future and the whole harmonisation process should be soundly rejected by councillors. The whole document should be redrafted and only accepted to go forward for consultation when the verbiage has been reduced and a simple document that clearly outlines the intentions is submitted.

	In the meantime, the land use draft should be rejected in total. The idea that there should be expanded areas for dwelling entitlements is misguided and landowners have purchased land with existing land use and land areas clearly understood. To change this will change land values and have a great impact on individual landowners and for what purpose? Land areas should be retained as currently exist and any idea about harmonisation should be rejected as it should be "horses for courses". There should be no change to existing land use. Increasing minimum areas will impact land values and make it more difficult for graziers and farmers to sell their land. It will also concentrate more people in current high-density areas which will be negative for the local area. The areas of land for development also will be reduced which will have a negative economic and social impact. Increasing areas of land as a minimum area also will make it less likely to be able to control noxious weeds. Throughout the document there is wrong thinking behind competing ideas and councillors appear to have mistaken volume for quality.
82	Please see my full submission, but in summary it seems any development outside Cooma, Bombala and Jindabyne is being actively discouraged which will never see this region be the vibrant destination it could be. I am also strongly opposed to the proposed minimum lot size of 200ha. This will only see a region even more unable to handle weed and feral animal problems which will degrade the land - surely not what is envisaged. Very disappointing.
83	This is not right. We strongly disagree to this proposal. We've recently purchased. Our land size allows for the potential to subdivide. Implementation of this new plan will remove that opportunity, lowering our land value. Our area needs more opportunity for smaller lots and land available for growth. Not everyone can or wants to manage large lot sizes.
84	Reject to all of the rural land strategy, I didn't buy my block of land to have the restriction placed on it as the strategy has plan.
85	I have owned land off Stewartfield Road, Bolaro for over 30 years and make this submission in relation to the draft Land Use Strategy and draft LEP. Zoning. The land is currently zoned RU1 Primary Production. The draft LEP proposes it be changed to a new zone, RU2 Rural Landscape. Item 3 of the Land Use Table of the existing RU1 zone allows “Any other development not specified in item 2 or 4“. This has been excluded from the proposed RU2 zone and instead, item 4 (Prohibited) contains the restrictive “Any other development not specified in item 2 or 3” provision. Similarly, the existing item 3 provision in the RU1 zone is also proposed to be reversed in amendments to the RU1 zone thereby giving Council more autonomy over use of land. It is submitted that for both zones, the wording “Any other development not specified in item 2 or 4” wording be included/ retained in item 3. Minimum Lot Size (MLS): The existing maximum MLS under the Cooma Monaro LEP 2013 is 80 ha and applies to my land off Stewartfield Road. It is proposed to increase this by 250% to 200 ha.

	There may be justification to increase the MLS for new subdivisions in some areas but where a pre-existing lot size is less than 200 ha but above the existing 80 ha MLS, as with my property, it is inequitable that any existing eligibility for a dwelling is compromised. The potential for a dwelling in this location would not conflict with production and/or environmental protection. There has not been, nor is there likely to be any overdevelopment in the area off Stewartfield Road. The 200 ha MLS is based on the average 203 ha holding size in all proposed RU2 areas which is a "blunt instrument" method of deriving a MLS, certainly when there is no grandfathering provision for existing lots sizes that satisfy the 2013 LEP MLS. It is submitted that the existing 80 ha MLS be maintained for existing lot sizes.
86	When considering a land use strategy planning authorities need to recognise that the market for land will, in the long run, determine the land uses which are appropriate. Thus, as population increases in areas near major or significant towns or cities, the need for orderly organisation of landholdings around those cities by recognising pressure for higher population densities becomes undeniable. At the northern end of the Snowy Monaro the landholdings are subject to quite different influences than most of the Council area because of their relatively close proximity to Canberra. Broadly, in the North Smiths Road district, there is in progress a change in land use - from broadacre rural to lifestyle living and commuting to work. We notice this because we operate one of the few remaining broadacre grazing businesses. While our family does not consider that they will need to subdivide the property in the foreseeable future, they recognise that it is inevitable that our landholding will change to accommodate more people and probably different and newly developed activities. So we strongly support the Draft Rural Land Use Strategy because it generates flexibility for landowners - as well as planners - in the long term. I do believe that the discussion above supports a reduction of the minimum lot size for building entitlement in the northern end of Smiths Road to 15Ha. A logical consequence of this broad approach is that there should be a change in the zoning to C4 - environmental living.
87	For a lot on which a dwelling was permissible at the time of purchase by an owner, that permissibility must be grandfathered (persist). For a lot on which farm buildings were permissible at the time of purchase by an owner, that permissibility must be grandfathered (persist). Otherwise, I do not support the proposed affecting changes in the Draft Land Use Strategy and Draft Snowy Monaro Regional Local Environmental Plan, on the grounds of loss of utility, economic loss and equity.
88	For a lot on which a dwelling was permissible at the time of purchase by an owner, that permissibility must be grandfathered (persist). For a lot on which farm buildings were permissible at the time of purchase by an owner, that permissibility must be grandfathered (persist). Otherwise, I do not support the proposed affecting changes in the Draft Land Use Strategy and Draft Snowy Monaro Regional Local Environmental Plan, on the grounds of loss of utility, economic loss and equity.
89	Reject this strategy.

90	Reject this Rural Land Strategy
91	Reject this draft rural land use strategy.
92	Opposition to Heritage Listing of former Masonic Hall on Craigie Street, Delegate. The building has no significant historical or architectural features that warrant preservation. Indeed, most of the interior has been destroyed by termites. The exterior is unremarkable and contains no symbols intrinsic to Masons, or any other extraordinary features. Most people in this community have no awareness of the hall's existence, its link to the Masons, or any strong feelings regarding its preservation. The building has been in private usage for many decades. Freemasonry is largely obsolete in Australia and has no longstanding or current connections to the local community. It was a club for conservative businessmen, a vestige of the English class system that failed to thrive here due to our egalitarian ideals. I do not believe that protecting an insignificant building simply because it belonged to a largely white, all male, secretive group with Conservative views is a good use of taxpayers or ratepayers' contributions. In fact, we would be idolising regressive views that have no place in modern Australian culture. I'm sure there are many excellent structures in the district that warrant historical admiration and preservation, but this is not one of them. Additionally, I'm opposed to 200Ha plus minimums for dwellings. It will exclude a lot of people who can't afford/don't want that much land for a dwelling. One hundred acres is plenty!
93	I think it is flawed and disappointing that the time and effort by those that were part of the Community Reference Group that was formed after the draft went out last time wasn't utilised or consulted to give a more grassroots perspective of the ramifications of the proposed Rural Land Use Strategy. Have those that did this draft up actually travelled to the areas that take in the whole LGA? The land capabilities vary significantly throughout and without having the local knowledge or experience I don't feel you can pluck a figure out to say that a certain MLS will work. I come from a 5th generation farming family and this draft is supposed to protect our farming heritage not cripple it! I also come from the perspective of young farmers wanting to become established in the area to live out the dream of owning their own farm and raising children the way I was fortunate enough to be raised. If the MLS were enforced, I feel it would be crippling for young people to get a 'boot on the ground'. How the hell in the current climate are young people going to be able to raise the funds to buy 250ha and then build a house on to make a start?! We here on the Bombala and Delegate end of the SMRC feel the MLS and zoning is going to limit the ability for population growth and attraction of people to come and settle in our region that quite possibly could fill vital positions in our health care system. I feel this draft has once again missed the mark on a lot of its content!
94	I am a joint owner of [redacted] O'Brien Avenue Berridale NSW 2628 ('my property'). The minimum lot size (8000 square meters) proposed to apply to my property is greater than the area of my property (~5500 square meters) and also some other properties in O'Brien Avenue. If the minimum lot size is to be increased from its current 800 square meters, I suggest the minimum lot size should be less than the smallest current lot for that

	zoning area. To have a minimum lot size greater than the smallest current lot will cause uncertainty as to compliance for those lots smaller than the proposed area. The proposed minimum lot size may also prevent building on any current vacant lots that have an area less than the proposed minimum. As an aside, my property has a house and I do not own any vacant lots, so this does not directly impact myself. Whilst I do not wish to sub divide my lot, the ten times increase in minimum lot size appears excessive. Not having any lot sizes between 800 and 8000 square meters means that there is no graduation in block size, which could allow for density of housing between these two values with a corresponding reduction in infrastructure costs per lot.
95	I am strongly opposed to any changes to increasing minimum lot size for dwelling entitlement for properties zoned rural primary production RU1. This will only devalue land and send farmers broke and force generational family farmers off their land. People don't want to be cramped on top of one another. They want space on rural land, but many don't want to be large scale farms. Selling off a portion of a farm is many families' retirement fund. They can sell and live on a small manageable block and either their children can build a new home on the established farm, or they can sell. The farms of the future will be smaller and more biodiverse micrograms that are more sustainable and provide more nutritious food and improved soil health and be much better carbon sinks. So, rattling off the word sustainable in the document without any substance doesn't make any sense. Farming has changed, not as many people want to look after huge farms for a multitude of reasons. Old farming practices didn't take in anything about should biodiversity and how that is the biggest carbon sink and can be improved with new farming practices. if land size increases this means more weed controls, encouragement of monocropping and tilling. People who had small farms now can't build and now their land isn't of value, and they will end up leaving their farms. If you want to support local farms keep it how it was, please. Don't lose these precious mum and dad farms. Keep their land valuable and keep their farms productive and viable.
96	I note councils aim is to balance agriculture whilst protecting the environment! Also, council's plan states protect environmental values! support rural towns! protect agricultural production! And provide transparency! Fail to see council adhering to any of this. RU2 Rural landscape zone - councils' objectives: Ok - encourage development that will NOT have an adverse impact on the environmental scenic qualities of the existing landscape…… We interpret that to mean NO wind turbines the size of Sydney city buildings in our backyard
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101	The pathway to this second version of the Rural Land Use Strategy has been conducted in a very impressive manner, particularly with respect to community consultation and the team's response to that. As a consequence, this latest version of the document does an excellent job in capturing the needs and nature of the local community. The priorities that the plan seeks to address have been well defined, well balanced and well justified. I support all seven of the proposed policies. Nonetheless, I disagree with the abandonment of the previous proposition to zone much of the agriculturally marginal and high biodiversity value land as C3, and to now classify it as RU2 instead. The reason for my objection is because of the many and liberal permissible activities under the LLS Act which all create irreversible damage to the environment: they fragment habitat and ecosystems, destroy precious biodiversity and degrade land during infrastructural works. By zoning much of the LGA's environmentally sensitive and marginally productive land as RU2 - most of this on small lots - it creates a market for absentee landholders and otherwise disengaged or inexperienced land managers who have little incentive to manage the land for its environmental values, i.e., weeds, biodiversity, conservation values, erosion, scenery. Moreover, by retreating from the 'environmental zone' proposition, Council has missed a significant opportunity for putting a large area of agriculturally marginal land to use for income generation on the environmental markets. Doing so would create otherwise untapped benefits for individual landholders, while simultaneously protecting - for the benefit of the rest of the community - its most valuable asset, namely, rural land with exceptional biodiversity and scenic values that sustains the tourism sector and the resident community. I welcome the increase in minimum lot size and change in zoning from residential to rural in the areas surrounding the service towns, particularly around Berridale, Dalgety and Jindabyne where the connecting road corridors are quickly becoming urban 'ribbon developments. These sprawling settlements not only degrade the environmental values of rural land (biodiversity, production, scenic) but are also cost-ineffective for Council to service. On the other hand, the effectiveness of the legislation and regulations protecting biodiversity and other environmental values on rural land is much weaker than on urban land, largely as a result of the concessions provided under Part 5 of the LLS Act. I fear that the switch from residential to urban zoning in these areas surrounding the main towns will serve to worsen the state of degradation of the

land. The argument that 'stewardship by rural landholders is protecting the environment' clearly is not working in these peri-urban zones: they are typically a haven for weeds, erosion hot-spots and places of rapid biodiversity loss. (Look how much critically endangered grassy woodland on 'rural lifestyle blocks' is being lost due to incessant mowing of the ground layer!)

It is difficult to understand how the change to RU4 to the west of Varney's Range and along Snowy River Way southeast of Jindabyne, combined with 40 ha minimum lot size, will achieve the Strategy's objective of preventing land fragmentation and degradation of environmental and scenic values. One only has to drive through these areas to see the impact of the many recent developments there. The landscape's hilltops and slopes are gradually becoming occupied by the houses, sheds and shipping containers of small landholders while many new roads are being carved through the bush. These proposed RU4 areas are likely to become 'rural lifestyle residential'. Thus, I do not support the use of this zoning because of its likely adverse environmental impacts. I am also sceptical that it will attract new small 'boutique' rural enterprises as intended. In addition, I am not confident that the commercial viability of such enterprises can be sustained in the challenging physical environment of the Monaro. And the consequence of any such failure would be the creation of yet another irreversibly degraded piece of land.

I continue to worry about the carving up and scenic contamination (both day and night-time) of some of our most beautiful and highly visible valleys (Thredbo Valley, Moonbah Valley, Snowy River Valley along Snowy River Way) under the proposed new zoning. These valleys hold special values – both biodiversity and scenic – which, together with their proximity to the Kosciuszko National Park, justifies these areas being assigned to an environmental zone category (C2 or C3).

I worry about the allowance for considerable residential use of rural land under the definition of 'agri-tourism'. Defining a farm as having 'commercial use' covers just about any activity at any level of intensity. Like the perverted use of 'eco-tourism' as an excuse to build essentially a van/cabin park in the middle of the residential suburb of East Jindabyne, on a piece of land with low environmental values, the 'agri-tourism' definition could accommodate many of the undesirable residential-related activities that the adjustments to rural land use discussed above are designed to avoid.

I welcome the increase in minimum lot size in the high productivity rural areas. Land fragmentation and weed incursion due to infrastructure installation are currently the greatest extant threats to our productive agricultural areas.

I appreciate the rational, evidence-based approach to defining high productivity land based on land use capability maps.

I welcome the acknowledgement of and planning for (via the Settlements Strategy) the impact on the environment and on production lands of rural subdivisions for the purposes of residential development. I therefore strongly support the proposed restriction to dwellings that are associated with commercial agriculture only.

On a related note, I support the proposed prohibition of use of rural land for non-

	agricultural purposes, e.g., office premises, funeral homes. (Can we add car dumps to this list?!)
102	Thank you for the opportunity to review the updated Rural Land Use Strategy for the Snowy Monaro. We note the strategy aims to simplify some of the zones and land usage - and improve overall planning for existing and future land holders. As land holders at [redacted] Jerangle Road, we contributed feedback to the last iteration and feel this version is also not yet ready to be fully adopted - as there are still some areas that remain vague or confusing (including mapping vignettes), the strategy is yet to recognise that as long term, family land holders we aim to leave a rich legacy of land and dwellings, agricultural and low impact commercial opportunities as we mature and for our children. We fully support land use planning and environmental protection action to ensure our flora and fauna are best placed to survive and flourish. However, we still take the position that future land use and environmental protection strategies, particularly where there are proposed broad-brush restrictions, should remain balanced and transactional. Any environmental planning or rural land use restrictions should remain voluntary for existing, long-term landowners. Incentives, such as improved mobile phone coverage, additional and more frequent sealed road segments (Jerangle Road), and better value for our exorbitant rates, may improve landowner take up of certain land use restrictions. The strategy should not yet be endorsed - as there are still the above and other areas requiring further stakeholder consultation.
103	Increasing MLS is definitely not a good idea for this area. It's too risky and not well thought out. I believe it will cause enormous harm to our area.
104	- Maintain building entitlements and extend the time frame for those who have had theirs lapsed up to a specific period. This is an opportunity of low hanging fruit for councils to get more DA fees and developments, encourage more work and business expenditure within the shire. It will mean more rateable properties $$$$$, more population means greater weighting for grants and funds from State Gov. - Have specific properties of great significance or those by willing property owners to have a larger minimum lot size. This needs to be done with open discussions with property owners directly. - Remove RU2 zoning and RU4 unless specific property owners want it. - We need to encourage more agricultural diversity and not reduce the ability of farming and rural developments that will help increase weeds and erosion through many lots that will become abandoned through policy limitations. - Let's work together, a community reference group should be established again so we can work towards the best possible outcomes for all stakeholders. - Let's provide affordable farming opportunities for future generations and not 434 acres minimum lots that would cost over $2M to buy and setup with infrastructure and a home.

Draft Snowy Monaro Regional Local Environmental Plan

Personal details have been removed from the responses to protect privacy. Some submissions have been removed from this list as they were either duplicates, not relevant to the consultation, or contained no response.

Submission Number	Submission
1	Just greenwashing with on benefits to the rate payers. We do not consent. Leave it as it is, you tried this last year and the people didn't want it, now you are trying again with a more convoluted approach and hard to navigate web site. Send everyone effected a letter showing your proposed changes to their land title so it is clear. Leave our land titles and zoning on existing parcels alone, that is how they were bought and should remain that way. It is privately owned land and not the councils to change as they see fit unless individually agreed to by the owner, case by case.
2	Feedback on the Draft Snowy Monaro Regional Local Environmental Plan The draft Snowy Monaro Regional Local Environmental Plan is a key opportunity to fully protect threatened and endangered species and ecological communities, as well as any areas of native ecological value, which are an enormous asset to our community, tourism, wellbeing, and ultimately the planet. Specific recommendations. While I welcome the outcomes of the Draft Snowy Monaro Regional Local Environmental Plan, I am concerned that more specifics may need to be mentioned in order to protect important and remnant environmental assets. I note that in 3.3 Environmentally sensitive areas excluded [compulsory] (2); there is a list of “environmentally sensitive area for exempt or complying development”. To that, I think the following specifics could be added. 1. Land identified as containing threatened, endangered, and critically endangered species or ecological communities. 2. Environmentally sensitive areas not only on public land, but other land, including leased urban and rural land and other unleased land including road and power easements. 3. Areas in which development may adversely impact on the biodiversity or connectivity of the Environmentally sensitive area. This includes the importance of adjoining land as corridors and connecting diverse areas, and buffer zones, and to consider the landscape values outside the actual proposed footprint. It also needs to be mentioned that no retrospective approvals should be allowed

	for areas defined as exempt from development. Thank you for the opportunity to comment on the Draft Snowy Monaro Regional Local Environmental Plan. Yours sincerely [redacted] 22/11/2022
4	Environment planning is becoming increasingly ridiculous and not required. enough is enough spend our rates money on fixing roads, repairing bridges and increasing garbage collection areas to include out of Cooma township. Stop wasting money on draft plans or strategy.
5	I support all things that improve the environment. This is good base plan to move forward with
7	There is absolutely no reason to change anything except the incompetent councillors who have not lived up to their promises during the election, no audit undertaken, constant feedback from ratepayers that we don't want any rate increases considering the incompetence exhibited by council in the past and the dangerous condition of roads in the shire, money spent on indulgences and virtue signalling, very few councillors are doing their job to any satisfaction, leave it alone, just fix the roads and then I'll agree to a rate rise, council has to live within its means, just like we do, we don't get a pension rise every time we run out of money, how about you practice good accounting practices.
8	The settlement and rural plans have a major impact on the environment, planned wilderness areas would help offset as well as bring in tourism. All developments should be green e.g., High efficient housing, trees planting, recycling water, green spaces, green energy. It's more expensive initially but an opportunity to be a leading area which will attract investment or sponsorship could be looked at.
13	I live in Rockton. (Which the Snowy Monaro Regional council took 24 days to help us in the bush fires as they were not sure where we are.) I think the new rules that you are bringing in are unfair. We own just under 200 acres. The was once three homes on our property. Due to the bush fire, that the fire services was not able to attend we lost every Thing, our homes, sheds, out buildings. We are waiting for a builder to rebuild our home, but if you bring in the new rules our son will not be able to build his home. There is a historic grave on our land which dates back to 1800, and we have many visitors that are connected to this area from around the world, before it was forested to pines trees. The new ruling would make it impossible for people to have home in this area as many blocks are forty acres to sixty acres. I have a map that dates to 1904 with many names of people that lived down here in the Valley. I am opposed to the new ruling that you want to bring in.
17	The draft is more user friendly, and explanatory would be ideal. I do not consent for the new zoning to change or effect on my property.
20	I am very displeased with the rezoning of some RU1 land to RU2 zoning, imposing increased restrictions on landholders with no compensation. This will very likely reduce land values and increase operating costs for current owners of these parcels, such as myself. If such a process were to proceed, I would expect some sort of compensation be made to affected landholders. This could be in reduced

	rates, no-fee approvals for things like farm buildings/roads or any additional restrictions that are implemented - even if only for existing landholders. Or monetary compensation.
22	Please ensure that the scenic protection areas along Kosciuszko Road near Hatchery Bay are maintained, including in the SAP documents for Western Lake Jindabyne sub-precinct. According to the information provided on the interactive map these are not acknowledged and are potentially able to be ignored by the SAP team. Additionally in the Snowy Monaro Regional Council Draft Land Use Strategy document provided on this website it indicates in table on page 70 that the scenic protection provisions do not have a relationship to any other plans. Please ensure that the SAP documents and plans are included as having a relationship to the provisions and that the State Government abides by the character and intent of the community to maintain this scenic protection. In particular the current Snowy River clauses must be maintained not just in the new LEP and also applied to the SAP conditions and development plans: • Snowy River LEP 'Part 3 clause 3.3' state under 'item 1' that "Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development." • With item 2(ja) stating that "for the purposes of this clause environmentally sensitive area for exempt or complying development means land identified as 'Lake Eucumbene and Lake Jindabyne' on the Scenic Protection Area Map". • Snowy River LEP clause 7.6 limits "Development in areas to which this provision applies must not have an unacceptable visual impact on the scenic quality of the area when viewed from the lake at its full capacity or from a public space." and protect "the sense of isolation that can be enjoyed in many areas on and adjacent to the lakes". • Snowy River LEP clause 7.7 provides "Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development complements the natural beauty of the surrounding area, and the development is compatible with the surrounding natural environment and scenic landscape.
23	I cannot understand how as a council you can put forward a plan that could potentially adversely affect your rate payers who have purchase property under one set of rules and then retrospectively change those rules. This has the potential to have large financial impacts on some owners. In some cases, this could be in the millions of dollars. With the amounts involved you can expect there will be legal challenges. More cost to a council who has shown it has no capacity to control its costs.
26	I am so glad you have reconsidered the zoning changes to the Northern end of Smiths Road, and I appreciate all of the community engagement you have done on this piece of work. Implementing this change to zoning in the area will be one of the best, quick fixes you can achieve to enhance the area.
27	All good to see, but the council need to fix the roads before starting waste if money enviro plans.

29	The environment in fine leave it and me alone
30	Nonsense.
31	Hey Snowy Monaro Council, Thank you for the hard work behind keeping this great region great. I do have something to say around minimum lot sizes in the LEP. I currently reside in Canberra and own a RU1 zoned block of land about 10km outside Michelago village. I am in full support of protecting agricultural land and revenue generated from it. but there would be many blocks of land link mine (all the adjoining land is the same), where it was already subdivided into uselessness. at 28ha of mostly rocky terrain, it's not only the wrong land for it but also too small for farming or anything that would bring revenue in for myself and the region. I would like nothing more than to bring my family and business into the region, injecting money into local businesses, services and products. Even though the land wasn't even close to the previous 80ha min lot size changing it to 100 feels like it is going in the wrong direction. I know my single bit of feedback is most likely has zero weight, all I ask is that you think outside the box by adding conditions to make it possible for blocks like mine that were previously zoned into uselessness by this council or the previous to be able to erect a dwelling (completely sustainable and off grid if needed). As it stands now outside of rates the land brings no value to the region and by enabling some hoops to jump through land like mine will bring money into the region with no impact and be a win-win for everyone.
32	I am concerned that a property which I purchased 1 year ago is to be re-classed as biodiverse. I am looking to build in this property this year, and am confused by how it could be reclassified, as it is 90% covered with African lovegrass and serrated tussock, which I am currently attempting to overcome.
33	Thank you for the opportunity to provide feedback on the RLUS. I purchased my property in Shannons Flat back in 2011 ([redacted] Jones Plain Road - DP[redacted]) with the vision to relocate e to the area, build a primary residence enabling me to undertake small but intensive agricultural activity on the 10 Ha of arable land, invest in ecological repair of the remaining 45 Ha, I'm now at a complete loss based on the proposed RU2 allocation. (MLS 200Ha). This will essentially negate me and my family from being able to live in region and contribute to the economy, community and the maintenance/ improvement of the landscape and environment. My property adjoins larger primary producing properties and has direct impact upon that primary production. The impact results from weeds, feral animals as well as the maintenance of fencing. Less time in region and on-land due to no primary dwelling, will negatively impact the larger farming lots and their productivity over time. There are a series of 40Ha + sub-divisions in the same corridor that have been dealt the same blow, and for many potentially a significant loss. The RU2 proposed allocation and its associated primary dwelling MLS is essentially a disincentive to those with 40 Ha - 200 Ha properties who willingly want to contribute more to the region, improving the sustainability of primary production and the environment. Especially for those North of Cooma who are close to Canberra and can commute if needed to work on a daily basis, or supplemented by remote working, you're essentially excluding a number of people who want to commit more to region, but

	will be forced to live elsewhere. Why not consider an option where based on the merits of individual properties, that RU4 could be applied for? For example, my property is in a traffic/ road corridor that will have improved access over the coming years. It is 20 minutes from Adaminaby, 25 minutes from Cooma, 1 hr to Tuggeranong. It is over 50 Ha, has access to a council-maintained road, has a mix of arable land for intensive that can be used emerging primary industries and agricultural, and sub-alpine bush that is ecology interesting for tourism. The dwelling planned to be erected will be self-sustaining in terms of services/ utilities and therefore not place an increase on infrastructure demands, and be built to most stringent of BAL ratings. I ask that you please consider the option for specific property types that can meet the definition and intent of RU4, to be consider for RU4 rather RU2. If RU2 is the only way forward, and or there is no other way to consider a primary dwelling for my property, I'll have to sell up and find an alternative location outside of the Cooma/ Monaro region. Thank you for the consideration of my feedback. Please feel free to contact with me any clarifications or questions. Regards [redacted]
34	I would like to provide feedback in support of the proposed changes for Smiths Road Rezone to C4 and reduction of minimum lot size to 15ha. I feel this new proposal takes into consideration the importance of Community Growth and sustainability while maintaining an environmental awareness and managing the associated risks. The following are some of the reasons, reducing the lot size is the best strategic approach for the region. 1. Weed Control Management The current landscape in the northern end is largely cleared plains and grassland. It is evident, that trying to control 200 acres of grass is not sustainable for one family to manage, especially working parents. Feral animals and weeds now overwhelm properties and pose the greatest risk to our biodiversity and environment, then a small growth in population and dwellings. The northern region is not farmland or dense woodlands, it is barely good for commercial grazing, so it leaves very little options for families to effectively manage large lot sizes. We do not have the time or resources to effectively control the abundance of weeds, ferals or manage the current size. Reducing lot sizes to 15ha will definitely provide better options for the community to protect their land, native wildlife and the region. 2. Community Resilience and Growth My family has only been active in the community for a year and during this time, we have participated in being a bushfire volunteer, stand on the Community Association committee and I am the main coordinator for Smiths Road Landcare group. For one family needing to volunteer for all these roles, is evidently clear that this community has fatigue and are burnt out. There are not enough members to fill all the important volunteer roles to maintain the community's resilience and sustainability. Anyone that says otherwise, is clearly not volunteering and seeing our struggle. During the past year, my family has

	managed to plant 15,000 trees in the region, conducted a weed workshop, key project member in controlling woody weeds along the Murrumbidgee and treated over 50 wombat burrows for manage. This is the value of only 1 family to this region, so with small growth, the potential value 50 additional families could bring to the area, will make this community strong, thrive and be in a better position to meet its commitment to protecting our natural landscape and wildlife in the area. 3. Consistent approach I own 150acrs of land and live 200mtres away from a number of properties that have dwelling entitlements on only 4ha blocks. This is a land use conflict and inequitable, which has caused divided and confusing opinions. These properties that have small lot sizes are of no less significance than my 150acres, yet different entitlements and approaches have been adopted. If anything, these smaller lots are demonstrating with more manageable land sizes that biodiversity, controllable weeds and wildlife better co-exist. Their properties are healthier, contain more native shrubs/trees and recover from major weather events quicker than a lot of the larger properties, especially mine. Unfortunately, without this rezoning and reduction in lot size, my family will not be able to build and continue in this community, so I strongly encourage you to continue with the proposal of 15ha lot sizes. It is evident that change must occur and so this is our opportunity to lead the change and drive growth that will help build a strong community and a more resilient environment. The community needs to move forward and keeping lot sizes the same will send us backwards to continue battling the same challenges that we clearly have not won over the past 20yrs. Lastly, I wanted to say a huge thankyou to the council for taking the time to listen and for the tremendous effort in coming out to our community and being visible. It is a credit to the core values shown by the new council and clearly demonstrate that you are listening, the people matter, and we are in it together.
35	Fully supportive of the C4 rezoning for my area. Have been pushing for this for years.
36	Keep existing LEP
38	Positive initiative to 'modernise' planning
39	We have been members of the Smith Road Community for over 15 years. We are hopeful that the change to C4 environmental living will be supported. We believe that the change will enable the community to expand and thrive. We are not set on the subdivision size of 15 hectares but fully support the reduction of current size limits. It seems like a wasted opportunity if the council is not able to support and make the necessary changes.
41	Proposed RU1 - Primary Production states; To encourage diversity in primary industry enterprises and systems appropriate to the area. Council's objectives: - encourage diversification and value-adding agriculture by recognising the diversity in modern agricultural enterprises and facilitate their growth - to enable other land uses that are associated with primary industry and that require an isolated or rural location or that support the tourism industry. These are admirable aims, but farmers will need additional people on site to

	expand their range of enterprises. Provision for extra housing will be needed and smaller subdivisions should be an option, not 250 ha. Larger subdivisions will only ruin our largest enterprises. Council is naturally concerned about providing infrastructure for an increased population but that very increase provides valuable rating income. We cannot grow without population increase and AgriFutures vision will provide that avenue for future development IF we follow their guidelines and don't jeopardise a valuable opportunity to an innovative unique future. Once again, lateral thinking is imperative.
42	I support the Strategy, specifically the proposal to rezone Smiths Road to C4 and to reduce the minimum lot size for building entitlement to 15Ha. Me and my partner currently own a block on Smiths Road and are parents to a little one. Since joining the community, we have found it difficult to meet young families in the community to provide our little fella with the sense of community he needs. By reducing the minimum lot size, there will be the opportunity for more families to move in, thus increasing his and others' local social networks. The Smiths Road community needs to grow in size in an effort to ensure continuity in the community through increased participation in community activities, fire brigade duties and assisting neighbours in their goals. This is increasingly important in an ageing society, where the ability to meet the needs is decreasing. In buying this block, we had the aim of managing the land in a sustainable manner and helping to regenerate it into what it was prior to being used for agricultural purposes. However, it is becoming increasingly difficult for us to manage the block. As it stands, the block we own currently falls short of the minimum lot size for building entitlement and as such we are not there throughout the week (we treat it as a weekender). Not being able to live on the block permanently makes it difficult to find the time to manage the land on a day-to-day basis. The ad-hoc time spent caring for the land before or after work is becoming necessary to adequately manage the land. Further, we want to use sustainable practices in managing the land and not further damage the ecosystem after years of human interference. This means a lot of manual work compared to common agricultural practices. By rezoning and reducing the minimum lot size we will be available more often to engage with these activities. With additional people living in the community there comes increased ability to manage the environment in a more sustainable manner for all. Landholders will have smaller lots to manage and can opt for similar land care methods. There are also more hands-on deck to assist neighbours in these methods. While a concern is that more people leads to more destruction of habitat, I see minimum lots of 15Ha as not being of sufficient density for this concern to be realised. I believe that the C4 zoning provides adequate provision to mitigate against this risk and ensure protection of the environment.
44	I own "[redacted]", [redacted] Monaro Highway, Glen Allen, NSW.2631. Firstly I mailed a letter to the Snowy Monaro Council several months ago highlighting my concern about the entire mapping process. I mentioned that the forested area bordering the New Line Road on my property had been logged via the existing Nimmitabel sawmill and the predominant species remaining was E. Rubida, the rest having already been harvested. My block was assessed a couple

	of decades ago as suitable for pulping and is currently on the Eden mills list. I also mentioned that in this same forested block was a disused gravel quarry that was used by the Cooma Council until it was relocated further down the New Line Road near the Creewah River. In the future this gravel quarry could be reopened if the council needed a nearby gravel quarry. The map, as far as I can ascertain, and as I stated in my letter to council, shows nearly all my land on the Eastern side of the Native Dog Creek as grassland protected, yet a reasonable portion was sown down in the late 1970's and basically the rest sown down to improved pastures in the 1990's and remains as introduced grasses. All of the above is easily evidenced by doing an on the ground grassland survey. It needs to be mentioned that in the late 1970's and through the 1980's nearly the entire property had super phosphate aerially spread from my airstrip and simultaneously sown with subterranean clovers and white clovers that are endemic across all my grassland and lightly forested country. Similarly the further eastern area of my property is also inundated with Yorkshire fog, another introduced pasture species. I can see no logic in why all this country on my property is deemed as Environmentally sensitive when bar the trees 80 percent plus (by self-assessment) is covered with introduced grass species , particularly, Phalaris, Cocksfoot, Fescues, Rye's, some lucerne, Yorkshire Fog and introduced Clover, primarily Sub and White Clovers . In Summary, I cannot recall receiving a response to my letter. in which I similarly outlined my concerns as above. Whoever decided on the environmental map demarcations has not examined the actual on the ground pasture/ grassland species that presently exist. Finally most farmers I have talked to about the draft map have complained about how the map has not been designed to let them to clearly expand it so they are able to look at their property in detail. This also has meant that I have other queries about certain portions of land on the western side of the Native dog creek going back to the Monaro Highway, but they are not so glaringly obvious. I hope my feedback will be properly considered and I welcome your response to my comments and to my knowledge of my property
45	The comments I make below relate specifically to my current situation and the issues I face as an approved business operating on land zoned as, currently RU1, but proposed to be RU2. I acknowledge that Council has recognised that many rural blocks in the Michelago area are not suitable for normal agricultural pursuits and that landholders should look at more intensive farming practices or alternative uses for such land. Whilst this is a great concept in theory, I don't believe Council fully understands the practical issues involved for landholders looking to establish such businesses. In particular, the main issues are access to a sustainable water supply,

African lovegrass infestation, land sizes smaller than proposed minimum lot sizes, and access to affordable finance to establish, sustain or expand such businesses.

For example, I have built Snuggles Pet Resort, a luxury dog boarding facility, on my land near Michelago. That land is approximately 97 acres or 39.38 hectares consisting of approximately 40% heavily sloped and some flat grazing land, about 50% protected woodland areas and the residential building and surrounding gardens. The grazing land is nothing but African lovegrass, which does not support year-round grazing of any stock and is too expensive and time consuming to eradicate due to the lack of available return on such a small parcel of land.

Water access for stock is through a bore that is heavily mineralised and substandard for the raising of healthy stock over the longer term. The water itself is too hard to permit usage on horticultural or viticultural endeavours as is too mineralised to provide enough sustenance to the plants for sufficient growth.

On this particular block of land, the slope of the hills and the makeup of the rock structure of the hills ensures uncontrollable run-off that floods the lower half of the property bordering the Monaro Highway. And while this problem can be overcome with major land improvements, the return on the cost of investment is not there to justify the expense.

My property, at 39.38 hectares, with about 16 hectares of usable land is more than big enough to establish a rural business on, as I have done. This cost me a total investment of approximately $1.8 million, of which $400,000 was provided through bank finance. Most people with a non-productive rural block in the Michelago region do NOT have the funds available to establish a business without bank finance. The problem with that, is that banks will not finance rural landholders to the same extent as metropolitan residents due to the business being established on residential land.

Therefore, in order to achieve Council's stated aims of encouraging more rural landholders with non-productive land to diversify and establish other businesses that still fit within the rural landscape and with the appropriate scenic outlook.

Currently, to expand my business, which is enormously successful and has been going for more than six years now, I need finance of approximately $500,000. The banks will lend me only up to 60% of my property value (LVR) as it is a rural block, and they won't lend for business purposes if the block has a residence on it. At the same time, the banks won't currently lend for a rural residential mortgage if there is a business located on the property. Both of these restrictions do NOT apply to metropolitan residents, where the average LVR is 80% of the property value and can even be extended to 95% under approved circumstances.

This places rural residents and business developers in the unfortunate position of having the land available to develop or expand a suitable business and having the Council's support and encouragement to develop or expand a suitable business, but without the practical means to do so unless lucky enough to be rich enough to self-fund such a business, which we know is most unlikely for rural landholders.

So, it doesn't really matter if my landholding is 40 hectares or minimum lot size of 80 hectares - I, and any other landholders in the region looking to stablish or expand their business, can't get bank finance to support my business unless I meet the banks' criteria. That is, I can't have a business on my residential land, and I can't have a residence on my business land (unless it is a caretaker's or manager's residence, and therefore subject to GST and FBT).

Now, if landholders looking to establish or expand a business on rural land (RU1, RU2 or RU4) were able to separate the business holding from the residential holding, whether by subdivision, strata title or any other legal means, with no rights to establish an additional residential premises (yet maintain the existing right to, with approval, build a caretaker's or manager's residence), then this would alleviate the issue for landholders and help achieve Council's aims to diversify the region's agricultural base, particularly in those areas of the region that are non-productive and, essentially, opportunities going to waste.

Council may also be able to achieve other aims through having an open mind to the concept of subdividing or using a strata title to separate the business land area from the residential area. In my case, being able to access the bank finance I need to expand my business, will create additional full-time, part-time and casual employment in the Michelago area, something that is virtually non-existent in this area.

Separating the business area from the residential area of some blocks of land in the region will not impact the scenic or cultural aspects of the region. It would simply be a means of allowing landholders the opportunity to access finance which they otherwise would not have been able to access. It would also allow landholders to separate their business from their residence, making it easier to sell either or both upon retirement or hand one or both down through the family if desired.

More businesses in the area would create more employment in the region, keep the NSW dollars earnt in NSW rather than going to the ACT and would even encourage more ACT dollars to be spent in NSW. The additional land titles created by subdivision or strata-title would mean more rates payable to Council, more employment in the region, greater opportunities for women and youth and help support future development of the township of Michelago. Making the additional land title created by subdivision or strata-title specific to business, and completely excluding residential development will ensure development is controlled and meets the specific criteria that Council might set for approval of such developments.

The important thing for Council to realise is that allowing for the potential for certain things to happen through changes to Rural Land use and zoning is not the same as encouraging these things to occur.

Businesses in rural areas, particularly intensive agricultural or non-agricultural businesses, NEED access to finance, and the people trying to establish or expand on these businesses do not have the same access to finance as people in metropolitan areas. Banks lend against people's assets, not the quality or financial success of their small business, and rural landholders are already 33% worse off than metropolitan residents even before we start.

So for Council to achieve its stated aims in regards to diversifying and encouraging business development in rural areas of the Shire, it seriously has to consider how to assist those landholders with non-productive or too small a landholding to be productive, to use their land assets to access such finance and build a business that helps build solid rural communities - think sponsorships, events, community support, community projects, employment opportunity (particularly for women and youth) without the travel to Canberra, closer communities, stronger local economies, more business opportunities..... etc, etc.

	Other opportunities for Council to achieve other stated and desirable aims could include some of Council's development proposals or ideas being out-sourced to landholders as part of any approval process for the subdivision or strata-title of rural landholdings. For example, Council has expressed the wish to have a scenic lookout placed opposite the best view of the Tinderry Ranges. It so happens that my block of land includes the hilltops opposite the best view of the Tinderry Ranges, and that area of my block has access to it from Clearview Road. With Council support of my project and my support of Council's project, we could both achieve benefits for the community and each other, while still maintaining the scenic and cultural integrity of the region. Council needs to find some flexibility in its land zoning proposal to allow consideration of such ideas as expressed above, and not adhere strictly to certain zones for all rural blocks in particular areas. What may be appropriate on my block, for example, may not apply elsewhere, so zoning my 39-38-hectare block as RU2, the same as many 80-hectare blocks in the region that have no protected woodlands or African lovegrass infestation, doesn't really make sense considering Council's desire to encourage more intensive agricultural or non-agricultural business on the non-productive rural land. I propose that Council give consideration to another zone option that allows such subdivision or strata-title options as mentioned above and apply this to all of the proposed RU2 land within 5 kilometres of the Michelago Village and make any such development at the discretion of Council criteria that meets developer, Council and LEP objectives.
46	I am writing to show my support for the rezoning of the northern portion of Smiths Road from C3 to C4 with a reduced lot size to 15ha. History Smiths Road was taken into the then Cooma-Monaro Shire Council after the dissolving of the Yarrowlumla Shire Council in 2004. At that time, Smiths Road was zoned 7(e). This then translated to E3 – Environmental Management. Since moving to the Cooma-Monaro Shire Council, Smiths Road has been advocating for the removal of the inappropriate E3 zoning. The community and I as a whole are very pleased to see that Smiths Road is now being considered for the more appropriate C4 zoning. This new zoning combined with a development standard of 15ha will allow our community to enjoy small-scale population increase. The new zoning and reduced lot size will also address past planning discrepancies which will see several lots regain their building entitlement or be able to build with the reduced lot size. There is great feeling in the community that this rights the wrongs of the past for those landholders. Community The Smiths Road Community is a vibrant, cohesive one. There are many long-term friendships on the road and people go to great lengths to assist their neighbours and help those in need. We enjoy regular social events such as our Christmas party, progressive dinners and a vast amount of social occasions between friends. The Smiths Road community is vibrant, healthy and very lucky to have all who live here. Smiths Road has many long-term residents who raised family here. The change of zoning will allow some of those residents' children to take advantage of the dual

	occupancy provision and build a home to support their elderly parents and enjoy raising their children where they themselves were raised. There is a lot of support for this scenario and people are very pleased that they can have children/grandchildren nearby. Committees The Smiths Road Community has two committees – the Smiths Road Community Committee and the S355 Committee. Both these committees have been staffed by the same people, in a variety of positions over multiple years. Many committee members have reached volunteer fatigue and would like to step down and make way for someone new. Without an increase in our population however, this is difficult to do. RFS Brigade Smiths Road has an active fire brigade, most recently assisting across the Monaro and external deployments in the 2019/2020 fire season. We have a good facility which serves as our official Neighbourhood Safer Place in the case of emergency. We also have 3 well-equipped fire trucks. Similar to the Smiths Road Community Committee and S355 Committees however, our brigade suffers from volunteer fatigue and also an aging member base. In the 2019/2020 fires for e.g., 3 of our members formed a crew and attended a fire at Shannon's Flat. Jokes were made that the total combined age of those 3 members was 210 years. The joke was made in jest, but clearly shows that we need younger people in our brigade. Fire risk and remediation For the purposes of the proposed rezoning, a Bushfire Strategy report was prepared by a BPAD qualified consultant. In summary, the report showed that the northern portion of Smiths Road was suitable for small-scale population increase and a reduction in the lot size to 15ha. In summary, I would again like to voice my support for the proposed rezoning of Smiths Road. Thank you to Council for finally addressing this issue and bringing with it a sensible solution that will allow our precious community to thrive and continue into the future.
47	I would like to express my support for the proposed Rural Land Use Strategy in particular to the zoning changes on the northern end of Smiths Road The Angle. Changing the zoning to CA – Environmental living with a reduced minimum lot size for building entitlements on land parcels over 15 ha will bring many social, biodiversity and financial benefits to the community and council. The northern end of Smiths Road is mostly cleared degraded farmland being used as lifestyle living blocks. Most properties are heavily weeded and are difficult for most land holders to manage. The land is generally unproductive and does not lead to many opportunities for owners to make a living from the land resulting in many landowners drawing income from fulltime jobs in Canberra. As a result, landowners on the larger blocks find it difficult to manage their responsibilities to control weeds, feral animals and bushfire mitigation before contributing to volunteer community groups. By reducing the minimum block size, I believe landowners will not only be able to manage their blocks in line with the current legislative requirements, but it would also increase the population in the community and increase the volunteers contributing to the local rural bushfire

	brigade and other community groups. The council will also benefit from the additional rates paid. We have owned a block on Smiths Road for the past 2 years and in this time, we have spent most weekends slashing grass, spraying weeds. We have also spent many hours planting trees and have worked with Greening Australia to plant over 14,000 native plants to rejuvenate the land. Along with this I have joined the Rural Fire brigade and assist with the local community group. Being part of the Fire Brigade and community group, I have consulted with other community members, and it is the consensus that the zoning needs to change and minimum block sizes in this area are too large. Reducing the minimum lots sizes would allow landholders to better manage their land to meet their responsibilities and reduce bushfire risks. The current zoning arrangements are also not consistent as previous zoning rules have allowed building entitlements on 10-hectare blocks which are scattered between large blocks that have an 80-hectare minimum lot size. The current approach is not fair or consistent and has led to conflict on how land is currently being used or managed by neighbouring properties in the community. I would like to thank the council for the work they have put into producing the Rural Land use strategy. I feel they have presented a plan that balances the land use appropriately and is reflective of the views of the community.
48	My husband and I were horrified to learn of the proposed rezoning of the land along Calabash Rd, Tinderry (Anembo). We bought our property there as part of our superannuation. It forms an important component of our retirement plan. We have Council advice from 2008 informing us that for the 1997 holding of 340ha the minimum lot size for a dwelling would be 80 ha and that our land would be able to be subdivided into four lots. We bought the property on that basis. The rezoning. and especially the proposed 200 ha minimum lot size, will seriously affect our future. Speaking with local real estate agents, they confirmed that land rezoning to a more restrictive use and removal of dwelling entitlements in rural areas results in a significant drop in land values. Property value evidence shows that the value of a parcel of land without a dwelling entitlement can be reduced by as much as 80% compared to the value of an equivalent parcel of land with a dwelling entitlement. The area along Calabash Road has been zoned for 80ha lot sizes for decades. It will be a disaster to rezone this area. It will also result in lower Council income from rates when the land value plummets. Please do not let the area along Calabash Rd. Tinderry be rezoned to RU2. The minimum lot size needs to remain 80 ha. Yours sincerely [redacted] Calabash Rd, Tinderry
49	I live on 16ha, a small rural lifestyle block. This block has been continuously cleared and has had a dwelling and residents for a number of decades now. We use our block for small scale food production; we have a small herd of sheep and an extensive garden, and we are satisfied with our ability to manage this size block and maintain professional positions in town. The current rezoning proposal from C3 to C4 seems logical and appropriate for this locality. Reducing the minimum lot size to 15ha has many benefits - newcomers are fast more able to manage weed

	infestations and boundary fences, and increased the occupancy within the local area assists with maintaining or refreshing the vibrancy of the community.
50	My comments relate to the rezoning of Smiths Road. The change to C4 Environmental Living is welcomed. The change from AC3 to AB2 being the reduction of the minimum lot size to 15ha is concerning given the condition of Smiths Road, both on the NSW and ACT sides and the ongoing bushfire risk. An increase in the population of the Smiths Road area from an increase in the number of lots and the ability to build dual occupancy houses will significantly increase the traffic volume on Smiths Road. This will also be increased given the aging population of the area and the gradual shift away from the area by older residents. Newer residents will not match the current population profile - most new residents will likely have 2 cars and work in Canberra resulting in a significant increase in traffic volume. There is no guarantee that funding will be received to upgrade the NSW side of Smiths Road. The likelihood funding can be secured is further lowered given the demands on the NSW to repair flood affected roads throughout the state. The road deteriorates quickly and even more so after rain just with the current traffic load. Having come close to having 3 head on collisions on this road I consider it dangerous to drive now let alone with more traffic. The ACT side of Smiths Road also needs to be considered. There is no planned upgrade program for this road - this was recently confirmed by the ACT government. We rely on this road for access. Again, the condition of this section of Smiths Road is poor and requests to fix significant hazards are slow to be actioned. How are the required road improvements being taken into account with the timing of the proposed lot size changes? To allow the changes without a concrete plan to improve the road will put all residents at increased risk. How will the Council work with the ACT to ensure that the ACT side of the road can support the increase in the number of vehicles? You cannot only fix one side of the road and not the other. A second point is the ever-present bushfire risk posed to residents of Smiths Road as evidenced by the 2003 fires and more recently the Orroral Valley fire. I understand that a group of residents who will benefit from the subdivision funded a bushfire plan as part of this planning process - this has not been circulated in the community (or the local brigade) and I have not received any information about its contents. I hope the Council has engaged experts to review the plan and ensure that is comprehensive and evidence based. There is only one way out along Smiths Road through the ACT. The recent replanting of the Ingledene Forrest with pine trees also adds significantly to the danger posed by fire to local residents - not only through adding an accessible highly farmable fuel source but effectively a roadblock out of the area. How is the Council going to ensure that residents of Smith Road have viable, safe options if a bushfire was to threaten the area? How has the bushfire risk been taken into account when assessing the safe population level for the area? Thank you.
57	The Draft Land Application area around Hatchery Bay on Lake Jindabyne, we assume will end up developed in some way. This will destroy the sweeping landscape views from Jindabyne and East Jindabyne, Tyrolean and the whole

	eastern side of the lake. The eastern and southern shores of the lake are already developed, and the layered landscape of western side is what gives Jindabyne and its surrounds the wonderfully attractive outlook it has. Nearly every photo you ever see promoting the area and of rainbows, clouds etc feature this part of the Lake's shores. There should not be development in this area.
59	Mrs [redacted] [redacted] Applebox Lane via The Angle NSW 2620 As previously advised in October 2021 I strongly support the rezoning of the northern portion of Smiths Road from Environmental Management (E3) to Environmental Living (E4). My 69 Ha property is "[redacted]" Lot/DP [redacted] and [redacted] The Angle. There are literally hundreds of small communities throughout NSW with no town water or reticulated sewer and people live and recreate there happily. The properties in my area have been extensively cleared many years ago for farming. My property is adjacent to poorly managed ACT pine plantations. The lack of proper management added to the bushfire fuel load of 2003 that destroyed 35% of my property. I advised them of the poor state of the adjacent plantation by phone on numerous occasions and yet nothing was done. Biodiversity value in my area is low and development of 490 Ha for the ACT Emissions Reduction project is essentially a monoculture further reducing biodiversity. Smaller lot sizes may very well increase biodiversity as farming is phased out for other activities. I know of a number of properties that have been privately purchased and planted to return them to a more natural state. Infrastructure provisions have greatly improved over time. The Gudgenby River bridge below Cuppacumbalong woolshed is a concrete all weather structure. The ACT section of Smiths Road is currently being graded and sealed to a high standard. In the event of an emergency, access out of my property is also available west via Sunshine crossing and east via The Angle crossing. The weeds and feral animals on my property have come directly from ACT land and Namadgi. I have become an unpaid servant of ACT Parks and Conservation Service fighting weeds and trying to discourage feral pigs and deer. My 69 Ha property has been held by the same family group for over 90 years. Fragmentation of agricultural land occurred many years ago. Whilst it was a viable farm originally, 35 years ago livestock on adjacent leased land and seasonal work were necessary to remain viable. Today my farm is not viable and is only a hobby for grandchildren and great grandchildren to enjoy. I support the Snowy Monaro Draft Rural Land Use Strategy which recommended the northern portion of Smiths Road be rezoned from E3 to E4, with a reduced minimum lot size of 15Ha. I am fully supportive of this change which would allow a small amount of potential development in an area of cleared farmland adjacent to the ACT border including my property. I understand the remaining area of the zone would remain as E3, offering greater protection to the areas in the current zone that have higher value biodiversity. Under our current zoning there is little opportunity for our community to grow. Our ageing population is overstretched and cannot adequately support the civic functions of our local community and infrastructure. My neighbours, including absentee landowners who cannot build on their land due to restrictive zoning

	have worked very hard to support a rural fire brigade, S355 committee, community committee and Landcare group. If you would like more detail or ask any questions, I can be contacted by email at [redacted]
60	I oppose the proposed RLUS because it alters the minimum lot size in my area from the current 5 acres to 8 Ha which is approximately 20 acres. All of the properties on what is known as Woodlands Estate. I operate a water supply Association that supplies water to 25 properties on Scotts Road, Woodlands Drive and Pygmy Possum Place. We charge for our water using a 2-tariff system where those who take and use water currently pay rates of $800 PA, and those who do not take water but have the right to take it (and thus increasing the value of their property) pay half that at $400 PA. Currently 7 of the 25 properties do not contain houses, although some contain water tanks and other buildings and on one a house is under construction. If these 6 properties loose the right to build, (even though I have been assured that is not the case as buildings were permissible on 5 acre lots under previous LEP's), the value of those properties will drop, and the owners will have no incentive to pay for future water supplies. Thus, my Association will lose approximately $2400 annually. Which may not seem to be a large amount but for a small association like ours where we are effectively a hand to mouth organisation, it is a considerable amount. Because our costs would continue to be as at present, if the 6 properties stopped paying and thus, we lose the income from them, we would be forced to increase the charges to the remaining members by up to $150 PA. In addition, some of the undeveloped properties are intended to be used when the owner retires either as savings or for a dwelling. If, as has been stated by a council employee, the lands with existing building rights will not be affected then why have they been included in the RLUS? The only reason I can see that they have included them is they intend in future to rescind people's rights to build on their 5-acre plot. It would be a simple matter for the properties to be removed from the Rural Land Use Strategy.
62	Ridiculous
63	I am very upset with the laziness of mapping for the heritage items schedule of the LEP as it affects my land. I refer to Draft LEP map item(s) 1520 (or I520), also described in the Bombala Shire Heritage Study 2018, Vol 1, as item 127. Currently I completely object to the listing and the map of heritage item(s) on the grounds they are not correctly described or mapped, as described below: 1- Whole Lots on my property have been proposed as a heritage 'item' without any contact with me. I have owned the property since 2016 and have never been contacted re a heritage inspection for the purposes of the heritage study that the LEP listing is based on. I'm pretty sure this goes against your community consultation guidelines, besides which it's just rude. 2 - The entire Lots are listed whereas the items are ON the lots rather than consisting of whole lots. There are potential items just as lovely that aren't mapped at all, and others are mapped but not described in the schedule at all. They could be listed but the listing is a) undefined as to how the decision was

	made and b) really vague and open to a range of interpretations. 3 - The map includes areas for items that are not associated with the heritage item description (and may or may not be listed but we don't know as the item assessments in Volume 2 are not able to be located). 4 - The map does not include same/similar items of potential heritage value. I'm not sure if they would be included in the schedule text because the item description is too vague, and I can't find the study it's based on. Part of the issue here is that the listing in the schedule appears to rely on Volume 2 of the "Bombala Shire Area Heritage Study", whereas your website only has a link to volume 1 and I can't find Volume 2 anywhere using the internet. This means there is no detail of the assessment of the area /item(s). I have requested Volume 2 be supplied from the heritage@sm email address, but it won't arrive in time for me to look at it before submissions close. If SMRC is going to all the trouble of updating the heritage schedule of the LEP, and representing this in map form, the least that should be done is to get the listing(s) and maps right. Thank you for the opportunity to make this submission. I look forward to working with SMRC further on this issue. Best regards [redacted]
66	DPI Fisheries highly commends the inclusion of the following local clauses in the LEP: - Cl7.2 - Natural Resources - Water; and - Cl7.13 - Stormwater and Water Sensitive Urban Design Both of these clauses will do much to protect local waterway, aquatic biodiversity and the threatened species and Snowy River Endangered Ecological Community found within the Snowy Monaro LGA. The proposed riparian buffer zone withs adjacent to rivers and creeks is much appreciated.
67	OPPOSED. The proposed LEP while I think has the right intent at heart, in my opinion is overreaching, unclear and primarily creates adversity for many rural landowners. e.g., Clause 4.2A of the draft Snowy Monaro Regional LEP will among other things restrict and hinder landowners current use, benefits, rights, planning and development options. The move to increase Min. Lot sizes in particular with respect to the proposed R2 zones in Avonside is excessive, unreasonable and, merely conceals the previous attempts by Council to impose strict E2*zones, subsequently the "APZ Fire Protection Zone and EEC" mapping adopted to demarcate these zones across individual lots is invasive and inappropriate, it conflicts with other planning instruments and legislation and further by Council adding these unfounded and speculative restrictions such as suggested riparian zones, biodiversity and ecologic zones, it imposes significant implications to that land irrespective of whether they exist or not, this is misleading, damaging and gives Council indiscriminate control to prevent any form of activity, improvement

	or development. I also found it disheartening that Council is targeting landowners who seek to subdivide land for the purposes of succession planning. This strikes at the heart of people's life savings and financial wellbeing, it is unreasonable, irresponsible and unconstitutional. Council purport that the current RU1 zoning doesn't provide for a consistent approach? In review the proposed LEP and rezoning is far more convoluted and in effect creates an imbalance to the planning controls and rights of landowners that is far more restrictive and damaging. Under the proposed RU4 / R2 split development and subdivision potential is significantly reduced and property land value is decimated. Council talks of servicing and maintenance of infrastructure, particularly roads? How will Council improve this? What are Councils plans to improve dirt roads such as Avonside road? The road surface upgrade proposed which I believe was funded via VPA has been delayed and funding squandered, there has been several near fatal accidents on that road during 2022 as a direct result of Councils failure to maintain this public road. I fail to see how the proposed LEP provides suitable provisions to support, enhance the region's main attractions, those which underpin the wellbeing and economic growth of our communities. The proposed LEP does not embrace how new construction technology can address the material, and trade shortage to the region nor embrace alternative engineered solutions/architectural excellence in design which can improve housing diversity or co-living environments all of which could better make use of the proposed R2 zones and support Councils proposal. Considering Councils proposal seeks to strip Landowners of land value and usable land in some cases by 80% of total property area. e.g., take a 101ha lot property valued at $2.5M market value, under Councils proposed RU4/R2 zone and the increase in min lot size to 40/200ha respectively, Council will have effectively rendered 80Ha unusable and reduce the value of this property by around 30% - 50% based on current market value, decimating landowners' financial wellbeing without any form of uplift or compensation as a result of Councils misadventure! The proposed LEP doesn't provide sufficient provision for permissible development without consent, doesn't support complying development opportunities, does not advocate for hazard reduction or selective clearing or integrated development within proposed R2 zones, which can significantly improve environmental outcomes and mitigate risk to fire life and safety and merely seeks to limit any form of activity or use despite the permissible use. While the R2 criteria for permissibility flirts with possibility, Councils multi- layered conditions and controls such as min lots sizing, increased blanket zoning of biodiversity and environmental sensitivity zones and controls (many unfounded) coupled with Fire and Rescue NSW approval process results in an uncoordinated and disharmonised planning approach that will delay and restrict development. Furthermore, the split zonings create conflict with an array of existing legislation and controls such as biodiversity offset and the Rural Boundary Clearing Code and other! No consideration or instrument to support Rural landowners in maintaining their properties for bush fire hazard mitigation or selective clearing nor how the added reduction in lot sizes will impose further restrictions given the RU4/R2. Landowners should have clear and uninhibited rights to i.e., clear land, create fire trails and tracks within their lots, permissible without consent. This and the Strategic Bush Fire Study fails to provide a balanced approach to assess whether new development is appropriate in the bush fire hazard context the proposed in

	fact closes all opportunity without any consideration. The targeting of RU1 lots that are "Environmentally Constrained" to restrict use is extremely concerning, how will Council compensate these owners, this move significantly reduces property values and land use! I also feel that the strategy may fail to recognise the immense distance and social and economic nuances of the townships within the region, there are vast differences culturally and socially between the townships, the proposed hierarchy e.g. propping up Cooma at the detriment of progressive growth within say Jindabyne is irresponsible and exploitive. Townships should be allowed to flourish they are more than capable of providing a suitable mix of development i.e., commercial, industrial, residential, rural. The townships that immediately surround the Snow Fields provide a thriving and vibrant community, making it a crucial economic contributor to the region, more emphasis on these towns should be given, pass through “hubs” will continue to benefit from the tourism, the recreational and lifestyle opportunities is what attracts steady growth and with-it much needed skilled labour, professionals and state funding. Rural Living is the differentiator and important part of the region's longevity. Under the current LEP there doesn’t appear to be any real widespread risk of fragmentation for example given the regions unique topography there is a clear delineation between grazing and rural residential, notwithstanding RU4 and RU2 zones do not adequately improve this. I am opposed to Council carving up existing RU1 lots into RU4/RU2 and the added inclusions/ restrictions under the guise of environmental sustainability, these controls intrinsically seek to restrict development. I am not in support the proposed “lot zoning mapping” it creates unwarranted complexity. In addition, the proposed zoning boundaries that have been applied have been adopted from an unrelated mapping tool which is problematic. The map does not consider existing use, the benefits RU1 zones currently provide landowners, topography and contours, landmarks, usable plateaus, escarpments long term condition and significance of vegetation. I do not support the Principal Development Standards for minimum lot size proposed i.e. AB3 - 40ha, AE1 - 200ha split, this is a deliberate attempt by Council to hinder use and development potential to rural blocks, the 40ha subdivision entitlement should be maintained irrespective of zoning, 200ha of RU2 is excessive and intentionally high to be restrictive and hinders landowners' development options. Introducing the RU2 zone Rural Landscape to manage “environmentally constrained” land appears on the surface to be an improvement, unfortunately when you add the additional restrictions and increase in the minimum lot size it forms a blanket restriction on nay use really and threatens development within areas that would otherwise be suitable for various uses, for example primary production, off grid cabins, trails and tracks, farm buildings, rain water harvesting, recreational activities all blocked under the guise of “environmentally constrained or sensitive zones” the areas identified in the zoning maps render more than half of many properties unusable, this is unacceptable, irresponsible and in some cases at odds and inconsistent with the objectives. This control does not protect or encourage restoration, environmental outcomes, mitigate natural hazards, when aligned with the Draft Rural Land Use Strategy it further reduces any meaningful use to most rural property deemed “environmentally constrained”. By restricting any development with such lands or “Fire Prone Land” it simply creates land unsafe and unsustainable due to the restrictive nature of development controls/LEPs, these zones can be better

	managed with select clearing, fuel reduction, introduction of trails and passive development, the proposed strategy works against landowners (who are the primary custodians of the land) and has the opposite effect to sustainability. Put simply the proposed strategy hinders development and stifles innovation, decreases dwelling density to large rural sites, robes landowners of their rights, reduces land values, is counterintuitive and does not adequately support growth, economic activity and housing within the region! Addition permissibility should be considered to complying development without consent, for example rural properties should allow minor adds and alts, pools, sheds, awnings, cover, decks, septic and waste-water (not withstanding permit application process) rainwater harvesting, farm dams, landscaping, selective clearing to 2.5% and farm buildings. There is no clear case study, criteria, proposal on how Council will develop the Snowy Mountains into Australia's premier year-round alpine destination and the proposed strategies don't appear to align with these objectives i.e. Objective 5 Promote agricultural innovation, sustainability and value-add opportunities. The proposed LEP in many cases will likely hinder this, nor can I see the Council achieving this with a rate rise, it requires significant state funding or developer contributions to pay its way. In most cases changing the exiting RU1 to RU4-RU2 is more restrictive and adds little value given the potential development outcomes. Council is removing exiting benefits from Landowners and imposing multi layered restrictions to existing rural land. I further object to the added riparian and landslide "geological constraints" which are being added to lots, these create additional impacts to landowners' properties, these restrictions are unfounded and infringe on use and development of property, in many cases there is no such habitat or risks within these properties and any such restrictions should not be prescribed from speculative reporting or maps. It unfairly impacts landowners; any restrictions should be factual and lot specific. This is misleading and furthermore studies used to inform Council regarding such matters i.e., such as the "Koala Habitat" are fanciful, inconclusive and simply unfounded. Many Landowners have purchased land on the basis of existing use rights i.e., to operate and utilise their land for primary production what is proposed robs them of these rights and their current property value.
68	My partner and I currently own a block on Smiths Road, and I would like to show my support for the Strategy, and to rezone Smiths Road to C4 and reduce the minimum lot size for a permanent dwelling to 15ha. At the moment, we are not allowed to build a permanent dwelling on the block (which we treat as a weekender) and would very much love the opportunity to do so we can properly participate in the community. Since joining the community, we find it difficult to contribute to activities (such as community initiatives or the RFS), or even just socialise with neighbours, as we are not there frequently. Additionally, we have found it difficult to meet neighbours with children a similar age to my son. It would be great if we were able to spend more time there to meet neighbours with similarly aged kids. Further, by reducing the minimum lot size, there would be the opportunity for more families to join the community thus increasing his social network. Since moving there, we have noticed how inadequate the care is for the road is and how infrequent rubbish collection services are. If the minimum lot size was reduced to 15ha then there would be the opportunity to generate more rates

	through higher population and then put that money back into better rubbish collection services and maintaining the road. We also really care about managing the environment in a sustainable manner. After decades of damage caused by modern agriculture and practices, we really believe it is our responsibility to treat the land in a responsible way. But it is becoming increasingly difficult to find the time given we aren't able to live on the land. Also, with smaller lot sizes it will become easier for the community as a whole to manage the land.
69	Updated Draft LEP. February, 2023 Submission by [redacted], [redacted] Yaouk Road, Yaouk NSW 2629. I write this submission as a landowner and resident of the Yaouk Valley. I have a number of comments on your intentions to make changes to the way our land is utilised. 1. I am against changing the zoning from RU1 to RU2. The Yaouk Valley has been noted as having Environmental Value, so I assume that is one of the reasons for changing some of the zoning to RU2. The other conditions for change in the area appears to be the topography of the landscape. The Yaouk Valley has had a long history of land ownership and stewardship by conscientious people. That is the reason it has Environmental Value today. For over two hundred years this valley and the surrounding mountain slopes have been sustained with light grazing of cattle, sheep and horses, without compromising environmental integrity. I see no degradation of land in our area nor has there been any undercover or unlawful land clearing or misuse of the land. We don't need a complicated zoning system to continue on the course of keeping our valued woodlands and valley floor intact. It's to the landowners benefit that we keep maintaining the course of action that sees the valley in its current enviable state. Also, steep topography and riparian zones by their very nature rules out any further development. One stated purpose of your proposal is "To minimise conflict between land uses within this zone (RU1) and land uses within adjoining zones." However, this will not be the outcome in our area. There is no common sense in having a vastly different land use zone dividing a holding. In our case, we'll have some of our valley lands classified as RU1 and some changed from RU1 to RU2. This division of land adds complication and most likely added costs to the landholder. And I repeat; our valley is of enviable Environmental value because the landowners over many years and generations have not compromised the environmental integrity of the land. We don't need directives by way of zoning to tell us what is of environmental importance. This land grab in the disguise of improving environmental outcomes may be just the usual government bureaucrat in the city drawing lines on a map to serve as a feel-good greenwashing exercise. (And someone's productivity gain?) Again, it adds complication where it does not need to be. I do not support changing land use from RU1 to RU2 zones. I disagree with your use of the biodiversity study as an aid to justify a change from RU1 to RU2 zoning in some areas. The study was conducted in 2019, and since then, the Black Summer bushfires have changed the landscape dramatically with a great loss of biodiversity and will not reflect what is now on the ground. Also, depending on aerial surveys does not make for a reliable comprehensive survey. It can only be a starting point. One survey should not be your sole criteria for making dramatic land use changes. This loss of biodiversity does not change the landowner's obligation of stewardship of their holdings. However, we do not need complicated zonings to achieve this goal.

RU2 zoning means a change in rural industries that should only apply to certain areas. Changing industries can happen in certain climatic zones, but we are a high elevation valley with a short growing period. The land is best suited to grazing. Broadacre farming cannot work in our area.
2. I am against changing the minimum lot size for the right to apply for a dwelling application from 80ha to 200 ha.
The Rural Land Use Strategy claims there should be a "focus on implementing local planning priorities such as protection of agricultural land" and that there are "significant threats to agricultural production" under the current strategy. I cannot agree that changing the minimum lot size will have a positive effect on those claims.
First off, the argument that holders of lot sizes under 200ha do not control their weeds. Blanket statements like that are not helpful when it is obvious to anyone who has a keen eye when it comes to weeds, that many andgt;200ha holdings have not and do not control their weeds at all. I will admit that these past three years have been difficult to keep weeds under control with bushfires and subsequent rain events being a boon for weeds to flourish. But if you are a rural landholder you know from years past who is unlikely to be at least trying to control their weeds. This argument doesn't hold up to scrutiny.
Second opinion against a minimum lot size of 200ha. LEP OBJECTIVE: "To minimise the fragmentation and alienation of resource lands". The horse has already bolted. The subdivisions to lot sizes ranging from 50 acres to 150 acres are a legacy of the free selection period of the 1800s. Although in most cases selectors could not make a go of their selections and the lots were taken up by the original squatters. Then as generations past on, parts of larger holdings were sold off by the beneficiaries. In most cases the land sold was not the most productive land of the holdings. Council also had a hand in allowing smaller subdivisions based on averaging to take place which has resulted in many smaller than 80ha lots in our area. I would not want to see anymore smaller lot subdivisions allowed. However, those people who now own holdings that are 80 to 199 ha should not be penalised for councils' bad decisions in the past. The proposed change takes away the right to apply for a building entitlement which I know in my area would affect good neighbours I would rather not loose. If this change is allowed to take place, their property value will plummet as will other holdings that are 80 to 199ha and already have a dwelling. The argument that this increase will help protect agricultural land is not well thought out. These fragmented properties will more than likely not be purchased by larger landholders for a multitude of reasons. The most likely being they are not contiguous with their holdings, they don't want the extra workload, then the cost (even if it is at a low value) and it may not be productive land to name a few. To think that someone could make a living running "agricultural production" on a holding of just 200ha is very naive. There are many families who own larger holdings where at least one person has an off the property occupation to bring in a steady income just to survive, as it is nigh impossible to make a reliable living off the land. So now that the andlt;200ha holding has decreased value to the current owner, what are they to do? If you want to see an increase in weeds and pests, then go ahead and implement this bad strategy. The current owner would most likely think why should I put an effort in when I can no longer build after my retirement? They may just abandon the property and hope for a change in the future or sell it to someone who also sees no value in keeping weeds under control and only uses it to camp, cut/collect firewood and shoot the native wildlife.
Third. One argument in your document for the change was the council does not

want to service outer areas and feels that there is a danger to life and property. We would not be in so much danger if the council did the basics and maintained all gravel roads on an annual basis so people can have reliable passage to a safe haven if needs be. However, as far as building requirements for living in bushfire prone areas, there could be a requirement for all new buildings to have an approved bushfire shelter in addition to meeting the BAL requirements for new homes. The shelter would be used when stand and defend is no longer possible or evacuation is not possible due to the nature and location of the fire. More eyes and feet on the ground in a rural setting can only benefit all who live in that area when a bushfire is approaching. The Black summer fires saw many days where our property was predicted to be engulfed by a fire driven by catastrophic winds. During those times, we had little or no support from the firies as they were already being utilised in other areas. Shannons Flat/Yaouk BFB is lucky to have a very large number of willing hands, but during the Black summer fires, it was a case of their use was deemed more beneficial elsewhere. I know that areas with larger populations were considered to be more in need. Please note, I am not complaining about that. I am pointing out that more rural residents can only help maintain a better bushfire response. Worth pointing out is that four of my close neighbours on smaller holdings (80ha and less) are members of the Shannons Flat/Yaouk BFB. We need them and more in the future.
Fourth. If this bad policy is put in place, I would hope to see a legacy policy where current owners of holdings of between 80 and 199 ha are given a period of at least 10 years to submit an application for a dwelling. It will still devalue properties and not result in the outcome you claim you want to achieve.
Fifth. Anyone who has had the pleasure and privilege of owning property in our area will have a deep emotional attachment to their land. It is not only a building entitlement you will be taking away, but a breaking of a bond. I strongly believe it should not be your right to do so.
Sixth. As stated above, Yaouk valley has a short growing period and is only suited for light grazing of stock.
3. Holdings Analysis and Land Capability Assessment document
This document confirms that this is the usual one size fits all policy typical of state and local government. Again, there is an element of greenwashing here. a). There may well be areas within the SMRC LGA where broad acre farming occurs and the need to maintain larger holdings would protect these areas of high agricultural production. See page 25. However, the current draft LEP just makes wholesale changes without regard to if the situation in a particular subregion warrants such a change. b). Murrumbidgee Mountains subregion chapter page 64 feeds into what the SMRC really wants to be able to do in this subregion-justifiably ignore the subregion under the disguise of environmental sustainability. It states: "Consideration should be given to the infrastructure available, maintenance requirements and the distance to services when considering an appropriate minimum lot size. "Hello. There are people who already are full time residents in this subregion. If the council cannot provide the basics in its' current form, then a demerger is the only remedy. c). I disagree with the conclusions of this document which states "the CMSC LEP 2013 of 80 ha and there is no rational basis for this MLS" for the reasons given above. This document does not give any strategic reasons for increasing lot sizes in the old CMSC LGA. d). The changes to zoning and MLS in the subregions which decreases and devalues so much for the current rural landholders should not be used to justify the desire for increased tourism and development in the Jindabyne area. Restrictions on rural landholders in this LGA will be used as an offset for development in Jindabyne, hence greenwashing. And

	the rates we pay will go towards any maintenance of infrastructure/buildings that are developed in Jindabyne with state government grants. e). Also, "Constraints of land use" are already being managed without the need for zoning changes. See above. f). Under each sub-region the document states that the number of dwellings with a change in MLS may be underrepresented. It is unfair practice to make MLS changes that will deeply effect people based on wild assumptions or to use your word, "no rational basis". g). There is also a huge inconsistency in this document. On page 10 it states "Minimum lot size and the approach to determining minimum lot size is inconsistent across the amalgamated LGA. Historical approaches to MLS have resulted in a politically palatable negotiated outcome, despite any strategic work that is undertaken, particularly in Bombala and Cooma-Monaro. This approach often has no bearing on the needs of the industry and is a blanket application of a minimum lot size, such as has occurred in the Bombala and Cooma-Monaro LEP with a 40ha and 80ha MLS respectively. This approach does not represent the feedback from the community that a 'one size fits all' approach is inappropriate." Yet the conclusions for RU1 (p74) and RU2 MLS for the entire LGA are a one size fits all approach where there is only the 200ha MLS considered appropriate. I don't understand this logic. It looks to me like a "blanket" approach"- "one size fits all" policy. If you don't want a "palatable negotiated outcome" then don't have "Your Say" input. It wastes everyone's time and is being disingenuous. Especially considering you have to adhere to Ministerial Direction 9.1 Rural Zones
70	I oppose the proposed minimum lot size for the Woodlands estate from minimum of 5acres to 8ha. The development was approved by council and the land was divided into 5- and 7-acre blocks with building permits. There are a number of vacant blocks in the estate, one of which we own (a 5acre) block) It is across the road from our 7acre house block. The vacant block is our retirement fund, and a loss of the building permit would render the block worthless. 8ha is ridiculous as the blocks were divided into the approved 5 and 7acre. There is no scope to increase block sizes and the land is not farmable. So, what is the point. Potentially having building permits revoked due to minimum lot size not being achieved would result in worthless blocks that would be unattended/neglected and would pose a significant fire risk for neighbouring properties. And there is the significant financial loss people would incur, be unable to sell but still be locked in to paying rates, which you want to increase. I'm sure a lot of people would be looking to take legal action for loss of value and building permits on land where there is no scope to physically change lot size. Woodlands Estate should be removed from the proposed change.
71	The northern part of Smiths Road is serviced by a gravel road and at times of inclement weather and high usage this road can deteriorate to an unsatisfactory standard. There is a waste and recycling weekly collection at a central hub. All holdings in the northern and southern parts of Smiths Road have onsite sewage and wastewater treatment. A number of landholdings in the northern part and all holdings in the southern part of Smiths Road utilize stand-alone solar PV as their source of electricity. Currently the Council has a high workload, logistical difficulties and insufficient funding to be able to provide adequate services to all of their rate payers over the vast and diverse Snowy Monaro Regional Council area. Should the Draft LEP be

	approved and permit smaller holdings, where appropriate, this would lead to an increase in the number of rate payers and enable Council to provide increased services.
72	We feel that we have provided applicable feedback on the draft Snowy Monaro Regional Local Environmental Plan within our response to the draft Rural Land Use Strategy as the issues identified remain relevant. We will include our response below, noting that our concerns remain applicable: To whom it may concern, We are writing to offer our feedback on the current Draft Rural Land Use Strategy (DRLUS). Our property is located in Tinderry. The proposed changes in this area, we believe, will have a significant detrimental impact not only our ability to use the land for its intended purpose, but to our local community up here in the mountains in addition to the future prosperity of the broader Snowy Monaro region. Our biggest concern at this stage is that it appears that the voice of the residents is not being heard. The previous DRLUS was met with a strong negative response from the wider community and was taken away to be reworked, with that feedback supposedly being taken into account. We believe that the changes made to the strategy, while improved, are not reflective of community feedback. It appears the community consultation group was not sufficiently consulted during the reworking period and were left in the dark about the new strategy being presented. The intended purpose for this group was so that the community would have a voice. The community does not seem to have been heard. As a result of this, we feel that the community is likely to become jaded with, if not alienated from, the process of engaging with council. This would not serve council, or the community. Whist we agree with some of the changes proposed within the DRLUS (such as changes to land zoning), a common theme within the documents is that there does not appear to have been sufficient consultation nor is there enough information for impacted residents to be able to provide an informed response to the DRLUS. We have provided our opinion on three key areas of the DRLUS which we trust will be considered. Changes to land zoning We accept that RU2 zoning for our local area better reflects the constraints of the landscape that impact our property whist maintaining the land's intended use of primary production. We are however concerned by the restrictions imposed on the RU2 zoning in addition to restrictive overlays being applied. We have provided our opinion on these key issues below. Minimum Lot Size We consider that the proposed changes to minimum lot size will lead to stagnation in the region in addition to detrimental environmental impacts. The inclusion of the provision within the DRLUS that landholders will have a period of five years to submit a development application before the eligibility is extinguished will cause the community to stagnate. There will be numerous instances in future where a landholder is looking to sell their vacant land and there will be no ability for the purchaser to live on that land, a pathway that we

consider many individuals will find unattractive, restricting the future growth of the region.
It appears that the changes proposed do not take into account the reality of land ownership and maintenance. We live in a relatively small community on the mountains, most blocks are around 100 acres, and it is clear to see that these smaller blocks are better maintained (weeds and other pest species are kept under far better control) than the larger blocks. The same can be seen across the council region. It appears that those who own larger blocks are either not on site regularly enough to maintain their property or they have a harder time staying on top of the work required to do so. We believe increasing the minimum lot size will only serve to degrade the environment as pests flourish on some of these larger blocks to the detriment of native species, all while limiting growth in the region.
One of the reasons provided within the DRLUS for the increase in minimum lot sizes is to manage bushfire risk. After discussing this with council staff at the Michelago Hall as part of the community consultation in December 2022, it is clear that the relationship between lot size and bushfire risk has not actually been confirmed. We are unable to find any material from the NSW RFS that suggests a property that is 200 hectares has a lower risk of bushfire than a block of 40 hectares. Further, it appears that the RFS was not consulted in this regard despite their purview being referenced in the draft strategy. Without that consultation, the suggestion that lot size and bushfire risk are somehow related is completely unfounded and is therefore no reason to recommend an increase to minimum lot sizes.

Restrictions on Land Use
We have spent months developing a sustainable plan for our property that will enhance and protect the environmental characteristics of our property. We consider that some of the planned restrictions on use in addition to the proposed biodiversity corridor overlay (which we believe to have been applied with a heavy hand) will have a direct impact on our ability to contribute to our local community through the planned use of our property and will impact the ability for many other landholders in the region to do the same.
The wording used in the draft strategy is particularly vague with regard to what the biodiversity corridor overlay will demand and what land use activities will be restricted. We cannot support a strategy that does not clearly outline the proposed effect of the changes. Of great concern to us are prohibitions on activities that would impact the vast majority of residents in the region such as power generation. The wording used within the DRLUS is broad and could imply limitations on the installation of solar panels to power our homes. Although the staff at Michelago Hall assured us that the prohibition was on large scale power generation, such as wind turbines, nowhere in the strategy does it say this. Until the specific restrictions are made clear it would appear that very little can be done on these blocks. With this vague language, we anticipate a sharp reduction in the value of our property as activities able to be conducted on the land will become unclear and substantially less useful to any future owners. We, the rate payers, will wear financial loss for this uncertainty.
We understand that council is attempting to gain greater control over activities taking place in the region, but who does that truly serve? Most importantly – who doesn't it serve? It doesn't serve the current community, the people who are already living here and who have invested their time and money into their local environment and properties. The very same properties that will be devalued by broad and vague restrictions on the use of their land. Given the proposed

	reduction in minimum lot size, the only way for growth to continue in the region would be for someone in the community with a large enough block to sell within the next five years. Newcomers would otherwise need to rely on the subdivision of a large enough property or move into new medium density housing developments that are not reflective of the character of the vast majority of the council area. While we consider the revised DRLUS to be an improvement on the first version, we still believe that there has been inadequate consultation and that there is insufficient information available to landholders to make informed decisions as to whether they agree with the DRLUS. We are more than happy to discuss our views with you further and would value the opportunity for an open conversation.
74	Firstly, I still don't understand why the Snowy Monaro Council is persevering with this process following the previous farrago a couple of years ago. Local landowners and I in the Tuross / Kybeyan area thought we'd seen the back of this when it was put on hold previously but now it is back. Sure, it is watered down somewhat but it seems like a stalking horse to attain the strident objectives of taking landowner's rights from the prior overreach. I would also contend that the 2020 draft LEP did not make a case for protecting the capacity of productive rural land as it made no attempt to consider that landowners have been undertaking productive rural land use for decades (and even coming into centuries) with an eye to sustainability. Without sustainability we landowners involved in primary production have not viability. As such, we do not need a unilateral rezoning intimating that we have not been doing this. My block in the previous refreshed LEP was in the gun to be unilaterally made into some sort of environmentally protected no-use allowed zone. The backlash directed at the council has seen a revision but, nevertheless the same issues remain. My block has been downgraded from RU1 to RU2. This is a downgrade. At the moment I my investment into production was not constrained by other than the other well understood legislation prescribing how landowners are to go about the business of primary production. No matter how you try to sell it, equivocate or prevaricate on the 'thinking' behind the policy change, the unilateral decision to rezone my block is a downgrade. There are now less freedoms and more constraints. For many public servants, it might not be clear that our RU1 blocks are our main investment and asset. The bottom line is that the zoning downgrade to RU2 likewise downgrades the worth - both financially and in terms of utility - of the block. The question that needs to be answered is what economic modelling has been undertaken on the financial / asset impact of the rezoning? The modelling will need to identify the quantum of the impact (i.e., how much less are the rezoned lands worth). This will then set out the amount of compensation the Snowy Monaro Council will need to reimburse negatively impacted landowners. Lastly, I find it personally galling and insulting that someone in an office has decided to downgrade my block without finding out my plans, hopes and dreams for my land. I am fully understanding of sustainability; indeed, I have established a PNF on 30 acres and I have had a senior consultant from the LLS inspect my block

	to ensure my primary production activities align to legislation. Based on this advice, my block, to be rezoned RU2 (against my will or desire) Rural Landscape is not physically constrained by slope or poor soils, ecological values are being managed and it just leaves that the logic for the zoning downgrade is just because it is a scenic landscape. Seriously... I am well aware it is scenic. It is one of the reasons I am a landowner in the Tuross Valley. However, I do not think it is a reasonable case for a downgrade. In closing, I object to the proposed rezoning of my block from RU1 to RU2.
75	I am happy to see the minimum lot size for Zone R5 is proposed to be reduced. This is a great start, but I would like to see it go further. The land that buffers the village zoning could be rezoned to the village zoning. This would allow for supply of many more affordable lots. Thanks for the opportunity to comment.
76	Time unfortunately does not permit a comprehensive response to the draft Rural Land use Strategy or Snowy Monaro Regional Local Environmental Plan. I will, therefore, limit my comments to two issues of concern. Firstly, I am concerned that the current draft proposes re-zoning of some rural zoned land to a new Rural Landscape Zone RU2 rather than the C3 Environmental zoning proposed in the earlier draft. Activities permitted without consent including extensive agriculture, viticulture and horticulture may not be compatible with ecological or scenic landscape qualities if not adequately regulated. For example, high stocking rates of unfenced livestock have the potential to degrade natural vegetation and increase the risk of erosion and so undermine regional biodiversity corridors. I urge Council to establish appropriate guidelines for permitted activities to ensure that they do not adversely impact on environmental values. Secondly, the proposal to provide a buffer of 100m from major rivers and 50m from all other watercourses to manage development within proximity to riparian land and watercourses does not account for the spatial variability in landscape hydrologic connectivity. Such buffers may not, therefore, prevent inappropriate activities adversely impacting on waterway and wetland health. This proposal needs further development to ensure it adequately reflects an understanding of catchment and riparian processes. Thank you for the opportunity to comment on these planning documents.
78	Again, council has got it completely wrong by forcing in green ideologies instead of pragmatism and reality. We do not more nanny state thinking and control. Council can't even track its budget, let alone stick to one. so why does it think it needs to dream up more 'enforcement' strategies to hurt ratepayers? It is sick. This council is sick. It's time the CEO stopped fiddling while 'his' version of Rome burns.
79	This is just rubbish. I don't know who thinks this up. Ditch the whole thing. We'd love to sell our town property and move out a bit onto a small land holding. We would not be able to afford the 100+ acres needed to apply for a DA to put a house on it. There goes our dream of a hobby farm!

80	This whole process has been a disagreeable bureaucratic nightmare. There are so many documents and so much obfuscation that Councillors should be ashamed of sending this nonsense out to ratepayers. One this is certain, very few people will read it and make sense of the trail of documentation and so called "fact sheets". For a start - many of the objectives stated at the high level are in conflict with one another: environmental sustainability and supporting growth and change will undoubtedly conflict with protection of the capacity of productive land. And what on earth is efficient, safe and sustainable infrastructure? The producers of the document appear to have thought that if they use the word ""sustainable"" enough times, then all will be well. The materials provided are dense and almost impossible to navigate and Councillors should demand a simple rewrite that sets out clearly what the differences are from the former LEP and what is being changed. And who asked anyone in Council to "harmonise" the requirements of the 3 old councils. The 3 areas have 3 different histories and projected future and the whole harmonisation process should be soundly rejected by councillors. The whole document should be redrafted and only accepted to go forward for consultation when the verbiage has been reduced and a simple document that clearly outlines the intentions is submitted. In the meantime, the land use draft should be rejected in total. The idea that there should be expanded areas for dwelling entitlements is misguided and landowners have purchased land with existing land use and land areas clearly understood. To change this will change land values and have a great impact on individual landowners and for what purpose? Land areas should be retained as currently exist and any idea about harmonisation should be rejected as it should be "horses for courses". There should be no change to existing land use. Increasing minimum areas will impact land values and make it more difficult for graziers and farmers to sell their land. It will also concentrate more people in current high-density areas which will be negative for the local area. The areas of land for development also will be reduced which will have a negative economic and social impact. Increasing areas of land as a minimum area also will make it less likely to be able to control noxious weeds. Throughout the document there is wrong thinking behind competing ideas and councillors appear to have mistaken volume for quality.
81	I have provided information on the Draft LEP regarding rezoning of an important location in Jindabyne which has been overlooked in the Draft LEP. The area located right in the centre between Jindabyne Township, Industrial area of Leesville, Jindabyne Airstrip and the new Education precinct.
84	Please listen to the public this time, reject to all the strategy.
85	I have owned land off Stewartfield Road, Bolaro for over 30 years and make this submission in relation to the draft Land Use Strategy and draft LEP. Zoning. The land is currently zoned RU1 Primary Production. The draft LEP proposes it be changed to a new zone, RU2 Rural Landscape. Item 3 of the Land Use Table of the existing RU1 zone allows “Any other development not specified in item 2 or 4“. This has been excluded from the proposed RU2 zone and instead, item 4 (Prohibited) contains the restrictive “Any other development not specified in item 2 or 3” provision. Similarly, the existing item 3 provision in the RU1 zone is also proposed to be reversed in amendments to the RU1 zone thereby giving Council more autonomy over use of land.

	It is submitted that for both zones, the wording "Any other development not specified in item 2 or 4" wording be included/ retained in item 3. Minimum Lot Size (MLS): The existing maximum MLS under the Cooma Monaro LEP 2013 is 80 ha and applies to my land off Stewartfield Road. It is proposed to increase this by 250% to 200 ha. There may be justification to increase the MLS for new subdivisions in some areas but where a pre-existing lot size is less than 200 ha but above the existing 80 ha MLS, as with my property, it is inequitable that any existing eligibility for a dwelling is compromised. The potential for a dwelling in this location would not conflict with production and/or environmental protection. There has not been, nor is there likely to be any overdevelopment in the area off Stewartfield Road. The 200 ha MLS is based on the average 203 ha holding size in all proposed RU2 areas which is a "blunt instrument" method of deriving a MLS, certainly when there is no grandfathering provision for existing lots sizes that satisfy the 2013 LEP MLS. It is submitted that the existing 80 ha MLS be maintained for existing lot sizes.
87	For a lot on which a dwelling was permissible at the time of purchase by an owner, that permissibility must be grandfathered (persist). For a lot on which farm buildings were permissible at the time of purchase by an owner, that permissibility must be grandfathered (persist). Otherwise, I do not support the proposed affecting changes in the Draft Land Use Strategy and Draft Snowy Monaro Regional Local Environmental Plan, on the grounds of loss of utility, economic loss and equity.
88	For a lot on which a dwelling was permissible at the time of purchase by an owner, that permissibility must be grandfathered (persist). For a lot on which farm buildings were permissible at the time of purchase by an owner, that permissibility must be grandfathered (persist). Otherwise, I do not support the proposed affecting changes in the Draft Land Use Strategy and Draft Snowy Monaro Regional Local Environmental Plan, on the grounds of loss of utility, economic loss and equity.
89	Reject the snowy Monaro regional local environmental plan.
90	Reject this draft snowy Monaro regional local environment plan. The strategy will only devalue my property.
91	Reject this draft snowy Monaro regional local environment plan.
92	Opposition to Heritage Listing of former Masonic Hall on Craigie Street, Delegate. The building has no significant historical or architectural features that warrant preservation. Indeed, most of the interior has been destroyed by termites. The exterior is unremarkable and contains no symbols intrinsic to Masons, or any other extraordinary features. Most people in this community have no awareness of the hall's existence, its link to the Masons, or any strong feelings regarding its preservation. The building has been in private usage for many decades. Freemasonry is largely obsolete in Australia and has no longstanding or current connections to the local community. It was a club for conservative businessmen, a vestige of the English class system that failed to thrive here due to our egalitarian

	ideals. I do not believe that protecting an insignificant building simply because it belonged to a largely white, all male, secretive group with Conservative views is a good use of taxpayers or ratepayers' contributions. In fact, we would be idolising regressive views that have no place in modern Australian culture. I'm sure there are many excellent structures in the district that warrant historical admiration and preservation, but this is not one of them. Additionally, I'm opposed to 200Ha plus minimums for dwellings. It will exclude a lot of people who can't afford/don't want that much land for a dwelling. One hundred acres is plenty!
94	I am a joint owner of [redacted] O'Brien Avenue Berridale NSW 2628 ('my property'). The minimum lot size (8000 square meters) proposed to apply to my property is greater than the area of my property (~5500 square meters) and also some other properties in O'Brien Avenue. If the minimum lot size is to be increased from its current 800 square meters, I suggest the minimum lot size should be less than the smallest current lot for that zoning area. To have a minimum lot size greater than the smallest current lot will cause uncertainty as to compliance for those lots smaller than the proposed area. The proposed minimum lot size may also prevent building on any current vacant lots that have an area less than the proposed minimum. As an aside, my property has a house and I do not own any vacant lots, so this does not directly impact myself. Whilst I do not wish to sub divide my lot, the ten times increase in minimum lot size appears excessive. Not having any lot sizes between 800 and 8000 square meters means that there is no graduation in block size, which could allow for density of housing between these two values with a corresponding reduction in infrastructure costs per lot.
95	This isn't what the locals want. Why was the primary school ever allowed to move? When will we actually get the promised aged care and childcare that were supposed to be already in the high view estate development? Please don't sign us up to become a SMART or 15 min city. We don't want to be part of the global corporate agenda.
96	Council needs to look after their own rural communities in their own backyards, better access to health, mobile coverage and protecting the environment. State/Federal Government needs to support regional areas who in turn support and provide agricultural items for the city counterparts. Decisions are being made by those in the city with little or no regard for people making a living in agriculture. Where is council's alignment to heritage/Ngarigo legend: - The Brothers are the most visible and recognisable landmarks of our vast naturally treeless plain. I don't think that meant that wind turbines should be allowed to be built for the sake of creating a different view.
99	Council needs to look after their own rural communities in their own backyards, better access to health, mobile coverage and protecting the environment. State/Federal Government needs to support regional areas who in turn support

	and provide agricultural items for the city counterparts. Decisions are being made by those in the city with little or no regard for people making a living in agriculture. Where is council's alignment to heritage/Ngarigo legend: - The Brothers are the most visible and recognisable landmarks of our vast naturally treeless plain. I don't think that meant that wind turbines should be allowed to be built for the sake of creating a different view.
100	Council needs to look after their own rural communities in their own backyards, better access to health, mobile coverage and protecting the environment. State/Federal Government needs to support regional areas who in turn support and provide agricultural items for the city counterparts. Decisions are being made by those in the city with little or no regard for people making a living in agriculture. Where is council's alignment to heritage/Ngarigo legend: - The Brothers are the most visible and recognisable landmarks of our vast naturally treeless plain.: I don't think that meant that wind turbines should be allowed to be built for the sake of creating a different view.
101	Change from R2 to R1 in some towns and suburbs. I endorse this suggestion because it will concentrate residential activities into towns rather than sprawling this over rural land. Reduction in large residential lot zoning to smaller lots (R5 to R2) in East Jindabyne. I strongly support this as it will allow in-fill and dual occupancies - thus helping with housing supply - without significant impacts on liveability. However, the infrastructure will need to be upgraded significantly to cope with these changes. RU4 zones. I do not support the introduction of RU4 zones as I suspect the outcomes will run counter to the overall strategy underlying the Rural Land Use Strategy, namely, to avoid fragmentation of productive land while maintaining environmental values on the less productive but biodiversity-rich other rural land. I suspect the RU4 zone will instead create, under the guise of 'special agricultural use', large rural lots that are not valuable for agricultural production or, by the nature of the activity, lead to adverse environmental outcomes (e.g., lavender farms). I also don't see the necessity of introducing this 'new' zoning as I suspect these types of enterprises could be covered under alternative zonings. Minimum lot size increase in rural production areas. I support the increased minimum lot sizes in the productive rural areas to prevent land fragmentation and protect productive capacity of these areas. Biodiversity corridors. How does the LEP serve to "identify potential opportunities to enhance biodiversity connections through terrestrial biodiversity mapping which will also include regional biodiversity corridors" as under Direction 5 in the Southeast Regional Plan. Have biodiversity corridors been adequately provided for in the LEP zoning map? I could not discern whether the biodiversity corridors identified in the Regional Plan coincide with a zoning type that is appropriate, namely, environmental zone C2 or

C3.

Objectives of Zone RU2. In the notes, it says "This zone is not to be used where the main purpose of the zone is to protect significant environmental attributes or to provide for rural residential accommodation". However, this zone's Objectives include "To protect the environmental significance of certain areas, including koala habitat. ". These two statements are in conflict.

Permitted uses under Zone RU2. The Rural Land Use Strategy aims to eliminate dwellings unrelated to commercial agriculture on rural land and yet many of the Permitted Uses included just - Eco-tourist facilities; Emergency services facilities; Environmental facilities; Farm stay accommodation; Information and education facilities; Plant nurseries; Recreation facilities (outdoor); Research stations; Sawmill or log processing works, Telecommunications facilities

Permitted uses under Zone RU1. The Rural Land Use Strategy aims to reduce fragmentation and loss of productive land to development. Many (most) of the permitted uses, however, are not consistent with that intent.

Serviced apartments. I welcome the prohibition of Serviced apartments in large lot residential areas (R5).

Permitted uses under Zone C3. I would argue that many of the permitted uses are not compatible with the stated objectives of the zone since they undoubtedly will have an adverse environmental impact. There are several examples from the past 5 years where significant development has been allowed in C3 (previously E3 zones). Such permitted uses undermine the overall objective of the C-zoning types, namely, preservation of the environmental values. There is plenty of other land zoned as rural or residential that could accommodate these permitted uses.

Zone C4 objectives. These sub-objectives are contradictory. How can allowing residential development "minimise the impact of any development on the natural environment".
Purpose of C4? It is difficult to discern how the outcomes under C4 would differ from those under C3, especially if the objectives were truly compatible with the permitted uses (which they are not).

Part 4. Minimum subdivision lot size. Allowing sub-division in RU1, RU2, RU4, C3 and C4 is not compatible with the Rural Land Use Strategy's objectives of avoiding further fragmentation of productive land and protecting environmental values of conservation land.

Additional Permitted Use at East Jindabyne. I strongly endorse the removal under the proposed LEP of the APU for Lot [redacted] DP [redacted] at East Jindabyne.

Renewable energy zones. I would like the zoning map to designate specific and limited areas within our LGA for commercial renewable energy creation (solar, wind) which are chosen for their minimal impact on scenery and visibility from the highways, or for their minimal additional impact, e.g., on town areas where significant infrastructure already exists (such as Radio Hill in Cooma or Royalla solar farm). By concentrating these industries into a few limited zones, their scenic environmental impacts would be minimised.

	Lake foreshore access. I would like to see prohibition of gated communities in the areas surrounding Lake Jindabyne and Lake Eucumbene in order to preserve universal and equal access to the recreational opportunities provided for on the lake foreshores. For the same reasons, I would like the LEP to prevent private lease-holding of the Snowy Hydro-owned land on the lake foreshores. Scenic protection. The views of Kosciuszko National Park when approached from the east along Kosciuszko Road are world-class and must be protected. Instead, the scenic protections written into the LEP are designed to preserve the scenery from the lake looking back towards the east into the residential developments! Why do we want to protect the view of residential areas for fisherman, or any other temporary lake-dweller? This is the wrong way around. This clause needs to be re-written in order to fulfil what I believe to be the original objective, namely, protecting the untrammelled views of the mountains of Kosciuszko National Park for the million tourists who arrive at East Jindabyne from the north each year. Dark Sky zones. I would like some areas in the LGA (e.g., those adjacent to the Kosciuszko National Park, the Tinderries, Varneys Range, the Murrumbidgee corridor) to be declared as Dark Sky zones (akin to that for Siding Springs). Dark sky environments are highly valued by many residents and tourists and significantly enhance the environmental values of the area. Riparian zones. Is the clause for protection of riparian zones strong enough? I have not seen it once applied to subdivisions or individual residence developments within the former Snowy River area despite it being in the Snowy River LEP. I am also puzzled as to how defined watercourses on the maps such as the creek line near Siesta Villa Hotel on Jerrara Drive of East Jindabyne can be classified as private land? I believe that all watercourses in residential areas should be excluded from private use so that they can function as pedestrian throughways for the public.
102	The Plan incorporates our land holding of 644 acres ([redacted] Jerangle - Wombat Hollow/Cherry tree Creek) adjacent Mt Dowling Reserve. We note the plan categorises our whole property as RU2 - with notable environmental protection restrictions, [very] low impact agriculture and minimal opportunity to improve or develop our land. We fully appreciate and embrace the unique opportunity to border with Mt Dowling nature (flora/fauna) reserve. We already take positive action to ensure the silver leaved mountain gum, koalas and other animals flourish in existing bushland. This includes feral animal and weed control, minimising disturbances and living in harmony with nature. Your proposed restrictions for large scale RU2 zoning does not recognise the voluntary, responsible land management practices already undertaken by existing/long term landowners. Moreover, the plan is still confusing, vague in detail, has not incorporated the legacy right of owners to take responsible action for current and future land use. The plan is not ready for endorsement and needs further stakeholder engagement.

104	- Some of the extended abilities in permitted uses across the zoning are great as some of them were not permitted in the old LEPS. A uniform LEP with more appropriate permitted uses is definitely a great was forward.

Appendix 11 - Email submissions

Personal details have been removed from the responses to protect privacy. Some submissions have been removed from this list as they were either duplicates or not relevant to the consultation.

Department of Planning and Environment

DOC22/1037003-6

Ms Brooke Davey
Snowy Monaro Regional Council

By email: draftlep@snowymonaro.nsw.gov.au

Dear Ms Davey

Revised and updated Snowy Monaro Rural Lands Strategy, Settlements Strategy (includes the Employment Lands Strategy and Housing Strategy) 2023

Thank you for referring the above documents to Biodiversity and Conservation Division (BCD) for our review and comments. BCD note that these documents have been revised following their 2020 exhibition and our comments at that time.

Please note that BCD have not reviewed the draft planning proposal in any detail as we understand that this will be exhibited separately at a later stage. BCD would appreciate seeing the document with sufficient time prior to exhibition given its complexity and size.

BCD does not support the above Strategies in their current form for the following reasons:

1. There are areas of High Environmental Value (HEV) land proposed for rezoning. Some of the proposed zone will not be adequate to protect the value of the lands.
2. Insufficient justification has been provided where the proposed rezoning (e.g., R5 to RU4) will result in a reduction of land use controls for environmental protection on land with HEV. Rural land regulated under the *Local Land Services Act 2013* has the potential to lead increased vegetation loss.
3. Reduction in Minimum Lot Sizes (MLS) in some areas will intensify land use and likelihood of impacts where there are biodiversity values present.
4. Flood risk outside of the current Flood Risk Management Study and Plan (FRMSP) areas have not been examined following the process outlined in the *NSW Floodplain Development Manual 2005*. There are a number of villages susceptible to flooding that do not have these plans.
5. The draft Settlement Strategy needs to be updated to reflect finalised and adopted FRMSP for Cooma, Bredbo, Berridale and Michelago.
6. As advised in 2021, the Snowy Mountains Special Activation Precinct (Snowy SAP) flood information referred to in the Settlements Strategy is not sufficient to be used for informing existing risks and future planning, including flood planning levels.

BCD do not support the parts of the strategy that will lead to a reduction of environmental protection mechanisms in the Local Environmental Plan (LEP), or that do not protect HEV land, as required by the *South East and Tablelands Regional Plan* 2036 and 2041 and Ministerial Directions 3.1 and 5.10, until further detailed information can be provided to justify these changes.

As these areas will all experience growth to some degree in the coming years the pressure on HEV land and the potential cost of development needs to be recognised and planned for. BCD recommend that biodiversity assessment is carried out to inform future constraints planning for specific areas proposed within the Strategy, such as Berridale, Adaminaby, Cooma including Polo Flat, Kalkite and Bombala.

BCD would like to work with council in addressing these concerns and progressing the Strategies.

Most significantly this could include identifying and mapping areas of High Environmental Land including Biodiversity Corridors, which occur around the areas which are predicted to have increase in development. If council are interested in pursuing this process, we suggest meeting and we can step you through a similar project that was recently undertaken in the Cessnock Local Government area.

Further detailed comments and recommendations are provided in Attachment 1 and 2.

If you have any further questions about this issue, please contact Ms Lyndal Walters, Senior Conservation Planner, South East, Biodiversity and Conservation Division on 02 6229 7157 or at rog.southeast@environment.nsw.gov.au.

Yours sincerely

[redacted] 14/03/2023

Michael Saxon
Director South East
Biodiversity and Conservation Division

Enclosure
1. Attachment 1 – Comments regarding biodiversity values in the Snowy Monaro Rural Lands Strategy, Settlements Strategy (Employment Lands Strategy and the Housing Strategy)
2. Attachment 2 – Comments regarding floodplain risk management

cc: Nathan Foster DPE Planning

Attachment 1 –Comments regarding biodiversity values in the Snowy Monaro Rural Lands Strategy, Settlements Strategy (Employment Lands Strategy and the Housing Strategy)

A. Snowy Monaro Settlements Strategy

The Executive Summary of the Settlements Strategy states that it provides:

> *a planning framework moving forward, such as appropriate controls required as part of a Local Environmental Plan or Development Control Plan. These controls include but are not limited to recommendations regarding land zonings, minimum lot size, height of building, floor space ratio and heritage protection. These recommendations are proposed to inform a new planning framework for the Snowy Monaro Region, including a new Snowy Monaro Local Environmental Plan and new Snowy Monaro Development Control Plan*.

BCD recommend that to further inform the development of a new planning framework for the Snowy Monaro Region, the Settlement Strategy is supported by an upfront detailed assessment of biodiversity values. Assessment is required to inform future constraints planning for specific areas proposed within the Strategy, such as Berridale, Adaminaby, Cooma including Polo Flat, Kalkite and Bombala.

This is consistent with principle 3 of the Strategy to 'Identify, protect and encourage restoration of environmental value in the Snow Monaro Region'.

As these areas will all experience growth to some degree in the coming years and an increase in the pressure on High Environmental Value (HEV) land, the potential cost of development, needs to be recognised and planned for.

Without this information, it is difficult to support some of the changes and recommendations of the Settlement Strategy. This is because there is insufficient information on how suggested changes will impact the biodiversity values of the land and reduce the environmental protection mechanisms provided for in the Local Environmental Plan (LEP). This information should include an analysis of the impacts of changes to Minimum Lot Size (MLS), rezoning from R5 to rural zones, and land that is HEV not being zoned accordingly.

These further studies could be included in specific Master Plans or similar, where all the constraints are addressed and will provide greater certainty to the future development of these areas. We understand that there are already a variety of Village Plans, Structure Plans and Master Plans but they do not provide this level of information.

<u>Serious and Irreversible Impacts</u>
Development of land with critically endangered ecological communities (CEEC) on it may lead to Serious and Irreversible Impacts (SAII) which means that further development applications may be refused under the *Biodiversity Conservation Act 2016*. The need to offset areas impacted by development may also be costly to the developer. This means that land can be highly constrained by the intensity and type of development that can occur and should be considered in planning for these areas.

<u>South East and Tablelands Regional Plan</u>
In addition, the South East and Tablelands Regional Plan requires that areas of high environmental value be validated and then protected in LEPs. Zoning areas for conservation should occur where the protection of the environmental significance of the land is the primary consideration as described in the LEP Practice Note PN 09-002. We acknowledge that the Northern Councils E Zones Final Recommendations Report regards the primary use of the land as the focus when making zoning decisions. As the primary use of the land may vary across a particular property, split zoning should be considered.

Split zoning acknowledges the different development potential of the land due to different environmental values, particularly for urban release areas or on large non-urban lots where there are validated high environmental values.

Tools for Conservation
Consideration should also be given to the tools available in the *Biodiversity Conservation Act 2016* to manage the need for growth and the need to protect and manage high biodiversity values.

Biodiversity certification offers a streamlined biodiversity assessment process for areas of land that are proposed for development.

The process identifies areas that can be developed after they are certified and measures to offset the impacts of development. Where land is certified, development may proceed without the usual requirement for site by site assessment. It is particularly suitable when strategic land use planning at a landscape scale is proposed or underway.

Because biodiversity certification addresses the potential impacts on biodiversity during the early planning of land use change, it encourages planning authorities and landholders to design their development footprint in a way that avoids and minimises impacts on land with biodiversity values. Ideally these areas are protected from the impacts of future development. This results in:

- better biodiversity outcomes than site-by-site assessment
- upfront certainty for developers and the community about the development potential and conservation outcomes for an area.

Table 1 – BCD comments on biodiversity values in the Settlements Strategy - changes since 2020 version

Settlements Strategy changes from previous 2020 version	**BCD comments on biodiversity**
Jerangle community thought RU1 was not the right zoning Strategy now proposes that Jerangle be zoned RU5 Village	We understand that the MLS will be 1ha and we have no objection to this proposal.
Adaminaby village zone A more structured town zoning has been prepared for Adaminaby	BCD understand that the '*R5 ring surrounding Adaminaby has been reduced to reflect an appropriate area of rural residential land required for Adaminaby and an associated consistent minimum lot size. The rest of the current R5 land has been rezoned to reflect its current rural land use and is proposed to be rezoned either RU1 or RU4.'* BCD would be unlikely to support the rezoning of R5 to RU4 and RU1. This is because zone R5 has greater environmental protection mechanisms in the LEP. There are areas of natural temperate grassland that are vulnerable to clearing associated with agricultural activities. In addition, there are areas mapped in the Native Vegetation Regulatory map of the critically endangered ecological community (CEEC) Monaro Tableland Cool Temperate Grassy Woodland. There are several threatened fauna and flora species associated with these ecological communities that may also be impacted.

	As such the primary focus of these areas should be on the conservation and management of environmental values. Development of land with CEEC on it may lead to Serious and Irreversible Impacts (SAII) which means that further development applications may be refused if deemed to be SAII. The need to offset areas impacted by development may also be costly to the developer. This means that the land is highly constrained by the intensity and type of development that can occur. In our previous review of the Strategy, we advised that areas with high environmental value (HEV) should be zoned Conservation zones to ensure consistency with Direction 14 of the *South East and Tablelands Regional Plan 2036*. The draft *South East and Tablelands Regional Plan 2041* also requires that land with validated HEV be protected in LEPs. We agree that there should be more consistency with the size of the minimum lot size (MLS) but have concerns that some areas currently zoned RU1 will have a reduction in MLS which could lead to intensification of activities and impact biodiversity values. BCD recommend that further biodiversity assessments is undertaken in those areas that will be subject to planning proposals that have the potential to affect these values. We also recommend the consideration of split zones to use to consider the variety of values of the land. Areas with important biodiversity values need to be protected from further development impact. We therefore recommend that we work with council to determine the best way to address the issues mentioned above.
Berridale Industrial Land was too large and too close to rural residential properties Reviewed and reduced proposed industrial zone land at Berridale to avoid rural residential properties and reduce land use conflict	BCD has no further comment on this change.
Snowy Mountains SAP Masterplan was not reflected in the Settlements Strategy The Settlements Strategy has been updated to provide clarity, consistency and alignment with the Snowy Mountains SAP Masterplan including further strategic consideration of Kalkite village	As discussed in our meeting with council on 20 February 2023 we have concerns regarding the proposed zones for Kalkite. Some of the areas proposed for further growth may be substantially impacted by the presence of endangered and critically endangered ecological communities.

	As discussed with other areas such as Adaminaby, this can result in substantial additional cost to the developer of such land to avoid, minimise and offset their developments. In areas of critically endangered ecological communities, there is a risk of the development constituting a Serious and Irreversible Impact (SAII) which will result in council having to refuse the development. There are several threatened fauna and flora species associated with these ecological communities that may also be impacted. We recommend further discussions are held with BCD to assist in managing these limitations, and the need for a future Master Plan or similar.
Council land at Hawkins Street should be RE1 Public Recreation The Strategy proposes that land along the Cooma Creek at Hawkins Street be zoned RE1 Public Recreation	BCD understands that this is to reflect the flood risk associated with this land.

BCD comments on biodiversity values in the Settlements Strategy Recommendations

We have addressed the recommendations and specific individual towns in the Strategies in Table 2 below. These have been made with consideration to HEV lands, both mapped and predicted, and the directions of the *South East and Tablelands Regional Plan 2036* and the Draft *South East and Tablelands Regional Plan 2041*.

Table 2 – BCD comments on biodiversity values in the Settlements Strategy recommendations

Recommendation	BCD comment
Develop a staging plan for greenfield development on the urban fringe of Cooma	BCD supports the development of a staging plan for greenfield development on the urban fringe of Cooma and strongly recommend that the areas with high biodiversity values are considered for biodiversity certification. We also suggest that council consider developing a master plan or similar, for Cooma which would also include planning for Polo Flat and Dairymans Plains. This will ensure that biodiversity issues are addressed early in the development stage and will provide a streamlined planning proposal and subsequent development assessment process for future developers and home builders.
Review land use zoning and controls to ensure LEP controls are consistent and compliment SAP Master Plan and desired future character Kalkite	There are threatened ecological communities present in the Kalkite area that will need to be considered when land use zoning and controls are reviewed.

	There are several threatened fauna and flora species associated with these ecological communities that may also be impacted. See table 1 for more details on Kalkite
Work with the Department of Planning, Industry and Environment (Biodiversity Conservation Division) to investigate biodiversity values around Bombala.	BCD can assist council to further investigate biodiversity values around Bombala. As previously advised, there are areas of Natural Temperate Grassland and the newly listed CEEC of Werriwa Tablelands Cool Temperate Grassy Woodland, or the Monaro Tableland Cool Temperate Grassy Woodland in the Bombala area. There are several threatened fauna and flora species associated with these ecological communities that may also be impacted. C3 Environmental Management and RU2 Rural Landscape may be beneficial to help safeguard both prime agricultural land from further fragmentation and maintain and protect biodiversity values in the area.
Berridale general comment	BCD agrees that there are significant biodiversity values around Berridale and that these should be protected, and that the focus on greenfield development should be on those areas which do not contain these values. As previously advised the areas to the south of the village have been mapped as Natural Temperate Grassland and may also contain the CEEC Werriwa Tablelands Cool Temperate Grassy Woodland, the Monaro Tableland Cool Temperate Grassy Woodland, and Natural Temperate Grassland. There are several threatened fauna and flora species associated with these ecological communities that may also be impacted. We have also previously advised that consideration should be given to rezoning these areas E3 Environmental Management to recognise the biodiversity values of the area. Biodiversity certification under the *Biodiversity Conservation Act 2016* should also be considered to provide certainty around future development of this area.
Work with Crown Lands, NSW Government and Local Aboriginal Land Council to progress development of Crown Land zoned for residential development to provide a variety of housing options.	BCD recommends biodiversity values are considered when determining the most appropriate use of the land, because if the land has high biodiversity values, then it may be costly to develop this land.
Review and rationalise land R5 Large Lot Residential Ring around Adaminaby.	BCD support the review and rationalisation of the R5 Residential Ring around Adaminaby. However, consideration needs to be provided to the high biodiversity values of the areas surrounding Adaminaby.

	The area to the south west of Adaminaby is likely to contain the critically endangered ecological community of the Werriwa Tablelands Cool Temperate Grassy Woodland, the Monaro Tablelands Cool Temperate Grassy Woodland, or Natural Temperate Grassland. There are several threatened fauna and flora species associated with these ecological communities that may also be impacted. In addition, there are large areas to the east of Adaminaby that are currently zoned R5 that is mapped on the biodiversity values map, which means that development proposed in this area will trigger entry into the Biodiversity Offsets Scheme. See table 1 for detailed comments on Adaminaby.
Review suitability of zone RU5 Village and consider implementation of a structured town zoning for Adaminaby	BCD support the need for a structured town zoning for Adaminaby. However, as above, high environmental values should be factored into the proposed zoning where relevant.
Amend Minimum Lot Size (MLS) for all land zoned RU5 Village with reticulated water and waste water to 700sqm.	BCD has no objections to this recommendation, provided that this is supported by biodiversity investigations at rezoning stage.
Amend MLS for all land zoned RU5 Village without reticulated sewer to 1800sqm.	BCD has no objections to this recommendation, provided that this is supported by biodiversity investigations at rezoning stage.
Investigate a change of zoning for pt. lots 38 & 39 DP 635407, Bredbo from RU1 Primary Production to R5 Large Lot Residential. Amend MLS from 80ha to 8ha.	BCD note that part of lots 38 and 39 have native groundcover which may provide constraints for future development of this land. Further biodiversity assessment of the area should be carried out prior to any planning proposals. Offsets may be required. The reduction of MLS from 80ha to 8ha may also be challenging as a reduction may result in an increase in impacts to biodiversity values. This should also be explored in the preparation of future planning proposals. We note that the slow uptake of the Silver Brumby estate means that the area suggested above may not be required in the foreseeable future for rural residential development.
Review and rationalise R5 Large Lot Residential Zoning around Dalgety.	There are areas of high conservation value including natural temperate grassland that has been mapped around Dalgety. We are also concerned with any reduction of the MLS within C zones as smaller lot sizes can result in an increase in impacts to biodiversity values. As such, justification should be provided to demonstrate that there will not be a loss to environment protection standards from this proposal BCD agrees that further investigation of suitable lot sizes should be provided, and reductions in MLS

	may be considered suitable for land in close proximity to the village if biodiversity, access and natural hazards can be effectively addressed.
Rezone Lots 6 & 7 DP 4259 from zone R5 Large Lot Residential to RU5 Village and amend MLS to 1800sqm.	We have no objection to rezoning Lots 6 & 7 DP 4259 from zone R5 Large Lot Residential to RU5 Village.
Monitor development at Numeralla and ensure sustainable land supply.	BCD generally support this recommendation. We understand that the land to the south of Numeralla has been identified as possible future RU5 village zone. This area looks like it would have the least impact on biodiversity values including koala habitat as the aerial mapping shows that it is mostly cleared. There are likely to be areas of native grassland still present in the area, particularly along Numeralla River, which may need to be offset as a result of future development
Consider suitability of RU5 Village zoning at Jerangle	We have no objection to the rezoning of RU1 land to RU5 Village in Jerangle to reflect the current uses of the land.
Employment Lands Strategy recommendations	
Council undertake a detailed Master plan and Revitalisation Strategy for Polo Flat	BCD supports this recommendation and recommends that a biodiversity assessment informs the final plan.
Investigate or support investigation of expansion of Polo Flat, consistent with the LSPS subject to the planning proposal process.	Biodiversity assessments that were carried out on the adjoining lot for the Snowy 2.0 Segment Factory show high quality native vegetation which is likely to be replicated on Lot 1 DP 550951. There are a number of threatened flora and fauna species that may occur on site such as the mauve burr-daisy, Monaro golden daisy, striped legless lizard and the grassland earless dragon. BCD recommends that a biodiversity assessment is carried out in accordance with the BAM to inform future planning proposals. Offsets are likely to be required for future development of this site, and the assessment would inform the viability of this site.
Council monitor development applications for industrial land uses in Bombala and review land zoning if required	BCD does not object to this recommendation.
Council consider the suitability of the zoning of Dongwha Timber Mill and pursue appropriate employment zone.	BCD agrees that these lots should be rezoned to better reflect their current use by Dongwha timber mill. However, parts of these lots may contain Natural Temperate Grassland and/or the CEEC Werriwa Tablelands Cool Temperate Grassy Woodland, or the Monaro Tableland Cool Temperate Grassy Woodland, as the Native Vegetation Regulatory Map shows this CEEC nearby. There are several threatened fauna and flora species associated with

	these ecological communities that may also be impacted. This will need to be addressed in future planning proposals and may mean that offsets are required for future development.
Amend Berridale's Land Use Zones from RU5 Village to a structured town zoning	BCD support the need to amend Berridale's RU5 Village zoning to reflect the growth and need for a more structured town plan. However, the areas surrounding the RU5 Village zone have high environmental values that should be protected. See Table 1 for further information.
Housing Strategy recommendations	Two of the major influences on housing in the Snowy Monaro will be the Snowy SAP project and the Snowy 2.0 infrastructure project. We understand that the Snowy SAP project will result in an increase in the population of Jindabyne, not only through winter but also through the summer period. This will mean that the population of Jindabyne may exceed Cooma's population during these times. We have concerns about the impact of rural residential development on biodiversity values as the impact to biodiversity values are increased through clearing, extensive agriculture and lack of weeds management. We note that council are only focusing on a few areas that may be suitable for this purpose across the LGA and we can provide further comment and advice on these specific areas. With regard to greenfield development where C4 Environmental Living is used for large-lot residential development in a rural setting, we support the need for flexible lot sizes to ensure that impacts on biodiversity values are minimised. We recommend that C4 should be used where there are biodiversity values as opposed to R5 Large Lot Residential.
Investigate the suitability to rezone lot 101 DP 1183622 from R5 Large Lot Residential to R2 Low-Density Residential and reduce the minimum lot size accordingly.	BCD do not support the rezoning of Lot 101 DP 1183622 from R5 Large Lot Residential to R2 Low Density Residential or the reduction of the MLS without further detailed studies on the biodiversity values of that site. This is because this land is identified on the Biodiversity Values Map as containing threatened species or communities with the potential for Serious and Irreversible Impacts (SAII). In addition, our records show that there are 3 threatened species recorded on the Lot: 1. Mauve Burr-daisy (*Calotis glandulosa*) which is an SAII candidate species. 2. Dusky woodswallow 3. Diamond Firetail.

	It is also likely to support other threatened entities such as: 1. *Delma impar* (Striped legless lizard) 2. *Tympanocryptis pinguicolla* (Grassland earless dragon) 3. *Suta flagellum* (Little whip snake) 4. Natural Temperate Grassland of the South Eastern Highlands. Biodiversity certification under the *Biodiversity Conservation Act 2016* should also be considered to provide certainty around future development of this area.
Council undertake an Affordable Housing Strategy	The cost of development can be increased when land with high environmental values is impacted due to the need for detailed biodiversity assessment and offsets are required. This should be a consideration in the development of the Affordable Housing Strategy
Apply minimum lot sizes and zonings which reflect biodiversity values, natural hazard and access to services.	BCD supports this recommendation.
Rezone land identified to Rural Zone with a Minimum Lot Size not less than 80 hectares to prevent fragmentation. If demand justifies, develop a Structure Plan for Dairyman's Plains area.	BCD agree in principle with the intention to prevent fragmentation of land to protect it for future development by zoning it rural and providing a large MLS. We also support the development of a Structure Plan for this area. However, the rezoning and change of MLS may remove some environmental protection mechanisms in the LEP for the land that is currently zoned R5. Any future planning proposal to rezone the land from the current R5 to a rural zone should clearly demonstrate how any high environmental land will be protected. Currently there is insufficient data on biodiversity values. Whilst there are areas that clearly have low environmental value, there are some areas that may contain the critically endangered Werriwa Tablelands Cool Temperate Grassy Woodland, the Monaro Tableland Cool Temperate Grassy Woodland, and Natural Temperate Grassland, particularly the southern portion of the growth area identified. In addition, there are records of threatened flora and fauna that will need to be considered. The growth area on the northern side of the Snowy Mountains Highway has MLS of 80ha, while the growth area identified to the south of the highway appears to currently have MLS of 400ha. Once again further data should be provided to demonstrate that a reduction in the MLS is appropriate given potential for high biodiversity

	values of the southern portions of the proposed growth area. BCD recommend that further data is provided regarding the biodiversity values of this area. Biodiversity certification under the *Biodiversity Conservation Act 2016* should also be considered to provide certainty around future development of this area. In addition, BCD agree that the remaining current R5 zone should be investigated for rezoning to C4 Environmental Living to better reflect the high environmental values of the land. We support the use of lot averaging where there is benefit to the protection and management of these values.
Introduce a clause for the SM LEP addressing subdivisions relating to split zones.	BCD have no objections to this recommendation.
Review lot averaging clause in LEP to ensure environmental protection is afforded.	BCD Support the use of lot averaging in the LEP in conservation zones to ensure environmental protection is afforded.
Work with landowners to investigate the zoning of rural land south of Cooma and consider appropriate use of Environmental Protection Zones to protect biodiversity values well providing for limited development potential	BCD support this recommendation and encourage council to seek further advice from BCD.
Council may consider planning proposals in this area which reduce the minimum lot size if: • Development proposed does not pose an adverse risk to the area's ecology. • If the proposal can demonstrate the risks posed by natural hazards (flood, drought and bushfire) can be effectively managed. • If the proposal can demonstrate adequate sealed road access. • The minimum lot size (MLS) proposed is not below 2ha (lower MLS may be considered if reticulated water and sewer can be provided	BCD support this recommendation and advise council that any planning proposals to reduce the MLS should provide sufficient assessment of biodiversity values to demonstrate that those values will not be adversely impacted.
Kalkite general comment	We support the need to investigate targeted areas for potential growth in Kalkite. However, as discussed in our meeting on 20 February 2023, there are a number of high environmental values in this area which may significantly constrain future development in Kalkite, particularly in the Village Expansion Investigation Area and the Environmental Living Investigation Area. Council should consider the use of Biodiversity Certification for any proposed expansion of the village into these areas.

Support planning proposals to diversify housing supply in Bombala consistent with the LSPS	BCD has no objection to this recommendation.
Review and refine land zoned R5 Large Lot Residential to provide a consistent well planned area for rural residential development.	BCD has concerns about the change in zone from R5 Large Lot Residential to RU4 Large Lot Primary Production as Rather than rezoning all the area to RU4, council should consider rezoning the areas with high environmental value to C4 Environmental Living to provide for low impact residential development. Practice Note PN 09-002 recommends that where environmental capabilities are the primary concern on land that may be zoned R5, RU4 or C4, preference should be given to the C4 zone. Split zones may also be appropriate in this case. For example, areas with high environmental value be zoned C4 and areas with lesser environmental value be zoned RU4. In addition, the larger MLS should apply to areas with higher environmental value to ensure that intensification of the land use does not significantly impact those values. It is unclear how a reduction in lot size to 8ha will impact the biodiversity values of the land. We recommend that council carry out a biodiversity assessment of the land to be rezoned and its MLS reduced to demonstrate that the impacts do not result in a reduction in protection of endangered and critically endangered ecological communities. BCD also recommend that council consider biodiversity certification to provide certainty for future development of this land. In addition, as previously advised the proposed R2 Low Density Residential areas to the south of the village have been mapped as Natural Temperate Grassland and may also contain the CEEC Werriwa Tablelands Cool Temperate Grassy Woodland, the Monaro Tableland Cool Temperate Grassy Woodland, and Natural Temperate Grassland. We have also previously advised that consideration should be given to rezoning these areas E3 Environmental Management to recognise the biodiversity values of the area. Biodiversity certification under the Biodiversity Conservation Act 2016 should also be considered to provide certainty around future development of this area.
Review land zoned RU5 Village in Berridale and transfer to residential zones where appropriate.	BCD has no objections to the rezoning of RU5 village to residential zones where appropriate, as this will not remove the environmental protection mechanisms in the LEP for this area.

BCD Comments on biodiversity values in the Snowy Monaro Rural Lands Strategy
BCD have reviewed the Rural Lands Strategy and we have some concerns regarding some of the proposed actions in the strategy. We have provided detailed comments in Table 3 below.

Table 3 – BCD comments on biodiversity values in the Snowy Monaro Rural Lands Strategy Policy Direction and Actions

Rural Lands Strategy Policy Direction	**BCD comment on Policy Directions and Actions**
Policy Direction 1. Protection of scenic landscapes, environmental values, and respond to natural hazards	BCD supports the actions proposed in the rural lands strategy for Policy Direction 1. To ensure that the biodiversity values identified in an overlay for inclusion in the LEP is up to date, we recommend that council use the most recent mapping available from the *South East and Tablelands Regional Plan 2041* which is available on the SEED Portal. BCD agree that planning proposals should be supported for rezoning to an environmental zone where the land has special ecological, scientific, cultural or aesthetic attributes, or land highly constrained by geotechnical or other hazards. The permissible land uses must be consistent with the objectives of the zone and limit the risk to life and property. This is further supported by the South East and Tablelands Regional Plan which identifies areas with High Environmental Value (HEV) and requires that they are validated and protected in Local Environmental Plans. We note that this Policy Direction refers to the Biodiversity Study 2019. We reiterate our previous comments that as it provides a broad scale environmental assessment, site specific studies will be necessary to support future planning proposals. We note that Travelling Stock Reserves (TSR) have not been included in this version of the Rural Lands Strategy. As previously advised in our letter of 3 February 2021, it would be appropriate that council look at rezoning those TSRs with high environmental value to a Conservation zone to convey their value. TSRs are not generally subject to intensive grazing and extensive grazing is permitted within the C3 zone. We note that council does not want to limit their ability to be used for primarily agricultural purposes and wish them to remain zoned rural. BCD agree that large scale renewable energy proposals (solar and wind) should • Avoid biodiversity corridors • Avoid areas of high environmental value • Avoid areas of high scenic quality and importance BCD remain concerned about extensive agriculture being permitted in Conservation zones, in particular, extensive agriculture in C3 – Conservation Management. This is because it means that other activities are subsequently permitted such as agritourism, and mining which can be approved through the *State Environmental Planning Policy (Resources and Energy) 2021*.

Policy Direction 2 Encourage agricultural production, protect regionally significant agricultural land, limit land use conflict, increase diversity and economic resilience	As previously advised, BCD consider that RU3 Forestry should only be applied to long term, strategic forestry sites such as those owned by Forestry NSW. These would be areas declared under the *Forestry Act 2012*. Any new areas that have been declared State Forest should also be zoned RU3- Forestry in the LEP.
3 Provide opportunities for rural tourism in appropriate locations, increasing year round tourism	BCD are generally supportive of the actions in this Policy Direction; however, we note the action: *Include 'farm gate premises' and 'farm experience premises' as permissible with consent into rural and conservation zones where agriculture is permissible.* As Zone C3 – Conservation Management and C4 – Environmental Living currently allows for extensive agriculture, and the new LEP is proposed to continue this, we are concerned that these areas may be impacted by an increase in agritourism activities. Whilst these zones may permit extensive agriculture, that is not the primary purpose of these zones. We note that the exempt development category for the agritourism activities will permit farm stay accommodation including tents, caravans, and campervans, farm experience premises, farm gate premises. How will council ensure that land that is zoned conservation is not detrimentally affected by these proposed activities? BCD recommend that council consider including provisions in the Development Control Plan to manage impacts from agritourism in conservation zones.
4 Provide infrastructure to service rural businesses and manage it in a sustainable way	Whilst not listed as a specific action, we note that council has raised the need to investigate alternative sealed access to Canberra, but it does not provide specific proposed routes. When developing these routes consideration should be given to avoiding areas of high environmental value and biodiversity corridors, as mapped for the *South East and Tablelands Regional Plan 2041* and available in the SEED portal.
5 Safeguard existing major industries and encourage emerging industries	BCD has no objections to the actions proposed for this policy direction. We note that an outcome of these actions is that future emerging major and/or rural industries do not occupy recognised priority production area land or environmentally constrained land. The strategy should include details on how this will be achieved.
6 Provide for rural dwelling options where associated with commercial agriculture	BCD has no objections to the actions proposed in this policy direction.
7 Provide clear and consistent zoning to ensure transparency and certainty for rural land holders	BCD supports the application of land use zones in accordance with the LEP Practice Note on Standard Zones. We can provide further detailed comments on the land use tables once the draft LEP is placed on exhibition. However, we note the following:

	RU1 – Primary production We note that some activities will be prohibited and have no further comment. **Zone RU2 – Rural Landscape** As previously advised, we conditionally support the introduction of RU2 - Rural Landscape to fill the gap between RU1 Primary Production and C3 – Environmental Management. However, we recommend that areas with high environmental values have environmental protection zones, not RU2. This is consistent with Direction 14 of the *South East and Tablelands Regional Plan 2036* and the draft *South East and Tablelands Regional Plan 2041*. We understand that RU2 will apply to land mapped as: • Category 1 Bush Fire Prone Land • Regional biodiversity corridor • Class 7 and 8 Land as per the Land and soil capability assessment scheme • Slope equal to or greater than 20 degrees. BCD notes that objectives and permissible uses of the RU2 zone will be developed to reflect landscape and scenic values, environmental values with a lower impact agricultural land use focus which we support. **Zone RU3 - Forestry** We support state owned forestry land being zoned RU3. **Zone RU4 – Primary Production Small Lot** We are generally supportive of the use of this zone; however high environmental value land should not be rezoned unless it can be justified with a biodiversity assessment. We agree that this zone should be applied to areas of existing fragmentation, so as not to cause additional fragmentation but it is not clear whether the application of the RU4 around areas such as Bombala, Berridale, Dalgety and Adaminaby will result in additional impacts to high environmental values. We are concerned that RU4 is to be used around Adaminaby to replace the R5 zone, as R5 has greater environmental protection mechanisms. Rezoning to RU4 means that the LLS Act will apply and the Rural Fire Service Rural Boundary Clearing Code. This means increased clearing will be permitted in these zones. There are areas of natural temperate grassland that are vulnerable to clearing associated with agricultural activities. In addition, there are areas mapped in the Native Vegetation Regulatory map of the critically endangered CEEC Monaro Tableland Cool Temperate Grassy Woodland. **Zone C2 – Environment Protection** We note that the Rural Lands Strategy does not mention C2 zones. However, as previously advised, if future studies indicate that that there are areas of land that should be protected by being zoned E2 this strategy should allow these areas to be zoned accordingly. We note that the Biodiversity Study has limitations and was carried out on a broad scale. As a result, there may still be areas that could be suitable candidates for the E2 zone. This may apply

	to areas of Natural Temperate Grassland, Werriwa and Monaro Tablelands Cool Temperate Grassy Woodland in the South Eastern Highlands and South East Corner Bioregions, which has recently been mapped and Box Gum woodland which has also recently been upgraded to Critically Endangered and is currently being mapped across the state. We anticipate that there may be future planning proposals where we recommend the use of E2 zones. **Zone C3 – Environmental Management** BCD does not support the downzoning of C3 zoned land in the Smiths Road locality to C4. We would object to this area being rezoned in any future planning proposals. BCD do not support the proposal to rezone areas of C3 to C4 in the Smiths Road area because no new information has been provided to support this proposal. It is still not clear from the information provided why some areas of Smiths Road are suitable to be zoned C4. Whilst the MLS is proposed to be 15ha, this is still large enough for landholders to graze a few sheep, cattle or goats. We note that the biodiversity study states that this area has been mapped and assessed for their values at a more general scale. It also states that the Smiths Road area has very high environmental values. Section 3.1 of the s.117 ministerial local planning directions set out the information that would need to be put to Department of Planning and Environment to justify any change in zoning. The Northern Councils E Zone Review also contains guidance on how to justify changes to Environmental Zones. In 2015 council participated in a process to identify connectivity corridors for the draft South East and Tablelands Regional Growth plan. One of the corridors identified in this process is currently zoned C3 in the LEP and therefore should not be up-zoned to allow further development. Council should reconsider these proposals based on the areas being directly adjacent to Namadgi National Park and they may have significant biodiversity values. Further detailed on ground assessment would need to be carried out to ensure that the areas that are currently mapped as HEV areas/LEP Terrestrial Biodiversity layer are not adversely impacted by any rezoning proposal. While this is outside of the area where the Cooma-Monaro draft Koala Plan of Management (KPoM) applies, there are historic Koala records from that area. A survey for Koalas using best practice methods should be done to ensure they are not impacted. **Zone C4 – Environmental Living** As discussed above, BCD are unlikely to support the rezoning of C3 land to C4 without adequate justification. In addition, we support the limiting of permitted land uses of the C4 zone, however it is unclear what those permitted uses will be as they are not all listed, and it is unclear from reading the Destination Management Plan what they will be. Whilst we understand that extensive agriculture will be permitted in C4, this means that other activities are subsequently permitted such as

	agritourism, and that mining can be approved through the *State Environmental Planning Policy (Resources and Energy) 2021*. If permitted uses include agritourism, we would need to see further details on how this could be managed without impacting the high environmental values of the land, as discussed in our comments on Policy Direction 3 above.

Table 4 – BCD comments on biodiversity values in the Rural Lands Strategy - what has changed since the 2020 version

Rural Land Use Strategy Recommendation	BCD comments
Proposed C3 Environmental Management zoning not appropriate in most areas • Previous proposed changes to make some rural zoned land Environmental/ Conservation Zone have been removed • The revised proposal makes that land RU1 or RU2 • The RU2 Rural Landscape Zone benefits from all allowable activities under the *Local Land Services Act* • The change to RU2 reflects the continued agricultural use of the land	BCD agrees that C3 may not be suitable for some rural zoned land. However, as C3 permits extensive agriculture in the former LEPs, and it appears that this will carry through to the comprehensive LEP it should still be considered in some circumstances. Particularly where there are high environmental values and the primary focus on the land is conservation. As discussed in Table 1 Policy Directions 1, BCD remain concerned about extensive agriculture being permitted in Conservation zones, in particular, extensive agriculture in C3 and C4. This is because it means that other activities are subsequently permitted such as agritourism, and that mining can be approved through the *State Environmental Planning Policy (Resources and Energy) 2021*.
Some changes to Minimum Lot Size were not appropriate • The approach to minimum lot size (MLS) has been reviewed. Advice from the Community Reference Group (CRG) was that a consistent methodology was necessary (particularly in relation to Zone RU1 Primary Production) • The majority of land in the Snowy Monaro is unaffected by these changes • Some areas have decreased their MLS, typically on rural land around service centres where land fragmentation has occurred • Some areas have increased their MLS, typically based on analysis of land capability, existing holding sizes, steep slopes, erodible soils, biodiversity values and bushfire risk	BCD agrees that there should be a consistent methodology to determine Minimum Lot Sizes However, as discussed in Table 3 we have concerns regarding the reduction of the MLS where high environmental values exist and the land will be rezoned, particularly around town centres such as Adaminaby, as a change of zone and corresponding reduction in the MLS can lead to intensification of use of that land. The intensification can lead to poor outcomes for those high environmental values through increased stocking rates of livestock and other activities. For example, there is an area to the south west of Adaminaby where RU1 is proposed to be rezoned to RU4 which is located on or directly adjacent to areas of Critically Endangered Ecological Communities such as Werriwa Tablelands Cool Temperate Grassy Woodland.
Lacks opportunity for diversification of rural and other industries The RU4 Primary Production Smalls Lots provides opportunities for diversity and innovation on smaller	We support the use of RU4 for opportunities for diversity and innovation on smaller lots for agricultural uses, however we do not support downzoning from conservation or other zones that

lots. These areas are identified within discrete areas to limit the road impacts, but 40ha is large enough to undertake many boutique or artisan agricultural land uses, and provide for rural infrastructure as well as buffer areas	provide a level of protection for land that has high environmental values without adequate justification.
Dual Occupancy in rural areas would be desirable Dual Occupancy is proposed to be permissible in • RU1 Primary Production, • RU2 Rural Landscape, • RU4 Primary Production Small Lots, • C3 Environmental Management Zones • C4 Environmental Living Zone	BCD has concerns regarding the intensification of the land use if dual occupancy is permitted in conservation zones. Will there be additional provisions within the LEP other than the Terrestrial Biodiversity layer or DCP (Development Control Plan) to regulate the impact of high environmental value land in conservation zones?

Attachment 2 – Comments regarding floodplain risk management

Since the review of the previous Draft Settlement Strategy report and comments provided in 2020, the Floodplain Risk Management Study and Plan (FRMS&P) for the towns of Cooma, Bredbo, Berridale and Michelago was finalised and adopted by council.

We recommend the Draft Settlement Strategy 2022 be updated and reference the adopted FRMS&P (SMEC & GRC Hydro, 2020).

We commend council with the inclusion of the 2022 Draft Settlement Strategy recommendation to implement outcomes of the adopted FRMS&Ps. It should be noted however, councils adopted FRMSPs are focused on 5 existing settlements (i.e., towns of Bombala, Cooma, Bredbo, Berridale and Michelago) and therefore flood risk outside of the FRMS&P study areas have not been examined following the process outlined in the NSW Floodplain Development Manual 2005.

To fulfill council's floodplain risk management responsibilities, we recommend and are happy to support council to develop a forward program of flood studies and flood risk management plans, to better inform its decision-making including areas that have limited or no flood information contained in this draft strategy. This will ensure council has the information required to make informed floodplain risk management decisions consistent with the NSW Government's Flood Prone Land Policy, the Floodplain Development Manual, councils LEP/DCP and relevant Planning Directions.

Flood Prone Area Figures
It is unclear if the flood prone areas plotted for Cooma (Figures 7 & 8), Berridale (Figures 24 & 25) and Bombala (Figures 17 & 19) are based on the 1 per cent Annual Exceedance Probability (AEP) flood extent, the Flood Planning Area (FPA) or the Probable Maximum Flood (PMF) extent. We recommend updating these figures to reflect councils adopted FRMS&Ps, amending the flood prone areas by plotting the PMF extent for all studied locations in the Draft Settlement Strategy.

Michelago
It appears the flood risk consideration and flood prone land sections for Michelago have been removed in the 2022 updated Draft Settlement Strategy. We recommend the adopted FRMS&P findings and recommendations for Michelago be incorporated in the proposed Michelago Masterplan process. This includes re-inserting the flood prone area figure that was previously shown in Figures 50 and 52 of the 2020 draft strategy as defined by the PMF extent.

We also recommend that council undertake a suitable flood risk assessment for areas that are not covered by the adopted FRMS&P (e.g., Smiths Road and Burra Road), to inform the Michelago Masterplan process.

Bombala
We recommend council undertake a Bombala FRMS&P review, expanding the previous study area to include all lands currently under consideration within the draft settlement strategy.

Bredbo
The report states that *"zoning for Bredbo should be reviewed in detail following the conclusion of current water studies."* As the FRMSP has been adopted we recommend council update the above statement and consider the recommendations of the adopted FRMSP for Bredbo.

We noted the need to change the following statement in our previous advice provided for the 2020 draft Settlements Strategy:
"Areas of land within the 1 in 100year flood level should be excluded along with areas high biodiversity values."

We still recommend that it be amended to:
"Areas within the Flood Planning Area, based on the 1% AEP flood levels + freeboard should be excluded along with areas of high biodiversity values."

Dalgety, Delegate, Nimmitabel (Bibbenluke, Cathcart, Numeralla, Jerangle, Eucumbene Cove and Braemar Bay)
We previously noted the above villages are susceptible to flooding due to:

- Dalgety and Delegate sitting next to the Snowy River and Delegate River respectively, with tributaries draining through the town and surrounds.
- Tom Groggins Creek, Bobundara Creek and numerous tributaries draining through Nimmitabel and surrounds.
- Bibbenluke is proximate to the Bombala River, Cathcart is beside to Dragon Swamp Creek and its tributaries.
- Numeralla River, Big Badja River and numerous tributaries drain through Numeralla and surrounds.

We recommend council prepare a flood risk management study and plan for these Villages. This will ensure council has the information required to make informed floodplain risk management decisions consistent with the NSW Government's Flood Prone Land Policy as set out in the Floodplain Development Manual, 2005 (FDM) and associated indemnity provisions afforded under section 733 of the Local Government Act 1993. As a result, we advise the Draft Settlement Strategy include this recommendation.

Employment Lands
Cooma

- *Cooma CBD recommendations*

The strategy states that *"Undertake a Masterplan for Cooma's CBD. This should consider at a minimum the use of planning controls including heritage conservation, height of building and active Street frontage maps'.*

Parts of Cooma CBD are extremely vulnerable to flooding as documented in councils adopted FRMS&P and long-term flood history pre and post levee construction. We recommend inclusion and acknowledgment of this flood risk (including residual risk once the levee overtops), as flood risk will be an important consideration for the growth of commercial development/ redevelopment in the CBD.

- *Lambie Street Commercial Precinct*

The strategy states that *"a variety of housing could be provided outside the 1% AEP flood event"*. It should be noted that any developments within a flood prone area (area below the PMF) and/or the flood planning area (i.e., 1% AEP plus 500mm freeboard) will be required to demonstrate consistency with the Section 9.1 Local Planning Direction 4.1 (the Direction), principles of the Floodplain Development Manual (FDM), council LEP/DCP and adopted FRMS&Ps.

As the statement indicates that the proposed development can still be within the flood planning area and/or flood prone area, we recommend council incorporate an additional statement that indicates appropriate studies and assessments may be required for any development to ensure appropriate flood related planning controls, risks and impacts are assessed and managed.

Housing Strategy
Kalkite, East Jindabyne and Jindabyne
We note the Draft Settlement Strategy refers to a flood assessment undertaken for the Snowy Mountains Special Activation Project (SAP) by WSP in June 2021. Advice was provided to the DPIE- Planning and council in 2021, that the flood information contained in this report was not sufficient to be used in informing existing risks and future planning (inc. flood planning levels) within these areas which appears to have carried into this Draft Settlement Strategy.

In the absence of a completed Floodplain Risk Management Study and Plan, a Flood Impact and Risk Assessment (FIRA) will be required to support planning proposals in these areas to ensure the consent authority has the information required to make informed floodplain risk management decisions consistent with the NSW Government's Flood Prone Land Policy as set out in the FDM, councils LEP and DCP and 9.1 Planning Directions. Guidance material for preparing a FIRA is provided in the Draft Flood Impact and Risk Assessment Guideline (Flood Risk Management Guide LU01, DPE, 2022, https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Water/Floodplains/flood-risk-management-impact-risk-assessment-220057.pdf). This guideline could be utilised to inform the appropriate information for inclusion in the flood assessment for future planning proposals.

Other Settlement Areas

As per previous advice issued for the 2020 draft strategy, we remain unsure of the flood information or plans council holds for the following settlement areas:

- Adaminaby (Old Adaminaby, Anglers Reach) and Surrounds (Locker Ck, Goorudee Rivulet, Frogs Hollow)
- Smiths Road and Burra Road in Michelago.

To ensure flood risk is understood in various unstudied settlements across the Snowy Mountains Regional Council local government area, we recommend FRMS&Ps be undertaken to inform early strategic planning for settlements and management of existing risk.

BCD recommend that the Draft Settlement Strategy include a recommendation for council to prioritise FRMS&Ps to better inform its decision-making for areas that have limited or no flood information to fulfill its statutory floodplain risk management responsibilities.

Brooke Davey

From: Wendy Goodburn < @dpi.nsw.gov.au>
Sent: Tuesday, 28 February 2023 11:48 AM
To: Brooke Davey; Records Snowy Monaro Regional Council
Subject: Snowy Monaro Regional Council new LEP and supporting documents.
Attachments: Letter Draft Snowy Monaro Regional Council LEP.DOCX

Hi Brooke,
Thank you for granting us the opportunity to have an extension of time to respond to you in relation to your Draft LEP. Again, let me reiterate how amazingly impressed I am with the work you have completed on the LEP. It is excellent! Please extend my congratulations to your councillors also.

I have suggested some minor changes mainly in relation to land uses in the RU1 zone and extending the buffer concept to include other agricultural facilitiers such as feed mills, saleyards and intensive agriculture developments etc. The attached letter outlines this detail.

Please feel free to call me if you would like to talk these matters through, I am happy to assist.

Cheers

Wendy

Wendy Goodburn | Agricultural Land Use Planner
Agricultural Land Use Planning | Agriculture
NSW Department of Primary Industries | Agriculture Strategic Initiatives
Level 2 | 159 Auburn Street | Goulburn | NSW 2580 | PO Box 389, Goulburn NSW 2580

Please Note: I do not work Wednesdays



Department of Primary Industries - Agriculture
Department of Regional NSW

OUT23/2552

Mr Peter Bascombe
The Chief Executive Officer
81 Commissioner Street,
Cooma NSW 2630

brooke.davey@snowymonaro.nsw.gov.au
council@snowymonaro.nsw.gov.au

Attention: Ms Brooke Davey

Draft Comprehensive Snowy Monaro Local Environmental Plan

Dear Mr Bascombe

Thank you for your email of 25 November 2022 and the opportunity to provide comment on the Draft Snowy Monaro comprehensive Local Environmental Plan (DLEP).

The NSW Department of Primary Industries (DPI) Agriculture collaborates and partners with our stakeholders to protect and enhance the productive and sustainable use and resilience of agricultural resources and the environment.

I understand Council is seeking comments on the DLEP informally prior to exhibiting the plan. NSW DPI has considered the DLEP and supporting documents including the Draft Snowy Monaro Settlement Strategy and Draft Rural Lands Strategy and provides the following comments.

Council should be congratulated on the preparation of the DLEP and supporting documents that recognise the value and contribution of agriculture and associated industries to the economy of the region. NSW DPI fully supports the raising of the minimum lot size, elimination of lot size averaging, simplification and consistent application of rural zones across the region, the inclusion of buffers to protect agricultural industries and the inclusion of rural residential development into the large lot residential (R5) zone to protect agricultural land, associated industries and minimise land use conflict.

The DLEP also proposes to include agritourist land uses within RU1, RU2 and RU4 zones in keeping with the additional agritourism definitions within the Standard Instrument - Principal Local Environmental Plan. It is noted that Council will be writing a development control plan (DCP) to outline controls for agritourism development to ensure that agricultural production continues to be the primary use of rural land. NSW DPI fully supports the development of an agritourism DCP.

It is suggested that the provision of buffers (as mapped) around important agricultural facilities, such as already included around Monbeef abattoir, could be extended to other agricultural facilities such as saleyards and feed mills as well as intensive agriculture developments.

Some land uses permitted in the RU1 zone, such as heavy industry, heavy industrial storage facilities, caravan parks and community facilities that utilise large areas may impact on the high quality agricultural land and potentially cause land use conflicts with agriculture. It is suggested those land uses are located in industrial and residential zones where they are less likely to cause conflicts. Caravan parks could be included in the RU2 zone to avoid the high quality agricultural land.

The DLEP also proposes to permit dual occupancy development in the RU1, RU2 and RU4 zones. Detached dual occupancies, in particular, may lead to land use conflicts with agricultural operations. It is recommended only attached dual occupancy development or secondary dwellings (with area and distance limittions from the main dwelling) be permitted in the RU1 zone.

Should you require clarification on any of the information contained in this response, I have arranged for Wendy Goodburn, Agricultural Land Use Planning Officer to assist you. Wendy can be contacted on or by email at l @dpi.nsw.gov.au.

Sincerely

[redacted] 28/2/23

Tamara Prentice
Manager, Agricultural Land Use Planning

Brooke Davey

From: Chaseling, Tim < @iconwater.com.au>
Sent: Monday, 12 December 2022 2:17 PM
To: Draft LEP
Cc: Green, Ellen; Bryant, Benjamin; Swanepoel, Mechelle; Harrison, Michael
Subject: Draft Snowy Monaro Regional LEP-Feedback from Icon Water
Attachments: SMRC LEP Feedback 122022.pdf

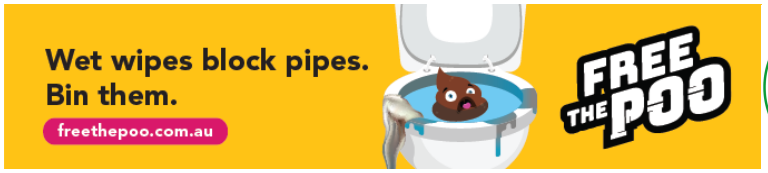
Hi Brooke

Please find attached feedback from Icon Water on the draft Snowy Monaro Regional LEP.

Icon Water appreciates the efforts of Snowy Monaro Regional Council to… "*sustain the region into the future, while protecting its natural assets*".

Thank you for the opportunity to provide feedback.

Regards,
Tim Chaseling
Team Leader
Catchment Protection & Land Management
Governance and Sustainability Group
Icon Water
GPO Box 366 Canberra ACT 2601
M 0428 119059
iconwater.com.au



I acknowledge the Traditional Custodians of the Canberra region, the Ngunnawal people and the First Nations peoples of the broader region. I pay my respects to their Elders - past, present and emerging.

****
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****

12 December 2022

Mr Peter Bascomb
Chief Executive Officer
Snowy Monaro Regional Council
draftLEP@snowymonaro.nsw.gov.au

Dear Peter,

Draft Snowy Monaro Regional LEP

We appreciate the opportunity to provide our feedback to consultation on the draft Snowy Monaro Regional Council's Local Environment Plan, incorporating the Settlements and Rural Land Use Strategies.

Icon Water has been proudly serving our community for over 100 years by supplying quality drinking water and wastewater services to the ACT and region, including drinking water for Queanbeyan and Googong. We own and operate assets and manage land across the ACT, comprising the dams, water treatment plants, sewage treatment plants, reservoirs, water and sewage pumping stations, mains and other related infrastructure. We consistently deliver safe drinking water and reliable sewerage services to a community of over 440,000 people. Icon Water sources water from four major dams and the Upper Murrumbidgee River to ensure secure drinking water for the communities of Canberra, Queanbeyan and Googong.

Icon Water is committed to working with all regional councils in our water catchment areas whilst continuing to service our growing community in a way that is sustainable, adaptive to the challenges of climate change, collaborative with the development community and responsive to the needs of our broad customer base. Icon Water appreciates our ongoing relationship and being a referral entity for developments that may have a significant impact on the Upper Murrumbidgee catchment and water quality.

Icon Water supports Snowy Monaro Regional Council's efforts to improve the environmental stewardship and control of inappropriate development within water catchment areas. Of particular note within the draft Rural Land Use Strategy is … "*Drinking water catchments are protected from high impact, incompatible development and land degradation*", and "*Council will provide planning controls to protect rivers and waterways from pollution*". Icon Water also fully supports Section 2.5 Sustainable Settlement Principles in relation to Environment & Sustainability and "*Protect the region's surface and groundwater water supply and the environmental qualities of rivers and streams*".

Icon Water proposes that drinking water supply protection considerations be highlighted in relation to any proposed rezoning of the northern area of Smiths Road from C3 Environmental Management to C4 Environmental Living. This would add further consideration of the value of the Upper Murrumbidgee River to any proposal which may otherwise have environmental values that are at the lower end of the scale in parts of this area.

Further, protection of the Upper Murrumbidgee catchment from inappropriate land use proposals is paramount for the long-term ecological integrity of this river system. As such, Icon Water would like to see the strategy "*Provide protection to local drinking water catchments*" be increased in importance with prioritisation from the Short to Medium timeframe. Consideration might also be given to the alignment with

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GPO Box 366 Canberra ACT 2601

Icon Water Limited
ABN 86 069 381 960

iconwater.com.au

or use of the Neutral or Beneficial Effect (NorBE) assessment tool that is prescribed for the Sydney Drinking Water Catchment under State Environmental Planning Policy 2011. As such, proposed developments within defined proximity of the Murrumbidgee River or a main tributary could require a NorBE assessment with development conditions for a neutral or beneficial effect on water quality.

We look forward to continuing our work with your Council in protecting the Upper Murrumbidgee catchment area. For further information please contact Michael Harrison, Senior Aquatic Ecology Officer at michael.harrison@iconwater.com.au or on 0403 274 854.

Yours sincerely



Tim Chaseling
Team Leader Catchment Protection and Land Management

Brooke Davey

From: BARR Reception <BARR@act.gov.au>
Sent: Tuesday, 7 March 2023 4:58 PM
To: Records Snowy Monaro Regional Council
Subject: Attention Mr Peter Bascomb - Chief Executive Officer SMRC
Attachments: ACT Gov Submission to SMRC - Draft Land Use & LEP.pdf; ACT Gov Submission to SMRC - Settlements Strategy & Rural Land Use Strategy.PDF; ACT Government to Mr Peter Bascomb - SMRC Planning.pdf

Good afternoon

Please find the attached correspondence from the Chief Minister.

Kind regards

Rhys Thompson
Office Manager | Office of Andrew Barr MLA
Chief Minister
Treasurer
Minister for Climate Action
Minister for Economic Development
Minister for Tourism
Member for Kurrajong





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Yvette Berry MLA
Deputy Chief Minister
Minister for Early Childhood Development
Minister for Education and Youth Affairs
Minister for Housing and Suburban Development
Minister for Women
Minister for the Prevention of Domestic and Family Violence
Minister for Sport and Recreation

Member for Ginninderra

Mr Peter Bascomb
Chief Executive Officer
Snowy Monaro Regional Council
PO BOX 714
COOMA NSW 2630

Dear Mr Bascomb

Thank you for the opportunity for the ACT Government to provide the attached submission on the Snowy Monaro Regional Council's draft Settlements Strategy, Rural Land Use Strategy and comprehensive Local Environment Plan (LEP).

The ACT Government appreciates the ongoing willingness of SMRC to engage on strategic planning matters, and for the opportunity to review these key planning documents ahead of the new LEP being assessed by the NSW Government. The ACT Government is committed to ensuring optimal planning outcomes are achieved for the Canberra Region and welcomes further engagement with you as the Snowy Monaro Local Environment Plan and underpinning strategies are finalised.

ACT Government officials in the Chief Minister, Treasury and Economic Development Directorate are available to discuss our submission with you and provide further input if required. The point of contact for this matter is Dr David Clapham, Executive Branch Manager, Economic and Regional Policy Branch on David.Clapham@act.gov.au.

Yours sincerely

[redacted]

Yvette Berry MLA
Acting Chief Minister

7 March 2023

ACT Legislative Assembly London Circuit, GPO Box 1020, Canberra ACT 2601
+61 2 6205 0233 berry@act.gov.au
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ACT Government

ACT Government Submission

Snowy Monaro Draft Land Use Strategies and Local Environmental Plan

March 2023

Chief Minister, Treasury and Economic Development Directorate

ACT Government Submission

Snowy Monaro Draft Land Use Strategies and Draft Local Environmental Plan

1. Introduction

The Australian Capital Territory (ACT) Government is pleased to make a submission to the Snowy Monaro Regional Council's (SMRC) draft Settlements Strategy and Rural Land Use Strategy (the draft Land Use Strategies), and Local Environment Plan (LEP).

The ACT Government appreciates the SMRC's ongoing willingness to engage on strategic planning matters, and for the opportunity to review the revised draft Strategies and LEP ahead of the LEP's submission for NSW Government assessment.

The submission provides comments on three main areas (section 3):

- Size and location of growth;
- Environment and heritage considerations; and
- Planning and infrastructure considerations.

The submission concludes with a summary and proposed next steps.

2. Other ACT Government Submissions

The ACT Government has previously provided written submissions to SMRC on several strategic planning documents. In November 2020, a comprehensive submission was made on the SMRC's draft Settlements Strategy and Rural Land Use Strategy which raised concerns around growth in Michelago and intensified rural-residential development at Smiths Road.

Concerns around implications of growth in Michelago on the ACT have been substantially resolved in the finalisation of the Michelago Master Plan. However, as several concerns remain relevant and have informed this submission, our previous submission is provided at Attachment A for further consideration.

3. Comments

Size and location of growth

The location and type of growth in Snowy Monaro has varying impacts on the ACT, particularly growth in rural areas within commuting distance of Canberra. The areas of most interest to the ACT Government in our previous submission on the draft Settlements and Rural Land Use Strategies were the 'Canberra Corridor' (namely Michelago) and the Murrumbidgee Mountains (namely Smiths Road). These remain the focus of the ACT Government submission to the revised draft strategies and LEP.

Implications of Potential Growth at the Smiths Road Settlement

The ACT Government notes the Draft Planning Proposal Snowy Monaro LEP (page 36) seeks to leverage access and proximity to Canberra to create new opportunities for housing with the Rural Land Use Strategy (page 66) identifying the ACT housing market as a key driver of housing demand in the Smiths Road Settlement, due to its proximity and access to jobs and services in the ACT.

However, the draft Settlement Strategy acknowledges ongoing concerns around the reliance of the Smiths Road settlement on ACT for employment, services and social activities, and its limited connectivity to other centres in the LGA. The ACT Government also understands there are significant physical and environmental constraints to development within the Smiths Road area.

Despite these concerns, the Rural Land Use Strategy identifies land in the northern area as less constrained and therefore suitable for C4 Environmental Living Zone. If rezoned this would reduce the minimum lot size (MLS) from 80ha (in accordance with the C3 zoning) to 15ha.

Further intensification of housing within the Smiths Road Settlement remains a concern for the ACT Government and is inconsistent with the contiguous allotments and land use on the ACT side of Smiths Road. The ACT considers that a reduction in the MLS from 80 to 15ha would result in fragmentation of rural land, with potential ecological, heritage and landscape impacts.

The ACT Government notes particular concern with Page 102 of the draft LEP (4.1A – Subdivision Using Average Lot Sizes) which provisions '*development consent may be granted to the subdivision of land to which this clause applies that requires development consent (whether or not the subdivision is under the Community Land Development Act 2021) if for land in Zone C4 Environmental Living, each lot created by the subdivision will have an area of at least 5ha.'*

The ACT Government wishes to reiterate the findings of the draft Michelago Masterplan Scenarios Briefing Paper (the Briefing Paper) released in 2021.[1], which deemed Smiths Road as not appropriate for densification. The ACT Government highlights the following excerpt from the draft Briefing Paper (pages 26-27):

> *Smiths Road is an unserviced, low density subdivision zoned E3 Environmental Management. The land is exposed to high bushfire risk with restricted access and evacuation routes. The 2019 RFS Planning for Bushfire Protection guidelines suggest that no further expansion or densification of this type of area and this is recommended as part of the draft Michelago Master Planning process.*

The planning strategies do not identify or address these risks. The ACT Government reiterates its concern that these important issues remain unresolved, and wishes to highlight the risk of the new LEP giving effect to the rezoning to C4 Environmental Living Zone, without due consideration of these important matters.

Further to the above, it is noted that the earlier draft Rural Land Use Strategy stated that further development of the Smiths Road area will require the preparation of a regional growth strategy to address biodiversity protection, transport, waste and community services which are currently partially reliant on ACT services (p.124). This is no longer identified in the revised Rural Land Use Strategy and a considerable amount of prior detail and discussion on Smiths Road has been removed. There does not appear to be any discussion in any of the current planning documents as to how an increase in rural residential allotments within the Smiths Road Settlement would be supported by SMRC.

[1] The Smiths Road settlement was later excluded from the subsequent Michelago Masterplan (see page 2) as community consultation identified a preference to remain separate as it did not identify with Michelago.

Any rezoning of land (particularly where it allows for increased development potential) is enduring and final. Rezoning the northern part of Smiths Road to E4 - Environmental Living zone is unlikely to resolve the issues associated with its isolation and access. In many ways, increasing the population in the area will likely intensify the issues and risks for the community and service providers, particularly in natural hazard events.

The ACT Government considers that given the issues of access, any such development within the Smiths Road Settlement would ideally be in accordance with the land use provisions on the ACT side of Smiths Road. The ACT Government Land Use Zoning within the general Smiths Road area is NUZ5 – Mountains and Bushland Zone, and NUZ4 – River Corridor. While no minimum lot sizes are listed; it is noted that Residential Use is a prohibited use under both zonings. There is no precedent on the ACT side of Smiths Road for lower density environmental living.

In summary, the ACT Government does not consider the strategic planning justification for the proposal compelling, and key questions identified in previous submissions remain around the potential environmental impacts, together with how Council would support growth.

While the ACT Government acknowledges that zoning provisions are ultimately a matter for SMRC, they also have implications for the ACT. On the evidence, it does not appear that these implications have been addressed in a manner that manages risk for both jurisdictions.

Implications of Potential Growth at Michelago

The draft Settlement Strategy (page 111) identifies that the Canberra Corridor[2] is expected to have the largest population increase of any population catchment identified in SMRC's population projections for catchments. The Strategy (page 115) identifies that most of this growth is anticipated to occur in Michelago if servicing issues can be addressed, with approximately 2,000 of the projected population of 2,660 for the whole Canberra Corridor by 2041 to be located in Michelago.

The Strategy notes that the growing demand in Michelago for rural properties is driven by people looking for a rural lifestyle within a short distance of Canberra (page 62). It also acknowledges that further population growth and access to employment lands in Michelago is hampered by no access to mains connections for water and sewerage, which will restrict population growth (page 111). As a result, the Strategy states that there is limited potential to provide employment uses in Michelago and that projected population growth would still maintain a connection to Canberra for employment, commercial services and social needs.

The Strategy notes that the Masterplan should be revisited if the village were to receive mains connections for water and sewerage. The ACT Government notes that a Growth Scenarios Report was prepared by WSP in early 2021 which set out a range of static, low and low-medium growth scenarios for Michelago based on assumptions for servicing. The report found that water and sewer are both possible in Michelago, with a range of costs involved that generally decreased with higher land yields as expected. However, as outlined in the Michelago Masterplan, it was decided by Council and the community to adopt a growth scenario that did not include extension of services for the purposes of the Masterplan.

If an environmentally suitable water strategy can be achieved for Michelago, the following general planning and infrastructure matters are raised for further consideration in relation to planning in Michelago:

[2] Defined as land either side of the Monaro Highway, north of Cooma through to the ACT border and including Bredbo and Michelago (draft Settlements Strategy, page 111).

- While acknowledging that self-containment is unlikely, the ACT Government's submission on the draft Settlements Strategy and Rural Land Use Strategy in 2020 supported the (then) Strategy's recommendation that the Masterplan consider potential industries and employment opportunities as a means of building capacity within Michelago.
- The ACT Government reiterates its concern with the transport task associated with the high likelihood that Michelago would become a 'dormitory suburb' of Canberra, with high levels of daily commuting for work and other purposes, in the absence of an effective public transport service.
- The ACT Government notes it continues to oppose any development that relies on drawing water from the Murrumbidgee River to accommodate future growth as it may have significant negative ecological impacts (including on vulnerable and endangered species).

Environment and heritage considerations

As stated in our previous submissions, growth in SMRC (in particular at Smiths Road and Michelago) has the potential for a range of environmental and heritage implications, particularly on the Murrumbidgee River Corridor and the ACT Conservation estate (including Namadgi National Park). In any determination of growth locations, it is essential that these implications are well understood, and capable of being appropriately mitigated or managed.

The ACT Government considers its previous key recommendations are not sufficiently addressed in the revised documents. As they remain relevant, the prior submission is attached for Council's further consideration, and the ACT Government reiterates the following concerns:

- Any development upstream on the ACT has potential to impact on the aquatic environment and riparian ecosystem. It would be of substantial benefit for the ACT Government Action Plan No 29: Aquatic Species and Riparian Zone Conservation Strategy (2007) to be considered prior to any planning decisions being finalised.
- Noting that the Snowy Monaro Biodiversity Study (2019) did not do so, the planning studies need to directly consider the inter-related threats associated with climate change, increased water abstraction, pollution and increased anthropogenic pressures, such as direct take of species (i.e., fishing).
- Water resource management and potential impacts for the ACT Catchment must be considered. The revised draft strategies do not appear to satisfactorily address the impacts of growth on water quality (e.g. considering aspects such as runoff) or water quantity (e.g. considering extraction) which may have implications for Canberra's water security.
- The South East and Tablelands Regional Plan 2036 (SETRP) and draft SETRP 2041 require heritage studies to be undertaken to inform local strategies. As this study has not yet been undertaken, it has not been able to inform the draft strategies as required under the SETRP and concern is raised that the impact of growth on Aboriginal cultural values is not known in relation to Smiths Road or Michelago. The Murrumbidgee River is important to Aboriginal groups including the Ngunnawal, Wiradjuri and Nari Nari. Descendants of these groups maintain a close interest and involvement in the management of the Murrumbidgee River Corridor and early engagement with traditional custodians will be required to progress the proposed growth location in Smiths Road.

- It is expected that any rezoning or consideration of increase in activity of use within the Murrumbidgee River Corridor would fully consider the ecological importance of the corridor and the biodiversity connections formed across the landscape, including aquatic habitats.
- The indirect impacts resulting from an increase in use or change of activities, such as increase roading pressures, impacts on the Namadgi National Park management and biodiversity, and subsequent infrastructure improvements such as roads and asset protection requirements, should be explicitly addressed and consensus formed with the ACT Government before planning decisions are finalised.
- The precedent set for the ACT context, and the way in which the ACT Government would be required to manage the expectations for mirroring similar development in the ACT, will need to be considered by ACT Government, noting the potentially significant impact of increased development and activity impacting the Murrumbidgee River Corridor, Namadgi National Park and potentially adverse indirect impacts on ecological, heritage and landscape values.
- Bushfire planning and considerations will need to be undertaken in consultation and agreement with the ACT Parks and Conservation Service (ACT PCS) noting the significant dependence on ACT land custodian land management in asset protection and the potential increased ignition risk. The Emergency Services Authority (ESA), Rural Fire Service and ACT PCS will each require engagement and concurrence prior to any planning decisions being finalised.
- Pest plant and animal considerations will be incorporated into planning outcomes, including the requirement for specific containment of recognised pest species that have the potential to spread into the ACT conservation estate and the potential incursion of weeds into the landscape.

Planning and infrastructure considerations

Williamsdale electricity transmission substation and solar farm

The ACT Government notes the proximity of the SMRC LGA to the ACT's Williamsdale electricity transmission substation and the Williamsdale solar farm. Transmission nodes are critical infrastructure and this area has long term, strategic importance for the ACT and surrounds electricity supply. Given this importance, the protection of this area from rural residential encroachment is strongly encouraged to allow flexibility for future construction of 'big battery' facilities, transmission infrastructure, solar farms or similar.

The draft Rural Land Use Strategy includes general discussion on electricity infrastructure (p.23-24) however the significance of this area is not identified, and as such its protection is not adequately addressed, in any of the planning documents. The ACT Government recommends that this be explicitly recognised in the Rural Land Use Strategy and encourage other changes being made as necessary to limit development of additional dwellings in this area to ensure flexibility for future infrastructure needs. It is noted that the proposed land to be rezoned for rural living at Smiths Road is approximately 2km from the transmission substation and of relevance to this matter.

Canberra – Eden rail concept

The draft Settlements Strategy (p.89) briefly mentions the NSW Government commissioned a feasibility study to consider the potential of opening a freight and passenger rail line connecting Canberra to the Port of Eden. The ACT Government notes that the feasibility study, commissioned in August 2018 and concluded in May 2020, found that the project would not be viable due to the costs associated with the proposed

railway exceeding 300 kilometres in length and passing through challenging terrain as well as areas of significant environmental value (including major National Parks). The Strategy would benefit from an updated position to reflect the status and findings of the study.

4. Summary and next steps

The ACT Government is supportive of policy proposals that:

- Support the sustainable development of the region by ensuring appropriately scaled residential and rural residential growth occurs in and around existing towns and villages, to make the best use of existing infrastructure and services, to support their growth and to minimise the impact on surrounding rural and environmental areas.
- Minimise the pressure on existing ACT physical and social infrastructure and ensure the efficient and cost-effective provision of urban infrastructure such as roads, water and utilities.
- Protect the Namadgi National Park and the Murrumbidgee River Corridor and their surrounding environs from the direct and indirect impacts of development (including subdivision).
- Ensure biodiversity connectivity at a landscape scale, which is both within the Snowy-Monaro Region and across the border with the ACT, by ensuring land is not fragmented through subdivision and other development types.

With regard to the draft planning documents the ACT Government:

- Requests SMRC consider retaining the current E3 – Environmental Management zone for Smiths Road as the most appropriate zone having regard to the regional environmental values of the area and potential issues and risks associated with more intense development under a C4 – Environmental Living zone in this particular location.
- Expresses continued willingness to engage in the preparation of a management plan or similar (to be led by SMRC) for the existing community at Smiths Road, addressing operational issues associated with existing access, transport, waste, community services, asset protection, environment protection and disaster relief.
- Requests that if further consideration is to be given to potential growth at Michelago and Smiths Road, SMRC engage with the ACT on the significant biodiversity values of the Murrumbidgee River Corridor and Namadgi National Park, and the potentially adverse direct and indirect impacts of growth on ecological, heritage and landscape values.
- Requests that SMRC only consider rezoning Smiths Road to C4 – Environmental Living zone if it can be demonstrated that issues including (but not limited to) biodiversity protection, access, natural hazard management, waste, community services, infrastructure, transport and potential direct and indirect environmental impacts have been satisfactorily addressed in a manner that minimises risks to the environment, and to SMRC and the ACT Government.
- Highlights the significance of the Williamsdale electricity transmission substation and the Williamsdale solar farm, and its surrounding area, be identified in the draft Rural Land Use Strategy as critical infrastructure with long term strategic importance for the ACT and surrounds electricity supply.
- Welcomes further engagement with SMRC in relation to the finalisation of the planning strategies and the draft Snowy Monaro LEP on the matters raised in this submission.

ACT Government

SNOWY MONARO DRAFT SETTTLEMENTS STRATEGY AND RURAL LAND USE STRATEGY

ACT Government Submission

Chief Minister, Treasury and Economic Development Directorate

November 2020

CONTENTS

SNOWY MONARO DRAFT SETTLEMENTS STRATEGY AND RURAL LAND USE STRATEGY 3

1. Introduction 3

2. Other ACT Government Submissions 3

3. Comments 3

Location of growth 3

Canberra Corridor (Michelago) 3

The Murrumbidgee Mountains (Smiths Road) 5

Summary 8

Environmental and heritage considerations 8

General considerations 9

Murrumbidgee River Corridor 10

Namadgi National Park 11

Summary 11

General Comments 11

ACT-NSW Memorandum of Understanding on Regional Collaboration 12

4. Summary and next steps 12

Attachment A - 2019 ACT Government Submission to Discussion Paper 14

Attachment B - 2019 ACT Government Submission to Snowy Monaro Regional Local Strategic Planning Statement 20

Attachment C - ACT Comments on the Snowy Monaro Biodiversity Study 27

Attachment D - Species with a likelihood of occurrence in the Smiths Road locality 28

ACT GOVERNMENT SUBMISSION

SNOWY MONARO DRAFT SETTLEMENTS STRATEGY AND RURAL LAND USE STRATEGY

1. Introduction

The Australian Capital Territory (ACT) Government is pleased to make a submission to the Snowy Monaro Regional Council's (SMRC) draft Settlements Strategy and Rural Land Use Strategy.

The ACT Government acknowledges the importance of the Settlements Strategy and Rural Land Use Strategy as the final strategic documents to inform the consolidated Snowy Monaro Local Environment Plan (LEP) and in forming a link with the Local Strategic Planning Statement (LSPS) and the South East and Tablelands Regional Plan (SETRP).

The submission provides comments and input in four main areas (section 3):

- Location and type of population growth in the Snowy Monaro region;
- Environmental and heritage considerations associated with this growth;
- General comments on the Settlements Strategy and Rural Land Use Strategy; and
- An update on the ACT-NSW Memorandum of Understanding on Regional Collaboration.

The submission concludes with a summary and proposed next steps.

2. Other ACT Government Submissions

The ACT Government has previously provided written submissions to SMRC on the Snowy Monaro Land Use Discussion Paper (2019) (the 'discussion paper') and the LSPS. Our submissions raised concern with growth in Michelago and intensified rural-residential development at Smiths Road.

The draft Settlements Strategy and Rural Land Use Strategy do not appear to address these concerns or include a balanced discussion of the implications of growth at Michelago or Smiths Road on the ACT. For this reason, our previous submissions on the discussion paper and the LSPS remain relevant and are provided at Attachment A and Attachment B respectively.

3. Comments

Location of growth

The location and type of growth in Snowy Monaro impacts the ACT, particularly as there has been increasing interest in the development of rural areas within commuting distance of Canberra. The areas of most interest to the ACT Government in our submissions on the discussion paper and LSPS have included the 'Canberra Corridor' (namely Michelago) and the Murrumbidgee Mountains (namely Smiths Road). These areas are the focus of our comments on the draft strategies.

Canberra Corridor (Michelago)

The draft Settlements Strategy (page 217) notes that the Canberra Corridor[1] is expected to have the largest population increase of any area within SMRC and that most of this growth is anticipated to occur in Michelago. If servicing issues can be addressed, approximately 2,000 of a projected population of 2,660 for the whole Canberra Corridor (medium level growth) could be located in Michelago. The draft Settlements Strategy (page 142) also notes that Michelago's proximity to

[1] Defined as land either side of the Monaro Highway, north of Cooma through to the ACT border and including Bredbo and Michelago (draft Settlements Strategy, page 217). Page 222 of the draft Settlements Strategy notes that the Canberra Corridor also includes the Smiths Road and Mt Burra communities.

Canberra in particular has created a strong demand for residential land, and as Canberra continues to grow it is anticipated this demand will likely get stronger.[2]

The exact future direction for Michelago has not yet been determined, and the draft Settlements Strategy states (page 140) that "*Michelago could develop into a small town of a few thousand people, or it could stay as a small rural village of a few hundred people*". We note that the structure plan identifying the potential growth of Michelago is unchanged between the LSPS and the current draft Settlements Strategy (page 141). However, recommendation 13 of the draft Settlements Strategy (page 10) is for the preparation of a Master Plan and Development Control Plan to establish a future direction for Michelago. A wastewater scoping study currently being prepared for Michelago will also inform this direction.

The draft Settlements Strategy (page 217) identifies that while the population is expected to grow, there would be limited potential to provide employment uses in Michelago, and most residents would travel to the ACT for employment. However, recommendation 50 (page 217) requires the Master Plan to consider potential industries and employment opportunities for Michelago. While self-containment is likely to be limited, we support the recommendation as a means of building capacity within the existing town.

While sustainable and controlled expansion of existing villages and towns is an appropriate regional growth strategy, our primary concerns with planned growth at Michelago remain with:

- The transport task associated with the high likelihood that Michelago would become a 'dormitory suburb' of Canberra, with high levels of daily commuting for work and other purposes, in the absence of an effective public transport service.[3] This would put further pressure on the Monaro Highway, raise road safety issues and contribute to increased emissions associated with private car-based travel. We also note that the Canberra to Eden rail concept, which may have provided a sustainable transport option in the long term, does not appear to be economically viable at this stage.[4]
- The potential for 'ribbon development' extending approximately four kilometres along the Monaro Highway.[5] This type of development has the potential for landscape impacts (the Monaro Highway is an approach route to the National Capital) and infrastructure servicing issues (associated with dispersed settlement and access to the Monaro Highway).
- The lack of adequate water and sewerage to support growth, and the fact that the ACT is not currently in a position to supply water to the Snowy Monaro region. The draft Settlements Strategy does however acknowledge that the growth of Michelago is highly dependent on the viability of reticulated water and sewerage. It is recommended the Master Plan consider future growth scenarios with, and without, a secure water supply.
- The extent of proposed rural-residential development (as shown in the Michelago Structure Plan) extending approximately 6km from the existing town along Tinderry Road.
    - The draft Settlements Strategy states that the area already has many small rural lots, and that the rezoning would better reflect this character. An 8 hectare (ha) minimum lot size (MLS), with lot averaging to 2ha is proposed (resulting in approximately 78 additional lots). The draft Settlements Strategy notes that the area is unlikely to be serviced by any future reticulated water or sewer.

[2] We note there is some evidence that this demand may also increase in a post-Covid scenario, due to lasting changes in work and travel behaviour, increasing the appeal of regional locations (see https://www.innovation-intelligence.com/covid-19-could-usher-in-a-regional-boom)
[3] The draft Settlements Strategy acknowledges (page 142) that *'Michelago is heavily dependent on Canberra for services such as employment, retail, recreation, health and education'.*
[4] The rail link was the subject of a 2019 NSW Government funded feasibility study into the potential for a freight and passenger rail line connecting Canberra to the Port of Eden (draft Settlements Strategy, page 186).
[5] As shown in the Michelago Structure Plan, draft Settlements Strategy, page 141.

- While acknowledging existing subdivisions, and allowing for limited additional rural residential development close to existing villages, dispersed small lot rural residential at some distance from existing towns is not typically a sustainable form of development. The extent of proposed rural residential to the east of Michelago would seem contrary to the settlement principles set out on page 228 of the draft Settlements Strategy and to regional planning policy.[6] Further, rural residential development can lead to fragmentation of rural land, impacting on agricultural, environmental (biodiversity connectivity) and landscape values.
- In particular, it may affect the rural landscape setting of SMRC and the National Capital, and we note that approximately half of the proposed rural residential area is within a landscape vista of the Monaro Highway (as shown in Figure 46 of the draft Settlements Strategy, page 141).

The Murrumbidgee Mountains (Smiths Road)

The Murrumbidgee Mountains sub-region contains the Smiths Road locality, a small community of around 150 people, located between the ACT border and the Murrumbidgee River in the north of the Snowy Monaro LGA. Due to its location, Smiths Road is not easily accessible by public road from within the LGA, and is, for the most part, only accessible through the ACT. Consequently, the Smiths Road community generally looks to the ACT to access employment and services.

The draft Settlements Strategy includes a recommendation (No. 23, page 11) that an E4 - Environmental Living zone apply to the northern part of Smiths Road, and that an MLS of 16ha apply.[7] The proposed statutory changes (zoning and lot size) would create the potential for 71 additional lots.[8] This could equate to approximately 156 additional people, resulting in a total of around 300 residents living at Smiths Road. The permissibility of 'secondary dwellings' under an E4 zoning may also contribute additional population.

Whilst not discussed in detail in the draft strategies, it is understood the Smiths Road community is seeking to subdivide for predominantly socio-economic reasons.[9] Some older residents and others (such as absentee land owners or Canberra commuters) are finding it hard to manage their properties, while others have a desire to subdivide to provide new lots for their children. There is also a desire to build a larger community to carry out 'civic' functions (e.g. community meetings) and to increase the rate base in order to fund greater urban services such as a graded road.

The ACT Government offers the following comments in relation to Smiths Road:

- Whilst the socio-economic benefits of subdivision to the community are acknowledged, they do not outweigh the larger issue of the importance of growth in appropriate locations. The objectives of the community for housing diversity, social facilities and urban type infrastructure may be readily met by existing villages and towns in SMRC.
- The rationale for the E4 zone in the northern part of Smiths Road (i.e. this area is 'least constrained') is not considered compelling. Setting aside the issue of any agricultural value, the northern part of Smiths Road has high landscape and biodiversity value, including regional connectivity between the ACT and NSW, and between the Murrumbidgee River Corridor and Namadgi National Park. Importantly, other issues of bushfire, access, and infrastructure provision do not appear to have been conclusively addressed, with recommendation 36 of the draft Rural Land Use Strategy being for the preparation of a "regional growth strategy" to address these issues.

[6] See SETRP, Action 28.2 (page 56).
[7] A proposed MLS of 16 ha is stated in the draft Settlements Strategy, while a MLS of 15 ha is stated in the draft Rural Land Use Strategy.
[8] Draft Rural Land Use Strategy, p124.
[9] As indicated at a meeting with Smiths Road residents and representatives of PCD and EPSDD in March 2019.

- While a community of 300 people is not large, Smiths Road is not contiguous with an existing town or urban area and is isolated and unserviced, lying between the Murrumbidgee River in the east and rugged mountains of the Namadgi National Park in the west. It is therefore not an area conducive to residential intensification, which should be directed to existing towns and villages to make the best use of existing infrastructure. As we have previously noted, rural residential development in locations such as Smiths Road is inconsistent with endorsed regional planning policy (SETRP, Direction 28.2, page 56) and also appears contrary to the draft Rural Land Use Strategy, which recommends:
    - Rural residential development does not occur in areas that are not proximate or adjacent to settlements (page 176).
    - Lot sizes be maintained or increased to ensure further fragmentation of agricultural land does not occur (page 177).
- The draft Settlements Strategy seeks to establish a precedent in the Ginninderry / Parkwood development to justify a tailored approach to Smiths Road (page 166). The two areas are not necessarily comparable. Ginninderry, to which Parkwood would be an extension, is contiguous with the existing urban area of West Belconnen; Smiths Road is in an isolated rural area and not located close to an existing village, town or urban area. However, we agree there is merit in preparing a management plan or similar for the existing community at Smiths Road, addressing operational issues associated with access, transport, waste, community services, asset protection, environmental protection and disaster relief. This could be led by SMRC with ACT input.
- A reduction in MLS from 80 to 15 or 16 ha would result in the fragmentation of rural land, with potential ecological, heritage and landscape impacts.
    - The LSPS notes (page 78) that the Murrumbidgee Mountains have relatively high biodiversity values and connectivity to Namadgi National Park. This is also demonstrated in our own mapping.[10] The ACT Government's submission on the discussion paper noted that south eastern NSW and the Canberra region is rich in significant environmental assets (threatened species and ecological communities). As such, a whole-of-landscape approach is critical for the conservation and recovery of the region's grasslands, woodlands, riparian and wetland areas and their associated fauna communities.
    - The *'Snowy Monaro Employment Lands and Rural Lands Analysis'* by Elton Consulting (April 2020)[11] recommends (page 105) the continuation of the 80 ha MLS for the rural zone in the Canberra Corridor in order to prevent land fragmentation and land use conflict. Even though applicable to a rural zone, this MLS would also be consistent with the current MLS for Smiths Road under an environmental zone.
    - The ACT Parks and Conservation Service (PCS) advises that changes to zoning and lot size in the Smiths Road locality would disrupt the key east-west woodland habitat connectivity provided by the area, thereby threatening species passage across climate niches. These biodiversity corridors will become increasingly important as the local climate changes and responds to global heating. The Murrumbidgee River Corridor provides a refuge during drought and dry conditions, and the impact of planning changes (such as minimum lot size reduction) on this important function should be fully assessed.

[10] See regional connectivity map in ACTmapi at: https://app.actmapi.act.gov.au/actmapi/index.html?viewer=ssvcrt&layerTheme=12&scale=30000&basemap=&center=690923.8403939882%2C6059055.614333825&layers=1wOlw422%2BPZ%2F3M91Db3QArbU1BeCM82KVU5n2XhWL%2F0F%2FCZX

[11] A background document to the draft strategies.

- As noted in our comments on the discussion paper and LSPS, rural residential in this location would lead to a greater number of residents living adjacent, or in close vicinity to important natural environments of the ACT including Namadgi National Park and the Murrumbidgee River Corridor.
    - This has the potential for a range of direct and indirect environmental impacts including increased visitation[12], weed and feral animal proliferation and control; introduction of domestic animals; fire management; vegetation and habitat clearance for development and infrastructure provision; increased use of roads (resulting in increased road maintenance and possible environmental disturbance), and decline in water quality.[13] Other environmental implications are addressed further in 'Environmental implications of growth' below.
    - It is unclear from the draft strategies how the proposed 'off the grid' living under the E4 zone would impact on groundwater, water quality in the nearby Murrumbidgee River and other potential environmental considerations.
- As stated in previous submissions, rural residential development may lead to pressure for the inefficient provision of urban standard infrastructure and services to an isolated location. The ACT Government has historically experienced pressure from Smiths Road residents to upgrade Angle Crossing Road, which is a low-level road within the ACT, serving the Smiths Road community.
    - The SETRP states that housing should occur in locations that maximise existing infrastructure and services (Direction 25, page 53) and developments must be 'of sufficient scale and capacity to provide infrastructure at no cost to government'. The draft Settlements Strategy (page 228) itself acknowledges the infrastructure servicing burden of rural-residential settlements, concluding that 'all rural-residential areas must be well-planned'.
    - The isolated location of Smiths Road adds another layer to the already challenging task of servicing rural residential development, and there is no detail in the draft strategies about the infrastructure needs required to support development in Smiths Road, including any role that may be expected of the ACT Government. As noted above, the draft Settlements Strategy recommends the preparation of a 'regional growth strategy' to resolve these issues (discussed below).
- The isolation of Smiths Road places it at considerable risk of natural hazards. The 2019/20 bushfire season demonstrated the substantial risks and costs (to the entire community) of protecting people and property in isolated locations. Along with bushfire risk, Angle Crossing Road, being a low-level road, is frequently flooded, resulting in the community being isolated and in need of emergency assistance. Further intensified residential development at Smiths Road may therefore place an additional burden of service on the ACT.
- Recommendation 36 of the draft Rural Land Use Strategy is the preparation of a "regional growth strategy to address biodiversity protection, transport, waste and community services which are currently partially reliant on ACT services. Collaboration with the ACT Government to improve access to the Smiths Road area is also required" (page 123, 127).
    - As noted in previous input on the discussion paper and LSPS, a regional strategy already exists in the form of the SETRP, with the proposal for rural residential

[12] The ACT Parks and Conservation Service has raised concern that the proposed growth has the potential for significant increase in visitation to Namadgi National Park and to Gigerline and surrounding nature reserves, with associated impacts, including recreational threats to rare and endangered species.
[13] These concerns were well acknowledged in the LSPS which identified (page 45) that the demand for lifestyle/ rural residential land has the potential to introduce more people, domesticated animals, and weeds into areas of important biodiversity value.

development in Smiths Road appearing contrary to direction 28 of that SETRP.[14]

- Rezoning to E4 - Environmental Living is on a 'short' timeframe (draft Rural Land Use Strategy, page 180) while the suggested 'regional growth strategy' is on a 'medium' timeframe. Concern is raised that important issues of biodiversity protection, transport, waste and community services are not being resolved before, or concurrently, with the consideration of a rezoning. Given the timeframes indicated, it is possible these issues may only be addressed after the rezoning has been endorsed, when in fact they are key matters for consideration of its entire suitability.

- The E4 - Environmental Living zone is largely untested in SMRC, with only one other area close to Cooma currently zoned E4 (draft Rural Land Use Strategy, page 123). It does not appear that the zone has been applied in an isolated setting within SMRC, and there is risk associated in applying it to Smiths Road, including the potential for adverse environmental impacts and costly servicing.
    - On the ACT side of the border, Smiths Road passes through extensive areas zoned Non-Urban Zone 5: Mountains and Bushland; Non-Urban Zone 4: River Corridor; Non-Urban Zone 3: Hills, Ridges and Buffers; and Non-Urban Zone 2: Rural, with the focus of each being the protection of environmental and/or rural lands. An E4 - Environmental Living zone that is permissive of rural residential development down to 15 ha allotments is not considered consistent with the objectives of the adjoining land zoning in the ACT and would threaten regional environmental and rural values.[15]
    - The current E3 - Environmental Management zone is considered appropriate to the environmental context of Smiths Road, including its proximity to the Namadgi National Park and Murrumbidgee River Corridor. In addition, retaining the current MLS of 80 ha is also appropriate in order to maintain rural and conservation values.

Summary

In summary, any rezoning of land (particularly where it allows for increased development potential) is enduring and final. Rezoning the northern part of Smiths Road to E4 - Environmental Living zone is unlikely to solve the issues associated with its isolation and access. In many ways, increasing the population in the area will likely intensify the issues and risks for the community and service providers, particularly in natural hazard events. The strategic planning justification for the proposal is not compelling, and key questions remain around the potential environmental impacts, together with how Council would support growth, particularly in the areas of access, transport, other civic services (e.g. waste), disaster relief and the provision of social services.

While zoning provisions are a matter for ultimate determination by SMRC, they also have implications for the ACT. On the evidence, it does not appear that these implications have been addressed in a manner that manages risk for both jurisdictions.

Environmental and heritage considerations

As noted above, growth in SMRC (in particular at Michelago and Smiths Road) has the potential for a range of environmental and heritage implications. In any determination of growth locations, it is essential that these implications are well understood, and capable of being appropriately mitigated or managed.

[14] Action 28.2 of the SETRP is: *'Locate new rural residential areas close to existing urban settlements to maximise the efficient use of existing infrastructure and services, including roads, water, sewer and waste services, and social and community infrastructure'* and *'to avoid areas of high environmental, cultural and heritage significance'*.
[15] See *9. Non-Urban Zones* under the Territory Plan 2008: https://www.legislation.act.gov.au/ni/2008-27/Current.

General considerations

The ACT Parks and Conservation Service has significant concerns with the potential environmental and heritage impacts of this growth, particularly on the Murrumbidgee River Corridor and the ACT Conservation estate (including Namadgi National Park).

Key matters for consideration include:

- The impact of growth on the ACT and region's aquatic environments and water resources is a key consideration. Any development upstream of the ACT has the potential to impact on the aquatic environment and riparian ecosystem. The ACT's freshwater ecosystems include a range of threatened species, including Macquarie Perch, Trout Cod, Murray Cod (ACT listed) and Murray River Crayfish.
    - The ACT Government has reviewed the Molonglo Conservation Consulting Group[16], and considers the study inadequate in its overall coverage of threatened freshwater fauna. Attachment C lists the concerns with the study.
    - The draft strategies do not appear to satisfactorily address the impacts of growth on water quality (e.g. considering aspects such as runoff) or water quantity (e.g. considering extraction). Townships like Bredbo for example draw from the Murrumbidgee River. Increased development would be expected to lead to increased water take.[17] This may have implications for Canberra's water security, noting the ACT harvests water from the Murrumbidgee River. Smaller villages, such as Tharwa, have had to bring water in by truck during drought, due to low flows and basic household water needs not being met.
    - Increased activity in the catchment is also likely to result in increased sediment movement into the Murrumbidgee River, impacting on water quality. The Numeralla catchment is a significant contributor to turbidity and pollutants in the region and further development would likely exacerbate the issue.
    - Having regard to these issues, it is recommended further consideration needs to be given to the following:
        - ACT Government Action Plan No 29: Aquatic Species and Riparian Zone Conservation Strategy (2007).
        - Shortcomings identified in Attachment C in relation to the biodiversity study.
        - Water resource management and potential impacts for the ACT Catchment, specifically in relation to water extraction and potential impacts on water quality in the ACT.
- The SETRP requires heritage studies to be undertaken to inform local strategies. Recommendation 10 of the draft Settlements Strategy is to undertake a Council wide Aboriginal cultural heritage study. Concern is raised that as this study has not yet been undertaken, it has not been able to inform the draft strategies as required under the SETRP. As a consequence, the impact of growth on Aboriginal cultural values is not known in relation to either Michelago or Smiths Road.
    - The Murrumbidgee River is important to Aboriginal groups including the Ngunnawal, Wiradjuri and Nari Nari. Descendants of these groups maintain a close interest and involvement in the management of the Murrumbidgee River Corridor and early engagement with traditional custodians would be required if the proposed growth locations progress further.

[16] A background document to the draft strategies.
[17] For increased stock/household water consumption and potential unauthorised extraction from the Murrumbidgee River.

- The proposed areas of growth close to the ACT border would result in potentially increased ignition risk, and increased reliance on the ACT fire management capability to protect properties.
    - If the potential growth areas are progressed further, bushfire planning would need to be undertaken to fully understand and mitigate the requirements and risks. The Emergency Services Authority (ESA), Rural Fire Service and ACT Parks and Conservation Service would each require engagement and concurrence prior to any planning decisions being finalised.
- Growth and change in SMRC has the potential to introduce pests and weeds into adjoining sensitive environments in the ACT. If the potential growth areas are progressed further, pest plant and animal considerations would need to be incorporated into planning outcomes. This would include a requirement for specific containment of recognised pest species that have the potential to spread into the ACT conservation estate and the potential incursion of weeds into the landscape.

Murrumbidgee River Corridor

The Murrumbidgee River Corridor is of critical importance to the long-term survival of native fish within the ACT and broader catchment.[18] The Murrumbidgee River, in the vicinity of the proposed growth areas, has the potential to support:

- Trout Cod, listed as endangered under the provisions of the Nature Conservation Act 2014 (NC Act) and the Commonwealth's Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act);
- Murray Cod, listed as vulnerable under the EPBC Act; and
- Murray Crayfish listed as vulnerable under the NC Act.

As noted above and in Attachment C, the values of the aquatic environment of the Murrumbidgee River have not been adequately addressed in the documentation accompanying the draft strategies.

The ACT Government also has concerns with the impact of growth on the landscape setting of the Murrumbidgee River Corridor, and cite the *Murrumbidgee River Corridor Management Plan* (1998) which states (page iii):

> *"The Corridor forms part of the ACT's open space system that contributes to the unique landscape setting of Canberra and provides diverse ecological, scenic, cultural and recreational resources. While recreation is the key use of the Corridor, conservation of its natural and cultural heritage is the primary goal for management".*

Section 4.4 of the Plan addresses landscape values and has the following objectives:

- To safeguard the visual character of the Corridor as a regional geographic and cultural entity.
- To explicitly recognise the valuable natural and cultural elements of the Corridor scenery.
- To identify which of the Corridor's visual resources are significant.
- To protect significant elements in the Corridor scenery from inappropriate change to ensure that these are not compromised or lost.
- To minimise the visual intrusiveness of buildings, roads and utilities within the Corridor.

[18] Further evidence supporting the importance of the Murrumbidgee River is available at https://www.researchgate.net/publication/262839916_Lintermans_M_2000_The_Status_of_Fish_in_the_Australian_Capital_Territory_A_Review_of_Current_Knowledge_and_Management_Requirements_Technical_Report_15_Environment_ACT_Canberra_128_pp

The ACT Government notes that the Management Plan describes (section 11.2.3, page 61) the importance of maintaining the rural character in the Lanyon Landscape Conservation Reserve. While this area is north of Smiths Road, within the ACT, the landscape considerations in the Management Plan are important for protecting the rural context of this area, and could also apply to other parts of the Murrumbidgee River Corridor. They include retaining a viable rural operation, prohibiting incongruous elements in the landscape, and retaining the historic rural landscape setting by ensuring that land management practices are conducive to it (e.g. retaining fence alignments, paddock sizes, rural buildings and the like).

Namadgi National Park

Namadgi National Park conserves a wide variety of ecosystems and contributes to regional ecological connectivity through its links to reserves within NSW.

The plant community in the vicinity of Smiths Road is classified as Broad-leaved peppermint-Candlebark tall dry sclerophyll open forest of quartz-rich ranges of the upper South East Highlands and lower Australian Alps bioregion.

The area was affected by the January 2020 fires, particularly the western side of Boboyan Road which consists mainly of charred tree trunks with little canopy and bare ground. Regrowth of understorey vegetation and re-sprouting of larger eucalyptus trees is now occurring. Areas within the National Park and adjoining NSW that have not been as severely impacted by fire offer a significant refuge and habitat to species that have been displaced. Planning changes to zoning and lot size would have an impact on this refuge capability, and must be fully considered.

At least 35 species of mammals, 14 species or subspecies of frog, over 41 species of reptiles, four native fish species and over 130 species of birds have been recorded in Namadgi National Park. There are at least 13 animal species listed as threatened under the *Nature Conservation Act 2014* (ACT), which are considered to have a likelihood of occurrence within the Smiths Road locality, as listed in Attachment D.

Summary

In summary, the proposed location of growth in SMRC has the potential for significant environmental impact on highly sensitive environments within the ACT and region, including the Murrumbidgee River Corridor and Namadgi National Park. In addition, growth has the potential for wider impacts at a landscape scale, affecting the ability of the region and its ecological communities to respond and adapt to risk such as drought, bushfire and other impacts of climate change. The strategies should provide additional evidence that such impacts have not only been adequately explored, but also that they can be adequately mitigated. Accordingly, the precautionary principle should apply (see below under 'Summary and next steps').

General Comments

The following aspects of the draft strategies are highlighted for consideration:

- There is a proposed minimum lot size discrepancy between the draft Settlements Strategy (16ha) and draft Rural Land Use Strategy (15ha) for Smiths Road.
- There are policy discrepancies between the two strategies. For example, recommendation No. 9 of the draft Rural Land Use Strategy (prohibiting rural residential in areas not proximate to settlements) conflicts with recommendation No. 34 seeking to rezone part of Smiths Road (not proximate to any settlement) to E4 Environmental Living (a type of rural-residential development).
- The recommendations in the tables in both draft strategies could be grouped under locality headings, as it is presently unclear exactly where several of the recommendations apply. For example, in the draft Rural Land Use Strategy, it is not stated that recommendations 34, 35 and 36 all apply to the Smiths Road locality.

- The documents are unclear about whether Smiths Road is regarded as part of the 'Canberra Corridor'. Smiths Road is identified as being in the 'Murrumbidgee Mountains' sub regional area, but is also referred to as being within the 'Canberra Corridor' sub-region (draft Settlements Strategy, page 222).

ACT-NSW Memorandum of Understanding on Regional Collaboration

To support ongoing collaboration on regional issues, the ACT Chief Minister and the NSW Premier renewed the ACT-NSW Memorandum of Understanding (MoU) on Regional Collaboration in 2020. Please note that the MoU is still awaiting public release.

The MoU sets the overall framework within which the ACT and NSW will work together in the delivery of targeted services, economic outcomes and the implementation of policy to cross border communities.

Key priority areas for future collaboration under the MoU include:

- A regional approach to health outcomes.
- Ensuring the provision of public infrastructure keeps up with population growth to realise the productive potential of the Canberra Region's infrastructure and transport capabilities.
- A coordinated approach to strategic water and land use planning issues, including the establishment of a cross-border land and housing monitor and framework to better track and forecast housing land releases in the Canberra Region.
- Protecting the Canberra Region's diverse natural environment which underpins the Canberra Region's character and liveability as well as its economic development potential.
- Development of a Canberra Region Economic Development Strategy.

The MoU supports the ACT Government's comments in this submission. In particular, the MoU:

- Recognises the unique attributes of the Canberra region (including environmental) and seeks a borderless approach that optimises the best outcomes.[19]
- Recognises the SETRP and the ACT Planning Strategy as providing the principal policy frameworks for regional growth and the importance of taking a regional approach to strategic water and land use planning.
- Recognises the unique environmental qualities of the Canberra region, and the importance of natural resource management at a 'landscape scale' (i.e. looking at the landscape holistically and across borders). Under the MoU, the ACT and NSW agree to establish a Cross Border Steering Committee to develop a Natural Resource Management Action Plan, based on similar models for landscape scale cooperative management.

4. Summary and next steps

In summary, the ACT Government:

- Recommend SMRC consider retaining the current E3 - Environmental Management zone for Smiths Road as the most appropriate zone having regard to the regional environmental values of the area and potential issues and risks associated with more intense development under an E4 - Environmental Living zone in this particular location.
- Expresses a willingness to engage in the preparation of a management plan or similar (to be led by SMRC) for the existing community at Smiths Road, addressing operational issues associated with existing access, transport, waste, community services, asset protection, environment protection and disaster relief.

[19] The Canberra Region includes the ACT and south-eastern NSW (*ACT-NSW Memorandum of Understanding for Regional Collaboration* (2020) - page 2)

- Request that if further consideration is to be given to potential growth at Michelago and Smiths Road, further engagement occur with the ACT on the significant biodiversity values of the Murrumbidgee River Corridor and Namadgi National Park, and the potentially adverse direct and indirect impacts of growth on ecological, heritage and landscape values.
- Requests further engagement with the ACT in respect to the Michelago Master Plan, having regard to the infrastructure, transport and environmental implications for the ACT.
- Recommends to SMRC that any further consideration of a rezoning of Smiths Road to E4 - Environmental Living only occur if it can be demonstrated that issues including (but not limited to) biodiversity protection, access, natural hazard management, waste, community services, infrastructure, transport and potential direct and indirect environmental impacts have been satisfactorily addressed in a manner that minimises risk to the environment, and to SMRC and the ACT Government.
- Requests further engagement with SMRC in relation to the new draft Snowy Monaro LEP and DCP, which will give effect to the draft strategies.

Attachment A - 2019 ACT Government Submission to Discussion Paper

ACT Government submission on the 2019 Snowy Monaro Region Planning and Land Use Discussion Paper

This submission reflects the ACT Government's consideration of the key planning issues outlined in the Snowy Monaro Region Planning and Land Use Discussion Paper ('the paper') and includes comments to guide further consideration to the key issues, acknowledging the paper reflects the start of an iterative process towards the development of a draft Settlements Strategy and a Rural Land Use Strategy for the region. Our feedback reflects consultation across the ACT Government and includes input from

Transport Canberra and City Services, the Environment, Planning and Sustainable Development Directorate and the Chief Minister, Treasury and Economic Development Directorate.

The ACT Government would welcome the opportunity to remain engaged throughout the development of the Snowy Monaro Regional Council's land use strategies, to support alignment of planning and policy considerations with priorities articulated within key strategies, including the ACT Government's Planning Strategy and the associated NSW Government's South East and Tablelands Regional Plan. The ACT Government's analysis of key planning and policy related issues is provided in detail below. The ACT Government is supportive of policy proposals that:

- make best use of existing infrastructure and services to support their growth and to minimise the impact on surrounding rural and environmental areas. Sustainable development of the Region is underpinned by residential and rural residential growth in and around existing towns and villages;
- minimise the pressure on existing ACT physical and social infrastructure and ensuring the efficient and economic provision of urban infrastructure such as roads, water and utilities;
- consider the full impact of planned nationally significant infrastructure investment in the region, such as Snowy Hydro 2.0, in terms of the expected economic and development opportunities upon the Snowy Monaro and broader Region;
- Protect the Namadgi National Park and the Murrumbidgee River Corridor and their surrounding environs from the direct and indirect impacts of development (including subdivision); and
- Ensure biodiversity connectivity at a landscape scale, which is both within the Snowy-Monaro Region and across the border with the ACT, by ensuring land is not fragmented through subdivision or other development types.

The ACT Government also recommends further analysis on the options to ensure:

- the Bombala Rail line proposal takes account of the intrinsic constraints to a Canberra Airport spur line within the ACT; and
- the rural and natural landscape setting of the National Capital and visual qualities of the landscape are maintained, when viewed from national approach routes such as the Monaro Highway.

More detailed comments are presented below, grouped as issues relating to Planning, Development, and finally those relating to Land Use and Environment.

Planning

Location of growth

The location and type of growth in the Region, and particularly in adjoining jurisdictions, has implications for the ACT. There has been increasing interest in the development of NSW rural areas located within commuting distance of Canberra. These areas are not contiguous with existing urban areas or towns, and proposals for urban development raise a number of concerns regarding sustainability, infrastructure servicing and the environment. Additionally, growth close to the ACT/NSW border may affect the landscape setting and approach routes to the National Capital. The ACT Planning Strategy and the NSW South East and Tablelands Regional Plan both direct growth to existing urban areas, towns and villages to make the best use of infrastructure and services, to support their growth and to minimise the impact on surrounding rural and environmental areas. Transport impacts would be considered by the ACT through the policy directions identified in both the Transport for Canberra and Moving Canberra strategies.

Future Growth Option 1 — Canberra Corridor

The paper identifies a 'Canberra Corridor' growth option (Page 10), outlining the potential expansion of Michelago and Smiths Road as an option due to existing demand, however further detail is required to understand the impact of this option upon Canberra and the surrounding Region. In the absence of detail, it is not clear whether growth would be through rural-residential development, or the expansion of existing towns. We would be concerned with 'corridor' or 'ribbon' growth, particularly along the Monaro Highway, as this is a key approach route to the National Capital. Rural residential development in locations that are isolated from existing towns and centres do not typically represent a sustainable pattern of development and appear contrary to endorsed planning policies of the ACT and NSW Government strategies mentioned above.

The ACT Government supports appropriate levels of expansion for existing towns in the Canberra Region, however the paper notes that there is demand to grow Michelago 'possibly even to a town that would rival Cooma' (Page 12). The proximity of Michelago to Canberra (a one hour journey by car) presents initial concerns with respect to its proposed expansion. These concerns are largely founded on the risk that expansion of Michelago may result in it becoming a 'dormitory suburb' of Canberra, with the potential for high levels of car-based commuting in the absence of an effective public transport service (whether by rail or bus) and consequent access issues associated with entering and exiting the Monaro Highway from any future developments. Increased road travel would also place pressure on the Monaro Highway, as well as bring potential associated social and environmental impacts. We note that the traffic impact may be mitigated through future road improvements in this corridor which are under consideration by the NSW and ACT Governments. Notwithstanding rail and road network improvements, the development potential could be significantly undermined without investment in the railway stations proposed. While the report notes that there would be benefits associated with fulfilling the demand for growth in the area, the only negative that is mentioned is the lack of reticulated water or sewerage. We note that as the rates would go to the Region while the residents would benefit from Canberra's services, from an ACT perspective it is important to consider the associated revenue implications of Michelago residents requiring many services from Canberra. Following on from this, it should be noted that the ACT may not be in a position to supply water to NSW (further detail on this is included under the Land use and Environment section below) which is important in context of the lack of reticulated water in Michelago.

Smiths Road is a small community located between the ACT border and the Murrumbidgee River in the north of the Snowy Monaro LGA. It is accessible through the ACT, but not from within the LGA. Intensified rural residential development at Smiths Road may lead to pressure for the inefficient provision of urban infrastructure and services to an isolated location and has the potential to impact on the rural and bushland setting of the National Capital. Further, it may set a precedent for similar

development in other areas of the LGA (particularly those within commuting distance of the ACT). While zoning provisions are a matter for further analysis and determination by Snowy Monaro Regional Council (also see Land use and Environment) in the absence of any further detail at this stage, the ACT Government would be concerned with intensified rural residential development in the Smiths Road area.

The paper states that given the dependency of Michelago and Smiths Road on Canberra for services and employment, a regional growth strategy should be prepared with the ACT Government. The South East and Tablelands Regional Plan and the ACT Planning Strategy provide an existing policy framework for decisions on growth in NSW and ACT. The ACT Government would welcome opportunities to participate in discussions to set a strategic direction for Smiths Road to address issues such as: access, transport, waste, community services and disaster relief. An appropriate document to deliver this direction could be the future Settlement Strategy.

Future Growth Option 2 — Cooma to Jindabyne corridor

The proposed growth in the Cooma to Jindabyne corridor offers benefits in the form of Cooma, Berridale, Jindabyne and surrounds being more integrated as one urban area that can attract investments in employment, housing and services for the Region. Another benefit is that the majority of the civil infrastructure is in place, though this would still require upgrading to service a larger population, employment and services base. This option would appear to be the more favourable for council in attracting new residents and employment to the Region.

Development

Bombala rail line

There are two rail lines through the ACT, the Sydney to Canberra line into Fyshwick (to Kingston Station) and the Bombala line which runs along the ACT-NSW border to Cooma.

In August 2018, the NSW Government announced a feasibility study into the reinstatement of the non-operational rail line between Queanbeyan and Bombala, which would also include an extension to Canberra Airport and the Port of Eden. The paper states that reinstating the Bombala rail line would potentially enable the development of a rail commuting corridor from future residential development areas in Michelago, Bredbo and Cooma to the ACT. The proposal also includes a rail link to Canberra Airport in order to link the south-east Region by rail to international destinations. The paper indicates that the success of the rail line lies in a combination of commuter, intra-state movements, tourist and light freight operating through on-demand model. That being said, the paper could benefit from reference to current Canberra to Eden rail proposals, such as from the Cooma Monaro Progress Association, to better define the long-haul freight task and throughput at Eden.

In principle we support connecting Eden Port to Canberra Airport by rail, however, this is with the presumption that this rail link would be freight focused, with the movement of bulky goods, containerized products and potentially defence capabilities. We do note that if the dominant purpose of the rail is for freight, this might then not drive economic growth to the Jindabyne-Cooma corridor, as the dominant economy of this corridor is largely dependent on service and tourism sectors, not freight. Similarly, there might be a question as to whether the proposed settlement pattern (Figure 12, Page 16) brought about by the addition of a new Canberra to Eden railway line would indeed facilitate a more balanced hierarchy of centres from a freight focused rail.

The paper includes a comprehensive list of benefits to support planning consideration for the Bombala rail line, however future planning would benefit from detailed consideration of the line's closure, noting low patronage and high maintenance costs remain outstanding concerns and are expected to be canvassed as part of the upcoming feasibility study. It is yet to be demonstrated that a reintroduced rail service could effectively service the commuter trip patterns of those people

accessing origin stations in the Snowy Monaro Region to enable a substantive reduction in car dependency. For example, only a small proportion of commuters would be traveling to Canberra Airport and scheduling is unlikely to be competitive to car travel times.

The Bombala railway discussion could benefit from specific reference to the Canberra spur line. While the ACT Government supports proposals to improve transport in and out of the ACT, there are a number of constraints and limitations to a potential rail link to Canberra Airport. These include land custodianship (Defence and Airport land, and long term leases); safety and security matters (HMAS Harman); airport operational issues and potential biodiversity issues. Further to this the responsibility for funding the construction of a 5km spur line from the current railway line to Canberra airport remains unresolved by the directions within the paper.

Discussions between the ACT Government, the CRJO and the NSW Government would need to be undertaken to understand how a future rail line could be integrated with our transport network in the ACT (i.e. ticketing, freight, development opportunities etc.). Were the rail proposal to progress, then opportunities should also be explored to support an intermodal freight hub within Canberra. Further work would be required to better define this opportunity, and to ensure that lands are preserved for this purpose. Similarly, the paper suggests that station locations at Hume and Fyshwicl< could also be considered on the way to Canberra Airport. This would have land use/transport access implications that need much greater focus once possible station locations are identified.

From a broader perspective, the reinstatement of the Bombala railway is a main focus of the paper, and while the benefits of the Region from the reinstatement of railway are made clear, there could also be merit in discussion of a future scenario of the Region without the railway, perhaps instead we might see enhancement around existing road corridors.

Snowy Hydro 2.0

The paper briefly mentions the Snowy Hydro 2.0 project and notes that its impact on the LGA is still unclear. We note that the project has not been considered in the population project projections in the Paper (21,550 people by 2036, an expected increase of 895 people from the 2017 estimated resident population of 20,655).

There will likely be significant flow on effects for the ACT Government's provision of critical community services. A major engineering project of this scale in the Region will attract both skilled and unskilled workforce, requiring careful planning and coordination between the NSW and ACT Governments to promote targeted service delivery for the growth associated with Snowy Hydro 2.0. We would welcome further discussion when further detail is known of the project, including any revisions to expected population growth to inform the identified future growth options.

Land use and Environment

Rural land use

The paper questions the continued relevance of the RUI Primary Production zone (Page 24) and argues that the Canberra Corridor could be rezoned to RU2 Rural Landscape in order to maintain the character of the landscape as a core objective, while permitting continued agricultural activities (Page 80).

While supporting the emphasis on landscape quality, particularly in the Canberra Corridor and approaches to the National Capital, as a general principle, we would be cautious about zoning changes that result in a reduction in minimum allotment size and resultant intensification of residential development close to the ACT/NSW border. As noted under Planning above, such development can lead to a range of planning, environmental and infrastructure concerns, while potentially affecting the landscape setting of the National Capital.

The paper notes the high landscape value of areas surrounding Michelago and the high residential land values (Pages 69-70), and states that it may be appropriate to reduce minimum allotment sizes to encourage rural lifestyle blocks, though there needs to be analysis of the planning considerations (other than the already noted high biodiversity values of the area). Figure 41 (Page 71) shows the potential E4 Environmental Living zone (permissible of rural-residential) extending in a linear pattern along the Monaro Highway. This raises concern for the ACT as dispersed rural-residential development, and ribbon development are not generally sustainable patterns of development within the Region (see Future Growth Option 1).

A general concern arising from rural residential development is that it may result in the fragmentation of rural land, with potential impacts on biodiversity connectivity. In addition, this form of development may have a range of other direct and indirect environmental impacts including: weed and feral animal proliferation and control; introduction of domestic animals; fire management; vegetation and habitat . clearance for development and infrastructure provision; and decline in water quality. Rural residential development in locations such as Smiths Road, instead of adjacent to existing towns and villages, does not align with the South East and Tablelands Regional Plan (Direction 28: Manage rural lifestyles Page 56). The South East and Tablelands Regional Plan outlines that rural residential areas should be close to existing urban settlements, avoid and minimise land use conflicts and avoid areas of high environmental significance. The Smiths Road area is isolated, un-serviced and has significant issues associated with slope, fragile soils, threatened species, proximity to the Murrumbidgee River, as well as having risks associated with bushfires and with access and egress to the Monaro Highway. Parts of Smiths Road have high conservation value due to biodiversity assets. The paper identifies that a large part of Smiths Road commencing close to the ACT border and extending a significant distance in all directions (including along the Murrumbidgee River), could be rezoned from E3 Environmental Management (a zone for areas with significant biodiversity values) to E4 Environmental Living (permissive of rural residential), (Figure 42, Page 73). A potential reduction in the minimum allotment size from 80 to 15 hectares is also indicated. While the paper states that the rezoning of Smiths Road could be feasible in economic terms, it would benefit from discussion regarding planning rationale. Zoning changes could lead to a greater number of residents living adjacent, or in close vicinity to the important natural environments of the Namadgi National Park in the west, and the Murrumbidgee River in the east.

Water

The ACT Government recognises that sustainable growth of the Canberra Region l is contingent on the supply of essential services, such as a potable water supply. The ACT, through Icon Water, currently supplies potable water to Queanbeyan under an established agreement. Expansion of this supply to other regional towns such as Bungendore, Murrumbateman and potentially to Michelago, may require the ACT and NSW to have established water trading arrangements, where NSW would purchase water from the Territory. Any trading of water would have to be based on ensuring security of supply to the ACT (including its further growth and development) ahead of providing for additional NSW regional needs. The ACT Government's Environment Planning and Sustainable Development Directorate is facilitating discussions with Icon Water and the Chief Minister, Treasury and Economic Development Directory about the high level implications on ACT water resources from future regional growth and development.

The ACT Government has also set up as a statutory body, the ACT and Region Catchment Management Coordination Group, to facilitate coordination and cooperation between all levels of Government, Icon Water and the community about catchment and water management issues. The issue of regional water supply is currently being considered by this Group.

Biodiversity conservation

South eastern NSW and the Canberra Region is rich in significant environmental assets (threatened species and ecological communities) and in communities engaging in protecting and managing natural landscapes. It will be important that on-ground management has a coherent, strategic

whole-oflandscape approach to enable cooperative stewardship across tenure and boundaries. This is critical for the conservation and recovery of the Region's grasslands, woodlands, riparian and wetland areas and their associated fauna communities.

The South-East and Tablelands Regional Plan seeks to enhance biodiversity connections (Direction 15: Enhance biodiversity connections Page 37) across NSW and the ACT by: protecting and enhancing the function and resilience of biodiversity corridors, improving planning authority access to regional biodiversity corridor mapping and methodology, confirming and validating the location of boundaries of regional biodiversity corridors, and focusing offsets from approves developments to regional biodiversity corridors. Enhancing biodiversity connections is also a key aspect of the Great Eastern Ranges initiative. In preparing the future Land Use Strategy, it will be important to identify and map the environmental assets and connectivity at a landscape scale, and develop collaborative approaches to manage these assets.

[1] Comprising the ACT and the surrounding NSW Local Government Areas of Bega Valley, Eurobodalla, Goulburn Mulwaree, Hilltops, Queanbeyan-Palerang, Snowy-Monaro, Upper Lachlan, Yass Valley and Wingecarribee (source: ACT Planning Strategy 2018; South East and Tablelands Regional Plan (NSW Government, 2017).

Attachment B - 2019 ACT Government Submission to Snowy Monaro Regional Local Strategic Planning Statement

Introduction

The Australian Capital Territory (ACT) Government is pleased to make a submission to the Snowy Monaro Regional Council's (SMRC) draft Local Strategic Planning Statement (LSPS). The ACT Government acknowledges the importance of the LSPS as a key planning document for the region. The LSPS links the NSW Government's South East and Tablelands Regional Plan (SETRP) to local planning documents such as local planning strategies, Local Environmental Plans and Development Controls Plans.

The submission has been informed by directorates within ACT Government, most notably the Environment, Planning and Sustainable Development Directorate (EPSDD).

The submission provides comments and input in five main areas (section 3):

- Role of the LSPS
- Location and type of population growth in the Snowy Monaro region
- Environmental issues
- Broader contextual considerations for the region, and
- General comments and clarifications on aspects of the plan.

The submission concludes with a number of proposed next steps for further engagement between the ACT Government and the SMRC in relation to the plan.

ACT Submission to Discussion Paper

In March 2019, the SMRC released the Snowy Monaro Planning and Land Use Discussion Paper ('the discussion paper'). On 12 April 2019, the ACT Government provided a written submission to the discussion paper (Attachment A). In that submission, the ACT Government affirmed support to work with SMRC, while highlighting the need for more detail on future land use strategies, to support consideration of the impacts of growth in the Snowy Monaro region.

The ACT Government response to the discussion paper remains relevant to the draft LSPS and should be considered in conjunction with this submission.

Comments

Role of the LSPS

The LSPS seeks strong alignment with the SETRP and provides a sound overarching statement to commence more detailed strategic planning for the Snowy Monaro Region.

The ACT Government notes that the LSPS has been prepared prior to the preparation of the Settlements Strategy and Rural Lands Strategy that were (according to the previous discussion paper), intended to inform it. To some extent, the LSPS lacks a level of clarity that may have been available had these documents been completed prior to the preparation of the LSPS. For example, a strategic direction is yet to be determined for Michelago and Smiths Road, two areas that have implications for the ACT. On the current level of information, it is difficult for the ACT Government to comment in detail on these areas beyond what has already been outlined in our comments on the discussion paper.

Once the Settlements Strategy and Rural Lands Strategy have been completed, it would be useful for the LSPS to be updated to provide further clarification of key policy directions. We would appreciate further at that stage.

Location of growth

The LSPS (page 40) states that Council will actively pursue population growth through a '*sustainable approach to growth through well planned and environmentally sensitive developments'*. This approach is supported because, as the ACT Government noted in its submission on the discussion paper, the location and type of growth in adjoining jurisdictions have implications for the ACT.

There has been increasing interest in the development of NSW rural areas located within commuting distance of Canberra. Typically, these areas are not contiguous with existing urban areas or towns, and proposals for urban development raise a number of sustainability, infrastructure servicing and environmental concerns. In addition, growth close to the ACT/ NSW border may affect the landscape setting and approach routes of the National Capital.

The LSPS divides the Snowy Monaro into subregions, with those of primary interest to the ACT Government being the Canberra Corridor and Murrumbidgee Mountains areas, as identified in Figure 1 (page 7) of the LSPS.

Canberra Corridor

In the ACT Government's comments on the previous discussion paper, it raised concern with a 'Canberra Corridor' growth option due to the potential for 'ribbon' growth (particularly along the Monaro Highway - an approach route to the National Capital) and with rural residential development in locations that are isolated from existing towns and centres. These growth options do not typically represent a sustainable pattern of development and appear contrary to endorsed planning policies of the ACT and NSW Governments.

The LSPS notes that the Canberra Corridor area is within a 1-hour commute of central Canberra and this proximity has led to growth pressures in the Snowy Monaro Region. It notes (page 8) the SETRP direction that growth be directed to existing settlements and identifies Michelago as *'the most likely location for significant population growth'.*

Michelago is a small community of around 500 people located approximately 50 kilometres south of Canberra on the Monaro Highway. The LSPS indicates that the Michelago community is supportive of expansion to allow for more services in the town, while ensuring the village character is maintained.

The discussion paper indicated potential growth of Michelago on both sides of the Monaro Highway. The LSPS now indicates potential expansion of Michelago being contained on the eastern side of the Monaro Highway (Figure 23, page 67), although extending some four kilometres along the Highway. This presents a risk of ribbon development along the Highway (and consequent landscape and servicing issues). Ribbon development is inconsistent with the SETRP and potentially the LSPS itself, which states *'Council will minimise ribbon development on the fringes of settlements and along classified roads'* (page 37).

Whilst the ACT Government supports appropriate levels of expansion of existing towns, given the proximity of Michelago to Canberra (a less than one-hour journey) the concerns identified in the previous ACT Government submission on the discussion paper remain relevant. There is a risk that significant expansion of Michelago may result in it becoming a 'dormitory suburb' of Canberra, with the potential for high levels of car-based commuting in the absence of an effective public transport service (whether by rail or bus) and consequent access issues associated with entering and exiting the Monaro Highway from any future developments. Increased road travel would also place pressure on the Monaro Highway, while increased population could have impacts on the social and physical infrastructure of south Canberra.

The ACT Government notes there are infrastructure limitations to growth at Michelago including a lack of reticulated water and sewerage, and that the ACT is not currently in a position to supply water to the Snowy Monaro region (see Environmental Issues: Water, below).

The discussion paper indicated rural-residential investigation areas on both sides of the Monaro Highway at Michelago. The LSPS (Figure 23, page 67) now shows an extensive rural residential investigation area on the eastern side of the Highway, to the south-east of Michelago town. It is noted that some existing rural-residential is located in this area, and that limited rural residential development around existing towns may be appropriate in some settings. However, given the extent and location of the rural residential investigation area shown, the previous concerns of the ACT Government regarding dispersed rural-residential development are of continued relevance (see Environmental Issues: Protection of rural lands, below).

The Murrumbidgee Mountains

The Murrumbidgee Mountains sub-region contains the Smiths Road locality, a small community of around 150 people, located between the ACT border and the Murrumbidgee River in the north of the Snowy Monaro LGA. Due to its location, Smiths Road is not easily accessible by public road from within the LGA.

The LSPS notes that the Smiths Road community is strongly advocating for further development. This has implications for the ACT, as the community generally looks to the ACT to access employment and services. In addition, there are a range of potential environmental implications for the ACT of growth in this location.

The LSPS identifies that there may be an opportunity to revise the zoning for Smiths Road to an environmental living (rural residential) character, while noting that biodiversity values, bush fire risk, access and ground water vulnerability would be key considerations. No detail is provided of proposed minimum allotment sizes or zoning. The discussion paper identified (page 72) that the area is isolated, unserviced and has significant issues associated with slope, fragile soils, threatened species, proximity to the Murrumbidgee River and bushfire risk.

Rural residential development in locations such as Smiths Road, instead of adjacent to existing towns and centres would appear to be inconsistent with the SETRP (Direction 28). The area is isolated, and parts of it are rugged and have high conservation value due to biodiversity assets. Rural residential in this location would lead to a greater number of residents living adjacent, or in close vicinity to the important natural environments of the ACT including Namadgi National Park in the west, and the Murrumbidgee River in the east.

A general concern arising from rural residential development is that it may result in the fragmentation of rural land, with potential impacts on biodiversity connectivity. The LSPS notes (page 78) that the Murrumbidgee Mountains has relatively high biodiversity values and connectivity to Namadgi National Park.

The ACT Government comments on the discussion paper previously noted that rural residential development may have a range of other direct and indirect environmental impacts including: weed and feral animal proliferation and control; introduction of domestic animals; fire management; vegetation and habitat clearance for development and infrastructure provision; and decline in water quality. These concerns remain relevant to the LSPS which itself notes (page 45) under Planning Priority 11, that demand for lifestyle/ rural residential land has increased and has the potential to introduce more people, domesticated animals and weeds into areas of important biodiversity value.

In addition, intensified rural residential development at Smiths Road may lead to pressure for the inefficient provision of urban infrastructure and services to an isolated location. The ACT Government already experiences pressure from Smiths Road residents for upgrading of Angle Crossing Road, which is a low-level road within the ACT, serving the Smiths Road community. The road is frequently flooded, resulting in the community being isolated. Additional risk exists in relation to access and egress during a bushfire.

While zoning provisions are a matter for further analysis and determination by Snowy Monaro Regional Council, in the absence of any further detail at this stage, the ACT Government has ongoing concern with intensified rural residential development in the Smiths Road area.

Environmental issues

Protection of rural lands

The rural lands chapter in the LSPS (page 77) indicates Council's concern about the potential loss, or impaired use of agricultural land as the industry is an important contributor to the Snowy Monaro Council's economy and communities. It identifies that the *'protection of agricultural land'* was one of the top three priorities, in consultation on the discussion paper and that the LSPS 'Planning Priority 1' is '*Promote, grow and protect agricultural production and industry'* (page 17). Land fragmentation is identified as a key risk, and Action 1.2 (page 23) is '*Council will prepare a consolidated LEP which prevents the fragmentation of agricultural and resource lands'.*

The LSPS (page 33) states that Council will investigate opportunities for rural residential development as part of its Rural Lands Strategy and that initial investigations suggest that new rural residential areas could be located at various locations, including Smiths Road and Michelago. It states '*These locations were identified in the land use strategies because they support little agricultural value and have regard to environmental and scenic impact'.* It is unclear what land use strategies are referred to, as it is understood that the Settlements Strategy and Rural Lands Strategy have not yet been prepared. Furthermore, even though agricultural land may not be currently productive, it may still have potential for new or innovative agricultural uses and this is acknowledged elsewhere in the LSPS (page 22, page 77).

In addition, agricultural land may have a range of values beyond agricultural, including scenic and biodiversity. This is acknowledged in the LSPS on page 44 (Planning Priority 10 and Action 10.2) and in the rural lands chapter of the LSPS, which states that rural land is *'critical in preserving the unique environment and landscape that the region is renowned for. As a result, it is important for Council to get rural land use planning right'.* The ACT Government supports this position.

As a general principle, the ACT Government would be cautious about zoning changes in the Canberra corridor or Murrumbidgee Mountains, that result in a reduction in minimum allotment size and resultant intensification of residential development close to the ACT/NSW border. As noted earlier, such development can lead to a range of planning, environmental and infrastructure concerns, and has the potential to impact on the rural and bushland setting of the National Capital. Further, it may set a precedent for similar development in other areas of the LGA (particularly those within commuting distance of the ACT).

Water

The LSPS does not appear to identify the need for any water resources from the ACT.

The ACT Government submission on the discussion paper addressed the issue of regional water supply (from the ACT to NSW). This submission noted that the sustainable growth of the Canberra Region is contingent on the provision of essential services including a potable water supply. As mentioned in the ACT Government submission to the discussion paper, this may require the establishment of water trading arrangements between the ACT and NSW. This discussion remains relevant to the current LSPS and should be addressed as part of the strategy.

We also note that the under the ACT-NSW Memorandum of Understanding on Regional Collaboration, the issue of water supply and long-term security is being examined. Any arrangements to expand ACT water provision to NSW should be subject to community consultation and consideration given the ACT's policy and legislative framework for water resources management.

Although the LSPS identifies the impacts climate change will have on agriculture and the local economy, it could benefit from analysis of the effects that climate change will specifically generate on water supply in the region. The LSPS mentions that rainfall patterns are changing, snowfall is gradually declining, and the climate is on a warming trend. When combined, these factors negatively impact water availability in the region through lower streamflows and higher rates of evaporation in rivers, creeks and water storages.

Biodiversity conservation

The ACT Government submission on the discussion paper commented on the importance of biodiversity connections across NSW and ACT. These comments remain relevant to the LSPS. The ACT Government reiterates the need for the future land use strategy to identify and map the environmental assets at a landscape scale and develop collaborative approaches to managing those assets.

Broader contextual considerations

Transport

The LSPS notes the potential of Canberra International Airport as an important gateway for the region. The ACT Government understands that the Commonwealth has recently approved the Preliminary Draft Canberra Airport Master Plan 2020-2040. It acknowledges the importance of Canberra Airport as a regional and national gateway and the role the Airport can play in providing airfreight opportunities for the South East NSW region.

The ACT Government notes the significant upgrades that have taken place in relation to the Monaro Highway within its borders and that it will continue to work with NSW Government on key strategic roads. The LSPS could include a reference to these upgrades and their impact on the transport arrangements between the ACT and the region.

Canberra – Eden rail concept

The LSPS briefly mentions the NSW Government funded a $1 million feasibility study into the potential of opening a freight and passenger rail line connecting Canberra to the Port of Eden. The LSPS would benefit from an updated position on the feasibility study and its implications for the Snowy Monaro region.

Snowy Hydro 2.0

The LSPS would benefit from further detail on the expected impacts of the Snowy Hydro 2.0 project on growth and settlement in Snowy Monaro.

The ACT Government submission on the discussion paper raised some concerns around the impact of the project on ACT workforce and possible demands on ACT services. In addition, we understand that due to the potential unsuitability of the Port of Eden to transfer construction machinery and materials for Snowy Hydro 2.0, there could be a proposal to transport these items through the ACT[20]. Initial concern was raised in relation to potential impacts on the ACT road network, including the Monaro Highway.

Additional general comments and clarifications

The following general comments are provided for consideration:

- Page 11 - The LSPS might be strengthened by relocating the section 'About the Plan' (page 11) to the start of the document in order to make it clear how the LSPS relates to current and future planning documents. In addition, Figure 3 'Plans that inform the LSPS' could be shown as a linear progression, depicting the plans or strategies that informed the

[20] Meeting ACT Government and Snowy Monaro Region representatives, 24 June 2019.

preparation of the LSPS, and those that will follow after it (e.g. Settlements Strategy and Rural Land Use Strategy).

- Page 19 - A focus on valuing the scenic qualities of the region is evident in the 20 year 'vision' and throughout the document and is supported.
- Page 26 - Planning Priority 3 - Regarding the development of the Snowy Mountains as a year-round alpine destination states that Council will balance the transport needs with the need to prevent congestion. It states that Council will engage with several stakeholders such as the NSW Government, Canberra Airport and the Port of Eden. Engagement with the ACT Government may also be appropriate, particularly over Monaro Highway capacity issues.
- Page 33 - The LSPS notes that Council will 'support land use planning outcomes for rural residential development through appropriate buffers and setbacks from agricultural activities'. Should rural residential policies be progressed further, consideration should be given to buffers to other land uses such as the Namadgi National Park and Murrumbidgee River corridor, in order to protect environmental values.
- Page 37 - Action 6.1 states 'Council to develop a Regional Integrated Transport and Access Strategy' and Action 6.5 states 'Engage with NSW Government to facilitate improvements for: Monaro Highway…'. Engagement with the ACT Government is also encouraged.
- Page 44 - 'Planning Priority 10 'Protect and enhance the scenic landscape of the Region' is supported. This section notes that the growth of urban areas can impact on the landscape and identifies development on ridgelines as an example. Ribbon development that stretches along key roads can also impact on scenic quality.
- Page 46 - States that 'Council will 'locate new residential and rural residential areas to avoid areas of high environmental value and important agricultural land'. Other relevant considerations could be mentioned such as access, bushfire and infrastructure capacity.
- Page 50 - The first paragraph could be clarified as it currently reads as though the Settlements Strategy has already been prepared in identifying that 'the five town plan is a core part of the settlements strategy'.
- Page 81 - The objectives for rural lands are supported including 'avoid fragmentation of agricultural land and other pressures of urban growth by setting appropriate lot sizes in agricultural areas consistent with the economics of local and regional production systems'. This objective could be enhanced by referring also to environmental values.

  The ACT Government supports the actions including 10.1 *'Identify significant landscape areas as scenic protection areas in the LEP and DCP'* and 10.2 '*Prepare a Rural Land Use Strategy which considers the visual importance of the rural landscapes throughout the region'*.

Summary and next steps

In summary, the ACT Government is supportive of policy proposals that:

- Support the sustainable development of the region by ensuring appropriately scaled residential and rural residential growth occurs in and around existing towns and villages, to make the best use of existing infrastructure and services, to support their growth and to minimise the impact on surrounding rural and environmental areas.
- Minimise the pressure on existing ACT physical and social infrastructure and ensure the efficient and cost-effective provision of urban infrastructure such as roads, water and utilities.
- Protect the Namadgi National Park and the Murrumbidgee River Corridor and their surrounding environs from the direct and indirect impacts of development (including subdivision).

- Ensure biodiversity connectivity at a landscape scale, which is both within the Snowy-Monaro Region and across the border with the ACT, by ensuring land is not fragmented through subdivision and other development types.
- Ensure the rural and natural landscape setting of the National Capital and visual qualities of the landscape are maintained, when viewed from national approach routes such as the Monaro Highway.
- Consider the full impact of planned nationally significant infrastructure investment in the region, such as Snowy Hydro 2.0, in terms of the expected economic and development opportunities upon the Snowy Monaro and broader region.

The ACT Government, through officials including EPSDD and CMTEDD would be interested in further engagement with Snowy Monaro Regional Council on detailed strategic planning work arising from the LSPS, in the context of the SETRP and the ACT Planning Strategy.

Specifically, because of the importance of regional settlement issues to the ACT, the ACT Government would be interested in engagement on the following documents mentioned in the LSPS.

- Michelago Master Plan (Action 4.6, page 30, also mentioned on page 66)
- Water Options Study for Michelago (Action 8.2, page 40)
- Rural Lands Strategy (Action 1.1, page 23, Action 4.1, page 30)
- Settlements Strategy (Action 4.3, page 30)
- Regional Integrated Transport and Access Strategy (Action 6.1, page 37)
- Follow-on statutory documents (e.g. LEP and DCP)

It is understood from discussions with Council staff that these documents will be developed later in 2020 and will feed back into a review of the LSPS. It is understood that this review can occur independently of the seven-year formal review of the LSPS.

Attachment C - ACT Comments on the Snowy Monaro Biodiversity Study

EPSDD (Environment Division) has reviewed The Snowy Monaro Biodiversity Study (15 December 2019) by Molonglo Conservation Consulting Group, and considers the study inadequate in its overall coverage of threatened freshwater fauna. The following concerns are identified:

- There is insufficient consideration given to impacts from water abstraction and loss of connectivity, let alone in the context of climate change. For example, changes to refugia for terrestrial species is presented, however there is nothing presented for aquatic species.
- Figure 6 in the report (page 40) does not show the ACT Water Management area, nor does the figure consider the Murrumbidgee River as having any significant value, despite it being the primary habitat for multiple threatened species (e.g. Murray crayfish, Murray cod, Trout cod, Macquarie perch).
- Figure 12: Biodiversity corridors (page 47) does not consider the Murrumbidgee River corridor as having any connectivity values.
- While there is some acknowledgement of threatened species in the report (e.g. in relation to Smiths Road (page 67), the report does not mention Murray River crayfish. Nor does the report consider threatened species in a broader landscape context. For example, outside of the Cotter River catchment, the only existing self-recruiting population of Macquarie perch upstream of Burrinjuck dam is in the Upper Murrumbidgee River.
- The report needs to directly consider the inter-related threats associated with climate change, increased water abstraction, pollution and increased anthropogenic pressures, such as direct take of species (e.g. fishing).

Attachment D - Species with a likelihood of occurrence in the Smiths Road locality

There are at least 13 animal species listed as threatened under the Nature Conservation Act 2014, which are considered to have a likelihood of occurrence within the Smiths Road locality[21]:

- Northern Corroboree Frog (*Pseudophryne pengilleyi*)
- Two-Spined Blackfish (*Gadopsis bispinosus*)
- Trout Cod (*Maccullochella macquariensis*)
- Macquarie Perch (*Macquaria australasica*)
- Murray River Crayfish (*Euastacus armatus*)
- Hooded Robin (*Melanodryas cucullate*)
- Scarlet Robin (*Petroica boodang*)
- Brown Treecreeper (*Climacteris picumnus*)
- Varied Sitella (*Daphoenositta chrysoptera*)
- Little Eagle (*Hieraaetus morphnoides*)
- White-Winged Triller (*Lalage sueurii*)
- Smoky Mouse (*Pseudomys fumeus*)
- Spotted-Tailed Quoll (*Dasyurus maculates*)

Rosenberg's Monitor (*Varanus rosenbergi*) is also known to occur in the locality.

[21] Advice of Environment Division and Conservator Flora and Fauna, Environment Planning and Sustainable Development Directorate, 12 November 2020.

ACT Government

Chief Minister, Treasury and Economic Development Directorate

November 2020

Brooke Davey

From: Easements&Development <Easements&Development@transgrid.com.au>
Sent: Tuesday, 13 December 2022 11:55 AM
To: Brooke Davey
Subject: RE: 2022-603 Commencement of Exhibition of Revised Land Use Strategies and Draft Snowy Monaro Local Environmental Plan [Official]
Attachments: 20221206 - Transgrid Plan of Snowy Monaro LGA & TL Easements & Infrastructure.pdf; 20221207 - Transgrid Plan of Cooma Substation & Transmission Line Easements.pdf; Transgrid Easement-Guidelines.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Brooke,

Transgrid Reference Number: 2022-603

Thank you for notifying Transgrid about this planning matter.

We have reviewed the Snowy Monaro draft Land Use Strategies & Draft LEP it is noted that there is no change to the existing zoning for our freehold substation landholdings in Cooma. The other four substations we have in the Snowy Monaro LGA are located on land controlled by the National Parks & Wildlife Service (NP&WS). The four substations on NP&WS land are:

- Guthega 132kV Substation;
- Munyang 132kV substation;
- Snowy Aditi 132kV Substation; and the
- Jindabyne Pump.

Please find attached a Transgrid plan of the Snowy Monaro LGA, identifying therein Transgrid's substations, transmission lines and radio repeater stations (RRS). Also attached are Transgrid plans of our land interests in Cooma. The plan showing to transmission line outlet easements to the north of our substation is provided because in the draft Settlements Strategy it proposes to allow the development of housing in Cooma north as part of the short to medium term housing needs. This includes the area that this subject to our transmission line easements for which we request to be consulted early in the design stages of any proposed development.

The draft Settlements Strategy specifically mentions Lot 101 in DP1183622 (**Lot 101**) being land that is located immediately adjacent to Transgrid's Cooma substation landholding. Lot 101 is also subject to two Transgrid high voltage transmission lines (**HVTL**) and the easements they sit within. On page 124 of the draft Settlements Strategy, it recommends investigating the rezoning of Lot 101 from *R5 Large Lot Residential* to *R2 Low-Density Residential* and reducing the minimum lot size accordingly.

In constraints mapping the Cooma north area for housing development, it is requested that Transgrid's transmission line easements be identified and ensure that no residential subdivisions encroach the transmission line easements. In additional to being in the interests of public safety around our HVTL, this buffer away from our infrastructure is also to ensure Transgrid maintains safe access along the easements to operate and maintain the HVTL, without adverse encroachment arising.

Apart from the abovementioned requested development restrictions and HVTL constraints, there are no other specific concerns regarding the Snowy Monaro draft Land Use Strategies and draft LEP. We nonetheless make this submission and request that Transgrid be consulted where any new development is proposed to be located near our easements and infrastructure, to ensure there is no prohibited development and/or adverse encroachment of our easements. Attached is also a copy of *Transgrid's Easement Guidelines.*

If you have any questions, please do not hesitate to contact the *Easement and Development Team* via Easements&Development@Transgrid.com.au

Kind regards,

Skye Shanahan
Easements and Development Assessment Advisor | Community and Policy
_____

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Transgrid

From: Brooke Davey <Brooke.Davey@snowymonaro.nsw.gov.au>
Sent: Monday, 21 November 2022 3:16 PM
Cc: Alexanda Adkins <Alexanda.Adkins@snowymonaro.nsw.gov.au>; Gina McConkey <Gina.McConkey@snowymonaro.nsw.gov.au>
Subject: Commencement of Exhibition of Revised Land Use Strategies and Draft Snowy Monaro Local Environmental Plan

Good afternoon

At the 17 November 2022 Meeting, Snowy Monaro Regional Council endorsed the revised Draft Rural Land Use Strategy, Draft Settlements Strategy and Draft Snowy Monaro Local Environmental Plan to be placed on public exhibition for a period of at least 56 days.

Please see the link through to the Your Say Page
https://yoursaysnowymonaro.com.au/draftsnowymonarolep

The Your Say page contains the revised Draft Land Use Strategies, Draft Snowy Monaro LEP, interactive mapping portal and Information Sheets which provide more information on the exhibition material.

The Your Say page also contains times and dates for face to face consultation and ways to have your say.

Kind regards

Brooke Davey
Senior Strategic Land Use Planner

SNOWY MONARO REGIONAL COUNCIL

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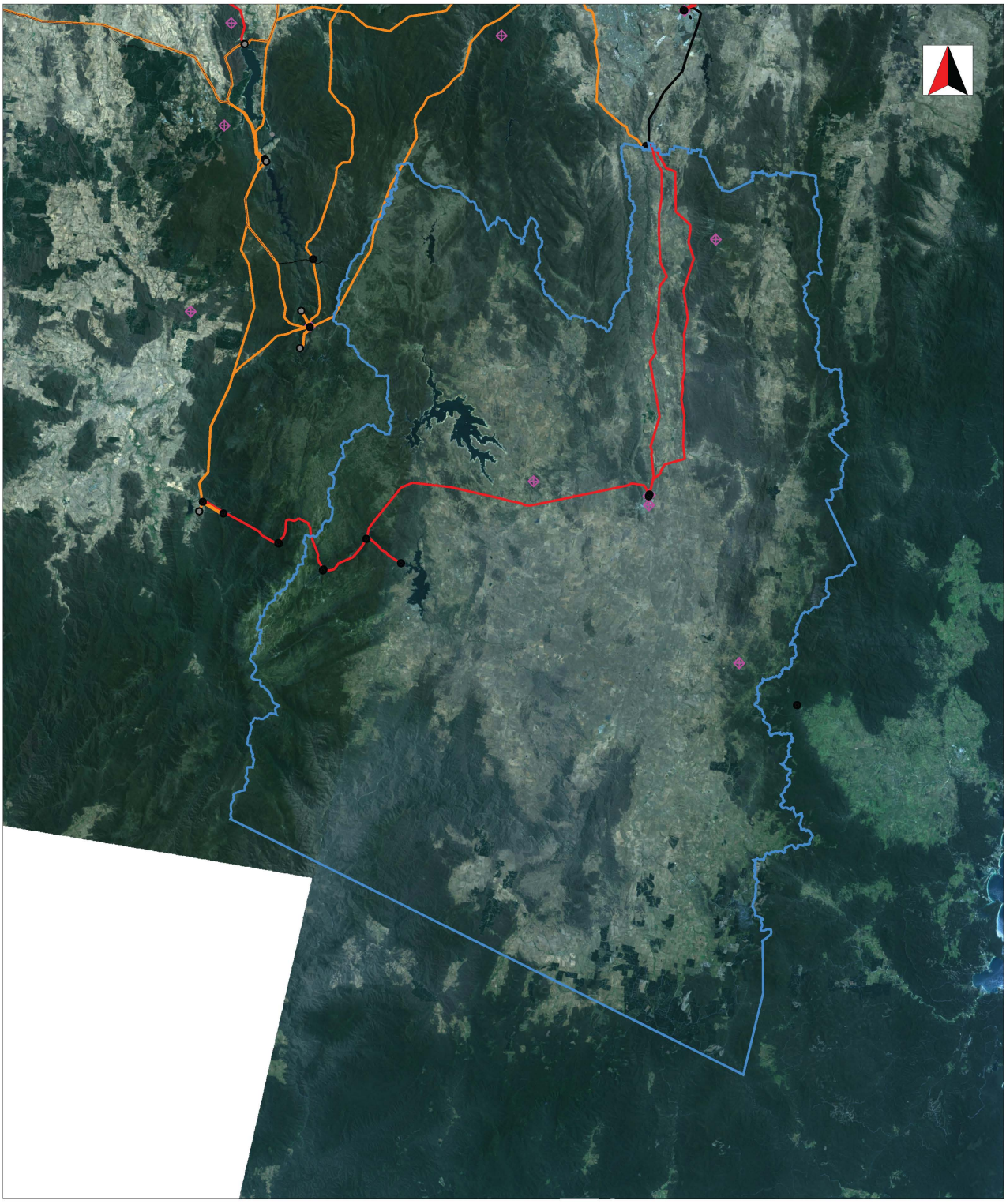
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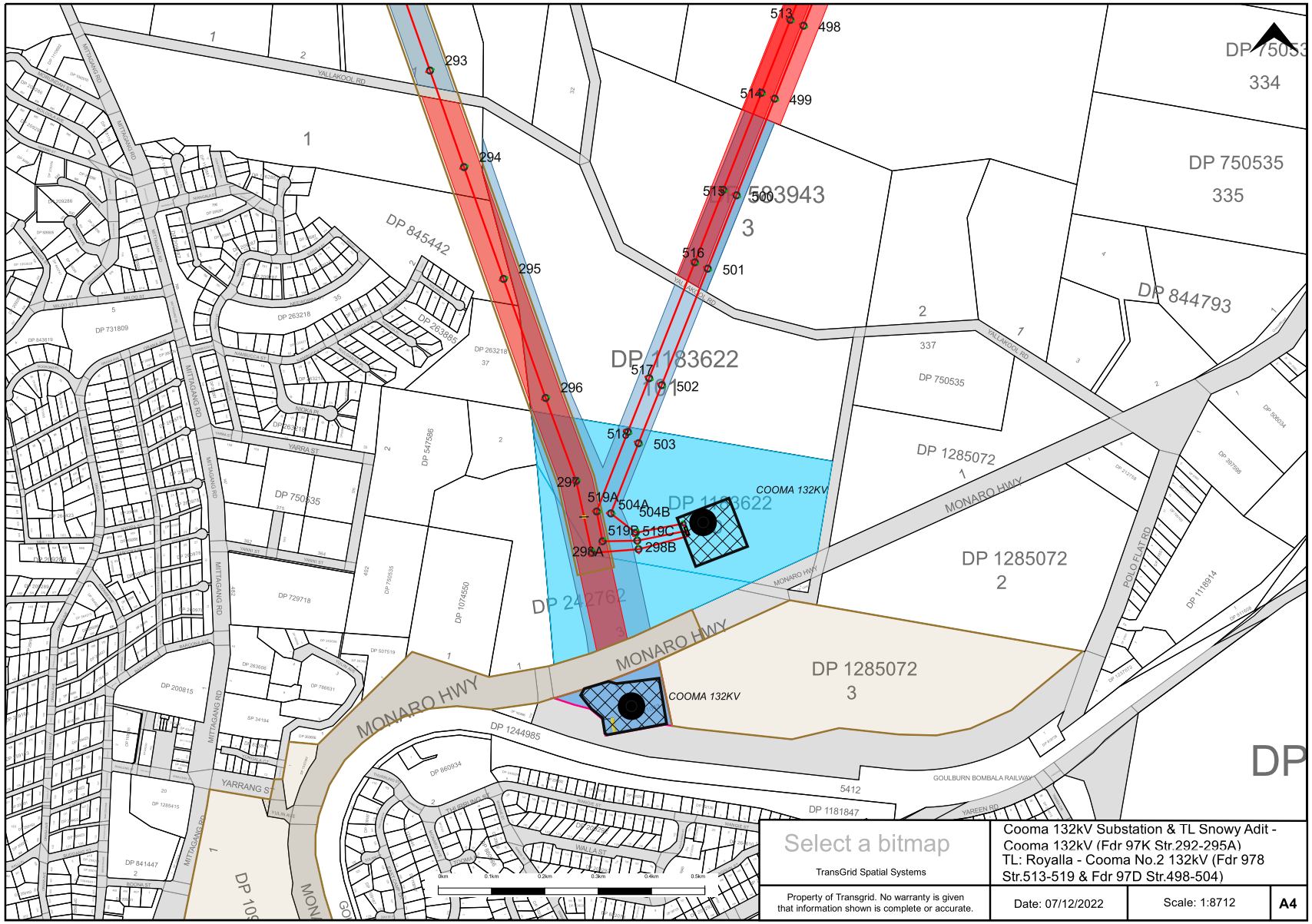
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People. Power. Possibilities.



Easement Guidelines
Living and working with electricity transmission lines

We all rely on electricity to power our homes and businesses, however coming into contact with high voltage electricity can cause serious injury or death.

To protect your safety and provide a safe, reliable network, Transgrid has easements over its transmission lines, which restrict the activities that can be carried out. Easements are also "rights of way", which allow our staff and contractors access to construct, operate and maintain Transgrid's infrastructure.

Transgrid's primary concern is the **safety of people and the environment**, and we are committed (and required by legislation) to providing a safe and reliable transmission network.

For more information on potential electrical safety risks, please see our **Electrical safety risks fact sheet**. You can learn more about electricity infrastructure by reading our **High voltage transmission line fact sheet**.

What activities may be carried out within or adjacent to transmission line easements?

High voltage transmission lines have different safety risks from urban powerlines, and this is why Transgrid encourages the principle of "prudent avoidance"[1]. When planning houses, schools, sensitive land uses and other types of new development, proximity to existing or planned high voltage transmission lines should always be considered.

Where developments cannot avoid transmission line easements, open space uses – that do not encourage people to congregate under the transmission lines or close to electricity infrastructure – should be given preference over other land uses, such as residential or commercial.

These guidelines will assist you to work out:

- whether your proposed activity or development within (or adjacent to) an electricity easement is **permitted**; **requires Transgrid's permission**; or is **prohibited**; and
- the process for seeking Transgrid's permission prior to carrying out the activity or lodging your development application with a consent authority.

Transgrid can only give its permission to your proposal as holder of the easement. Transgrid's permission is not a development consent.

Councils are required to refer development applications that affect Transgrid's transmission line easements to Transgrid. Seeking Transgrid's permission prior to lodging your development application will help expedite this process.

If you undertake an activity or development that is not in accordance with the Easement guidelines, you may be required to remove it or relocate it at your expense.

Please note that if you have received Transgrid's written permission under previous guidelines, this permission remains valid.

Is your proposal located within or adjacent to a Transgrid easement?

Transmission line easements vary in width depending on the operating voltage and design of the infrastructure.

Generally, the higher the voltage, the wider the easement. Figure 1 below shows the typical widths of transmission line easements.

The distances in the Easement guidelines are based on the typical easement widths shown in Figure 1. However, because there are some variations to easement widths, you will need to know the width of the easement near your proposal.

To work out whether there is a Transgrid easement on your property and how wide it is, you can contact the New South Wales Land Registry Services for a detailed survey plan.

NSW Land Registry Services can be contacted on 1300 052 637 or via their website at www.nswlrs.com.au.

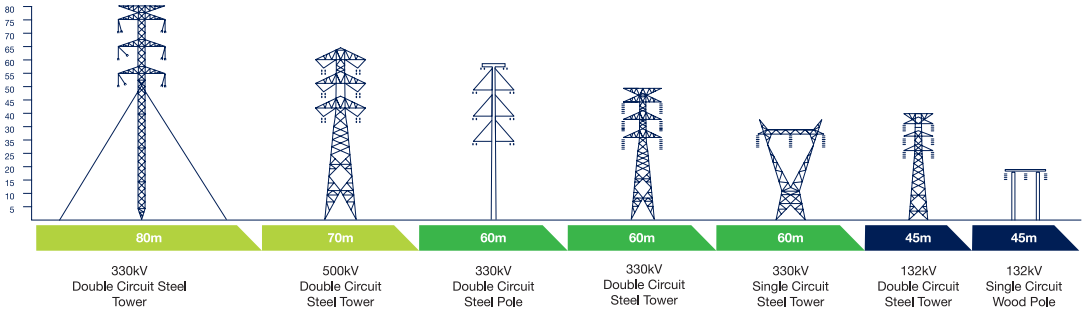


Figure 1: Figure not to scale. Typical easement widths only, may vary on a case by case basis.

1. As identified by The Right Honourable Harry Gibbs Report, Inquiry into Community Needs and High Voltage Transmission Line Development, 1991.

Is your proposal outside the exclusion zone?

Transgrid has developed an **exclusion zone** to enable suitable activities within easements, while providing a safe clearance area around Transgrid transmission lines and structures to protect public safety and the network.

Please check the criteria and diagrams below to ensure that your proposal is outside the **exclusion zone**.

If your proposal is located within the **exclusion zone**, you will need to relocate it or seek permission from Transgrid.

Most activities are prohibited within the **exclusion zone**, to meet Transgrid's public safety obligations.

Exclusion zone criteria activities/developments/ structures must:

1. Not impede Transgrid's access to its transmission infrastructure;
2. Where transmission lines are **132kV and below**:
   - be located at least 20 metres away from any part of a transmission structure or guy wire;
   - for metallic structures, be located at least 22 metres away from any part of a transmission structure or guy wire;
   - be located at least 10 metres from the centre of the transmission line;
3. Where transmission lines are **220kV and above**:
   - be located at least 30 metres away from any part of a transmission line structure or guy wire;
   - be located at least 17 metres from the centre of the transmission line.

If you are uncertain whether your proposal is within the exclusion zone, please contact Transgrid by submitting an enquiry via our online Easement Enquiries Portal: https://www.Transgrid.com.au/being-responsible/public-safety/Living-andworking-with-electricity-transmission-lines

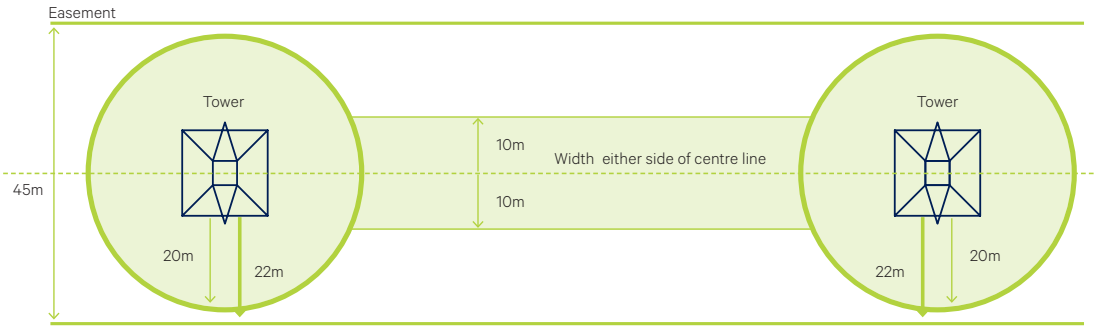


Figure 2: 132kV and below Exclusion Zone (Not to scale. Typical easement widths only. May vary on a case by case basis)

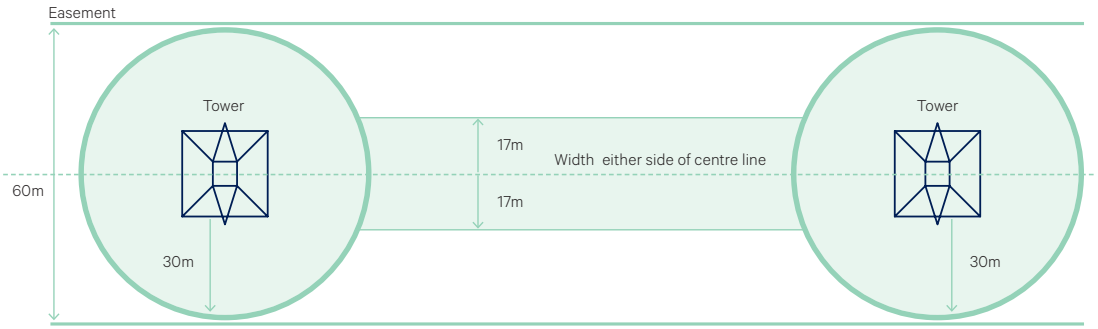


Figure 3: 220kV and above Exclusion Zone (Not to scale. Typical easement widths only. May vary on a case by case basis)


Transgrid

Is your proposal permitted within Transgrid easements?

If your proposal is described below and is outside the exclusion zone, no further permission from Transgrid is required.

Where your proposal within a transmission line easement will require development consent, the consent authority must still refer the development application to Transgrid. For this reason, we recommend you seek Transgrid's confirmation that your proposal is permitted within the easement before you lodge your development application with Council, by submitting an enquiry via Transgrid's online Easement Enquiries Portal.

Please note: Transgrid reserves the right to review each activity individually and apply controls on a case-by-case basis.

Transgrid will take into account public safety risks, and the safe operation, access and maintenance of Transgrid's electricity infrastructure.

If you are unsure whether your proposal is permitted, please contact Transgrid by submitting an enquiry via our online Easement Enquiries Portal.

The following activities where located outside the exclusion zone are permitted within Transgrid's easements:



Cropping and grazing, provided:

1. Machinery cannot extend more than 4.3 metres above ground level

Note: Exclusion zone requirements to be at least 10/17 metres from the centre of transmission lines do not apply to cropping and grazing, however all other exclusion zone requirements apply. Transgrid's Fencing guidelines must be complied with.



All other agricultural activities including irrigation, provided:

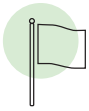
1. Machinery cannot extend more than 4.3 metres above ground level
2. All fixed metallic objects are earthed
3. Machinery, including irrigation, must remain outside the exclusion zone
4. No solid jet of water is to be within 4 metres of overhead conductors
5. Must use non-metallic piping
6. No fuel storage
7. No transmission line outages are required to undertake agricultural activities

Note: Transgrid's Fencing guidelines must be complied with.



Planting or cultivation of trees and shrubs, provided:

1. Mature plant / tree height is less than 4 metres



Short flag poles, weather vanes, single post signs, provided:

1. Height above ground is no greater than 4.3 metres
2. Non-climbable
3. All fixed metallic parts are earthed



Vehicle parking provided:

1. Height of vehicles no greater than 4.3 metres
2. No flammable liquid containers or carriers
3. Caravans are not occupied or connected (ie, temporary parking only)
4. All fixed metallic parts are earthed

Note: Lighting requires Transgrid's permission to meet height and electrical safety constraints.

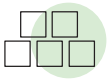
Transgrid



Public open spaces, such as fields, cycle ways, walkways or fenced dog parks, provided:

1. No unmanned aerial vehicles (drones), kite flying or model aircrafts, and "warning signs" are installed
2. Any structures, obstructions, seating or features (such as picnic areas) are located outside the exclusion zone and do not block access tracks to transmission line structures or guy wires
3. Parallel roads, walking tracks, footpaths, cycleways and fenced dog parks are located outside the exclusion zone

Note: Roads, tracks, footpaths, cycleways and fences which propose to cross the transmission line as a thoroughfare, require Transgrid's permission.



Storage, provided:

1. No greater than 2.5 metres height
2. Stored material is non-flammable and non-combustible
3. Non-corrosive or explosive materials
4. No garbage, refuse or fallen timber or other material which could pose a bush fire risk
5. Metallic objects earthed



Operation of mobile plant and equipment, provided:

1. It cannot be extended more than 4.3 metres in height within easement
2. Equipment or plant do not encroach into Ordinary Persons Zone - please refer to the WorkCover NSW Work Near Overhead Power Lines Code of Practice 2006 (https://www.safework.nsw.gov.au/__data/assets/pdf_file/0020/52832/Work-near-overhead-power-lines-code-of-practice.pdf)
3. Work is carried out by accredited persons in accordance with WorkCover NSW Work Near Overhead Power Lines Code of Practice 2006 (https://www.safework.nsw.gov.au/__data/assets/pdf_file/0020/52832/Work-near-overhead-power-lines-code-of-practice.pdf)



Non-electric fencing and yards, provided:

1. No greater than 2.5 metre height
2. Fencing does not restrict access to Transgrid assets
3. Metallic fencing is earthed
4. Transgrid's Fencing Guidelines are complied with

Note: Parallel metallic fencing has specific safety risks and requirements under the Fencing Guidelines.



Domestic recreational activities including structures, provided:

1. Structures must not be identified as requiring Transgrid's permission or prohibited
2. Structures must be non-metallic and no greater than 2.5 metre height
3. Floor area no greter than 20m^2, where any portion is within easement
4. Not connected to electricity supply
5. Structures (including play equipment and BBQs) must remain outside the exclusion zone
6. No unmanned aerial vehicles (drones), kite flying or model aircrafts

What if my activity does not meet the permitted criteria or is not listed above?

You will need to seek Transgrid's permission so that we can assess potential risks to your safety and the electricity transmission infrastructure.

Does your proposal require Transgrid's permission?

If your proposal does not meet the permitted criteria, it may fall within the following categories which require Transgrid's permission. Further information about the process for seeking Transgrid's permission is provided below, under "How can I seek Transgrid's Permission?"

Transgrid reserves the right to assess each request for permission on a case-by-case basis, taking into account public safety risks, and the safe operation, access and maintenance of Transgrid's electricity infrastructure.

Transgrid may grant permission with conditions, or may refuse permission where the activity could put public safety or the operation of the transmission network at risk.

If your proposal is described below and is outside the exclusion zone, you will require Transgrid's permission:



Any proposal which falls within a "permitted" catgegory but does not meet the listed criteria



Detached garages, carports, sheds, stables, pergolas and unroofed verandahs where no practicable alternative exists, provided:

1. Structures are no greater than 4.3 metres height
2. Non-habitable
3. Metallic structures are earthed
4. Floor area no greater than 20m2, where any position is within easement
5. Power connection only permitted if electrically isolated in accordance with AS/NZS 3000:2018 Electrical installations outside easement



Sporting and recreational facilities, including tennis courts, basketball courts, playgrounds, exercise equipment provided:

1. Structures are no greater than 4.3 metres height
2. Metallic structures are earthed



Native plant or other nurseries, community gardens, provided:

1. Mature plant / tree height is less than 4 metres
2. Structures are no greater than 4.3 metres height
3. Any fixed structures, including pumps, are located outside the exclusion zone
4. Metallic structures must be earthed



Mobile plant with a height greater than 4.3m, provided:

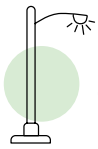
1. It is operated by accredited persons in accordance with WorkCover NSW Work Near Overhead Power Lines Code of Practice 2006 (https://www.safework.nsw.gov.au/__data/assets/pdf_file/0020/52832/Work-near-overhead-power-lines-code-of-practice.pdf)



In-ground swimming pools including coping, provided:

1. It is located at least 30 metres from transmission line structures or supporting guy wires
2. Must be located at least 15 metres from transmission line centre (132kV or below) OR 25 metres from transmission line centre (220kV or above)
3. Power connection only permitted if electrically isolated in accordance with AS/NZS 3000:2018 Electrical installations outside easement
4. Site specific assessment will be required by Transgrid

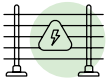
Transgrid



Lighting/external sources of power no greater than 4.3m height:

1. Non-climbable
2. Must be electrically isolated in accordance with AS 3000 outside easement

Note: Exclusion zone requirements to be at least 10 metres from centre of 132kV and below transmission lines or 17m from centre of above 132kV lines do not apply to lighting and external sources of power, however all other exclusion zone requirements apply.



Electric fencing, where:

1. Height is no greater than 2.5 metres
2. Must be located at least 30 metres from transmission structures or supporting guy wires
3. Transgrid Fencing Guidelines are complied with



Roads and pathways that cross the transmission line as a thoroughfare:

1. Where it is proposed that a road passes within 30 metres of a transmission structure or supporting guy wires:
   - Transgrid may refuse consent or impose additional restrictions and other conditions
   - The structure's earthing system may require modification to prevent fault currents from entering other utility services in the road. The option of raising conductors or relocation of structures, at the full cost to the proponent, may be considered
2. Transgrid may require additional protection (such as safety barriers) where there is a risk of vehicle impact
3. Intersections shall not be located within the exclusion zone



Low voltage utilities and services such as electricity, gas, telephone and water:

1. Not located within the exclusion zone (additional clearances apply to metallic services)
2. Parallel metallic services will require specific safety assessment
3. Additional design and safety requirements will apply



Excavation, quarrying and earth works, including dam and artificial lake construction, basins, swales, drains and dispersion channels, provided:

1. No more than 3 metres in depth
2. No generation of significant amounts of dust or smoke that can compromise the transmission line high voltage insulation
3. Must not raise ground level, or reduce clearances below that required in AS 7000:2010 Overhead line design
4. No ponding or water retention around Transgrid's structures
5. Batter no steeper than 1 in 6 where access is required by Transgrid vehicles



Any other change in ground levels that reduce clearances below that required in AS 7000:2010 Overhead line design:

1. Criteria assessed on a case by case basis



Use of explosives:

1. Criteria assessed on a case by case basis



Mining:

1. Criteria assessed on a case by case basis



Subdivisions (see Subdivision and Development Guidelines):

1. Criteria assessed on a case by case basis
2. Subdivisions that encourage unauthorised encroachments (for example, where the majority of usable outdoor space in a proposed lot is located within a transmission line easement), will not be permitted, due to public safety risks

Is your proposal prohibited within a Transgrid easement?

If your proposal is described below, it is prohibited from being carried out within any part of a transmission line easement.

This is due to the inherent risk to people, public safety, and to ensure the safe, reliable operation of the network.

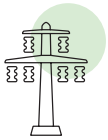


Buildings, accommodation and structures:

1. Buildings or structures which are not listed as permitted or require Transgrid's permission
2. Construction of houses
3. Site construction offices or workshops
4. Camping or occupied caravans or other camping vehicles
5. Above ground pools



Fixed plant or equipments



Interference with transmission lines:

1. The placing of obstructions within 20 metres of any part of a transmission line structure or supporting guy wires
2. Placing any obstructions on access tracks or within the easement area that restricts access
3. Any structure whatsoever that during its construction or future maintenance will require an Accredited Person to access as per the WorkCover NSW Work Near Overhead Power Lines Code of Practice 2006 (https://www.safework.nsw.gov.au/__data/assets/pdf_file/0020/52832/Worknear-overhead-power-lines-code-of-practice.pdf)
4. The attachment of any fence, any signage, posters, or anything else, to a transmission line structure or guy wire
5. Any work that generates significant amounts of dust or smoke that can compromise the transmission line high voltage insulation
6. Movement of any vehicle or plant between tower legs, within 5 metres of a transmission line structure, guy wire or between a guy wire and the transmission pole
7. Kite flying or model aircraft within the easement, flying of remote controlled or unmanned aerial vehicles (such as drones), any manned aircraft or balloon within 60 metres of any transmission line structure, guy wire or conductor
8. Structures or objects that encourage or facilitate climbing (including working from vehicles)

Note: The final structure may meet AS7000 clearances, but may be accessible by Ordinary Persons within the Ordinary Persons Zone.

Storage of flammable, combustible, corrosive or explosive materials, garbage, refuse or fallen timber

Burning off or the lighting of fires

Unsafe work practices under Work Near Overhead Power Lines Code of Practice:

1. Any vegetation maintenance (such as felling tall trees) where the vegetation could come within the Ordinary Persons Zone as per the *WorkCover NSW Work Near Overhead Power Lines Code of Practice 2006*
2. Any activity (including operation of mobile plant or equipment having a height when fully extended exceeding 4.3 metres) by persons not Accredited or not in accordance with the requirements of the *WorkCover NSW Work Near Overhead Power Lines Code of Practice 2006.*



What about underground cable easements

Different risks and requirements apply near Transgrid transmission cables. For further guidance, please see the Working near Transgrid cables guidelines.

Underground cables are not obvious, and you may not know there is one located on your property. A Dial Before You Dig (DBYD) search is essential prior to any excavation works.

Given the nature of underground cables, all proposals within cable easements require Transgrid's permission.

Please note: Transgrid reserves the right to review each activity and apply controls on a case-by-case basis, taking into account public safety risks, and the safe operation, access and maintenance of Transgrid's electricity infrastructure.

How can I seek Transgrid's permission?

You can seek Transgrid's permission to carry out proposals within or adjacent to an easement via Transgrid's online Easement Enquiries Portal: https://www.Transgrid.com.au/being-responsible/public-safety/Living-and-working-withelectricity-transmission-lines

This should be done prior to lodging your development application or planning agreement application with your consent authority. Transgrid's permission is given as holder of the easement only, and does not constitute approval to carry out the activity or development.

Please check that your proposal is consistent with these Easement Guidelines before you seek Transgrid's permission, so that we can respond as efficiently as possible.

Your request for permission should include the following information:

Name of applicant and/or company or Council	✓
Street address and Lot-DP	✓
Description of proposal with height, depth and location of proposed activities/structures/ development and assessment of impact on transmission infrastructure	✓
Contact information including phone number, address and email address	✓
A detailed, legible and to-scale plan showing property boundaries, proposal and distance of proposal to Transgrid's easement and transmission line structures and guy wires (if applicable) For large scale subdivisions, a Site Plan showing all new access points and access ways to the easement and transmission line structures	✓
A three dimensional CAD drawing in 3D-DXF format Only if proposal changes ground levels	✓ Only if proposal changes ground levels

If we do not receive this information we may need to request further details from you, and this will delay your request for permission.

Transgrid has also prepared supplementary Technical Guidelines and Fact Sheets to provide additional information for specific activities:

- High voltage transmissions network fact sheet
- Electrical safety risks fact sheet
- Work near Transgrid cables
- Subdivision and development guidelines
- Fencing guidelines
- Working near Transgrid cables information brochure

These are available on the Transgrid website at www.Transgrid.com.au/being-responsible/public-safety/living-andworking-with-transmission lines.

If your proposal is complex (for example, master-planned subdivision), we recommend a meeting with Transgrid before you submit your application for permission. You can arrange this via our online Easement Enquiries Portal.



Can I use Transgrid's permission as part of my development application to Council?

Your consent authority is required to consult with Transgrid before granting development consent for proposals that impact transmission line easements, or where the proposal might adversely affect electricity infrastructure.

Consent authorities must take into consideration any comments made by Transgrid within 21 days of written notification of a development application.

If you have received Transgrid's permission, this should be included as part of the development application. This will enable the referral process to be as efficient as possible.

If you have changed your proposal, you will need to lodge another request for Transgrid's permission via our online Easement Enquiries Portal, as your original permission will no longer be valid. This may delay the development application process.

Seeking Transgrid's permission and applying for development consent are two separate processes.

Transgrid's permission does not allow you to carry out an activity nor does it guarantee development consent.



What if I build something without Transgrid's permission?

Please contact Transgrid to discuss on:

Telephone: (02) 9620 0515

Email: Easements&Development@Transgrid.com.au

Relocating or modifying infrastructure and interruption to transmission

Some proposals require modifications to existing electricity infrastructure or easements.

A contract may be needed with Transgrid where you will be required to pay Transgrid's costs, such as design and construction works.

You can make a modification enquiry with Transgrid's Infrastructure team at infrastructure@Transgrid.com.au or find further information on our website: https://www.Transgrid.com.au/what-we-do/our-network/connections-andmodifications/network-modifications/Pages/default.aspx

You will also be responsible for any costs incurred as a consequence of interruptions to Transgrid's transmission operations arising from the development.



Contact Transgrid

If you are uncertain or require further information regarding works around or in Transgrid easements, please contact us via our online Easement Enquiries Portal: https://www.Transgrid.com.au/being-responsible/public-safety/Living-andworking-with-electricity-transmission-lines

You can also reach us by contacting:

Telephone: (02) 9620 0515

Email: Easements&Development@Transgrid.com.au



Transgrid

Find out more at:
Telephone: 1800 222 537
www.transgrid.com.au

[redacted]

From: [redacted]
Sent: Monday, 12 December 2022 8:45 PM
To: Draft LEP
Subject: LEP Submission

To whom it may concern
I have a few points to make in regards to the draft LEP.
Firstly I agree whole heartedly with your aim of protecting productive farmland. In fact I believe the AF category (400 ha) should be enlarged to encompass the areas of Jincumbilly through Bibbenluke to Cathcart and across to Mila and Delegate. This, I believe, is some of the most productive land in the whole Shire with basalt soils and a higher and more reliable rainfall than the Cooma basalt country. Also I would like to see the productive higher rainfall belt through Peak View, Jerangle and Anembo to Clea Station included in the AF category.
I am very much against small subdivisions, particularly due to the weed problems so often exacerbated by absentee life-style block land holders, this is evident in many areas of the Shire and particularly for me in the Bredbo subdivision on the Jerangle Road just a few klms out of Bredbo. Many of these holdings are currently pretty much wall to wall Serrated Tussock, the seed of which is carried by the westerly winds east directly onto the productive farmlands at Peak View. I declare an interest here as a Peak View grazier. There is an historical case of the previous Cooma Monaro Council doing tussock control work on one of those Bredbo subdivision blocks, taking the land-holder to Court to recoup the costs and being beaten in Court, which makes enforcing weed regulations very difficult for Council, and therefore, the more small subdivisions the bigger the problem.
There is also the problem with the more subdivisions, the more, trespassing by pig hunters etc. This seems to be an ongoing problem. In our own area over recent years, we have had the misfortune to have lifestyle block owners from Sydney who seem to think the whole district is their hunting ground, totally disregarding whoever owns the land. The worst part of that is that their pig dogs did not differentiate between pigs and black calves, resulting in a couple of dead calves for one of our neighbours. Not good. Farm gates being left open is also an ongoing problem, with the pig hunters wandering at random throughout the district.
Also, Council's road network (particularly the unsealed roads) is not suitable to carry the amount of traffic that small holdings would create, and bringing these roads up to a trafficable condition for larger volumes of traffic would be a huge financial burden on Council.
[redacted]

[redacted]

[redacted]

From: [redacted]
Sent: Monday, 30 January, 2023 7:15 AM
To: [redacted]
Subject: LEP Submission

Hope I am not too late to add a bit to my previous submission. Never thought about this when I made my first submission.

There is another very important reason to limit small area subdivisions, and that is FIRE. Many small holdings end up unstocked or understocked with just a couple of horses or such. This leads to prolific vegetation growth if left unmanaged, and in the case of grass or bushfires is an unmanageable flashpoint in the course of the fire. Having a number of small holdings also means more human activity, which can, and does lead to more fire "accidents". In my time of over fifty years with our local Brigade, I have been called out on a number of occasions to fires, including on Christmas Eve, when "blockies" have been slashing etc, including during total fire bans. As I see it the more human activity the more risk of fires. As a footnote this weekend just gone on Saturday 28January 2023 there was a fire on [redacted] Bungarby, which according to the RFS map, must have started very close to a dwelling in the bush.

[redacted]

SNOWY MONARO
REGIONAL COUNCIL,
P.O. BOX 714,
COOMA,
NSW 2630.

RECEIVED
13 DEC 2022
Snowy Monaro Regional Council
Cooma Office

[redacted]

7/12/2022.

TO THE CEO,
LEP (SNOWY MONARO NSW),

ALTHOUGH THE 'LEP' DATES/PLANS AREN'T AFFECT MY PROPERTY (WE OWN [redacted]), AS IT'S A SMALL HOLDING, WE FIRMLY OPPOSE LARGE FARM LAND AREAS BEING DIVIDED OR SUB-DIVIDED INTO SMALL 'HOBBY' FARMS, AS THIS WILL LEAD TO FRAGMENTED FARMING AND IMPACT NEGATIVELY ON PRIMARY PRODUCTION AND AGRICULTURE, WHICH IS VITAL, NOT ONLY FOR THE 'MONARO', BUT FOR THE NATION AS A WHOLE. OUR SMALL FARM WAS SUBDIVIDED YEARS/DECADES AGO, BUT NEW LAND SHOULD NOT RESULT ARABLE FARMING LAND TO BE DE-VELOPED OR TURNED INTO SMALL, PRIVATE FARMS.

THE FARMING INDUSTRY SHOULD BE GIVEN SOME INCENTIVES TO RETAIN 'FARMING', ENCOURAGED TO FARM IN A MORE NATURAL WAY, WITH LESS RE-LIANCE ON TOXIC/HEAVY USE OF CHEMICALS, PLUS, BETTER ANIMAL WELFARE PRACTICES AND ENCOURAGED/EDUCATED, IN THE IMPORTANCE OF DEFORESTATION, ITS NATIVE VEGETATION/TREES, WHILST STILL REMAINING VIABLE AND PRODUCTIVE

FROM GOOD FARMING PRACTICES AND MANAGEMENT, BY WAY OF FREE ADVICE, HELP AND EDUCATION IN THESE AREAS AND ALSO BY TARGETING 'SCHOOLLEAVERS' TO THIS IMPORTANT FIELD, BY WAY OF GOVERNMENT INCENTIVES AND REWARDS...

FINANCIAL HELP, IN TRAINING AND EMPLOYING PEOPLE IN FARMING, IS THE KEY TO SAVING THIS CRITICAL INDUSTRY, GOVERNMENTS MUST BE MADE TO RECOGNISE THIS, PROVIDING *CERTAIN CRITERIA ARE MET. LIKE; * KNOWING THE IMPORTANCE OF RETAINING TREES, OR
* IF THE LAND, ITS NATIVE FAUNA AND FLORA, INCLUDING ITS FRAGILE WATERWAYS ARE CARED FOR AND RESPECTED, *WITH SAFE USE OF CHEMICALS (USED SPARINGLY, TO PREVENT RUN OFF INTO STREAMS & RIVERS) AND *MINIMUM DISTURBANCE OF OUR PRECIOUS, ANCIENT TOP SOILS (FROM INTENSE PLOUGHING/TILLING), THEN A COMBINED, SENSIBLE APPROACH TO FARMING CAN BE ACHIEVED, WITH REWARDING RESULTS ALL ROUND. EDUCATION AND MINDFULNESS CAN AND SHOULD BE APPLIED TO ALL ASPECTS OF FARMING. THIS WILL ENSURE THE FUTURES OF FARMING / AGRICULTURE FOR THIS REGION AND BEYOND AND LESS LIKELYHOOD OF FARM-LAND BEING SOLD UP AS 'HOBBY FARMS', ETC...

WE PERSONALLY DON'T WISH TO SEE THE 'MONARO' SCATTERED WITH HUNDREDS OF HAMLETS WHERE ONCE WAS PRODUCTIVE FARMING, AS THIS WOULD SPELL THE END OF AN INDUSTRY THAT CREATES ALOT OF REVENUE FOR THIS COUNTRY.

[redacted]

[redacted]

From: [redacted]
Sent: Monday, 2 January 2023 8:47 PM
To: Brooke Davey
Subject: [redacted]

Attachments: [redacted]

Hi Brooke ,

Happy new year, I hope you are going well.

as per our discussion on the 15.12.22 in the council offices in Cooma. The following is information re the proposed zoning changes:

The attached map shows the boundary of the property called [redacted] would like the whole property to stay as RU1 zoning . The property has alway been rural farmland for over 170 plus years. There is a proposed line to the west of the property where the proposed zoning RU1 / RU2 line could be drawn.

The current DRAFT proposal shows proposed changes to the zoning of the [redacted]. The land areas of change are no different to the adjacent property which is staying as RU1. I can not see any reason for the zoning values of the land to be different.

Also as discussed in the meeting the [redacted] is currently operated by council as a gravel pit . This should also be reflected in the land use.

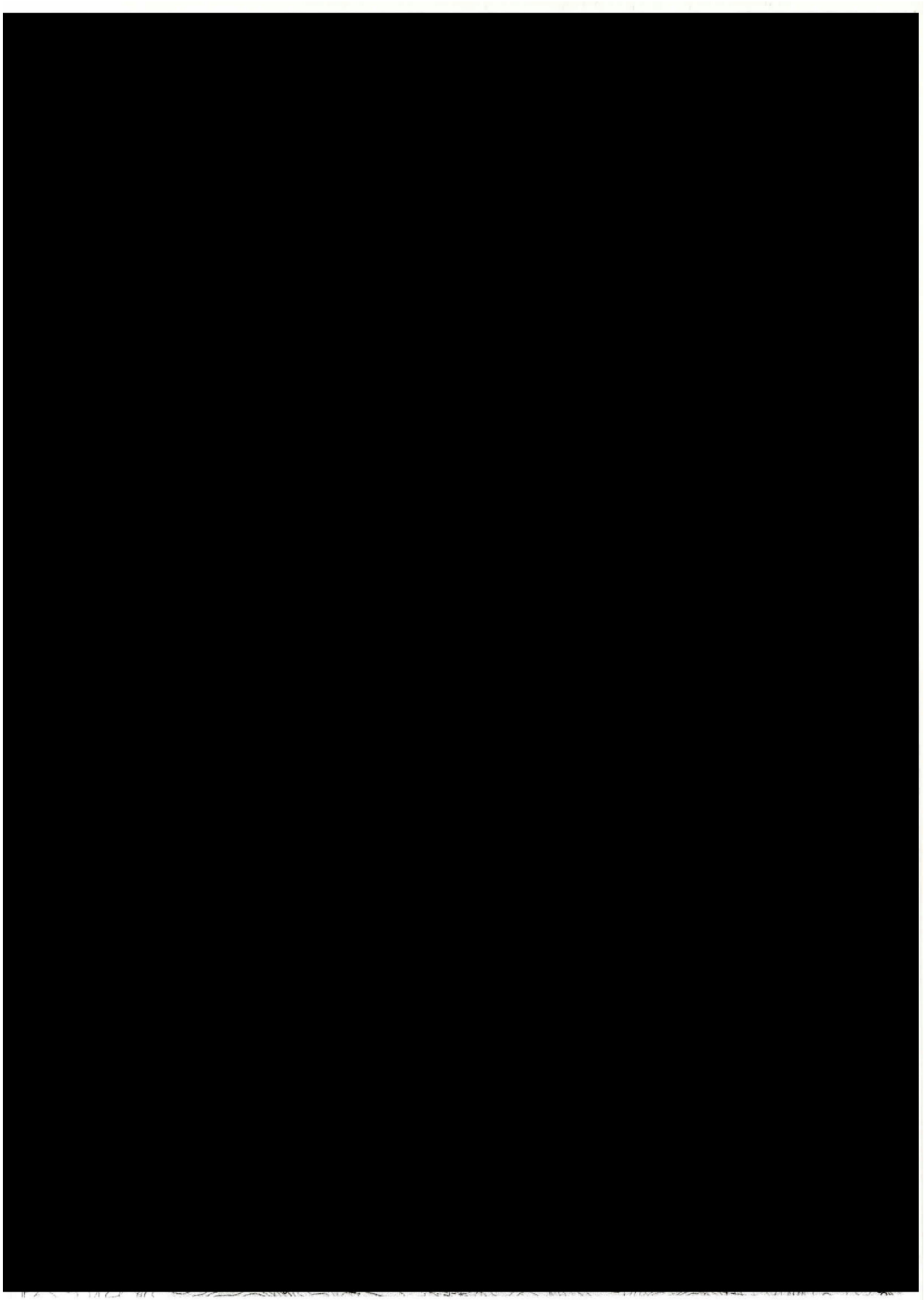
Also on the second map shows an area of 400 acres [redacted] This section of land is known a[redacted]. This country has also been farmland for over 170 plus years. [redacted] would also like this to stay as RU1 zoning. The same as for the [redacted] property I can't see any reason for the change of [redacted] in zoning.

The sections of land described above and shown on the attached maps, are both cultural heritage rural landscapes settings , which are working operational farms. They will be continuing into the future as a whole parcel of land as a working operational farmland. The total land area is approximately 900 hectares .

If you could come back to me with your thoughts that would be greatly appreciated.

Regards [redacted]

[redacted]





[redacted]

From: [redacted]
Sent: Wednesday, 21 December 2022 2:55 AM
To: Draft LEP
Cc:
Subject: [redacted]
Attachments:

Categories: Purple Category

Hi All
Pls see attached letter with regard to proposed changes/Draft LEP, possible restrictions to planned usage/outcomes for our property [redacted]
If you could provide feedback to questions asked in letter be greatly appreciated

[redacted]

Sent from Mail for Windows



To Members of the Snowy Monaro Council and Proposed Rezoning charter,

There is always the concern with these proposed changes to the title of our land use from RU1 to the proposed RU2, for the induction of future restrictions that maybe enforced on our lands use and the ripple effect that follow-on to the devaluation of our property. The hesitation of agreeance with the proposed changes is that this land has existed in the hands on the previous title holders for over 100 years with minimal impact on the biodiversity of the landscape and we wish to further encourage the fruition of their works.

From the proposed Land use, Land size and Rezoning strategies set out by council, we have noted a difference in our property zoning from RU1 Primary Production to the Proposed Zone RU2 Rural Landscape.

It was also noted that the 80Ha building allotment has been removed from the proposed plan. Does this now open the whole property, to dwelling/farm building application?

We would appreciate confirmation that a business/es within the Agritourism; Agricultural produce, the future generation of Eco-tourist facilities/Farm stay accommodation dwelling, would be allowed to be undertaken on this property, if the rezoning to the Proposed Zone RU2 Rural Landscape is accepted.

The Proposed Zone RU2 Rural Landscape objectives set out in the proposed land use guidelines, encourage sustainable primary industry production by maintaining and enhancing the natural resource base.

• To maintain the rural landscape character of the land.

• To provide for a range of compatible land uses, including extensive agriculture.

• To protect the environmental significance of certain areas, including koala habitat.

• To encourage development that will not have an adverse impact on the environmental and scenic qualities of the existing landscape.

We believe in following the principles of the Mulloon Institute in establishing our property for land rehydration, repatriation and regeneration with a baseline of creating a biodiverse environment to process our farming activities within. Creating biodynamic pastures by ways of establishing biodiversity corridors through our property for local natural fauna and flora to co- exist, while managing our soil, pastures and waterways to reduce the impact of soil degradation and promote establishing a drought resilient landscape.

We believe that what we have planned for the future usage of our property, will meet with the guidelines set out by Snowy Monaro's proposed rural land use guide and assist both council and Local Land services with a balanced use of agriculture and tourism, while protecting the environmental values of the biodiversity of the surrounding rural landscape.

Viewing documentaries covering the regreening of Australia, it is encouraging to see through the "Re-Greening of The Great Australian desert", the enactment of biodiversity corridors and environmentally sustainable practices, for lands once deemed "Dead" or "Broken" are now a revived and living entity. Through the tenance of our property it is our motivation to restore and retain this land, through sustainable farming, regenerative agricultural, the establishment of biodiversity corridors between the agriculture allotments and the maintenance of the land scape, as a holistic approach to achieving the above-mentioned objectives.

With the framework in place to maintain these principles for our land, our future plan is to develop a farming business, with eco-tourism dwellings on the property, while maintaining the essence of the property as it stands today. Through these future eco-developments, we would also take guidance of the proposal documents mention of the "cost/constraints of firefighting services use during a fire for property protection", as further reasoning for the proposed changes. Our vision is to construct dwellings and firefighting applications, to control the effects of such events, rather than restricting our properties business opportunities and heavily reducing the valve of our property.

The main thing we did learn from the 2019/20 fires, as this is mentioned in the documentation as part of the reasoning for the proposed changes, was that resident relocation/escape from the imposing fire threat, was undertaken safely with no loss of life to residents/visitors to this area.

We wish to continue to work with the local council and governing bodies, to ensure the proposed Zone RU2 Rural Landscape objectives and proposed land use guidelines do continue to encourage sustainable primary industry production and enhancing the natural resources within our local [redacted]community areas.

Kind Regards

[redacted]

[redacted]

[redacted]

From: [redacted]
Sent: Tuesday, 7 February, 2023 2:47 PM
To: [redacted]
Cc: [redacted]
Subject: Windmills must be placed Judiciously

Dear Councillors
Please find the following commentary on how judicious placing of any windmill infrastructure is paramount to the sustainability, maintaining the integrity and beauty of the Magnificent Monaro.

The Snowy Monaro's most valuable attraction to locals and the Globe is the vastness of landscape, feeling of freedom and unprecedented beauty that are inextricable entwined.

Windmills placed in plain sight of any of main arterials are a threat to all the above, wellbeing of this region spiritually and financial longevity.

This vastness and in general unimpeded wide open uncluttered space are the core attraction for residents of the region and visitors alike whether it be driving, rail trails, walking, working, skiing, mountain biking, generally relaxing, basking in the pristine air and wide seemingly endless landscape.

The sighting of windmills along the Nations, globally recognised and important arterials will be a travesty as it will stain the entire GATEWAY to an ancient site namely the Snowy Mountains.

Windmills must be placed judiciously out of plain sight from main arterial routes leading into the Snowy Monaro Landscape.

Councillors, I am hoping you embrace and support my passion for the Monaro.. and I do believe the majority of locals and visitors would feel the same way.

I request the above comments be submitted to Snowy Monaro Regional LEP responses.

Kind regards

[redacted]

[redacted]

[redacted]

From: [redacted]
Sent: Wednesday, 11 January, 2023 7:35 AM
To: [redacted]

Cc:

Subject: Submission to Council on Rates and Landuse planning

Dear All,
To avoid online submissions on the rate rises and land use strategy from being manipulated by the back office at council it is strongly recommended that submission be also made directly to the councillors by email. I have included the councillor's email addresses in this message for your information as well as a copy of my submission. Please feel free to distribute this widely.

Regards
[redacted]

Dear SMRC Councillors.
Please accept the following as my submission on the Special Rate Variation and Rural Landuse Strategy

Rate Variation.
I reject totally the need to increase the rates by any more than CPI. Council have not demonstrated they are efficient and effective service providers. Productivity must be increased through restructuring management , staff performance improvement and sound financial management including an assessment of demerging. It is not acceptable to continue to ask for more money from the community until the underperformance of the organisation is addressed. I do not accept that services have to decrease if rates don't rise.

Rural Land Use Strategy.
The process must be stopped and all documents referred back to council's reference group for assessment. The process has major failings including:

Proper strategic planning on all rural lands is fatally compromised by the Plantations and Reafforestation Act. This act, as council's strategic planners well know, completely overrides all provisions of council's planning documents. Until the plantations act is repealed there is no case other than to maintain the status quo.
Once the planation act is repealed the landuse strategy should then focus on:
Increasing the population of rural areas through allowing limited dwelling allotments of around 2 Ha distributed throughout rural localities similar to the concessional holdings provision of the previous Bombala LEP.
Expanding the opportunities for niche agricultural enterprises with an associated dwelling entitlement in rural lands.
Ensuring new development does not burden council with ongoing maintenance costs eg provision of roads.

In general I am concerned that the elected councillors appear to have lost control of the council and that the agenda is being driven increasingly from council's management and state government agencies and mostly to the disadvantage of our communities.

Regards
[redacted]

[redacted]

[redacted]

[redacted]

RECEIVED
14 FEB 2023
Snowy Monaro Regional Council
Cooma Office

9 February 2023

Snowy Monaro Regional Council
Strategic Planning Team
PO Box 714
COOMA NSW 2630

Re: Assessment Number [redacted]

To CEO,

Regarding the Draft LEP of [redacted]
JERANGLE of [redacted] I [redacted], am making an objection. The above properties are originally a RU1 Primary Production and not to be changed to a RU2 Rural Landscape Zone.

As researched, the RU1 zone covers land for most kinds of commercial primary industry production, including extensive agriculture, intensive livestock and intensive plant agriculture, aquaculture, forestry, mining and extractive industries. The zone is allocated to land where the principal function is primary production.

The land has a long history of its suitability of animals especially goats, pigs and cattle. The land is for intensive livestock uses and includes feedlots and piggeries.

Because of no electricity, it is relevant to have solar energy for economic growth and sustainability. The development of abattoirs is also important. Farm buildings and other structures needs to allow for intensive livestock production. The objection is too the new changes that does not offer progress for the landowner. Please note the objection and the refusal to change to a RU2 Rural Landscape Zone.

Yours sincerely

[redacted]

TO: THE OFFICER OF SMRC, COOMA
RE: SUBMISSIONS LAND USE STRATEGY AND LOCAL ENVIRONMENT PLAN
FROM: [redacted]

15TH FEBRUARY 2023

WE WISH TO MAKE THE FOLLOWING REMARKS CONCERNING THE SMRC DRAFT LEP OF 22 DEC22.

CLEARLY THE DRAFT IS A RE-HASH OF PREVIOUS DRAFTS WHICH HAVE ALREADY BEEN SEVERELY CRITICISED BY LANDOWNERS AND RATEPAYERS. THERE IS LITTLE ATTEMPT IN THE CURRENT DRAFT TO ADDRESS ISSUES RAISED PREVIOUSLY.

A LINE BY LINE READ OF THIS DRAFT REVEALS THE SAME AUTHORITARIAN TONE AS BEFORE INDICATING A SIMILAR AUTHORSHIP..

RECEIVED
16 FEB 2023
Snowy Monaro Regional Council
Cooma Office

IN CASES WHERE CHANGES ARE PROPOSED THERE HAS BEEN NO EXPLANATION GIVEN AS TO THE CONSEQUENCES OF THESE CHANGES. . EXAMPLES FOLLOW.

A RURAL PROPERTY OF 150 HA WITH PERHAPS SEVERAL TITLES WHCH HAS RECENTLY BEEN REVALUED BY UPWARDS OF 150 PERCENT OR MORE (BY THE VALUER-GENERAL). THIS PROPERTY IS NOW RATED AT THIS EXHORBITANT LEVEL. UNDER THE DRAFT PROPOSAL WHAT HAPPENS TO THE EXISTING TITLES WHERE CURRENTLY, LAND ON COUNCIL ROADS CAN BE SOLD ONTHE BASIS THAT A DWELLING CAN BE BUILT. WHAT IS TO BE DONE WITH AN EXISTING HOME WHICH IS NOW UNSALEABLE?

MANY FOLK HAVE PURCHASED ADJOINING PROPERTIES IN JUST THESE CIRCUMSTANCES WITH A VIEW TO RETIREMENT INCOME. IS THE COUNCIL NOW PROPOSING TO CANCEL EXISTING PROPERTY RIGHTS? NO BODY PUBLIC OR PRIVATE CAN TAKE THE PROPERTY OR THE VALUE OF THAT PROPERTY WITHOUT THE CONSENT OF THE EXISTING OWNER.

HAS NO ONE THOUGHT TO CONSIDER THE INDIVIDUAL'S RIGHTS TO LIFE AND PROPERTY; THAT ANOTHER SHOULD NOT USE FORCE OR THREAT OF FORCE TO HINDER EXISTING RIGHTS OR TRANSACTIONS.

WHAT PROVISIONS HAVE BEEN MADE FOR JUST COMPENSATION FOR THIS ARBITRARY IMPOSITION OF DE-VALUATION ? THE VERY FACT THAT THIS DE-VALUATION IS NOT MENTIONED IN THE DRAFT BEGS THE QUESTION :- WHAT ELSE IS HIDDEN? DO THE WRITERS OF THIS DOCUMENT UNDERSTAND THE PERSONAL AND FINANCIAL CONSEQUENCES OF THE DRAFT? PERHAPS THEY SHOULD BE REMINDED THAT:

" THE FUNDAMENTAL BASIS OF OUR LIBERAL DEMOCRACY IS THAT NO GOVERNMENT MAY TAX OR DEVALUE PRIVATE PROPERTY WITHOUT THE CONSENT OF THE CITIZENS".

FUTHERMORE, THERE ARE TO BE "SPECIAL EXCEPTIONS" FOR SOME DISTRICTS BUT NOT FOR OTHERS. ARE WE TO BECOME A DIVIDED SHIRE? ARE THOSE IN THE EAST TO BE TREATED DIFFERENTLY FROM THOSE IN THE WEST OR SOUTH? IF SO, WHY SO? WHO IS TO BE THE ALMIGHTY TO DECIDE SUCH QUESTIONS?

ARE WE TO BELIEVE THAT THERE WILL BE NO FURTHER IMPOSITIONS OF ARBITRARY

POWER? RECENT COUNCIL BEHAVIOR WOULD SUGGEST OTHERWISE.

PRIMARY OBJECTION.

BETWEEN 1980 AND 2007 WE OPERATED A SUCCESSFUL PRIMARY PRODUCTION BUSINESS RAISING FINE WOOL SHEEP, A COMMERCIAL CHERRY AND RASPBERRY ORCHARD SELLING THE PRODUCE INTO THE SYDNEY MARKET, AND A SMALL COMMERCIAL NURSERY. GIVEN OUR USUALLY RELIABLE RAINFALL AND ENHANCED SOIL FERTILITY, OPERATIONS SUCH AS THESE CAN BE PRODUCTIVE AND PROFITABLE IN THE EAST OF THE MONARO AS OURS WAS UNTIL ILL HEALTH FORCED A REDUCTION. OURS WAS THE ONLY SMALLER OPERATION SURROUNDED BY LARGE GRAZING OPERATIONS. IN NO WAY DID WE AFFECT THEIR BUSINESS. ON THE CONTRARY,CONTROL OF FERAL PESTS AND WEEDS WERE ENHANCED BY OUR EFFORTS, AND CONTINUE TO BE SO.

WE OBJECT STRONGLY TO THE RECLASSIFICATION OF OUR PROPERTY TO RU2 STATUS. THIS PROPERTY HAS BEEN A SUCCESSFUL PRIMARY PRODUCTION UNIT AND POTENTIALLY REMAINS SO NOW AND INTO THE FUTURE.

[redacted] [redacted]

Express Post 15FEB2023

TRACKING NO: [redacted]

[redacted]

S

From: [redacted]
Sent: Tuesday, 14 February, 2023 5:15 PM
To: [redacted]
Subject: The Coonerang wind farm

Please don't let the Coonerang wind farm proceed you must protect the MONARO PLAINS it is vital NGARIGO COUNTRY the wind turbines are extremely high an will be seen an hard across the hole MONARO plans the council should zone this area as RU2 in the new LEP
If this project is allowed it will have significant implications to the MONARO PLAINS an destroy the hole area
IT MUST NOT GO AHEAD

6

[redacted]

From: [redacted]
Sent: Monday, 20 February, 2023 10:56 AM
To: Draft LEP
Cc: [redacted]
Subject: Submission on Draft RLUS 2022 and Draft LEP 2022 - [redacted]
Attachments: [redacted] - SMRC Draft RLUS Submission - [redacted] - 20.2.2023.pdf

Dear Council,

Please find attached submission on the Draft Rural Land Use Strategy 2022 and Draft LEP 2022 for the property at [redacted]

Regards,

[redacted]

[redacted]

[redacted]

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dabyneplanning

SUBMISSION

SNOWY MONARO REGIONAL COUNCIL DRAFT RURAL LAND USE STRATEGY 2022 / DRAFT SNOWY MONARO LEP 2022

[redacted]

[redacted]

FEBRUARY 2022

Project: [redacted]

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dabyneplanning

SUBMISSION

SNOWY MONARO REGIONAL COUNCIL DRAFT RURAL LAND USE STRATEGY 2022 / DRAFT SNOWY MONARO LEP 2022

[redacted]

This report has been prepared by:

[redacted]

[redacted]

FEBRUARY 2022

Project: [redacted]

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Dabyne Planning Pty Ltd
Office Suite 8, The Office Hub, 4/3 Gippsland Street, Jindabyne
phone: 02 6457 2170 | PO Box 179 Jindabyne NSW 2627 | email: info@dabyneplanning.com.au

[redacted] ◆ Submission on the SMRC Draft Rural Land Use Strategy I February 2022

1. INTRODUCTION

Dabyne Planning Pty Ltd has been engaged by [redacted] to prepare a submission in relation to the Snowy Monaro Regional Council Draft Rural Land Use Strategy 2022 (draft RLUS 2022) and Draft Snowy Monaro Local Environmental Plan 2022 (draft SM LEP 2022).

The submission relates to a property located at [redacted] (subject site). The property is legally described as [redacted]

The subject site is currently zoned RU1 – Primary Production under the Snowy River Local Environmental Plan 2013 (SR LEP, 2013).

This zoning was as a result of a 'straight transfer' from the Snowy River Rural Local Environmental Plan 2007 (SR Rural LEP, 2007), a locality-based plan.

Accordingly, no proper strategic planning has been undertaken within the former Snowy River Shire area since 2007 and this work was based on:

- *Snowy River Shire Rural Lands Study "The Drivers of Change": A Local Environmental Study to support and Amendment to the Snowy River LEP 1997, May 2003.*
- *Draft Snowy River Shire Rural Land Strategy, July 2006.*
- *Snowy River Shire Council: Discussion Paper for Options for the Future Growth of Jindabyne, 2006.*
- *Snowy River Shire Council: Jindabyne Growth Structure Plan, 2007.*

Under the draft RLUS 2022, the subject site is proposed to have a split zone with the majority of the property proposed to be zoned RU2 – Rural Landscape and the balance, RU4 – Primary Production Small Lots.

The draft RLUS 2022 proposes to increase the minimum lot size for the property from 40 hectares to 200 hectares for the RU2 zoned land and 40 hectares for the RU4 zoned land. With the proposed RU4 zoned land only 18 hectares in size (approx.) this would prohibit any future subdivision of the property.

The draft RLUS 2022 and accompanying draft SM LEP 2022 does not provide sufficient evidence based planning to justify the split zoning and increase in minimum lot size.

This submission forms the basis of an objection to the draft RLUS 2022 and draft SM LEP 2022 on behalf of the land owners of the subject site and requests that if Council chooses not to detach the RU2 zone from an increase in lot size, then an RU4 zone over the entire property is sought, as that zoning is allocated a 40 hectare minimum lot size, the same controls that currently applies.

The grounds for objection are summarised below:

1. ***The proposed split RU4 and RU2 zonings and their boundaries and subsequent increase in minimum lot size is not based on adequate evidence based planning.***

2. *The proposed zoning and minimum lot size does not reflect the proposed Rural Living provisions for [redacted] under the adopted Snowy River Shire Jindabyne Growth Strategy 2007.*

3. *The subject site should only have one zone and one minimum lot size (with no increase in lot size).*

4. *A significant increase in the minimum lot size to 200ha would result in the prohibition of further subdivision of the subject property, and most properties within the [redacted] corridor. This overtime would contribute to a further decline in the rural population placing increased demand on the Jindabyne and Berridale townships to provide housing supply.*

5. *The draft RLUS/LEP 2022 needs to facilitate additional flexible subdivision controls.*

2. THE LOCALITY & THE SITE

2.1 The Locality

The subject site is located [redacted] along [redacted] on its western side, approximately [redacted] east of Jindabyne.

The subject site is bound by rural and rural residential properties.

The location of the subject site is illustrated in context with the aerial and topographic locality plans provided in figure's 1 & 2 below:

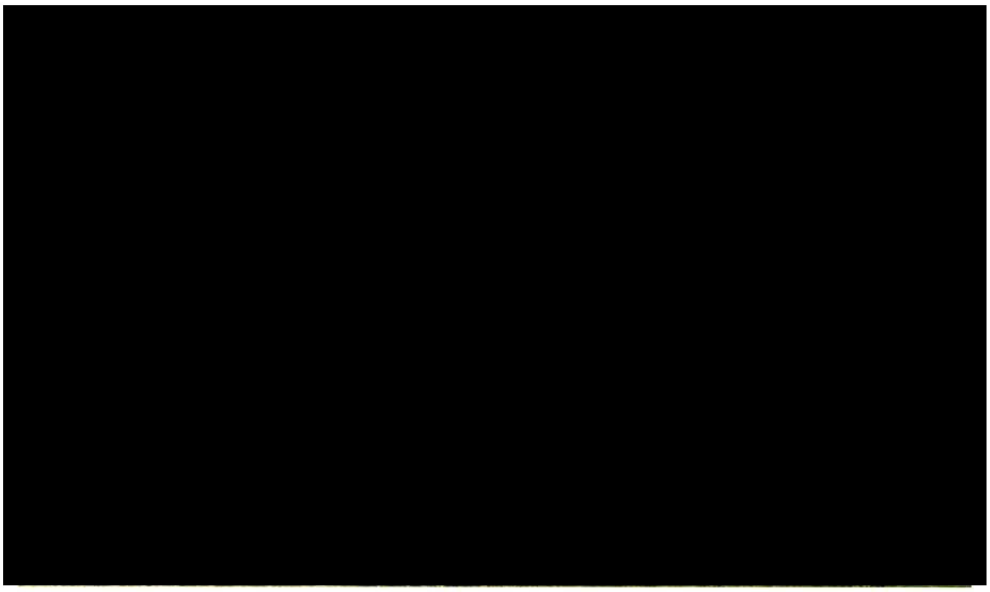


Figure 1: Wider aerial locality map



Figure 2: Topographic locality map

2.2 The Site

The subject site comprises of one allotment [redacted] and is 101.2ha in size as per the Deposited Plan.

An aerial plan of the subject site is provided below in figure 3 below.



Figure 3: Aerial map of the subject site

As shown the in aerial map of the site above, the site provides a relatively large, cleared area within the eastern part of the property, adjacent to its eastern boundary, being [redacted]

2.3 Current land uses

The subject site is primarily used as a rural lifestyle property with an existing dwelling located at the eastern end of the property and moderate sloping clearing land which includes rural infrastructure such as fenced paddocks, farming sheds, stables, dams and tanks.

The capital investment in the range of rural infrastructure on the subject site is considered substantial.

The photos below illustrate some the character and use of the property.

[redacted] Submission on the SMRC Draft Rural Land Use Strategy | February 2022

[redacted]

[redacted]

2.4 Infrastructure and Rural Services

The subject site enjoys access to a range of infrastructure and rural services. These include:

- Power supply.
- Wireless communications.
- Public Roads (dual lane gravel road which is to be sealed during 2023).
- School transport and waste collection at the intersection of [redacted] and [redacted]

Additionally, the subject site is located within [redacted] to both Jindabyne and Berridale, which both provide a range of regional services.

2.5 Future Potential Subdivision

In 2021, Dabyne Planning was engaged to undertake a planning analysis to determine the potential to undertake a two (2) lot subdivision of the property, creating one (1) lot over 40ha for the existing dwelling and one (1) additional lot over 40ha for a future dwelling.

This analysis identified that the site did have constraints associated with bushfire, biodiversity and topography, however those constraints could be mitigated by way of the subdivision design and only creating a suitable future dwelling location by way of a building envelope, towards the front of the property (eastern end), suitable for a future dwelling.

A theoretical concept subdivision plan achieving two (2) lots is provided below.



Figure 7: Theoretical future subdivision plan

This plan demonstrates that the land towards [redacted] at its eastern end is suitable for a dwelling house, is relatively cleared and relatively free of constraints.

This part of the property could include a building envelope for a future dwelling (as shown in figure 7 above) coincidentally corresponds with the land proposed to be rezoned to RU4 with its associated greater expansion of land uses and development potential, with the same lot size currently applied, being 40 hectares.

However as the property is proposed to have a split zone and therefore a split minimum lot size (with the majority of the property zoned RU2 and increase in minimum lot size to 200ha), this type of subdivision would not be allowed if the draft RLUS 2022 and draft SM LEP 2022 were adopted as proposed.

This demonstrates that a subdivision can be achieved which limits the placement of future dwellings away from high bushfire risk areas, close to roads and infrastructure and also away from higher valued biodiversity areas and steeper sloping land. This can be achieved without increasing the minimum lot size of using split zones.

Accordingly, the use of overlays and development controls would be more appropriate and reasonable rather than one set of environmental or bushfire risk attributes to rezone an entire property which then results in a significant increase in the minimum lot size and effective prohibition of further subdivision of the subject site.

3. SNOWY RIVER LOCAL ENVIRONMENTAL PLAN 2013

3.1 Current Zoning:

The subject property is currently zoned RU1 – Primary Production under the Snowy River Local Environmental Plan 2013 (SR LEP 2013).

3.2 Current Permissible Land Uses:

Under the SR LEP 2013 the following land uses are permissible with development consent on land zoned RU1:

Air transport facilities;
Airstrips;
Animal boarding or training establishments;
Aquaculture;
Bed and breakfast accommodation;
Boat launching ramps;
Boat sheds;
Building identification signs;
Business identification signs;
Camping grounds;
Caravan parks;
Cellar door premises;
Cemeteries;
Charter and tourism boating facilities;
Centre-based child care facilities;
Community facilities;
Crematoria;
Depots;
Dual occupancies;
Dwelling houses;
Eco-tourist facilities;
Educational establishments;
Environmental facilities;
Extractive industries;
Farm buildings;
Farm stay accommodation;
Flood mitigation works;
Forestry;
Funeral homes;
Garden centres;
Helipads;
Home-based child care;
Home businesses;
Home industries;
Industrial training facilities;
Information and education facilities;
Intensive livestock agriculture;
Intensive plant agriculture;

Jetties;
Landscaping material supplies;
Mooring pens;
Moorings;
Open cut mining;
Places of public worship;
Plant nurseries;
Recreation areas;
Recreation facilities (outdoor);
Respite day care centres;
Roads;
Roadside stalls;
Rural industries;
Rural supplies;
Rural workers' dwellings;
Secondary dwellings;
Timber yards;
Transport depots;
Truck depots;
Veterinary hospitals;
Water recreation structures;
Wharf or boating facilities

The subject site therefore has a total of sixty (60) potential land uses that are currently permitted with consent.

3.3 Current Lot Size:

Under the SR LEP, 2013 the subject site and the entire [redacted] locality has a minimum lot size of 40 hectares.

This allows for the subject site to be subdivided into two (2) lots.

A theoretical concept subdivision plan is provided in figure 7 above and this illustrates how the property could be subdivided by way of mitigating bushfire and biodiversity constraints through the use of building envelopes and the subdivision design.

4. DRAFT RURAL LAND USE STRATEGY 2022 & DRAFT SM LEP 2022

4.1 Proposed Zoning:

The draft RLUS 2022 has identified that the subject property is to have a split zoning, with the majority of the land to be zoned RU2 – Rural Landscape and the smaller area, to be zoned RU4 – Primary Production Small Lots.

This would result in about 83ha of the land to be zoned RU2 and about 18ha of the land to be zoned RU4.

An extract of the proposed zoning map under the draft SM LEP 2022 is provided below:



Figure 8: Extract of draft SM LEP 2022 zoning map

4.2 Proposed Permissible Land Uses

Under the draft RLUS 2022/draft SM LEP 2022 the proposed following land uses are permitted with and without development consent within the proposed RU2 zone:

Permitted without consent:

Environmental protection works;
Extensive agriculture;
Home businesses;
Home industries;
Home occupations;
Horticulture;
Roadside stalls;
Viticulture

Permitted with consent:

Agritourism;
Agricultural produce industries;
Animal boarding or training establishments;
Aquaculture;
Building identification signs;
Business identification signs;
Camping grounds;
Dual occupancies;
Dwelling houses,
Eco-tourist facilities;
Emergency services facilities;
Environmental facilities;
Farm buildings;
Farm stay accommodation;
Forestry;
Information and education facilities;
Plant nurseries;
Recreation facilities (outdoor);
Research stations;
Roads;
Sawmill or log processing works,
Telecommunications facilities

Comment:

The proposed RU2 zone provides a much lessor range of land uses permitted when compared to the current RU1 zone and although not necessarily suitable for the subject site, the following land uses may be suitable in other areas and should be considered permissible with consent:

- Airstrips
- Extractive Industries (particularly existing ones)
- Helipads
- Information and education facilities
- Rural workers dwellings
- Secondary dwellings

Under the draft RLUS 2022/draft SM LEP 2022 the proposed following land uses are permitted with and without development consent within the proposed RU4 zone:

Permitted without consent:

Environmental protection works;
Extensive agriculture;
Home-based child care;
Home businesses;
Home industries;
Home occupations;

Horticulture;
Viticulture;
Roadside stalls

Permitted with consent:

Agricultural produce industries;
Agritourism;
Airstrip,
Animal boarding or training establishments;
Aquaculture;
Artisan food and drink industry;
Building identification signs;
Business identification signs;
Camping grounds;
Caravan parks;
Creative industries;
Dual occupancies;
Dwelling houses;
Eco-tourist facilities;
Farm buildings;
Function centres;
Helipads;
Industrial retail outlets;
Information and education facilities;
Intensive livestock agriculture;
Intensive plant agriculture;
Markets;
Plant nurseries;
Recreation facilities (outdoor);
Roads;
Tourist and visitor accommodation;
Any development not specified in item 2 or 4.

All development is permitted except as identified as prohibited below:

Advertising structures;
Air transport facilities;
Amusement centres;
Attached dwellings;
Backpackers' accommodation;
Boarding houses;
Car parks;
Centre-based child care facilities;
Co-living housing;
Commercial premises;
Correctional centres;
Depots;
Educational establishments;
Entertainment facilities;
Exhibition villages;

Extractive industries;
Freight transport facilities;
General industries;
Group homes,
Heavy industrial storage establishments;
Heavy industries;
Health services facilities;
High technology industries;
Highway service centres;
Hostels;
Hotel or motel accommodation;
Industrial training facilities;
Livestock processing industries;
Local distribution premises;
Marinas;
Mooring pens;
Mortuaries;
Multi dwelling housing;
Open cut mining;
Passenger transport facilities;
Port facilities;
Public administration buildings;
Recreation facilities (indoor);
Recreation facilities (major);
Registered clubs;
Residential flat buildings;
Respite day care centre;
Restricted premises;
Rural workers dwellings;
Secondary dwellings;
Semi-detached dwellings,
Seniors housing;
Service stations;
Serviced apartments;
Sex services premises;
Shop top housing;
Stock and sale yards;
Storage premises;
Transport depots;
Truck depots;
Vehicle body repair workshops;
Vehicle repair stations;
Warehouse or distribution centres;
Wholesale supplies

Comment:

The proposed RU4 zone provides a wide range of land uses that may be suitable for the subject site.

4.3 Split Zonings

The draft RLUS 2022 and draft SM LEP 2022 proposes split zonings for the subject site and locality.

The Department of Planning & Environment LEP practice note **'PLANNING SYSTEM Local Planning Ref No. PN 11-002 Issued 10 March 2011 (supersedes and replaces PN 06-002)'** addresses Split Zonings:

Lots with more than one zone:

In some circumstances 'dual' or 'split' zoning on a single lot may be acceptable to acknowledge the different development potential of the land due to topography, different environmental values, certain land constraints or different designated future land uses. In proposing this approach, councils should consider the implication on other planning controls for that lot expressed in the Land Use Table, principal development standards (minimum lot size and/or scale of development) or additional local provisions. Split zoning may be considered a suitable approach in planning for urban release areas.

In Page 2 Department of Planning Practice Note PN 11-002 Page 3 some areas, split zoning may also be considered a suitable approach on large non-urban lots where a significant portion of the lot has been identified, through detailed background assessment, as an area of high environmental value. However, if a portion of the lot is proposed to be zoned for environmental protection, it should not generally be an isolated area limited in size that does not provide for compact and contiguous environmental conservation and linkages. In such cases it is advisable to apply a single appropriate non urban zone and adopt the relevant natural resource management model clauses (e.g. biodiversity, wetlands, riparian land and waterways etc.)

This practice note established some principles which have not been adopted as part of the application of split zones under draft RLUS 2022 and draft SM LEP 2022.

The subject site and the location of the boundary between the proposed RU2 and RU4 does not have significantly different development potential to warrant a split zone. The land on either side of the proposed zone boundary is similar. The western part of the property is more constrained as it is more vegetated and steeper, yet this does not warrant a different zone.

Importantly, the Department acknowledges that split zones are mostly suitable in urban release areas, however in non-urban areas, it should only be applied where a significant portion of the lot has been identified through detailed background assessment, as an area of high environmental value.

The subject site and locality has not been subject to adequate detailed background assessments and the land has not been validated as comprising of high environmental value. This is further discussed below in relation to the Snowy Monaro Biodiversity Study (SMBS) prepared by Molonglo Conservation Consulting in December 2019.

On this basis, applying split zones to the subject property is not appropriate.

4.4 Proposed Minimum Subdivision Lot Size

The draft RLUS 2022 has identified that the lot size be directly linked with the proposed zoning, even if the land is capable of a lower minimum lot size.

The draft RLUS 2022 applies the same lot size as currently applies, being 40ha to the proposed RU4 zoned land and a much greater minimum lot size of 200ha to the proposed RU2 zoned land.

As the minimum lot size is split according to the proposed split zoning, only 18ha of land within the proposed RU4 zone will sit within the 40ha minimum lot size.

The majority of the property is proposed to be zoned RU2 with a 200ha minimum lot size.

This represents an increase of 500% from the current minimum lot size.

An extract of the proposed lot size map under the draft RLUS 2022 and draft SM LEP 2022 is provided below:



Figure 9: Extract of draft SM LEP 2022 Lot Size Map

Under the proposed draft RLUS 2022 the subject property would not be able to be further subdivided.

4.5 Proposed Rural Boundary Adjustment Provisions (Clause 4.2C)

The current rural boundary adjustment provisions under clause 4.2E of the SR LEP, 2013 is proposed to be carried over and include the RU2 and RU4 zones in addition to the RU1 and C3 zones.

These flexible subdivision provisions are extremely important and therefore their retainment in a future consolidated LEP and expansion to incorporate all the relevant rural and environmental zones is supported.

4.6 Proposed Dwelling Entitlement Clause (Clause 4.2A)

Inclusion of Sunset Clause for Snowy River Existing Holdings:

The proposed dwelling entitlement clause under the SR LEP, 2013 is effectively proposed to be carried over except for the inclusion of yet another sunset clause to be re-introduced which would remove the ability to use an existing holding to achieve a dwelling entitlement.

Under the previous SR Rural LEP, 2007 a 5-year sunset clause was applied to the same existing holdings, to expire in 2012.

Upon expiration of the sunset clause in April 2012, a change of government occurred, and the existing holding provision was re-introduced in response to significant community backlash to its removal.

Furthermore, a time limit was removed to execute the existing holding, thus no sunset provision was re-introduced.

The only justification Council has provided under the draft RLUS 2022 to re-introduce another sunset provision that would lead to the removal of using an existing holding to achieve a dwelling entitlement is to achieve *'equity and to work towards consistency across the whole of the LGA'.*

This is in direct contravention in Council preparing a planning instrument with policies and controls based on local character and needs, rather than a homogenous plan for a very vast and wide LGA based on very different localities.

One of Councils' key commitments under the Snowy Monaro Local Strategic Planning Statement is:

'Acknowledge that the Snowy Monaro is a vast area which requires localised planning controls to respond to differences in the landscape, industries and local issues in specific areas across the region.'

Councils policy position under the draft RLUS 2022 appears to be predicated upon preparing a consolidated LEP based on homogenous and uniform planning policies and controls, rather than being based on localised planning controls that reflect the local communities' aspirations.

The removal of the existing holding dwelling entitlement provisions under the SR LEP, 2013 because the Cooma and Bombala LEP provisions had been removed is not sufficient grounds or justification.

The Snowy River community expressed a strong desire to retain these provisions with no sunset clause.

This could be achieved (as done elsewhere) by mapping the existing holdings and incorporating a local planning provision applied to those holdings allowing for a dwelling entitlement to still be retained. This would allow for the sunset clause to be removed.

Inclusion of requirement for Coinciding legal and practical vehicular access to a public road:

Council are proposing to introduce a significant clause that could prevent dwellings being erected on lots that a greater than the minimum lot size (3(a)), lots created previously (3(b)) and lots resulting from an approved subdivision (3(C) unless *'coinciding legal and practical vehicular access to a public road vested in the Council or to a classified road'* can be achieved.

The clause prevents Council from granting consent for properties accessed by way of a Crown Road, a common method of access to rural properties.

Roads such as Spring Hill Road (East Jindabyne), Old School Road (Hill Top) and Eagle View Lane (Moonbah) provide legal access to dozens of dwellings and properties with dwelling entitlements and are all Crown Roads.

Most of these roads do not sit 100% within its defined legal corridor.

This clause would also prevent Council granting consent to DA's for dwelling on approved subdivision lots, despite those lots being approved and created for that purpose.

This clause should remain a DCP control where variations can be sought and individual merit assessment can be undertaken, rather than a prohibition that is not subject to a clause 4.6 variation.

5. GROUNDS FOR OBJECTION

1. The proposed split RU4 and RU2 zonings and their boundaries and subsequent increase in minimum lot size is not based on adequate evidence based planning.

Methodology for rezoning & increase in minimum lot size.

The draft RLUS 2022 does not provide a clear and concise methodology for the rezoning of the subject site and use of split zones from RU1 to RU2 for the central and western 83ha portion of the site or RU4 for the 18ha eastern portion of the site.

The draft RLUS 2022 offers a range of reasons to rezone RU1 land to RU2. The draft RLUS 2022 outlines that land that may be suitable for an RU2 zone, includes:

- Category 1 Bushfire Prone Land
- Regional biodiversity corridor
- Class 7 and 8 Land as per Land and soil capability assessment scheme
- Slope equal to or greater than 20 degrees

The above individual mapping was not included in the electronic mapping overlays placed on public exhibition and without specific references for the data, a site specific review of each constraint and its associated map is not able to be undertaken.

Only *'Figure 21 – Environmentally Constrained Land'* can used to determine whether the subject site is mapped with these constraints, which is provided at a very broad level without site or even locality specific resolution.

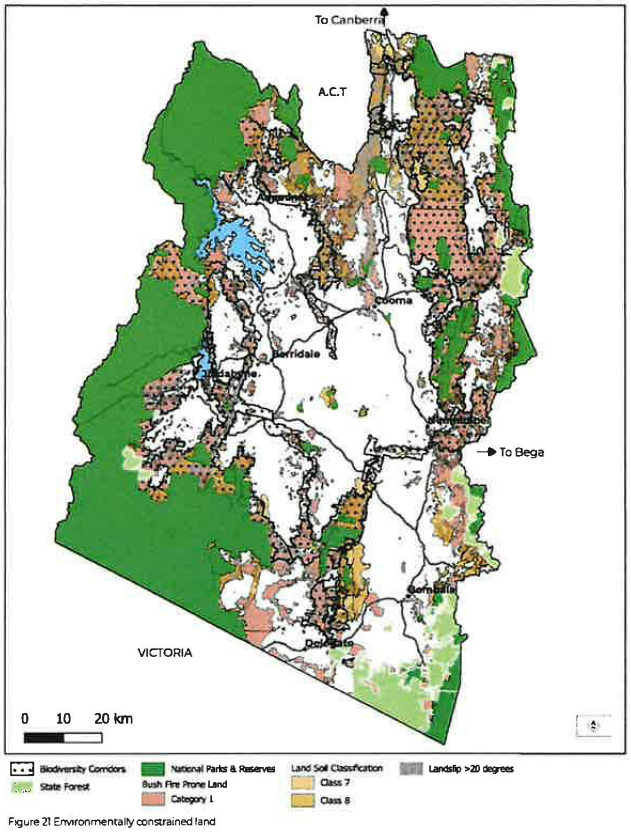


Figure 10: Draft RLUS 2022 Figure 21 Environmentally constrained land

A review of *Figure 21* indciates that the subject site is likely mapped environmentally constrained land due to Bushfire Prone Land Category 1 Vegetation mapping and being located in a Biodiversity Corridor. Whislt the mapping is difficult to precisely interpret, the land only comprises of minor areas of slope greater than 20 degrees and does not comprise of any Class 7 or 8 Soil Classification.

Accordingly, the use of Bushfire Prone Land Category 1 Vegetation mapping and Biodiversity Corridor mapping is addressed further below.

Use of Category 1 Bushfire Prone Land to rezone land and increase minimum lot size:

The draft RLUS 2022 outlines the following actions and outcomes for rezoning land and increasing the minimum lot size in relation to bushfire risk:

Actions: 'Limit the density of residential development in high risk bushfire prone areas through zoning, permissible land uses and increases to minimum lot size within the LEP'.

Outcomes: 'Life and property is protected from natural hazards'.

This has been undertaken by using the Bushfire Prone Land Map Category 1 vegetation, with an extract of the subject site provided below.



Figure 11: Bushfire Prone Land Map

This mapping is subject to limitations as outlined in the RFS *'Guide For Bush Fire Prone Land mapping'*:

4 Limitations

Bush Fire Prone Land mapping is intended to designate areas of the State that are considered to be higher bush fire risk for development control purposes. Not being designated bush fire prone is not a guarantee that losses from bush fires will not occur.

Changes to the landscape may occur from time to time and therefore the certified bush fire prone land maps may not be a true indication of bush fire risk.

The limitations are noted as the mapping does not reflect changes to the landscape and the RFS have also advised that the mapping is not to be used for purposes of development assessment, as outlined in Section 2.2 of PBP 2019:

'The BFPL Map is a trigger for the consideration of BFPL Maps for new development. It is not intended as a detailed measure of risk. The map does not form part of the site assessment process, which must be carried out in accordance with Appendix 1'.

A review of the relevant Rural Fire Service and Department of Planning & Environment Policies including Planning for Bushfire Protection 2019, S.9.1 Ministerial Directions, Development Control Notes and Fact Sheets has failed to identify where the Category 1 Bushfire Prone Land Mapping is intended to be used to inform zoning and minimum lot size under an Environmental Planning Instrument.

In light of this, Dabyne Planning Pty Ltd consulted with Lew Short, Director of Blackash Bushfire Consulting on the use of bushfire prone land maps for rezoning and lot size purposes.

Lew Short has over 25 years in the emergency management and bushfire space including working for the NSW Rural Fire Service (RFS) for 10 years where he established, managed and lead the development and implementation of Planning for Bushfire Protection, Bushfire Prone Mapping and the development assessment function for the RFS at a State level.

Lew developed the design and implementation of Planning for Bushfire Protection at the RFS, which has become the cornerstone of all bushfire assessment and planning needs across NSW.

Lew was responsible for the assessment of over 80,000 development applications by the RFS and has represented fire services for landuse planning, community safety and construction in bushfire prone areas at both State and National levels.

Lew is accredited BPAD A provider to which Level 3 provides the highest level of skill and qualification for Alternate Solutions.

Lew advised that he has never heard or seen any direction provided by the RFS that would warrant the Bushfire Prone Land Map and Category 1 vegetation to inform an LEP with regard to zoning and/or minimum lot size.

Lew Short confirmed, the use of this map to support a change in zoning or increase in lot size would not be appropriate.

A review of PBP, 2019 supports this position where under '2.3 Strategic Planning' there is no reference to the use of this mapping for zoning or a decrease in minimum lot size.

In fact the RFS requires a Strategic Bushfire Study be prepared to support any rezoning and lot size '*to identify whether new development is appropriate subject to the identified bush fire risk on a landscape scale. An assessment of proposed land uses and potential for development to impact on existing infrastructure is also a key element of the strategic planning process in bush fire prone areas. Land use planning policies can be introduced to limit the number of people exposed to unacceptable risk'.*

Without a Strategic Bushfire Study being undertaken, Council does not have sufficient evidence or resources to warrant a change in zoning and in particular increase in minimum lot size based solely on the Bushfire Prone Land Map.

Prohibition of subdivision, restricts better bushfire risk outcomes:

The draft RLUS 2022 states as an Action:

- *'Limit the density of residential development in high risk bushfire prone areas through zoning, permissible land uses and increases to minimum lot size within the LEP'.*

The draft RLUS 2022 outlines the following Outcome:

- *'Life and property is protected from natural hazards'.*

Every subdivision that creates a lot for an existing or future residential/rural-residential dwelling requires formal approval from the NSW Rural Fire Service by way of a Bushfire Safety Authority under S.100B of the Rural Fires Act, 1997. Every DA in this instance is an Integrated Development under S.4.46 of the EP&A Act, 1979. This means that Councill cannot approve a DA for subdivision for this purpose when the land is mapped as bushfire prone land, unless the RFS grants approval.

The RFS requires each subdivision DA to comply with Planning for Bushfire Protection 2019 Guidelines.

The RFS therefore are the 'gate keepers' that regulate whether a subdivision can be approved and therefore whether the density of residential development needs to be limited within regard to bushfire risk and they do not use the Bushfire Prone Land Map to undertake this assessment.

Council therefore does not need to increase the minimum lot size to restrict subdivisions and therefore potential increase in dwellings in high bushfire risk areas, as the RFS already regulate this through the subdivision approval process.

Secondly, the RFS commonly require properties including existing dwellings to be upgraded as part of a subdivision approval, therefore achieving a better bushfire risk outcome compared to if the subdivision did not proceed.

Usual upgrade conditions include:

- Ember protection for an existing dwelling
- Improved or enlarged Asset Protection Zones for an existing dwelling
- Improved or new static water supply for an existing dwelling
- Improved access, including emergency vehicle access
- Emergency evacuation plans

Only recently, the RFS granted a Bushfire Safety Authority for a two lot subdivision at 1079 Avonside Road, Jindabyne [redacted] which included upgrade conditions requiring the above listed upgrades at an approximate cost of circa [redacted] to the owner.

These upgrades would only be achieved and undertaken as part of a subdivision, where the sale of the new lot would fund the upgrade requirements.

Therefore Councils intended Outcome '*Life and property is protected from natural hazards'* is not necessarily achieved when the minimum lot size is increased which prohibits further subdivision and therefore improved bushfire risk outcomes.

Use of Biodiversity Corridors:

The draft RLUS 2022 makes reference to biodiversity corridors and these being used to justify the rezoning of land from RU1 to RU2 (for the majority of the subject property) and therefore increase in minimum lot size.

The Biodiversity Corridors originated from the Snowy Monaro Biodiversity Study (SMBS) prepared by Molonglo Conservation Consulting in December 2019 as part of the draft RLUS 2020.

Despite all the issues raised previously about the shortcomings and inaccuracies of the SMBS in informing zoning and lot size, it appears to remain a catalyst for Council proposing to rezone the subject site and increase its lot size.

The SMBS however makes the following disclaimers and caveats:

- *'Ground-truthing has been undertaken for key areas of interest for this report, as outlined in the scope for this study. However, it should be noted that there remain significant data gaps, particularly for certain vegetation communities such as native grasslands. Field surveys and data confirmation should form a key priority for any area proposed for land use or zoning changes'.* [Pg iv]

Molonglo Conservation Consulting therefore have advised that 'ground-truthing' was only undertaken for the key areas of interest (being the townships of Berridale, Michelago, Smiths Road, Bombala and Cooma, and Smiths Road), which therefore does not include the subject site. Molonglo Conservation Consulting recommended that field surveys and data confirmation form a key priority for any area proposed for land use or zoning changes.

Molonglo Conservation Consulting further advised:

- *'Given the extensive spatial data gaps that remain unconfirmed, only the areas of interest to the SMRC for potential future growth have been investigated on-ground as part of this study in line with available resources'.* (pg v).

- *'Similar to the lack of a standardised vegetation classification schema for the region, there was no clear guidance available on the conservation status of mapped vegetation types (i.e. a means to infer which vegetation types are Endangered Ecological Communities, etc)'.* (pg 14)

- *'This dataset is provided in the spatial 'datapack', although it is likely that the 'Candidate Native Grasslands' data layer over-estimates the extent of existing Natural Temperate Grasslands (NTG), and therefore may be superseded by draft mapping of the Werrima/Monaro EEC, which was unavailable for this study'.* (pg 14)

- *'Predictions for the threatened species were derived using only (outdated) vegetation and topography and are not ground-truthed. While these data represent an important complement to biodiversity value mapping in the region, we suggest they only be treated as guides, as they may significantly over- and/or under-estimate actual threatened species distributions'.* (pg 16)

- *'Due to time constraints, and a lack of standards in how threatened species were labelled across the Priday datasets (i.e. some codes were based on common names, while other codes were based on scientific names, etc), high probability predictions of threatened species are generically attributed as 'Threatened Species Prediction' in the spatial 'datapack' criteria'.* (pg 17)

- *'In general, we did not attempt to verify the accuracy of spatial data provided to us by regional authorities, aside from very targeted field surveys in a few investigation areas (see Section 7.3)'.* (pg 19)

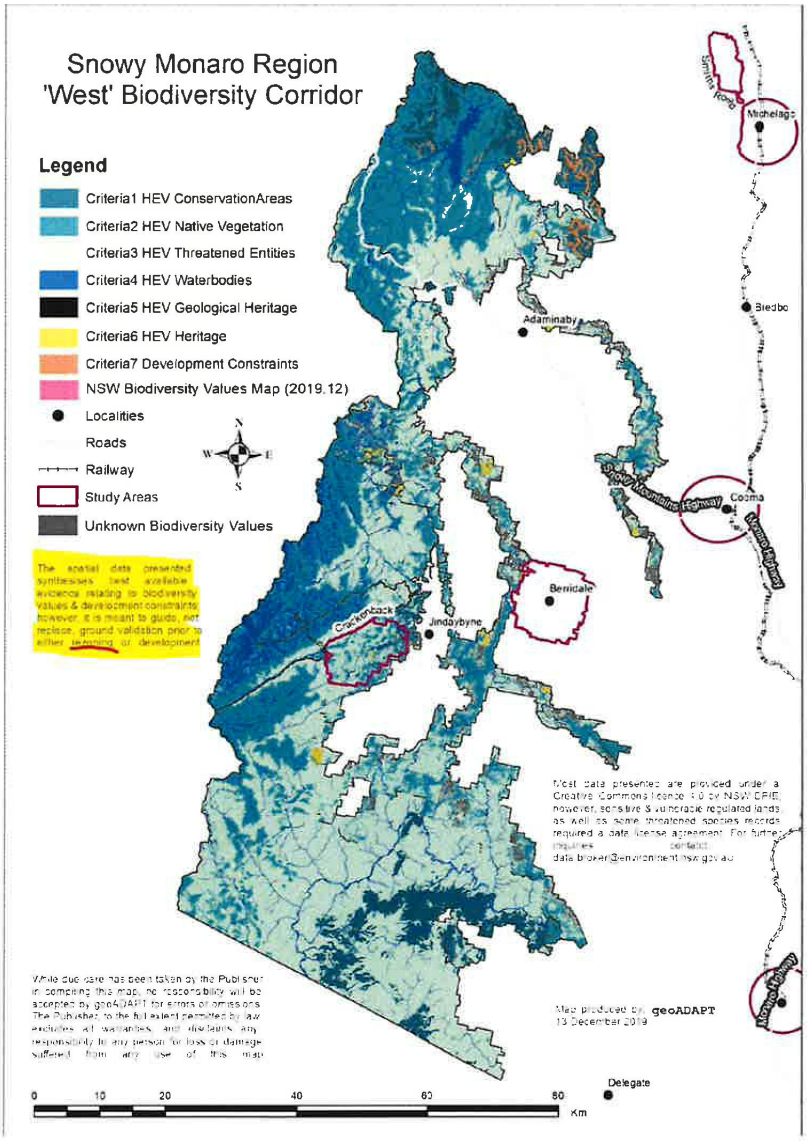
- *'Ground-truthing has been undertaken for key areas of interest for this report, as outlined in the scope for this study. However, it should be noted that there remain significant area gaps, particularly for certain vegetation communities such as native grasslands. Field surveys and data confirmation should form a key priority for any area proposed for land use or zoning changes. A number of submissions to the Snowy Monaro Region Planning and Land Use Discussion Paper 2019 also highlighted this point'.* (pg 19)

Molonglo Conservation Consulting have clearly articulated that the SMBS has been prepared based on significant inaccuracies, lack of data, limited ground-truthing and lack field work undertaken and therefore should not be used for rezoning purposes.

Accordingly, its mapping should not be used to rezone land and/or increase the minimum lot size.

This is no better articulated than the Biodiversity Corridor mapping used in figure 11, which states: *'The spatial data presented synthesises best available evidence relating to biodiversity values & development constraints; however, it is meant to guide, not replace, ground validation prior to either rezoning or development'* (underline included to highlight).

Figure 11 Biodiversity Values and Development Constraints in the 'West' Biodiversity Corridor



Page | 34 molongloconsulting.com.au

Figure 12: Western Biodiversity Corridors

2. The proposed zoning and minimum lot size does not reflect the proposed Rural Living provisions for [redacted] under the adopted Snowy River Shire Jindabyne Growth Strategy 2007.

In 2007, the Jindabyne Growth Structure Plan was adopted by the former Snowy River Council and at a broad level identifies areas to accommodate the growth of the Jindabyne township.

The plan was informed by the Jindabyne & Villages Planning Project and Jindabyne Growth Discussion Paper.

The subject site was identified as being within the [redacted]

As outlined in the Snowy River Settlement Strategy, the former Snowy River Shire Council formed a policy position to support rural living subdivision, and this included the [redacted] locality.

Together with stricter controls and use of mapping overlays (i.e. no development on state protected land over 18%), Council was to support and direct rural living opportunities in the [redacted]

The proposed RU2 zoning and increase in minimum lot size from 40ha to 200ha is therefore in direct contravention to the previous and more rigorous and consultative strategic planning undertaken by the former Snowy River Shire Council.

Furthermore, the Minimum Lot Size should not be predicated on zoning alone. This should be developed with consultation with local communities, based on local planning principles.

Local based planning controls over uniform and homogenous planning controls should be a key objective of the RLUS and future LEP in line with Councils Local Strategic Planning Statement.

3. The subject site should only have one zone and one minimum lot size (with no increase in lot size)

The proposed methodology to rezone part of the property RU2 and part of the property RU4 is not based on sufficient evidenced based planning and therefore is contrary to Councils Local Strategic Planning Statement and commitment to:

'Use a strong evidence base to inform land use and planning decisions'.

The property should only have one zoning and one lot size control.

If the RU2 zoning can be detached from the proposed 200ha minimum lot size, then this zoning is considered acceptable for the entire property, subject to the permitted and prohibited land uses being subject to further consultation as part of next public exhibition of the Draft LEP.

If Council chooses not to detach the RU2 zone from an increase in lot size, then an RU4 zone over the entire property is sought, as that zoning is allocated a 40 hectare minimum lot size, the same controls that currently applies.

On the basis an RU4 zone is applied, Council should consider the use of averaging provisions in the RU4 zone.

The application of averaging provision where the minimum lot size is at least 5 hectares (or even 2 hectares) would go a long way to achieving the objectives and actions as outlined in the draft RLUS 2022.

For example, the use of averaging provisions would allow for new and smaller lots to be designed and located away from higher bushfire risk areas and higher biodiversity value areas, allowing dwellings to be located closer to roads and services and away from higher valued (better quality) agricultural grazing land, whilst ensuring there is no greater density if the averaging provision was not applied.

4. ***A significant increase in the minimum lot size to 200ha would result in the prohibition of further subdivision of the subject property, and most properties within the [redacted] corridor. This overtime would contribute to a further decline in the rural population placing increased demand on the Jindabyne and Berridale townships to provide housing supply.***

The Jindabyne locality is experiencing significant population growth with a large demand for housing in the urban, peri-urban and rural lifestyle areas including [redacted]

This demand was intended to be partly met with the inclusion of additional rural living areas to the south and east of Jindabyne, including the Barry Way, Mowamba and Avonside Road Rural Living Areas, providing additional rural living subdivision potential.

This demand has been acknowledged as part of the Snowy Mountains Special Activation Precinct (SM SAP) and its Master Plan which identified that to meet the projected growth over the 40-year horizon, housing demand would be met primarily through the identified sub-precincts and approximately 20% would be met through rural residential or residential development located outside of the SAP sub-precincts.

Despite the adopted policies and significant strategic planning undertaken by the former Snowy River Shire and the growth and therefore demand identified by the SM SAP, the draft RLUS 2022 not only proposes to ignore these rural living subdivision provisions but seeks to increase the minimum lot size for large areas on [redacted], including the subject site from 40ha to 200ha.

This would result in an effective prohibition of further subdivision of most properties within the [redacted] locality, including the subject site.

Such an increase in lot size would in overtime exacerbate a further decline in the rural population prevent meeting the growth associated with the Snowy Mountains SAP.

This would be considered contrary to most state and local planning strategies, instruments and policies including the SAP Master Plan, SETRP & Councils Local Planning Statement and contrary to the overall communities' aspirations and vision.

Regarding the SR LEP, 2013, this would undermine two key aims of the LEP:

(c) to help reduce the negative effects of an ageing and declining rural population by supporting restructuring and succession through flexible subdivision controls,

(d) to plan and provide for settlement where it provides a diverse range of living opportunities and housing choices without compromising the environmental values of Snowy River, including its natural resources such as water, biodiversity and agricultural land,

Together with the additional clauses and restrictions as outlined above, the increase in the minimum lot size would undermine achieving these aims.

5. The draft RLUS/LEP 2022 needs to facilitate additional flexible subdivision controls.

In addition to the matters discussed above, the draft RLUS 2022 needs to facilitate additional flexible subdivision controls for rural areas.

The Lot Size Map is a fundamental component of the standard LEP template to control subdivision and density. It has also been recognised within the planning profession in NSW as principally an urban based tool.

The Lot Size Map not only limits the ability to erect dwellings, but it also prevents the further subdivision of a property unless it meets the lot size requirement, unless it is for a primary production purpose.

Whilst the draft RLUS 2022 is seeking to expand the use of clause 4.2 to include C3 zones and proposes to retain the boundary adjustment provisions under the current SR LEP, 2013 (cl 4.2E), the strategy needs to facilitate additional flexible subdivision controls beyond these provisions.

The SR Rural LEP, 2007 only applied minimum lot size controls to regulate dwelling houses, with the ability to subdivide a rural property for another purpose, regardless of the minimum lot size.

This was considered an important flexible subdivision control that could allow a land owner to sell part of a property for a permissible land use, such as a rural industry, extractive industry or for tourism (i.e. an eco-tourist facility).

In December 2013, the Snowy River Rural LEP, 2007 was repealed (together with SR LEP, 1997) and replaced with a shire wide SR LEP, 2013.

The Councillors and community were advised in the preparation of the draft LEP and its public exhibition that the plan would be a 'straight transfer' of the same planning provisions (eg minimum lot size provisions) from the Rural LEP to the new LEP.

In other words, there would not be a significant departure from the provisions allowed under the Rural LEP when compared to the new shire wide LEP.

However, with the introduction of the use of the Standard Template and the Lot Size Map with clause 4.1, other forms of subdivision for the purposes of other than a dwelling house or primary production became prohibited.

The introduction of SR LEP, 2013 therefore resulted in a significant departure from the more flexible SR Rural LEP, 2007, despite Councils commitment.

A local planning provision should therefore be re-introduced to recognise that agriculture is in a state of adjustment by supporting restructuring and succession through flexible subdivision controls, and to help reduce the negative effects of an ageing and declining rural population across the rural areas.

This could be achieved by using a similar local provision as the adopted Tamworth Regional LEP, 2010 as provided below:

4.2A Lot size exceptions for certain rural subdivisions

Land in a zone to which clause 4.2 applies may, with development consent, be subdivided to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land, if the consent authority is satisfied that the use of the land after the subdivision will be the same use permitted under the existing development consent for the land (other than for the purpose of a dwelling house or a dual occupancy).

This clause provides the necessary flexibility for rural subdivision that should be incorporated in the revised draft SM LEP.

6. CONCLUSION

On behalf of the owners of the subject site, this submission has been prepared in response to the draft Rural Land Use Strategy 2022 and draft Local Environmental Plan 2022 with five (5) principal grounds of objection based on the proposed zoning, minimum lot size and facilitation of additional flexible subdivision controls.

As documented in the submission, the proposed split zoning of the property has not been adequately justified with insufficient evidence based planning, particularly when the split zoning results in a split and therefore increased minimum lot size.

The proposed split zoning is understood to be based on two constraints, being the Bushfire Prone Land Mapping – Category 1 vegetation and the Biodiversity Corridors. As outlined in this submission, these maps are not suitable to be used to justify a rezoning of the property and application of split zones.

The proposed increase in the minimum lot size from 40ha to 200ha is predicated on the proposed RU2 zone, based on the same mapping. This would result in the prohibition of subdivision on the subject site and most of the [redacted] locality.

This submission outlines how a subdivision could be achieved with a future dwelling located away from the higher bushfire risk and higher biodiversity values areas, and this can be achieved by way of planning overlays, local provisions and development controls. This allows for compatible development that responds to the site's opportunities and constraints, rather than just applying blanket prohibitions.

The significant increase in lot size would overtime lead to a further decline in rural population.

This is contrary to state and local planning strategies, instruments and policies and is not a stated community objective.

The future consolidated LEP and its strategies should focus on local based planning provisions with proper local community input, rather than adopting uniform controls and generating homogenous outcomes based on three quite different Council areas being forcefully merged into one.

Given the substantial issues raised in the submission and the extent of additional consultation required to address these issues, it is considered imperative that Council formally exhibit the draft LEP longer than the mandatory 28 days, re-engage with the community on these key issues, including the re-establishment of the Community Reference Group.

[redacted]

From: [redacted]
Sent: Monday, 20 February, 2023 10:19 AM
To:
Cc: [redacted]
Subject: Submission on Draft RLUS 2022 and Draft LEP 2022 - [redacted]
Attachments: [redacted] SMRC Draft RLUS Submission - [redacted] - 20.2.2023.pdf

Dear Council,

Please find attached submission the Draft Rural Land Use Strategy 2022 and Draft LEP 2022 for [redacted]

Regards,

[redacted]

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dabyneplanning

SUBMISSION

SNOWY MONARO REGIONAL COUNCIL DRAFT RURAL LAND USE STRATEGY 2022 / DRAFT SNOWY MONARO LEP 2022

[redacted]

[redacted]

FEBRUARY 2022

Project: [redacted]

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SUBMISSION

SNOWY MONARO REGIONAL COUNCIL DRAFT RURAL LAND USE STRATEGY 2022 / DRAFT SNOWY MONARO LEP 2022

[redacted]

This report has been prepared by:

[redacted]

[redacted]

FEBRUARY 2022

Project: [redacted]

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1. INTRODUCTION

Dabyne Planning Pty Ltd has been engaged by [redacted] to prepare a submission in relation to the Snowy Monaro Regional Council Draft Rural Land Use Strategy 2022 (draft RLUS 2022) and Draft Snowy Monaro Local Environmental Plan 2022 (draft SM LEP 2022).

The submission relates to a property located at [redacted] (subject site). The property is legally described as [redacted]

The subject site is currently zoned RU1 – Primary Production under the Snowy River Local Environmental Plan 2013 (SR LEP, 2013).

This zoning was as a result of a 'straight transfer' from the Snowy River Rural Local Environmental Plan 2007 (SR Rural LEP, 2007), a locality-based plan.

Accordingly, no proper strategic planning has been undertaken within the former Snowy River Shire area since 2007 and this work was based on:

- *Snowy River Shire Rural Lands Study "The Drivers of Change": A Local Environmental Study to support and Amendment to the Snowy River LEP 1997, May 2003.*
- *Draft Snowy River Shire Rural Land Strategy, July 2006.*
- *Snowy River Shire Council: Discussion Paper for Options for the Future Growth of Jindabyne, 2006.*
- *Snowy River Shire Council: Jindabyne Growth Structure Plan, 2007.*

Under the draft RLUS 2022, the subject site is proposed to have a split zone with the vast majority of the property proposed to be zoned RU2 – Rural Landscape and the (very small) balance, RU4 – Primary Production Small Lots.

The draft RLUS 2022 proposes to increase the minimum lot size for the property from 40 hectares to 200 hectares for the RU2 zoned land.

The draft RLUS 2022 and accompanying draft SM LEP 2022 does not provide sufficient evidence based planning to justify the increase in minimum lot size.

This submission forms the basis of an objection to the draft RLUS 2022 and draft SM LEP 2022 on behalf of the land owners of the subject site and requests that if Council chooses not to detach the RU2 zone from an increase in lot size, then an RU4 zone over the entire property is sought, as that zoning is allocated a 40 hectare minimum lot size, the same controls that currently applies.

The key grounds for objection are summarised below:

1. ***The proposed split RU4 and RU2 zonings and their boundaries and subsequent increase in minimum lot size is not based on adequate evidence based planning.***
2. ***The proposed zoning and minimum lot size does not reflect the proposed Rural Living provisions for Avonside Road under the adopted Snowy River Shire Jindabyne Growth Strategy 2007.***

3. *The subject site should only have one zone and one minimum lot size (with no increase in lot size).*

4. *A significant increase in the minimum lot size to 200ha would result in the prohibition of further subdivision of the subject property, and most properties within the [redacted] This overtime would contribute to a further decline in the rural population placing increased demand on the Jindabyne and Berridale townships to provide housing supply.*

5. *The draft RLUS/LEP 2022 needs to facilitate additional flexible subdivision controls.*

2. THE LOCALITY & THE SITE

2.1 The Locality

The subject site is located at the end of [redacted] which is [redacted] along the road and approximately [redacted] east of Jindabyne.

The subject site is bound by rural properties to the north, east and west and the Snowy River along its southern boundary.

The location of the subject site is illustrated in context with the aerial and topographic locality plans provided in figure's 1 & 2 below:



Figure 1: Wider aerial locality map



Figure 2: Topographic locality map

2.2 The Site

The subject site comprises of one allotment, [redacted] and is 111.8ha in size as per the Deposited Plan.

An aerial plan of the subject site is provided below in figure 3 below.

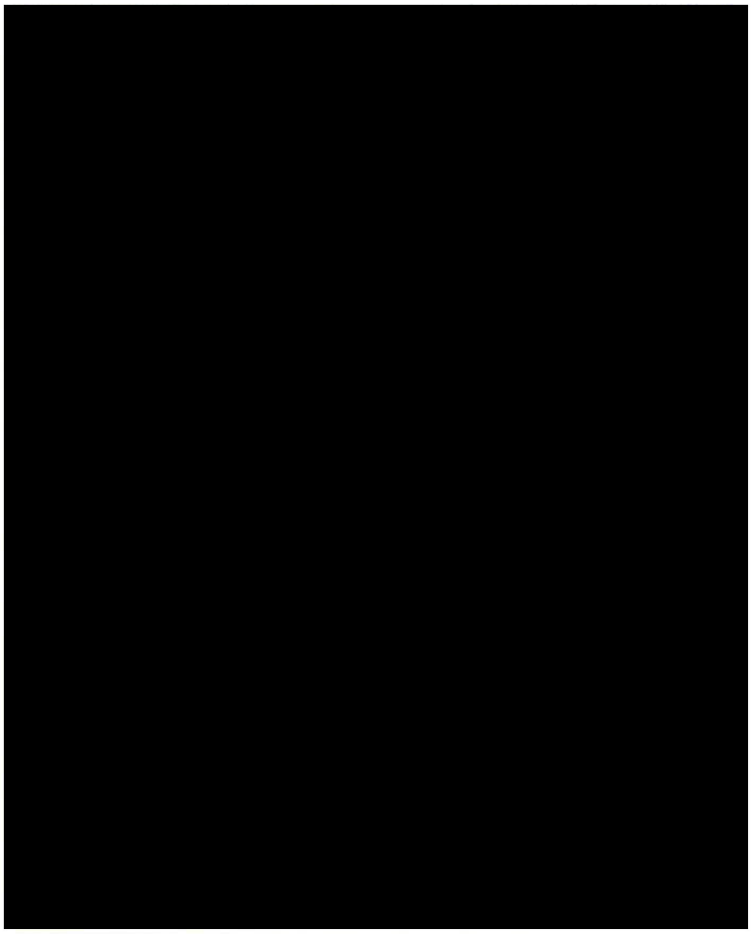


Figure 3: Aerial map of the subject site

As shown the in aerial map of the site above, the site provides a relatively large cleared area within the northern and central part of the property, adjacent to its eastern boundary.

2.3 Current land uses

The subject site is primarily used as a rural lifestyle property with an existing dwelling located at the northern end of the property and a flat cleared area at the central eastern area of the property which includes rural infrastructure such as fenced paddocks, farming sheds, stables, dams and tanks.

The capital investment in the range of rural infrastructure on the subject site is considered substantial.

The photos below illustrate some the character and use of the property.

[redacted] Submission on the SMRC Draft Rural Land Use Strategy I February 2022

[redacted]

[redacted]

2.4 Infrastructure and Rural Services

The subject site enjoys access to a range of infrastructure and rural services. These include:

- Power supply.
- Wireless communications.
- Public Roads (dual lane gravel road which is to be sealed during 2023).
- School transport and waste collection at the intersection of [redacted] and [redacted]

Additionally, the subject site is located within [redacted] to both Jindabyne and Berridale, which both provide a range of regional services.

2.5 Approved Subdivision and Future Development

In December 2019, Dabyne Planning was engaged to undertake a planning analysis to determine the potential to undertake a two (2) lot subdivision of the property, creating one (1) lot over 40ha for the existing dwelling and one (1) additional lot over 40ha for a future dwelling. This analysis identified that the site did have constraints associated with bushfire, biodiversity and topography, however those constraints could be mitigated by way of the subdivision design and applying a building exclusion zone. This would allow for a future dwelling to be located within the mostly cleared and flatter land at the northern end of the proposed allotment (Approved Lot 2).

A Development Application [redacted] was lodged with Council in April 2020 and was subsequently approved by Council in September 2020. This included an Integrated Development approval (Bushfire Safety Authority) by the Rural Fire Service.

A copy of the approved subdivision plan is provided below.

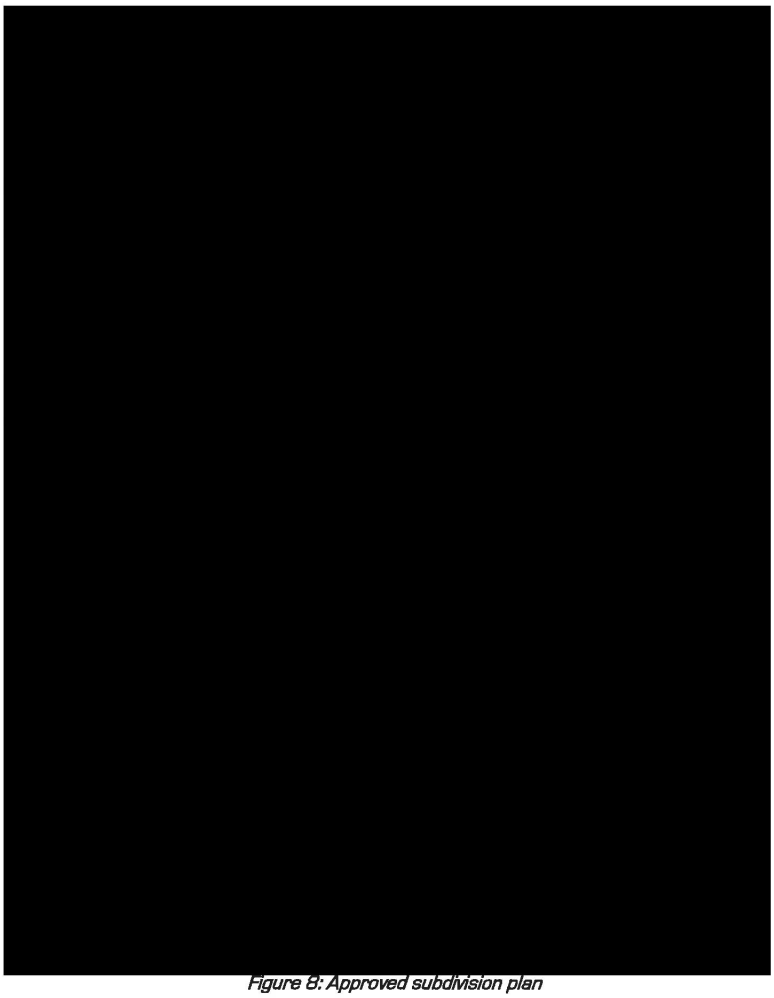


Figure 8: Approved subdivision plan

In relation to biodiversity constraints, the SR LEP, 2013 provides the following biodiversity overlay requiring consideration of clause 7.2. This map shows that the cleared flat land within the central eastern areas is not constrained by biodiversity.

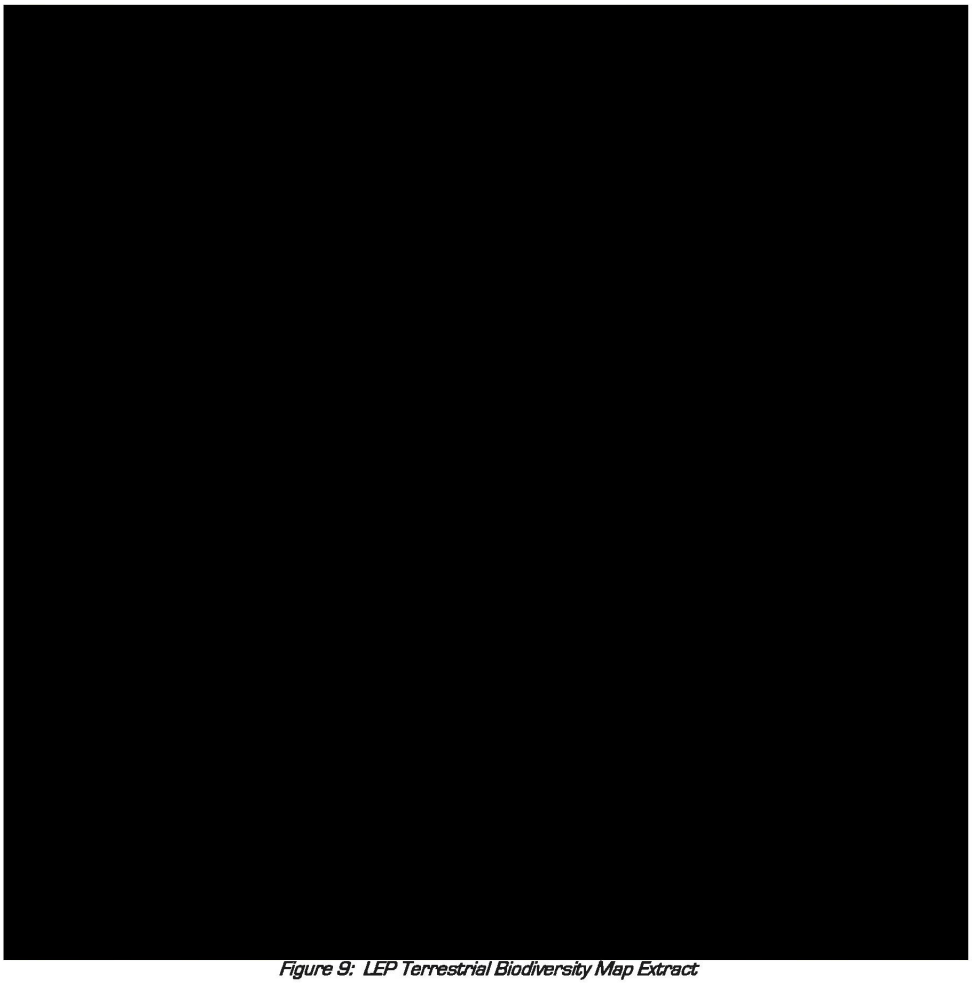


Figure 9: LEP Terrestrial Biodiversity Map Extract

This map was used to inform the building exclusion zone incorporated within the approved subdivision plan shown in figure 8 above.

The LEP Biodiversity map was informed by Councils Threatened Species and Ecologically Endangered Communities predictive map, with a copy of the map in relation to the subject site provided below.



Figure 10: Predictive Threatened Species & EEC Map (Source: SMRC)

The above map illustrates that the areas mapped as biodiversity are associated with potential threatened species habitat with no EEC communities likely present.

The approved subdivision demonstrates the effectiveness of using overlays rather than one set of environmental or bushfire risk attributes to rezone an entire property which then results in a significant increase in the minimum lot size and effective prohibition of further subdivision of the subject site.

3. SNOWY RIVER LOCAL ENVIRONMENTAL PLAN 2013

3.1 Current Zoning:

The subject property is currently zoned RU1 – Primary Production under the Snowy River Local Environmental Plan 2013 (SR LEP 2013).

3.2 Current Permissible Land Uses:

Under the SR LEP 2013 the following land uses are permissible with development consent on land zoned RU1:

Air transport facilities;
Airstrips;
Animal boarding or training establishments;
Aquaculture;
Bed and breakfast accommodation;
Boat launching ramps;
Boat sheds;
Building identification signs;
Business identification signs;
Camping grounds;
Caravan parks;
Cellar door premises;
Cemeteries;
Charter and tourism boating facilities;
Centre-based child care facilities;
Community facilities;
Crematoria;
Depots;
Dual occupancies;
Dwelling houses;
Eco-tourist facilities;
Educational establishments;
Environmental facilities;
Extractive industries;
Farm buildings;
Farm stay accommodation;
Flood mitigation works;
Forestry;
Funeral homes;
Garden centres;
Helipads;
Home-based child care;
Home businesses;
Home industries;
Industrial training facilities;
Information and education facilities;
Intensive livestock agriculture;
Intensive plant agriculture;

Jetties;
Landscaping material supplies;
Mooring pens;
Moorings;
Open cut mining;
Places of public worship;
Plant nurseries;
Recreation areas;
Recreation facilities (outdoor);
Respite day care centres;
Roads;
Roadside stalls;
Rural industries;
Rural supplies;
Rural workers' dwellings;
Secondary dwellings;
Timber yards;
Transport depots;
Truck depots;
Veterinary hospitals;
Water recreation structures;
Wharf or boating facilities

The subject site therefore has a total of sixty (60) potential land uses that are currently permitted with consent.

3.3 Current Lot Size:

Under the SR LEP, 2013 the subject site and the entire [redacted] locality has a minimum lot size of 40 hectares.

This allows for the subject site to be subdivided into two (2) lots, as per the recently approved development consent obtained.

4. DRAFT RURAL LAND USE STRATEGY 2022 & DRAFT SM LEP 2022

4.1 Proposed Zoning:

The draft RLUS 2022 has identified that the subject property is to be zoned predominantly RU2 – Rural Landscape. A very tiny slither of land at the entrance to the site is to be zoned RU4 – Primary Production Small Lots.

An extract of the proposed zoning map under the draft SM LEP 2022 is provided below:

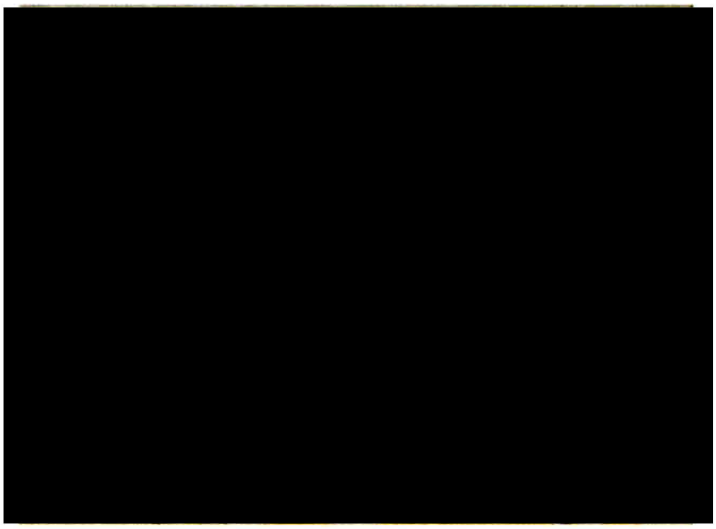


Figure 11: Extract of draft SM LEP 2022 zoning map

4.2 Proposed Permissible Land Uses

Under the draft RLUS 2022/draft SM LEP 2022 the proposed following land uses are permitted with and without development consent within the proposed RU2 zone:

Permitted without consent:

Environmental protection works;
Extensive agriculture;
Home businesses;
Home industries;
Home occupations;
Horticulture;
Roadside stalls;
Viticulture

Permitted with consent:

Agritourism;

Agricultural produce industries;
Animal boarding or training establishments;
Aquaculture;
Building identification signs;
Business identification signs;
Camping grounds;
Dual occupancies;
Dwelling houses,
Eco-tourist facilities;
Emergency services facilities;
Environmental facilities;
Farm buildings;
Farm stay accommodation;
Forestry;
Information and education facilities;
Plant nurseries;
Recreation facilities (outdoor);
Research stations;
Roads;
Sawmill or log processing works,
Telecommunications facilities

Comment:

The proposed RU2 zone provides a much lessor range of land uses permitted when compared to the current RU1 zone and although not necessarily suitable for the subject site, the following land uses may be suitable in other RU2 zones areas and should be considered permissible with consent:

- Airstrips
- Extractive Industries (particularly existing ones)
- Helipads
- Information and education facilities
- Rural workers dwellings
- Secondary dwellings

4.3 Split Zonings

The draft RLUS 2022 and draft SM LEP 2022 proposes split zonings for the subject site and locality.

The Department of Planning & Environment LEP practice note **'PLANNING SYSTEM Local Planning Ref No. PN 11-002 Issued 10 March 2011 (supersedes and replaces PN 06-002)'** addresses Split Zonings:

Lots with more than one zone:

In some circumstances 'dual' or 'split' zoning on a single lot may be acceptable to acknowledge the different development potential of the land due to topography, different environmental values, certain land constraints or different designated future land uses. In proposing this

approach, councils should consider the implication on other planning controls for that lot expressed in the Land Use Table, principal development standards (minimum lot size and/or scale of development) or additional local provisions. Split zoning may be considered a suitable approach in planning for urban release areas.

In Page 2 Department of Planning Practice Note PN 11-002 Page 3 some areas, split zoning may also be considered a suitable approach on large non-urban lots where a significant portion of the lot has been identified, through detailed background assessment, as an area of high environmental value. However, if a portion of the lot is proposed to be zoned for environmental protection, it should not generally be an isolated area limited in size that does not provide for compact and contiguous environmental conservation and linkages. In such cases it is advisable to apply a single appropriate non urban zone and adopt the relevant natural resource management model clauses (e.g. biodiversity, wetlands, riparian land and waterways etc.)

This practice note established some principles which have not been adopted as part of the application of split zones under draft RLUS 2022 and draft SM LEP 2022.

The subject site and the location of the boundary between the proposed RU2 and RU4 does not have significantly different development potential to warrant a split zone. The land on either side of the proposed zone boundary is the same and the split zone creates one area approximately 315m² (0.03ha) , which is pointless.



Figure 12: Extract of draft SM LEP 2022 zoning map

Importantly, the Department acknowledges that split zones are mostly suitable in urban release areas, however in non-urban areas, it should only be applied where a significant portion of the lot has been identified through detailed background assessment, as an area of high environmental value.

The subject site and locality has not been subject to adequate detailed background assessments and the land has not been validated as comprising of high environmental value.

This is further discussed below in relation to the Snowy Monaro Biodiversity Study (SMBS) prepared by Molonglo Conservation Consulting in December 2019.

The proposed location of the zone boundary and therefore lot size boundary is not based on any cadastral boundaries or natural or physical constraints. It's an arbitrary line not based on sufficient evidence based planning.

On this basis, applying split zones to the subject property is not appropriate.

4.4 Proposed Minimum Subdivision Lot Size

The draft RLUS 2022 has identified that the lot size be directly linked with the proposed zoning, even if the land is capable of a lower minimum lot size.

The draft RLUS 2022 applies the same lot size as currently applies, being 40ha to the proposed RU4 zoned land and a much greater minimum lot size of 200ha to the proposed RU2 zoned land.

As the minimum lot size is split according to the proposed split zoning, only 0.03ha of land within the proposed RU4 zone will sit within the 40ha minimum lot size.

The vast majority of the property (111ha) is proposed to be zoned RU2 with a 200ha minimum lot size.
This represents an increase of 500% from the current minimum lot size.

An extract of the proposed lot size map under the draft RLUS 2022 and draft SM LEP 2022 is provided below:



Figure 13: Extract of draft SM LEP 2022 Lot Size Map

A more detailed examination shows that the proposed boundary for the minimum lot size map does not follow any cadastral boundaries as commonly undertaken or any natural or physical constraints. The result is that a tiny slither of land that is approximately 315m² (0.03ha) is proposed to have a different lot size to the balance of the property, which is 111ha.

Accordingly the location of the lot size boundary is not logical and does not follow any natural or physical constraints.



Figure 14: Extract of draft SM LEP 2022 Lot Size Map

Under the proposed draft RLUS the subject property would not be able to be further subdivided if the current DA approval for subdivision had not been obtained.

4.5 Proposed Rural Boundary Adjustment Provisions (Clause 4.2C)

The current rural boundary adjustment provisions under clause 4.2E of the SR LEP, 2013 is proposed to be carried over and include the RU2 and RU4 zones in addition to the RU1 and C3 zones.

These flexible subdivision provisions are extremely important and therefore their retainment in a future consolidated LEP and expansion to incorporate all the relevant rural and environmental zones is supported.

4.6 Proposed Dwelling Entitlement Clause (Clause 4.2A)

The proposed dwelling entitlement clause under the SR LEP, 2013 is effectively proposed to be carried over except for the inclusion of yet another sunset clause to be re-introduced which would remove the ability to use an existing holding to achieve a dwelling entitlement.

Under the previous SR Rural LEP, 2007 a 5-year sunset clause was applied to the same existing holdings, to expire in 2012.

Upon expiration of the sunset clause in April 2012, a change of government occurred, and the existing holding provision was re-introduced in response to significant community backlash to its removal.

Furthermore, a time limit was removed to execute the existing holding, thus no sunset provision was re-introduced.

The only justification Council has provided under the draft RLUS 2022 to re-introduce another sunset provision that would lead to the removal of using an existing holding to achieve a dwelling entitlement is to achieve *'equity and to work towards consistency across the whole of the LGA'.*

This is in direct contravention in Council preparing a planning instrument with policies and controls based on local character and needs, rather than a homogenous plan for a very vast and wide LGA based on very different localities.

One of Councils' key commitments under the Snowy Monaro Local Strategic Planning Statement is:

'Acknowledge that the Snowy Monaro is a vast area which requires localised planning controls to respond to differences in the landscape, industries and local issues in specific areas across the region.'

Councils policy position under the draft RLUS 2022 appears to be predicated upon preparing a consolidated LEP based on homogenous and uniform planning policies and controls, rather than being based on localised planning controls that reflect the local communities' aspirations.

The removal of the existing holding dwelling entitlement provisions under the SR LEP, 2013 because the Cooma and Bombala LEP provisions had been removed is not sufficient grounds or justification.

The Snowy River community expressed a strong desire to retain these provisions with no sunset clause.

This could be achieved [as done elsewhere] by mapping the existing holdings and incorporating a local planning provision applied to those holdings allowing for a dwelling entitlement to still be retained. This would allow for the sunset clause to be removed.

5. GROUNDS FOR OBJECTION

1. The proposed split RU4 and RU2 zonings and their boundaries and subsequent increase in minimum lot size is not based on adequate evidence based planning.

Methodology for rezoning & increase in minimum lot size.

The draft RLUS 2022 does not provide a clear and concise methodology for the rezoning of the majority subject site from RU1 to RU2.

The draft RLUS 2022 offers a range of reasons to rezone RU1 land to RU2. The draft RLUS 2022 outlines that land that may be suitable for an RU2 zone, includes:

- Category 1 Bushfire Prone Land
- Regional biodiversity corridor
- Class 7 and 8 Land as per Land and soil capability assessment scheme
- Slope equal to or greater than 20 degrees

The above individual mapping was not included in the electronic mapping overlays placed on public exhibition and without specific references for the data, a site specific review of each constraint and its associated map is not able to be undertaken.

Only *'Figure 21 – Environmentally Constrained Land'* can used to determine whether the subject site is mapped with these constraints, which is provided at a very broad level without site or even locality specific resolution.

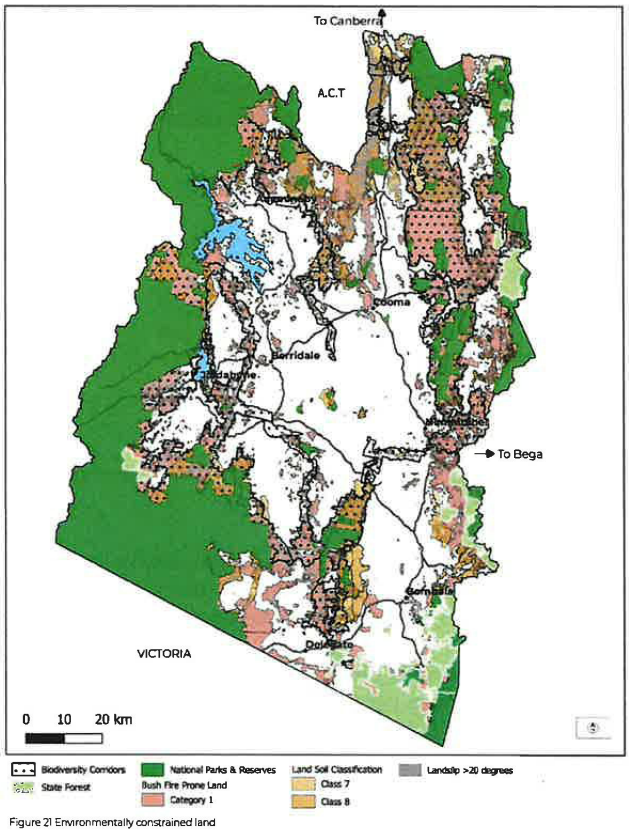


Figure 15: Draft RLUS 2022 Figure 21 Environmentally constrained land

A review of *Figure 21* indciates that the subject site is likely mapped environmentally constrained land due to Bushfire Prone Land Category 1 and being located in a Biodiversity Corridor. Whislt the mapping is difficult to precisely interpret, the land only comprises of areas of slope greater than 20 degrees at its southern end (close to the Snowy River) and does not comprise of any Class 7 or 8 Soil Classification.

Accordingly, the use of Bushfire Prone Land Category 1 Vegetation mapping and Biodiversity Corridor mapping is addressed further below.

Use of Category 1 Bushfire Prone Land to rezone land and increase minimum lot size:

The draft RLUS 2022 outlines the following actions and outcomes for rezoning land and increasing the minimum lot size in relation to bushfire risk:

Actions: 'Limit the density of residential development in high risk bushfire prone areas through zoning, permissible land uses and increases to minimum lot size within the LEP'.

Outcomes: 'Life and property is protected from natural hazards'.

This has been undertaken by using the Bushfire Prone Land Map Category 1 Vegetation, with an extract of the subject site provided below.

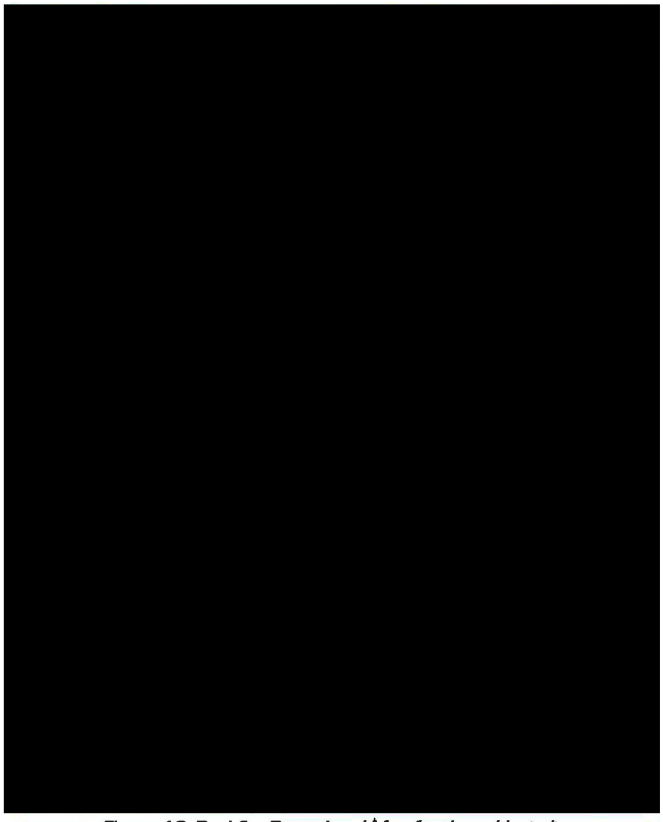


Figure 16: Bushfire Prone Land Map for the subject site

This mapping is subject to limitations as outlined in the RFS *'Guide For Bush Fire Prone Land mapping'*.

4 Limitations

Bush Fire Prone Land mapping is intended to designate areas of the State that are considered to be higher bush fire risk for development control purposes. Not being designated bush fire prone is not a guarantee that losses from bush fires will not occur.

Changes to the landscape may occur from time to time and therefore the certified bush fire prone land maps may not be a true indication of bush fire risk.

The limitations are noted as the mapping does not reflect changes to the landscape and the RFS have also advised that the mapping is not to be used for purposes of development assessment, as outlined in Section 2.2 of PBP 2019:

'The BFPL Map is a trigger for the consideration of BFPL Maps for new development. It is not intended as a detailed measure of risk. The map does not form part of the site assessment process, which must be carried out in accordance with Appendix 1'.

A review of the relevant Rural Fire Service and Department of Planning & Environment Policies including Planning for Bushfire Protection 2019, S.9.1 Ministerial Directions, Development Control Notes and Fact Sheets has failed to identify where the Category 1 Bushfire Prone Land Mapping is intended to be used to inform zoning and minimum lot size under an Environmental Planning Instrument.

In light of this, Dabyne Planning Pty Ltd consulted with Lew Short, Director of Blackash Bushfire Consulting on the use of bushfire prone land maps for rezoning and lot size purposes.

Lew Short has over 25 years in the emergency management and bushfire space including working for the NSW Rural Fire Service (RFS) for 10 years where he established, managed and lead the development and implementation of Planning for Bushfire Protection, Bushfire Prone Mapping and the development assessment function for the RFS at a State level.

Lew developed the design and implementation of Planning for Bushfire Protection at the RFS, which has become the cornerstone of all bushfire assessment and planning needs across NSW.

Lew was responsible for the assessment of over 80,000 development applications by the RFS and has represented fire services for landuse planning, community safety and construction in bushfire prone areas at both State and National levels.

Lew is accredited BPAD A provider to which Level 3 provides the highest level of skill and qualification for Alternate Solutions.

Lew advised that he has never heard or seen any direction provided by the RFS that would warrant the Bushfire Prone Land Map and Category 1 vegetation to inform an LEP with regard to zoning and/or minimum lot size.

Lew Short confirmed, the use of this map to support a change in zoning or increase in lot size would not be appropriate.

A review of PBP, 2019 supports this position where under '2.3 Strategic Planning' there is no reference to the use of this mapping for zoning or a decrease in minimum lot size.

In fact the RFS requires a Strategic Bushfire Study be prepared to support any rezoning and lot size '*to identify whether new development is appropriate subject to the identified bush fire risk on a landscape scale. An assessment of proposed land uses and potential for development to impact on existing infrastructure is also a key element of the strategic planning process in bush fire prone areas. Land use planning policies can be introduced to limit the number of people exposed to unacceptable risk'.*

Without a Strategic Bushfire Study being undertaken, Council does not have sufficient evidence or resources to warrant a change in zoning and in particular increase in minimum lot size based solely on the Bushfire Prone Land Map.

Prohibition of subdivision, restricts better bushfire risk outcomes:

The draft RLUS 2022 states as an Action:

- *'Limit the density of residential development in high risk bushfire prone areas through zoning, permissible land uses and increases to minimum lot size within the LEP'.*

The draft RLUS 2022 outlines the following Outcome:

- *'Life and property is protected from natural hazards'.*

Every subdivision that creates a lot for an existing or future residential/rural-residential dwelling requires formal approval from the NSW Rural Fire Service by way of a Bushfire Safety Authority under S.100B of the Rural Fires Act, 1997. Every DA in this instance is an Integrated Development under S.4.46 of the EP&A Act, 1979. This means that Councill cannot approve a DA for subdivision for this purpose when the land is mapped as bushfire prone land, unless the RFS grants approval.

The RFS requires each subdivision DA to comply with Planning for Bushfire Protection 2019 Guidelines.

The RFS therefore are the 'gate keepers' that regulate whether a subdivision can be approved and therefore whether the density of residential development needs to be limited within regard to bushfire risk and they do not use the Bushfire Prone Land Map to undertake this assessment.

Council therefore does not need to increase the minimum lot size to restrict subdivisions and therefore potential increase in dwellings in high bushfire risk areas, as the RFS already regulate this through the subdivision approval process.

Secondly, the RFS commonly require properties including existing dwellings to be upgraded as part of a subdivision approval, therefore achieving a better bushfire risk outcome compared to if the subdivision did not proceed.

Usual upgrade conditions include:

- Ember protection for an existing dwelling
- Improved or enlarged Asset Protection Zones for an existing dwelling
- Improved or new static water supply for an existing dwelling
- Improved access, including emergency vehicle access
- Emergency evacuation plans

Only recently, the RFS granted a Bushfire Safety Authority for the approval of the two lot subdivision at the subject site [redacted] which included upgrade conditions requiring the above listed upgrades at an approximate cost of circa [redacted] to the owner.

A copy of the Bushfire Safety Authority issued for this DA is provided in Attachment A.

These upgrades have been completed, with photos provided in Attachment B.

These upgrades would never be achieved, unless the subdivision proceeded, where the sale of the new lot would fund the upgrade requirements.

Therefore Councils intended Outcome '*Life and property is protected from natural hazards*' is not necessarily achieved when the minimum lot size is increased which prohibits further subdivision and therefore upgraded and improved bushfire risk outcomes.

Use of Biodiversity Corridors:

The draft RLUS 2022 makes reference to biodiversity corridors and these being used to justify the rezoning of land from RU1 to RU2 (for the majority of the subject property) and therefore increase in minimum lot size.

The Biodiversity Corridors originated from the Snowy Monaro Biodiversity Study (SMBS) prepared by Molonglo Conservation Consulting in December 2019 as part of the draft RLUS 2020.

Despite all the issues raised previously, including the previous submission made by Dabyne Planning Pty Ltd on the draft RLUS 2022 for this property on the 1.2.2021 about the shortcomings and inaccuracies of the SMBS in informing zoning and lot size, it appears to remain a catalyst for Council proposing to rezone the subject site and increase its lot size.

The SMBS however makes the following disclaimers and caveats:

- *'Ground-truthing has been undertaken for key areas of interest for this report, as outlined in the scope for this study. However, it should be noted that there remain significant data gaps, particularly for certain vegetation communities such as native grasslands. Field surveys and data confirmation should form a key priority for any area proposed for land use or zoning changes'.* (Pg iv)

Molonglo Conservation Consulting therefore have advised that 'ground-truthing' was only undertaken for the key areas of interest (being the townships of Berridale, Michelago, Smiths Road, Bombala and Cooma, and Smiths Road), which therefore does not include the subject site. Molonglo Conservation Consulting recommended that field surveys and data confirmation form a key priority for any area proposed for land use or zoning changes.

Molonglo Conservation Consulting further advised:

- *'Given the extensive spatial data gaps that remain unconfirmed, only the areas of interest to the SMRC for potential future growth have been investigated on-ground as part of this study in line with available resources'.* (pg v).

- *'Similar to the lack of a standardised vegetation classification schema for the region, there was no clear guidance available on the conservation status of mapped vegetation types (i.e. a means to infer which vegetation types are Endangered Ecological Communities, etc)'.* (pg 14)

- *'This dataset is provided in the spatial 'datapack', although it is likely that the 'Candidate Native Grasslands' data layer over-estimates the extent of existing Natural Temperate Grasslands (NTG), and therefore may be superseded by draft mapping of the Werrima/Monaro EEC, which was unavailable for this study'.* (pg 14)

- *'Predictions for the threatened species were derived using only (outdated) vegetation and topography and are not ground-truthed. While these data represent an important complement to biodiversity value mapping in the region, we suggest they only be treated as guides, as they may significantly over- and/or under-estimate actual threatened species distributions'.* (pg 16)

- *'Due to time constraints, and a lack of standards in how threatened species were labelled across the Priday datasets (i.e. some codes were based on common names, while other codes were based on scientific names, etc), high probability predictions of threatened species are generically attributed as 'Threatened Species Prediction' in the spatial 'datapack' criteria'.* (pg 17)

- *'In general, we did not attempt to verify the accuracy of spatial data provided to us by regional authorities, aside from very targeted field surveys in a few investigation areas (see Section 7.3)'.* (pg 19)

- *'Ground-truthing has been undertaken for key areas of interest for this report, as outlined in the scope for this study. However, it should be noted that there remain significant area gaps, particularly for certain vegetation communities such as native grasslands. Field surveys and data confirmation should form a key priority for any area proposed for land use or zoning changes. A number of submissions to the Snowy Monaro Region Planning and Land Use Discussion Paper 2019 also highlighted this point'.* (pg 19)

Molonglo Conservation Consulting have clearly articulated that the SMBS has been prepared based on significant inaccuracies, lack of data, limited ground-truthing and lack field work undertaken and therefore should not be used for rezoning purposes.

Accordingly, its mapping should not be used to rezone land and/or increase the minimum lot size. This is no better articulated than the Biodiversity Corridor mapping used in figure 11, which states: *'The spatial data presented synthesises best available evidence relating to biodiversity values & development constraints; however, it is meant to guide, not replace, ground validation prior to either rezoning or development'* (underline included to highlight).

Figure 11 Biodiversity Values and Development Constraints in the 'West' Biodiversity Corridor

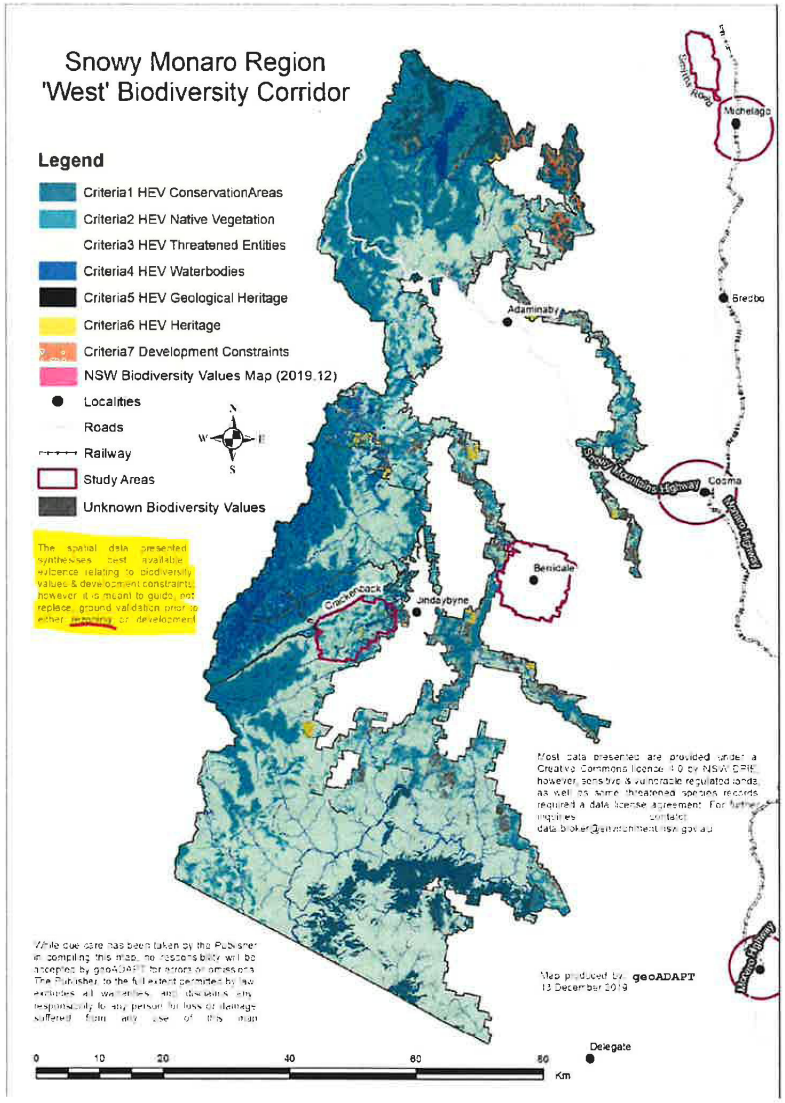


Figure 17: Western Biodiversity Corridor

2. The proposed zoning and minimum lot size does not reflect the proposed Rural Living provisions for [redacted] under the adopted Snowy River Shire Jindabyne Growth Strategy 2007.

In 2007, the Jindabyne Growth Structure Plan was adopted by the former Snowy River Council and at a broad level identifies areas to accommodate the growth of the Jindabyne township.

The plan was informed by the Jindabyne & Villages Planning Project and Jindabyne Growth Discussion Paper.

The subject site was identified as being within the [redacted]

As outlined in the Snowy River Settlement Strategy, the former Snowy River Shire Council formed a policy position to support rural living subdivision, and this included the [redacted] locality.

Together with stricter controls and use of mapping overlays (i.e. no development on state protected land over 18%), Council was to support and direct rural living opportunities in the [redacted]

The proposed RU2 zoning and increase in minimum lot size from 40ha to 200ha is therefore in direct contravention to the previous and more rigorous and consultative strategic planning undertaken by the former Snowy River Shire Council.

Furthermore, the Minimum Lot Size should not be predicated on zoning alone. This should be developed with consultation with local communities, based on local planning principles.

Local based planning controls over uniform and homogenous planning controls should be a key objective of the RLUS and future LEP in line with Councils Local Strategic Planning Statement.

3. The subject site should only have one zone and one minimum lot size (with no increase in lot size)

The proposed methodology to rezone part of the property RU2 (and a very small part of the property RU4) is not based on sufficient evidenced based planning and therefore is contrary to Councils Local Strategic Planning Statement and commitment to:

'Use a strong evidence base to inform land use and planning decisions'.

The property should only have one zoning and one lot size control.

If the RU2 zoning can be detached from the proposed 200ha minimum lot size, then this zoning is considered acceptable for the entire property, subject to the permitted and prohibited land uses being subject to further consultation as part of next public exhibition of the Draft LEP.

If Council chooses not to detach the RU2 zone from an increase in lot size, then an RU4 zone over the entire property is sought, as that zoning is allocated a 40 hectare minimum lot size, the same controls that currently applies.

On this basis, Council should consider the use of averaging provisions in the RU4 zone.

The application of averaging provision where the minimum lot size is at least 5 hectares (or even 2 hectares) would go a long way to achieving the objectives and actions as outlined in the draft RLUS 2022.

For example, the use of averaging provisions would allow for new and smaller lots to be designed and located away from higher bushfire risk areas and higher biodiversity value areas, allowing dwellings to be located closer to roads and services and away from higher valued (better quality) agricultural grazing land.

4. ***A significant increase in the minimum lot size to 200ha would result in the prohibition of further subdivision of the subject property, and most properties within the [redacted] corridor. This overtime would contribute to a further decline in the rural population placing increased demand on the Jindabyne and Berridale townships to provide housing supply.***

The Jindabyne locality is experiencing significant population growth with a large demand for housing in the urban, peri-urban and rural lifestyle areas including [redacted]

This demand was intended to be partly met with the inclusion of additional rural living areas to the south and east of Jindabyne, including the Barry Way, Mowamba and Avonside Road Rural Living Areas, providing additional rural living subdivision potential.

This demand has been acknowledged as part of the Snowy Mountains Special Activation Precinct (SM SAP) and its Master Plan which identified that to meet the projected growth over the 40-year horizon, housing demand would be met primarily through the identified sub-precincts and approximately 20% would be met through rural residential or residential development located outside of the SAP sub-precincts.

Despite the adopted policies and significant strategic planning undertaken by the former Snowy River Shire and the growth and therefore demand identified by the SM SAP, the draft RLUS 2022 not only proposes to ignore these rural living subdivision provisions but seeks to increase the minimum lot size for large areas on [redacted] including the subject site from 40ha to 200ha.

This would result in an effective prohibition of further subdivision of most properties within the [redacted] locality. Fortunately for the subject site, approval for a subdivision has already been obtained.

Such an increase in lot size would in overtime exacerbate a further decline in the rural population prevent meeting the growth associated with the Snowy Mountains SAP.

This would be considered contrary to state and local planning strategies, instruments and policies including the SAP Master Plan, SETRP & Councils Local Planning Statement and contrary to the overall communities' aspirations and vision.

Regarding the SR LEP, 2013, this would undermine two key aims of the LEP:

(c) to help reduce the negative effects of an ageing and declining rural population by supporting restructuring and succession through flexible subdivision controls,

(d) to plan and provide for settlement where it provides a diverse range of living opportunities and housing choices without compromising the environmental values of Snowy River, including its natural resources such as water, biodiversity and agricultural land,

Together with the additional clauses and restrictions as outlined above, the increase in the minimum lot size would undermine achieving these aims.

5. The draft RLUS/LEP 2022 needs to facilitate additional flexible subdivision controls.

In addition to the matters discussed above, the draft RLUS 2022 needs to facilitate additional flexible subdivision controls for rural areas.

The Lot Size Map is a fundamental component of the standard LEP template to control subdivision and density. It has also been recognised within the planning profession in NSW as principally an urban based tool.

The Lot Size Map not only limits the ability to erect dwellings, but it also prevents the further subdivision of a property unless it meets the lot size requirement, unless it is for a primary production purpose.

Whilst the draft RLUS 2022 is seeking to expand the use of clause 4.2 to include C3 zones and proposes to retain the boundary adjustment provisions under the current SR LEP, 2013 (cl 4.2E), the strategy needs to facilitate additional flexible subdivision controls beyond these provisions.

The SR Rural LEP, 2007 only applied minimum lot size controls to regulate dwelling houses, with the ability to subdivide a rural property for another purpose, regardless of the minimum lot size.

This was considered an important flexible subdivision control that could allow a land owner to sell part of a property for a permissible land use, such as a rural industry, extractive industry or for tourism (i.e. an eco-tourist facility).

In December 2013, the Snowy River Rural LEP, 2007 was repealed (together with SR LEP, 1997) and replaced with a shire wide SR LEP, 2013.

The Councillors and community were advised in the preparation of the draft LEP and its public exhibition that the plan would be a 'straight transfer' of the same planning provisions (eg minimum lot size provisions) from the Rural LEP to the new LEP.

In other words, there would not be a significant departure from the provisions allowed under the Rural LEP when compared to the new shire wide LEP.

However, with the introduction of the use of the Standard Template and the Lot Size Map with clause 4.1, other forms of subdivision for the purposes of other than a dwelling house or primary production became prohibited.

The introduction of SR LEP, 2013 therefore resulted in a significant departure from the more flexible SR Rural LEP, 2007, despite Councils commitment.

A local planning provision should therefore be re-introduced to recognise that agriculture is in a state of adjustment by supporting restructuring and succession through flexible subdivision controls, and to help reduce the negative effects of an ageing and declining rural population across the rural areas.

This could be achieved by using a similar local provision as the adopted Tamworth Regional LEP, 2010 as provided below:

4.2A Lot size exceptions for certain rural subdivisions

Land in a zone to which clause 4.2 applies may, with development consent, be subdivided to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land, if the consent authority is satisfied that the use of the land after the subdivision will be the same use permitted under the existing development consent for the land (other than for the purpose of a dwelling house or a dual occupancy).

This clause provides the necessary flexibility for rural subdivision that should be incorporated in the revised draft SM LEP.

6. CONCLUSION

On behalf of the owners of the subject site, this submission has been prepared in response to the draft Rural Land Use Strategy 2022 and draft Local Environmental Plan 2022 with five (5) principal grounds of objection based on the proposed zoning, minimum lot size and facilitation of additional flexible subdivision controls.

As documented in the submission, the proposed zoning of the property has not been adequately justified with insufficient evidence based planning, particularly when the zoning results in a split zone and therefore increased minimum lot size.

The proposed zoning is understood to be based on two constraints, being the Bushfire Prone Land Mapping – Category 1 vegetation and the Biodiversity Corridors. As outlined in this submission, these maps are not suitable to be used to justify a rezoning of the property.

The proposed increased in the minimum lot size from 40ha to 200ha is predicated on the proposed RU2 zone. This would result in the prohibition of subdivision within the [redacted] locality. Fortunately for the subject site, and subdivision approval has already been obtained.

This submission outlines how subdivision can be achieved (by way of already securing development consent) with a future dwelling located away from the higher bushfire risk and higher biodiversity values areas, and this is appropriately achieved by way of planning overlays, local provisions and development controls. This allows for compatible development that responds to the site's opportunities and constraints, rather than just applying blanket prohibitions.

This submission also outlines how a range of bushfire upgrades have been undertaken as part of obtaining a subdivision approval, which achieves a better bushfire risk outcome for the site. With an increase in the minimum lot size, this would not be able to be achieved if the subdivision had not been approved.

The significant increase in lot size would overtime lead to a further decline in rural population.

This is contrary to state and local planning strategies, instruments and policies and is not a stated community objective.

This submission therefore forms a request that if Council chooses not to detach the RU2 zone from an increase in lot size, then an RU4 zone over the entire property is sought, as that zoning is allocated a 40 hectare minimum lot size, the same controls that currently applies.

The future consolidated LEP and its strategies should also focus on local based planning provisions with proper local community input, rather than adopting uniform controls and generating homogenous outcomes based on three quite different Council areas being forcefully merged into one.

Given the substantial issues raised in the submission and the extent of additional consultation required to address these issues, it is considered imperative that Council formally exhibit the draft LEP longer than the mandatory 28 days, re-engage with the community on these key issues, including the re-establishment of the Community Reference Group with greater representation from the former Snowy River Shire community.

ATTACHMENT A

NSW GOVERNMENT

NSW RURAL FIRE SERVICE

Snowy Monaro Regional Council
PO Box 714
COOMA NSW 2630

Your reference: [redacted]
Our reference: [redacted]

ATTENTION: [redacted]

Date: Monday 22 June 2020

Dear Sir/Madam,

Integrated Development Application
s100B – Subdivision – Torrens Title Subdivision
[redacted]

I refer to your correspondence dated 17/04/2020 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions:

General Conditions
1.

At the issue of a subdivision certificate, a suitably worded instrument must be created over proposed lot 2 pursuant to section 88 of the 'Conveyancing Act 1919' which prohibits the construction of a residential dwelling within the building exclusion zone as illustrated on the Subdivision Plan prepared by Dabyne Planning dated 6 April 2020.

2.

At the issue of a Subdivision Certificate, a suitably worded legal instrument must be created over proposed Lots 2 which requires;

- Any future dwelling building to be sited in a location which ensures that the dwelling building will not be exposed to radiant heat levels that exceed 29kw/m2;
- Asset Protection Zones (APZ) are provided around the dwelling building and associated buildings commensurate with one Bushfire Attack Level (BAL) higher than the identified radiant heat exposure and applicable BAL rating for the dwelling building; and
- A minimum 40,000litre static water supply is to be provided within the APZ in accordance with 'Planning for Bush Fire Protection 2019'.

Postal address
NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address
NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au

Asset Protection Zones
The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

3.

Prior to the issue of a subdivision certificate, and in perpetuity to ensure ongoing protection from the impact of bush fires, the site around the existing building on lot 1 must be managed as an inner protection area (IPA) in accordance with Appendix 4 of 'Planning for Bush Fire Protection 2019', for a minimum distance commensurate with BAL 29 as defined on Table A1.12.6 of PBP 2019.

When establishing and maintaining an IPA, the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang buildings;
- lower limbs should be removed up to a height of 2 metres above the ground;
- tree canopies should be separated by 2 to 5 metres;
- preference should be given to smooth-barked and evergreen trees;
- large discontinuities or gaps should be provided in the vegetation to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% of ground cover;
- clumps of shrubs should be separated from exposed windows and doors by a distance at least twice the height of the vegetation.
- grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed.

Construction Standards
The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

4.

Prior to the issue of a subdivision certificate, the existing dwelling being retained within proposed Lot 1 must be upgraded to improve ember protection (if not already constructed to the relevant Bushfire Attack Level under Australian Standard AS3959). Improved ember protection can be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any subfloor areas, openable windows, vents, weep holes and eaves. External doors are to be fitted with draft excluders.

Access – Property Access
The intent of measures is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

5.

Prior to the issue of a subdivision certificate, all property access roads must comply with the following requirements outlined in Table 7.4a of 'Planning for Bush Fire Protection 2019':

- minimum 4m carriageway width;



- in forest, woodland and heath situations, rural property roads have passing bays every 200 metres that are 20 metres long by 2 metres wide, making a minimum trafficable width of 6 metres, at the passing bay;
- a minimum vertical clearance of 4 metres to any overhanging obstructions, including tree branches;
- property access must provide a suitable turning area in accordance with Appendix 3;
- curves have a minimum inner radius of 6 metres and are minimal in number to allow for rapid access and egress;
- the minimum distance between inner and outer curves is 6 metres;
- the cross fall is not more than 10 degrees;
- maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads;
- the capacity of road surfaces and any bridges/ causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges and causeways are to indicate load rating; and
- a development comprising more than three dwellings has formalised access by the dedication of a road and not by right of way.

Water and Utility Services
The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

6.

The provision of all new and the modification of any existing water, electricity, and gas services must comply with Table 5.3c of 'Planning for Bush Fire Protection 2019'.

7.

Prior to the issue of a subdivision certificate, a 20,000-litre water supply must be provided for the existing dwelling being retained within proposed Lot 1 in accordance with 'Planning for Bush Fire Protection 2019' and the following:

- Aboveground tanks shall be constructed of non-combustible material;
- A 65mm metal storz fitting and ball or gate valve shall be installed in any tank;
- The gate or ball valve, pipes and tank penetration shall be adequate for full 50mm inner diameter water flow through the Storz fitting and shall be metal rather than plastic;
- A minimum 5hp or 3kW petrol or diesel-powered pump must be made available to the water supply. A 19mm (internal diameter) fire hose and reel must be connected to the pump.
- A standard Static Water Supply (SWS) marker shall be obtained from the District NSW Rural Fire Service as part of the Static Water Supply Program once the tank water supply has been installed. The marker once issued is to be: (a) fixed in a suitable location so as to be highly visible; (b) positioned adjacent to most appropriate access for the static water supply; (c) fixed facing the roadway on a gatepost, fence or dedicated post, at the right-hand side of the entranceway to the Static Water Supply; (d) fixed no less than 600mm from the ground surface to the base of the sign and not higher than 1200mm from the ground surface to the base of the sign; and, (e) fixed with suitable screws or nails.

General Advice – Consent Authority to Note

As per the recommendations in the Bushfire Assessment Report prepared by Dabyne Planning dated April 2020 referenced 56-19, the registered proprietor(s) of the lots should prepare a Bush Fire Emergency Management and Evacuation Plan for their property in accordance with 'Development Planning- A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014' (or equivalent). The plan must acknowledge the isolated nature of the site, that fire fighting assistance may be limited in the event of a bush fire, and that evacuation may not be possible as escape routes may be blocked. The plan shall be updated on an annual basis



following an audit of bush fire protection measures, including maintenance of asset protection zones, water supplies and access roads within the properties.

Any further development application for Class 1, 2 & 3 buildings as identified by the 'Building Code of Australia' must be subject to a separate application under Section 4.14 of the 'Environmental Planning and Assessment Act 1979' and address the relevant provisions of 'Planning for Bush Fire Protection 2006'.

For any queries regarding this correspondence, please contact Bradley Bourke on 1300 NSW RFS.

Yours sincerely,

[redacted]

NSW GOVERNMENT

NSW RURAL FIRE SERVICE

BUSH FIRE SAFETY AUTHORITY

Subdivision – Torrens Title Subdivision
[redacted]
RFS Reference: [redacted]
Your Reference: [redacted]

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority confirms that, subject to the General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under *s100b of the Rural Fires Act 1997.*

[redacted]

Monday 22 June 2020

ATTACHMENT B

[redacted]

Bushfire upgrades included a new pump installed

Bushfire upgrades included a new fire hose reel installed

[redacted] Submission on the SMRC Draft Rural Land Use Strategy I February 2022

[redacted]

Bushfire upgrades included a new metal tank for static water supply installed

Bushfire upgrades included an improved driveway and turning area, including ember attack upgrades to the existing dwelling

[redacted]

Bushfire upgrades included an improved driveway and turning area

Bushfire upgrades included an enlarged and improved Asset Protection Zones around the existing dwelling

Bushfire upgrades included an enlarged and improved Asset Protection Zones around the existing dwelling

[redacted] Submission on the SMRC Draft Rural Land Use Strategy | February 2022

Bushfire upgrades included an enlarged and improved Asset Protection Zones around the existing dwelling

Bushfire upgrades included an enlarged and improved Asset Protection Zones around the existing dwelling

Bushfire upgrades included an upgraded road access

[redacted]



Bushfire upgrades included an upgraded road access

8

[redacted]

From: [redacted]
Sent: Friday, 17 February, 2023 2:25 PM
To: [redacted]
Cc:

Subject: Snowy Monaro Revised Draft Rural Land Use Strategy and Proposed Local Environment Plan: Have Your Say Submission - [redacted]
Attachments: Submission_SMRC RDRLUS and LEP_[redacted].doc

Good Afternoon Mr Bascomb,

Attached is a submission seeking community input to the revised Draft Snowy Monaro Rural Land Use Strategy and Draft Local Environment Plan on Council's Have Your Say website.

2. Rural Planning is a complex and challenging discipline, and is different from urban planning. My submission addresses a number of, what I have identified as, significant planning deficiencies in the revised DRLUS, particularly regarding the proposed RU1, RU2 and RU4 zoning of rural land across the LGA. The methodology used in the DRLUS and draft LEP to establish minimum lot sizes (MLS) for rural land and dwelling entitlements is seriously flawed. For example, it confuses rural lots and dwelling entitlements with holdings; it doesn't reflect how farmers use their rural land, and nor does it reflect the fact that farms across the LGA comprise freehold and leasehold land.

3. The flawed analysis assumes that all lots on farms are suitable for a dwelling. This is not the case. There are many restrictions, such as Council determined building envelopes, to give one example, that limit where a rural landowner can or would wish to erect a dwelling. These are described in my submission.

4. I am particularly concerned that the rural land zoning and MLS proposals will result in many split zones on individual farms, between farms and on borders of regions with the same broadacre farming practices. The probability is high because no on-the-ground assessments have been undertaken by the proponents to verify the zone or MLS proposals.

5. [redacted] I am also very concerned that the proposals are contrary to [redacted] discussed in the group meetings, e.g., no new RU2 zones, and which has been ignored in the revised DRLUS and draft LEP. [redacted] These brought a wealth of land planning and rural land use, and agricultural production knowledge to the table to assist with ensuring that the new principal Snowy Monaro LEP promotes economic growth, innovation and adaptability to challenges facing agriculture, and the environment.

6. The Snowy Monaro community and Snowy Monaro Regional Council need to get the land planning framework and new LEP for the region right. And we need to take the time necessary to consult fully with farmers, landholders, urban residents, tourist operators and the forestry sectors to ensure future jobs, economic growth and that farming families and agriculture-related businesses have a strong future in the region, supported and encouraged by the State and local government land planning and development policy and legislative frameworks.

7. Happy to discuss my submission.

Respectfully

[redacted]

SUBMISSION

SNOWY MONARO REGIONAL COUNCIL'S REVISED DRAFT RURAL LAND USE STRATEGY AND PROPOSED DRAFT LOCAL ENVIRONMENT PLAN

[redacted]



SUBMISSION

SNOWY MONARO REGIONAL COUNCIL'S REVISED DRAFT RURAL LAND USE STRATEGY AND PROPOSED DRAFT LOCAL ENVIRONMENT PLAN

I wish to lodge a submission regarding Snowy Monaro Regional Council's revised draft Snowy Monaro Rural Land Use Strategy (DRLUS) and proposed principal Snowy Monaro Local Environment Plan (LEP).

2. The LEP will establish the **planning framework for the** way land can be developed and used across the Snowy Monaro Local Government Area (LGA) for the **next 20 years** and Council's "Snowy Monaro Local Strategic Planning Statement" 2020;

- the new proposed principal LEP amends and introduces comprehensive and significant changes to the existing land planning and development framework for the Snowy Monaro region.

3. It is, therefore, **imperative** that **the NSW Government and departments, Council and the community get** the **new land planning framework** for the region **right**. This is even more important given the objectives and aspirations of the NSW Government for the **Snowy Mountains Special Activation Precinct**, and;

- the **local, regional, and global challenges and opportunities** faced by the rural sector and agricultural production in Australia, over the next decades, and;

- the **amalgamation of three formers Councils** and LEPs with a range of predominant rural land use needs - **primary production, forestry and tourism**.

4. The following **issues relate principally to** the proposals in the revised DRLUS and proposed principal LEP regarding land zones **RU1** - Primary Productions, **RU2** - Rural Landscape and **RU4** - Primary Production Small Lots and **Minimum Lot Sizes** (MLS) for dwellings. But, many of the issues **also apply more broadly** to the proposed LEP.

5. At the outset, it is important to point out that the ***Holding Analysis and Land Capability*** Study developed by Council and used to develop key elements, conclusions and recommendations in support of the DRLUS and LEP is ***fatally flawed,*** in particular relating to MLS.

- it should **not be relied upon to support decision-making on rural land zones and minimum lot sizes** and **dwelling entitlements** across the LGA. Nor should it be relied upon to give legislative force to the zone and MLS provisions in the principal LEP. **Further details are provided later in this submission;**

6. The **public information** provided by Council for community consultations on the DRLUS and LEP on its "Have Your Say" webpage **was deficient** and did **not include the mandatory Land Zone or Lot Size maps** required by the LEP making legislation and guidelines.

- this is a **major omission** in the consultation process and **prevented farmers and landholders from assessing the full impact of the planning proposals** on the development and future use of their land, and which will be given legal effect in the proposed LEP as exhibited.

Land Use and Development Restrictions - More Red Tape

7. The proposals **introduce more land use restrictions and planning red tape than** currently **apply in the Bombala, Cooma-Monaro and Snowy River LEPs** for land used for agricultural production and development. These are less accommodating and work against other state-wide land use and building codes (e.g. Inland Code and Planning for Bushfire Protection), and;

- **inhibit farmers' ability to develop, innovate and adapt their agricultural production methods** to changing demands and markets for agricultural products from the region;
  - for example, the **supply of agricultural labour for farms will be curtailed** under the proposals as **rural worker dwellings will be prohibited** on RU2 zoned land used for extensive agriculture;
- they give **no consideration to the impact of climate change** on key agricultural industries, as well as future opportunities, and;
- encourage **more population in rural areas** by permitting **dual occupancies in RU1, RU2 and RU4** zoned land.

8. The proposals in the DRLUS and proposed principal LEP are **too complicated, and blurry**; they **lack policy and analytical rigour and thinking**, and **do not reflect current farming and agricultural practices** across the LGA

- they would introduce measures that are **more restrictive than** rural land use permitted in neighbouring LGAs - **Queanbeyan-Palerang, Upper Lachlan and Goulburn Mulwaree**

9. Furthermore, if adopted, they will **lead to job losses** in the rural and business sectors of the LGA, including in towns, that provide goods and services to the farming sector.

10. The rural land use planning proposals:

- **fail to encourage transformational change** to local land use planning for land used for agricultural production in the LGA;
- they reflect an **analytical approach based on outdated thinking on agricultural production** practices and methods locally, regionally, and across Australia;
- are **backward-looking and adopt a "closed" rather than "open" approach to land planning** and zoning, thereby **significantly reducing flexibility** in land use and constraining farmers' ability to respond to changes in agricultural production, climate and markets;
  - for example, the current 3 LEPs (Bombala, Cooma-Monaro and Snowy River) that provide the legal bases for land use planning and development in the LGA permit approx. **70 land uses on RU1 - Primary Production zoned land**;
    - by comparison, the proposed principal **LEP will permit only 50 land uses** on RU1 zoned land and only **30** land use development categories **on RU2** zoned land.

11. The **land rezoning proposals** for RU2 and RU4 land **do not reflect the reality of how farmers use rural land today**. They are stuck in **old modes of thinking** regarding modern agricultural production and land use. For example, **farms** across the LGA **comprise freehold and leasehold** land and has been the case for many generations of farming families:

- the **DRLUS and LEP take no account of this land use pattern** across the LGA.

Split Land Use Zones - More Land Use Conflict

12. The introduction of of RU2 and RU4 rural land use zones in a number of regions will **create split land zones**, on individual farms and between farms, and lead to **increases in land use conflicts**;

- the proposals in the DRLUS and LEP **pay little to no attention to** considering the impact of the planning proposals on **land use conflict** and the **use of buffer zones** between urban and rural land;

- the zone **proposals** and accompanying zone and lot size **maps** have **not/not** been assessed or **verified** by **on-the-ground investigation and reliable studies** by rural land planners, surveyors, agronomists and recognised expert researchers in rural land use to assess land use conflicts and the use of buffer zones.

Evidence Based Approach

13. The analyses and conclusion in the DRLUS, LEP and supporting documents **do not adopt an evidence-based approach to land planning**. They rely on broad-scale, regional wide maps and mapping data sets to support the assumptions and conclusion in the revised DRLUS and proposed LEP;

- again, the planning assumptions and conclusions have **not been verified and tested by on the ground investigations** of current and future land use and farming practices in the region;

  - this is particularly necessary in the geographic land areas proposed to be rezoned from RU1 to RU2 and RU4 and relating to proposed changes in MLS, some of which are significant, e.g. 80ha to 400ha.

14. They do **not accord with the recommendations of the NSW Agriculture Commissioner nor the policies of NSW Department of Primary Industries** regarding the use of land for agricultural production, specifically, Policy No 0-104 "Maintaining land for agricultural industries".

- the proposals in the DRLUS and LEP are **contrary to the recommendations in the 2021 report by the NSW Agriculture Commissioner**, in particular regarding the use of buffer zones and minimising land use conflict and the use of buffer zones to minimise conflicts;[1]

  - particularly, the Commissioner's recommendations 2 (RU zones), 6 (reducing red tape), 7 (use of development controls to accommodate agriculture) and 9 (use of land use buffer zones);

1 *Improving The Prospects for Agriculture and Regional Australia in the NSW Planning System, A Report by the NSW Agriculture Commissioner, 2021,*

- the adoption of **RU4 zones** as proposed around Adaminaby, Bombala, Berridale, and Jindabyne will result in **greater land use conflict** between farmers and between farmers and urban residents.

15. For **land use planning to be effective** it must be seen **more than a mere process**. It must involve **integrated long term thinking**. Best practice land use planning requires **extensive and effective consultation with the community** so that a joint vision for how the land will be used can be achieved.

16. To this end, the proposals l**ack a clear and sensible long term vision for rural land** in the Snowy Monaro that the local community (farmers, businesses and urban residents) has bought onto and that appeals or addresses the community planning and development aspirations for the region.

Snowy Monaro Regional Council DRLUS Community Reference Group

17. The proposals disregard the views of the **Community Reference Group** (CRG)[2] established by Council resolution 51/21 on 18 March 2021 to provide advice on a revised DRLUS.

- the CRG was not consulted collectively on the revised DRLUS or the proposed principal LEP;
- the CRG advice was that only the RU1 zone should be applied across the LGA because much of the available government data/mapping layers weren't accurate to rely upon to assign any other zone across the LGA.
- the Group also advised that the RU2 zone should not be adopted in the LGA as it was not used in the current LEPs and farmers and Council had no experience in how the zone is applied to land planning.
- references in the revised DRLUS and LEP to the work and advice of the CRG are incorrect and knowingly misrepresent the advice of the CRG[3]. (see p9, DRLUS and p13 of 76, *Holding Analysis and Land Capability, Appendix 1*, 2022)

18. The proposals are **inconsistent with the NSW Ministerial Directions, Departments of Planning and Environment and Primary Industries policy directions** and have not be supported by a clear and compelling arguments that support Commonwealth or State government land use policy, especially regarding land used for agricultural and tourism purposes.

- **no local housing strategy** (LEP Guidelines p9), **poor and inadequate supporting maps**, **no strategic bushfire study** - a requirement of Council for the C3 to C4 rezoning for the Smith's Road are of the LGA, but not for the larger scale land planning changes proposed across the LGA to rural land which the NSW RFS has designated as Category 1 and 3 land - the two highest bushfire threat categories.

Necessity and Proportionality

19. The proposals **fail to demonstrate** that the proposed rural land planning measures, particularly land rezoning and changes to minimum lot sizes, are **necessary or proportionate** to achieve the NSW Government's planning objectives, or regional or local land use planning objectives for maintaining land for agricultural production in the Snowy Monaro.

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2 The CRG comprised SMRC Councillors and representatives from NSW Farmers, Monaro Farming Systems, Snowy Monaro Action Group, SM business chambers, individual farmers and rural land owners, senior officials from the NSW Departments of Planning and Environment and Primary Industries and Council staff. It met on four occasions in June to September 2021.

3 [redacted]

20. The **objectives underpinning the RU1, RU2 and RU4** land planning proposals, i.e. to minimise the fragmentation and alienation of resource lands (RU1) and to protect the environmental significance of certain areas, including koala habitat (RU2) **are attempting to address land use challenges and threats to specific biodiversity matters that do not exist** in the Snowy Monaro and have not been proven will exist in the future[4].

- there have been **no detailed studies of current land use, lot size and natural features of rural land** used for agricultural production across the LGA
- in the case of the planning objectives for the new RU2 land zones across the Snowy Monaro, it has n**ot/not been established through science-based research or karaoke monitoring and studies that koala habitat exists in the Tinderry Mountain region** north of Numeralla, south east of Bombala or north of Adaminaby where RU1 Primary Production lands are proposed to be rezoned to RU2.[5]

21. The DRLUS has **not established that land** for agricultural production in the Snowy Monaro **has been fragmented** or that land capability or natural hazards have hampered agricultural production and output in the past;

- the DRLUS provides no local, regional or national research to support that fragmentation has occurred in the past and proposes unnecessary and draconian planning changes to rural zones and MLS across the LGA.

22. The RU1, RU2 and RU4 proposals in the revised draft DRLUS and proposed principal LEP lack strategic and site specific merit. They are :

- directly contrary to the Snowy Monaro community's aspirations for rural land planning across the LGA as expressed through Rural Land Use Strategy **Community Reference Group** established by Council in 2021.
- specifically, the CRG, which meet 4 times in 2021 and comprised State and local farming representative groups, farmers, rural landholders and farm business owners advised Councillors and Council staff that the RU2 - Rural Landscape zone should not be used across the LGA.

  : also contrary to the Snowy Monaro Community Engagement Strategy.

23. The DRLUS and LEP fail to address and analyse or spell-out in plain English the benefits and disadvantages of introducing new RU2 and RU4 rural land zones in the Snowy Monaro region.

NSW Right to Farm Policy and Land Use Conflicts, No Buffer Zones

24. The rural land proposals are also **contrary to the** NSW Government's **Right to Farm policy** which supports primary producers in exercising their right to farm, to establish and maintaining best practice, promote good agricultural practice and modern farming techniques;

- the central theme of the policy is to **minimise land use conflict between rural and urban areas** and between adjoining rural properties.

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4 Litchfield, C and Rankin, L, (Snowy River Shire Strategic Planning Staff), *Sacred cows, subdivision and planning for rural land in the Snowy's, 2006,* and Barr, N, *New entrants to Australian agricultural industries, Where are the young farmers? 2014,* RIRDC Publication No. 14/003.

5 https://www.environment.nsw.gov.au/topics/animal-and-plants/threatened-species/programs-legislation-and-framework/nsw-koalas-strategy/nsw-koala-research-plan

25. The DRLUS and LEP include proposals to create **new RU4 - Primary Production Small Lots**, in areas directly joining the urban areas **around Bombala, Berridale and Jindabyne and Adaminaby**;

- **works opposite to the Right to Farm policy, leading to significant land use conflict**.

  - the RU4 zones will permit, inter alia, intensive livestock agriculture (e.g. feed lots, piggeries and poultry farms), airstrips and animal boarding and training establishments (p 36, draft Comprehensive LEP and Figure 46, revised DRLUS).

26. The significant proposals to introduce new RU4 and RU2 rural land use zones across the LGA give **no consideration to land use buffer zones** to minimise land use conflicts.

- this should be a **mandatory requirement for any principal LEP** proposing to introduce new, untested rural land use zones for **extensive and intensive agriculture**, particularly **adjoining urban settlements**

27. The **DRLUS and LEP do no meet the NSW Government's 2022 *Local Environmental Plan Making Guideline*, NSW Department of Planning and Environment Planning Practice Notes** and **the NSW Department of Primary Industries Guidelines for Agriculture**.

  - for example, Snowy Monaro Regional Council does **not** have a **local Housing Policy**. Such a policy is required in the The South East and Tablelands Regional Plan Action 24 and the LEP Making Guidelines provisions of the LG Act;

  - the DRUS and LEP do not follow the requirements of Section of the LEP making Guidelines by justifying the strategic and site specific merit requirements.

Creation of Split Land Zones and Land Use Conflict

28. The proposed **introduction of the RU1 and RU4 land zone categories** present a **high probability** that there will be split land zones across regions, on individual land holdings and adjoining farms. This will **create further land use conflicts** between neighbours and rural and urban residents;

- split land use zones and land use conflict should not be created by poorly thought out planning proposals.

Planning for Bushfire Protection

29. The DRLUS and LEP seek to rezone rural land in RU1 zone to RU2 arguing this is required because the proposed zone is in bushfire prone land (BFPL). The **NSW RFS Planning for Bushfire Guidelines**[6] require a that a **strategic bushfire study** be undertaken by proponents of changes to land planning in BFPL. Council has not undertaken a Strategic Bushfire Study for the whole LGA.

30. The objectives and criteria used in the DRLUS and proposed LEP to justify RU2 zones rely heavily, on the NSW RFS Planning for Bushfire Protection guidelines to support the proposed zone to impose restrictions on land use in the zones;

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6 *Planning for Bushfire Protection, A guide for councils, planners, fire authorities and developers*
, November 2019, State of New South Wales through the NSW RURAL FIRE SERVICE.

- the **Guidelines are an additional building standard, not a restriction**, on development, that proponents seeking to build on land in bushfire prone land identified by the NSW RFS Commissioner under the NSW *Rural Fires Act 1997,* must satisfy.[7]

- in 2021, the whole LGA was placed in the 2 highest bushfire prone land categories in 2021 by the NSW RFS Commissioner

- a **Strategic Bushfire Study** covering all bushland and grasslands and towns, villages and localities in the LGA must be undertaken to support the land zoning and MLS proposals in the Snowy Monaro principal LEP as be included in Council's Gateway planning processes

  - to do otherwise would be negligent of the NSW Minister for Planning;

  - and would inconsistent with Council's requirement that a Strategic Business Study be provided to support the C3 to C4 rezoning for the Smith's Road area of the LGA included in the draft LEP.

Minimum Lot Sizes (MLS) Proposals - Holding Analysis and Dwelling Entitlements

31. The **Holding Analysis and Land Capability Study** that Council has used to develop the MLS proposals in the DRLUS and LEP **is fatally flawed**. It reflects poor research and understanding of policy analysis and report writing. It has very **low levels of statistical validity and confidence**.

32. The analysis of rural holdings across the 8 Snowy Monaro sub-regions attempts to establish a recommended MLS for rural land based on average holding sizes in each of the regions. It uses a **desk top approach** to show **how many dwelling opportunities will remain** in each region for each of the recommended minimum lot sizes. This **mathematical approach is flawed**.

33. The **referenced source material**[8] on which the conclusions on average rural holding size and rural dwelling opportunities are based is **inappropriate and misleading**:

- the material is drawn from the federal government's *Australian Business Register* (ABR) which relies on ABN information provided by individual businesses. The ABR register has the following **disclaimer**:

  "Neither the Registrar of the ABR nor the Federal Government guarantee that the information available through this service (including search results) is accurate, up to date or complete. This is because the official ABR is based on information supplied by businesses to the Registrar of the ABR."

34. It is also fundamentally **flawed because** the conclusions reached on the average land holding sizes, recommended MLS and dwelling entitlements **assume all lots on holdings are suitable to erect a dwelling**. This cannot be true, especially as many **rural holdings** throughout the LGA **comprise freehold and leasehold** lots of land.

35. There are **many additional restrictions** on **whether** a **lot is suitable for a dwelling** on a rural holding, such as **local Council planning requirements** restricting dwelling envelopes? **access to Council roads**? (see limiting access in Clause 4.2A (4) (g) of the draft LEP); **NSW**

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7 See Ministerial Foreward and page 9, Planning for Bushfire Protection.

8 Australian Business Register. (2020, October). ABR Explorer. Retrieved from Australian Business Register: https://www.abr.gov.au/governmentagencies/accessing-abr-data/abr-data-products-and-services/abrexplorer

environmental legislation on land use and clearing; **access to a household water source** (rainfall, dams, surface water); **access to infrastructure** (power/phone); **geographic constraints.**

36. The study concludes in the last paragraph on p75 of 76 that there: "remains **2,211 opportunities for dwellings** within the proposed minimum lot sizes";

- the analysis does **not** provide **details on how many existing dwelling opportunities are lost** for land currently zoned **RU1 and where the MLS will be substantially increased**.

- **Attachment B** provides some **examples of the significant loss of dwelling opportunities** in some of the sub-regions if the RU1, RU2 and RU4 planning proposal were adopted.

37. The conclusions on appropriate **MLS for each geographic region** are **unsound and inconsistent**. The average holding sizes **do not reflect the reality of current land use** across the LGA, which is predominantly **broad acre farming**: Eastern Valleys - 211ha? Bombala - 224ha? Cooma - 79ha?;

- supporting maps and data **interchanges and confuses averages and means** to support the analyses and conclusions (see pp14, 27, 33, 39, 49, 54, 5, 65, 70, 73 and 75).

38. **Important farm holding data has been omitted** from the study, which heavily **skews** the mathematical **results and conclusions** in the report. Page 15 of 76 of the analysis notes:

> "*the proposed areas to be zoned RU1 Primary Production were then identified and the assessment areas were extracted. This removed any areas of RU2 Primary Production, which are typically larger in area and would likely increase the average*".

39. To be even of limited use the Holding Analysis **should have used** rural land lot data **information** publicly available **on the NSW Government Six Maps** website **and ArcGIS**, and land title, cadastral, valuation and rating information **held by the NSW Land Registry Service** and the **NSW Valuer General** and **Council's land rating records**;

- this data should be **verified by on-site visits**.

Mapping - DRLUS, Land Zone and Lot Sizes

40. The **documents on Council's Have Your Say Website**, "Draft Rural Land Use Strategy and draft Local Environment Plan" **did not include the proposed Land Zone or Lot Size maps** required under the legislative provisions of the NSW *Standard Instrument - Local Environment Plan*. This is a major omission in the community consultation process and contributes to a lack of full and open transparency on the DRLUS and LEP

- communities and landowners were **unable to assess** clearly from the available information **the impact of the proposed land zones and MLS increases on their rural properties**.

41. The documents and accompanying maps **do not meet the NSW Government's Standard for Spatially Enabling Information**. This includes a lack of necessary marginalia, use of scales appropriate to the purpose of the maps, and attributional information.

Land Rezoning Proposals - Environmental Objectives

42. A number of rural land holders have mentioned to me that the introduction of RU2 zones across the LGA look like an attempt by Council staff to re-introduce by stealth environmental objectives to

rural land that were rejected in the first DRLUs with the proposed introduction of E3/C3 zones across wide areas of the Snowy Monaro.

[redacted] **- Specific Objections**

43. Regarding my [redacted] currently zoned RU1 - Primary Production, I object to the revised DRLUS and the proposed principal LEP as follows:

A) I **object to the proposals** in the DRLUS and proposed LEP regarding the permitted and prohibited land uses for **RU1 zoned land** outlined in the proposed land use table for RU1;

- the proposed permitted land uses would **introduce restrictions on land use in the RU1 zone that are significantly more restrictive** than currently permitted in the Cooma-Monaro LEP 2013 that govern the use of my land and the land of surrounding farmers in the Eastern Valleys region of the LGA.

B) I **object to the proposed rezoning** my property at [redacted] **from RU 1 - Primary Production to RU 2** - Rural Landscape;

- the proposals have not be justified in the proposals documents or verified on the ground via ground-truthing, and;
- are based on poorly-researched supporting documentation, and;
- are inconsistent with NSW planning policies relating rural land, NSW Department of Planning and the Environment policies.

C) I **object to** the proposed **additional objectives of the new RU2** - Rural Landscape land use zone;

- the new objectives are **seeking to re-introduce objectives from the previously proposed E3/C3** rezoning of my land
- no **rigorous scientific evidence or on-site ground-truthing studies** to support the mandatory or new objectives and;
- **fail to reflect current broad acre agricultural land use practices** and severely restrict the permissible use of land in the Eastern Valleys region since it was settled and used for farming from the early 1800s.

D) A **rezoning to the RU2 classification has no positive attributes to offer me or other land holders**.

E) the DRLUS and Holding Analysis does **not reflect the views of the CRG** established by Council Resolution 51/21, and **of which I was a member**;

- the **references** in the revised draft to the work of the CRG, e.g. p10, knowingly **misrepresent the discussions and views of the CRG** in order to support the recommendations in the DRLUS and the narrative in the revised Strategy and proposed principal LEP.

44. I **object to the proposals** in the DRLUS and proposed LEP **to increase the minimum lot size for land from 80 hectares to 200 hectares** in the Eastern Valleys region of the LGA where my property/land is located. The proposals:

- **do not reflect the current use of rural land** in the Eastern Valleys region or across the LGA, and;
- if adopted, **introduce more restrictions on the permitted use of my land**, than currently apply, thereby constraining my ability to adopt to changes in climate, markets and good farming practices in the future.
- the **methodology to support the MLS proposals** cover my land, is based on **poor mathematically reasoning and is non-sensical**, and;
  - has **not be verified with on-the-ground inspections** of current rural land usage or farming practices.

45. More generally, I object to the proposals in the DRLUS and proposed LEP because they **lack strategic and site specific merit**, and;

- do **not reflect the Snowy Monaro community's views** on how rural land should be developed over the next 20 years.
- if adopted these proposals will i**ntroduce greater restrictions on how farmers** and owners of land **zoned rural** can use their land, innovate and adapt to changes in agricultural production in the future, and;
- **land planning proposals that lead to job losses** and **inhibit economic growth and opportunities** in the rural sector **must be opposed**.

46. Thank you for the opportunity to provide a submission on Snowy Monaro Regional Council's revised Draft Rural Land Use Strategy and proposed principal Local Environment Plan;

- my **submission addresses a number of significant matters and issues** that need to be addressed by Council and government decision-makers to ensure that the DRLUS and LEP are fi**t for purpose and have strategic and site specific merit**;

47. We **need to get the future land planning framework (LEP, DCPs etc,) right** to allow farmers, rural landholders and the Snowy Monaro region to continue to prosper and adapt to a changing climate, modern agricultural production methods and increased global demand for food and fibre. And we need to **take the time necessary to get it right, working with the whole Snowy Monaro community**!

[redacted]

17 February 2022

Attachments A and B:

Attachment A

NO EVIDENCE OF FRAGMENTATION OF BROAD ACRE RURAL LAND IN THE SNOWY MONARO REGION

STUDIES, REPORTS AND QUOTES

***"Sacred cows, subdivision and planning for rural land in the Snowy's",* Charles Litchfield and Liz Rankin, Snowy River Shire Council (Strategic Planning Staff), 2006**

"*But our land use planning responses to this situation are the same as they were in the 1960's - focusing squarely on supporting the financial viability of the "farming enterprise" by using (increasingly higher) minimum lot sizes for a dwelling as the tool. However we do not know to what extent increased lot sizes for a dwelling actually assist with these problems or possibly contribute to them.*

In four years of work, we found little to suggest that increased minimum lot size played more than a minor role in guaranteeing the future of farming enterprises. Market forces, good financial management, good farm management, good succession planning and good luck are much more influential."

Our research showed that while laws were in place allowing subdivision into small holdings, the number of large (1,000ha+) commercial farms remained more or less constant. And this is despite the fact that some of the larger commercial farms are located within minutes of Cooma and Jindabyne where pressure for development has been significant.

The idea of protecting agriculture using minimum lot sizes persists, but there is so little in the way of evidence to support it."

Snowy River Council, Rural Lands Study "*The Drivers of Change*", 2003

The former Snowy River Council in its Rural Lands Study "*The Drivers of Change*", 2003, a document to support proposed changes to amend rural land use provisions in the Snowy River Local Environmental Plan 1997, noted in relation to the minimum allotment size :

"*In particular, the minimum allotment size of 800 hectares for a dwelling in the rural zones was determined to be exacerbating already difficult rural adjustment circumstances and contributing to the decline of rural populations. In addition, the provision was determined to be making no contribution to improving farm viability, which was its fundamental and sole objective*".

Improving the Prospects for Agriculture and Regional Australia in the NSW Planning System - a report by the NSW Agriculture Commissioner, 2021

NSW Agriculture Commissioner noted: "*Fragmentation is mostly driven by decisions to reduce minimum lot sizes or enable dwellings on undersized lots.*

The minimum lot size for rural land is often a reflection of historical policy and not based on contemporary evidence. Achieving the minimum lot size does not guarantee that the land will continue to be used for agriculture as the size of the lot may not be commercially viable. There is also some evidence that minimum lot sizes can be too large – too small to be viable for a commercial business but too large for effective hands-on management. With continuing pressure for small lots and rural residential developments policy development by councils would benefit from research into minimum lot sizes." (pp52-53).

[redacted] ***February 2023***

Attachment B

SNOWY MONARO REVISED RURAL LAND USE STRATEGY (DRLUS)
AND
DRAFT SNOWY MONARO LOCAL ENVIRONMENT PLAN (LEP)

IMPACT ON DWELLING ENTITLEMENTS OF PROPOSED MINIMUM LOT SIZES - RU1 ZONED LAND

COMPARISONS OF A SAMPLE OF LARGE RURAL PROPERTIES ACROSS THE SNOWY MONARO IDENTIFIED BY REGION IN THE REVISED DRLUS.

MLS = Minimum Lot Size: DE = Dwelling Entitlements

Region: ***Monaro*** (current MLS = 80 ha, proposed MLS = 400 ha):

- Property A: 1429ha, current DE = 17, new LEP DE = 3
- Property B: 13,245ha, current DE = 165; new LEP DE = 33
- Property C: 1293ha, current DE = 16; new LEP DE = 3

Region: ***Bombala*** (current = MLS 40 ha, proposed MLS = 250 ha)

- Property A: 3880ha, current DE = 97, new LEP DE = 15
- Property B: 2054ha, current DE = 51, new LEP DE = 8
- Property C: 3016ha, current DE = 75, new DE = 12;

Region: ***Eastern Valleys*** (current MLS = 80 ha, proposed MLS = 200 ha)

- Property A: 4800ha, current DE = 60, new LEP DE = 24
- Property B: 1758ha, current DE = 22, new LEP DE = 8
- Property C: 3878ha, current DE = 48, new LEP DE = 19

Region: ***Jindabyne*** (current MLS = 200ha, proposed RU4 MLS = 40ha)

- Property A: 812ha, current DE = 4, new LEP DE = 20

Source: Extracted from information available publicly from *Land Value Maps, NSW Government Valuer General, https://portal.spacial.nsw.gov.au*

9

RECEIVED
2 0 FEB 2023
Snowy Monaro Regional Council
Cooma Office

A SUBMISSION AGAINST ANY CHANGING OF RU1 ZONES TO RU2 AND ANY NEGATIVE CHANGES TO RU1 ZONES.

Once again we find ourselves fighting for the freedom to manage our farms without further restrictions on the way we do so.

I understand there will be a reduction of 20 activities in what we can do in an RU2 zone compared to what we can now do in an RU1 zone without a DA. WHY? Any restrictions at all make farming less productive and more costly to undertake.

Under State law there are many rules and regulations as to how we can and can't go about managing our land. And there are government departments that oversee these activities. LLS being just one. They have employees that are experts in all fields of land management and have many years of experience in doing so. Why would Local Government want to get involved in something that they have no expertise in whatsoever. It would mean setting up a department that would be costly to run and let's not forget that SMRC is cash strapped as it is. It makes no sense to duplicate farmland management with another layer of rules.

Increases in the minimum lot size will have the opposite effect to that intended. 200HA is a big area of land to look after for someone who just wants a bush retreat. As a result it won't be looked after, will become a haven for feral animals and weeds, will be a no fly zone in an aerial culling program and will be a nightmare if ever we have an outbreak of FMD. Most of all it will go out of production. Wouldn't it be better to reduce the number of 40 or 80HA lots alowable to each grazing enterprise? This would stop land fragmentation and reduce the negatives of larger lots mentioned above.

Once again the maps available are useless when it comes to getting information on how these proposed changes will effect each farm.

All in all it seems to me to be E3 by stealth. That was rejected by Council as this should be.

[redacted]

[redacted]

10

[redacted]

From: [redacted]
Sent: Sunday, 19 February, 2023 11:25 PM
To: [redacted]
Subject: Draft rural landuse

Firstly the minimum lot size for RU2 at 200 hectares to be to large , 100 I believe is ample

To be a diverse area small areas are require to provide opportunities for rural tourism and provide dwelling options.

Council indicates it supports renewable energy projects but I think they should not be higher than 15 metres.
Phasing out concessional dwelling is unacceptable , a theft of landowners rights.
I note some towns have a large area surrounding them for Sub division and possible agro r tourism , Why not Cooma , Nimmitabel and Bredbo I note flexibility with activities such as the rail trail. Very good . Flexibility is a huge requirement in a now huge council with a huge rage of Activities and interests.
Obviously submitted at the last minute
Regards [redacted]

11

[redacted]

From: [redacted]
Sent: Monday, 20 February, 2023 2:47 PM
To: [redacted]
Subject: Draft LEP - Submission/ Objection

To whom it may concern,

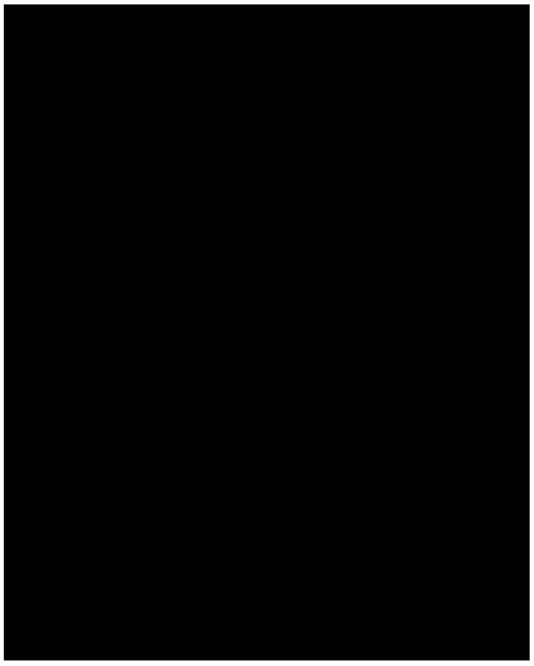
I am representing and responding on behalf of my parents and their property located at [redacted] and I have noticed that the Draft LEP has burdened this lot considerably as the zoning has been taken from an RU1 to an RU2, the minimum lot sizing has increasing from 80ha (AC3) to a 200ha (AE1) and the proposed Biodiversity Corridor also runs through the property.

The neighbouring property lots to the North and South of our property have not been burdened with such a change as they have remained as an RU1 and had a minor lot size increase up to 100ha (AD). The properties to the North and South both have the same rural topography as [redacted] therefore it seems unreasonable to have our property singled out with an increased lot area and zoning.

Zoning - Draft LEP

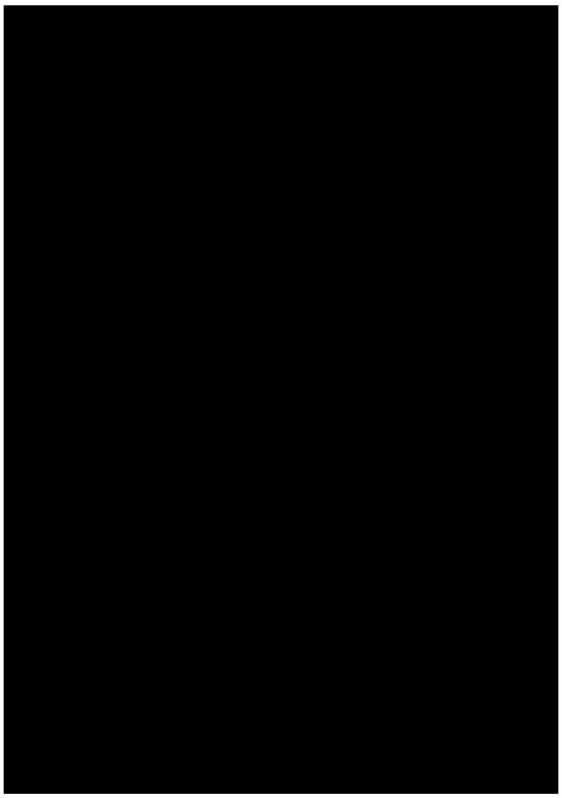
[redacted]

Lot Size - Draft LEP

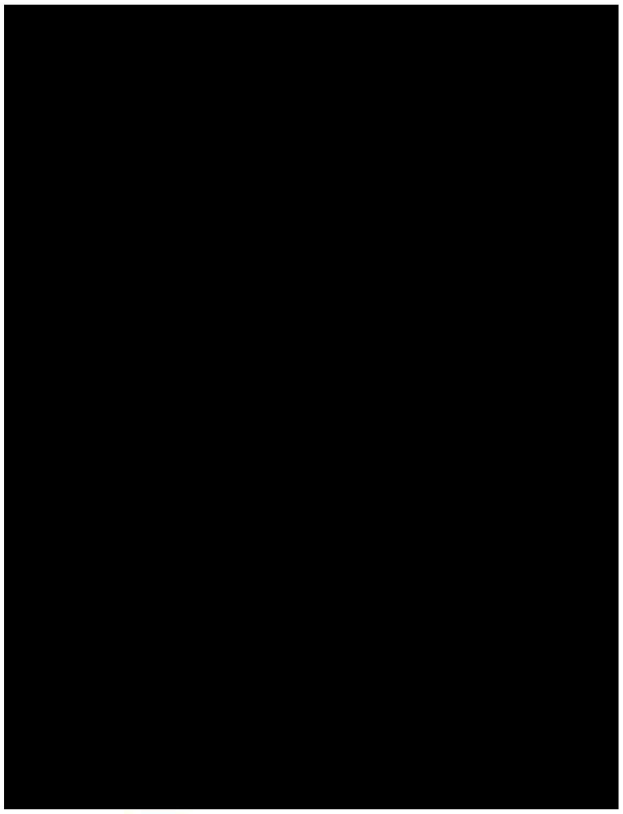


Another element in addition to the above which is burdening our lot is the proposed Biodiversity Corridor which runs through the property. Please see below extracts showing the proposed biodiversity corridor location within your Draft LEP together with a markup on a more suitable location for the commencement of the Corridor. We confirm that all land to the West of the Electrical Easement (located on the below diagrams) is usable primary producing land.

Biodiversity Corridor - Draft LEP



Location of Easement and Proposed Western side of the Corridor



As part of our submission, we request the following changes to the LEP:

1. [redacted] **maintains its zoning as an RU1 (Primary Production) which is the same as the neighbouring properties to the North and South;**
2. [redacted] **maintains the same lot sizing as the lot owners to the North and South as an AD (100ha);**
3. **The Biodiversity corridor location be realigned to the Eastern side of the electricity easement at the Western toe of the range.**

Your quick action on the above will be much appreciated. Any queries, please contact me any time to discuss.

Kind regards,

[redacted]

12

[redacted]

From: [redacted]
Sent: Monday, 20 February, 2023 2:28 PM
To: [redacted]
Cc: [redacted]
Subject: Draft RLUS 2022 & Draft LEP 2022 - Proposed Removal of Averaging Provisions around Adaminaby, Berridale and Dalgety

Dear Council,

This submission is in response to the Draft Rural Land Use Strategy 2022 and Draft LEP 2022 and proposed removal of the current averaging provisions around the Adaminaby, Berridale and Dalgety townships.

The Draft RLUS 2022/LEP 2022 seeks to change the zoning around the three Snowy River Shire townships from R5 Large Lot Residential to RU4 – Primary Production Small Lots, however this is not a straight transfer of zones for every property.

On balance, the proposed change of zone from R5 – Large Lot Residential to RU4 –Primary Production Small Lots is generally supported as this zone is more suitable for land around the three townships, reflecting its rural and rural lifestyle land uses.

This would allow for example, exempt and complying development permitted for rural zones, which cannot be currently be undertaken as it's a residential zone.

However, the proposed change in lot size and removal of the average provisions is not supported.

The Draft RLUS 2022 makes very little reference to the current lot averaging provisions that apply around the Adaminaby, Berridale and Dalgety townships and why they need to be removed.

The only direct statements include:

'R5 Large Lot Residential is considered in relation to the large rings around Berridale, Adaminaby and Dalgety and consideration given to where the R5 zone should be reduced and returned to a rural zone, given the large application area'.

'Some key issues revolve around the application of zones, the disparity and inconsistent approach to minimum lot size, potential increasing land use conflicts, lot averaging provisions and preserving the rural landscape'.

These are not adequate justifications to increase lot size and remove the averaging provisions within these areas.

A robust methodology and justification are required for any change in lot size and removal of averaging provisions.

If a single homogenous lot size is applied as proposed, such as 40ha, then large holdings can create much greater number of lots, and smaller holdings can create much less number of lots, if any.

This results in winners and losers.

The current lot size averaging provision was based on each holding able to being subdivided up to 7 lots. The benefit being that the lots being created could be average with a minimum at 5ha.

By limiting the number of lots to 7 for each holding, means that large rural land holdings (usually with good agricultural land) cannot undertake subdivision with a large number of lots, whilst smaller holdings, usually close to towns and services can.

The use of averaging provisions works and achieve both win-win outcomes with regard to agriculture, bushfire and biodiversity, as summarised below.

Agriculture:

Lot averaging is useful to protect and maintain good agricultural land. This can be achieved whilst allocating the poorer agricultural land to smaller lot sizes and further development, whilst maintaining larger parcels of land for farming enterprise.

A blanket 40ha lot size does not achieve this.

Bushfire:

Lot averaging allows for better bushfire risk outcome. Steep, rugged and/or forested land can be excluded or allocated a large allotment parcel, whilst the more cleared, flatter and less vegetated land can be allocated smaller lots, suitable for dwelling houses. These lots can be located closer to roads, minimising large isolated lots with long access roads.

Biodiversity.

Lot averaging allows for higher biodiversity value land to be retained within the residual or larger allotment parcel, whilst the more lower biodiversity land can be allocated smaller lots, suitable for dwelling houses.

A uniform minimum lot size does not facilitate these outcomes.

Given that the averaging provisions generally work and are generally supported, Council should continue to retain these provisions in the LEP and should investigate how they could be expanded across other suitable areas in the LGA.

I have several approved subdivisions which can demonstrate the value and upside of the application of the averaging provisions, when compared to a uniform single minimum lot size. These can be shared and discussed with Council further, to assist with the preparation of the Draft LEP to be placed on exhibition.

Regards,

[redacted]

[redacted]

[redacted]

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13

Hi [redacted]

as per my map which I gave you on the 15/12/22 in the Council offices. The proposed boundary line for RU1 / RU2 is the fence boundary of the paddock. One side of the fence is an area I call my buffer zone which is timbered country and the other side is farmland and has been 150 plus years. I like to have this proposed boundary line as the RU1 / RU2 boundary zone. I can't see any significant ecological land values or any other land value for this RU1 / RU2 proposed boundary line not to be adopted.

I would be happy to discuss the above proposed boundary line further,if needed.

Regards [redacted]

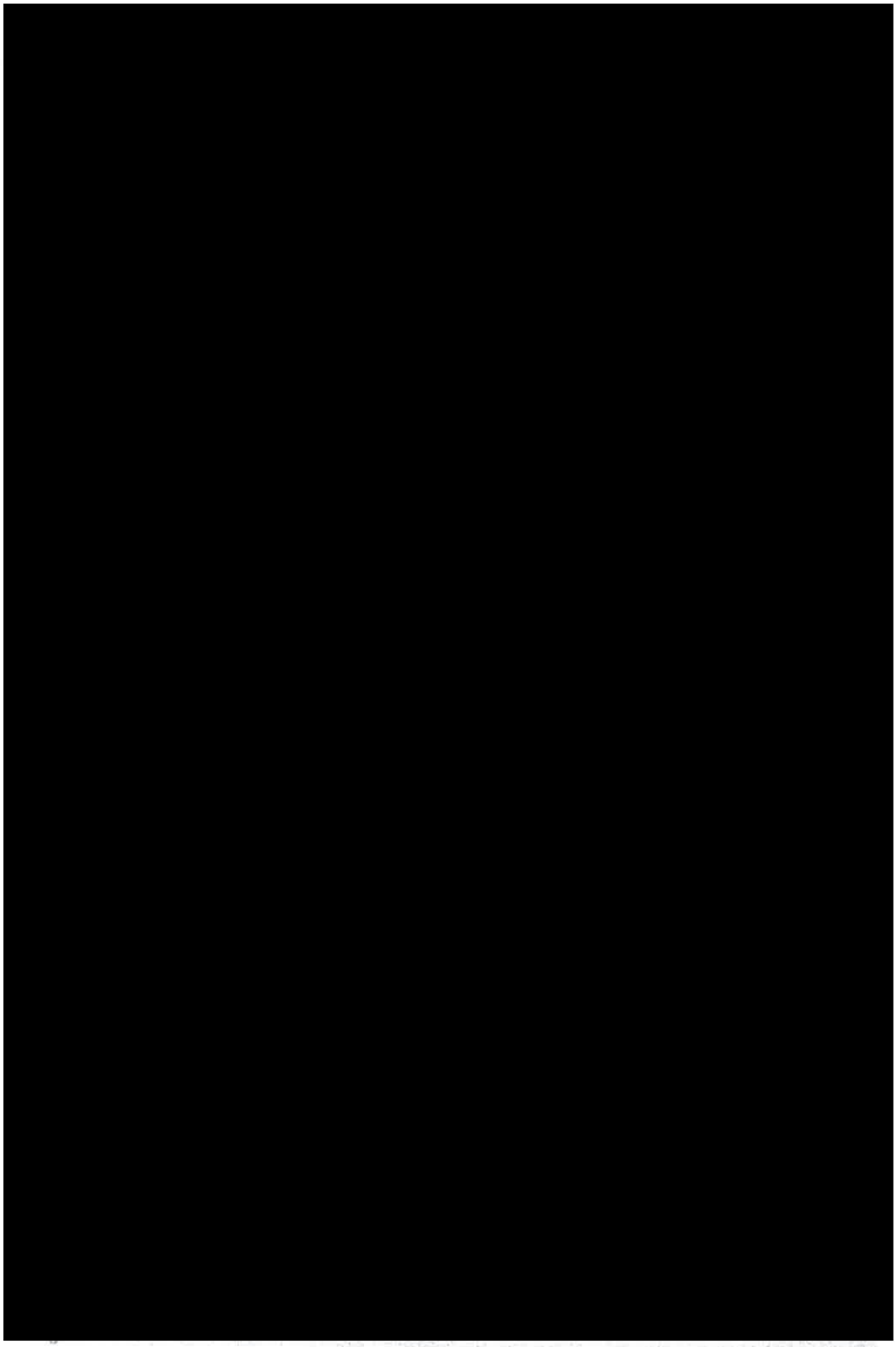
On Mon, Jan 9, 2023 at 9:46 AM [redacted] wrote:

Hi [redacted]

If you don't mind putting in writing the your thoughts or otherwise on the use of the RU2 zone and I will attach the map. The words will give your some context and make it easier for other people (Ie Councillors to interpret your submission).

Thanks

[redacted]



14

[redacted]

From: [redacted]
Sent: Tuesday, 7 February, 2023 9:25 PM
To: [redacted]
Cc: [redacted]
Subject: Submission in support of the rezoning of Smiths Road [SEC=UNOFFICIAL]
Attachments: [redacted] submission (1).doc

Dear Snowy Monaro Council,

There has been a lot of focus on the subdivision aspect of the proposed rezoning of the northern end of Smiths Road from C3 to C4. We would like to bring attention to the landowners of existing crown portions whose building entitlement and therefore land value and rights were removed by mistake in 2002. The attached submission details the history of how this came to be and this includes a sworn statement by the Principal Planner of Yarrowlumla Shire Council at the time the 2002 YLEP was passed into law. You will be aware that parts of the community's advocacy included the restoration of land rights to these lots.

[redacted] were all 1995 holdings which individually enjoyed building entitlement since the application of the first Interim Development Order in 1964 and then under each successive planning order up until the implementation of the Yarrowlumla Local Environment Plan 2002, at which point the provision was omitted. [redacted] - Principal Town Planner Yarrowlumla Shire Council 1986 to 2002, has stated that the removal of the 1995 holdings clause was an oversight and it was not the intention of the Council of the day to extinguish building entitlement on these lots.

Some of these lots have been owned by the same family for more than 50 years, so there also issues of social justice and procedural fairness that will be corrected with the implementation of the rezoning of Smiths Road as proposed in the Snowy Monaro DRUS and LEP.

We appreciate Council conducting the necessary strategic planning exercises. This has been a difficult, long, expensive and stressful journeys for all involved. We look forward to the change of zoning and the positive impacts it will have on our community.

Many thanks
[redacted]

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Submission to the Cooma-Monaro Draft Local Environment Plan 2012 on behalf of [redacted]

Summary

The three allotments - [redacted] - which are the subject of this submission ('the subject lots') had their building entitlement removed by the omission of the '1995 holding' clause from zone 7(e) of the Yarrowlumla Local Environment Plan 2002. This created an anomaly that has not been addressed by the Cooma-Monaro Local Environment Plan 2012.

The undersigned landowners of the subject lots request that the Cooma-Monaro Shire Council correct this anomaly in the Cooma-Monaro Draft Local Environment Plan 2012 based on the following rationale:

- The reinstatement of the '1995 holding' provision for the area currently zoned 7(e) would correct the anomaly in the Yarrowlumla Local Environment Plan 2002 which was created by mistake;
- This would not create a precedence of significance for State or regional environmental planning as there are only three '1995 holdings' in zone 7(e) of the Yarrowlumla Local Environment Plan 2002 which could benefit from correcting this anomaly;
- Since 2009, on two separate occasions the Cooma-Monaro Shire Council has supported applications to allow the erection of a dwelling on one of the subject allotments;
- The reinstatement of the '1995 holding' provision delivers on the stated advice of the NSW Department of Planning that Council deal with this anomaly in the drafting of the new plan for the local government area;
- Allowing permanent occupancy on the subject lots delivers on the stated aims of the Smiths Road Community;
- This decision would be consistent with the principles of natural justice; and
- The environmental impact can be managed, leading to a positive outcome for the natural and social environment.
- The circumstances of the three subject allotments are unique

The reinstatement of building rights lost in 2002 could easily be achieved by expanding the definition of a '1995 holding' under cl. 4.2C(7)(b)[1] of the Cooma-Monaro Draft Local Environment Plan 2012 to include land which was previously zoned 7(e) under the Yarrowlumla Local Environment Plan 2002.

[1] page 29 of the Cooma-Monaro Draft LEP 2012

Introduction

We, the undersigned landowners of:

[redacted]

make the following submission to the Cooma-Monaro Draft Local Environment Plan 2012 (CMLEP 2012).

There is an anomaly in the Yarrowlumla Local Environment Plan (YLEP) 2002 which, by omission, removed the building entitlement of the three subject lots. This has not been corrected in the Draft CMLEP 2012.

Prior to the gazettal of the YLEP 2002, the subject lots were '1995 holdings' which had enjoyed a building entitlement as separate legal entities since the early 1970s. All subject lots share the same history of planning controls and separate ownership.

When the YLEP 2002 was gazetted, it omitted the clause which afforded protection of pre-existing building rights on crown portions which had been included in all successive planning instruments applying to the zone. This protection is afforded to lots created by subdivision in zone 7(e) and crown portions which are '1995 holdings' in neighbouring zones. There is no evidentiary justification for this omission.

- The zoning of the land, zone 7(e), and the objectives of that zone did not change with the introduction of YLEP 2002.
- The development standard applying to the erection of a dwelling house in zone 7(e) did not change with the introduction of the YLEP 2002.
- All three lots are "lawfully created allotments" which have been separate legal entities for four decades and their building rights were afforded protection in all previous planning instruments.

In the Draft CMLEP 2012 currently on display, there continues to be confusion about whether or not the '1995 holding' provision applies to land formerly zone 7(e) in the YLEP 2002. This area is proposed to be zoned E3 under the Draft CMLEP 2012.

Page 20 of the Draft CMLEP 2012 User Guide describes permissibility for the erection of a dwelling in RU1, R5 Rural, and the E3 and E4 environment zones. It states:

A dwelling can be approved where:

> *A '1997 holding' under the Cooma-Monaro Local Environmental Plan 1999-(Rural) or a '1995 Holding' under the Yarrowlumla Local Environmental Plan 2002. Note this specific provision will expire five years from the date of this Plan.'*

Under this description, the Draft CMLEP 2012 states that a dwelling can be erected on the subject lots. This is also echoed by the wording of the Local Environment Study which underpins the Draft CMLEP 2012. However, this conflicts with cl. 4.2C(7)(b) of the Draft CMLEP 2012[2] which states that a '1995 holding' is defined as land previously zoned 1(a) Rural under the former YLEP 2002.

The reinstatement of building rights lost in 2002 could be achieved by expanding the definition of a '1995 holding' under cl. 4.2C(7)(b)[3], to include land which was previously

[2] page 29 of the 2012 Draft LEP
[3] page 29 of the 2012 Draft LEP

zoned 7(e) under the YLEP 2002. Consistent with the planning principles of the area in the neighbouring zone 1(a), this provision could expire for the 7(e) zone after 5 years allowing landowners sufficient notice consistent with the rules of natural justice. This was a principle not provided to affected landowners with the introduction of the YLEP 2002.

Location

The following map shows the location of the three subject lots; [redacted] south of the village of Tharwa on the southern ACT border. They are also marked on the Attached Map of the 7(e) zone, designated in **green**. All have good access to Smiths Road, share the same ecology and ownership history. [redacted] has a 144m² council-approved machinery shed with composting toilet.

[redacted]

History

Attachment A provides a detailed history of the planning instruments applying to the area currently zoned 7(e) under the YLEP 2002. The three lots enjoyed a building entitlement since the application of the first Interim Development Order in 1964 and each successive planning instrument afforded protection for this building right, up to the YLEP 2002.

Under the YLEP 2002, the development standard applying to the erection of a dwelling within the zone 7(e) has been maintained at 80ha. However on gazettal the YLEP 2002 removed by default the building entitlement enjoyed by these three lots until this date, by failing to include a provision which protected the pre-existing building rights of crown portions. These provisions were included in all previous planning instruments. This protection was afforded to lots created by subdivision and '1995 holdings' in the neighbouring zone which also includes the Murrumbidgee River catchment.

In accordance with the YLEP 2002, cl. 28 (1) (c), the land on which it is proposed to erect a dwelling house within zone 7(e) must:

> *(c) – be a lot in a subdivision which was consented to or approved by the Council before the appointed day and which met the requirements for erecting a dwelling house that applied at the date the subdivision was consented to or approved.*

Under cl. 28(1) (c) an anomaly has been created as to the preservation of building entitlements enjoyed by lots created under subdivision as against lots created through the transfer of an original parish portion title in the circumstances where the prescribed development standard cannot be met at this time.

Strict interpretation of cl. 28 (1)(c) suggests that the environmental and social impact of erecting a dwelling on a parcel of land not created through "subdivision" is such that the development should be prohibited, but this same development is permitted on an adjoining lot where that lot was created under subdivision.

The implications of cl. 28 (1) (c) as related to Lot 69 DP751813 are unjust and inconsistent.

This anomaly has not been corrected with the proposed Cooma-Monaro Draft LEP 2012.

The anomaly was created by omission

Evidence suggests that the omission of a provision which protected the building rights of '1995 holdings' in zone 7(e) was a mistake and it was never the intention of the Yarrowlumla Shire Council (YSC) to extinguish building entitlement on the subject lots.

1. Firstly, the YSC had actively protected prior building rights in zone 7(e) under planning instruments applying before the YLEP 2002.

2. Secondly, these rights continue to be protected for lots created by way of subdivision in zone 7(e), and under the '1995 holding' provision in the YLEP 2002 applying to the neighbouring Zone 1(a) (clause 24(1)(b)).

3. Thirdly, the affected landholders did not know for some years that the YLEP 2002 had not preserved their building rights.

4. Mr David Rouse, Principal Planning Officer, YSC, 1986 to 2002, has stated that the removal of this clause was an oversight and most likely due to the poor land databases at the time which failed to identify that there were '1995 holdings' remaining in zone 7(e) that needed to be afforded protection (see **Attachment B**).

Significantly, documents obtained through the *Government Information (Public Access) Act 2009* confirm that the YSC never intended to conduct a full scale review of planning controls when drafting the YLEP 2002. Therefore it makes no evidentiary sense to conclude that they deliberately removed existing building rights which had been preserved under each previous planning instrument.

The drafting of the YLEP 2002 aimed only to focus on:

- Consolidating the 19 amendments to the YLEP 1993 in plain English format;
- Incorporating the provisions of the Environmental Planning and Assessment Act 1997; and

- Small cadastral and property boundary adjustments to boundaries of 7(e) and 7(g) zones.

This was due to the YCS's stated intention to undertake a full strategic review of the rural and environmental protection zones after the gazettal of the YLEP 2002. Documents can be provided that show that the strategic review of the rural and environmental zones was agreed to by the NSW Department of Planning. Due to the dissolution of the YSC in 2004, the promised strategic review was not completed.

To quote page 9, Ordinary report to GP committee meeting of 12 February 2002, YSC:

> *"It is intended to conduct a review of the 1(a) and 7(e) zone during 2002 and any changes to the plan with reference to these matters is better left to that review. The 7(e) zone is very restrictive under the YLEP 1993 with all development other than agriculture, dwelling houses, home industries, home occupancies, public utility undertakings and utility installations being prohibited. The draft YLEP 2001 broadens this list a little and any further increase in development options would require re-exhibition of the plan.*
>
> *It is necessary to remember that Council's intention in carrying out this process was to update the plan to reflect legislative changes and to make minor changes to zone boundaries. It was not to review all the land use controls across the Shire. It is unfortunate that for various reasons the plan has been delayed such that it is now three years since the resolution to prepare it was made. It is now appropriate to finalise the process without further delay in the understanding that some of the issues will be given further consideration in the forthcoming review of rural an environmental protection zones."*

When these facts are considered in light of the small number of allotments which are affected by the absence of a '1995 holding' provision in zone 7(e) of the YLEP 2002, it must be concluded that the planners developing the YLEP 2002 overlooked the existence of these lots and it was an oversight that they were not afforded the same protection as lots created by subdivision and lots in the neighbouring zone 1(a).

Only three lots would benefit from this precedent

A holding is defined as 'one or more adjoining or adjacent allotments in the one ownership'. Whilst a property owner is able to sell an allotment which is part of a larger holding, not all lots will have the ability to have a dwelling erected on them with Council consent.

In determining whether a dwelling can be erected on a holding, the land area is calculated on the amount of land held in one ownership at the time of the holding date. Therefore to understand the potential for dwellings it is necessary to consider the number of LEP holdings. Each LEP sets a holding date. In the case of the YLEP 2002, the holding date is 1995 for allotments in existence at the time of gazettal of the YLEP 1993 (see **Attachment A**).

As stated above, the Draft CMLEP 2012 proposes to retain the '1995 holding' provision for five years after gazettal in regard to the erection of a dwelling in the neighbouring zone 1(a). This indicates the CMSC is taking an equitable and fair approach in advising landowners that this right will expire in five years time. This is despite Council's Local Environment Study acknowledging that they do not know how many potential dwellings would result in the area which would be afforded this protection under the Draft CMLEP 2012. We request that the same principles of fairness apply to land formerly zoned 7(e) under the YLEP 2002.

Unlike in the neighbouring zone, the subject lots are the only three '1995 holdings' which could benefit from the inclusion of the '1995 holding' provision in the CMLEP 2012 for land formerly zoned 7(e) under the YLEP 2002.

The landowners of the subject lots have gone to considerable effort and expense in validating the three lot precedent. In July 2010, the Cooma Monaro Shire Council provided information to the NSW Department of Planning which led them to conclude that there are 58 lots within the 7(e) zone which could benefit from a precedent if a building entitlement was granted to one of the subject lots, [redacted] In a meeting with [redacted] in July 2012, the Department of Planning confirmed that the issue of precedent was the only issue that prevented the Department from approving a rezoning application for the erection of a dwelling on one of the subject lots. This information provided by CMSC stated:

> *"It is estimated there are about 58 lots within the 7(e) Zone under Yarrowlumla Local Environmental Plan 2002 which are vacant and without a dwelling house or a dwelling entitlement. This number can only be an approximation however as some existing dwellings may be illegal and some may be legally constructed sheds which are being illegally used as dwellings. There are a total of 161 lots overall within the 7(e) Zone and 110 of these lots are less than 80 hectares."*

The advice does not take into account the existing land ownership holding pattern, nor does it quantify as to whether there are additional "1995 Holdings" located within the 7(e) zone other than the subject lots; critical factors which need to be taken into account in determining the likely number of dwellings that would result.

In December 2011 the CMSC sought information from Palerang Shire Council on the likely number of '1995 holdings' in zone 7(e) of the YLEP 2002. This information was never received and was not considered in the Cooma-Monaro Local Environment Study 2004-2012[4], whose stated aim is to provide government agencies with a wide range of data relating to the Cooma-Monaro local government area to inform the planning documents developed as part of the Cooma-Monaro Shire Council Strategic Planning Project 2001-2012[5].

Attachment C provides an analysis of the 58 'vacant' lots, and confirms that the re-instatement of the '1995 holding' provision would only result in a potential for three dwellings (the subject lots) in the area currently zoned 7(e) under the YLEP 2002. This information has been verified by an independent planning consultant.

Of the 58 above mentioned lots:

- **8 of these lots** are less than 16 hectares (40acres), the lowest minimum lot size which has applied for the erection of a dwelling since planning controls were introduced to this area in 1964. Therefore, these 8 lots never met the minimum development standard under any planning instrument and, unlike the three subject lots are not '1995 holdings' which had their building entitlement preserved by successive planning instruments.

- **35 of these lots** are not held in separate ownership and are part of larger holdings. For the purposes of determining whether the holding meets the development

[4] Page 142 Cooma-Monaro Shire Council Local Environment Study

[5] On P142 the Study also states there has also been no audit of '1995' holdings under zone 1(a) the YLEP 2002. Does this imply that the CMSC are unconcerned with how many dwellings are erected in the neighbouring zone on the east side of the Murrumbidgee?

standard, the area which is considered is the total area comprising the holding as at the 'holding' date[6]. A dwelling can be erected on the holding if the total area of the holding is greater than the development standard. In the substantial majority of cases these small lots are part of holdings over 80 hectares[7], and there is already a building erected.

To imply that these lots could benefit from a '1995 holding' provision is to give them building entitlements that they never enjoyed as a separate legal entity and only have through their relationship with other lots in the holding.

Even if individual lots were sold into separate ownership in the future, these lots are not '1995 holdings' and therefore could not benefit from a legal precedent set by a lot which has been in separate ownership since 1971, met the development standard at the time, and this building entitlement was afforded protection until the introduction of the YLEP 2002.

- **7 of these lots** are not vacant allotments, containing substantial unapproved dwellings (for example the historic Cotter homestead). In 6 of these cases, pre-existing dwellings are unable to be approved by CMSC due to a privately owned, and severely degraded, causeway[8] providing the only access across the Murrumbidgee River to the township of Bumbalong (some 50 kms from the Clear Range area). Therefore, a dwelling on these lots could not result from a precedent created by building entitlement being reinstated on three vacant '1995 holdings' as these lots are not vacant allotments. Further, most, if not all, of these dwellings were erected before the gazettal of the YLEP 2002.

- **4 of these lots** are held for administrative or Departmental purposes eg. trig stations, open spaces and reserves. These types of lots were excluded in the CMSC's analysis of '1997 holdings' in the CMSC Local Environment Study.

- **1 lot** was missing from the list provided by CMSC.

For these reasons, all the above mentioned lots are not vacant '1995 holdings' and therefore cannot benefit from any precedent created from the reinstatement of the '1995 holding' provision in the Cooma-Monaro Draft LEP 2012 for the area currently zoned 7(e) YLEP 2002.

Delivers on previous support of CMSC and stated advice of the NSW DoP

At its meeting of 10th May 2010 the CMSC resolved to support the application for development on one of the subject lots:

> *... Council is satisfied that the proposed use is compatible with the style of development in the immediate vicinity; the application demonstrates that the design of the proposed dwelling and associated landuse will not lead to a deterioration of the visual amenity of the area; and the application further demonstrates a commitment to the on-going preservation of an area of environmental value.*

[6] This is the same methodology used in the Cooma-Monaro Shire Council Local Environment Study.
[7] The development standard has been 80ha since 1975.
[8] This issue was openly discussed with the CMSC Mayor in July 2012.

In accordance with clause & of SEPP No1 the Council is of the opinion the proposal is consistent with the aims of SEPP No1 because strict compliance with the specified 80ha development standard is considered to be unreasonable given the characteristics of the area and that better on-going protection of the environmental attributes of the property can be achieved if the allotment is occupied.

The CMSC again supported development on this lot in an application in XX 2011.

In refusing the application on [redacted] the NSW Department of Planning stated:

'The 80ha standard for the Zone was established in 2002 because of concerns that small lot subdivision was undermining the objectives of the Zone. It would therefore be appropriate that should council wish to investigate the minimum lot size for this area, strategic planning is requires developing planning outcomes for this area. The Department supports this approach rather than ad-hoc approval of variations via SEPP No1. This could be done as part of the preparation of the draft Cooma Monaro LEP or via a subsequent planning proposal in consultation with appropriate Governments Agencies and the public. The department would be willing to work with council on its planning for this area'.

In July 2012, the landowners of [redacted] met with [redacted] NSW Department of Planning. The Department indicated that the most relevant consideration in declining the application was the potential for a precedent of significance to State and regional environment planning. The Department also stated they had formed an opinion based on the information provided by the CMSC that the likely precedent was 58 lots. After a discussion of the analysis at **Attachment C** of this submission, the Department acknowledged that the precedent was unlikely to be 58 lots. The Department encouraged the landowners to lodge a new application and undertook to personally review it.

In this meeting, the Department re-iterated the above statement and that the issue of development on [redacted] could best be dealt with through a joint submission on behalf of the landowners of the three affected lots which clearly identified the uniqueness of their circumstances.

It is our view that CMSC support of this submission would be received positively by the NSW Department of Planning and be consistent with the Department's preferred approach.

Stated aims of the Smiths Road Community

In consulting with the Smiths Road Community in preparing their 20 year community strategic plan, the Council's vision was to:

"...encourage healthy, vibrant communities that value and retain or unique social and natural environment while promoting growth and responding to the needs and aspirations of the community."On page 9, the plan states "It provides a road map of what is important to the community and where it envisages itself to be in 10 years time."

The plan also talks about the sustainability of local communities. In ongoing communications with the CMSC, the Smiths Road Community has called for planning controls which support a small amount of population growth.

Some of the publicly stated, community aspirations which the Draft CMLEP 2012 does not currently capture include[9] allowing a small amount of managed population growth. Residents believe the community is currently too small to be sustainable, yet further development is not possible due to the restrictive zoning which currently exists and will come with the application of E3 to this area. At its current size of around 120 residents, it is too small to maintain its civic leadership role and the local volunteer services such as maintaining the Smiths Road community building and fire shed.

In 2010, almost 30 landholders in the Clear Range area also signed a petition to the CMSC supporting the landowners of [redacted] to be able to erect a dwelling on their land.

If the '1995 holding' definition was extended to land previously zoned 7(e) under the YLEP 2002, this would meet some of the community's call for a modest increase in population by allowing an additional three families to reside in the area.

Environmental considerations

Biodiversity:

An independent environmental report has been prepared for [redacted] All three lots share the same ecological habitat.

- The report did not identify any impacts on threatened species.
- A Property Vegetation Plan has been registered on one allotment, and the other two landholders are supportive of the idea.
- The CMSC Local Environment Study and Murrumbidgee Catchment Authority publications indicate that permanent occupancy leads to better ongoing weed and feral animal control.

[9] Strategic Plan, p27

Servicing (water and sewerage) and how access to the development will be provided in times of flood or bushfire hazard.

- As for all other dwellings in the Smiths Road area, water supply would comprise of rainwater tank storage.
- Effluent disposal would be via CMSC approved biological sewerage treatment, as is currently the case on [redacted]
- A Bushfire Assessment formed part of the documentation submitted to CMSC in 2009 for [redacted]. The proposal was also sent by CMSC to the NSW Rural Fire Service in 2010 for assessment and no issues were identified.
- CMSC has previously referred to the isolation of the area due to flooding. The bridge which was inundated in the floods which similarly affected a large proportion of NSW in 2010 will be replaced by the ACT government with a far superior bridge in 2013.
- The land comprising the subject allotments which could be proposed for building sites is not flood prone, and is greater than 80m in elevation above the Murrumbidgee River.
- The ACT government have commenced improving the ACT portion of Smiths Road, and have committed to sealing the road over the next few years. The landowners currently drive on 6 kms of CMSC unsealed road to access their allotments.

How will augmented servicing to the area be funded?

No additional servicing will be required to support an additional three dwelling which could result from the support of this submission.

- The lot is approximately [redacted] from the ACT border where ample retail, health and education services exist.
- There is an existing network of roads.
- The landowners already regularly drive on the [redacted] of CMSC maintained road to the allotments.
- S94 contributions payable on approval of development will contribute approximately $60,000 towards the upkeep of the 6kms of CMSC maintained road.

Water management within the Murrumbidgee River catchment

There will be no negative impacts on water management within the Murrumbidgee River catchment.

- The independent environmental assessment consultant report did not identify any negative impacts on the river catchment.
- In 2010, the NSW Office for Water (Mr Tim Smith) was consulted with respect to development on [redacted] and they had no issue with the development. This assessment was provided to CMSC in 2010.
- Substantial tree planting on [redacted] has already contributed positively to erosion control on these two lots. This could be further encouraged by allowing permanent occupancy.
- The Murrumbidgee Catchment Management Authority was also consulted on several occasions in 2009 and 2010 and officers visited the allotment when developing the Property Vegetation Plan. The CMA did not identify any issues with the development.
- Should they be successful in having their building right reinstated, the landowners intend to design development to the highest environmental standards.

Conclusion

Reinstatement of the building entitlement to the subject lots is justified on the following grounds:

ii) The three subject lots enjoyed a building entitlement from the 1970's to June 2002, consistent with the objectives of the planning instruments applying to the Yarrowlumla Shire over this period.

iii) The zoning of the land [7(e) (Environmental Protection)] applying under the YLEP 2002 were introduced in 1986 under YLEP 1986.

iv) the development standard [80ha] applying to the erection of a dwelling on the subject land under the YLEP 2002 is as introduced November 1975.

v) Building entitlement was afforded protection for the subject lots up to 2002.

vi) Evidence suggests that the removal of this building entitlement for the subject lots was an omission with unintended consequences.

vii) Under cl. 28(1) (c) of the YLEP 2002 an anomaly has been created as to the preservation of building entitlements enjoyed by lots created under subdivision as against lots created through the transfer of an original parish portion title in circumstances where the prescribed development standard can not be met at the current time.

viii) There is inconsistency in the preservation of the building entitlements applying to a "1995 holding" located within zone No 1 (a) zone as against the removal of the building entitlement enjoyed by a "1995 holding" located within zone 7(e) prior to the gazettal of YLEP 2002. Zone 1(a) also contains lots in the Murrumbidgee River catchment with the same biodiversity.

ix) Reinstatement of the building entitlement will only created a precedent for the three subject lots which are uniquely affected by this set of circumstances.

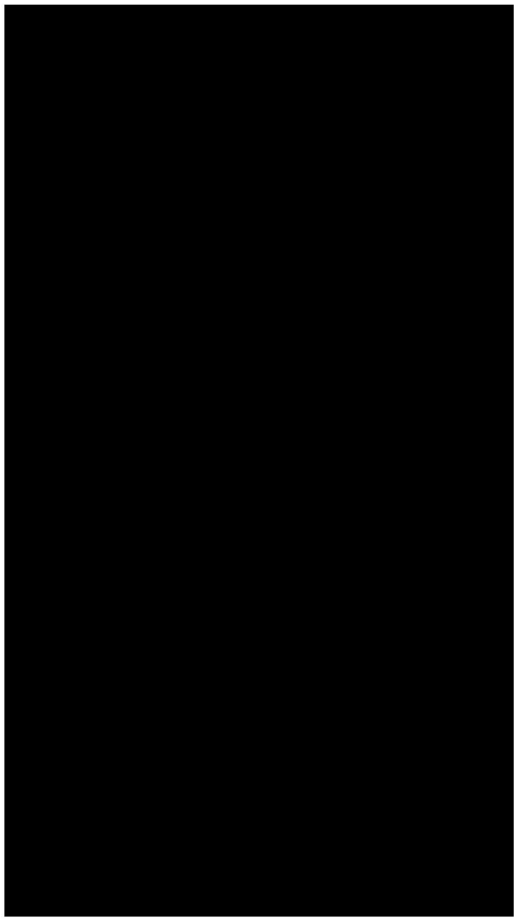
x) The proposed erection of a dwelling on the subject lots is consistent and compatible with the local land ownership pattern and land use activities carried out on adjacent and adjoining lands, including development on former parish portions less than 80 hectares.

xi) The support of this submission affords the CMSC the opportunity of meeting some of the publically stated desires of the Smiths Road Community.

xii) It satisfies the preferred course of action stated by the NSW Department of Planning.

xiii) Council has already approved the erection of a machinery shed, the location of a building precinct, a sewerage system and the construction of an access road to the building precinct on one of the subject lots. Council reports in 2009 indicate that [redacted] has capacity for a dwelling.

Signed on the 14th December 2012



ATTACHMENT A

History of planning instruments in the Smiths Road area

Interim Development Order No1 Shire of Yarrowlumla

As at the date of the gazettal of Interim Development Order No 1, Shire of Yarrowlumla (IDO No1) July 1964 , these three lots were part of an "existing parcel" taking in 15 lots [crown portions] owned by [redacted] in equal shares.

The subject land under IDO No1 was zoned Non-urban A [to become Zone No 1 (a)] and the development standard applying to the erection of dwelling was 50 acres [21 ha].

This development standard was amended to 40 acres [16ha] in September 1966. This is smallest development standard which has applied to this area since the first planning instrument.

Subdivision / fragmentation of the 1964 "existing parcel" began in 1967.

[redacted] became separate "lawfully created allotments" in December 1970. [redacted] became a "lawfully created allotment" in February 1971.

Taking in an area of 24ha, [redacted] therefore, as of December 1970, enjoyed a building entitlement, the development standard applying to the erection of a dwelling being 16ha. Similarly, [redacted] (30 ha) enjoyed a building entitlement as of December 1970 and [redacted] (42 ha) enjoyed a building entitlement as of February 1971.

Since these dates, all three lots have remained in separate ownership and at no time has the subject land been held in conjunction with adjoining or adjacent land.

In September 1973, the development standard applying to the erection of a dwelling within the zone No 1(a) was amended to 40ha under cl. 11 (1) (a) IDO No 1.

In November 1975, the development standard applying to the erection of a dwelling within zone No 1 (a) was amended to 80 ha under cl. 11 (1) (a) IDO No 1.

The development standard being amended did not take away the building entitlement applying to these three lots. The building entitlement was preserved under cl. 11 (1) (a) (iv) as the lots were parcels of land which:

> *(iv) Comprises an allotment lawfully created pursuant to Clause 11 as in force immediately before 14th September 1973.*

The Yarrowlumla Local Environmental Plan 1986 (YLEP 1986) repealed all the existing local planning controls that applied to the Shire of Yarrowlumla and replaced those controls with a single local environmental plan.

YLEP 1986 rezoned the area of the Yarrowlumla Shire taking in the subject land from zone No 1 (a) to zone No 7 (e) (Environmental Protection (Scenic) Zone). The development standard applying to the land rezoned 7(e) with regard to the erection of a dwelling was maintained at 80 ha.

As set out in the YLEP 1986 the objectives of the 7(e) zone were:

"The objective of this Zone is to protect various areas which are environmentally sensitive and which enhance the visual amenity of the Shire of Yarrowlumla."

Under cl. 15(7) of the YLEP 1986 the building entitlement enjoyed by these lots was again preserved due to the fact that:

a) the allotment was in existence as a separate allotment as at 14th September 1973.
b) the owner of the allotment as at 14th September 1973 was not the owner of any other allotment adjacent to or adjoining the allotment; and
c) a dwelling house could immediately before 14th September 1973 have been lawfully erected on the allotment.

The Yarrowlumla Local Environmental Plan 1993 (YLEP 1993) repealed the YLEP 1986.

The subject land remained zoned No 7(e) and the development standard applying to the Zone remained at 80ha under this plan.

Importantly the building entitlement enjoyed by these lots was yet again preserved under cl. 7 (7):

Not withstanding any other provision of the plan, a dwelling-house may, with the consent of council, be erected on an allotment of land within Zone No 1(a) ...7 (e) or 7(g) if;

a) [not applicable] or
b) The allotment is a 1986 holding on which a dwelling-house could have been lawfully erected immediately before the appointed day; (25th June 1993)

For the purpose of the plan the subject lots are "1986 holdings" being allotments, portions or parcels of land in existence at 14th February 1986 as a separate allotment, portion or parcel and having direct access to a public road (Smiths Road).

It is also important to note the objectives of zone No 7(e) remained unaltered.

The Yarrowlumla Local Environmental Plan 1993 (YLEP 1993) Amendment No 6 repealed the definition of "1986 holding" and introduced the definition of a "1995 holding" being:

...an allotment, portion or parcel of land in existence at the date of Yarrowlumla Local Environmental Plan 1993 (Amendment No 6 – 13th October 1995) as a separate allotment, portion or parcel;

Accordingly cl. 17 (7) YLEP 1993 was amended

Cl. 17 (7) Not withstanding any other provision of the plan, a dwelling-house may, with the consent of council, be erected on an allotment of land within Zone No 1(a) ...7 (e) or 7(g) if;

(b)The allotment is a 1995 holding on which a dwelling-house could have been lawfully erected immediately before the appointed day; (25th June 1993)

For the purpose of the plan the subject lots are "1995 holdings" being allotments, **portions** or parcels of land in existence at the date of gazettal of Yarrowlumla Local Environmental Plan 1993 (Amendment No 6) as a separate allotment, portion or parcel.

YLEP 1993 again preserved the building entitlement enjoyed by [redacted]

The Yarrowlumla Local Environmental Plan 2002 repealed YLEP 1993.

YLEP 2002 consolidated the Zones 7(e) and 7(g) applying under YLEP 1993 under Zone No 7 (e) (Environmental Protection Zone).

The objectives of the new Zone 7(e) taking in the subject lots being those introduced under YLEP 1986 with the addition of (b):

(a) to protect various localities which are environmentally sensitive and which enhance the visual amenity of the local government area of Yarrowlumla
(b) to protect various localities which are of scientific or social significance.

Under the YLEP 2002 the development standard applying to the erection of a dwelling within the 7(e) Zone has been maintained at 80ha, however on gazettal, 12th June 2002, the YLEP 2002 removed by default the building entitlement enjoyed by the subject lots up until this date.

Under cl. 28(1) (c) an anomaly has been created as to the preservation of building entitlements enjoyed by lots created under subdivision as against lots created through the transfer of an original parish portion title in the circumstances where the prescribed development standard cannot be met.

Cl. 28 (1) - the land
(a) – shall have a minimum area of 80ha
(b) – shall be a lot created under CL's 18 and 23; or
(c) – be a lot in a subdivision which was consented to or approved by the Council before the appointed day and which met the requirements for erecting a dwelling house that applied at the date the subdivision was consented to or approved.

Strict interpretation of cl. 28 (1)(c) suggests that the environmental and social impact of erecting a dwelling on a parcel of land not created through "subdivision" is such that the development should be prohibited, but this same development is permitted on an adjoining lot where that lot was created under subdivision.

ATTACHMENT B

LPS **Land Planning Solutions**

[redacted]

[redacted]

14th October 2010

Attention: [redacted]

Dear Sir

Re: SEPP No.1 Objection [redacted]
Cooma Monaro Shire Council Reference [redacted]

This submission in support of the SEPP No. 1 objection lodged by [redacted] is provided for the assistance of the Department in its review / determination of the subject matter.

The following advice is provided having regard to the fact that for the period June 1986 until December 2002 I was employed by Yarrowlumla Shire Council as the council's Principal Planning Officer directly responsible for the documentation of Council's planning instruments, in particular YLEP 1993 and subsequent amendments leading to YLEP 2002

The Departments concurrence to this SEPP No 1 objection can in my opinion be justified on the following grounds.

a) in deleting the provisions of Clause 17(7)(b) as applying under YLEP 1993, it was not the intention of the Council of the day to disenfranchise landowners who held at the date of the gazettal of YLEP 2002 (12th June 2002) a building entitlement applying to a "1995 holding"
b) concurrence to this objection will not create an undesirable precedent

The Department's records related to the 1995 amendment to YLEP 1993 will show that in introducing the entity of a "1995 holding", the purpose was to ensure existing building entitlements were protected / maintained where the area of a land holding did not meet the then soon to be introduced revised zonings and zone development standards

Clause 17(7) (b) YLEP 1995 was introduced specifically to consolidate the circumstances under which building entitlements applying to a separate allotment, portion or parcel of land were protected; compliance with revised development standards applying to the subdivision of land for the purpose of erecting a dwelling not being achievable.

With the introduction of YLEP 2002 the protection of building entitlements applying to 1995 holdings across Zone (1) (a) was maintained under Clause 24(1) (b).

With reference to Zone No 7 (e) it is my recollection the need to maintain the protection of 1995 building entitlements across the zone had become redundant, therefore the planning

provisions applying under Clause 24(1)(b) were not included in the Environmental Protection 7(e) Zone.

It is now apparent, Council, with the introduction of YLEP 2002 overlooked the existence of the three vacant "1995 Holdings" identified in the [redacted] submission, these being [redacted]

It is my recollection that the removal of existing use rights with regard to the erection of a dwelling on [redacted] as has occurred under Clause 28 YLEP 2002, was not the intention of the council of the day, nor the intention of the Department of Planning.

With reference to the advice provided by [redacted] of Cooma Monaro Shire Council to the Department 20th July 2010 I respectively suggest, having regard to the issue of precedence the statement as follows is just a little mischievous;

"It is estimated there are about 58 lots within the 7(e) zone under Yarrowlumla local Environmental Plan 2002 which are vacant and without a dwelling house or a dwelling entitlement. This number can only be an approximation however as some existing dwellings may be illegal and some may be legally constructed sheds which are being illegally used as dwellings. There are a total of 161 lots overall within the 7(e) zone and 110 of these lots are less than 80 hectares."

This advice is clearly a "desk top" assessment based on Parish Portion / Subdivision title mapping

The advice does not appear to take into account the existing land ownership holding pattern nor does it attempt to quantify as to whether there are additional "1995 Holdings" located within the 7(e) Zone other than [redacted] as identified by the [redacted] submission.

The SEPP No 1 objection lodged by [redacted] is about restoring an existing use right extinguished, unintentionally I suggest by the introduction of YLEP 2002.

The setting of an undesirable precedent should the Department agree to the SEPP No 1 application is not an issue if the criteria for agreement directly relates to the subject land being a "1995 Holding". As identified by [redacted] two additional "1995 Holdings" exist.

Yours truly,

[redacted]

20

[redacted]

From: [redacted]
Sent: Thursday, 26 January, 2023 11:30 AM
To: [redacted]
Subject: comment
Attachments: Buffer LEP.pdf

Please find letter attached

Sent from Mail for Windows

Discussion regarding the LEP 1000m buffer zone around extraction sites -

We are the property owners of land within a subdivision which has a quarry within that subdivision.

With this LEP discussion of a buffer zone around an extraction/quarry, we would 100% reject it.

If this was to go ahead it would make approximately 75% of our property uninhabitable.

- Who will compensate us for the useless piece of land and the devaluation of our property?
- Why would the conditions of the quarry become more important than the bordering landholders in the subdivision to the point that it discriminates against them by effecting their investment and lifestyle?
- We understand the importance of a quarry to the community but if the buffer zone is put in place for safety and environmental reasons, why does the quarry not have the same conditions as any industrial or commercial site and it be up to the quarry to supply the buffer within its borders when it has the material, machinery and fiscal means to do so?

  The quarry in our community is on 28 hectares. How can that not be enough room to develop its own buffer?
- Building development has many conditions we must meet to get council approval such as bushfire and basix. And also the limited suitable solar possibilities in this region due to the landscape and climate. If this LEP was to go ahead it would be another restriction to landholders that would either make approval impossible orforce land holders to build dwellings on unsuitable areas of their property which as we have seen recently can end with disastrous effects.

  We don't believe that one part of a community should have such an extreme effect on other landholders private property.



22

[redacted]

From: [redacted]
Sent: Tuesday, 7 February, 2023 1:52 PM
To: [redacted]
Subject: Draft Rural Land Use Strategy - Feedback

Categories: Purple Category

Hi

I would like to express my support for the proposed Rural Land Use Strategy in particular to the zoning changes on the northern end of Smiths Road The Angle.

Changing the zoning to CA – Environmental living with a reduced minimum lot size for building entitlements on land parcels over 15 ha will bring many social, biodiversity and financial benefits to the community and council.

The northern end of Smiths road is mostly cleared degraded farm land being used as lifestyle living blocks. Most properties are heavily weeded and are difficult for most land holders to manage. The land is generally unproductive and does not lead to many opportunities for owners to make a living from the land resulting in many land owners drawing income from fulltime jobs in Canberra. As a result Land owners on the larger blocks find it difficult to manage their responsibilities to control weeds, feral animals and bushfire mitigation before contributing to volunteer community groups. By reducing the minimum block size I believe land owners will not only be able to manage their blocks in line with the current legislative requirements, it would also increase the population in the community and increase the volunteers contributing to the local rural bushfire brigade and other community groups. The council will also benefit from the additional rates paid.

We have owned a block on Smiths Road for the past 2 years and in this time we have spent most weekends slashing grass, spraying weeds. We have also spent many hours planting tress and have worked with Greening Australia to plant over 14,000 native plants to rejuvenate the land. Along with this I have joined the Rural Fire brigade and assist with the local community group. Being part of the Fire Brigade and community group I have consulted with other community members and it is the consensus that the zoning needs to change and minimum block sizes in this area are too large. Reducing the minimum lots sizes would allow landholders to better manager their land to meet their responsibilities and reduce bushfire risks.

The current zoning arrangements are also not consistent as previous zoning rules have allowed building entitlements on 10 hectare blocks which are scattered between large blocks that have a 80 hectare minimum lot size. The current approach is not fair or consistent and has lead to conflict on how land is currently being used or managed by neighbouring properties in the community.

I would like to thank the council for the work they have put into producing the Rural Land use strategy. I feel they have presented a plan that balances the land use appropriately and is reflective of the views of the community.

23

[redacted]

From: [redacted]
Sent: Saturday, 11 February, 2023 11:22 AM
To: [redacted]
Subject: Sub-divison of Good Agricultural Land

To whom it may concern,

Quite a few of us Primary Producers are not happy with the sub-division of good agricultural land in the Snowy Mountains. We are worried that there will be no grazing land left for future generations.

In particular, there is a preposed sub-division on the [redacted] out of Berridale. [redacted] We are 6th generation graziers in this area, hence we know how good this land is.

Please consider the long term action of sub-dividing agricultural land with abundant grazing potential.

Kind Regards,

[redacted]

24

[redacted]

From: [redacted]
Sent: Sunday, 12 February, 2023 3:01 PM
To: [redacted]
Subject: Draft Rural Land Use Strategy Feedback

I would like to express my support for the Draft Rural Land Use Strategy. The council have produced a plan that balances the land use appropriately and is reflective of the views of the community.

As a land holder on Smiths Road I feel the zoning changes will assist me in meeting my responsibilities for weed and pest control plus reduce the bush fire risk. Increasing the population in the area by reducing the minimum lot size to 15ha will also help the volunteer community groups better manage the overall area.

Kind regards,

[redacted]

[redacted]

From: [redacted]
Sent: Monday, 13 February, 2023 12:44 PM
To: [redacted]
Cc: [redacted]
Subject: Draft RLUS 2022 & Draft LEP 2022 - Riparian Corridors Mapping
Attachments: PXL_20220812_045003260.jpg; PXL_20220812_045005539.jpg

Dear Council,

This submission specifically focuses on the draft riparian corridors mapping (Natural Resource Water Map) and associated clause 7.2 under the draft RLUS 2022 and draft LEP 2022.

The draft RLUS 2022 identifies that a buffer of 100m from major rivers and 50m from other watercourses be applied to manage development within proximity to riparian land and watercourses.

This is contrary to the current mapping under the SR LEP 2013/Cooma LEP 2013 and the proposed buffers do not align with the Dept of Primary Industries (Office of Water) Guidelines for Riparian Corridors on Waterfront Land. These Guidelines nominate the recommended riparian corridor widths:

Table 1. Recommended riparian corridor widths

Watercourse type	VRZ width (each side of watercourse)	Total RD width
1st order	10 metres	20 m + channel width
2nd order	20 metres	40 m + channel width
3rd order	30 metres	60 m + channel width
4th order and greater (includes estuaries, wetlands and any parts of rivers influenced by tidal waters)	40 metres	80 m + channel width

Note: where a watercourse does not exhibit the features of a defined channel with bed and banks, the department may determine that the watercourse is not waterfront land for the purposes of the WM Act.

Only 4th order or greater watercourses warrant an 80m wide riparian corridor, plus the channel width, which is many cases is very narrow.

The proposed mapping applies a 100m buffer to a 3rd order stream, with an example from 138 Yallakool Rd, Cooma provided below.

This property is bound on its western side by a 3rd order stream, as mapped by the Strahler system below.



Council is proposing to apply 100m buffer to a creek that requires a 60m buffer under the guidelines.

The site also comprises of a second order intermittent gully, with photos attached. Hardly a defined watercourse with no defined banks or bed.

Under the draft RLUS/LEP, this is mapped with a 50m buffer, yet only requires 40m under the Guidelines. Given it has no bed or banks, the Office of Water has previously supported the concept of this watercourse being covered and culverted with pipes as it presents no value as a watercourse.



For this reason, 2nd order streams should not be mapped and include a riparian buffer.

This should only apply to main watercourses, such as 3rd order streams and above.

Council should re-consider applying buffers greater than those under the guidelines and should only apply such buffers to perennial watercourses.

Regards,

Please consider the environment before printing this e-mail notice.

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27

[redacted]

From: [redacted]
Sent: Monday, 13 February, 2023 11:17 AM
To: [redacted]
Subject: Rural Land Use Strategy Objections
Attachments: Council objection E3 letter 2.docx

Categories: Purple Category

Please find attached our objections to the revised Draft Land Use Strategies and Proposed Local Environment Plan in the Snowy Monaro Council area.

regards [redacted]

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This email has been checked for viruses by Avast antivirus software.
www.avast.com

Snowy Monaro Regional Council,

[redacted] Revised Draft land Use Strategies and Proposed Local Environment Plan, Cooma Office.

We are writing to express my concerns about the rezoning from RU1 to RU2 of sections of our property, [redacted] which will seriously impact our farming enterprise as it is our sole source of income and has been for four generations. Our intention is to keep improving the land for the continuation of our farm for the next generations. We have cared for, protected and co-existed with flora and fauna successfully for a very long time and will continue to so. Surely we have a right to farm as we have always done.

-Rezoning from RU1 to RU2 will place many more restrictions on us as a working farm and use of our farm land which we certainly don't need. It seems quite radical and unnecessary. It does not encourage economic opportunities for diversity, take into account future land use for us to compete globally and protect our agricultural industry, restricts and hinders land use and may cause disputes and conflict between long term neighbours if there is different zones over the boundary fence.

- the RU2 is just too restrictive and inflexible in its land use entitlement not taking into account the terrain and no thought or consideration given to the people that live here. Has any leasehold been taken in to account? Half of our land is lease and we would not be economically viable without it. A lot of the legislation seems to have nothing to do with or apply to rural. I don't see any need to change anything with these severe restrictions that will compromise and downgrade out land values.

- continuation of old forest areas has been spoken about a lot, but in my lifetime apart from the usual yearly fires there have been the major burns in 1958, 2009 and 2019 that have burnt large amounts of these mountains, so that is not applicable. I have been here my entire life and have never seen a koala.

- of concern is a large bush block [redacted] and lease block, [redacted] that does fall within the new zoning. It is already classified as a sensitive area, so I do not see any reason whatsoever to change or interfere with that. [redacted] is 540 acres, so with the RU2 is already smaller than would be allowed for any building and would become devalued and possibly unsaleable if ever we did need to sell. This would affect part of our livelihood as a farming enterprise. Having two different zones on our farm would cause all sorts of confusion and may become unworkable. We have no intention of giving up out long running family business caused by this.

- increasing the minimum lot sizes from 80hc to 200hc does seem really extreme. Like us, this will affect a lot of people who have purchased land and are yet to build. If their block is not 200hc, they will now not be able to build and that land will be devalued and possibly not be able to be sold. 200hc is neither a workable farm nor a hobby farm size. 80hc is a good amount. Why change it? The government is encouraging us to keep family farms and also to look after our elderly which will entail building granny flats and workers accommodation nearby.

- Questions we have. How were decisions made about this rezoning? It seems that we have been through all of this previously, so all objections will be the same. Does the planner understand how farms and agriculture work? Does this physically and financially affect the lifestyle and lives of those who have made these rezoning decisions? Has anyone been here to look and see where we are and what we are doing successfully before putting more blockers on any future innovation and succession planning for our families. Most rural land in our region is not suited to be converted to a lifestyle block.

- a huge concern is that this is just the thin end of the wedge and once passed and legislated will give Council total and utter control with the ability to change, alter rules and regulations to suit their purposes and negatively impact our lives. This rezoning does not work in any practical sense and presumes that all lots are suitable to be built on. This includes the lease blocks that already come with restrictions and conditions.

Our recommendation would be to abolish this rezoning idea completely and maintain minimum lot sizes at 80ha and requires a complete and urgent rethink. Let us all continue our lives and livelihoods as we are.

Yours sincerely

[redacted]

28

[redacted]

From: [redacted]
Sent: Thursday, 12 January, 2023 1:18 PM
To: [redacted]
Cc:
Subject: Snowy Monaro Regional Council - LEP/Special Rate Variation feedback/Submission

Dear All,

The letters received late last year by ratepayers from Snowy Monaro Regional Council (SMRC) are without doubt indicative of the failed political and governance policies of the NSW government which have directly fostered a bureaucratisation of service provision the cost of which must now be faced by the ratepayers of this region. The failure by SMRC to prioritise and implement affordable governance and equitable service provision for all ratepayer groups has resulted in what may become an unsustainable financial and social crisis for the SMRC ratepayer base.

Any serious analysis of the possible benefits of the regionalisation of local government (both the SMRC and SE Local Land Services) would now undoubtedly be able to measure the loss of capacity and economic benefit to the respective ratepayers of both of these regionalised organisations. The *locally* based organisations they replaced had served with a modicum of accountability and equity for more than a century for their constituent groups without inflicting unsustainable costs and "out of touch" decision making.

The centralising and bureaucratising by the NSW government of the previously locally based and service focused organisations (local councils and Rural Lands Protection Boards) has resulted in a critical loss of accountability to ratepayers. This loss of accountability has seen the growth in unsustainable and self focused regional bureaucracies that are politically biased towards "majority" communities and their respective vested interests. Specifically it has been the tourism growth areas of the Monaro electorate along the Cooma to Jindabyne corridor that have most benefited from this political bias at both state and regional levels.

It is now incumbent on the NSW government and in particular the Member for Monaro to call for an investigation into the financial problems that have surfaced at the SMRC and to report the findings to SMRC ratepayers and the electorate of Monaro. In particular the rural ratepayer constituents of the eastern side of the SMRC whose interests have been most affected by regionalisation will look forward to both a reset and an equitable solution to the very obvious inequities presented by the costs of regionalisation.

Any report resulting from a review of SMRC financial management must address how the present financial situation has arisen and must also include what the state government intends to do about it. Both the NSW government *and* SMRC management are directly accountable to all ratepayers for the present situation and especially accountable to those ratepayers who have seen a serious decline in both services and representation but who are apparently still expected to pay the same high costs of the decisions that have not delivered equitable outcomes.

LEP

May I take this opportunity to express my total support for the submission from [redacted] which very adequately clarifies the specific issues raised by the 25 November 2022 letter re the draft LEP and confirm that I would prefer that the process is discontinued until this draft LEP is reassessed and re presented to rural ratepayers.

RATE VARIATION

All rate variation proposals must be set aside until SMRC financial management is thoroughly investigated and audited and any inequities across ratepayer groups are reported upon by the NSW government. It is also incumbent on both SMRC and

the Member for Monaro to engage with the Bombala community and SMR Councillors to discuss and redress the financial and social impacts that specific regionalisation policies have imposed on this area.

Yours sincerely,

[redacted]

30

[redacted]

From: [redacted]
Sent: Thursday, 16 February, 2023 1:24 PM
To: [redacted]
Subject: Feedback on Draft Rural Landuse Strategy
Attachments: Submission to Council pge 1.pdf; Submission to Council 2.pdf; Submission to Council pge 3.pdf; Submission to Council p4.pdf; Submission to Council p5.pdf; Submission to Council p6.pdf; Submission to Council p7.pdf

Categories: Green Category

Please find attached our comments on the Draft Rural Landuse Strategy.

regards

[redacted]

Hello

I am writing to provide comment on the draft Rural Land Use Strategy and the proposed LEP as it relates to [redacted]

Summary

The land (20.23 hectares) is currently zoned as RU3 Forestry. Under the draft Rural Land Use Strategy the land will continue to be zoned RU3 Forestry. This zoning is inappropriate as the land is not used for large scale commercial forestry – it is private land. This zoning does not align with the strategic planning direction for the RU3 Forestry zone because it is private land. The new RU2 Rural Landscaping Zoning is far more appropriate and Council is requested to consider this new RU2 Zoning change for this parcel of land to be consistent with the draft Rural Land Use Strategy.

Background and supporting documentation

This parcel of land is what was historically known in the Bombala region as [redacted] which established a local saw mill [redacted] in 1883. It was also the site of a 3-chimney homestead and a dairy farm – clearly primary production. The site features in articles from the local historical society and is featured in a photo at the new bus stop shelter at Bombala with a team of bullocks moving sawn logs. See attached photos of the homestead (removed to Cooma and still standing today) and advertisement for the [redacted]

It is our understanding, from historical documents, that the property was used as a [redacted] when the owners had access to 7000acres of surrounding land that was leased at the time [redacted] for commercial purposes. That surrounding land is now the [redacted] which border all four sides of this parcel of land.

Towards the end of the 1930s the homestead was transported to Cooma and fire destroyed the remains of the timber mill in the 1950s. After this the boiler was sold for use in a [redacted] at Bendoc.

[redacted]

Our fellow neighbour further down [redacted] at the intersection of the [redacted] has a property twice the size of ours and it also was the site of an [redacted] See attached hand drawn map from the

(1)

Bombala historical society. That property is, according to our understanding, zoned as primary production. There does appear to be inconsistencies in the local zoning.

We believe the RU2 zoning would be more applicable for this parcel of land which is topographically constrained and as a consequence, the majority of the property is native forest.

It is not known either by us or council staff how this parcel of land is considered suitable to be zoned as RU3 Forestry.

We have discussed this issue with council staff in Cooma and Bombala and were encouraged to provide further information and supporting documentation to support a change to the zoning given that the Forestry zoning did not even seem appropriate from the council perspective.

As an aside, for the last 19 years we have been paying Local Land Services taxes on the basis that the parcel of land is capable of carrying 30 head of livestock!

We are available to discuss our comments if needed.

Best Regards

[redacted]

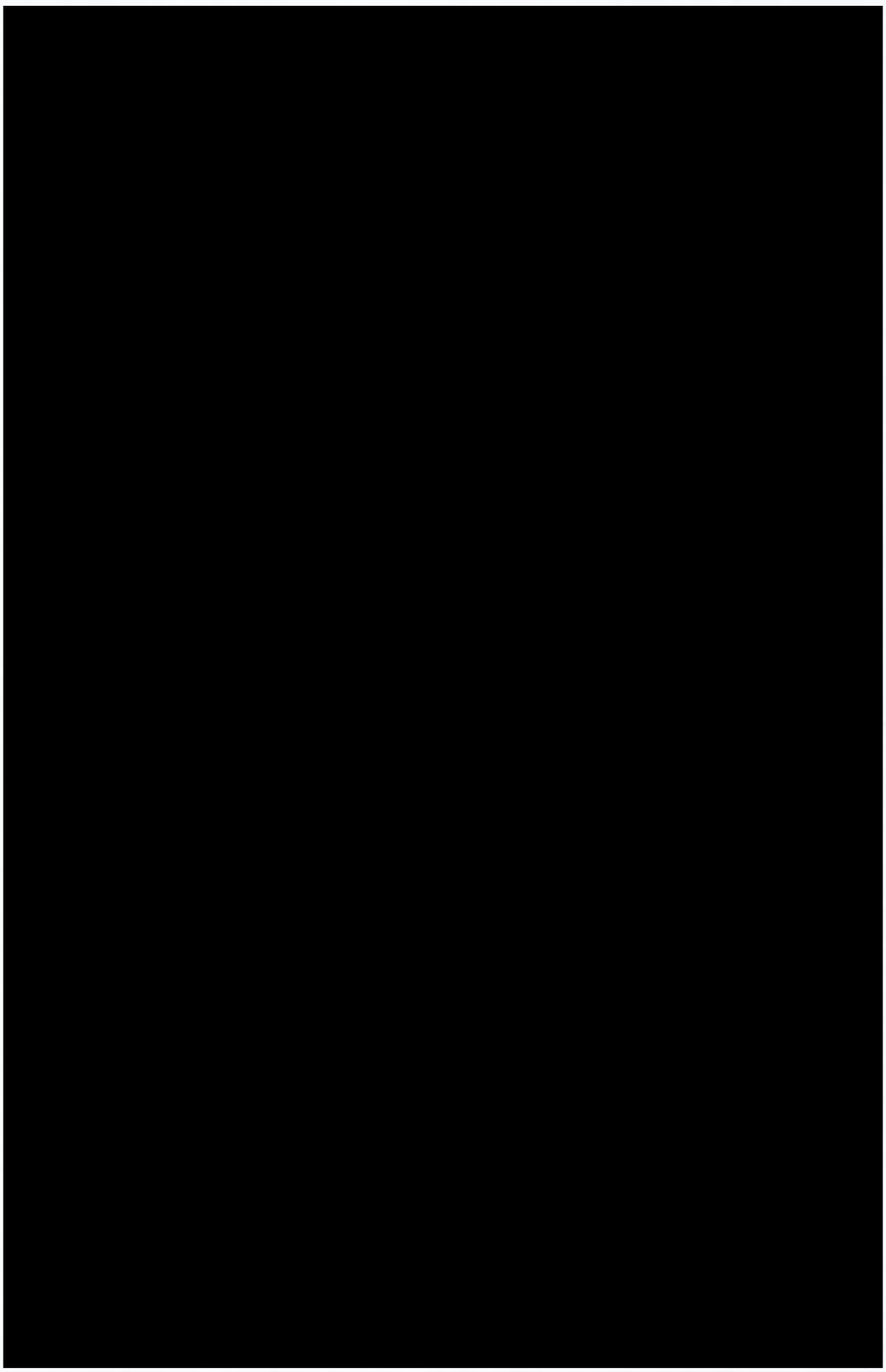
16 February 2023.

(2)

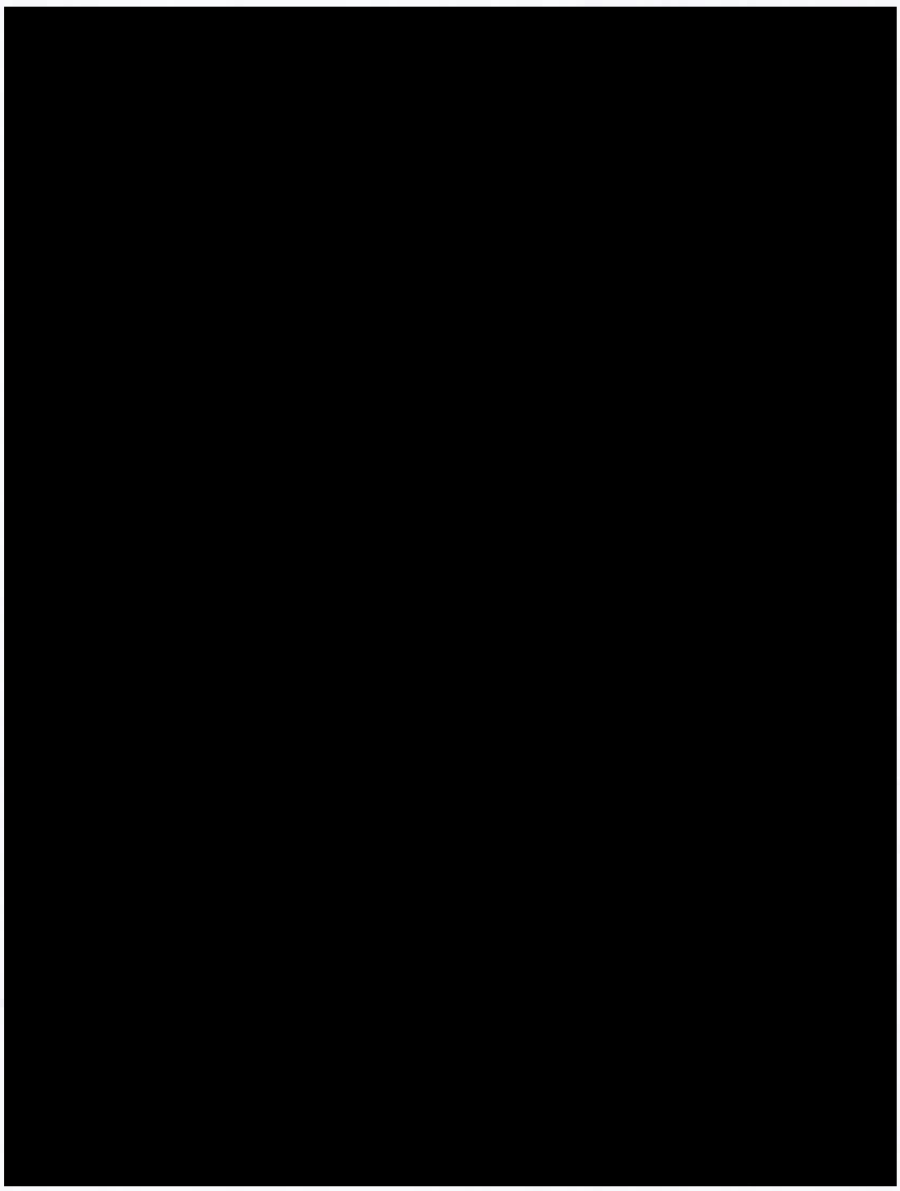


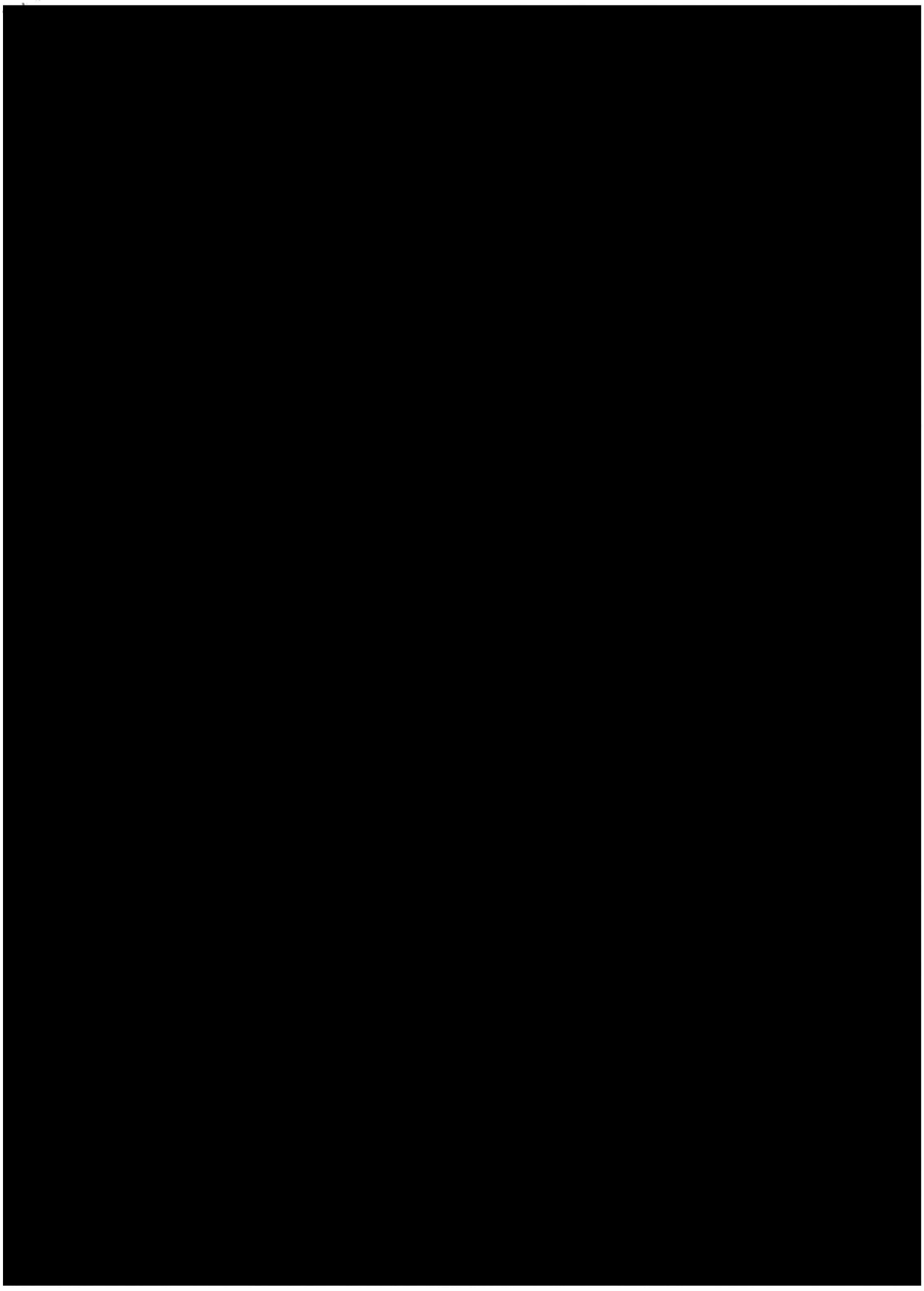
As well as the main homestead there were two other houses located on the eastern side of [redacted]

In 1918 the property was sold to [redacted] from the local area, while he was recovering in England after being badly wounded during World War 1. He married his nurse [redacted] and also in the year [redacted] they returned to [redacted] and, as well as running the [redacted] operated a [redacted] on the property.









31

[redacted]

From: [redacted]
Sent: Tuesday, 14 February, 2023 4:21 PM
To: [redacted]
Subject: Objection to proposed changes to LEP.
Attachments: [redacted] LEP letter.pdf

Dear Sirs,
My sister has set out her objections to this change, for which no rationale has been offered. It might potentially have a very serious impact on my family. My whole family objects to the change for the reasons set out in the attached letter.
Regards
[redacted]

Sent from my iPad

[redacted]

Snowy Monaro Regional Council

We would like to give one specific piece of feedback regarding the Draft LEP.

My parents have owned what is now called [redacted] since 1974. With [redacted] the property is currently being transferred to my brother and myself.

The property is made up of several lots – [redacted] are zoned RU1 with a minimum subdivision size of AB5 40ha under the current LEP and it is intended to become part RU2 AE1 200ha minimum subdivision size. The balance of the property is C3 AD1 100ha and will remain so.

We have read the reasoning behind the RU2 zoning and looked at the maps and can see that there is intended to be a small belt of RU2 AE1 (200ha) between the RU1 AB3 (40ha) and the C3 conservation AD(100ha) in this area. Previously this belt did not exist and the zoning went straight from RU1 AB5 (40ha) to C3 AD1 (100ha). In this small AE1 belt there are 4 small block lifestyle owners on [redacted] and only a couple of owners holding more than about 10ha between the [redacted] and the [redacted] This means this whole new zoning only affects a couple of people (including us) and we cannot understand why it is necessary.

The proposed LEP has the whole current farming area around the lake and along [redacted] as RU1 AB3 40ha, but our cleared farming area is proposed to be RU2 AE1 200ha. There are already 3 small lifestyle blocks [redacted] our cleared farm area in

[redacted] surrounds. Our grazing/farming area is run in conjunction with our property near East Jindabyne. A 40ha minimum subdivision makes more sense for this area.

The proposed RU2 area of our farm cannot be seen from any public road, or from the other side of the lake. It seems that our farm has just been lumped into RU2 as there is an area of steep uncleared bushland which is not used for agriculture between our farm and "Forestview". Our cleared land is the furthest upstream on the River in this area.

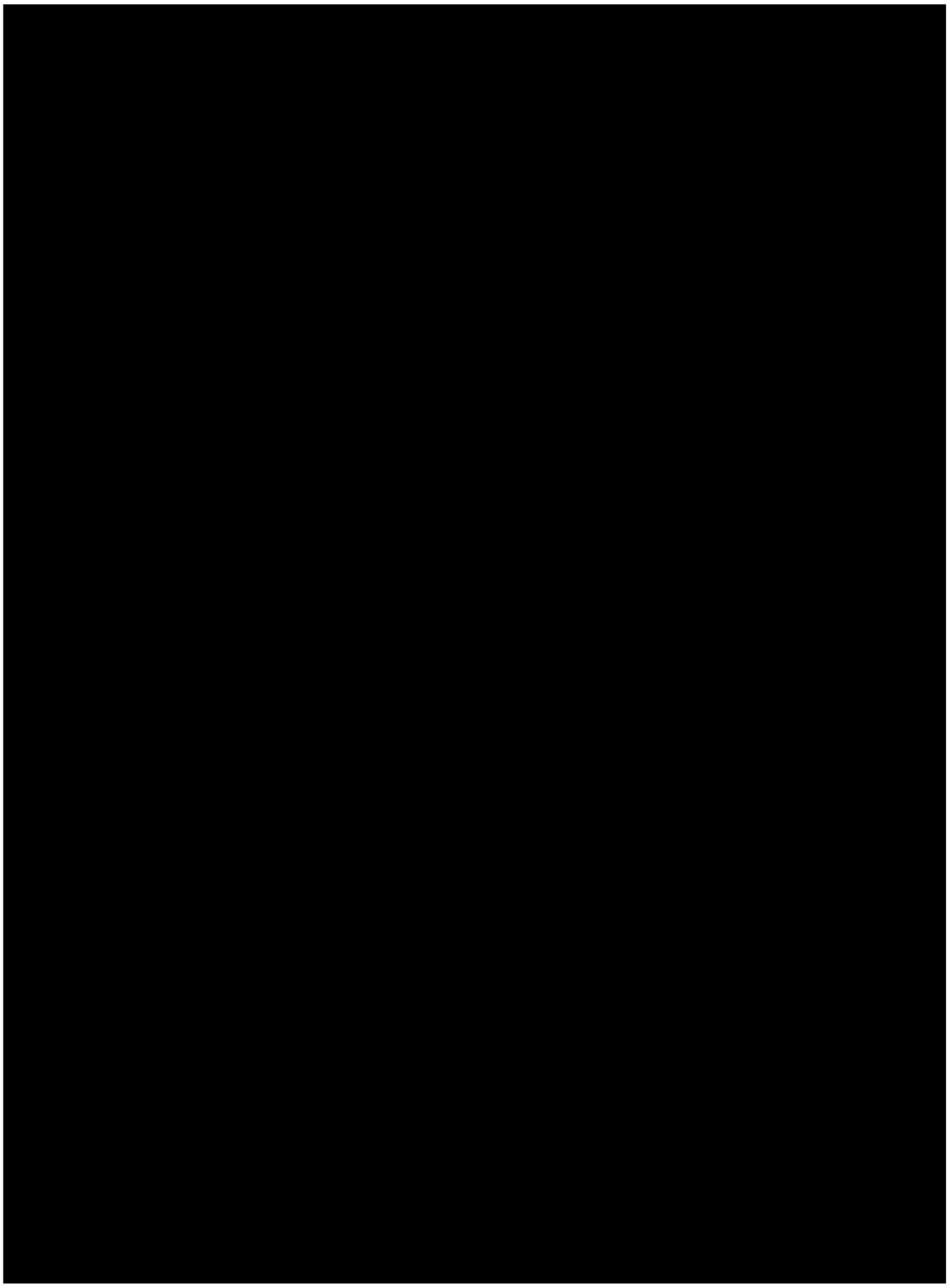
At the moment we have no intention of subdivision and we would love to keep the whole place forever, however we can envisage the next generation of our families wishing to split the cleared area, which the proposed plan moves to a 200ha minimum subdivision, into part for my brother's family and part for my family, leaving the C3 area untouched. We can't see any logical reason why this should not be possible, or even encouraged. If the whole property ends up being a minimum 200ha in part and 100ha in the balance – with the C3 zoned area being more expensive to access and build on, it will be very restrictive in how we can deal with the property in the future. It seems very strange that the minimum subdivision area of the C3 zone is smaller than the RU2 zone.

Our suggestion is that the small band of RU2 AE1 200ha is removed and the RU1 AB5 40ha, goes right to the change to C3 AD 100ha. This would bring it back in line with the current LEP which we see no reason to change. Please see the attached maps.

Regards

[redacted]

[redacted]





32

[redacted]

From: [redacted]
Sent: Wednesday, 15 February, 2023 4:53 PM
To: [redacted]
Subject: RLUS

To the Mayor and Councillors
Snowy Monaro Regional Council.

It seems like only a few months since we were fighting this same battle.

But this time, "your side" has acted with a bit more integrity.

We do now have an admission that this is an initiative of the State Government and not something originating from the SMRC.

We also see the admission at last, confirming what had previously been just a rumour, that the State Government has committed itself to extending a koala corridor from the Tinderrys to Numeralla.

Already counting their chickens before they hatch, that Government has announced a plan to double the number of koalas in the state.

The new corridor would be a major part of that plan.

As I mentioned earlier, the koala corridor has been a rumour for some fifty years but the admission of the plan does not reveal all the details of that plan.

The rumour tells us that as part of that plan, the State Government is resolved to force out all the farmers currently occupying the space that will become the corridor.

These farmers are not squatters. Their land has been legally purchased and is held under the standard Australian system of land titles.

As we have all learned to our regret, if that land is confiscated by the Commonwealth we are entitled to compensation but if that confiscation is done by the state Government, there is no such legal protection.

It would be a very bad look if the state Government were to seize farmland without paying compensation so what is happening currently is part of a plan to reduce the value of the land involved so that any compensation paid at "market value" would be a greatly reduced sum.

One thousand hectares of land that one is not allowed to farm is worth a lot less money that it would be if it was legally allowable to plough and plant pastures or crops.

What makes this attack upon our land rights so hard to bear is that it is so fundamentally wrong in its expectations.

Having miles and miles of dense regrowth will not lead to an increased population of koalas.

It will result is bigger and better bush fires than ever before and to more koalas being killed in those fires than ever before.

The landscape that would support more koalas is similar to that which the aborigines created with a gumtree every 100 metres or so and very little vegetation in between.

Although we always see pictures of them sitting and sleeping high in a gumtree, the truth is that they are a highly mobile animal and have no hesitation in travelling from tree to tree.

Getting rid of the dingoes would help the koala population.

I know of a situation in South Australia where the Torrens River winds through long flood plain flats.

You will have all heard of the German migrants who arrived in the mid-1850's and settled on these flats and had their children in town selling bunches of radishes only six weeks later.

That area continued to be market gardens up until less than 50 years ago but today is mostly suburban housing.

Now why am I telling you this?

Because koalas have survived in the gumtrees lining the river there right up to this day.

I have heard of them leaving the trees and walking up along the suburban roadways, probably looking for more trees.

The other aspect of the Rural Land Use Strategy that makes little sense is the question of Minimum Lot Sizes.

At one time we thought that housing was a basic human right but since the introduction of Commonwealth housing rules in 1946, we have come to realise that we were mistaken.

Our right to housing exists at the whim of governments.

It is clear that the ever increasing traffic on roads is a consideration and people being able to achieve their dream of living in the country and driving to town for work has drawbacks that we did not anticipate originally.

But already, here in Jerangle, we are seeing changes that had been discussed but are only now being implemented.

I refer to the ever increasing number of people working from home.

It is a bit early to see all the ramifications of that move but it is a bit too early to "nip it in the bud".

What is really confusing is that the intention is to protect Shire roads by limiting the number of residents but then we are told that if we can no longer be farmers, we should become tourist operators and provide entertainment and spectacles for the thousand of tourists who will travel our dirt roads looking for such entertainment and spectacles.

Tourism is one of the most destructive of human activities, producing nothing but carbon emissions.

Even if electric cars reduce emissions by 50%, the growth in car numbers will soon wipe out that saving.

So please Councillors, put your positions and remuneration on the line and make decisions for the welfare of ratepayers and residents and not for the electoral advantage of political candidates in Sydney.

[redacted]

[redacted]

!5 February 2023.

*Further to Submission 19

34

[redacted]

From: [redacted]
Sent: Monday, 6 February, 2023 10:00 AM
To: [redacted]
Cc: [redacted]
Subject: Response to Draft LEP 2022, [redacted]
Attachments: Site Plan 3LOT.pdf

Categories: Green Category

The General Manager, Snowy Monaro Shire Council.

Further to my discussion with your planning officer [redacted] last week please see attached a copy of the three lot configuration as identified in my submission regarding draft LEP 2022 issued on 27 January 2023.

The plan identifies 3 lots,

Lot 1 and Lot 2: [redacted] (8ha minimum lot size) per LEP 2013 and;
Lot 3: [redacted] (2ha minimum lot size) per LEP 2013.

In order to resolve the 'part lot change in density, It would be helpful if council would adopt the proposed interlot boundary for proposed Lot 3 as the Z- AA3 demarcation in the new LEP 2022.

Regards,

[redacted]

[redacted]

From: [redacted]
Sent: Friday, 27 January 2023 2:36 PM
To: [redacted]
Cc: [redacted]
Subject: Response to Draft LEP 2022

The General Manager, Snowy Monaro Shire Council.

I act for the owner of a property registered as [redacted]

In January 2023 we were invited to respond to the draft LEP 2022. I have reviewed aspects of the Draft LEP 2022 and I object to this document on the following basis,

1. The current lot size under LEP 2013 is a mixture of Z 1 dwelling per 2ha and AA2 1 dwelling per 8 Hectares.
2. The proposed lot size under LEP 2022 is AA3 1 dwelling per 8 Hectares.

3. This lot size change has the effect of reducing the dwelling density to 2 as opposed to 3 permitted under LEP 2013. The property is a total area of 18.8ha.
4. The Proposed Building height is now limited at 9m which is restrictive upon dwellings on sloping site.

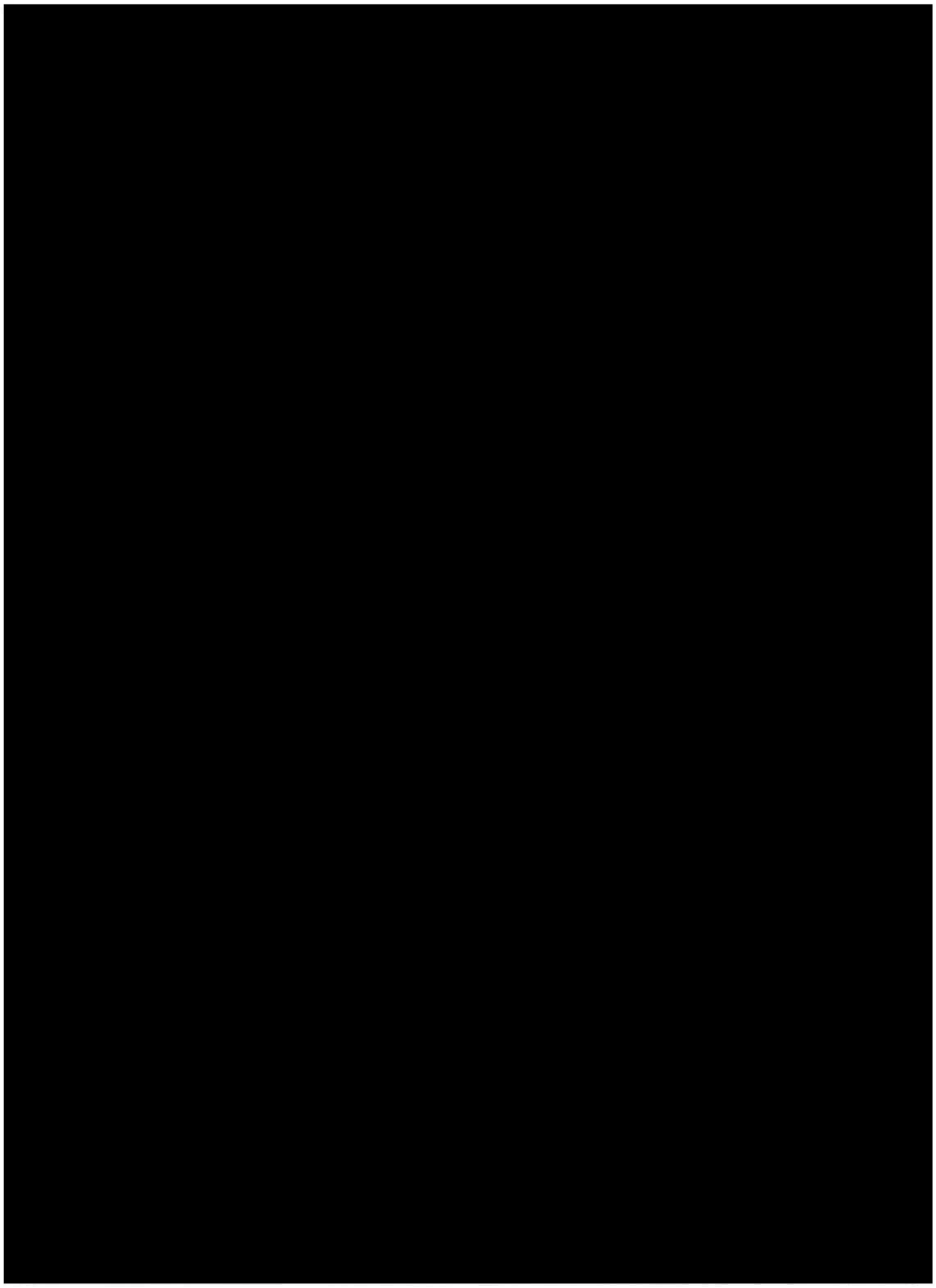
The changes act to material affect my ability to develop my property as was intended.

Should you wish to discuss this matter please do not hesitate to contact me.

[redacted]

[redacted]

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35

[redacted]

From: [redacted]
Sent: Thursday, 16 February, 2023 10:03 AM
To: [redacted]
Subject: [redacted] current and proposed zoning map anomaly on draft LEP.

Planning Staff,

On Friday 10 February 2023, I had a sit-down meeting with [redacted] to discuss the reason for the current (C4 & R5) and draft (C3 & R5) dual zones applicable to my property at [redacted]. The area with dual zones relates to a small sliver of land fronting [redacted] on the western side of the property. When [redacted] brought up my property on the mapping platform with zoning overlays, it was obvious that the dual zoning has occurred at some stage due to a mapping anomaly that has not accurately mapped property boundaries along an irregular creek frontage. It was also noted that the two adjoining properties on my western boundary [redacted] had the same mapping anomaly along their irregular creek boundary with the property (C3 proposed C4 zone) on the opposite side of the creek.

[redacted] stated that this mapping anomaly could be easily corrected to remove the dual zones and given the current draft stage of the new Local Environment Plan it seems like an ideal time to address the issue. Could council please rectify this mapping error so that the dual zones do not show up on the new Local Environment Plan once approved.

Regards

[redacted]

36

[redacted]

From: [redacted]
Sent: Friday, 17 February, 2023 7:52 PM
To: [redacted]
Subject: Individual Submission to the Draft LEP

To whom it may concern,

I am not in support of the proposed Rural Land Use Strategy nor the proposed LEP as it relates to my property, respectfully it is disheartening, given a choice I prefer Council retain the existing RU1 zoning as it is more relevant and pragmatic by comparison.

While the proposed R2 zone appears to provide clear permissible opportunities, when interrogated and read in conjunction with other proposed restrictions, controls and legislation it appears to be largely conflicting and I fear will likely impose constraints equivalent to environmental conservation zones such as E2 / C2.

In particular the proposed R2 zone and or RU4/R2 zone split where Council seek to increase minimum lot size to 40/200ha respectively, this proposal will reduce usable land on my property by up to 80% approx. and devalues my properties current market value by 30-50% without any form of uplift or compensation, which is devastating.

Furthermore the "lot zoning mapping" creates unwarranted complexity. The proposed zoning boundaries applied across my lot appear to have been adopted from the APZ/ EEC mapping zones, which is an unrelated mapping tool and results in a detrimental outcome, essentially renders it useless.

I categorically do not support the proposed development standards for minimum lot size i.e. AB3 - 40ha, AE1 - 200ha. In particular where R2 is proposed to over 50% of a lot either the RU4 be reduced to min 20ha lot subdivision or a 40ha subdivision entitlement should be maintained irrespective of zoning. The proposed 200ha min lot to the RU2 zone is excessive.

If Council could address these conflicts and ensure that the R2 zoning provides a clear planning pathway to support the permissible uses it claims to allow, I for one would be more inclined to support it, albeit continue to object to the min lot size adjustments.

I further object to the added riparian and landslide "geological constraints" which under the proposed LEP will now come into effect over my property, these "constraints" do not exist and are unfounded, these restrictions should not be broadly applied nor imposed upon my lot.

Generally with respect to RU1 zoned property particularly within Avonside, I believe the current zoning is appropriate, I don't see how the proposed LEP improves outcomes particularly for "environmentally constrained" land nor do I see how this proposal adequately addresses the many objectives it seeks to implement and in some cases is lacking vital context.

I appreciate the enormous task before Council in this instance however given the adverse impacts and significant financial loss imposed, I cannot in good conscience support this proposal and request further consideration be given to the concerns raised herewith.

Thank you

Kind Regards

[redacted]

[redacted]

[redacted]

[redacted]

****
In the spirit of reconciliation [redacted] acknowledges
the Traditional Custodians of the Land,the [redacted] people.
We pay our respects to Elders past and present and extend that respect
to all Aboriginal and Torres Strait Islander peoples today.

****



****
Looking for something in particular?
Visit our website: [redacted]

****
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37

[redacted]

From: [redacted]
Sent: Friday, 17 February, 2023 12:00 PM
To: [redacted]
Subject: Objection to DLUS and DLEP [redacted]
Attachments: Submission DLUS [redacted] pdf; Submission DLUS [redacted] pdf

Categories: Green Category

Att: [redacted]

Dear [redacted], please find our objection to the proposed DLUS and DLEP - attached file "Submission DLUS [redacted] 2023" and our original submission in 2020 "Submission DLUS [redacted]

Kind regards [redacted]

[redacted]

Strategic Land Use Planner
Snowy Monaro Regional Council
Phone [redacted]
Email

17/02/2023

Attention: [redacted]

From: [redacted]

Objection to the Current proposal changing this property from E4 Environmental Living to C3 Environmental Management.

This is our second objection to the proposal put forward in 2020. Attached is our previous letter. Other areas were changed due to community consultation but not ours.

Changes from E4 to C3: This statement is found in your proposal documents which states:

"In certain areas surrounding Cooma, The councils Intention is to not encourage people to live in these areas, which is a connotation of the Environmental living zone". It seems this statement is aimed at our block and others along [redacted]. We purchased this block, after council consultation, understanding the restrictions of living in an E4 Environmental zone. The proposal for a change to C3 leaves open many questions. Like what would be required for future DAs with new land zoning?

We have a legal dwelling with approved power and septic and we do live here and intend on doing so in the future. Questions such as "Would Bores be permitted in C3?" have not been addressed in the proposal.

We are located in the [redacted] subdivision that has existed for decades. This area and our property have been part of a farm beyond this time.

Our property located [redacted] from [redacted] the main road accessing this entire [redacted] and beyond also contains power lines to this subdivision, [redacted] in total requiring ongoing maintenance and clearing of trees.

Our property is not in a "difficult to access area", as per your argument for the new C3 Environment Management proposal. Neither are the other properties located at the top of the ridge line located in the E4 zoning that will be effected by this change. The E4 zoning already allows for Environmental Management whilst we live on these blocks as per this council's approval. Further environmental conservation management is inappropriate due to SMRC's historical approval for these developments.

We are aware of the bush fire risks in this area, our block is closer to an exit than others beyond us on [redacted] but most are zoned RU5 even though they seem to be in more danger than us, contradicting the argument for limited development in bush fire prone areas by applying zoning to do so. There are approximately 50 buildings in that area, with developments still going ahead.

As per the standard Zone Practice notes for C3 zoning, it states, "A limited range of dwelling houses could be permitted". This has many implications for the future of our property and its value, and provides a lot of uncertainty in the implementation of the C3 zoning.

Our block does not border any national parks which has been a basis for the use of C3 zoning. But for example, some blocks on [redacted] do but R5 seems appropriate for them.

The mapping for Biodiversity overlay on our block and councils zoning maps do not match. It follows fence lines which in our case is not representative of the natural corridor. This discrepancy was highlighted and confirmed in a previous meeting with SMRC but we are advised mapping is not going to be updated before re-zoning is carried out. R5 bordering C1 is appropriate for some but C4 boarder C1 is inappropriate others? Closer attention to peoples actual living situations and not just simple overlays on a map is required.

We understand the need to update the LEP's. But we are living in an approved subdivision created by the SMRC, let us keep living in C4 (E4).

Kind regards [redacted]

27/1/21

Draft Use Strategies Public Exhibition

To [redacted]

We would like to strongly object to the introduction of E3 to our block at [redacted]

We purchased the property in November 2018 with E4 zoning and before purchasing meet with a town planner to ensure our future plans for the block would be possible. The block has previous dwelling entitlement and an approved dwelling has been constructed on the block. But this is not suitable as a long term family home, added to the fact we have no town services and as such require larger rain harvesting as this is our only means of accessing water. We understand a second dwelling would be allowable under E3 but council are proposing some major constraints in regards to the size of the secondary dwelling in comparison to the main dwelling. (60 square metres or a possible 50% of the main dwelling) Most other lots on Scotts Rd have already established homes, household or farm sheds and water catchments/tanks we simply ask for the same opportunity to develop our home.

Objection main points being;

E4 is sufficient to protect the environmental aspects of this property, and provides low impact environmental living.

We don't believe E3 zoning proposal in this location is appropriate.

E3 is used for "land close to national parks and reserves and where there are special attributes or environmental hazards/processes that require consideration and management and for uses compatible with these values". This land was subdivided and developed for rural living and farming at least 100 years ago. In terms of "hazards", bush fire management is a well known issue in this area after last summer. It is highly populated bushland. The council itself should already have had a plan for this area in regards to hazards as the lots have already been developed into allowable living zones.

Land on all sides of ours are currently classified as RU5 or E4 and there are almost 50 property's just on [redacted] not including [redacted] We feel in this location, this area is closer to large lot rural/residential land, [redacted] from central Cooma.

The possible costs associated with DA required studies (including environmental) under this code could be cost prohibitive (more red tape). We don't believe the environmental studies that have been provided to us are current enough to make this change in zoning at present. As per our meeting with [redacted], quite few areas of this proposal are still grey areas and a lot more investigation from council is required.

It appears more DA applications will be required under E3 for smaller developments/home improvements that were not required under E4 or RU5, this is unnecessary cost and a waste of public and private resources.

Lot averaging provisions will not be provided for in E3 zones, but is permissible in E4 and RU5.

Complying development under the rural housing code is not permitted in E3 zones.

The language of the proposal for E3 says it is providing for "limited development" in these areas, this is obviously of major concern to us on this property, as we will need a minimum of an extension or new main dwelling, shed and more water storage/catchment in order to achieve "environmental living" in this location. E4 provides a more realistic use of the land for both living and/or farming in this location.

There are 2 new builds of family homes within 1km of our dwelling, in E4, and well feel the council may in the future deny our plans for development under new E3 regulations.

Bush fire management; this is a very confusing area of the proposal and some information I have read suggests that E3 regulations would make the use of bush fire management laws not applicable in this zoning. This is also a major concern as we were evacuated twice last summer, 2020 and this area has no fire management plan or local brigade, we at the very least need to be able to protect our lives, homes and investment.

Dual occupancy is not allowable in E3. This may not be applicable to our lot but we have no problem with others being able to achieve this in E4 zones. Cooma has a large issue with the availability of permanent accommodation.

Lowering of land value. We believe this will lower the value of our lot, now and also into the future while this proposal is before council. Institution's like banks may also look at this proposal in reference to any changes to land use/zoning, when making financial decisions.

On a personal note this proposal couldn't have come at worst time. 2020 summer bush fires and then the ongoing Covid situation have changed our own building and development timeline considerably and having this hang over us at this time is incredibly stressful.

We hope this proposal is dealt with in a timely fashion so all rural landholders, farmers and investors don't have this constant stress in their lives for years to come.

Kind Regards ,

[redacted]

38

[redacted]

From: [redacted]
Sent: Friday, 17 February, 2023 9:52 AM
To: [redacted]
Cc:
Subject: Proposed Clause 7.9 & Buffers to Shooting Ranges - Draft LEP 2022

Dear Council,

I write on behalf of two land owners that have recently obtained Subdivision approvals for [redacted]

1. [redacted]
2.

Both the above properties will be impacted by the proposed clause 7.9 and buffer mapping to the respective adjacent shooting ranges.

Such a local planning provision will deter purchasers from buying the lots, even though are outside of the gun range templates and the ranges are not commercial operations.

See proposed shooting range buffer maps under the Draft LEP 2022 below:



My comments in relation to each property is provided below:

1. [redacted]

The [redacted] operates an amateur shotgun range within current lots [redacted] located to the west of approved [redacted]

An extract from the SEE for the subdivision outlines the location and extent of the shot gun range:



The NSW Police Force has a published document referred to as the 'NSW Firearms Registry: Range Users Guide, Sept 2017 (Version 10)'.

This Guideline outlines the Range Danger Area for Shotgun ranges, with a maximum range length of 205m.

The landowner has also verified with NSW ACTA Rules Supervisor [redacted]), that the maximum operating template length for the range is 205m, which coincides with the above guidelines.

This also coincides with the internal vehicle track which is known to be the outer limit where shotgun pellets fall.

Accordingly, the location of the western boundary of proposed [redacted] being [redacted] from the closest gun range is considered to be setback adequately. The western boundary is further protected by a row of trees along the existing fenceline. This is shown further in the SEE extract figure 12 below.



Therefore, Councils proposed 600m buffer around the range does not align with the maximum range distances, which are much less and do not operate in a circle outwards.

The range cannot operate across a public road, therefore the buffer should not apply to land on the southern side of

With regards to noise, the range operates once a month and is not a commercial range.

It is understood the range also does not have formal development consent, therefore it is questionable whether it is lawful.

Accordingly, the proposed buffer should be removed.

2.

The operates a rifle range at .

The range has a length of 500m towards the south and therefore obviously does not operate across See below



The range is used twice a month and is not a commercial range.

Accordingly, it should not be afforded a buffer under the LEP. If a buffer is to be applied, that buffer should not cross [redacted] into the property at [redacted]

Regards,

[redacted]

[redacted]

[redacted]

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39

[redacted]

From: [redacted]
Sent: Saturday, 18 February, 2023 7:15 PM
To: [redacted]
Subject: Feedback Draft LEP Submission

Follow Up Flag: Follow up
Flag Status: Flagged

To whom it may concern,

I am emailing my submission as the website feedback section was unresponsive, I could not enter my personal details!

As I long time resident of the Smith's Road Community, spending my childhood from the early 1970's and commuting to school in the 1980's, I am writing to express my support of the Draft LEP.

Whilst I believe that the draft LEP does not go far enough as I firmly believe that the land is and always was, rural, as the area has been cleared of trees and grazed over the last 150 years!

The area has been through many iterations of subdivisions from 40 acres, down to 9 acres and most recently 20 acres on [redacted] In the 50 years I have been involved in the Smiths Road Community Road there have been and still are many businesses and agricultural practices that are in-congruent with the current zoning. Some titles had their building entitlements removed by error, I believe that this can be rectified by the draft LEP.

We have a strong community that not only provides huge help and support to each other but also to our neighbouring communities, Tharwa / Cuppacumbalong, Nass, Williamsdale, Burra and Michelago to name some.

One of challenges the community is facing is that despite being lead by passionate representatives that have set an extremely high bar of excellence, their time has come to pass the baton on and we need fresh people to fill the void, the Draft LEP would assist in bringing new people of varying to demographics to strengthen the sustainability of our community and the support it provides to neighbouring communities, from the RFS to better land management and fundamental human resources.

From a council perspective, additional ratepayers and funds that are derived from DA's would bring the desperately needed revenue required to address the services that our community are not sufficiently receiving at present from our council.

Sincerely

[redacted]

[redacted]

40

[redacted]

From: [redacted]
Sent: Sunday, 19 February, 2023 9:56 PM
To: [redacted]
Subject: [redacted] submission to the DRLUS/LEP consultation
Attachments: SMCA submission - Draft rural land use strategy Jan 2023.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Please see attached.

--

[redacted] [redacted]

Submission to the Draft Rural Land Use Strategy 2022

February 2023

The [redacted] supports the rezoning of the northern end of Smiths Road from Environmental Management Zone (C3) to Environmental Living (C4) as has been exhibited twice in the DRAFT rural land use Strategy (DRLUS, 2021) and its review, DRLUS (2022).

Consistent with Council staff's recommendations, the rezoning of the northern end of Smiths Road will result in:

- Around 10% of cleared, agricultural land currently zoned C3 being rezoned to C4
- The minimum lot size for the erection of a dwelling being reduced to 15ha
- A maximum of 70 additional lots, if all 20 lots greater than 30ha in the proposed zone are subdivided.

[redacted]

Despite our distance from Cooma and present day population of around 150 people, the Smiths Road Community have strong social and familial connections throughout the Snowy Monaro; many of our current landowners grew up or have family living and working in the

Council region. The rezoning proposal will help us achieve the Council's stated aims for 'many strong and vibrant communities' for our local community.

The Smiths Road Community has been through 3 local government changes since 2004. Our small population and distance from the civic centre of Cooma has made it difficult for our voice to be heard. Three successive local governments have unanimously approved motions that support the rezoning of northern Smiths Road:

- Yarrowlumla Shire Council 2002
- Cooma Monaro Shire Council 2013
- SMRC October 2021

However, successive planning processes have translated our existing issues from one instrument to the next, without proper planning or an evidence-based strategy. The finalisation of the Strategy as currently proposed will ensure that our Community is not left behind, yet again, in our local government's strategic planning process.

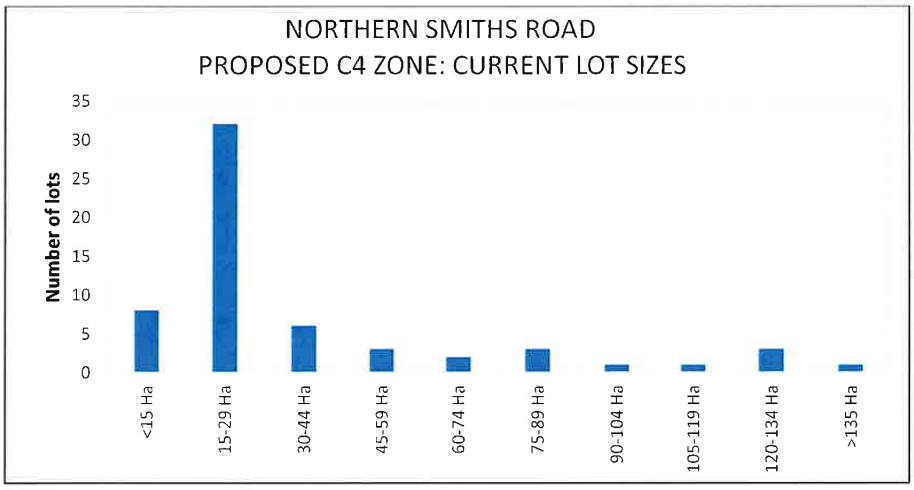
Comparison of proposed rezoning against overarching planning objectives

Planning objective	Comments
Provide sustainable infrastructure	No significant additional infrastructure will be required by the proposal in addition to current planned activities (eg current road sealing proposal). A larger population will provide improved volunteer management of current resources (RFS & Community building). New development will be self-sufficient in terms of water and wastewater management. Development contributions will be levied for increased use of infrastructure.
Protect environmental values	90% of the current C3 zone with higher biodiversity value will be afforded greater protection. 10% of the C3 zone that is cleared and has been continuously occupied will benefit from additional human occupation for weed control, regenerative agriculture, biodiversity enhancement and bushfire hazard reduction. Higher biodiversity values on the Murrumbidgee banks can be protected by planning controls (not currently used here)
Support rural tourism	Consistent with suggested expansion of land uses below.
Protect agriculture production	Extensive agriculture will be maintained as a land use; however, limited commercial viability of the majority of land in the targeted area is already acknowledged by SMRC.

Support existing and emerging industries	Sufficient flexibility for on-farm home businesses, food production, eco-tourism and agri-tourism (if comments on agritourism below are incorporated).
Provide dwelling options	There is high demand from the ACT for rural lifestyle lots that Canberra cannot provide. The rezoning proposal will also allow children who grew up on Smiths Road to return to support ageing parents.
Provide transparency and certainty	The finalisation of the LEP will provide transparency and certainty after more than 20 years of community advocacy.

Lot size analysis

We note that some of the analysis in the DRLUS includes the entire C3 zone (called Murrumbidgee Mountains which we have previously asked to be removed) and therefore artificially inflates average lot sizes in the area proposed for rezoning. As we are supporting rezoning in the targeted area only, we have included the analysis below.



*note. 4 lots will be split by the proposed rezoning. Only the acreage included in the targeted area has been included

In summary

- Approximately 60 individual lots are included in the proposed C4 zone
- Median lot size is 19 Ha
- 50/60 lots (83%) < the current development standard of 80 Ha
- 20 lots can theoretically be subdivided under a minimum lot size scenario of 15Ha

Summary of rationale for rezoning					
		Development standard scenarios			
Stakeholder	**Desired outcome**	**80ha**	**15ha**	**30ha**	**Comments**
NSW government South East and Tablelands Regional Plan 2036 *'A borderless region in Australia's most geographically diverse natural environment with the nation's capital at its heart.'*	Direction 8: Protect important agricultural land	N/A	N/A	N/A	Farming is no longer commercially viable in the rezoning area due to erodible soils, low rainfall and topography. The land is more suited to rural lifestyle which can be maintained by owners who generate income off-farm or through small business activities.
	Direction 9: Grow tourism in the region	√	√	√	Expanded land uses of eco-tourism and agritourism support this direction
	Goal 2: A diverse environment interconnected by biodiversity corridors Direction 14: Protect important environmental assets	X	√	√	The 80ha standard was introduced to reduce fragmentation of agricultural land, and has done little to promote environmental outcomes. Large lot sizes on historically cleared land are difficult for landowners to maintain. Increasing the lot size in the higher biodiversity and lower density areas of the current C3 zone provides greater protection for the environment. Historical land clearing and agriculture have negatively impacted biodiversity. Regeneration and weed control could be supported through manageable lot sizes.

	Direction 15: Enhance biodiversity connections					The Community has been historically too small for the ongoing maintenance of our Landcare group. Local projects and connections to landcare programs and agencies need a minimum population size for ongoing sustainability.
	Goal 4: Environmentally sustainable housing choices	X	√	Partially achieves		Smiths Road already showcases a range of sustainable and off-grid housing, and the community has indicated our interest in further developments that are consistent with current housing. Restrictions on dwelling entitlement have limited new housing that can take advantage of new technologies and focus on sustainable housing. A 30ha MLS will maintain restrictions on most lots in the target area and prevent owners of crown portions from having their building entitlements reinstated (removed without any strategic planning). Current zoning restrictions have resulted in the proliferation of cheaply built 'weekenders', secondary dwellings and tiny houses creating regulation issues for SMRC. Molonglo Consulting, in preparing the Snowy Monaro Biodiversity Study carried out fieldwork within this area. Within the report, rezoning the northern area of Smiths Road from C3 to C4 Environmental Living is supported where the environmental values are at the lower end of the scale
	Action 14.3 Minimise potential impacts arising from development on areas of high environmental value, including groundwater-dependent ecosystems and aquatic habitats.	X	√	Partially achieves		As above Environmentally sustainable wastewater, static water supplies and regeneration will minimise this impact.
	Direction 28: Manage rural lifestyles	X	√	√		Current zoning has resulted in land use conflicts and non-compliance with the current LEP applying
SMRC	Minimise land use conflict	X	√	X		The targeted area is cleared agricultural land and different zoning should apply when compared with the proposed C3 higher biodiversity areas
	Many strong and vibrant local communities	X	√	X		Restrictive land uses have contributed to demographic ageing and an inability of the community to maintain its civic functions
	Provide a clear and consistent approach to land	X	√	√		The area has been waiting for a strategic review since 2002. 3 successive Councils have supported this review, but it has not been given priority. This has

	management and development though the planning framework.					resulted in uncertainty, confusion and non-compliance. The majority of the Community has consistently advocated for a reduced lot size of 15 ha.
	Land use zones and permissible land uses reflect the capability of land	X	√	X		Assessed by biodiversity and soil capability studies Higher value biodiversity areas will be afforded greater protection
	Land use zones reflect existing land use or reflect the intended land use within an area.	X	√	X		15Ha lot sizes reflect the current development pattern in the targeted area
Bushfire risk		Not assessed	√	Not assessed		See below for more detail
Smiths Road Community Association	Small amount of population growth	X	√	X		To support civic functions, social connection and a strong and vibrant local community
	Allow owners of crown portions to regain lost building rights	X	√	X		Supports procedural fairness, equity and justice
	Consistent with current development pattern	X	√	X		
	Appropriate lot size for environmental management on cleared land impacted by human occupation	X	√	X		
	Centre of environmental excellency and innovation	X	√	√		

Bushfire assessment

A strategic bushfire assessment was funded by the landowners in the Smiths Road Community in August 2022. The BFSS was undertaken by independent BPAD-qualified consultants. In summary the study found:

- The rezoning proposal will be capable of complying with the specific and broad objectives of PBP 2019.
- The reduction in minimum lot size to 15 Ha through rezoning will allow for better management of hazard vegetation in the area by current and future property owners.
- Large open grassland spaces on gently undulating terrain provide good opportunity to provide a range of bushfire protection measures that address the bushfire threat and requirements of PBP 2019.
- Access is well provided for with three (3) main access/egress routes (Smiths Road, Angle Crossing Road and Sunshine Road) and another two (2) options for emergency services vehicles Smiths Road (south) and Clear Range Fire Trail (west).
- The Smiths Road Rural Fire Service has a well-equipped facility, consisting of a three-bay storage area to house the appliances and a small workshop. The Facility has a range of ancillary firefighting equipment including three quick-fill fire pumps, which can be quickly deployed to draw water from local static water supplies and employs a standalone generator for the possible interruption of mains power supply. The shed facility also houses a workshop for appliance repairs/improvements.
- The Smiths Road community hall is attached to the SRRFB facility. The facility is accredited as a Neighbourhood Safer Place by NSW RFS, offering a refuge to "shelter-in-place" in the event of a major fire as was demonstrated in the campaign fires of 2003 and 2020.
- The minor increase in population resulting from the potential subdivision of land is not envisaged to impact the ability of the current road system to accommodate the increased traffic flow during an emergency.

Comments on the Land Use Tables

The permissible land uses seem overly restrictive, especially when considered in comparison to the adjacent C3 zone which will be maintained with an increase in the minimum lot size. Permissible land uses (with consent) could be slightly expanded to support, and be consistent with, other current land uses and to meet the Council, State government and Community's objectives as detailed below.

Land Use	Rationale
Agritourism • Farm experience premises	• Agritourism is allowable in adjacent C3 zone, including farm stay.

• Farm stay	• Consistent with current and proposed land use of 'extensive agriculture'. • Consistent with low impact eco-tourism and environmental activities. • Already occurs on Smiths Road. • Could be used to encourage weed information days and other environmentally-focused activities for education/awareness raising and providing on-farm income. • Consent process could manage any perceived environmental impacts. • Meets SETRP direction 5 – innovative and sustainable agriculture & direction 9 – promote tourism
Function centres	• Existing land use in both C3 and C4 zones. • Consistent with Agritourism and eco-tourism activities • Consent process could manage any perceived environmental impacts
Information and education facility	Consistent with SETRP - promote agricultural innovation and sustainability

Current land use conflict

Since the early 2000's, the current zoning has been in conflict with current dominant land uses—small rural lifestyle blocks and semi-commercial agricultural activities: cattle and sheep, pine plantations, bee-keeping, a truffle orchard, flowers, viticulture and olive groves. Local small businesses include weed contractors, fencing, tradesmen, home office businesses and consultancies. The remaining large lots (commercial farms and degraded former farmland) are situated between small rural lifestyle lots.



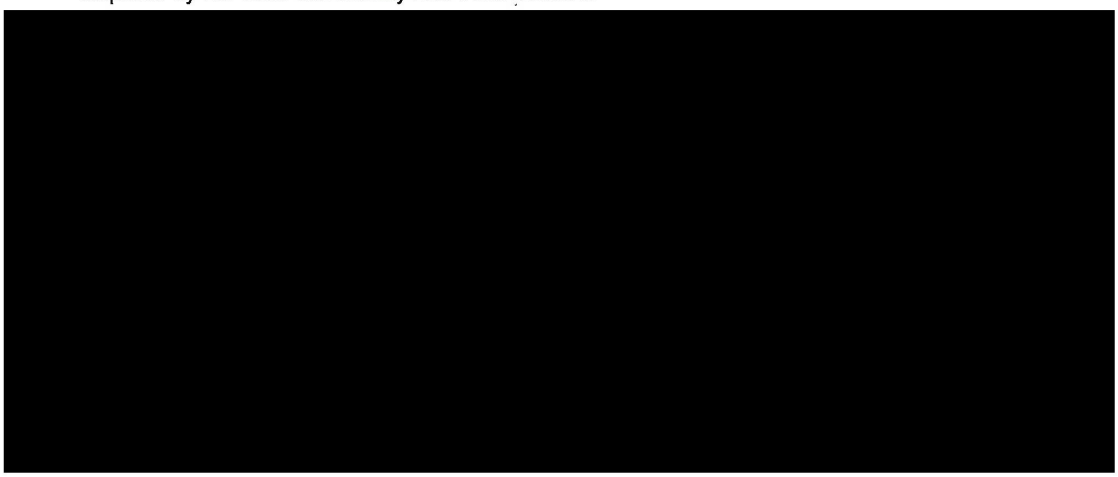
C3 zoning is in conflict with the current development pattern. The median lot size in the proposed rezoning area is 19ha and 83% of current lots are less than 30ha. Under current C3 zoning our development standard is 80ha, which means that a number of current lawfully created lots (crown portions) are vacant and cannot be built on.



[redacted] is supportive of this change which would allow a small amount of development in an area adjacent to the southern ACT border. The remaining area (~90%) of the zone would remain as C3, with an increased minimum lot size, offering greater protection in the areas in the current zone that have higher value biodiversity, increased bushfire risk and steeper slopes.

Ageing and overstretched local community, risk to social capital

Under our current zoning there is little opportunity for our community to grow.
Our ageing population is overstretched and cannot adequately support the civic functions required by our local community and infrastructure.



Some 50 families, including absentee landowners who cannot build on their land due to restrictive zoning, are currently supporting the:

- Smiths Road Rural Fire Brigade,
- Smiths Road Community Hall and Fire Shed s355 Management Committee;
- Smiths Road Community Association; and
- Smiths Road Landcare group.

Two decades of lobbying SMRC around community sustainability has taken it's toll on volunteers. Our current situation is unsustainable.

In the last decade C3 has not helped landowners care for the environment.

The aim of the C3 zone is to target special areas of environmental significance, yet this C3 zone applies indiscriminately to Smiths Road, covering an area nearly 38kms long (around 150 km^2), from the ACT border to south of Bumbalong. It includes high-value biodiversity, river banks, woodland, cleared grazing land and degraded farmland of no significant environmental significance.

The DRLUS notes that there are no C3 zones in the former Bombala Council area, and the C3 zones in the former Snowy River Council appropriately apply to small areas of high value biodiversity such as Crackenback, and scenic protection areas around Lake Eucumbene and Lake Jindabyne. Council has removed new C3 zones from other 'like' rural lifestyle communities. This creates a social justice and equity issue for Smiths Road.



The area proposed for rezoning in the Smiths Road area has been impacted by a century of historical land clearing, agriculture and human occupation.

Large lots of 200+ acres with little remnant bushland or agricultural value are hard to manage, revegetate and landowners are highly restricted which results in confusion, inequity and non-compliance with planning instruments.



Addressing comments by the ACT Government: the context of our location

The area identified by Snowy Monaro strategic planners in the Draft Rural Land Use Strategy as suitable for rezoning from C3 to C4 lies at the northernmost portion of the LGA adjacent to the ACT border.

To the east, the Community is bounded by the Murrumbidgee River and **invisible** to the Monaro highway due to the Cunningham Hill ridge that follows the river corridor. To the west is the Clear Range Ridge that defines the ACT border, with ACT rural agricultural leases lying **between** the proposed rezoning area and Namadgi National Park.

The ACT rural leases and Namadgi lie in a **separate water catchment** to Smiths Road and are not visible to, or accessed from, the Smiths Road area.

To the north of the proposed C4 rezoning area is the ACT's Ingledene Emissions Reduction Fund Project, a Radiata pine plantation. The Australian Carbon Credit Units generated by this project will help meet the ACT Government's emissions reduction targets under the ACT's Climate Strategy, adding 280,000 tonnes of harvestable timber. It will also activate a new outdoor hub for the south of Canberra by providing a forest environment for a host of recreational activities, such as mountain biking, horse trails and picnic areas. Therefore, the ACT governments comments about adjacent high-value biodiversity are incorrect and misleading:

- the Ingledene project adjacent to the northern end of the rezoning area **does little** to consider the river corridor biodiversity, and therefore the ACT Government's reference to the rezoning have a negative impact on contiguous biodiversity seems hypocritical. Continuous biodiversity corridors will be maintained in the areas west of the proposed rezoning area where higher biodiversity values exist. East-west woodland habitat

connectivity would not be significantly disrupted in this area which is largely cleared, and this connectivity will be maintained in higher biodiversity areas where intact woodland exists.

- To the west are the ACT rural agricultural leases, **NOT** Namadgi National Park.
- Given the **small number of lots** that could potentially be subdivided, concerns about significantly greater negative human impacts seem inflated.
- The rezoning proposal **does not create** a new area of residential development. Development on Smiths Road has existed for more than a century, with waves of settlement in the 1970s and 2000s. It seeks small expansion to support a sustainable rural community that already exists.
- The rezoning of Smiths Road **does not fragment agricultural land**. As has been acknowledged by SMRC, the commercial viability of local land is limited due to rainfall, soil and topography. In fact, historical clearing has created large areas of weed infestation and erosion that can best be addressed by manageable lot sizes with permanent (rather than absent) landowners.
- As is evidenced in the Bushfire Strategic Study, the area has not been significantly impacted by bushfire in its history of human occupation, and maintains its own emergency services. In fact, the Smiths Road RFS provided support to the ACT government and other regional areas in the 2019/20 bushfire season.

To the south the current C3 zone stretches a further 30kms, encompassing high-value biodiversity and the hamlet of Bumbalong. The Smiths Road Community Association supports the latter area remaining with C3 zoning with an increased minimum lot size.



Access and infrastructure are adequate for the rezoning proposal. There are 3 public roads providing access to the proposed rezoning area alongside a network of local roads (Contour Road, Yellowbox & Applebox Roads). Sunshine Road provides access from the junction of Smiths Road at the ACT border to Naas Road and Adaminaby. Angle Crossing Road provides access to the Monaro Highway at Williamsdale. The ACT portion of Smiths Road is currently being sealed, while the Snowy Monaro Regional Council has applied for funding from the NSW government to seal a portion of Smiths Road through the proposed rezoning area.



Even if the maximum number of lots were subdivided (resulting in 71 additional lots), the maximum population increase to 300 people represents just 0.0007% of the ACT population, suggesting little impact on ACT services. Each 15ha lot would be sufficiently large to allow for disposal of wastewater and collection of rainwater, and like existing dwellings in the locality that showcase sustainable design, we expect these lifestyle lots to attract likeminded people to the Smiths Road Community.

The ACT government consistently draws attention to the division between the ACT and NSW which conflicts with the NSW government South East and Tablelands Regional Plan 2036.

> *'A borderless region in Australia's most geographically diverse natural environment with the nation's capital at its heart.'*

Equity and social justice

There are no other similar rural lifestyle communities in the Snowy Monaro Regional Council area that currently live under restrictive and inappropriate C3 zoning. Council overturned the proposal in the DRAFT Rural Land Use Strategy to apply C3 zoning to other similar local communities, thereby creating inequity between the Smiths Road Community and other similar local communities.

In 2013, C3 was applied notwithstanding strong opposition from the community who advocated in person, through 17 written submissions and a petition signed by almost every landowner of the Smiths Road Community (attached).

Environmental (C3) zoning was applied to Smiths Road as part of (yet another) purported 'translation' exercise from the former Yarrowlumla LEP 7(e) zone, despite:

- the northern end being cleared grazing land and applying C3 zoning to cleared land is in contravention of NSW government policy; and
- no strategic planning or biodiversity studies being conducted to justify an C3 zone.

Due to such strong opposition from the community, in 2013 the Cooma Monaro Shire Council unanimously resolved:

78/13 RESOLVED [redacted]

That consideration be given to allocate resources in the Delivery/Operational Plan discussions to enable thorough environmental studies and reports to be undertaken in the Smiths Road area to determine the extent of further development potential in that area.

CARRIED UNANIMOUSLY (7-0)

This motion was never actioned and subsequently SMRC passed a similar motion in 2021. We are delighted that Snowy Monaro are finally acting.

Thank you for conducting the necessary studies and planning to support the rezoning of the northen portion of Smiths Road. If you would like to discuss any aspect of this submission, please contact [redacted] at your earliest convenience.

Regards

[redacted]

7 February 2023



ATTACHMENT A – Smiths Road Community Petition to the 2012 Draft Cooma-Monaro Shire Council Local Environment Plan

We the undersigned landholders of allotments on Smiths Road and associated roads [redacted] currently zoned 7(e), Yarrowlumla Local Environment Plan 2002, wish to make the following petition to the Cooma-Monaro Draft Local Environment Plan 2012.

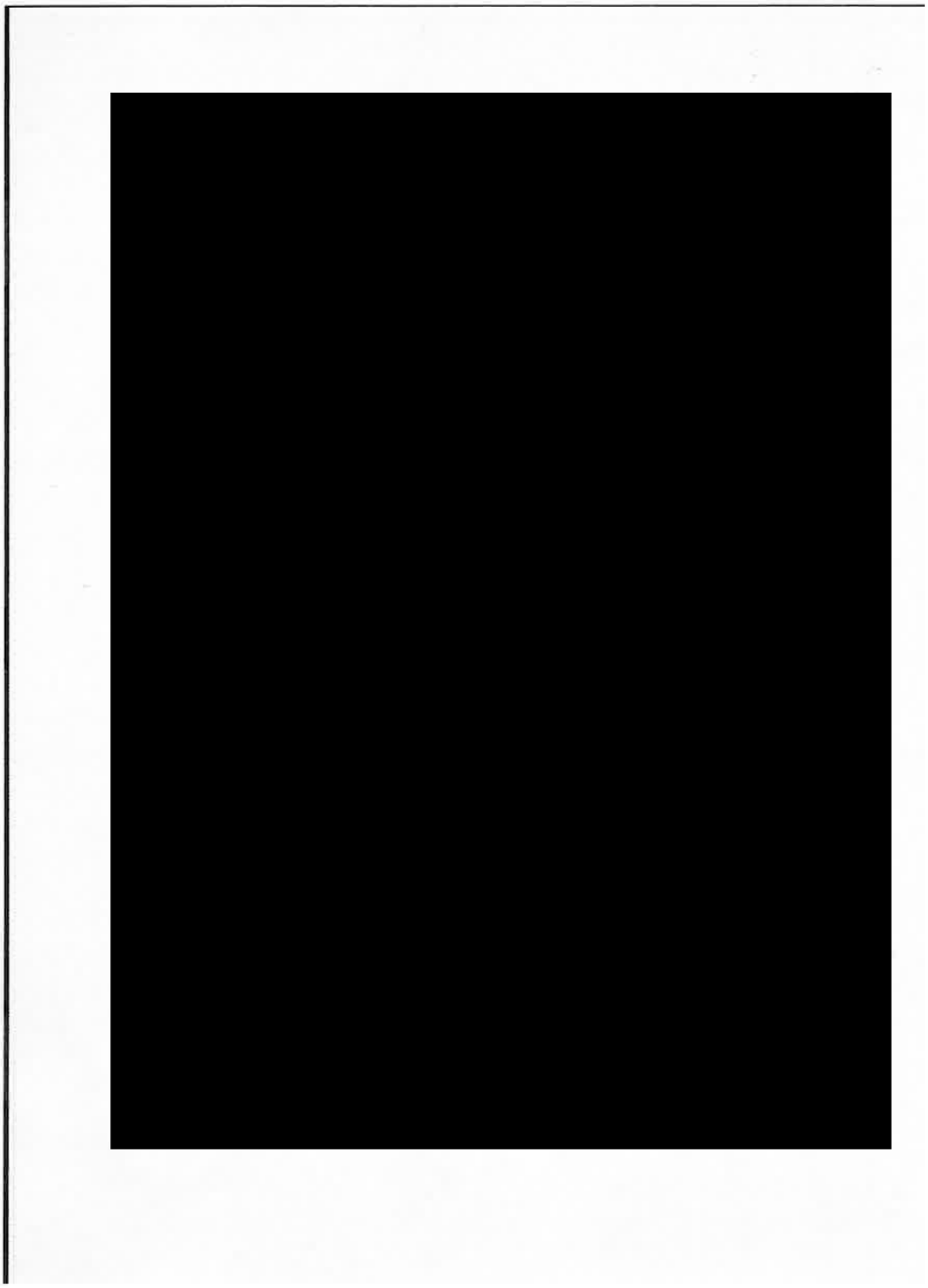
This petition does not speak for landholders whose signatures are not represented on this petition and is complementary to submissions lodged by individuals.

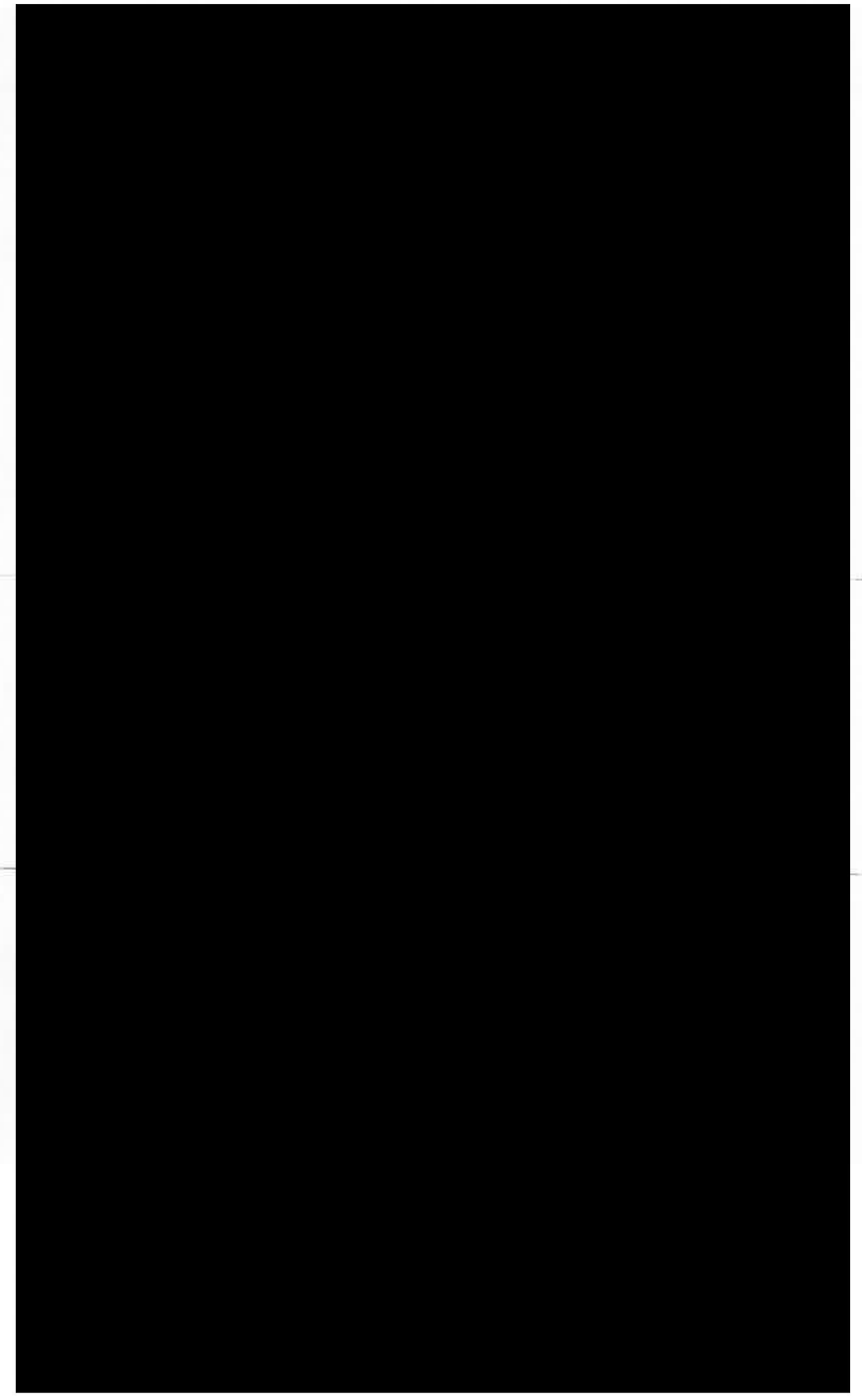
We encourage the Cooma-Monaro Shire Council to reconsider the proposed zoning of this area, taking a long term view of its social, cultural, economic and ecological aspects, as well as the views of the members of the community who call this area, or seek to call this area, home.

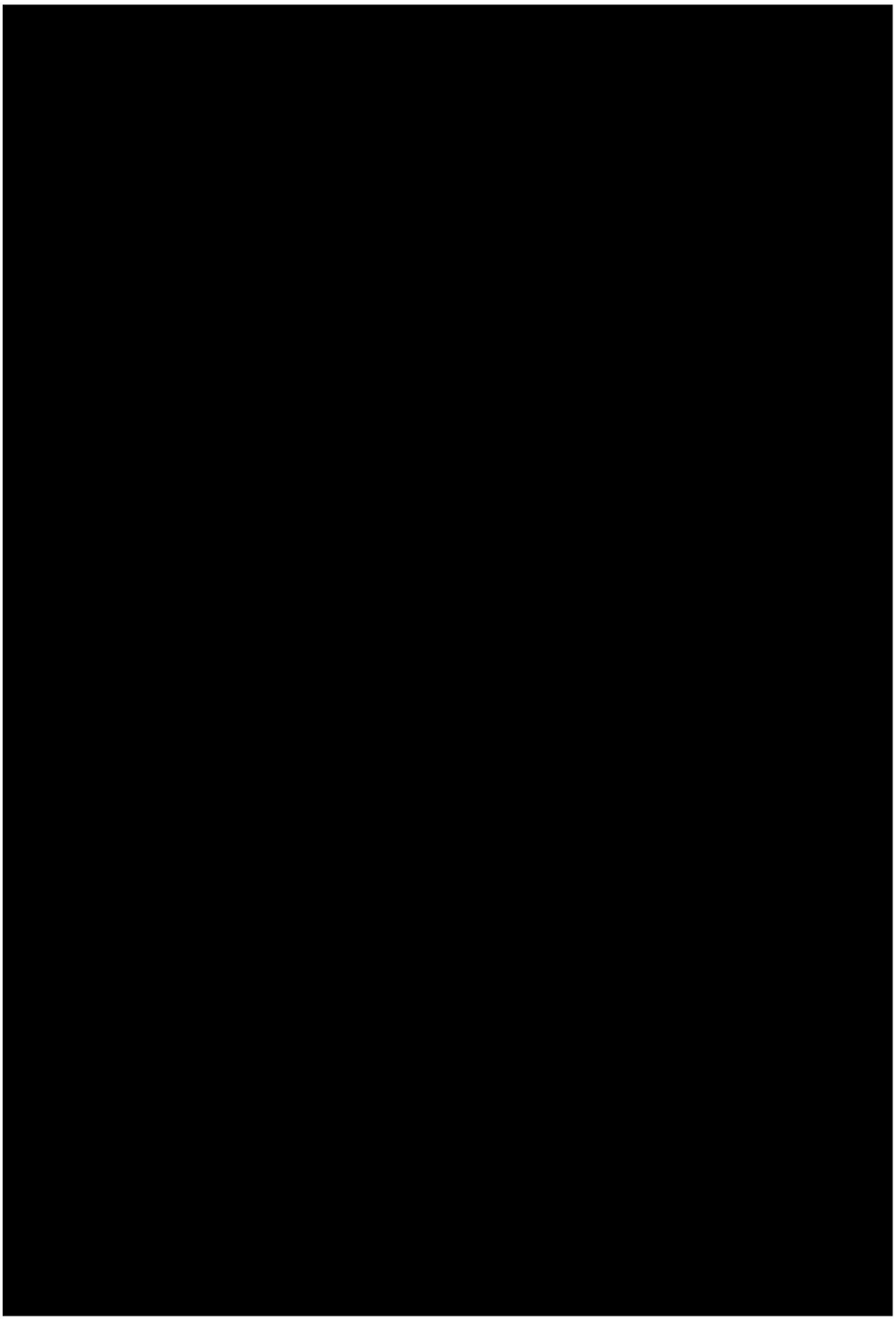
We submit:

- The proposed zoning of E3–Environmental Management is inappropriate;
  - E3 zoning does not recognise current land uses.
  - E3 zoning is inconsistent with the historical direction of development in the Smiths Road area.
  - The NSW State guidance for the assignment of the E3 zone makes it clear that the E3 zone is not intended for the kind of land uses that currently apply to the Smiths Road area.
  - The assignment of E3 zoning to the Smiths Road area is inconsistent with land use zoning in the rest of the Cooma-Monaro Shire.
  - The proposed E3 zoning and development standards do not recognise the current development pattern–mixture of farms and small rural lifestyle lots (originating from crown portions and subdivisions) ranging from 9 to 400 acres.
  - E3 zoning does not acknowledge the publicly stated needs and desires of the community.

[redacted]







43

[redacted]

From: [redacted]
Sent: Monday, 20 February, 2023 5:07 PM
To: [redacted]
Subject: Comments of draft RLUS and LEP

Follow Up Flag: Follow up
Flag Status: Flagged

I write to comment on the RLUS and LEP currently on display by council

These comments are made as a landholder of many years standing. A number of specific objections to specific parts of the documents are included.

Overarching approach

The LSPS 2020 indicates that growth and change are key objectives. A number of the directions in the DRLUS and DLEP seek to entrench existing businesses and existing land uses and are inconsistent with this objective.

While there is a focus on land use and settlement in the in the DRLUS, DLEP and Draft Settlements Strategy there is limited or no reference to residents and the amenity and services sought by them. The overarching approach is to focus on business, industry, agriculture and mining. While understandable, these interests, in the absence of consideration of the people who occupy the region, make the approach unbalanced.

While the emphasis on minimising land use disputes is commendable the approach adopted, specifically the singling out of mining/extractive industries for special 'protective' and preferential treatment, is not appropriate. No evidence/justification for this 'special treatment' is advanced and the rights of others are not sufficiently balanced in the approach taken

This lack of balance and preference for existing industries (over new industries or the interests of residents) including through the use of highly emotive language like "sterilisation' prejudges and prejudices the outcome of both existing and future land use disputes.

There is no transition strategy where changes are proposed particularly where changes are to the detriment of exisiting landholders.

The drafting of 7.9 in the LEP is ambiguous

Draft Rural Land Use Strategy

The DRLUS strategy proposes the imposition of 1000m buffers on existing land holders which are proximate to extractive industries. This is reflected in the DLEP

As an owner directly affected I object to the application of new restrictive provisions to my landholding.

As framed the proposal materially limits the development and economic rights of existing land holders. This has a direct economic cost through both value impacts and limits to options for further development such as eco tourism.

No burden is placed on current or future extractive industries as a consequence of this proposal with all costs of mitigation borne by the buffer rather than the industry. This is clearly inequitable and unreasonable.

Conditions of approval for both existing/new extractive industries and other uses (such as proposals for eco tourism) should be balanced so that conditions fairly weigh the rights of all land holders not preference "operating mines, quarries..... (in order to) protect (sic) from sterilisation or hindrance..."

The Actions and Outcomes listed in section 5 should be amended.

While the document is unclear about the application of recommendations 17/18 to our land (and the maps do not provide further detail) the response from Council (below) provided to a neighbor indicates that both apply

This clause does not directly restrict any land uses on your block however, when you put in a development application, to avoid land use conflict, additional consideration (and subsequent mitigation measures) must be made in regards to:

(a) the impact that any noise and other emissions associated with existing land uses *(the quarry)* may have on the proposed development,

(b) any proposed measures incorporated into the development that **limit the impact** of such noise and other emissions associated with the existing land use,

(c) any opportunities to relocate the proposed development outside the land to which this clause applies,

(d) whether the proposed development is likely to adversely affect the operational environment of any existing development *(the quarry)* on the land to which this clause applies.

In this context I note that we have existing problems with a development approval (in respect of noise and dust) given by (the previous) council the conditions of which are not adhered to nor enforced. The wording of the response above suggests that it is the burdened land holder who will, in future, be responsible for mitigation.

The balance of responsibility for minimising land use conflict should not all fall to the one party and should not automatically favour current operators particularly in a context where the objectives of this policy as outlined (eg. Direction 13) will be read by planners and decision makers as a clear preference in any dispute.

Existing or future disputes should not be prejudiced by the way this document nor the LEP is framed which on current drafting they would be

In addition, the proposal to apply buffers (without any sunset clause) does not reflect the time limited nature of some existing approvals.

While buffers may well be an exisiting practise and are understood and accommodated in other parts of the region/State a material change to existing rights and negative impacts on these should not be made without further and direct consultation with all directly affected landholders. This has not happened to date.

Finally, there is no proposal for transition provisions for existing landholders not currently burdened by this type of provision

Draft Local Environment Plan

I note that the DLEP contains many standard provisions taken from the model LEP and previous LEPs developed by the antecedent councils absorbed into Snowy Monaro. In these instances there is some/considerable experience in the meaning/application of these provisions which is welcome

In this context I wish to specifically object to the inclusion and terms of 7.9 @p.155 Development within a designated buffer area.

The document acknowledges this is a new clause not drawn from other existing sources.

My general comments about buffer zones in general are above and should also be taken to apply

Specifically in respect of the drafting of this section - which is not drawn from an existing model LEP - there are a number of issues that should be clarified

The drafting is:
. unclear in a number of places. What is meant by protecting the operational environment or adversely affecting the operational environment
. absolute - must not be granted
.not bounded - "The impact that any noise and……existing land uses…." - by anything that indicates consistent with approved limits or other approvals
.one sided. It burdens the buffer zone without context or recourse
.is not reciprocal. If a development application is received for a new industry of the type preferenced in this clause what obligations do they have for appropriate mitigation measures to prevent disputes with neighbours

As indicated more broadly there is no argument or evidence advanced for this approach and no consideration of how this will actually be implemented which makes the current drafting highly problematic.

Finally I note that landholders directly and materially affected by a number of these proposals have not been notified specifically about them. A circular letter/email about a broadly framed consultation process, the fact that the documents provided are unclear about specific impacts and the technology solution offered by your provider making it very difficult/impossible to see the impacts on specific landholdings until very recently (the maps have either been impossible to load or extraordinarily slow) means that this process has been neither effective nor sufficient to give confidence that landholders have been properly informed.

This is clearly neither good practise nor a sound basis to make recommendations to council.

I am happy to elaborate these views further if helpful

Kind regards

[redacted]

[redacted]

44

[redacted]

From: [redacted]
Sent: Monday, 20 February, 2023 9:48 PM
To: [redacted]
Subject: Comments on draft LEP
Attachments: [redacted]submission_feb_2023.odt; [redacted]submission_feb_2023 _annexure_Sl_v_draft_LU_matrix.ods

Follow Up Flag: Follow up
Flag Status: Flagged

To whom it may concern,

Please find attached our comments on the draft LEP and associated documents and an accompanying spreadsheet We are especially concerned that:

(1) The proposed minimum lot size is unjustified, is larger than nearly all existing lots and effectively eliminates all subdivision in a large part of the region;
(2) that proposed RU2 zoning may allow too narrow a range of land uses, especially where terrain and conditions favour more intensive agriculture; and
(3) that the added purposes for proposed RU2 may contradict the practice notes, and the rural objectives of the zone, by attempting to add environmental conservation purposes.

The attached spreadsheet is comparing proposed land uses with the parent list from the NSW government, especially highlighting land uses we are not sure should be prohibited for all the proposed RU2 areas.

All the best with the ongoing work.

Kind regards,

[redacted]

Response to Draft Snowy Monaro LEP and Associated Documents

[redacted]

Thank you for the opportunity to comment on the Draft Snowy Monaro LEP and Associated Documents. This document is necessarily brief and focuses on our own area and concerns we have with the draft LEP. In particular we will focus on the proposed RU2 zoning (changing from RU1) and minimum lot size changes in our area. Our area is the high Tinderry region (approximately those areas 1200 m and above) and surrounds, including the north-eastern valleys.

The plan appears strongly Cooma, Monaro plains and Jindabyne focused. The Region is far bigger than that and more of the area involves rugged landscapes and valleys which require a much more nuanced and diverse approach to rural land.

Council proposes to 'introduce Zone RU2 Rural Landscape in environmentally constrained land and increase the minimum lot size to limit dwelling densities'. What is 'environmentally constrained land'? Why does Council want to 'limit dwelling densities'?

Change to RU2

We acknowledge that the RU1 zone fits best where the 'principal function is primary production', which is not a perfect match for most land use in the Snowy Monaro region, which is mountainous and therefore often farmed in a patchwork.[i] Terrain does mean some 'ecological or scenic landscape qualities' may have been conserved, making the more rugged regions a candidate for RU2.

It does not seem appropriate to add the two additional objectives to the zone. The first, especially, is likely to be emotive and is contrary to the LEP practice notes, that the main purpose of the zone shouldn't be the protection of significant environmental attributes. They are also unnecessary as the zone objective is clearly described: it is for primary production compatible with remnant ecological or scenic landscape qualities.

The definition of the proposed RU2 region may not be careful enough. It is clear that the mapped regional biodiversity corridors are not accurate, and mostly do not represent corridors. They were probably mapped from satellite remote sensing and cover most land in the region with forest, woodland and shrubby regrowth. Likewise the mapping of category 1 bushfire prone land, so it does not add anything relevant to the RU2 definition. The soil capability and slope arguments are probably irrelevant to the zone definition too. The current boundaries include primary production land which probably should remain RU1.

Most importantly the diversity of landscape in much of the region means a diversity of land uses will be appropriate. The selection of allowable land uses seems designed to be restrictive rather than to encourage suitable primary production. We have also attached a table comparing land uses from the NSW template with Council's choices and marked rows where we questioned restrictions.

Minimum lot size

Council arguments for a 200 Ha minimum lot size do not make sense. It appears, rather, that the LEP seeks to completely eliminate growth in the northern part of the region. It is not fair to take away opportunity and subdivision options of farmers and property holders without good reason and compensation.

Figure 1 below is from my own analysis of lot sizes (I have only seen Council analysis of holding sizes), showing that there are almost no existing lots in the north-east of the Snowy Monaro region which even meet the proposed minimum lot size. The only lots big enough to subdivide into 2 proposed minimum lots are those on steep forested country, probably the least appropriate subdivision option. Many of those are leasehold.

There is little risk of fragmentation compromising agriculture in most of the Snowy Monaro region, and many holdings are already on multiple lots. Large agricultural companiesin our area operate multiple farms where they need more scale, and have been increasingly diversifying their business to include less land-dependent elements.

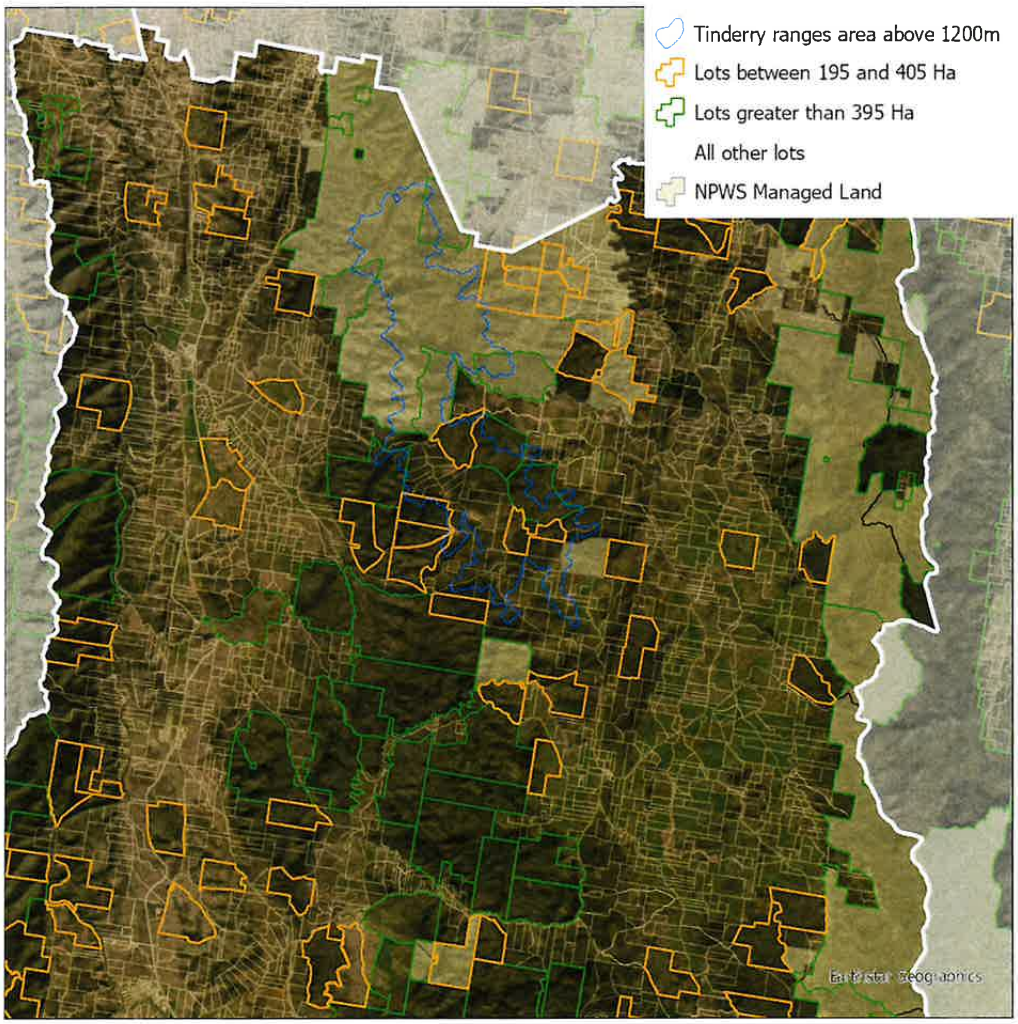


Figure 1: Proposed minimum lots allow for zero growth. Minimum sized lots will nearly all be outside agricultural land use.

Discouraging residences and development increases risk to existing local populations. Significant swathes of rural land are being purchased by city-based do-gooders who do not manage fire risk or weeds; and have no intent to use the land for agricultural pursuits. This is inconsistent with zoning intent. Fire risk is much higher in unpopulated and unmanaged areas, where previously managed land is reclaimed by the bush; and the

weed burden and feral animal burden increases for everyone. It is not like the wildland-urban interface, where relatively unmanaged bushland is immediately adjacent to relatively unprepared households. Internationally, patchworks of land use have also been shown to have the highest biodiversities.

In the Council business papers note was made that larger lot sizes in the RU2 area were necessary to meet bushfire standards. This is clearly not true, as the only reference in bushfire standards regards Asset Protection Zones, which only require a maximum of 100 m around assets. If this is the measure justifying 200 Ha minimums, the reference lot for the region would be about 200 m x 10 km (clearly nonsensical).

Conditions in our specific area especially favour intensive agriculture – minimum lot sizes of 10-40 Ha or less are probably more appropriate. There is good potential for seasonal extensive agriculture and year-round intensive agriculture in our area. It has moderately high rainfall – our rainfall is more than double that of the Canberra corridor, nearby – with less seasonality than areas futher west, like Batlow, or further east. There are pockets of deep, well-drained, moderately fertile soil and reliable winter freezing without summer or winter temperature extremes. Likewise, much of our area has been cleared numerous times, for agriculture, in the last century (the last time in 1990). As an example, typical commercial apple orchards in NSW, are from 1 to 30 Ha (less than 20% are over 40 Ha).[ii] Cut flowers and some other horticultural pursuits need even less area. Encouraging smaller scale agriculture that suit the environment will have the benefit of more likely retention of natural corridors and a patchwork of land uses.

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[i] LEP Practice Notes
[ii] NSW Apple Industry Baseline Survey 2019

Standard Instrument v Council D

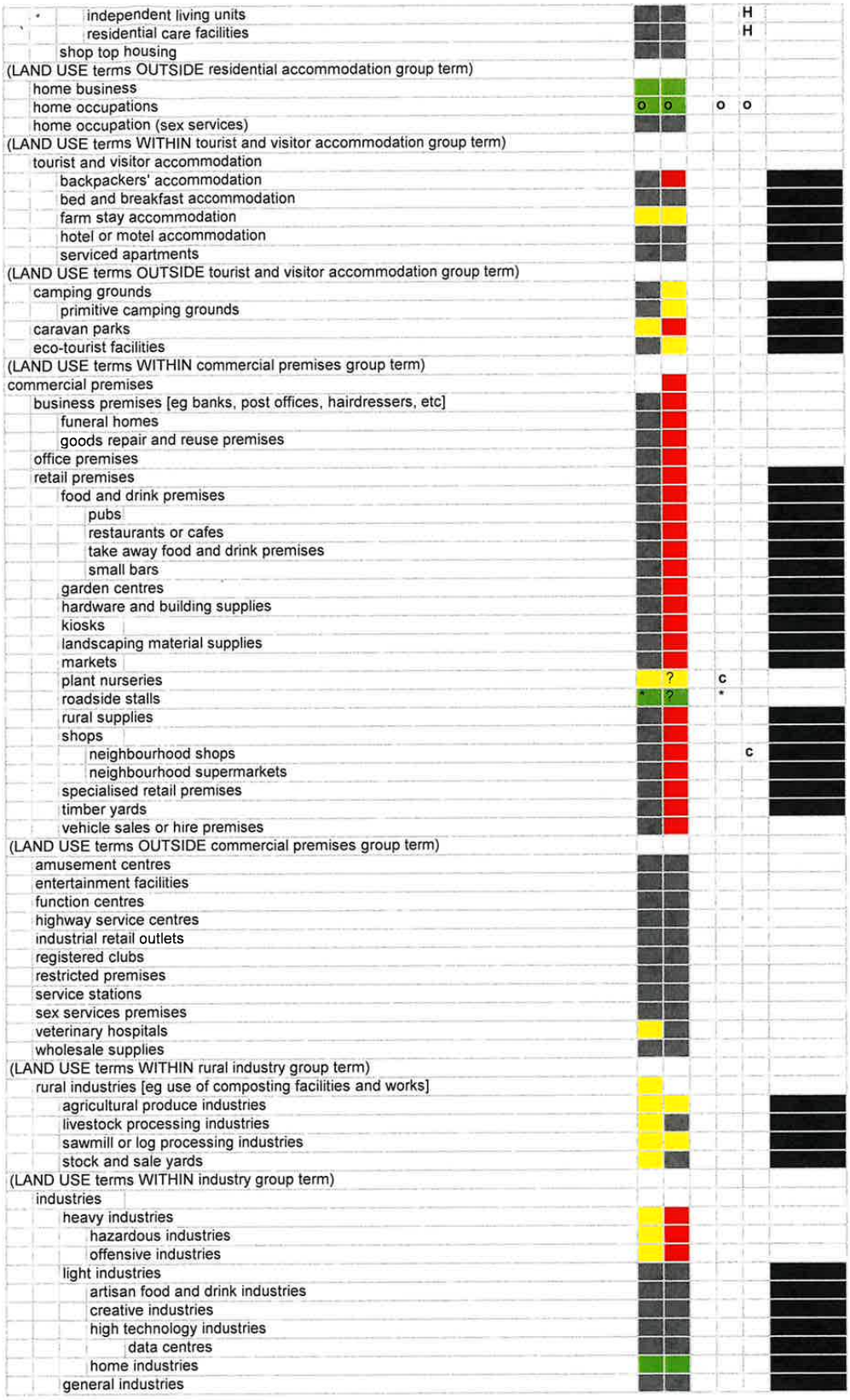
o	permitted without consent (mandated under the SI)
c	permitted with consent (mandated under the SI)
*	permitted (mandated under the SI)
x	prohibited (mandated under the SI)
H	permitted under SEPP (Housing) 2021
TI	permitted under SEPP (Transport & Infrastructure) 2021
?	apparent contradiction

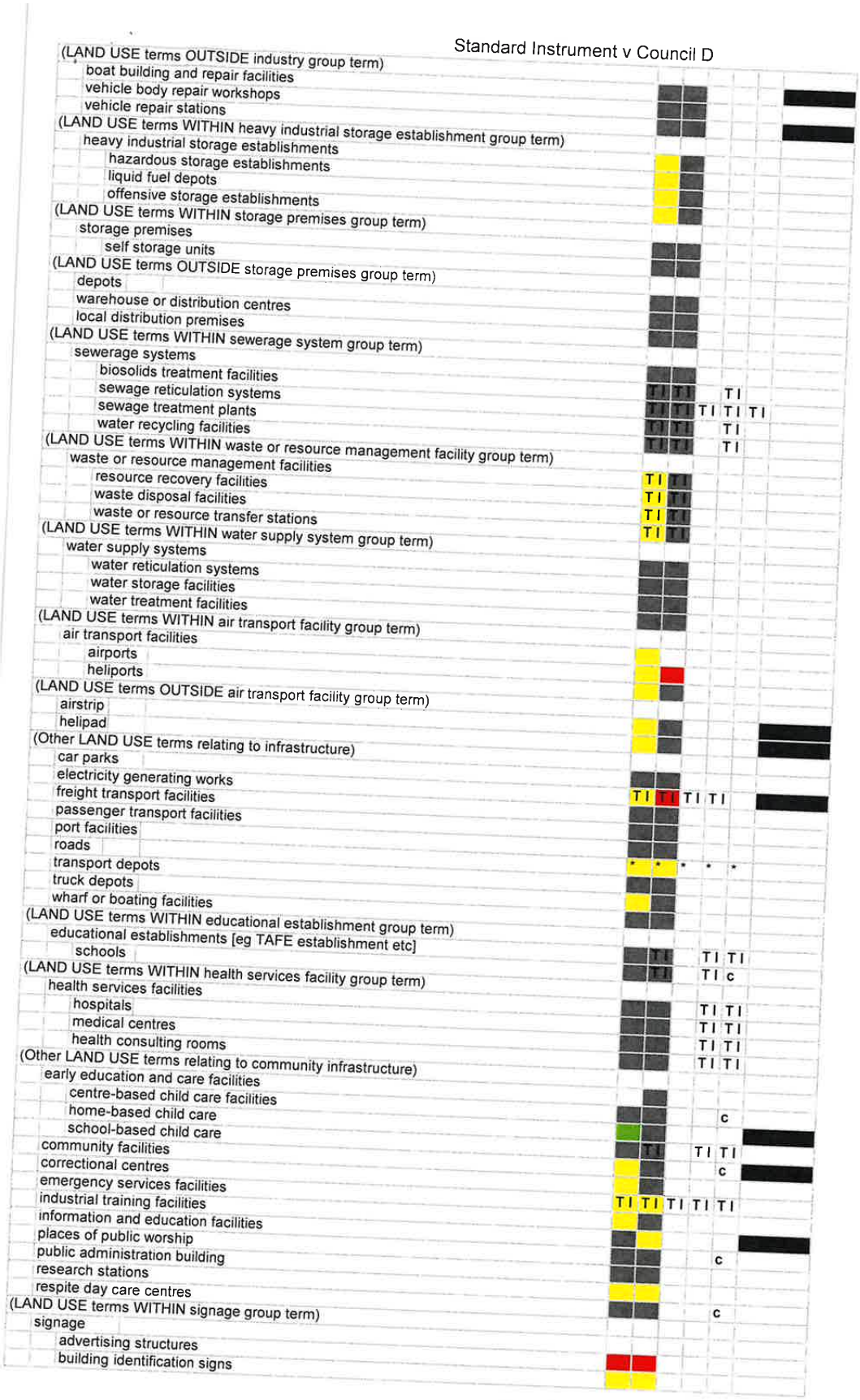
Key

- Permitted without consent
- Permitted without consent
- Prohibited explicitly
- Prohibited by omission

Land use	Rural					
	Primary Production	Rural Landscape	Forestry	Primary Production Small Lots	Village	**These do not make sense to me!**
	RU1	RU2	RU3	RU4	RU5	
(LAND USE terms WITHIN agriculture group term)						
agriculture						
agritourism						
farm experience premises						
farm gate premises						
cellar door premises						
aquaculture	c	c	c	c		
Oyster aquaculture	c	c	c	c	c	
Pond-based aquaculture	c	c	c	c		
Tank-based aquaculture	c	c	c	c	c	
extensive agriculture [eg grazing of livestocks etc]	o	o		*		
bee keeping	o	o		*		
dairy (pasture-based)	o	o		*		
intensive livestock agriculture	*					
feedlots	*					
dairies (restricted)	*					
pig farm	*					
poultry farm	*					
intensive plant agriculture [eg cultivation of irrigated crops]	*			*		
horticulture	*			*		
turf farming	* ?			*		
viticulture	*			*		
(LAND USE terms OUTSIDE agriculture group term)						
animal boarding or training establishments						
farm buildings	*	*		*		
forestry						
(LAND USE terms WITHIN residential accommodation group term)						
residential accommodation						
attached dwellings						
boarding houses						
co-living housing						
dual occupancies						
dual occupancies (attached)						
dual occupancies (detached)						
dwelling houses	c	c		c	c	
group homes						
group homes (permanent)						
group homes (transitional)						
hostels						
multi dwelling housing						
residential flat buildings						
rural worker's dwellings						
secondary dwellings						
semi-detached dwellings						
seniors housing					H	

Standard Instrument v Council D




Standard Instrument v Council D
(LAND USE terms OUTSIDE industry group term)
boat building and repair facilities
vehicle body repair workshops
vehicle repair stations
(LAND USE terms WITHIN heavy industrial storage establishment group term)
heavy industrial storage establishments
hazardous storage establishments
liquid fuel depots
offensive storage establishments
(LAND USE terms WITHIN storage premises group term)
storage premises
self storage units
(LAND USE terms OUTSIDE storage premises group term)
depots
warehouse or distribution centres
local distribution premises
(LAND USE terms WITHIN sewerage system group term)
sewerage systems
biosolids treatment facilities
sewage reticulation systems
sewage treatment plants
water recycling facilities
(LAND USE terms WITHIN waste or resource management facility group term)
waste or resource management facilities
resource recovery facilities
waste disposal facilities
waste or resource transfer stations
(LAND USE terms WITHIN water supply system group term)
water supply systems
water reticulation systems
water storage facilities
water treatment facilities
(LAND USE terms WITHIN air transport facility group term)
air transport facilities
airports
heliports
(LAND USE terms OUTSIDE air transport facility group term)
airstrip
helipad
(Other LAND USE terms relating to infrastructure)
car parks
electricity generating works
freight transport facilities
passenger transport facilities
port facilities
roads
transport depots
truck depots
wharf or boating facilities
(LAND USE terms WITHIN educational establishment group term)
educational establishments [eg TAFE establishment etc]
schools
(LAND USE terms WITHIN health services facility group term)
health services facilities
hospitals
medical centres
health consulting rooms
(Other LAND USE terms relating to community infrastructure)
early education and care facilities
centre-based child care facilities
home-based child care
school-based child care
community facilities
correctional centres
emergency services facilities
industrial training facilities
information and education facilities
places of public worship
public administration building
research stations
respite day care centres
(LAND USE terms WITHIN signage group term)
signage
advertising structures
building identification signs

Standard Instrument v Council D

business identification signs					
(LAND USE terms relating to recreation)					
boat launching ramps					
boat sheds					
charter and tourism boating facilities					
environmental facilities					
jetties					
marinas					
mooring					
mooring pens					
recreation areas				C	
recreation facilities (indoor)				C	
recreation facilities (major)					
recreation facilities (outdoor)				C	
water recreation structures					
(Other miscellaneous LAND USE terms)					
cemeteries					
crematoria					
environmental protection works					
exhibition homes					
exhibition villages					
extractive industries	C				
flood mitigation works					
mortuaries					
open cut mining	C				
(OTHER LAND USES)					
development which cannot be characterised into any land uses defined in the SI					
telecommunications facilities					

46

[redacted]

From: [redacted]
Sent: Monday, 20 February, 2023 10:42 PM
To: [redacted]
Subject: Comments on rural land use strategy and Draft LEP
Attachments: Comments on draft of Rural Land Use Strategy and LEP - Feb 2023.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Please find attached. Also submitted via the online form.

[redacted]

Rural Land Use Strategy comments

The pathway to this second version of the Rural Land Use Strategy has been conducted in a very impressive manner, particularly with respect to community consultation and the team's response to that. As a consequence, this latest version of the document does an excellent job in capturing the needs and nature of the local community. The priorities that the plan seeks to address have been well defined, well balanced and well justified. I support all seven of the proposed policies.

Nonetheless, I disagree with the abandonment of the previous proposition to zone much of the agriculturally marginal and high biodiversity value land as C3, and to now classify it as RU2 instead. The reason for my objection is because of the many and liberal permissible activities under the LLS Act which all create irreversible damage to the environment: they fragment habitat and ecosystems, destroy precious biodiversity and degrade land during infrastructural works. By zoning much of the LGA's environmentally sensitive and marginally productive land as RU2 - most of this on small lots - it creates a market for absentee landholders and otherwise disengaged or inexperienced land managers who have little incentive to manage the land for its environmental values, i.e., weeds, biodiversity, conservation values, erosion, scenery. Moreover, by retreating from the 'environmental zone' proposition, Council has missed a significant opportunity for putting a large area of agriculturally marginal land to use for income generation on the environmental markets. Doing so would create otherwise untapped benefits for individual landholders, while simultaneously protecting - for the benefit of the rest of the community - its most valuable asset, namely, rural land with exceptional biodiversity and scenic values that sustains the tourism sector and the resident community.

I welcome the increase in minimum lot size and change in zoning from residential to rural in the areas surrounding the service towns, particularly around Berridale, Dalgety and Jindabyne where the connecting road corridors are quickly becoming urban 'ribbon developments'. These sprawling settlements not only degrade the environmental values of rural land (biodiversity, production, scenic) but are also cost-ineffective for Council to service.

On the other hand, the effectiveness of the legislation and regulations protecting biodiversity and other environmental values on rural land is much weaker than on urban land, largely as a result of the concessions provided under Part 5 of the LLS Act. I fear that the switch from residential to urban zoning in these areas surrounding the main towns will serve to worsen the state of degradation of the land. The argument that 'stewardship by rural landholders is protecting the environment' clearly is not working in these peri-urban zones: they are typically a haven for weeds, erosion hot-spots and places of rapid biodiversity loss. (Look how much critically endangered grassy woodland on 'rural lifestyle blocks' is being lost due to incessant mowing of the ground layer!)

It is difficult to understand how the change to RU4 to the west of Varney's Range and along Snowy River Way south east of Jindabyne, combined with 40 ha minimum lot size, will achieve the Strategy's objective of preventing land fragmentation and degradation of environmental and scenic values. One only has to drive through these areas to see the impact of the many recent developments there. The landscape's hilltops and slopes are gradually becoming occupied by the houses, sheds and shipping containers of small landholders while many new roads are being carved through the bush. These proposed RU4 areas are likely to become 'rural lifestyle residential'. Thus, I do not support the use of this zoning because of its likely adverse environmental impacts. I am also sceptical that it will attract new small 'boutique' rural enterprises as intended. In addition, I am not confident that the commercial viability of such enterprises can be sustained in the challenging physical environment of the Monaro. And the consequence of any such failure would be the creation of yet another irreversibly degraded piece of land.

I continue to worry about the carving up and scenic contamination (both day and nighttime) of some of our most beautiful and highly visible valleys (Thredbo Valley, Moonbah Valley, Snowy River Valley along Snowy River Way) under the proposed new zoning. These valleys hold special values – both biodiversity and scenic – which, together with their proximity to the Kosciuszko National Park, justifies these areas being assigned to an environmental zone category (C2 or C3).

I worry about the allowance for considerable residential use of rural land under the definition of 'agri-tourism'. Defining a farm as having 'commercial use' covers just about any activity at any level of intensity. Like the perverted use of 'eco-tourism' as an excuse to build essentially a van/cabin park in the middle of the residential suburb of East Jindabyne, on a piece of land with low environmental values, the 'agri-tourism' definition could accommodate many of the undesirable residential-related activities that the adjustments to rural land use discussed above are designed to avoid.

I welcome the increase in minimum lot size in the high productivity rural areas. Land fragmentation and weed incursion due to infrastructure installation are currently the greatest extant threats to our productive agricultural areas.

I appreciate the rational, evidence-based approach to defining high productivity land based on land use capability maps.

I welcome the acknowledgement of and planning for (via the Settlements Strategy) the impact on the environment and on production lands of rural subdivisions for the purposes of residential development. I therefore strongly support the proposed restriction to dwellings that are associated with commercial agriculture only.

On a related note, I support the proposed prohibition of use of rural land for non-agricultural purposes, e.g., office premises, funeral homes. (Can we add car dumps to this list?!)

Local Environmental Plan comments

Change from R2 to R1 in some towns and suburbs. I endorse this suggestion because it will concentrate residential activities into towns rather than sprawling these over rural land.

Reduction in large residential lot zoning to smaller lots (R5 to R2) in East Jindabyne. I strongly support this as it will allow in-fill and dual occupancies - thus helping with housing supply - without significant impacts on liveability. However, the infrastructure will need to be upgraded significantly to cope with these changes.

RU4 zones. I do not support the introduction of RU4 zones as I suspect the outcomes will run counter to the overall strategy underlying the Rural Land Use Strategy, namely, to avoid fragmentation of productive land while maintaining environmental values on the less productive but biodiversity-rich other rural land. I suspect the RU4 zone will instead create, under the guise of 'special agricultural use', large rural lots that are not valuable for agricultural production or, by the nature of the activity, lead to adverse environmental outcomes (e.g. lavender farms). I also don't see the necessity of introducing this 'new' zoning as I suspect these types of enterprises could be covered under alternative zonings.

Minimum lot size increase in rural production areas. I support the increased minimum lot sizes in the productive rural areas to prevent land fragmentation and protect productive capacity of these areas.

Biodiversity corridors. How does the LEP serve to "identify potential opportunities to enhance biodiversity connections through terrestrial biodiversity mapping which will also include regional biodiversity corridors" as under Direction 5 in the South East Regional Plan.

Have biodiversity corridors been adequately provided for in the LEP zoning map? I could not discern whether the biodiversity corridors identified in the Regional Plan coincide with a zoning type that is appropriate, namely, environmental zone C2 or C3.

Objectives of Zone RU2. In the notes, it says "This zone is not to be used where the main purpose of the zone is to protect significant environmental attributes or to provide for rural residential accommodation". However, this zone's Objectives include "To protect the environmental significance of certain areas, including koala habitat. ". These two statements are in conflict.

Permitted uses under Zone RU2. The Rural Land Use Strategy aims to eliminate dwellings unrelated to commercial agriculture on rural land and yet many of the Permitted Uses included just - Eco-tourist facilities; Emergency services facilities; Environmental facilities; Farm stay accommodation; Information and education facilities; Plant nurseries; Recreation facilities (outdoor); Research stations; Sawmill or log processing works, Telecommunications facilities

Permitted uses under Zone RU1. The Rural Land Use Strategy aims to reduce fragmentation and loss of productive land to development. Many (most) of the permitted uses, however, are not consistent with that intent.

Serviced apartments. I welcome the prohibition of Serviced apartments in large lot residential areas (R5).

Permitted uses under Zone C3. I would argue that many of the permitted uses are not compatible with the stated objectives of the zone since they undoubtedly will have an adverse environmental impact. There are several examples from the past 5 years where significant development has been allowed in C3 (previously E3 zones). Such permitted uses undermine the overall objective of the C-zoning types, namely, preservation of the environmental values. There is plenty of other land zoned as rural or residential that could accommodate these permitted uses.

Zone C4 objectives. These sub-objectives are contradictory. How can allowing residential development "minimise the impact of any development on the natural environment".

Purpose of C4? It is difficult to discern how the outcomes under C4 would differ from those under C3, especially if the objectives were truly compatible with the permitted uses (which they are not).

Part 4. Minimum subdivision lot size. Allowing sub-division in RU1, RU2, RU4, C3 and C4 is not compatible with the Rural Land Use Strategy's objectives of avoiding further fragmentation of productive land and protecting environmental values of conservation land.

Additional Permitted Use at East Jindabyne. I strongly endorse the removal under the proposed LEP of the APU for Lot 17 DP 236151 at East Jindabyne.

Renewable energy zones. I would like the zoning map to designate specific and limited areas within our LGA for commercial renewable energy creation (solar, wind) which are chosen for their minimal impact on scenery and visibility from the highways, or for their minimal additional impact, e.g. on town areas where significant infrastructure already exists (such as Radio Hill in Cooma or Royalla solar farm). By concentrating these industries into a few limited zones, their scenic environmental impacts would be minimised.

Lake foreshore access. I would like to see prohibition of gated communities in the areas surrounding Lake Jindabyne and Lake Eucumbene in order to preserve universal and equal access to the recreational opportunities provided for on the lake foreshores. For the same reasons, I would like the LEP to prevent private lease-holding of the Snowy Hydro-owned land on the lake foreshores.

Scenic protection. The views of Kosciuszko National Park when approached from the east along Kosciuszko Road are world-class and must be protected. Instead, the scenic protections written into the LEP are designed to preserve the scenery from the lake looking back towards the east into the residential developments! Why do we want to protect the view of residential areas for fisherman, or any other temporary lake-dweller? This is the wrong way around. This clause needs to be re-written in order to fulfil what I believe to be the original objective, namely, protecting the untrammelled

views of the mountains of Kosciuszko National Park for the million tourists who arrive at East Jindabyne from the north each year.

Dark Sky zones. I would like some areas in the LGA (e.g. those adjacent to the Koscisuzko National Park, the Tinderries, Varneys Range, the Murrumbidgee corridor) to be declared as Dark Sky zones (akin to that for Siding Springs). Dark sky environments are highly valued by many residents and tourists and significantly enhance the environmental values of the area.

Riparian zones. Is the clause for protection of riparian zones strong enough? I have not seen it once applied to subdivisions or individual residence developments within the former Snowy River area despite it being in the Snowy River LEP.

I am also puzzled as to how defined watercourses on the maps such as the creekline near Siesta Villa Hotel on Jerrara Drive of East Jindabyne can be classified as private land? I believe that all watercourses in residential areas should be excluded from private use so that they can function as pedestrian throughways for the public.

48

[redacted]

From: [redacted]
Sent: Monday, 20 February, 2023 8:17 PM
To: [redacted]
Subject: Draft LEP and Rural Land Use Strategy

Follow Up Flag: Follow up
Flag Status: Flagged

I write to voice the following concerns and objections to the proposed LEP and Rural Land Use Strategy on exhibition:

1. The 7 Policy Directives do not balance the interests of residents/landholders and place more value on industry.

2. 7.9 of the LEP states 'the objective of this clause is to protect the operational environment of waste or resource management facilities and major industries – including extractive industries.' This clearly puts the interests of major industry in front of the interests of existing and future landholders.

3. The buffer zone for extractive industry was not in the 2013 LEP.

4. Contrary to the current 2013 LEP, an extractive industry operates in the middle of a new residential subdivision and the unbalanced nature of the proposed Rural Land Use Strategy appears to pre-empt the outcome of any current or future dispute. Evident from 7.9 of the Draft LEP

> This is a newly proposed clause that has not been used in any of the existing LEPs. The intent of the clause is to ensure that land use conflicts do not arise, adversely impacting on the operation of any of these existing, often employment generating land uses. Additional consideration is given to any development that is within 1000m of a waste management facility, sewerage treatment plant, major industry (such as the Dongwha Timber Mill, Monbeef Abbatoir), shooting range or extractive industry.
>
> Policy Direction 5 Safeguard existing major industries and encourage emerging industries • Operating mines, quarries and major industries are protected from sterilisation or hindrance by encroachment of incompatible adjacent development.

5. The extractive industry does not appear to carry any burden by the proposed 1000m buffer zone.

6. The proposed LEP and Rural Land Use Strategy burdens existing and future landholders to mitigate the impact of the extractive industry on their land. There is a clear disadvantage to existing landholders being burdened by this buffer zone and preference again given to extractive industry over residents.

7. As stated by both State and Federal Governments, the eastern approach to the KNP is a matter of national environmental significance, and high environment value. As an existing landholder I am aware and happy to uphold the burdens placed on me in order to protect these

high environmental values. Yet the proposed LEP and Rural Land Use Strategy appears to not burden extractive industries with the same.

8. No information has been provided as to how the 1000m buffer zone will be measured. This has a significant impact on landholders' ability to develop their own land and may render their land worthless. Again this favors industry over existing residents / landholders.

9. The Snowy Monaro Biodiversity Study undertaken by Molonglo Conservation Consulting, stated that the Crackenback area on the eastern approach to the National Park was not surveyed due to it being too big an area. For this reason it is objectionable that a study that did not cover the area, is used as a base for the permitted and restrictive use of land in the Crackenback area.

10. 7.7 of the Draft LEP – Development within the eastern approach to the Kosciuszko National Park

> Objective (b) ensure development complements the eastern approaches' scenic and natural resources, ...(c) to protect or improve the water quality and supply and catchment hydrology of the land to which this clause applies.

Extractive industry does not complement the natural beauty of the surrounding area, extractive industry is not compatible with the surrounding natural environment and scenic landscape.

Finally, not only was the extractive industry buffer not communicated to burdened landholders there has been no communication of a time limit or transition strategy for the proposed changes which will have a detrimental effect on existing landholders.

I am happy to be contacted should you wish to discuss my concerns and objections.

Kind regards

[redacted]

49

[redacted]

From: [redacted]
Sent: Monday, 20 February, 2023 8:43 AM
To: [redacted]
Subject: DRAFT LEP Comments - Please file against property record [redacted]
Attachments: Screenshot_20230220-083204.png; Screenshot_20230220-083238.png; Screenshot_20230220-083342.png; Screenshot_20230220-083252.png

Follow Up Flag: Follow up
Flag Status: Flagged

Good Morning,

I wish to respond to the changes that are proposed under the new LEP and the potential negative impacts they will have on our property.

- Presently our lot is in a 40 hectare or 100acre zone as is all my neighbours. Under this LEP all my neighbours remain 40 hectares and our block moves to a min lot size of 200 hectares. What is the logic of allowing neighbours properties to retain their lot sizes but increase ours. There seems to be no logical reasoning behind this.
- Our block is currently sub optimal and has a specific caveat on the title that means it can only be used for rural tourist accommodation. We currently have an approved DA (which will not expire) for two rural tourist dwellings with potential plans to intensify this development (not currently submitted). Changes to the lot size and land uses may impact our future uses.
- As stated our block is already sub optimal and is NOT suitable for farming due its position on [redacted]. Hence this new rezoning does not make any sense whatsoever. It cannot be used for farming so there is no logic behind giving it a zone that is meant to ensure that viable farming land is not further fragmented. All of the land neighbouring ours is already fragmented as the larger 1500 acre lots have already been subdivided and fragmented.

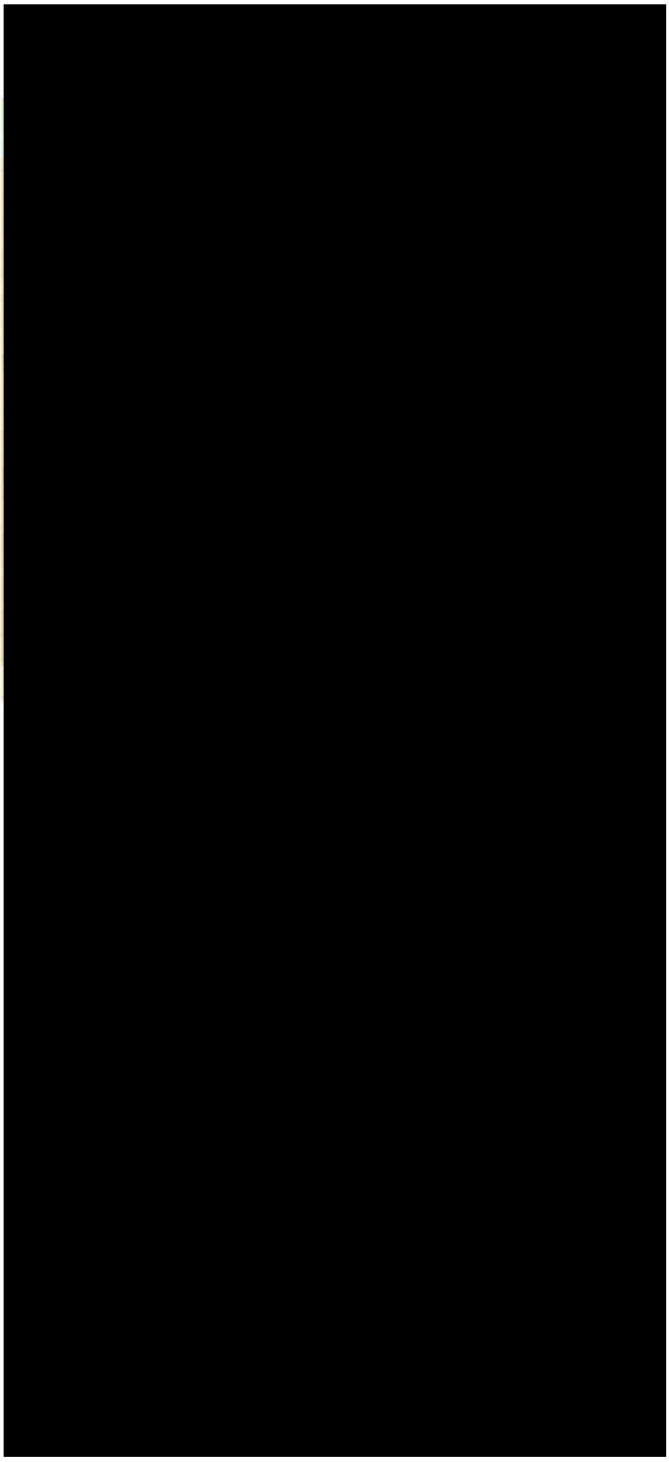
I have attached applicable screen shots from the mapping tool.

They will show: for our property the current LEP and future LEP. Our neighbours proposed new LEP in order to show the illogic of it.

Can you please review and amend the land use maps accordingly to align with the neighbouring properties within the Jindabyne area.

Regards,

[redacted]



50

[redacted]

From: [redacted]
Sent: Monday, 20 February, 2023 6:32 PM
To: [redacted]
Subject: Draft LEP

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Sir /Madame,

I am the owner of [redacted]

I have grave concerns with regard to the new draft LEP and in particular matters related to the "Extraction Industry" and "Buffer Zone" proposed near the gravel mining site, which affects me and my family.

1. mechanism of calculating a 1000 meter "Buffer" is not clear. Is it calculated form the closest boundary of the extracting Lot to the closest boundary of the burdened lot? Or is it from the site of extraction to the actual site of building on the burdened lot?
   If it is the former, obviously the extent of damage and devaluation to neighbouring properties are far more extensive.

2. What is proposed to happen to the exemptions and concessions of the Rural property? At the moment, one of exemptions to the rural zoned properties (all of us) is to be able to include "Echo Friendly cabins" on the property, which essentially allows us to build 50 to 60 small cabins for the purpose of short-term letting. This was planned to encourage "tourist developments" in the area. The new proposal can completely negate that right from all our properties, as the cabins are meant to be scattered around the land. The creation of the buffer zone will reduce the number of cabins if not completely eliminate the possibility of any cabin development.

Lack of proper considerations:

3. After 50 plus years of recorded extraction from only one, relatively tiny gravel mine in the area, the life of the mine by any measure, is at its end. Whether this is due the lease expiration date of 2025 or the amount gravel left to be extracted, the mine will no longer exist by the time the Council legislate these proposed changes, IF the council don't extend the lease, yet again. So, what is the purpose of these changes? Extending the life of the Mine without proper consultation?

4. Ordinarily, the council create these changes to warn potential prospective purchasers of the mine activities and their restricted rights if they choose to buy the property. If indeed that is the purpose, the proposed changes should have been considered some 50 years ago when for the first time the council considered the approval of a Mine, before we all purchased our properties, not at the end of an over-extended lease for an over-extracted mine.

5. The proposed changes will remain long after the mine is gone.

6. Further, these changes would massively prejudice those lots without an existing approval for the intended improvement. They may never get any approval which essentially renders their land worthless.

7. The single biggest customer of the Mine is the Local Council. The Council has a clear interest to protect and extend the life of this particular Mine. This is a clear and dangerous conflict of interest between the Council's consenting authority, protection of environment and commercial interest. This ought to be obvious to the Council and if not, this fact should go on the record.

8. The existing mine is constantly in breach of their DA conditions. With no enforcement by the council to adhere to the conditions to date, despite numerous complaint by the neighbours. It is an extraordinary proposal by the Council to amend the LEP to further accommodate an industry without any cost to the miner which is already on Councils records for number of breaches of DA conditions.

We look forward to your response to these objections.

Kind Regards

[redacted]

S1

[redacted]

From: [redacted]
Sent: Monday, 20 February, 2023 6:54 PM
To: [redacted]
Subject: [redacted] Submission to DRLUS
Attachments: Submission to Draft Rural Land Use Strategy 2023.pdf

Dear SMRC
Attention [redacted]

Please find attached my submission to the DRLUS.

Thanks for all the amazing work you have done on the planning documents.

I may disagree with some of your recommendations, but I do appreciate your efforts to produce quality readable documents.

Regards [redacted]
M: [redacted]

Submission to Draft Rural Land Use Strategy (DRLUS)

[redacted]

20 February 2023

Landholder on [redacted]

Summary and Conclusions

I oppose:

- the totally unjustified introduction of an MLS of 200 ha on land bordering the [redacted] which is out of character with the remaining [redacted] corridor. This proposal most likely reflects a lack of familiarity by Council staff with this 'remote' northern part our region.
- the poorly justified introduction of an MLS of 200ha on all land proposed to be rezoned as RU2
- the rezoning of RU1 to RU2 because I oppose the requirement for an MLS of 200ha.
- the increase in MLS from 80ha to 100ha for RU1 land in the Canberra Corridor
- the DRLUS vision for Snowy Monaro of a country side devoid of people, with dying communities, few business opportunities, a low rate base, low rate revenue, low quality of council services and ever increasing council rates.

I support:

- the introduction of an MLS of 40 ha on the [redacted] for all land regardless of its zoning
- the adoption of an MLS of 40 ha as the standard across all land in the Snowy Monaro Region, including the Canberra Corridor, building on its successful application in the former Bombala Council region.
- A vision which allows for moderate growth, good environmental land management, and new business opportunities.

I am disappointed that the second DRLUS has:

- Simply identified all land originally proposed to be rezoned "E3 + 250ha MLS" and replaced it with a proposal to rezone the same land as "RU2 + 200ha MLS"
- Simply used satellite imagery of where the forest occurs to determine what land should be rezoned, originally to E3, and now to RU2.
- Failed to listen to what everyone said in our earlier submissions about the disadvantages of a large MLS in this case, 200ha – which I will repeat in the following pages.
- Failed to acknowledge that increasing the MLS will take away the existing rights of many landholders to build dwellings and will most certainly decrease the value of land especially where the MLS of 200 hectares is introduced.
- Failed to acknowledge that a fall in rural land values will cause an increase in rates for residents in towns, because the ad valorem rate will increase for those in the towns.
- Failed to consider important, local variations in the characteristics of landholdings, specifically in my case, that the Burra Road does not share the characteristics that the DRLUS uses to justify MLS of 200 ha.

Some of the conclusions of the Holding Analysis and Land Capability study are presented in a misleading way and this analysis should not be used to justify the increases in MLS.

- For example, in the Canberra Corridor, the average land holding is stated as 104 ha, which makes the recommended MLS of 100ha sound reasonable. But its totally misleading! The same report also reveals that in actual fact 61% of existing land holdings in the Canberra Corridor are 50ha or less. That reflects the real extent of the proposed change. The same misleading analysis is applied across all the sub regions.

Discussion of the Issues Arising from Increasing the Minimum Lot Size

The [redacted] is Different

The [redacted] has settlements along its length, unlike the Monaro Highway

- An MLS of 200ha is totally at odds with the rest of the [redacted] corridor. Settlement along the [redacted] differs a lot from that along the Monaro Highway with the [redacted] corridor being more densely populated.
- Heading north along the [redacted] from Michelago the following settlements occur:
  - [redacted] (part of SMRC) comprising 50 lifestyle blocks of 2 hectares, all with sealed roads and approvals to build dwellings. All have been sold and houses are being built. This is a mere 3 kms north of my land where the DRLUS proposes to apply an MLS of 200 ha. NOTE: this is not a typo – 2 hectares MLS at [redacted] 200 hectares MLS proposed on my property – [redacted] apart.
    - Some of the [redacted] blocks are on the eastern side of the [redacted] bordering the [redacted] as does some of my property. This point is important as proximity to the [redacted] appears to be the sole justification for the MLS of 200 ha along [redacted]
  - The Burra Valley (QPRC) starts [redacted] north of my land. This comprises lifestyle blocks with an MLS of 6 hectares and extends north for a further 10 kms. There are over 300 dwellings in Burra Valley (2021 ABS).
  - Royalla (QPRC), approx. [redacted] north west of my home. Again MLS of 6 hectares and over 300 dwellings already built. (2016 ABS).
  - Googong (QPRC) approx. [redacted] north of my home. Small suburban blocks in a township of 7,500 people (2021 ABS) and growing rapidly. My closest urban centre.
- I don't understand why my immediate farming neighbours to the north are not facing an RU2/200MLS when they also border the [redacted] and have forested land.

Access by emergency services to the Burra Road

- The DRLUS expresses concerns about access by emergency services especially the RFS to highly prone bushfire areas. It describes these areas as generally steep, with access limitations and difficult to evacuate. This is the claimed justification for a high MLS of 200ha.
- There is no more chance of being isolated by bushfire on the Burra Road than on the Monaro Highway. There is a lot of forest and inaccessible steep terrain to the west of the Monaro Highway where the 2019/2020 fire travelled.
- Land adjoining the [redacted] is not hard to access. It is a public road used by two school buses and commuters daily as well as 'B doubles' going to the development at Mt Burra.
- When the Monaro Highway is closed as a result of a motor vehicle accident, traffic diverts along the [redacted]
- There are three points of access between the Monaro Highway and the [redacted]
  - Via [redacted] in the village of Michelago
  - Via the [redacted] north of Michelago
  - Via [redacted] further north near Royalla.
- You can travel directly north along the [redacted] turn right onto the [redacted] and travel into Queanbeyan along a beautiful dual carriageway.
- On the last occasion a small fire occurred in the [redacted] beside the [redacted], the Michelago brigade had no trouble accessing it and extinguishing it.
- Should the Michelago Brigade be unable to gain access from the south, the Burra Brigade is only 10 minutes away to the north.

- Much of the land adjoining the [redacted] is not very steep, and in some places is quite flat.

Impact of Closing the Canberra Corridor to further Population Growth

In the aptly named Canberra corridor, like it or not, there are many escapees from Canberra. Generally, they come in two varieties: commuters and retirees. For reasons that only the staff of the SMRC can understand (and their liege lords in Sydney who have no idea what happens south of Campbelltown; and their allies in the ACT government who don't want NSW free-riders using ACT services) these Canberra escapees pay high rates but are disdained and unwanted. Certainly, the DRLUS will raise the drawbridge and keep nearly all further Canberra interlopers out of the hallowed turf of the Snowy Monaro. How? By forcing them to stump up with enough money and bravado to buy 100 or 200 hectare blocks. That will be the only choice they'll get. Good luck with that.

Raising the drawbridge on population growth in the Canberra corridor comes at a real cost to the Snowy Monaro. People should know that on average the Canberra interlopers have the highest household incomes in the whole Snowy Monaro – yes even higher than Jindabyne. Guess what else? They live in places like Michelago and Colinton where the Council provides next to no services. So it's a big win-win for the Council – lots more rates and negligible extra expenditure.

This has to become a political issue. It is up to elected Councillors to take up this issue as SMRC staff will not consider these arguments.

I believe the Holding Analysis and Land Capability study Appendix 1 to the DRLUS is quite misleading. In the case of the Canberra corridor, the consultants said that the average landholding is 104 hectares. I don't know how that average is calculated (I assume it is distorted upwards by a small number of very large blocks). However the tables provided by the consultants also show explicitly that **currently 61% of landholdings in the Canberra corridor are 50 hectares or less. So in effect the MLS of 100ha will at least double the landholding required for a dwelling.**

What is being proposed is NOT what people want. This is what the consultants and the NSW Government think we should have. I believe there is an agenda being driven from Sydney to keep the regions empty and retain wealth in Sydney which means the regions will remain poor. The SMRC staff are falling into this trap because of their well-intentioned desire to keep Snowy Monaro a productive agricultural region and to increase its green credentials. But we should not support this agenda. Agriculture is evolving and we should not lock our region into a single model of large scale grazing pasture lands. This will suit a small minority of very large landholders. Moreover, decentralising populations brings many benefits. We need more people in the regions to support Australia and the challenges it will face from environmental problems and more worryingly, rapidly developing security threats from China.

<u>Worse Environmental Outcomes</u>

I feel like I must be repeating myself as this was addressed ad nauseum in the previous process.

Governments decreeing that we must all live on vast acreage is unacceptable. We all come in different shapes and sizes, some better suited to smaller holdings where we can manage the weeds and the feral animals so that our land is not destroyed. Have you been out to see how many deer, goats and pigs are roaming our land, invading from the neighbouring so called "protected areas" like [redacted]? (Protected by whom I ask? The answer is protected by no-one).

I try not to complain, but am I expected to nuke all the weeds that have been neglected for months and years on the side of [redacted] and have now invaded my property? SMRC should be asked to pay for my spraying of St John's wort. I had zero in my paddocks – it entered via the side of the road.

Now the larger you make the landholdings; the more weeds Snowy Monaro will have because it becomes so much more expensive and time consuming for each landholder to manage them.

The equation is simple. Less landholders = more weeds and more feral animals. If Council increases the MLS to 100ha it will be a losing battle. An increase of the MLS to 200ha will be a disaster. The only rational response for landholders will be to reintroduce grazing animals to control weeds; this will have an environmental price on marginal agricultural land such as that in the northern Canberra corridor.

A Negative Vision

Low population density

This DLRUS is the plan you adopt if you want to keep population growth out of the Snowy Monaro Region. It will keep the number of businesses and residents low, the rate base narrow, the coffers of the Council empty and the people devoid of much needed services. What a sad vision to consider for our region when the opposite could be the case if we chose to grow.

Killing off Communities

Outside the towns, the DRLUS will destroy communities. It will

- Cause population numbers to stall at unacceptably low levels
- Lead to school closures in small communities as happened in Jerangle
- Mean that the local rural fire brigade will not have enough healthy adults to fight the next fires that arrive on our properties, as undoubtedly, they will at some stage in the future.

Without schools, without fire brigades, without other community associations, there is no community.

Impoverishing our region

Our region is already struggling and relatively impoverished.

- Snowy Monaro's median weekly household income is $1,593. Neighbouring Queanbeyan Palerang residents enjoy a weekly household income of $2,295. (ABS 2021).
- Over a year that adds up to $36,504 in household incomes – a big difference.
- SMRC has a population of 21,000 and 2,700 kms of roads to maintain.
- QPRC has a population of 63,000 and half the length of roads to maintain.
- SMRC is proposing an MLS ranging up to 400 hectares.
- QPRC has adopted a maximum MLS of 80 hectares.

The vision of Council staff described in the DRLUS is to keep Snowy Monaro small and poor, with the scanty population confined to the towns. The countryside, devoid of people, will be the domain of weeds, pigs and deer. How sad. I reject this vision. We can do better!

52
See Spreadsheet
Saved in file

[redacted]

From: [redacted]
Sent: Monday, 20 February, 2023 1:32 PM
To: [redacted]

Subject: Petition against the draft Rural Land Use Strategy
Attachments: STOP RLUS Petition Submitted.xlsx

Follow Up Flag: Follow up
Flag Status: Completed

Dear Councillors and Council Staff,

Please find attached a petition signed by **1,247** people opposing the current draft Rural Land Use Strategy.

A handful of individuals have signed with their initials only. There are numerous reasons why this might be the case of which I am sure you would be aware.

The petition was conducted through Change.org and can be accessed at: https://chng.it/fMv7pKNM96

The Petition States:

The Snowy Monaro Regional Council has proposed a Rural Land Use Strategy that includes re-zoning of rural land *across our region which will place significant limits on management and use of the land and will introduce more red tape for landowners. The strategy also massively increases the minimum lot size for building a house across most of the region, and removes lot averaging that today allows people with multiple lots to combine them when looking to build. It does so contrary to the advice of the community reference group established after the community rejected the previous version with similar problems.*
This radical strategy will have a significant impact on land values and the wider economy. ***It has potential to impoverish many families whose property values could fall below what they paid for them.***
This is not what we elected the current Council to do and it needs to be stopped!!!
Please read the strategy at the Council website and then sign the petition if you agree with me that it should be stopped.
If we must have a new strategy, it must:
1. Not increase Minimum Lot Sizes for dwelling approvals.
2. Support agriculture product diversification by setting Minimum Lot Sizes for dwelling approval in all land currently zoned RU1 at 40 hectares.
3. Not rezone rural land to environmental or RU2 zones without individual land owner agreement.
4. Harmonise labels use rules by adopting all current land uses for RU zoned land in the current LEPs that do not require consent in any of existing three LEPs.
5. Support diversification by adoption of open land use options for rural land for allowable uses with consent.
6. Retain lot averaging in the former Cooma shire and adopt it everywhere else. This will allow landowners to build on unproductive areas of land and provide additional housing so desperately needed.
7. Protect the equity of land owners with property on crown roads by ensuring building entitlements are not removed.
Thank You

[redacted]

53

[redacted]

From: [redacted]
Sent: Monday, 20 February, 2023 6:35 PM
To: [redacted]
Subject: Submission: Draft Snowy Monaro Regional Local Environmental Plan
Attachments: 230220 Letter to Snowy Monaro Council and 2 attachments.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mayor and CEO
On behalf of [redacted], I attach a submission for Council's consideration.
Regards
[redacted]

[redacted]

[redacted]

Please note that this email is a private and confidential communication from me to the named recipient.

DST
LEGAL

Our Ref: [redacted]

20 February 2023

Snowy Monaro Regional Council
81 Commissioner Street
COOMA NSW 2630

By email: [redacted]

Dear Mayor and CEO

Submission: Draft Snowy Monaro Regional Local Environmental Plan

I act for [redacted] – a community association consisting of approximately [redacted] members. I am instructed that most of the association's members live and work in and around the Monaro Plains and Cooma.

[redacted] submits to Council that the updated Planning Strategy and LEP ought to contain new provisions to ensure that the visual, heritage and biodiversity values of local, State and national significance are protected from unsuitable industrial development, including from the immediate speculative threat of wind farms which property entrepreneurs are currently prospecting for short-term profit in the iconic Monaro Plains.

To this end, my client has sought specialist planning and environment legal advice from [redacted] of the NSW Bar regarding Council's review of its draft land use strategies and local environmental plans. I attach [redacted] opinion as to provisions which he considers should be included in the Draft Snowy Monaro LEP 2022 and LSPS. [redacted] adopts [redacted] suggestions (see for instance, paragraph 10 a)-e) and paragraphs 23-29) and for the reasons set out in his memorandum of advice.

[redacted] submits to Council that the new LEP should apply a scenic protection and/or heritage overlay to The Brothers landmark. Council should also consider an amendment to the planning scheme prohibiting industrial development within 10 kilometres of The Brothers; alternatively, buffering from industrial development all land in the Monaro Plains adjacent to the highway between Cooma and Nimmitabel.

Liability limited by a scheme approved under Professional Standards Legislation

[redacted]

In support of the association's submissions, I attach the following documents:

1) advice from [redacted], NSW Practising Counsel, dated February 2023;

2) letter from [redacted] which I am instructed is dated 2006 and was submitted to the National Trust.

Thank you for your consideration.

Yours faithfully

[redacted]

MEMORANDUM OF ADVICE

Review of the statutory planning scheme applying under the Environmental Planning & Assessment Act 1979 to the assessment of a new wind farm in theMonaro local government area.

To

[redacted]
Solicitor

[redacted]

[redacted]

February 2023

Review of planning scheme for assessment of new wind farms in Monaro

A. Context of this advice

1. DST Legal acts for [redacted] which is an incorporated association whose membership is principally comprised of community members, landowners and occupiers in the Monaro Regional Council local government area. The Association also operates under the name [redacted] (with [redacted] for [redacted]).

2. [redacted] is particularly concerned with recent interest shown by the entrepreneurs scoping the area for suitable sites to be developed as windfarms. While I understand [redacted] supports renewable energy and a low carbon economy, it sees the potential location of windfarms in the Monaro landscape as wholly incompatible with the unique visual catchment of much of the Monaro area, and its high environmental and heritage values.

3. As an example, I am instructed that one company prospecting for suitable sites in the area has proposed a new wind farm with up to 45 tall turbines of up to 266 metres high, on both sides of the road from Cooma to Nimmitabel. The location of wind driven turbines in that location would undoubtably have drastic impacts on the pristine rural landscape of the area. The impacts would be felt not only in terms of fundamentally changing the iconic visual catchment of the Monaro Plains forever, but also through major impacts to the natural and indigenous heritage associated with "The Brothers".

4. The Three Brothers are a series of hills set in a naturally treeless plain deriving from three weathered ancient volcanoes which I understand to be a critical aspect of the local indigenous cultural heritage. They are depicted in this image:



5. The intrusion into that landscape of wind turbines which are as tall as CBD office buildings would undoubtedly be both significant and profound. To ensure aviation safety, tall wind turbines must be lit. Given the very low incidence of light pollution sources in the vicinity of the Monaro Plains and The Brothers, the light spill impacts of wind farms at night is another factor that would profoundly change the area. The potential impacts of wind turbines on birdlife (specifically Wedge-tailed Eagles, which are common in the area) were given weight by [redacted] of the Land & Environment Court in *Taralga Landscape Guardians Inc v Minister for Planning and RES Southern Cross Pty Ltd [2007] NSWLEC 59*.

6. For that reason, I am instructed that [redacted] is keenly interested in the presently advertised proposal of Snowy Monaro Regional Council to review its Draft Land Use Strategies and Local Environmental Plans which will see the current Bombala, Cooma-Monaro and Snowy River Local Environmental Plans (LEPs) updated and consolidated into one comprehensive plan covering the whole Snowy Monaro Local Government Area.

7. The Council's website states that the current review originates from Council's Local Strategic Planning Statement 2020 (LSPS) which identified the goals of an updated planning regime to be to:

   - Encourage environmental sustainability and connection to heritage
   - Support growth and change
   - Protect the capacity of productive rural land
   - Provide efficient, safe and sustainable infrastructure

8. Mindful that those 4 objectives will not always be compatible when applied to a particular project on specific land, [redacted] is concerned to ensure that the updated Planning Strategy and LEP contains provisions which will ensure that all of the visual, heritage and biodiversity impacts of a proposal are accorded proper weight in any planning assessment, and that to the extent possible new wind farms are suitably located.

B. My review

9. To that end, I have been asked to review the planning scheme presently regulating new windfarms in Monaro and NSW, including particularly the interrelationship of provisions

of local planning instruments which would be called up by the required statutory assessment and the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (**Infrastructure SEPP**).

10. Suggestions are made as to provisions which should in my opinion be included in the Draft Snowy Monaro LEP 2022 and LSPS, to ensure any new wind farm is properly assessed. They include:

    a) The new Snowy Monaro LEP should list The Brothers as both a Heritage Item and an Aboriginal place of heritage significance in Schedule 5 of the LEP.

    b) An additional objective should be included in the RU1 Zone of the new Snowy Monaro LEP to the effect:

        "(x) to avoid development which will substantially intrude into and alter the scenic landscape values of land within the zone".

    c) The new Snowy Monaro LEP should include a specific provision requiring the impact of development on the scenic values of significant rural landscapes and natural features to be considered in the assessment of a development application for significant development.

    d) Include within the revised Planning Strategy (and any DCP to be developed for the new LEP) a map of preferred and undesirable locations for major electricity generating works using wind energy having regard to the comparative impacts that windfarms would have on different areas. The preferred (and undesirable) locations for wind farms should be based on an objective study of the Local Government Area, so that there is a reasoned basis to oppose any poorly located wind farm application proposed in future.

    e) Include within the associated DCP and within the revised Planning Strategy a list of considerations to be taken into account when assessing the suitability of major electricity generating works in a particular location.

11. Before explaining those recommendations, I survey relevant features of the present statutory scheme and associated instruments and policies of particular relevance to the assessment of wind farms in NSW and the Monaro.

C. Planning assessment of a new wind farm in NSW

The *Environmental Planning and Assessment Act 1979* (**EP&A Act**) and Regulation 2021 (**EP&A Regulation**) together set out how the assessment of proposed new development is to be carried out. For all development for which development consent is required, S 4.15 identifies the planning considerations which must be considered in the assessment of the development application (DA). Relevantly, the consent authority is required by that section to consider as they relate to the land the provisions of—

(i) any environmental planning instrument, and

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

(iii) any development control plan, and

(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

12. The first thing to be observed is that under Schedule 3 of the EP&A Regulation any wind sourced electricity generating station will be classed as "designated development" for which particular assessment requirements will apply including the mandatory preparation of a "Environmental Impact Statement" in the prescribed form, additional notification, and 3rd party appeal rights for objectors. Relevantly, a wind farm will be designated development if it produces more than 30 megawatts of electrical power.

13. The "*environmental planning instruments*" which must be considered relevantly include local environment plans (LEPs) adopted at local government level, Regional Environmental Plans (REPs) at regional level, and State Environmental Planning Policies (SEPPs) at state level.

14. In this case, the Infrastructure SEPP applies across NSW. It includes at Part 2.3 Division 4 provisions which regulate "*electricity generating works*". Clause 2.36 in that Division provides relevantly:

> **2.36 Development permitted with consent**
>
> (1) Development for the purpose of electricity generating works may be carried out by any person with consent on the following land—
>
> (a) in the case of electricity generating works comprising a building or place used for the purpose of making or generating electricity using waves, tides or aquatic thermal as the relevant fuel source—on any land,
>
> (b) in any other case—any land in a prescribed non-residential zone

15. Under Clause 2.7 of the Infrastructure SEPP, the SEPP will prevail to the extent of any inconsistency over the LEP. What that means is that irrespective of what the new Snowy Monaro LEP 2022 says, wind farms will be permissible on land in a rural zone (such as the RU1 zone applying to most of the Monaro Plains) provided that development consent can be obtained.

16. Furthermore, clause 5.12 of the LEP (which is a mandatory provision of all LEPs reads:

> **5.12 Infrastructure development and use of existing buildings of the Crown**
>
> (1) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2.

17. The result is that there are limits upon the new Snowy Monaro LEP 2022 purporting to prohibit or restrict wind farms on any non-residentially zoned land (particularly where the facility would be conducted for a public authority), because the Infrastructure SEPP could override such provisions. A suitably drafted provision of the Monaro LEP which set out

considerations for the appropriate location of a wind farm would not in my opinion be caught by that the SEPP provision.

18. However, there is nothing in the Infrastructure SEPP which prevents the LEP from including considerations that might be taken into account when considering an otherwise permissible form of development (such as wind farms).

19. In my opinion, the existing provisions of the Cooma-Monaro LEP and the Draft Snowy Monaro LEP (and associated DCP and Draft DCP) are wholly inadequate to assist in the assessment of a wind farm application. There are no explicit provisions requiring the assessment of visual and other impacts (such as light spill and noise) likely to arise in a wind farm development to be considered in a rural zone. Council's "Snowy Monaro 2042 Community Strategic Plan" provides at Objective 3.2 that Council should "Have in place land use controls that protect the natural environment landscape including visual and scenic values" but the new LEP will not do this in the RU1 zone, other than the vague requirement to have regard to the objective of protecting 'areas of visual and scenic quality". Planning Priority 2 of the proposed LSPS is similarly vague.

20. The only heritage nominated to be protected is narrow, being either a small number of aboriginal sites, and items of western built heritage. The Brothers are not mentioned.

21. In my opinion it is critical that those deficiencies should be corrected with the new LEP. While (for the reasons discussed) those provisions will still not be able to prohibit or restrict approval for a wind farm, it might still assist in a DA being rejected.

22. The objectives of the new Snowy Monaro LEP stated at the proposed clause 1.2 do contain a reference to visual impacts in the following terms:

> **1.2 Aims of Plan [compulsory]**
>
> (1) This Plan aims to make local environmental planning provisions for land in Snowy Monaro Regional local government area in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.
>
> (2) The particular aims of this Plan are as follows

...

(a) to protect historic, environmentally significant and cultural sites and areas of visual and scenic quality, ...

23. What I recommend is first that an additional objective be added to the zone (and I suggest the RU2 zone as well) which is more specific. The objective I have suggested is:

" - to avoid development which will substantially intrude into and alter the scenic landscape values of land within the zone".

24. Because that objective does not prohibit any electricity infrastructure use of land, but rather regulates the consideration of whether a particular proposal is acceptable, it would not be inconsistent with the SEPP and would in my opinion continue to apply to a wind farm DA.

25. I also suggest that a provision be included in the specific provisions of the draft new LEP (I suggest as an additional Miscellaneous Provision in the LEP) to the effect:

"5.?? In the assessment of a development application for development which will have a significant effect on the scenic attributes of the Monaro Plains, the consent authority will have regard to the importance of visual impacts to the natural and rural character of the area.

26. Finally, I suggest that The Brothers is added to the list of heritage items in Schedule 5 to the proposed new LEP. I observe in that regard that although clause 5.10 of the LEP is directed to "environmental heritage" as well as built heritage, the items listed in Schedule 5 are narrowly concentrated on Western instances of built heritage. I understand The Brothers to be important to the Western and natural heritage of the region. The Brothers are also I understand important to the aboriginal customs and beliefs of the *Ngarigo* People who are the traditional owners of the area. They should therefore also be added as an item of Aboriginal places of heritage significance (of which there are sadly only two examples currently proposed in the current draft LEP).

27. Including provisions which purport to prohibit wind farms in either the LSPS or any DCP will face similar difficulties if they traverse the express permissibility of wind farms in the SEPP. However, there would seem to be utility in the Council producing a reasoned study

as to where wind sourced electricity infrastructure would best be located. Any LSPS (the document whereby Council is obliged to set out its 20-year vision for the local government area, and detail how change is to be managed in conjunction with changes to the LEP) should address new pressures on the area for unsympathetic development. Wind farm development can be expected to impose such pressures.

28. Irrespective of the hierarchy of planning instruments, such a considered study would provide an objective basis for the evaluation of a wind farm proposal when lodged in the Region. If through no other means, such a study would be relevant to a DA assessment under the "public interest". At present I understand there is no objective study at all which leaves the Council vulnerable if windfarms in undesirable locations are proposed.

29. Again, discussion in the LSPS of where infrastructure of that kind should be located may prove similarly crucial if a DA is lodged.

D. Way forward

30. For the reasons set out in the introductory portions of this advice the impacts of new wind farms on the Monaro Plains would have a dire impact on the visual and natural attributes of the area. At present, the planning relevant to where wind farms should be located is at best vague.

31. I have proposed above various changes to the draft Snowy Monaro LEP currently subject to consultation prior to adoption as a draft and exhibition.

32. The conflict provisions of the Infrastructure SEPP and the compulsory clause 5.12 of the Standard Instrument make it difficult for a Council to restrict the development of windfarms, especially where they are proposed on behalf of a public authority. Nonetheless, it remains my opinion that resistance to DA's for inappropriately located facilities would be assisted by measures such as tightening the objectives of the LEP and the RU1 zone, adding an express consideration for the location of wind sourced electricity infrastructure, listing The Brothers as items of general and Aboriginal history, and (through the LSPS and any DCP prepared) mapping the preferred areas for such infrastructure after a focused study.

33. I would be happy to consult with Council assessment staff directly in conference with you if it will assist in an improved planning outcome in this important area of concern to [redacted]

[redacted]

[redacted]

[redacted]

February 2023

The Brother's

To Whom It May Concern

The hills south of Cooma are significant cultural landscapes for the Ngarigo people and their descendants. The Ngarigo people named these hills the **Gugang**. The **Gugang** was a summer seasonal teaching place. It was a place to camp and catch certain grass birds, reptiles and small marsupials.

The story of the **Gugang** is an important teaching lesson for locals. The Ngarigo believe that one day a grandmother and grandfather went camping with their grand sons. They camped in the **Narrawallee** the long grass country.

One day, while camped in the **Narrawallee** the grandfather said he had to go south to check on some special things he had left in the bush some time ago.

As days went by, the grandmother became concerned and sent the grandsons south to search for their grandfather.

As they arrived at the grandfather's camp, they searched and searched for their grandfather but he was no were to be heard or seen; only the camp fire he had used.

So the grandsons covered the fire place with rocks, dirt and stones. This old camp fire today is known as Delegate hill.

As time went on, the old grand mother became concerned for the grand sons she had sent south to look for their grandfather. So she covered over their campfires with rocks, dirt and stones.

The Ngarigo believe that the spirits of these ancestors still roam the Gugang and Monaro searching for each other.

These old campfire places are locally known to the Ngarigo as the **Gugang**.
For the non Indigenous community they are referred to as the Brothers.

Note: For the Ngarigo people, the significant shape and location of these types of formations, represents old covered up camp fire places in the landscape.

Yours in Unity,

[redacted]

54

[redacted]

From: [redacted]
Sent: Monday, 20 February, 2023 2:57 PM
To: [redacted]
Subject: Submission - Draft LEP and Land Use Strategies
Attachments: Draft submission.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi SMRC Strategic Planning staff [redacted]

Please find attached a submission on the Draft LEP and Land Use Strategies. Very impressed with the work you have done.

Sorry but I couldn't sit back and say nothing with all the rubbish being put around, there is a lot of misinformation and self-interest out there.

I request that my personal details be removed where (or if) possible.

Please call me or [redacted] if you want to discuss any aspect – happy to do so.

Have fun!!

Kind Regards

[redacted]

[redacted]

19 February 2023

CEO & Strategic Planning Staff

SMRC

Via email to: [redacted]

Subject: Submission – Proposed SMRC Local Environmental Plan and Land Use Strategies

Thank you for the opportunity to make a submission on the proposed SMRC LEP and Land Use Strategies.

I request that my personal details be removed where possible, to avoid potential conflict and repercussions to me due to [redacted]

I own land zoned RU1 in the [redacted]. I am not seeking changes to any of the controls shown in the draft Strategies/LEP that apply to my land.

I provide the following comments:

Land Use Strategies

The Land Use Strategies and the various supporting documents, and in particular the *Rural Land Use Strategy* and *Holding Analysis and Land Capability Assessment* provide a far more comprehensive examination of land use constraints and opportunities than previously undertaken by a Council in the Snowy Monaro area.

I commend SMRC staff for the work undertaken. I note that the Councillors are required to set aside individual interests and local politics and act in the best interests of the area as a whole, and in accordance with the guiding principles of the *Local Government Act*.

Minimum Lot Size (MLS) for Subdivision of Agricultural Land

Please do not be the Council that diminishes the agricultural capacity of the Monaro area by applying a 40Ha MLS for all RU1 land just to appease the lifestyle block development wishes of a minority of landowners.

Cutting up agricultural land into lifestyle blocks is simply not sustainable.

SMRC clearly articulated its intention to value and support on-going broadscale/extensive agriculture as a viable industry when it adopted its *Local Strategic Planning Statement* (LSPS) in May 2020. It is therefore logical that protecting agricultural land from fragmentation into under-productive (or non-productive) 40Ha blocks, to support lifestyle choices essentially for the Canberra commuter market, is fundamental. Applying a higher MLS will assist in the retention of larger holdings for agricultural purposes.

In my opinion, the proposed changes to MLS shown in the draft documents are sensible, and I consider this to be a pro-active change to protect agricultural land from further fragmentation.

The detail provided in the *Holding Analysis and Land Capability Assessment* provides sound justification for the proposed changes to the MLS, and is consistent with the views expressed and already adopted by Council through its LSPS regarding the protection of agricultural land.

The level of misinformation being disseminated by some members of the public, various 'community' groups, and in some instances, individual Councillors, particularly around the MLS for subdivision of Agricultural (Primary Production) Lands, is quite concerning.

While the 40Ha MLS has applied in the Bombala LEP for a considerable length of time, it was not based on any documented methodology – it is simply a carry-over of an historical MLS provision which the NSW Dept of Planning had not previously seen a need to vary, due to the minimal demand for 40Ha subdivisions in the former Council area. During the process to move to the Standard Instrument LEP's, an offer was made by the NSW Department of Industry and Investment (Agriculture) to assist the Council in establishing MLS for Rural Land, however, this was not taken up, with the provisions from the 1990 LEP retained (reference: *Bombala Land Use Strategy 2010*). It is certainly time to modernise outdated planning provisions.

There have been several 'opinion' pieces in various media formats suggesting the application of a 'blanket' MLS of 40Ha for all RU1 zoned land, promoting the authors' opinions of the so called 'benefits' of lowering the MLS. It appears to be no coincidence that some of those promoting a blanket 40Ha MLS would directly benefit from such a reduction in MLS for potential future subdivision of their own holdings.

However, such a proposal would not be consistent with the *Ministerial Directions* published for Primary Production lands, which are listed in Section 2.1 of the *Holding Analysis and Land Capability Assessment*, and would also contradict SMRC's Planning Priority 5 from its LSPS which is to *"Promote, grow and protect agricultural production and industry"*.

There has also been a 'petition', apparently authored by a current Councillor, circulated on social media and via some of the 'community' groups, seeking to influence the outcome of the proposed changes to MLS. The contents of the 'petition' are misleading and inaccurate, especially around the purported 'benefits' of a 40Ha MLS, and in relation to the 'averaging' provision as it currently applies to Rural land. The legality of the petition's author to vote on any matters evolving from it may be questionable.

The suggested reasoning for splitting farmland into lifestyle blocks to suit the Canberra commuter market is fundamentally flawed. The narrative proffered through the 'petition', and comments apparently attributed to some Councillors, completely fails to recognise 3 critical factors relevant to minimum size holdings for agricultural purposes on the Monaro – being soil capacity, rainfall, and climate.

While allegedly quoted 'leading industry groups' are said to have stated that '40Ha is all you need for sustainable agricultural production' – you have to wonder whether those allegedly making such comments had factored in (or were even advised of) the Monaro's general lower capacity soils (in many areas), historically lower annual rainfall patterns, and as stated by a Councillor at the extraordinary Council meeting on 30 January 2023, a limited 'growing season'.

In my view, the comments made at the extraordinary meeting of 30 January 2023, completely contradict the commentary and reasoning for a blanket 40Ha MLS for RU1 land. During that meeting (approximately 45:45 in the live stream recording) it was stated (in relation to low rural rates) that this *"reflects the low productivity of our rural land – you can't grow anything on my farm for 7 months of the year, I had a frost this week – in the middle of summer, compare that to the Liverpool plains or some of the deep soil country….the economic output is less"*. This was supported by comments from others stating *"that's a very good point"*.

Using the Liverpool Plains as an example, however, has further contradicted the reasoning for a 40Ha MLS. The MLS for RU1 land in the Liverpool Plains LGA is 200Ha.

The Liverpool Plains Council was created in 2004 from the former Quirindi, and parts of the former Parry, Gunnedah, and Murrurundi Council LGA's. In formulating the Liverpool Plains LEP 2011, the 200Ha MLS replaced a previous 40Ha MLS which existed in the former Murrurundi Council area. (Reference: *Liverpool Plains Shire Growth Management Study and Strategy 2009*). So even in some of the most fertile and productive farming land in NSW, 40Ha was not considered as a viable size for agricultural purposes.

There is also a need to correct the misconception in the comment regarding the basis for the 'lower' rural rate. The comparatively lower farmland rate (for properties in the former CMSC area) reflects the former Council's actions in applying a lower farmland rate to provide 'assistance' to farmers during drought periods in the 1990's, which was balanced by applying a higher rate to the Business category.

This is illustrated in past DLG/OLG comparatives where the average Farmland rate in CMSC was consistently in the lowest 10 of all NSW Councils (at times in the lowest 6 in the state), while the average Business rate was often the highest of Group 10/11 Councils. CMSC began to marginally adjust the imbalance between farmland and business categories from about 2012/2013 or so (by less than 1% yearly) however this action was affected by the Merger which required rating patterns to be frozen.

While it might be suggested that rainfall variability could be managed with irrigation from surface or ground water, it remains that the only entitlement a landowner has under the *NSW Water Management Act* is to access water (subject to various limitations) for *stock and domestic* purposes. Accessing river, dam, or groundwater for irrigation of crops, plantations, orchards etc is not permitted under the 'stock and domestic' purposes definition, and would require a water extraction license, which are subject to quite limited catchment allocations. There is no guarantee that such licenses would be granted.

Given those obvious limitations, it is difficult to see how anyone could successfully argue that the future of agriculture on the Monaro relies on 40Ha allotments.

The 40Ha minimum lot size from the former *Monaro Planning Scheme Ordinance* (in force from the 1960's to 1999) delivered many poor examples of 40Ha subdivisions in rural areas. Perhaps individual Councillors are either unaware of, or dismissive of these examples. Such subdivisions, while legally created at the time, have over time clearly demonstrated that smaller lots are not value-adding in a meaningful way to agricultural production. Many in the Bredbo/Michelago area are essentially just 'lifestyle' blocks for the Canberra commuter market, with very little (if any) livestock or other agricultural activity.

It must also be recognised that where genuine grounds for a smaller MLS might exist, a landowner can seek a variation through an individual Planning Proposal.

Additionally, all LEP's contain provisions (Cl 4.6) to apply for variation of development standards in individual situations where it can be demonstrated that the development standard is *"unreasonable or unnecessary"* based on the circumstances of the case. This provision should be relied upon where genuine cases are presented.

Applying a blanket 40Ha MLS for RU1 land is therefore not necessary, as the Planning System already provides flexibility and capability where genuine cases are presented to vary such development standards.

Comments made regarding the Federal Government's methane reduction targets for agriculture are also misleading. It is quite a stretch to use the proposal to reduce methane emissions from ruminant livestock as a means to influence others to promote a reduction in MLS for RU1 land. Thankfully, the majority of people are not likely to be so naïve as to accept such propositions.

Meat and Livestock Australia (MLA) adopted a 'Carbon Neutral by 2030' program (*CN30 Roadmap*) in 2020. This program aims at achieving net zero greenhouse gas emissions by the red meat and livestock industry by 2030. MLA states that "*The Australian red meat industry has already made big inroads towards CN30. Net greenhouse gas emissions have fallen 57% since 2005, representing by far the greatest reduction by any sector of Australia's economy*". (MLA - CN30 Road Map – page 3).

According to media releases from both the Federal Government and industry groups including the National Farmers Federation, there is no compulsion to reduce herd/flock numbers or to impose additional taxation on meat producers as part of a methane reduction or Carbon reduction program. Comments made suggesting otherwise are therefore lacking in fact and substance.

RU2 zone

In my opinion, the proposed introduction of the RU2 zone in the draft LEP appears to be reasonable, and provides 'buffers' between RU1 land and Environmental Lands.

I do not agree with commentary from some 'community' groups that RU2 is in any way removing genuine agricultural land uses, as the proposed land use table for RU2 appears to adequately cater for the variety of proposed land uses likely to be undertaken in such areas.

Rezoning/change to MLS in Smiths Road area

The proposed rezoning of the northern section of Smiths Road area from C3 to C4 appears to have merit, and the change to MLS will see further residential/lifestyle subdivisions and additional dwellings.

This area is, in effect, a rural suburb of Canberra, being geographically isolated from SMRC service centres and fundamentally reliant on the ACT for things like schooling, health care, commercial and retail services. As stated in the *Holding Analysis and Land Capability Assessment* (Section 4.10, page 64), "*Consideration should be given to the infrastructure available, maintenance requirements and the distance to services when considering an appropriate minimum lot size".*

Council must consider how it can reasonably and efficiently provide services to a growing resident population in this area.

For example, the waste and recycling collection service currently provided to the area is likely to be inadequate with even minimal additional housing in the area. This should be examined, with alternative options for provision of services properly canvassed and costed. It would appear that the only feasible alternative would be to engage contracted waste and recycling services from the ACT, which are likely to be more expensive than in-house services.

Allowing a higher density of residential settlement in this area may also create an increased demand for community and recreational facilities – with limited land available for construction of new facilities.

Residents had previously raised issues in relation to home-care services for ageing residents – again it would appear that such services would need to be provisioned from the ACT.

Possible change to MLS in some areas already affected by 40Ha subdivisions

In my view there is an opportunity to examine the potential benefits or otherwise of lowering the MLS for some properties in the Canberra corridor which were created from previous 40Ha subdivisions. Some of these areas have draft MLS shown as 100Ha (for RU1) and 200Ha (for RU2), which might be unnecessary given that most (if not all) of the 40Ha allotments already contain a dwelling.

Some shown as RU2 in the Michelago area could be examined and possibly changed to C4 Environmental Living as for the northern part of Smiths Road. This may provide for a limited number of additional 'lifestyle' blocks for the commuter market in areas where the land has already been removed from agricultural production and enable better use of existing infrastructure.

For example, the 40Ha subdivisions in the Ryrie Hill Road/Ryans Road/Baroona Road/Mount Livingstone Road/Lawler Road/Willows Road areas, which are already serviced by existing Council-maintained roads, could potentially be further subdivided into say 15/20Ha allotments.

There would be no need for creation of new roads, but developer contributions from subdivisions could be used to upgrade the existing roads. Additional housing in these areas will create additional demand for services, but would make provision of some existing services, such as roadside waste and recycling collection, more efficient/viable (i.e. the trucks pick up more bins per km travelled). This could be achieved without impacting on the aims of the Michelago Masterplan.

Settlement Strategy

There is commentary regarding examination of servicing options (water & sewer) for potential further residential development in the Dairyman's Plain area.

Investigations were made into the serviceability of this area by CMSC (approx 1990's). SMRC's water/wastewater division should be able to provide information from those earlier studies. The proposal at that time was considered unviable.

Issues had also manifested where construction of additional bores in this area affected levels in Groundwater aquifers, reducing the capacity of existing bore supplies for stock and domestic purposes.

Note also that parts of this area were previously identified as being potentially subject to naturally occurring asbestos.

The *Employment Lands* section of the *Settlement Strategy* requires revision and updating as it still references the *possibility* of the Snowy 2.0 project gaining final approval.

This is an important element to enable planning to be undertaken now to encourage the establishment of new or expanded industrial activities to cater for the post-Snowy 2.0 era.

Thank you.



55

[redacted]

From: [redacted]
Sent: Monday, 20 February, 2023 8:23 PM
To: [redacted]
Cc:
Subject: [redacted] submission in response to the Draft Rural Land Use Strategy
Attachments: [redacted] Submission to Draft Rural Land Use Strategy 2023.docx.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear [redacted]

Attached for your consideration is a submission from the [redacted] in response to the Draft Rural Land Use Strategy.

Please don't hesitate to contact me if you have any questions or would like to discuss.

Best wishes, [redacted]

[redacted]



[redacted]

[redacted]

[redacted]

SUBMISSION

Prepared in response to

THE DRAFT
RURAL LAND USE STRATEGY

February 2023

Introduction and summary of [redacted] Position

[redacted] thanks the Snowy Monaro Regional Council for the opportunity to comment upon the Draft Rural Land Use Strategy 2022-2042 (DRLUS).

This submission speaks only to the DRLUS as it applies to the Michelago region and north of it to the ACT border ('the northern Canberra corridor region'), which we submit has distinct characteristics that warrant a different approach to planning and land use strategy.

This region is ideally suited to environmental conservation and tourism. Very little of it is suitable for agriculture, and creating minimum lot sizes (MLS) that assume viability of agricultural business is optimistic but misguided.

We submit that the appropriate MLS for the northern Canberra corridor region is 40ha, and this would allow for desirable development that benefits the environment, the sustainability of the region, and the Snowy Monaro rate base.

Input from the Michelago Community

The only feedback we have received in relation to the DRLUS has been in relation to the minimum lot sizes (MLSs). This feedback has been unanimously aghast at the proposed increases to MLSs, and questioning of their rationale.

Many landholders are currently struggling with out of control weed and feral animal populations, and are querying how the proposed large lot sizes could possibly be manageable. Some question the viability of communities in the northern Canberra corridor region, citing its need for lot sizes that encourage rural and eco-tourism and the wealth this brings to the region. Others are deeply concerned about the likely resulting decrease in property values, services and quality of life.

The [redacted] community points to the development on Mt Burra Estate in Snowy Monaro, Burra in Queanbeyan-Palerang, and neighbouring Royalla. The minimum lot size along [redacted] generally ranges from 2 hectares to 16 hectares. The contrast of these neighbouring areas with the proposed 200 ha MLS could not be more stark.

Minimum Lot Size

We submit that:

1. increasing the MLS to 100 hectares for RU1 land in the northern Canberra corridor region is ignoring the reality of what has already happened in this area and its potential for sustainable tourism and innovative small-scale agriculture, and
2. converting areas to RU2 and increasing the MLS to 200 hectares will not achieve the desired results but will result in undesirable unintended consequences..

The main issues are weed and feral animal control, viability and sustainability.

The land in the northern Canberra corridor region is generally either poor grazing land or forested riparian or mountain terrain. As the consultation documents recognise, the region is unsuitable for cropping, and grazing is marginal and has adverse effects on the environment.

The recommended MLSs in the DRLUS seem to be premised on the Holding Analysis and Land Capacity document (Appendix 1). The maps in this Appendix do not support the proposition that the northern Canberra corridor region has any significant viable agricultural land.

This mapping indicates that only small areas of high value agricultural land exist in the Snowy Monaro LGA, and that these are predominantly between Cooma and Bredbo and near Nimmitabel. We submit that consideration of these areas is irrelevant to the zoning of the northern Canberra region. It is difficult to see how any of the northern Canberra corridor region warrants zoning for the preservation of agricultural land.

> **Figure 5** shows that only small fragments of this area have good land soil capability, and while the map is unclear it appears that these are forested or riparian areas that are not suitable for agriculture,
>
> **Figure 6** - inherent soil fertility - shows 'moderate fertility' for much of the Michelago and northern region, however much of the area so labelled is riparian land along the river, and is zoned E3, and on the eastern side of the Monro Highway and Burra Road the land is only marginally suitable for grazing,
>
> **Figure 7** - identifies areas as 'grazing and native vegetation', including virgin riparian areas in the same category as tree-less paddocks -we submit that this is not useful for the purposes of the DRLUS.

While there are remnants of grazing in the northern Canberra corridor region this will become less attractive as climate change makes conditions even less predictable and emissions reduction imperatives render broadacre grazing of ruminant animals more problematic.

Zoning and MLS decisions arising from this process have the potential to bolster or to depress the future of the region. We submit that ground truthing is essential to ensure the decisions made reflect the current reality and true potential of the region.

NSW and SMRC strategic objectives will not be met

While applying the proposed MLSs per the draft might appear at first sight to promote the objectives of the Local Strategic Planning Statement 2020 (LSPS), we submit that this is not the case for the northern Canberra corridor region. These objectives, and our response to how they are not met, are as follows:

- promote environmental sustainability
    - large, commercially un-viable lot sizes will allow the already chronic weed and feral animal problem to worsen ,
- promote connection to heritage
    - viable, connected communities will promote connection to heritage - large vacant lots will not,
- support growth and change
    - the proposed large lot sizes will inhibit growth and change that could improve both environmental sustainability and connection to heritage,
- protect the capacity of productive rural land
    - the productive capacity of the rural land in the northern Canberra corridor region is marginal at best, and as above, is likely to worsen,
- provide efficient, safe and sustainable infrastructure
    - obviously large, unsustainable lot sizes will not further this objective.

We submit that the Policy directions set out in the DRLUS would be advanced by reducing the MLS for the areas proposed for RU1 and RU2 zoning in the northern Canberra corridor region. These objectives, and our response to how they are not met by the proposed MLSs, are as follows:

- protection of scenic landscapes, environmental values and respond to natural hazards
    - our scenic landscapes need people to protect them from the threats of weeds, feral animals, and natural hazards; locking them up in large unmanageable lot sizes ensures only that they will deteriorate and be unprotected,
- encourage agricultural production, protect regionally significant agricultural land, limit land use conflict, increase diversity and resilience
    - the land of the northern Canberra corridor region is not regionally significant agricultural land
    - the existing land use conflict is between feral species (weeds and feral animals) and our precious natural ecosystems; landholders are increasingly alarmed at the scale of the problem, a problem that exists equally on council owned and managed land
    - the only conflict we have heard of between agricultural land use and residential development is the inability to build much needed housing on rural land
    - to increase diversity and resilience we need a viable population capable of maintaining the land - including for weed and feral animal control, firefighting (RFS) volunteers, and innovation,
- provide infrastructure to service rural businesses and manage it in a sustainable way
    - large, commercially unviable lot sizes will not further this objective
    - the development of sustainable rural businesses requires that lot sizes be manageable and viable,
- safeguard existing major industries and encourage emerging industries
    - to the extent that there are existing industries on rural land in the northern Canberra corridor, they are not major (remnant grazing businesses, firewood)
    - the clear emerging industry is rural and eco-tourism, which will be discouraged by the proposes zoning and MLSs
    - while not an 'industry', an emerging trend is landholders entering into conservation covenants for the purpose of protecting and enhancing the native environment - this highly desirable trend will be all but extinguished if MLSs are too large to manage
- Provide opportunities for rural tourism in appropriate locations
    - we submit that the northern Canberra corridor region is ideal for rural and eco-tourism, and that promoting this kind of development will ensure a workforce capable and motivated to manage the existing feral problems, to protect environmental values and to manage land so as to minimise natural disaster risks.

We submit that the objective to provide rural dwelling options where associated with commercial agriculture is largely irrelevant to the northern Canberra corridor region for the viability reasons set out above.

In terms of providing transparency and certainty for rural landholders, we submit that a minimum lot size of 40 ha is appropriate for the RU1 and RU2 in the northern Canberra corridor region. We submit that the arguments for RU4 Primary Production Small Lots set out in Appendix 1 apply to the northern Canberra corridor region:

- the proximity of Canberra provides access to a customer and employment base, and allows for focused and strategic infrastructure provision,
- as is set out in relation to the areas around Adaminaby and Berridale, a 40ha MLS is appropriate to ensure that lifestyle lots and rural residential living is not encouraged

In conclusion, and for the reasons set out above, we submit that zoning and MLSs for the northern Canberra corridor region should be considered separately from other regions in the LGA, taking into account its unique characteristics.

56

[redacted]

From: [redacted]
Sent: Thursday, 16 February, 2023 2:14 PM
To: [redacted]
Subject: RE - [redacted]

Dear Council,

We oppose the proposed increase in land size allowable for sub-division for our lot for the following reasons -

- There are numerous suitable building sites on our property, suitable from an aspect, access, bushfire, view consideration
- Proximity to Jindabyne, East Jindabyne Amenity.
- Demand and scarcity of housing in our community, we can be part of this solution.
- Developing our property is part of our livelihood, and part of why we purchased our land less than 5 years ago.

We agree with the change from RU1 to RU2 zoning, this still allows us scope to undertake desired activities and development, including eco tourism, housing, and farming activities.

The advice we have received from a town planning consultant is that the change in zoning and the change in lot size can happen independently of one another. Some of the topography on our property is not suitable for housing, however some of it is, and 40hectares very close to town as we are, is still large parcel of land. One of our neighbour is in the process of a 7x40hectare lot sub-division.

Furthermore we would like for council to come and inspect some of the proposed sites on our property which would make fantastic building envelopes. Presently no one from the planning department has been onsite to inspect so we can only assume this proposal of change has been undertaken via mapping or an algorithm. To arrange an inspection you can contact me on [redacted] or email - [redacted]

We look forward to your response and meeting onsite.

Cheers,

[redacted]

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[redacted]

58

[redacted]

From: [redacted]
Sent: Monday, 20 February, 2023 6:36 PM
To: Draft LEP
Subject: [redacted] submission on Draft LEP
Attachments: Draft LEP Submission.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Please find our submission attached.

Submission on Draft Snowy Monaro Regional Local Environmental Plan 2022

20/02/23

From:
[redacted]

We are writing in the hope of improving Councils understanding of the existing management of our holding & how it is already meeting the stated objectives of the proposed zone without the need for change.

We speak from deep knowledge & experience which has included:

- Some of the founders of the [redacted]
- On the steering & subsequent management committee for the [redacted]
- On Councils own [redacted] for a period
- [redacted]
- On the management committee for the [redacted]
- Consulting work for [redacted]
- Participant in [redacted] & invited guest speaker for Australia New Zealand [redacted]

So can say with certainty that to be effective & successful the LEP first has to recognise the value of people in the landscape, not simply concede they may exist or take away their rights & livelihood. As it stands it provides no certainty, only the prospect of increased control without benefits.

The Draft LEP proposes to change the zoning of our holding to a new category of RU2 relegating & locking it into "low value land" with limited & prescribed list of uses thereby reducing its future value, limiting the economic capacity needed to meet its management needs & killing innovation.

Whilst at same time Council is also imposing massive rate increases further compounding this effect. So we are facing a double hit.

At its core the RU2 zone assumes a lack of alternative uses to nature conservation & visual amenity with some concessions to extensive agriculture. Nominally there may be a range of other permitted (limited list) of uses but only with consent, without providing any understanding of the threshold requirements needing to be met or the likelihood of a successful application although by implication will be difficult. All with additional but unknown costs to the landholder. It grudgingly concedes recognition of existing uses that might otherwise be excluded (provided by other legislation) but also allows for these residual rights to be extinguished should they lapse & cease to operate for a period of as little as 12 months.

Our property is used for private forestry & agriculture & has been for several decades. We have always striven to understand the environment in which we live & work. Some of that history is relevant here: Following extensive research we lodged a land clearing application in the mid-late 1980's that was noted as the largest such made in the Southern region being for some 400ha out of the 1000ha of [redacted] & yet it was approved without alteration, moreover the Regional Director of the consent agency responsible (Forests NSW) had the letter of recommendation received from consultation with NPWS framed & hung above his desk "As proof that agency could agree on

something". It included retention of extensive wildlife corridors within the zone to be cleared & buffer zones around major drainage lines which later became standard practice in policy sate wide. The majority of this area was treated & so substantially modified from what is assumed in the attributed land class Council has applied.

We subsequently amended our plans allowing regeneration & operation of mixed agriculture with analogue forestry (mimicking local systems) rather than traditional farming as it provided better outcomes across all values & wrote a paper on management of dry native forest as a background for a sustainable firewood business as one of the mixed farm enterprises being undertaken. This saw us hosted to a meeting at Parliament House Canberra, including dozens of senior researchers & bureaucrats where after giving our presentation the then federal Secretary for the Primary Industry stood up & declared that up until 15 minutes earlier the only economic use for dry native forests in the region was burning them periodically to reduce the fire danger…We were subsequently hosted by the Federal Department of Environment to field days & conferences around the Eastern States & recognised as experts in dry native forest management. Our forest management principles were adopted in other states & for FSC certified forests in some of the Pacific Islands. We were subsequently also recognised for our expertise in bioenergy & biochar, both its clean production & use.

In the early 2000's CSIRO Ecosystems did a study on our properties management & concluded that "There were no net landscape losses including soils, water & biodiversity, moreover there was a greater quantity & quality of biodiversity in our managed areas compared to adjacent un-managed or any of the nearby nature reserves or National Parks" (pers.comm Jacqui Stohl CSIRO).

Another study conducted a few years ago with the DNA tracing of eagles through collection of shells below nesting sites showed all the eagles now present within the Cooma-Canberra Corridor & extending towards Goulburn came from just a single breeding pair that my father prevented neighbours from shooting back in [redacted] & whose nest was on the home property at the time & actively protected, a brave stand at the time but part of who we are & legacy continued.

- *The direct actions of owners on the ground gave the result, not any government policy over the same period.*

It is worth noting that NPWS practice minimalist, primarily passive management across the majority of parks (which appears to be the intent in the LEP regarding RU2) & the regular biodiversity studies conducted consistently show continuing decline over the period of management, even across very large contiguous areas.

We have actively tried to encourage local regional koala populations to use our property for decades & have fought fires under difficult conditions in the bush in the 1980's through to the present specifically to protect critical habitat & a local population in the range near the Jerangle Road. We even approached National Parks & Wildlife at one stage as to whether we could have some of the koalas relocated to us that were being culled from 'overpopulated' areas (which was refused on the grounds of potential 'genetic contamination of local groups'). It was only relatively recently that we learned from a visiting indigenous land manager why we were not seeing Koalas despite having some areas of suitable trees, the supporting forest structures & routes for the animals to travel need more work. This kind of knowledge & the changes required to achieve the aim is critical too future preservation/re population efforts but I have not seen it in any other plans beyond our own.

After decades of looking the first Koala was seen on a neighbouring holding during the 2019-2020 bushfires only because the efforts of our family, friends & neighbours saved several thousand hectares allowing some refuge which otherwise had been left to burn by authorities (& doing so

against their advice & wishes). All the nearby critical habitat where they normally resided was razed during this period. Uncontrolled bushfire & the now apparent policy of the RFS to not fight fires in the bush are the single biggest threat to areas like ours in the Snowy Monaro Region. ONLY active efforts by local property owners on the ground have saved any chance of local populations of animals continuing to exist, the koalas being just a small albeit more public face of this.

- It feels very much that we are now being punished for such good deeds.

Again we would reiterate the property to day has the biodiversity values it has through active management, not as a result of passive restrictions.

- If through policy Council remove the incentive for such actions then the result can only be the complete loss over time of many of the values they espouse to protect.

- Economic use & retention/enhancement of biodiversity are not mutually exclusive & in this regard we already meet or exceed the claimed objectives for the zone (without any changes).

- Our property is debt free & viable as a result of our own management yet retains its landscape values. It is unclear that it can maintain that status in the future under the Councils proposed changes in LEP.

We have faced many challenges in retention & management of our property over the decades, but challenges are what drive innovation. It is not just about management techniques but also the development of new strategies & the tools to carry them out. As a result we now have proven supporting technologies developed from our experiences here that can transform not just our own holding.

Today without this proposed change we are progressing with ever more mature management strategies from a lifetimes experience, these also involve planning new enterprises & products from our holding taking into account the proximity to Canberra & its international airport, the suitability for environmental/farm tourism experiences but also the unique technology developed that will see our reliance on external inputs such as fertilisers, fuels & chemicals slashed to a fraction of what would normally be needed. Indeed Council & the community it serves would greatly benefit in its use in its own right. There is so much more we could say, could contribute.

That is if our future & that of our children is not taken away by being relegated to being just a backdrop to increase the perceived value of some subdivision small holdings in the area.

Yours sincerely,

[redacted]

59

[redacted]

From: [redacted]
Sent: Monday, 20 February, 2023 3:52 PM
To: [redacted]
Subject: My comments

Follow Up Flag: Follow up
Flag Status: Flagged

Greetings

I would like to make comment on the proposed LEP in regard to minimum lot size and subdivision as presented in the fact sheet. I do this with a huge doubt that what I have to say will make any difference as other people have experienced in the past. I have [redacted] of land near Nimmitabel which currently exceed the MLS for a dwelling but will not under the proposed LEP. These are [redacted] distinct parcels of land that have existed in their current form for a number of years, i.e. not subject to subdivision , and have direct access to the Monaro Highway. These blocks were purchased knowing that they were above the MLS and a considerable amount of money has been spent on access in order to comply to council rules. How many others have invested in the same way and will be disadvantage now that the goal posts have been changed? I suspect that council will be spending a lot of time in the Land and Environment Court given some of the large investments in Jindabyne that will now be affected. Will investors such as I be entitled some form of compensation?

I see that the new MLS around Cooma will be 80 ha. Why can't the smaller places such as Bombala,Numeralla,Nimmitabel and Berridale be allowed to have smaller lot sizes in their surrounds to build on, what is so special about Cooma? It has been proven that these small area farms spend a lot in their local communities and boast the local economy. As an example my neighbour ,who operates on about 300 acres ,has built a house, a number of sheds, new cattle yards,new fencing and runs a cattle stud and of course purchases local products to maintain their business. All this on country that used only run about 300 wethers (castrated sheep, similair to the way landholders will feel when this is all over).

Much has been said in the fact sheet about the remaining opportunities for new dwellings under the new LEP. This is totally misleading as many of these sites would be unsuitable to build on for a number of reasons and many of the owners would not want to build on also for a number of reasons including that they would have a house on another property or they would not be allowed to build due to other council restraints. I wonder who makes up this rubbish thinking people are fools.

My thoughts on some of the points in the fact sheet:

"**our current LEP's have an inconsistent approach to minimum lot size**"

So the proposed new lot sizes are all the same? I don't think so. This whole proposal is discriminatory.

"Avoiding fragmentation of productive agricultural land"

This will not be so for some parcels of land in their present form.

"Servicing and maintenance of infrastructure, particularly roads"

Not so in my case having direct access to the highway

"Land that is an existing holding under the Snowy River LEP 2013 will have five years to submit a development application to secure a dwelling and a further five years to commence construction."

Why is this option not available to everyone?Again, an example of discrimination.

"Retain character of the landscape"

Almost makes this whole thing laughable when the proposal to build a wind farm near The Brothers is considered. Is that not going to affect the character of the landscape as most people are saying?

"Protecting the supply chain for agriculture"

Huh? In the famous words of a well known politician " please explain". It does appear that some of these points are made up just to fill out the fact sheet.

Submitted for consideration

[redacted]

60

[redacted]

From: [redacted]
Sent: Monday, 20 February, 2023 5:22 PM
To: [redacted]
Cc: [redacted]
Subject: FW:
Attachments: SMRC RLUS - Three Big Disruptive Factors.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi [redacted]
As requested here are my thoughts on three big disruptive factors that are/will impact Snowy Monaro agriculture over the next 30 years.

1. **The increasing trend to vegetarianism and veganism** - There is a clear and rapidly accelerating trend towards vegetarianism and veganism in the Australian population. Currently around 12% of Australians are vegetarian or vegan, and the percentage is far higher in younger generations (i.e. around 32% of Gen Y are vegetarian or vegan). As the Snowy Monaro's agricultural output is predominately red meat this reality will have increasing adverse impacts on our agricultural industry without diversification. The United Nations is also encouraging a reduction in red meat consumption globally as part of its climate change abatement initiatives.

2. **Approval of Laboratory grown meat in Australia** – Laboratory grown meat is now approved for consumption in Australia and at least nine businesses are investing to enter the market. This alternate to red meat will quickly enter the market and will thereby reduce the demand from traditionally farmed meat. As the Snowy Monaro's agricultural output is predominately red meat this reality will have increasing adverse impacts on our agricultural industry without diversification.

3. **The 30% methane reduction policy announced by the federal government** – The federal government has adopted a 30% reduction target in agricultural methane by 2030. This will likely be achieved by introducing a sales tax (paid by vendors) on the sale of cattle and sheep or by mandating the feeding of stock seaweed supplements (most likely to avoid paying a sales tax). Each policy approach would have similar impacts of increasing supply costs and ultimately reducing consumption.

These three factors will serious challenge our local agricultural industry due to their combined pronounced impact on demand for our red-meat and wool. It is imperative that the RLUS considers the need to diversify our agricultural production as a result.

Please add this report to the consultation submissions also.

Regards
[redacted]

From: [redacted]
Sent: Monday, February 20, 2023 5:12 PM
To: [redacted]
Subject:

Key factors not considered in the Rural Land Use Strategy and the LEP

Introduction

The Rural Land Use Strategy and the LEP, as drafted, do not seem to have considered how our rural lands can be best utilised and how to ensure agriculture will remain a key contributor to our economy in response to the three big external factors:

1. **The increasing trend to vegetarianism and veganism** - There is a clear and rapidly accelerating trend towards vegetarianism and veganism in the Australian population. Currently around 12% of Australians are vegetarian or vegan, and the percentage is far higher in younger generations (i.e. around 32% of Gen Y are vegetarian or vegan). As the Snowy Monaro's agricultural output is predominately red meat this reality will have increasing adverse impacts on our agricultural industry without diversification. The United Nations is also encouraging a reduction in red meat consumption globally as part of its climate change abatement initiatives.
2. **Approval of Laboratory grown meat in Australia** – Laboratory grown meat is now approved for consumption in Australia and at least nine businesses are investing to enter the market. This alternate to red meat will quickly enter the market and will thereby reduce the demand from traditionally farmed meat. As the Snowy Monaro's agricultural output is predominately red meat this reality will have increasing adverse impacts on our agricultural industry without diversification.
3. **30% methane reduction policy** – The federal government has adopted a 30% reduction target in agricultural methane by 2030. This will likely be achieved by introducing a sales tax (paid by vendors) on the sale of cattle and sheep or by mandating the feeding of stock seaweed supplements (most likely to avoid paying a sales tax). Each policy approach would have similar impacts of increasing supply costs and ultimately reducing consumption.

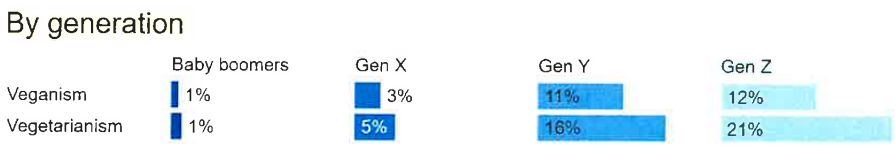
These are major, disruption-level, factors that will substantially impact traditional meat and wool production and producer revenues for decades. As red meat and wool is the current overwhelming focus of Snowy Monaro agriculture (i.e. around 90% of output value), these factors will devastate our agricultural industry, and therefore our broader economy, unless we quickly commence diversification of our agricultural production. Note, traditional diversification into fodder cropping will likely not be a viable alternative as demand for fodder will fall as their will be less animals requiring feed due to the three factors listed above.

It is vital that the Rural Land Use Strategy anticipate the consequences of these disruptive factors and encapsulates the flexibility needed for our agricultural industry to adapt. However the draft strategy does not achieve this and, the current land zoning proposals (and associated usage rules) and minimum lot sizes proposed will hinder the adaptation. If the current draft were to be implemented it will lead to a smaller agricultural industry, much land becoming abandoned to weed and pests, and a significant and prolonged decline in our region's economy.

The rise of vegetarianism and veganism

A clear and long run trend to vegetarianism and veganism is occurring in Australia. A Morgan poll conducted in 2016 demonstrated that 2.1m Australians or 11.2% of the Australian population lived completely or almost meat-free. According to Diet Statistics Australia, in 2022 the percentage of vegetarian or vegan Australians had increased to 12%.

While this trend has already impacted on our agricultural industry, alarmingly for red meat producers vegetarianism and veganism rates are dramatically increasing inversely to the average age of Australians. According to data from Diet Statistics Australia, the percentage of non-meat eaters in the population increases dramatically with a decrease in population cohort age. See the following graph:



According to the data above, Australia can expect to see a rapid decrease in domestic meat demand of more than 25% progressively over the next 30 to 50 years. This assumes, of course, that existing meat eaters do not substitute part of their existing meat consumption with plant-based foods. Also, as the data above shows that generational food choice trends are amplified in the subsequent generation, then the generation following Gen Y is likely to consume even less red meat.

Past trends that have seen meat consumption increase as economic wealth rises, provides some hope that export markets will consume more Australian meat in the future. However this must be balanced with the global agenda to reduce greenhouse emissions achieved by transition to global diets with reduce meat consumption[1].

Laboratory grown meat

It may sound like science fiction, but laboratory meat is now in commercial supply. In Singapore, for example, Eat Just gained approval to sell nuggets of laboratory grown meat to consumers in December of 2020. The Australian laboratory grown meat industry has also established itself and is growing. According to The Farmer, there are nine cell-based agriculture start-ups growing meat, milk, and cell media – a concoction of proteins, electrolytes, sugars and lipids which feed the cells, so they divide and multiply – plus scaffolds which turn mince-like products into three-dimensional pieces of meat. For example, Magic Valley has announced plans to offer a range of what it describes as "cultivated meat" products in the Australian market. Likewise Cultured Meats is planning to enter the market with lab grown meat products and also lab grown leather.

Food Standards Australia New Zealand (FSANZ) has confirmed lab grown meats will be covered by existing guidelines when an application is received.

Lab grown meat has potential to reduce demand for traditionally farm grown red meat quickly. This will be achieved in two ways. The first will be by targeting consumers who are motivated to change their purchasing based on ethical issues. For example, some meat consumers may be more likely to purchase lab grown meat as it has not been slaughtered or subject to emotive husbandry practices (e.g. mulsing). Secondly, as laboratory meat production scales can be produced at volume year round and in locations convenient to mass-production food factories, it will likely enter the canned and ready-to-eat food market (e.g. tinned ravioli, or a read to heat lasagne picked up at a supermarket). Labelling confusion and a lack of market protection measures may mean that it quickly reaches a point where there is serious damage to the demand for farm grown red meats.

Analysis of the impacts of methane reduction policy

Recently the federal government endorsed President Biden's request to reduce methane emissions from agriculture. Specifically, the Australian government agreed to reduce our agricultural methane emissions by 30% by 2030. That is less than seven years away.

This major policy announcement has an amazingly short timeframe. In respect to reducing methane from grazing animals to the target level, we will either need to reduce the national herd and flock, or massively expand the fledgling methane reducing seaweed supplements industry. In terms of the latter, Australia will need to establish enough farms to produce the right type of seaweed, factories to refine raw seaweed and package the final product, and to build a distribution network to get the supplements to farms. Presumably the distribution network will need to be low emissions too. The government will also need to develop regulation mandating supplement use and create an enforcement and compliance regime to make farmers feed the supplements to their stock. This will likely involve a sales tax being introduced for livestock that have not been fed supplements. Doing this in seven years is almost impossible, making the implementation of a broader sales tax on meat and wool a more likely initial policy approach; especially as producers and retailers seek certainty as 2030 approaches.

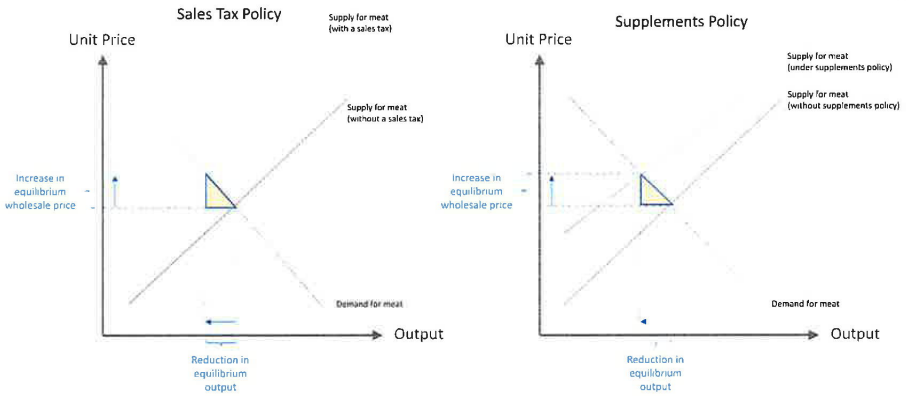
Impact of methane reduction policy on meat production

Economically a sales tax or a requirement to feed animals supplements have similar effects (see the diagram below). That is, they will each artificially increase the cost of producing meat. This in turn will result in an increase in the wholesale market price for meat and ultimately an increase in the retail price too. As a result, the market will demand less product and producers will reduce herd and flock numbers accordingly. This then will cause a reduction in methane emissions.

The magnitude of the reduction in stocking levels is known under a Sales Tax Policy (STP) approach (i.e. 30%), but unknown under the Supplements Policy (SP) approach. This is because the cost of supplements is unknown at this stage, however this has been suggested as being as high as $1 per animal per day. This value is perhaps credible when considering the enormous amount of capital that must be invested in seaweed farming, processing, packaging and low emissions distribution that will need to be recovered over time, and the huge input and labour costs, to supply and distribute supplements to where the livestock are. Then there are the massive on-farm costs to receive, unpack, and feed the supplements to stock (perhaps

[1] The UN IPCC special report on climate change and land by the Intergovernmental Panel on Climate Change (IPCC) describes plant-based diets as a major opportunity for mitigating and adapting to climate change — and includes a policy recommendation to reduce meat consumption. See https://www.ipcc.ch/srccl/

involving daily mustering into feeding areas). These costs are likely to be so high that many farmers will simply decide to reduce their herds and flocks by 30%. This will likely be acceptable to policy makers as it will be far more achievable than the massive subsidies needed to support seaweed feed manufacturing and its supply chain. Note, the Supply curve under the Supplements Policy will shift upwards but will also change shape as their will be economies of scale in on-farm costs.



As the cost of supplements (delivered to farms), value of possible government subsidies, and the on-farm costs are all unknown at this time, it is therefore impossible to know which policy approach will have the most impact on farmers. However, there is every possibility that the Supplements Policy option would be worse for farmers and the output of meat and wool than a Sales Tax Policy. Should this be the case then we can expect that the government would be pressured to offset the costs for farmers by redistributing the tax collected on the sale of supplements to farmers. However, as the tax collected will be a small percentage of the cost of supplements this will not fully compensate farmers, leading to a reduced output and higher wholesale and retail prices for meat.

The area in the diagrams above shaded yellow are what economic theory refers to as the "Dead Weight Loss" caused by the market manipulation of these types of policies. This is the amount of economic damage caused by the tax. In this case this would be manifest as a reduced spending by farmers on maintenance of land brought out of production (e.g. lower purchases on fertilizer, fencing equipment, fuel, tractor services, herbicide, casual labour, etc). All of which are very bad things for our broader economy.

Impact of methane reduction policy on wool production

The impact of methane reduction policy is likely to devastate the wool industry unless it is implemented globally, or unless wool sales are subsidised by the government. The latter is unlikely to fully compensate farmers for the same reasons noted above, and would face concerted position in the World Trade Organisation forum. This is because the demand for Australian wool is predominately offshore and, as Australia has learnt the hard way over many years, is in-elastic in nature (i.e. Australia is a "price taker"). As such any increase in price will dramatically reduce Australian wool sales. So either farmers will need to accept far smaller incomes, or they will exit the market. While some wool producers, for example superfine wool producers, may experience reduced impacts due to the limited supply, this is a small component of the Monaro's production. Also, as some producers will shift into these products, price competition will reduce returns over time.

In summary, methane reduction policy will be very bad for Snowy Monaro wool producers and production, and for related industries also.

Why we need to reduce, and not increase, minimum lot sizes and retain lot averaging

I am one of the few Snowy Monaro region farmers who is actively investing in diversification away from livestock. My business now involves [redacted]. We have further diversifications planned. I have been able to diversify my business because I have qualifications and experience in forestry and horticulture, and due to the availability of funds for investment. I would suggest that few of the Snowy Monaro's farmers, despite their excellent skills and knowledge in their current farm uses, will have the required knowledge and capital to invest in similar diversifications. This therefore means that many will seek to divest portions of their existing cattle and sheep farms as they become unneeded for production in order to invest (off farm) the capital

realised to offset their living expenses. New entrants seeking to operate non-meat/wool farms will seek to purchase some of these portions in order to farm alternate products. However, the current draft Rural Land Use Strategy has been mis-configured to promote this urgently needed diversification.

I have spoken to many agricultural product societies and peak bodies in Australia seeking their advice as to the minimum lot size required to for commercially viable production. Almost all have advised that commercially viable production can be achieved on 40 hectares or less.

Product	Minimum land required for commercial viability	Rationale	References
Apples, Pears and Stone Fruit	15 ha	64% of the NSW apple orchard properties are between 1 and 30 hectares of productive orchard. **Only 20% are greater than 40 hectares.**	NSW DPI, Apple Industry Baseline Survey 2019. https://www.dpi.nsw.gov.au/__data/assets/pdf_file/0009/1207089/NSW-Apple-Industry-Baseline-Survey-2019.pdf
Aquaculture	3 ha to 10 ha	Pond based fresh water fish aquaculture incorporating hydroponic or irrigated crop growing systems are **on average 10ha.** Shed based farms can operate on 3 ha.	Discussion with NSW Aquaculture Association. Note, the Triton Trout Farm located on the Goobarragandra River just outside Tumut operates on 3 ha. The Snowy Mountains Trout at Jones Bridge Road, Blowering Dam Tumut looks like it uses just 6 ha (using Google Earth).
Berries	6 ha	"There are many profitable berry growers using around **6 ha**".	Quote from Rachel MacKenzie, Executive Officer of Berries Australia in phone interview of 23-8-21.
Cropping	50 ha	The average land used for Barley crops in NSW is 128ha (excluding mixed farming businesses where the average size is smaller). The average land used for grain legumes in NSW is 63 ha (excluding mixed farming businesses where the average size is smaller).	Australian Bureau of Agriculture and Resource Economics, Australian vegetable-growing farms: an economic survey, 2017–18 and 2018–19. https://www.agriculture.gov.au/abares/research-topics/surveys/farm-survey-data, The average quoted is the higher of the 18-19 and 19-20 data.
Chicken & Eggs	20 ha	20 hectares would allow a flock of 100,000 free range chickens (i.e. up to 10,000 per hectare is allowed), with substantial rotation space	Advice from Australian Eggs website.
Goat Dairy	13 ha	Only small acreage is needed to run a commercial goat's dairy. Most are shed-based with specific feed provided. "Several successful commercial dairies operate in Victoria on as little as 30 acres."	Telephone discussion Anita Fogg, Federal Secretary, Dairy Goat Association of Australia on 17-8-21.
Olives	5 ha	Table olives 1 to 2 ha for minimum commercial scale. Note the Fleetwind olive grove near Bredbo has 2.9 ha under cultivation. Oil production requires 4 ha (c250 trees per hectare) for commercial operations. Note, The Snowy Mountain Estate olive grove near Numeralla appears to operate on 33 ha, with around 28 under cultivation	Telephone discussion with Australian Olives (NSW) President Michael Tomsett on 18-8-21.
Plant Nursery	5 ha	Advice from industry peak body is that commercial nurseries can operate successfully on as little as 5 acres.	Discussion with Craig Perring, Technical Advisor, Nursery and Garden Industry Australia on 19-8-21.

Product	Minimum land required for commercial viability	Rationale	References
		Note, Monaro Native Plant Nursery near Bombala operates its nursery on a footprint of around 5 ha.	
Pork	50 ha	50 ha is the minimum for a commercial scale piggery, allowing for production and buffers.	Telephone discussion with a policy advisor at Australian Pork, 18-8-21.
Mushrooms	1 ha	Many mushroom farms operate on small acerage. It is possible to build a >$1m business on just a hectare. Note, Majestic Mushrooms Pty. Ltd. is a mushroom growing business situated in Murrumbateman, operates on <4 ha footprint.	Queensland Department of agriculture.
Truffles	3 ha	According to AgriFutures Australia there are up to 300 truffle orchards in Australia with a combined land use of 600 ha. Note, there is a 2 ha truffle farm near Jerangle.	https://agrifutures.com.au/farm-diversity/truffles/
Vegetables	5 ha	More than 30% of Australia's vegetable farms use less than 5ha. 66% utilise 20ha or less.	Australian Bureau of Agricultural and Resource Economics (ABARES) Australian vegetable-growing farms: an economic survey, 2017–18 and 2018–19, Table 11, https://www.agriculture.gov.au/abares/research-topics/surveys/farm-survey-data
Wine grapes	10 ha	Most vineyards in Australia are less 10 ha (based on average size in South Australia). Many operate at 5 ha level. Large scale vineyards commence at 50 ha. Integrated wine production/cellar door businesses (e.g. hunter valley) typically operate at sub 5 ha level.	Telephone discission with Wine Australia's Markets Insight Team on 19-8-21.

While, as demonstrated above, most non-meat and non-wool production requires smaller farms, producing these products are very labour and equipment intensive. Indeed, I spend as much time managing my 2 ha berry orchard as I do in my grazing paddocks. Labour and equipment intensity means that producers will seek to live on their farms to improve the amount of their personal labour capacity allocated to actual work (as opposed to commuting) and to help improve the security of their equipment and their product. Therefore, we need to make sure that appropriate sized lots of farm land becomes available for new producers to enter the market at the right scale and with building entitlements so they can live on their farms (e.g. around 40 ha). Importantly, the scale of the three disrupting factors means that we will need a lot, not a few, of these small farms in order to meet demand for non-meat food products, and to ensure that our region's agricultural industry's economic contribution remains strong. Likewise we will need flexible land use and planning rules to allow for required growing, picking, cleaning and packaging of the non-meat produce. A failure to do so will (a) impoverish meat and wool producers who cannot find buyers for their surplus land, (b) will see new production develop in areas other than the Snowy Monaro having a long term negative impact on our economy, and (c) will see large tracks of agricultural land become abandoned to weeds and pests.

While some new producers will be prepared to buy more land than they need (for example, I might but 100 hectares in order to build a home next to a new berry 6 ha orchard) for their enterprise, the economics and labour requirements of non-meat and non-wool production will mean that most of the land will be unused for production. It will quickly become weedy, infested with pest animals (e.g. a carrot farmer is unlikely to control foxes that keep rabbit numbers down), and overgrown. This will be devastating for native animals and increase fire risk across the region.

Likewise, allowing farmers to build additional housing and ultimately sell-off small portions of unproductive land for housing will allow producers to access capital that can be invested in diversification or off-farm to generate income to replace that lost due to factors outlined above. For this reason we need to retain and expand lot averaging across the whole of the council region.

G1

[redacted]

From: [redacted]
Sent: Monday, 20 February, 2023 12:20 PM
To: DraftLEP@snowymonaro.nsw.gov.au.
Cc: [redacted]

Subject: Submission to Draft LEP from [redacted]
Attachments: [redacted] 2023 LEP submission.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

For you consideration.
cheers
[redacted]

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This email has been checked for viruses by AVG antivirus software.
www.avg.com

Submission to Draft Landuse Policy 2023

[redacted]

The Draft Landuse policy has our parcel of land being changed to RU2 with a biodiversity corridor (Fig 44) and a 200 ha minimum lot size (mls) for building a dwelling.
This is a change from RU1 and an 80ha mls.
Also currently we are mapped by the Transitional native vegetation regulatory map as mainly category 1 as of 19th Nov 2022.

The change to RU2 is not particularly onerous apart from the objective of zone "To protect the environmental significance of certain areas, including koala habitat".
Since the biodiversity corridor covers our whole block what does this mean for our ability to use our land?

From the State Environmental Planning Policy (Koala Habitat Protection) 2021 Part 1 Section 7
'Relationship with other environmental planning instruments'
"In the event of an inconsistency between this Policy and another environmental planning instrument, whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency."
The Koala Habitat Protection policy is onerous. How will the draft LEP be affected by the Koala Habitat Protection policy?

Do we lose our category 1 Exempt land status?
We do have plans to clear areas on our block, that were clear before 1st of January 1990, for horticultural pursuits.
Will our ability to clear land from regrowth be taken from us?
Clarification would be appreciated.

The 200 ha minimum lot size.
If the purpose is to stop the fragmentation of agricultural land, why is it applied to land that by no stretch of the imagination is described as agricultural, extensive or otherwise.
One neighbor has purchased land that is best described as granite mountain top with a covering of trees that happens to be a 198 ha lot that first appears on the fourth edition of the Parish of Tinderry Map (cancelled 21/06/1974).
Is there flexibility in the draft plan to allow them to pursue their totally reasonable dreams?

There are many odd-ball sized parcels of land in this area, hiding in nooks and crannies of the landscape that could not be described as suitable for extensive agriculture.
Council is denying themselves future ratepayers for the sake of this 200ha mls.
Already there are large holdings, greater than 200ha, which have been in effect locked up with zero management of weeds and feral animals and rare visits from the owners.
Perhaps the management goal is for carbon credits.
At least those with smaller holdings make an effort to manage their land.

Yours Sincerely,
[redacted]

63

[redacted]

From: [redacted]
Sent: Monday, 20 February, 2023 11:47 PM
To: Records Snowy Monaro Regional Council; Draft LEP
Cc: [redacted]

Subject: Submission to SMRC on draft Rural Land Use Strategy
Attachments: 2023 Draft RLUS submission.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Council, Councillors and staff, and [redacted] Member for Monaro

Attached please find our submission in relation to the draft SMRC Rural Land Use Strategy. While we support many of the principles and objectives of the strategy, we have a number of serious concerns with some of the proposed approaches to achieving them. We believe they can be achieved in a more pragmatic and nuanced approach, without unnecessary negative impacts on many landholders.

We look forward to working with Council on achieving the best outcomes for our spectacular part of the world, and our significant investments within it. Thank you for the time to develop our submission.

[redacted]

[redacted] [redacted]

20 February 2023

Dear Council, Councillors and staff

We are the owners of the [redacted], a 200ha property located across the top of the [redacted] along [redacted] at the northern end of the Snowy Monaro Region LGA. This letter is our response to the draft Rural Land Use Strategy published by Council in late 2022, and we greatly appreciate the time allowed for submissions.

Our key message is that while we support many of the principles and objectives, we wish to raise serious objections to particular elements, mainly the minimum lot sizes, for a variety of reasons. We believe there are better approaches to achieving the Council's, and NSW Government's desired outcomes, without actively alienating the residents of our wonderful LGA.

Background:

We acquired our property, currently zoned RU1, approximately five years ago, with the intention to develop a prestige, year-round, short-stay accommodation business there in the mountains and bush, to encourage greater visitation to the LGA, from the region, the country, and overseas, and to grow economic activity as we would partner with other businesses across the LGA. These other businesses would provide support and supply services, tourism opportunities, etc. and we have a particular focus on this part of the LGA that does not get the tourism and economic glory of the central Snowy Mountains. Our first development applications are being prepared as we speak, with a world-renowned architect at the helm.

It is worth noting that this property was severely damaged in major bushfires in 1957 and 2009, with little old-growth forest remaining, and much of the vegetation being natural young regrowth. The property was first formally surveyed in 1928 but had been used for up to 50 years before that, and 30 years after, for agriculture, mainly grazing of sheep and cattle. For a time the property was converted to a timber reserve, following the 1957 fire, and many properties along the top of the Tinderry range were cleared for grazing until the 1990s. Our property was returned to freehold ownership sometime around 2000. The property title also has a no-subdivision clause on it.

One of us [redacted] is also the [redacted] part of the broader [redacted] The latter being 7 Landcare groups working together across the northern part of the SMRC region. I am also a [redacted]

We Support environmental values, and alignment of planning frameworks:

We strongly support the need to protect demonstrably environmentally sensitive areas, and to properly manage biosecurity issues such as weeds, feral animals, illegal hunting and illegal wood cutting. We also understand and support the need to harmonise planning processes and rules across the merged Councils, and align rural and settlement strategies. We are very keen and willing to work with our elected Council in a highly constructive fashion to achieve the best outcomes.

We support Rezoning:

1. Unlike the previous draft, moving our property from the current RU1 zoning to the newly minted RU2 appears to be broadly sensible, in OUR situation, and the rules appear to align reasonably well with our intentions.

We have issues with the proposed minimum lot sizes (MLS):

1. We broadly support the concept of aligning MLS, and using them encourage sensible developments. We note Council, and the public, expect that properties are effectively managed and maintained, especially in relation to biosecurity matters (weeds, feral animals) and fire-control. This requires enough people per unit-area to regularly observe and actively respond to issues. Excessively large properties cannot be properly maintained without incurring significant, irretrievable, costs.

2. It is obvious that gently rolling grasslands/pasture is far more accessible and manageable than mountain terrains, especially when they are forested. The former can be managed with sizable machinery, but the latter often requires very small vehicles or often even just walking, and carrying of equipment and consumables. Having the same MLS in both areas is **not appropriate**, and a more flexible approach here absolutely should be considered.

3. In the mountains we observe that a property of 40-50ha is just manageable by two people, assuming they are young, fit and active which is apparently not the case for our LGA, with a 2019 median age (ABS) around 44, about 7-10 years older than any major city or Australia-wide (median of 37.4). Our LGA also has a large proportion of older people (60+) compared to the cities. We should be seeking to attract younger people to live and work on rural properties, not just build up a few of the towns.

4. As the MLS is tied to zoning, we note that RU1 zoning has been divided into 8 regions, somewhat aligned with geophysical parameters, while RU2 zoning is bluntly applied across the entire LGA with a single set of measures. This is not appropriate, it is lazy, and it is like declaring a single speed limit across the LGA, regardless of road surface, topography and curve radii. The RU2 zoning should be applied similarly to RU1, at least in each of the 8 regions, and the MLS with even more nuance. We suggest that the MLS for RU2 be graduated, from the north to the south of the LGA, perhaps aligned with the 8 zones, and an additional modification be included to distinguish challenging terrain from the valley floor. For example (only), 40ha in the mountains and 60ha on the valley floor in the area around Michelago, rising to 150ha in the mountains and 200ha on the valley floor in the southern-most region of the LGA. This is readily achievable, manageable and justifiable.

5. The averaging of properties across the LGA, for the purposes of RU2 zoning, is not appropriate, as the land in the Canberra corridor (zone A) and parts of zone B attracts very different landowners to those further south. The strategies from the NSW Govt and Council encourage the attraction of 'professionals' seeking to live in rural contexts, which is far more common in zone A/B/H than anywhere further south.

6. A value of 200ha for the MLS is very poorly justified, and appears based on erroneous analysis of existing land uses and average lot sizes. In Appendix 1 it is noted that the 'average lot size' in zone A (Canberra Corridor) is 104ha while the majority of landholdings are clearly well below 100ha in size. The 'average' is skewed by a small number of very large holdings. Similarly in zone

B, the 'average' is 211ha, yet 57% of the properties are less than 100ha in size. Other zones show similar errors. Clearly something is fundamentally wrong with this approach, and it cannot be used to justify the proposed MLS thresholds in these areas.

7. The suggestion that the land in zone A is suitable for intensive agriculture is not supported by any actual farmers in the region. Cropping is almost non-existent, and grazing is quite limited until you get past about Bredbo to the south. More nuance is needed, and the data held by NSW Govt and Council needs proper ground-truthing. We suggest that other groups such as LLS, Landcare, the BCT, various ecologists and others have better data that could be used to inform mapping and decision making.

8. We support the concept of larger minimum lots overall, to cap density, but not to actively decrease density. It is likely that increasing the MLS will **not** reduce density as more people will be needed to live on those properties to assist with their maintenance, meaning the risks to lives from fires is unchanged, even though the density of dwellings may be less.

9. Further, tying the MLS to both agricultural purposes (how much land does a profitable agricultural business in the SMR LGA need) and dwelling entitlements is confusing, and inappropriate. As above, dwelling entitlements deal with the density of people and the manageability of the land in question, while agricultural property sizes are better correlated with the location, soil, water, access and climate types of the land in question. Again, a blunt MLS definition is inappropriate.

10. A small note, setting any hard thresholds for the MLS will inevitably cause edge-cases. Our property is "officially" (if inaccurately) sized at 199.8ha. That would imply zero dwelling entitlement. However by acquiring an extra 2000sq.m. (a middling residential block, or three tennis courts, a 0.1% increase) from our neighbour would lead to a dwelling entitlement, even indeed dual occupancy. Clearly this is a silly position. It would be good to see some flexibility in the assessment of MLS against entitlements.

11. We struggle to understand why the western edge of zone B (Eastern Valleys) does not follow any known boundaries, topography, land-types, catchments, or any other measures. Around the Tinderry range it veers oddly out the Eastern Valley area and suddenly encompasses land that is entirely only connected to the Michelago/zone A region. The landholders in that area are far closer to Canberra and have little to do with the Jerangle district, and the catchments, vegetation and soil types are more in line with zone A. This seems an odd error.

<u>Issues with data for decisions:</u>

1. We believe that an evidence-led approach to land management and development control is totally appropriate. However, there are many shortcomings in the data held by Council and the State Government. There are demonstrable errors and gaps in the data, that should be fixed before it is used to guide decisions.

    1. For example, the Council data shows an old corridor for [redacted] beside our property that has not been used in over 60 years, even though Council maintains the road on its actual corridor. Council staff are now aware of that.

    2. There are other errors in boundary lines and reserves, and in land use and history, vegetation types, etc. and a number of our properties in our region are classified as

largely 'unknown' types.

3. References to 'old growth' forest do not reflect the realities on the ground in some places. The fires in 1957 and 2009 destroyed much of the forest across the Tinderry Rd/Calabash area, as shown by aerial imagery from 1961 and satellite images from 2010 onwards, together with youtube footage taken along Tinderry Rd in 2009.

4. The new maps appear to have lost the Scenic Land Protection corridor along the Monaro Highway, which appears to be incorrect. The Murrumbidgee catchment has also been lost, even though Michelago Ck and others further south are major tributaries to that important waterway.

5. Riparian corridors on our property are in the wrong places.

6. The Biodiversity overlays do not align with the NSW Govt biodiversity layers, and the Landslide risk overlays also disagree with the NSW Govt data.

2. In our case, no one from Council or NSW Govt has surveyed our property, to ground-truth the data on which decisions appear to be being made. The only experts (multiple ecologists, botanists, geologists, wildlife experts, park rangers, etc.) that have been to our property in recent years have been there at our instigation. The previous owners never surveyed the property themselves.

Issues for Council:

1. Rezoning, and excessive increases to the MLS, demonstrated to decrease land values due to the reduction in demand for such land, will cause a decrease in rate revenues. Reducing the population will also reduce rate revenue. It is unlikely that many people will move to the LGA to live in a high-density Cooma.

2. The risks and costs that come with rezoning and especially increased MLS will decrease business investment, outside of town centres, which is what most tourists actually come for. The towns themselves are not generally destinations, but bases for activities in the region.

3. As noted above, there is a risk that elements of this strategy become a dampener on population growth, and will limit rejuvenation of the median age rather than just continuing to increase.

4. We fear that it will lead to a reduction in the people and businesses that would support our business.

5. Similarly, driving people out of rural areas will reduce the people participating in the RFS and able to protect assets and lives. The RFS is already strapped for new, younger, volunteers. The RFS, and other groups such as Landcare provide millions of dollars worth of effort and resources to our community, and we should not discourage them from moving to our area.

Issues with adjacency:

1. It is instructive to compare what is happening in adjacent Councils, where they have taken different approaches. This leads a range of literal edge cases, so one side of the road can have extremely different rules applied than the other. Holdings consisting of multiple lots could have

contradictory rules if they sat in different LGAs. An approach that blends smoothly with adjacent Councils would be very welcome.

Moving ahead:

We believe that the intentions to protect the environment are of course laudable, and recognise that the challenge of aligning the three pre-merger LGA LEPs is significant.

Once again we would note, it would have been helpful to start with a highly simplified outline of principles and objectives, and potential pathways, presented for community consultation, that could then have guided the development of the draft RLUS.

We greatly appreciated the time for our submission, and are really keen to work positively with Council to achieve the best outcomes. In our case we have been working closely with several ecologists, university scientists, herbaria, NSW Parks, Australian National Botanic Gardens and others such as Landcare to inform our planning; the environment of our property and the region is a key component of our planned business success, and a key reason why we invested in the first place.

We strongly support a nuanced discussion of zoning, property sizes and associated entitlements, rather than an overly blunt, and perhaps wrong, assessment of property characteristics. We look forward to working with you on optimising outcomes for everyone. If you have any questions we would welcome the opportunity to clarify our submission.

[redacted]

64

[redacted]

From: [redacted]
Sent: Monday, 20 February, 2023 7:02 PM
To: Draft LEP
Subject: Submissions regarding Draft Land Use Strategy & Draft Snowy Monaro Regional Local Environmental Plan

Follow Up Flag: Follow up
Flag Status: Flagged

Submissions regarding Draft Land Use Strategy and Draft Snowy Monaro Regional Local Environmental Plan

Submission Regarding the Draft Land Use Strategy:

For a lot on which a dwelling was permissible at the time of purchase by an owner, that permissibility must be grandfathered (persist).

For a lot on which farm buildings were permissible at the time of purchase by an owner, that permissibility must be grandfathered (persist).

Otherwise, I do not support the proposed affecting changes in the Draft Land Use Strategy and Draft Snowy Monaro Regional Local Environmental Plan, on the grounds of loss of utility, economic loss and equity.

Submission Regarding Draft Snowy Monaro Regional Local Environmental Plan:

For a lot on which a dwelling was permissible at the time of purchase by an owner, that permissibility must be grandfathered (persist).

For a lot on which farm buildings were permissible at the time of purchase by an owner, that permissibility must be grandfathered (persist).

Otherwise, I do not support the proposed affecting changes in the Draft Land Use Strategy and Draft Snowy Monaro Regional Local Environmental Plan, on the grounds of loss of utility, economic loss and equity.

[redacted]

20 Feb 2023

67

Comments on the Cooma Monaro LEP , provided by [redacted]

Firstly, thank you for the opportunity to provide comment on the LEP

My comments focus on the plan as it relates to the northern part of the Smiths Road area in the north of the Council area, and specifically the proposed or possible to allow for small block size 16 Ha.

My comments revolve around my concerns that any rezoning or reduction on average block sizing should be based on sound sustainability principles,

From an environmental perspective, there are conservation values in this area, biodiversity values such as pink worm tail lizard habitat, temperate grassland etc,. It is also a narrow strip between the Murrumbidgee River to the east and Namadgi National Part to the west, and hence potentially an important wildlife corridor and wildlife range (with Wedge Tail Eagles for example being commonly seen).

Also from an environmental perspective, the viability of having an increase number of blocks (and population) from a water resource perspective is an important consideration. In the 2019-21 fire season and the preceding drought, for example, most dams in the area were dry or nearly dry, and the ground water table dropped significantly with many bores ceasing to produce. For part of this time, it was also difficult to get water delivered due to the condition of the road. This raises a number of concerns related to the possible reduced block size and increased population. Is there adequate surface or ground water, without impacting negatively on these resources and current use of these (e.g. current use of dams for stock, etc.). Often new subdivision leads to extra dams being created – I suggest the impact and viability of this would need careful consideration, especially in the light of global warming and increased climate variability.

Related to this is sustainability and safety from a bush fire safety perspective. With the bushland to the west, only one access road (which is in poor condition) and the access road being through a carbon sink / pine plantation, there being limited significant water sources for fire fighting, and one of the two egress points , Angle Crossing, being closed for approximately 3 years, the logic of significantly increasing the number of residents – would need careful consideration , and effective risk mitigation.

All these factors have complex interdependencies and I raise the importance of considering these inter- dependencies . Just for example, in the grass land areas, from observation, frequently people having smaller block size slash significant areas to control the grass fire hazard. This often requires modification or results in modification of the vegetation and hence habitat – with potential impact on biodiversity values e.g. temperate grasslands. . The other main means of hazard reduction (re grass fire) is grazing , which has been a major land use of the area for many years and hence the current vegetation, habitats and vegetation reflect this practice. If the block sizes are reduced, careful consideration needs to be given to the ongoing viability of grazing as an effective means of controlling grass fire hazards(e.g. secure water access on the smaller blocks etc), and if slashing is the main alternative – what are the implications for the native biodiversity and habitats . These I believe are all important considerations.

I also raise that if consideration is given to having smaller block size and hence more people residing in the area, the services to the area will need significant improvement, the road, access across the Murrumbidgee River, and waste management, etc. , for the proposed rezoning or change in block size to be viable.

Changing from the current block size requirement to 16 ha is a big change. If a change is to proceed further consideration should be given to what would be an appropriate size, E.g. why 16ha? Iss lets say 30 ha better option from a sustainability perspective?. I believe it is proposed that the block averaging provisions re block size are to be maintain and I believe this a vert positive option.

Also from a landscape and regional strategy perspective, I raise the potential advantage for the focus of the rezoning to be less on residential, and more strongly focused on allow for or fostering other focuses. For example under the current zoning there are a number of horticultural related activities which do not need a approval to proceed. For a number of these there is proposed tighter control if the zoning changes. I suggest this is reducing existing opportunities and is a negative step. I believe there would be value in specifically mentioning the potential opportunities re rural environmental and conservation based tourism venture and provision be made for these

Finally I welcome the proposed change to allow for a second dwelling / dual occupancy (not sure of the correct term) which allows for a second dwelling to be built on a block with a building permit without it needing to be within 50-100m of the first dwelling. Many in the Smiths Road community are of a mature age (and being able to have a second dwelling for someone to live in and provide the assistance they need) and/or have adult children who wish to live in the community. This I suggest is a positive supportive community based proposal The current restriction of needing to have the 2nd dwelling very close to the first dwelling is not consistent with having a country lifestyle or allowing location and orientation to take advantage of aspect, solar orientation etc.

Thank you for the opportunity to make comments

Regards

[redacted]

68

[redacted]

From: [redacted]
Sent: Monday, 20 February, 2023 5:48 PM
To: [redacted]
Cc:

Subject: Submission on Draft Rural Land Use Strategy 2023
Attachments: Submission by [redacted] - Draft Rural Land Use Strategy - February 2023.pdf

Hello

Please find attached my submission on the Draft Rural Land Use Strategy.

Regards
[redacted]

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This email has been checked for viruses by AVG antivirus software.
www.avg.com

SUBMISSION BY

[redacted] **of**

[redacted]

Re: Snowy Monaro Regional Council
Draft Land Use Strategy

The proposal is to change the Land Use zone for my property from RU1 Primary Production to RU2 Rural Landscape. This appears to be a better proposal than the previous one.

Land Use Zoning

It would almost appear that Council is trying to limit development in outlying areas (ie; not Cooma, Bombala or Jindabyne) in order to limit the need to provide services. The arguments put forward for this limitation are spurious at best. In my area of Tinderry, even though a lot of the land is very rocky, there are pockets that could be ideal for small-scale intensive horticulture such as berry growing or cut flower production. Many areas around Australia have just such pockets of boutique food and flower (and other) businesses that have become a mecca for the city folk to venture to. This type of diversity could be a real growth possibility for our region, if only there was more foresight from the powers that be.

From the last iteration of the Draft LEP, it would seem there still has not been an assessment of social and economic considerations of zoning changes. What will happen to land owners who have a detrimental outcome to future income-earning opportunities from these proposed changes? What will be arranged for suitable compensation where there is an economic loss?

Minimum Lot Size (MLS)

I am utterly bewildered by the proposal to increase the minimum lot size (outside towns/villages) to 200 hectares in order to be able to build a house. I know it's been brought down from the last proposal of 250ha, but this is still so unrealistic.

A few reasons for this proposal are asserted, one being that Council doesn't want further fragmentation of prime agricultural land. It seems, once again, a wide sweep of nearly all land outside villages is being classed as this type. In reality, each area should actually be assessed because, in my area of Tinderry for example, most of the land is simply rock. Maybe some patches can be used for small-area horticulatural projects, but it is certainly not for "prime agriculture". There really needs to be some further assessment instead of a broad-brush approach.

Another assertion is the desire to not have more people living in "harm's way" where bushfire danger is concerned. There is almost no area of our State that would be immune to the risk of being impacted by bushfire (I well remember the number of summers where Lane Cove in Sydney was affected). This is why we have a Building Code specifically for building in bushfire prone areas. People who assert there are areas that should be locked up and excluded from fire are not living in the real world (unless they've found a way to stop lightning happening). It is generally the smaller lots of land (say, 40 hectares) where there are more people who have prepared their land, become trained, and are in residence to actually fight a fire.

I find it ironic that one of the main reasons SRMC give for this latest Draft LEP is to "support growth and change", when the proposed policy of increasing minimum lot size will actively discourage more ratepayers for the Shire (which, as we all know, is in a very poor financial situation).

Another assertion in the Draft LEP documentation is that smaller land holdings will encourage people who are likely "commuters" who won't end up living on that land, thus allowing weeds, etc to go unchecked. Having lived in this local area for over 30 years, I have found that it is often the larger blocks who have absentee owners, whereas the smaller blocks are much more likely to be owner occupied who make a good effort to control weeds, feral animals, reduce bushfire hazards, and create a local community. They are also much more concerned about the local environment and cherish the natural flora, fauna and vistas. Even at 40ha, it is very difficult to effectively control weeds in particular, especially when residents need to work off-site, or are getting older. I feel that the proposed increase to 200ha is only going to result in "Weed Farms" that owners will struggle to make any inroads into (but will have Council on their backs to do so - at the threat of penalty).

In the Tinderries, we are a tight community who have been caring for this land for many years now. We are the ones who work to control weeds, feral animals, erosion and to manage bushfire risk. A MLS over 40 hectares will only result, in time, being a huge pest problem that will represent anything but good land management. I believe my argument is corroborated on page 65 of the previous Snowy Monaro Local Strategic Planning Statement where it states the Michelago area's "fall in production value of the agricultural land has been attributed predominantly to the spread of weeds" and "land use planning does play a significant role promoting sustainable lot sizes". Lots that are too big to manage weeds, is going to result in larger weed infestations because most of the people purchasing larger lots are not doing so to farm them – mainly used as commuter blocks. Rather than locking land up to let weeds grow unfettered, make smaller lots available to give weeds lesser chance. I would be interested to know the logic of how weeds can best be managed on 200 hectares where the land is actually not suitable for extensive farming. Like Bombala, there should be more leeway for smaller holdings.

The proposed minimum lot size of 200 hectares is going to cause weed problems that will get out of control, and lessen the opportunity for new residents (and therefore, rates) at a time where we have a severe shortage of housing, and there is a market crying out for the opportunity to live on small acreage lots in such a desirable region.
It is just wrong to curtail people's plans and wishes for property they either own or may consider purchasing simply to build a house and live on. What's so devastating about "commuter" blocks? I don't see a huge queue of people wanting to buy large blocks to farm. You can still keep current large farms while allowing smaller lots for small/boutique low impact ventures or, simply residential.

By proposing to implement this new minimum across such a large swathe of the region, without proper regard to the actual quality of the various land types, just diminishes the justification for this change.

Once again, what will happen to land owners who have a detrimental outcome to future income-earning opportunities from these proposed changes? What will be arranged for suitable compensation where there is an economic loss?

Please note the rural residents are very cognizant of biodiversity communities, ecological communities, particular flora and fauna communities, but don't forget there are also HUMAN communities to be considered. I mention this because it appears that, no matter what zoning there is, the overarching document throughout New South Wales will likely be the Koala Habitat SEPP. It feels like many human communities are under threat to even have reasonable opportunity and enjoyment of their own property.

Signed:

[redacted]

20 February 2023

69

[redacted]

From: [redacted]
Sent: Monday, 20 February, 2023 10:42 PM
To: Records Snowy Monaro Regional Council
Cc: [redacted]
Subject: submission on Rural Land use Strategy

Please accept the following as a submission from the [redacted] to the rural land use strategy and draft LEP.

The strategy and draft LEP are rejected fully by [redacted]
Council should reform the community reference group and have that group consider the matters before any further action is taken,
the exhibition period should be extended by 6 months.

[redacted]

[redacted]

70

[redacted]

From: [redacted]
Sent: Monday, 20 February, 2023 8:20 PM
To: Records Snowy Monaro Regional Council
Cc: [redacted]
Subject: Submission on Proposed LEP
Categories: [redacted]

Please accept the following as a submission on the landuse strategy and LEP review.

At a recent meeting of the [redacted] the following matters were raised:-

The inclusion of the 2019 Bombala Shire Heritage Study listed sites for Bombala and Delegate as heritage items in the LEP was discussed. There was a great deal of concern expressed by those present, many of whom were owners of the properties listed in the Study. Many are unaware of the listing and those who were are unaware of what the consequences of this listing means. Many, including the representatives of the DPA who spoke to the Heritage Adviser, were of the belief that further consultation would occur with the property owner before any action to place any property on any heritage listing occurred. It is not acceptable that property owners have not been informed of this action. The DPA considers it imperative that further consultation and explanation of what a "heritage listing" means be held with all affected property owners before any listing is undertaken.

The extinguishment of building entitlements on blocks of land under 600 acres in the rural zone was also raised as a concern. This question has been asked by a number of representatives of the DPA in a number of forums concerning the proposed LEP as to whether those blocks currently in existence that are under 600 acres in the rural zone but currently enjoy a building entitlement would retain that building entitlement under the proposed LEP. A definitive answer has not really been given. There are a number of blocks that under the former Bombala Council's LEP had a building entitlement as they were 100 acres or more and had legal access to a Council maintained road in the rural zone. The consensus of the meeting was that the extinguishment of this entitlement would lead to the devaluation of such blocks and also stymie the development of rural areas and surrounding towns and villages.

The absence of any clause giving concessional allotments to rural holdings is also of concern. Again this stymies development in rural areas and helps towards depopulating those areas. It also does not help farming families to smoothly transition succession planning.

As there still appears to be a number of issues and concerns that have still not been resolved, the reforming of the community reference group is suggested to sort out what are considered to be very real unresolved issues in this important planning instrument.

The river corridor on the Delegate River near the water pumping station inlet and the creek adjacent to Wilsons Bridge on the Corrowong Road need to be rezoned as infrastructure to facilitate construction of on stream water storage/s for the Delegate town water supply. As you may be aware Delegate has no raw water storage capacity which means that if the Delegate River stops flowing the town runs out of water the following day. Climate change demands that water security be considered in the LEP. Refer to an application to NSW Water by the former Bombala Council for the details of the proposed storage.

Yours faithfully

71

[redacted]

From: [redacted]
Sent: Monday, 20 February, 2023 5:25 PM
To: [redacted]
Cc: [redacted]
Subject: submission LEP1.docx
Attachments: submission LEP1.docx

Dear SMRC,
Please find attached my submission to the Council regarding the draft Land use strategy and LEP.
Sincerely,
[redacted]

Planning Dept
SMRC
February 20th 2023

[redacted]

Dear Council Planning Dept,

I am a ratepayer and resident of the Monaro for the past 33 years. From the first visit to this unique area I fell in love with what I refer to as Magnificent Monaro.

Every day I marvel at the beauty of the untouched and natural landscape, the incredible sunsets, stormy skies, in drought and in times of plenty, always magnificent.

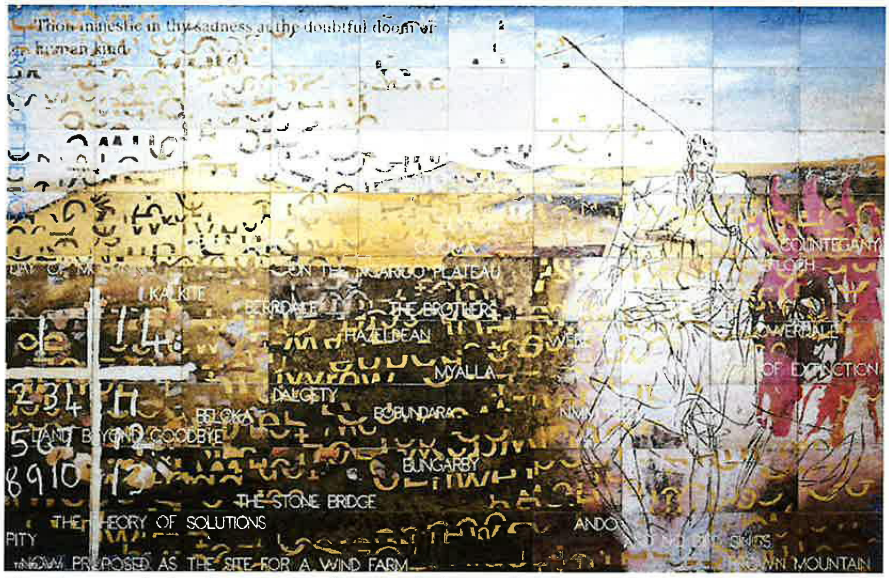
16 years ago we fought against a proposal to put wind turbines on The Brothers and there was much community support and astonishment that this would even be proposed. On the front page of the local paper was a story entitled "Save The Brothers" and [redacted] saying "I don't want to tell my grandchildren how beautiful the Monaro used to be, I want them to see it and marvel at it themselves" Well, today I have 3 grandchildren and feel even more strongly about protecting our valuable and unique landscapes.

Cultural and Heritage significance of The Brothers and The Monaro Plain

The Monaro is renowned for its magnificent Monaro treeless plain, with The Brothers described by [redacted], Geoscientist at ANU as *"the most recognisable and visible landmarks of the vast naturally treeless plain or steppe that is geographically unique in Australia."*.

The name Monaro derives from the Ngarigo word Maneroo meaning womens breast and The Brothers are the best example of this, also being named from an Ngarigo legend.

Artists have been painting and photographing the Monaro Plains for decades, including [redacted] and [redacted] Artists have moved here to paint this wonderful landscape, including 3 renowned artists, [redacted], both whom have won the Wynne Art Prize at the Art Gallery of NSW and have been finalists for many years. They have painted the Brothers on many occasions.



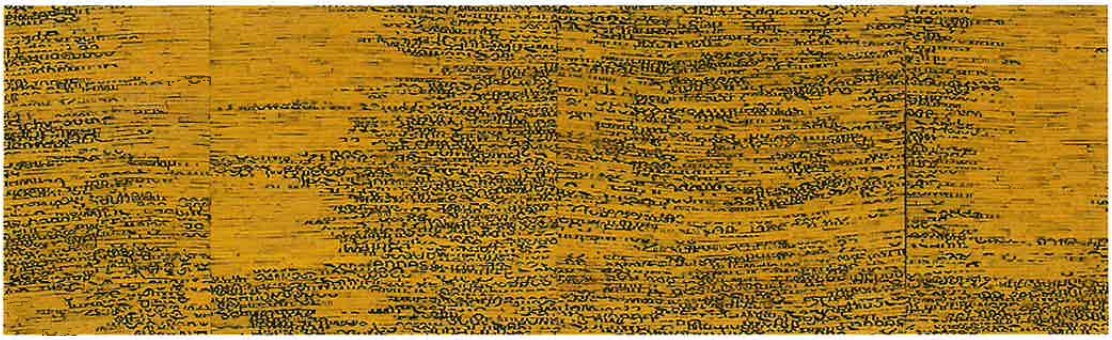
The above painting by Imants Tillers is of The Brothers and is in the Art Gallery of NSW. It was painted in 2005 as a protest against putting a wind farm sited on The Brothers hills.



Painting of The Brothers at sunset by Lucy Culliton



David Moore photograph of The Brothers in the Art Gallery of NSW



Rosalie Gascoigne - "Monaro", Art Gallery of WA
Rosalie Gascoigne lived on the Monaro and painted many works inspired by the Monaro landscape. Her Monaro works are also in the National Gallery and Art Gallery of NSW



Painting by John D. Moore in the Art Gallery of NSW Monaro landscape 1936



Elioth Gruner painted dozens of works on the Monaro plain

FILM MAKERS come to the Monaro to make advertisements and films

Only a week ago, (Feb 10-13th), the final scene of the blockbuster Disney film "**Kingdom of the Planet of the Apes**" the fourth film in the rebooted ***Planet Of The Apes*** franchise, was filmed beside the Brothers and the Monaro Plain exactly in the location of the proposed **Coonerang Wind Facility**.

https://www.nme.com/en_au/news/film/kingdom-of-the-planet-of-the-apes-has-begun-filming-in-sydney-3325636

Since the 1960's the Monaro plains have been used as the location for many films and advertisements. From "**The Sundowners**"(1960), "**The Well**", **Jindabyne**", "**Somersault**", "**In Vitro**" and most recently "**The Drovers Wife**" were all filmed on the Monaro plains.

The photos below, were taken as location sites for the "**Kingdom of the Planet of the Apes**" looking across the Monaro plain where the wind facility is proposed.

The film is predicted to inject 128 million dollars into the Australian economy. (report 7news Oct 10, 2022)

The locations manager for the movie told us he had just received a call from an ABC production looking for locations and had sent them a package of images of The Monaro region. The Monaro is a chosen location for advertisements and films and to jeopardise this huge economic benefit to the region by allowing industrial development especially wind turbines would be madness.



The Brothers, central to the Monaro Plain



Looking north from the Brothers towards the Snowy Mountains Highway







[redacted]

The Monaro Plains feature on the AUSFILM website with spectacular photos of the treeless plains



AUSFILM website

Screen NSW website:
Making Movies on the Monaro

"When you next see a crew huddled around a large camera on the Monaro, think of the economic benefit to the region along with the exposure of the Monaro and its magnificent landscapes to a new audience of fans".

The Monaro Plains feature on the Sydney Australia tourist guide website
https://www.sydney-australia.biz/nsw/sapphirecoast/monaroplains.php



The proposed **MONARO RAIL TRAIL** will go along the railway track between Cooma and Nimmitabel. The SMRC has already spent many thousands on scoping and feasibility studies for the MRT.

Monaro Rail Trail draft feasibility report
"The predicted economic benefits of the proposed rail trail include that it would inject up to $19m (Michelago to Bombala) or $24m (Queanbeyan to Bombala) of additional expenditure into the local economy per year plus stimulate business growth."

Table 18: Monaro (Queanbeyan to Bombala) Rail Trail
Possible Visitor Numbers and Associated Expenditure: A Summary

Category	Predicted visitor numbers/year	Predicted expenditure/year
New day trippers	26,000	$3,844,620
Day trippers converting to overnight stays	2,500	$432,325
Overnight stays being extended by a day to use the trail	2,500	$432,325
Attracting new overnight visitors	25,000	$19,705,275 (assumes an average time on trail of 3.5 days as above and 4.5 days for the additional 5,000 users attracted by the extension)
Total visitor numbers	**56,000**	**$24,414,545**

To put this wonderful plan and possible economic benefit to the region at risk due to an industrial wind facility would be madness.

In the draft feasibility study into the MRT, it states: One of the key features listed is: Unique rural landscapes.

"**Appealing landscapes and infrastructure**. The proposed Monaro Rail Trail would pass through extremely attractive scenery. Magnificent views to the nearby Tinderry Range or Snowy Mountains are ever-present, and undulating topography is constant along the corridor. ***Even the wide, open treeless plains are a feature uncommon on other rail trails, but equally stunning to potential visitors to this region.*** The landscape through which this disused railway corridor passes would have to be amongst the most attractive in Australia, and certainly one of the most picturesque landscapes for a trail."

The viewshed of the Cooma-Nimmitabel Road is, one of the most beautiful stretches of road on the Monaro, and certainly one of its most frequently seen. It is the quintessential example of our region's striking hills and rocky grasslands.

At present there is no example of the unique Monaro plain protected from development in the LEP and it is timely to do this as well as protect The Brothers, which sit in the midst of this expansive plain.

Objectives of the RU2 zoning

- To maintain the rural landscape character of the land.
- **This zone is considered to be most suitable where land is predominantly used for primary production but retains some ecological or scenic qualities.**
- To provide for a range of compatible land uses, including extensive agriculture.
- The zone has also been applied to reduce land use conflicts around some towns as less intensive agricultural uses are permissible.
- It is recommended that in the RU2 zone the diversity of land uses hbe limited to lower impact agricultural uses as well as tourist and recreation uses.

The RU2 zoning objectives fit hand in glove with the proposal to protect the Brothers and the visual corridor between Cooma and Nimmitabel, already identified in the 2013 LEP.

While the current 2013 Cooma Monaro LEP lists one of its aims as the protection of "areas of quality visual amenity" (1.2(g)), and the relevant zoning schedule (RU1 – Primary Production) lists as a general objective the protection of "the visual landscape values of the rural area", it also specifically emphasises the importance of preserving the visual amenity of **Monaro Highway and Snowy Mountains Highway:**

6.9 Scenic protection area

(1) The objective of this clause is to maintain the visual amenity of the major rural road corridors.

(2) This clause applies to land identified as "Scenic Protection (400m buffer)" on the Scenic Protection Map.

(3) In considering whether to grant development consent to development on land to which this clause applies, the consent authority must consider the following—

(a) the significance of the land as part of a visual corridor of regional importance,

(b) the visual impact of the proposed development as viewed from the Monaro or Snowy Mountains Highways,

(c) whether measures to minimise any adverse visual impacts have been included in the development.

While 6.9(2) limits the protection to developments within 400m of the road, we would ask Council to remove this limitation. Where there is now a very real chance of developments well over 200m high which will dominate the view from the road, a 400m zone development buffer makes very little sense. The 400m limit was clearly put in the LEP prior to the advent of wind farms, and should now be updated to include the ridgelines either side of the Snowy Mountains Highway to truly protect development along this visual corridor.

Were the limitation in 6.9(2) removed, the applicability of 6.9(3)(a) and (b) would be clear, and while 6.9(3)(c) envisages measures that might "minimise any adverse visual impacts", the size of wind turbines and the fact that much of the Monaro is a treeless plain, means very little can practically be done.

THE BROTHERS and the LEP

As argued above, there is not a single Monaro landmark more significant than the Brothers. They define and embody the "visual landscape values of the rural area", and if any area of the Monaro is "of quality visual amenity", it is them. It is extraordinary that the Brothers have not been protected in past LEPs; this is way overdue and timely to do this now.

We would ask that the Brothers be accorded specific protection in the Cooma-Monaro LEP. There should be a rezoning of RU2 around The Brothers or have a scenic overlay with a buffer of 10km around the Brothers. The scenic corridor of the Snowy Mountains highway should be also included in the RU2 or scenic overlay, but up to the ridges on both sides of the highway.

It is imperative that Council makes clear to the State and Federal Govts that this area is of enormous heritage and cultural signficance.I would ask that Council do everything it can to protect this most significant part of our landscape.

Sincerely,

[redacted]

73

[redacted]

From: [redacted]
Sent: Monday, 20 February, 2023 12:20 AM
To: Draft LEP
Subject: Draft Land Use Strategies and draft Local Environmental Plan 2023 - A ratepayer's response
Attachments: 20230219 response draft Land Use Strategy and draft LEP_[redacted].pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Sir/Madam,

Herewith attached my comments on the Draft Land Use Strategies and draft Local Environmental Plan 2023
Grateful if you bring it to the attention of Councillors.

Thank you.

[redacted]

Snowy Monaro Regional Council

Draft Land Use Strategies and draft Local Environmental Plan 2023

- A ratepayer's response

DraftLEP@snowymonaro.nsw.gov.au

Dear Councillors, 19 February 2023

I write in response to the Snowy Monaro Regional Council (SMRC) 's revised **Draft Land Use Strategies and draft Local Environmental Plan**, currently promulgated for Council ratepayers' comment. Thank you for the opportunity to comment.

2. I refer current Councillors to a letter I wrote in 2020/1 on the previous plan. There is more than an element of 'Groundhog Day' in the proposal here. This response, like that two years ago seeks seeks to inject some principles into considerations apparently driving the proposed land rezoning of large swathes of land in the north eastern Monaro (inter alia) from RU1 to RU2.. The proposed conversion of many landholders holdings, such as myself, from RU1 to RU2 (so-called 'rural landscape') is plain wrong. It appears to a crude, blunt instrument, designed for administrative convenience and zoning offset elsewhere in the Council region. Importantly, it will not deliver better environmental outcomes. I suggest that quite the opposite it will see the large scale abandonment by current landowners of their current (free to the Council and the State of NSW) of their ongoing landcare practices and a default mass surrender of these regions to feral animals and invasive weeds. This will work against the objectives the proposal claims it wishes to achieve.

3. The latest proposal appears to be the hawking 'old wine in new bottles' rolling-over the restrictive, rights-stripping elements for affected landholders of the roundly rejected and failed proposal to convert these holding to E2/3 in 2020/1. How is that we've been served this up again? The arguments against this with regards to basic rights need to be picked up by Councillors, and press back firmly against the unelected forces driving it.

4. My central proposal of reference and concern here, involves a profound alteration of the rights and freedoms of landowners from RU1 to RU2 zoning. This proposal will result in broaded-based community legal action against the Council. Long suffering ratepayers are to be subjected to further financial bad news, and funding for basic infrastructure and services diminished further? The Council will lose this action

because it is ill thought through. The response against will be well resourced. I refer in passing to a submission submitted separately to this letter, from legal counsel representing a compact of landowners around Peak View and Jerangle (myself included) which articulates clearly that any illegal action by the Council to convert RU1 lands to RU2 zoning for the affected properties will result in legal action.

5. I would like to draw your attention to the planning database hotlinks and map overlays which I have reviewed closely. They do not do this process justice. The proposed rezoning datasets in my locale are demonstrably inconsistent, selective, outdated, and frequently deliver conflicting and erronious map data and maps. In my case, some of the conflicts are almost laughable. One can toggle across map sets which give conflicting, contradictory images or where forest/farmland is (which has been video captured). As noted in my previous submission, it's clear there has been a lack of ground truthing, and agenda-loaded data sets are being used. In my case, and no doubt other landholders, in contrast , there are 20+ years of publicly available satelllite images, and at least 70+ years of aerial photography (sourced from the National Library in Canberra) which show land slated to be zoned RU2, as having been productive RU1 farmland across the 20th century and now into the 21st. How is that a piece of land with visible olive grove of several hundred trees now there for decades appears on some base reference maps and data as forest or koala habitat ? The Council will have to defend the indefinsible. This is not the way to do this.

6. More generally, the RU2 designation of 'rural landscape' is bizarre and clearly a misused extension of something which was originally intended to apply to a very limited set of circumstances. RU2 as now proposed is a covert E2/3 classification which essentially proposes to render the so-designated landholders as entirely passive (but ratepaying) title holders, deprived of any rights except the right for a superficial occasional visit..... Day visitors and occasional campers....Practically nothing else.

7. Landholders will be now doubt still be paying full rates - for what? No services, no infrastructure, no usage rights, drastic land-value drops, existing improvements rendered useless, to boot: an enshrined charter from the Councill for no-longer serviced roads and infrastructure entitlements due to RU2 zoning. This all denies some basic rights the Crown has granted freehold landholders for centuries – that is free unobstructed use and business and faming use rights. The claim that these lands now should have special rights which supersede that of the landholders (because of newly decided environmental heritage/"collective commons" purposes) and thus the conditions of ownership are able to be altered without negotiation and/or compensation is unjust and against the central principle of a fair go. The 'Right to Farm' (remember this NSW legislation?), and bureaucrats' claims about what are productive lands (and those that are not) need to be examined independently (RU4 zoning makes a mockery of this measure btw). The judgements that have been made about my rural business and landholding are clearly wrong. How many others also get same bureaucratic the short shrift here? The decisions we see here in many instances

across the data sets underline that much of the RU1 to RU2 conversion proposal fails even basic tests.

8. Aside from this, the presumptions of supporting the landowner have been long guaranteed and protected by by English and Australian Law. In fact, the vast majority (99%) of affected landholders are already mindful and responsible in their conservation and enviromental practices. The reason they bought the land in the first place. They do not deserve such abitrary and unjust restriction on their rights to farm, build, live, and conduct normal business. Furthermore, the imposition of more complex bureaucracy and restrictions on landholders as well as the expectation they accept a reduction in land value and usage options, while retaining or facing increased rates is unfair and wrong.. It doesn't pass the pub test and it doesnt make common sense. The Monaro is not Sydney or the South Coast...stop treating us like spivs, crooks or children. Have a second look at developers around Jindabyne perhaps. RU4 zoning, a nice little earner for them.

9. The claim that these freehold lands can be converted by Council fiat as proposed - without recourse, negotiation, or compensation strips away the landholders' traditional common law rights. Have any of the people who proposed this got any sense of this? It goes against acient and central rights long guaranteed and protected by English and Australian Law? The Great Charter, the Magna Carta, has been reaffirmed for centuries the guiding principle that freehold owners of land cannot have their rights to use, control, and farmland by legislation removed without fair compensation for the personal losses they would incur by legislative restrictions. If the Council and others want us to make our properties formal environmental reserves, and for us to agree to covenants and restricted usage, then how about as starting point you try and convince us in reasonable negotiation and discourse. Not coercion and land grabs.

10. It remains imperative that the Council refocuses its efforts on setting aside this plan, and prioritising the rights of landholders in the reform process. Preservation of the environment is laudable, but what of us and our interests and rights? The Council needs to first engage landholders to come to an agreed position on the proposed maps and rezoning before any implementation. Why isn't this basic step being proposed as an upfront step? Nasty authoritarianism getting a hold on these processes, where will we end up?

11. It is also worthy of mention in closing, to address the subtext of (the Council's) rationales that these areas are bushfire prone and therefore people should not be allowed to live there. This was discredited during the 2019-20 bushfires, which I wielded a rake and hose defending other people's places long before the fire got to my place. These fires did not discriminate in their paths of destruction across regional communities, cleared farmland, sheep farms, or forests. I remember plenty of fear and anxiety about fires reaching Cooma. The weather, the Gods and fate decides. Not zoning maps. Those days of childish planning should be discarded. The big fire that will

come again will not discriminate. The Council's assertion also that the policy is aimed creating zones which avoid need for maintenance and servicing of roads (" ...with less than 20 vehicle movements a day" ....we heard the other day) and any excuse to shirk the provision of maintaining basic infrastructure across sub-regional areas is entirely disingenuous - and just plain un-Australian. Universal Service Obligations – how do we think rural Australia happened and prospered in the first place?

12. In light of the above, I beseech the Council to reconsider and discard in greater part the proposed RU1 to RU2 elements of the proposed land use strategy. I call on Councillors to set up a process which engages in meaningful consultation with potentially affected landholders IN ADVANCE OF ANY PROCESS to develop a solution that balances environmental protection with the rights and interests of these landowners. A fair and transparent process that considers affected landowners' concerns is central to ensuring that the outcome is just and environmentally sustainable beyond just the feel good hype. The Council should also generate and promulgate genuine alternative methods of achieving conservation goals, such as covenants with rates relief incentives, and other voluntary programs, such as feral pest destruction cooperation programmes that can promote conservation, make a difference, while respecting the rights of affected landholders. Get real please.

Thank you for considering my comments.

Yours faithfully,



74

[redacted]

From: [redacted]
Sent: Sunday, 19 February, 2023 8:48 PM
To: Draft LEP
Subject: Land use strategy and LEP
Attachments: Land use strategy and LEP.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Please find attached my submission for the draft land use strategy and LEP
Regards
[redacted]

I am writing to object to the Rural land use strategy and LEP.

I have concerns about the minimum lot size, rezoning of land, crown road exclusions and the idea of "infill" development. I feel the council may have been misinformed by the supporting reports suggesting much larger lot sizes and possible hidden agendas for rezoning of land. Additionally, I am concerned that the crown roads inclusion is detrimental to property owners by having building entitlements abolished. Who will benefit from these changes? It was clear the last time that this sort of proposal was suggested that it did not meet the approval of the community. It appears this council and the NSW government is not listening. Below are my concerns.

Firstly, I believe the minimum lot size should be reduced to 40 hectares. Research suggests this to be the viable size for farming. Fruit, vegetables, hazelnuts, truffles, chickens, eggs, herbs, olives, fish such as trout and bee keeping are all able to be accommodated at this size. Diversity has been shown to be the key and is well supported in research and is already occurring in the Snowy Monaro region. It is my understanding that the agricultural society has confirmed this size not the larger size that has been suggested. Other types of farming such as duck farming require substantially less, needing approximately 10h. The increased size only applies to sheep and cattle farming practice. There are already successful farming operations in the Snowy Monaro region that are of this lower size and with the diversity described above. Therefore, this strategy makes no sense and does not encompass the needs of the wider community. Innovation is also opening the way for new enterprises. Increasing the minimum lot size would be detrimental for any land holders who want to start other forms of farming. This is particularly relevant in a time when climate change will likely dictate changes to farming. Less opportunity for farming means less jobs for farm workers. What compensation will be awarded to property owners who bought properties of between 40 hectares and 200 hectares who will effectively be unable to run their businesses. Why is council insisting that less than 200h is unproductive?

Policy direction 2: Encourage agricultural production, protect regionally significant agricultural land, limit land use conflict, increase diversity and resilience will not be met. **The Draft Local Strategic Planning Statement as shown by Elton Consulting 1.2.4, Priority 1: and Snowy Monaro LSPS: Planning Priority 5** both state to **Promote, grow and protect agricultural production and industry** will not be met with this proposal. Larger lot sizes cuts out entire farming practices. Grow and diversify the areas agricultural base (Elton Consulting page 84) only requires 40 hectares.

Additionally, taking away building entitlements means potential new farmers are unable to build on their land. They could live too far away to farm their land to satisfy their obligation of weed and vermin control, unable to adequately tend livestock or agricultural crop production and go broke. Council should be honouring the rights of land holders who bought properties with this intention, a building entitlement and met the minimum lot size at the time of purchase. They should not be expected to spend more money to live elsewhere. Furthermore, this also reduces the land value. This could be misconstrued as a tactic to ensure more land is sold to broad acre farmers at a cheaper price. Is it to put

pressure on owners to sell and will further tactics be used to put more economic pressure such as rate rises to try to force this? This could ruin property owners. I suspect that there will be dire consequences if this is implemented. It is likely properties will then be inadequately maintained, and weeds may become a greater issue as property owners may not want to or cannot afford to sell. Banks may also be less likely to provide loans to new farmers or smaller property holders.

The council is taking away opportunities for housing during a housing crisis. It is my understanding that the Federal Government has asked stakeholders who are capable to improve supply to do so. Snowy Monaro Council will be doing the opposite. One of the attractions to move here is the idea of living in larger open space. Forcing everyone to live in town will not provide the unique, desired environment that many came to a rural area to find. Costs will go up for property, supplies, everyday expenses, etc. Less building work and more tradies out of work. This will further impact other supply industries too. It makes the area less attractive and unaffordable. I question who is benefitting from trying to force people to live in the towns.

My family bought a property in Nimmitabel that held a building entitlement on a 40-hectare lot size, on a council road and we are now stuck in limbo as our dreams were crushed. The suggestions was made that Cooma area had an 80 hectare minimum lot size but I am sure you would be aware that this was changed previously and without our knowledge from residential to RU1-Primary Production. Who made this decision and why? I am very suspicious about the motives. What compensation will be awarded? How can you take building rights away and not inform those land holders? In my opinion this does not benefit the community but affect lives and livelihoods. This has also affected our land value. How many more people will be affected like us if the RLUS proceeds?

There are numerous benefits for smaller farm holdings. With over 20 years of research that confirms numerous benefits, I am a loss to understand how council could justify the increase to minimum lot size. The document "Small Farms: Valued contributions to healthy rural communities" put out by the Australian Government: Rural Industries Research and Development Corporation explains several benefits that have not been considered in the reports you have put up for comment. The benefits as summarised on page 12 include:
"Social

- New skill sets and fresh ideas
- Access to knowledge and infrastructure
- New ideas – source of innovation, prepared to experiment
- Different values, can broaden community awareness of various issues
- Members of voluntary/community organisation – sporting club membership, schools, fire brigade, and support local government infrastructure (numbers justify schools and hospitals)
- Political awareness
- Diversity in views and values and demographics (eg. Age groups – young children, middle age and/or retiree's

Economic

- New business, new enterprise
- Increase infrastructure (eg. More children – more schools)

- Increase rate revenue
- Demand for alternative products/service in retail
- Spend in local community – farmer contracting
- Stimulate economic activity

Environments

- New values of biodiversity
- Redefinition of productivity and legitimate farming practices
- Different environmental values
- Sense of conversation"

There are plenty of other supporting documents and research that address small land holding farming benefits. Small farm owners who live on their land in the Snowy Monaro region contribute to this community and their views, values and aspirations should be heard. They are running viable farms. You, as a council supporting the community, have an opportunity to listen so that all smaller land holders can also have an opportunity to reach their full potential.

I see no benefit to the community in this RLUS proposal but a tactic to benefit property developers wanting to herd people into towns for their own profits. It concerns me greatly that council has chosen to use a company to write reports that major developers have also used. This is concerning as I feel this could provide a perception that it is written to benefit developers rather than the Snowy Monaro community. Secondly, I believe it is to benefit large property farmers at the expense of other farmers. It should be inclusive of all farming practice. This report could also be perceived as a biased report including possible conflicts of interest. A further concern is the missing lines of information (Elton Consulting report eg. page 106, page 91 - 4.3.7) and error – reference source not found (page 95). I believe this will not benefit all farmers but a privileged few. This does not make me feel confident that these issues have been decided at a distance from possible pecuniary interests. What reassurance do we have as members of the public that this is not a biased strategy or involves conflicts of interest? If broad acre, sheep and cattle farming is considered the dominant method of farming, now, it may not continue particularly with climate change issues and changing consumer needs that may see an adaptation to other farming enterprises. Other farming options are legitimately thriving in the Snowy Monaro and new farms should not be prevented or neglected as a viable option for those that want to add to the diversity. Additionally, I do not agree that selective areas are permitted while others are excluded. I cannot see a logical reason for this. For example, apple trees are growing in Nimmitabel on the side of the road, with no extra water or any care to look after them that I am aware of. Why would this location be excluded from these types of farming practices? This opportunity should be region wide and in fact an opportunity for all property owners within the whole area with between 40 hectares and 200 hectares. Is there another reason why this particular area is not included in the 40-hectare lot size?

Thirdly, I am against the rezoning of land. Simply changing a title from E3 to RU2 (with some minor changes) appears as an underhanded tactic to implement something that was objected to by the community. Council had resolved to abolish this environmental zoning. Council could be creating an unhealthy perception of deceit and a council who is untrustworthy. Forcibly rezoning land again puts the interests and wishes of land holders

last. This should be a choice. The excuse to protect threatened species from climate change is not substantiated in my opinion. Who can make the decision that this particular land is going to achieve this goal? Future predictions are just that, "predictions." I believe the quality of the land obviously has not been assessed adequately with ground truthing to make such definitive statements that future benefits will be achieved. The fact the additional buffer zones have been included according to Molonglo Consulting (but council suggests it hasn't) and there is incorrect mapping is one example of much further work needed in this area. Molonglo Consulting even states that the best available evidence relating to biodiversity values is used, however it is meant to be **a guide**, **not replace ground validation prior to rezoning purposes.** This is noted on the maps page 34-37 (9.1.2). This ground truthing would come at great expense to property holders. (My understanding is that expert report costs vary based on the size and complexity of the land to be assessed from approximately $50,000 to possibly over $200,000). To have correctly implemented biodiversity reports completed for individual properties requires well trained expertise.

It is interesting to note that the main street of Cooma and the whole of the Jindabyne area were previously included in mapping showing possible Snowy Gum Woodland, therefore it appears it was incorrect, or a very wide buffer was used. How can we be reassured that these new maps are accurate? Why such a discrepancy? How many properties will be adversely impacted by incorrect decisions made about small land holder properties?

Has some previously incorrect information continued to be used, therefore, it would still be incorrect? I would suggest that this has happened. Again, the Molongo report attached to the RLUS documents stated that the new maps are a guide. I believe information on the new map such as biodiversity values and "old growth forest" are incorrect. In my case, the map states this was identified on 25th August 2017/9th November 2018 as 'OLD GROWTH FOREST' and listed as biodiversity, however, the biodiversity values map identifies 'forest' not 'old growth forest' so who added the 'old growth' to this and what biodiversity is there? My documents state this is 'unknown'. How was this information gathered? We have not given permission for anyone to enter our property, so I assume it was not ground truthed. The Molongo report would also support this as only limited areas were ground truthed. How was this information obtained? How many people are affected by this?

Some researchers have concluded "There was reason to support small farms for the ecological and food-production sustainability they could provide." Refer to https://thecounter.org/small-farms-critics-sustainable-food-system/
Farming in a sustainable way have been shown to support environmental protections. There is "higher crop diversity that favoured good nutrition, market diversification, and drought risk mitigation." "Less pesticide use and maintenance of non-crop planted areas to support wildlife" and "adopting a combination of farming methodologies we already know to be climate-friendly" as "health of the soil leads to health of crops leads to the health of eaters". It is not about the size of the land.

Again, I am suspicious of the motives behind forceable rezoning of land. I would highly recommend that you read the finding into the Biodiversity Conservation trust hearing ("Integrity of the NSW Biodiversity Offsets Scheme") that were not available when you put

these documents out. The Snowy Monaro region was mentioned. Major problems have been suggested and investigated.

As the NSW Department of Planning is somewhat connected to the Biodiversity Conservation Trust, I question the validity of the rezoning and I hope that council will reassure us that this is not the reason. There is a shortfall for biodiversity protection due to development in areas within the Sydney area such as Western Sydney (South West growth area). Rather than avoid and minimise it appears to be easier to offset biodiversity by simply paying into the Biodiversity Conservation Trust. I would hope that the small property owners of the Snowy Monaro Region are not being used to offset species with poor quality properties rather than appropriate areas that should be assessed as having good quality 'like for like" in the same location that needs protecting. Offsetting elsewhere would not be protecting critically endangered habitat but destroying whole ecosystems to offset elsewhere in unsuitable locations. I believe that during the hearing on 8th April 2022, it was stated that the Trust still needed to acquire approximately 500,000 total species credits from major projects for biodiversity conservation that it has been unable to find. The link: https://www.youtube.com/watch?v=5YiGnjWIJFE if you wish to view. There are not enough credits available for sale to offset these according to a speaker (22nd Oct 2021 Public hearing PC7 – Integrity of the NSW Biodiversity Offsets Scheme). Are properties in the Snowy Monaro region being offered up, at land holders expense, to try to offset projects for either public or private development? In other words, development continues to go ahead that destroys key habit for our endangered and vulnerable species and someone else will need to provide an inadequate offset. Is council effectively going to condone this or stand up for the environment and land holders in the area? Smaller land holders could require enormous financial resources to fight for rights that are wrongfully taken from them and be placed in a position of enabling the destruction of this important habitat. Land could be substituted in this zone without any viable environmental gain or improvement and land holders could have to live with the burden of using their properties as inadequate compensation, the result of destruction. How will this affect them not just financially but their well-being?

Additionally, I have concerns that the Molonglo Consulting report makes reference to the BCT Biodiversity credits. Again, a concerning revelation as the hearing stated BCT consultants that were identified with possible conflicts of interest either actual or perceived 'insider trading' issues. Some of whom I believe work or have worked for the Department of Planning as stated at the hearing. Again, I am not filled with confidence as I believe the RLUS has been rushed out just before the findings were revealed from the Upper House hearing. I also believe the National Parks and Wildlife is looking to acquire more land. This raised more suspicion about how this is going to happen.

Further I am concerned about the idea of housing development to "infill" areas in towns. With the "heat island effect" already a reality for urban areas, is this what the Snowy Monaro wants to happen? Infill development confines housing together and without the necessary green space creates a hotter environment to live and work in. The Snowy Monaro is very hot in summer, can this be allowed to happen?

The idea that development should not occur on crown roads is wrong, in my opinion. Many homes have been built on these roads already. I believe council have made it clear they are

forcibly trying to use their power to the detriment of land holders. I am disappointed and shocked that council could be creating a situation in which particular land holders are disadvantaged within the community. These land holders pay the same rates too. Some of whom had land rezoned that I believe would have increased the rates and receive no benefit. If council is unable to finance the grading of these roads shows a lack of inadequacy in meeting the needs of the community. Maybe the priorities are wrong. I am also suspicious of the fact that a council road could either be missing off the maps or even be misrepresented as a crown road. Do crown roads not give faster egress and access to bushfires for the fire brigade? If left ungraded the loss of property and life may be increased.

This proposed RLUS and LEP will limit the number of people able to build in the Snowy Monaro region, decrease diverse farming and squash people all in together. I feel this will have detrimental impacts on the economic growth and the social and environmental benefits that could be successfully achieved if the whole community is listened to and reasonable changes implemented. It is all landholders and rate payers collectively that know what works for them and what does not, not just a select group.

Less people will be moving to the area to spend money in the region as they are unable to find accommodation, unable to live on their own properties or in an environment that is appealing in rural communities. People will be removed from a natural environment. Without living in it or experiencing it could lead to a disconnection with the natural environment and a lack of respect for it. Protection and stewardship will be more difficult.

I fear council could be leading towards legal challenges such as class actions if these changes are implemented. It could be very costly for all involved in trying to defend their position, let alone what the outcome will be if compensation is or isn't awarded. Listening to what the whole community wants would be a better outcome for all. I believe the Bombala area had no problems with a 40-hectare lot size, so this is a proven example to keep a lower minimum lot size. The science supports a 40-hectare lot size. My hope is the Snowy Monaro Council is listening this time. In a democratic country we do not want to repeat the mistakes of the past when the rights of people are taken from them.

Kind regards

[redacted]

75

[redacted]

From: [redacted]
Sent: Monday, 20 February, 2023 9:15 PM
To: [redacted]

Subject: Submission - Draft LEP and Land Use Strategy
Attachments: Submission_[redacted]Draft_LEP_Response_200223.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Snowy Monaro Regional Council and Councillors,

Please see attached a brief submission with recommendations on the draft LEP and Land Use Strategy.

I look forward to further contact and discussing the future of our great region.

Regards,

[redacted]

Submission in Response to the draft Snowy Monaro Regional Council's Local Environmental Plan and Land Use Strategy (2023)

Author: [redacted]
Contact:

20/02/2023

Summary

Thanks for the opportunity to provide this submission in response to the draft Snowy Monaro Regional Council's Land Use Strategy ("the Strategy") and Local Environmental Plan (LEP / "the Plan").

My wife and I are landowners in [redacted] NSW on what is currently an RU1 zoned lot of 44 Hectares in the region and we are invested in a positive future for the Snowy Monaro. The rezoning outlined in the LEP would see this change to RU2.

I look forward to meeting with the council and some of the councillors to discuss our plans, including for a future dwelling, and how they fit into the region. I would also like to offer my support and involvement in working with you as we shape the Snowy Monaro.

To help the process and contribute to the Plan, I have undertaken some brief research, analysis and a literature review to inform subsequent drafts. Some discussion and citations to justify recommendations are explored in this submission. My recommendations are:

1) Reduce the MLS for Dwellings – *Reduce the Minimum Lot Size (MLS) for dwellings to 40 Hectares. Farm Buildings to be retained without consent for RU1, RU2.*

2) Develop a future pilot for Small Agricultural Lots of 10Ha *– Explore how the region can benefit from Smallholders/ assist existing Smallholders for practical and productive farming with reduced environmental impacts, innovative use of land and careful management and cohabitation with larger interests.*

Let's build a region with balanced agriculture, small and innovative and large and industrial. We can encourage new people, ideas, skills and thinking to enter the area while keeping the culture, skills, experience and heritage of our great region.

From gourmet foods to milk, beef and lamb, alpine huts to woolsheds, mighty gums and rivers running, roos to Angus, stockmen to poets – we have something great which we can develop together. I am keen work with you to get the balance right.

Thanks again and I look forward to meeting with the Snowy Monaro Regional council and some of its councillors to discuss these important matters for the region.

Best regards,

[redacted]

Additional Analysis to Complement the LEP

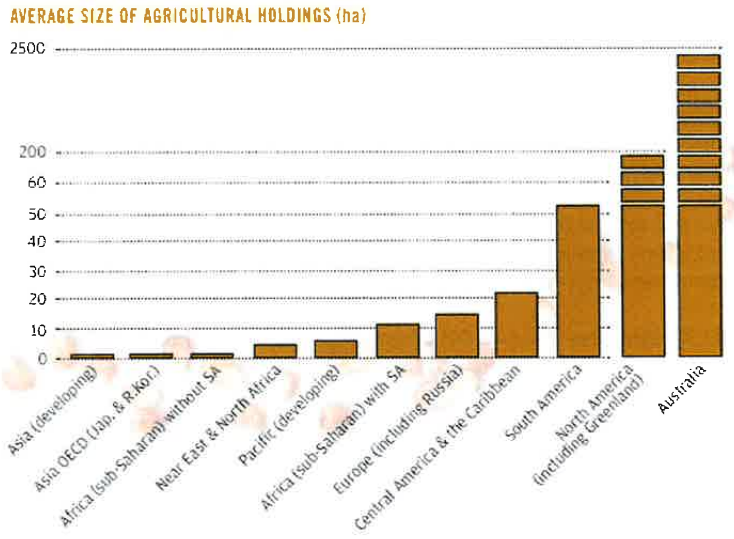
Introduction

As an experienced data specialist and analyst I recognise the challenges of vast data collection, data availability, comparison and analysis. I seek not to criticise the existing analysis but to build on the good work already evident. I also want to guide further use of research and data to help us develop next draft of the Plan.

Large Australian Average Lot Sizes

As per Recommendation 1), I would like to change the average land size concept being used for rezoning and the MLS down to 40 Hectares. This is primarily due to the disproportionately large lot size averages in Australia, as presented by the United Nations Food and Agriculture Organisation (UNFAO) and depicted in Figure 1, below.

Figure 1 – Average Size of Agricultural Holdings



(Source: UNFAO, 2023)

A study conducted into Land Ownership by the Australian Government's Rural Industries Research and Development Corporate (RIRDC) in 2012 was the first of its kind and explained Australia's history of rural land ownership. It highlights Australia's land ownership is linked to agricultural history and families that have historically owned large land holdings since colonial settlement and nationhood.

The RIRDC report also states that support for small tenant farms existed until the 1970's. In the 70's, Australian policy shifted to larger-scale farming for commercial reasons; families needed larger lots to be financially survivable. With limited telecommunications infrastructure and an absence of modernisation and innovation, at that time, small-scale farmers were assisted off the land in the 1970's (RIRDC, 2012).

Global trends suggest we have an opportunity to move forward, to change for the better. I feel we can achieve a balance of support for existing, valued industrial and commercial farming at the larger scale, while leveraging modern, innovative small scale farming. We should seek to do this in a controlled and careful manner that minimises friction and conflict between large and small agricultural neighbours.

The second part of Recommendation 1) is reference to Farm Buildings. I feel the existing RU1 Farm Building model works well and enables landowners to respond quickly to requirements on the land. Machinery shelters, a workshop needed to complete goods or repairs and other buildings that are not exempt are in line with the LEP and, unless peculiar or outside the stated criteria, should be facilitated.

An Opportunity for Balance Between Small and Large Scale

Developments since the 1970s have changed and large-scale farming is no longer the only mode with major opportunities from technology and innovation (WEF, 2023) supporting Smallholders to produce 30% of the world's food (UNFAO, 2023).

Across the globe, small scale farmers, often called "Smallholders" play a vital role in food security and innovation (Source: the Food and Agriculture Organization (FAO) of the United Nations, 2023 & the World Economic Forum (WEF), 2022).

A Smallholder is defined as having between 1 and 10 Hectares of land holding and produce more per hectare than larger scale agriculture.

"The 600 million smallholder farmers around the world working on less than two hectares of land, are estimated to produce 28-31% of total crop production and 30-34% of food supply on 24% of gross agricultural area." (UNFAO, 2023).

In short, Smallholders can deliver more food on less land for less impact and greater benefit; we should seek to understand the coexistence of small and large scale farming and determine local scale potential and limitations in our region.

Further CSIRO-led research into small-scale farming has determined, that small scale farming is often agroecological and offers improved environmental outcomes as compared to commercial / larger, scale farming:

"Agroecological methods for production, primarily used on small-scale farms, on the other hand, are potentially far-less energy consumptive than industrial agricultural production methods and may produce far fewer GHGs (GreenHouse Gases) per unit land and per unit product.

Agroecological systems are often based on species diversity, not only from a variety of crops, but also companion plants, insect populations, soil microbial and fungal diversity, birds, and other vertebrate wildlife that can co-habit with crops and provide ecosystem services to the agricultural system."

(Source: Lin & Chappell et al, 2011, UNFAO 2023)

For these environmental reasons alone, it would be remiss to exclude this mode of agriculture from region's future entirely. For the aforementioned reasons, Recommendation 2) is offered. This is in the form of a controlled pilot based on further research where analysis of suitable locations and farming interests are complementary. Such an endeavour requires consultation, seeks to minimises conflict and maximises potential collaboration. I would be happy to discuss a research method and such a pilot with the SMRC.

References:

1. *"Small Holders and Family Farmers – Fact Sheet"* – The United Nations Food and Agriculture Organisation (UNFAO), the United Nations / www.fao.org – 2023
2. *"Effects of industrial agriculture on climate change and the mitigation potential of small-scale agro-ecological farms"* - Lin, Brenda B., Chappell, M. Jahi, Vandermeer, John, Smith, Gerald, Quintero, Eileen, Bezner-Kerr, Rachel, Griffith, Daniel, Ketcham, Stuart, Latter, Steven, McMichael, Phillip, McGuire, Krista, Nigh, Ron, Rocheleau, Dianne, Soluri, John, Perfecto, Ivett – CSIRO and CAB International – 2011
3. *"Why smallholder farmers are central to new food security interventions"* - Shroff, Jai – The World Economic Forum (WEF) – 2022
4. *"The State of Soil Degradation in Sub-Saharan Africa: Baselines, Trajectories, and Solutions"* – Tully, Katherine, Sullivan, Clare, Weil, Ray, Sanchex, Pedro – Department of Plant Science and Landscape Architecture, University of Maryland, College Park, Maryland, USA – 2015
5. *"Ecology of Australia: the effects of nutrient-poor soils and intense fires"* – Oriens, Gordon H., Milewski, Antoni V. – University of Washington, Seattle, Washington, USA –2007
6. *"Rural Land in Australia: A framework for the measurement and analysis of nationwide patterns of ownership change, aggregation and fragmentation"* – Pritchard, Bill, Neave, Melissa, Hickey, Deanne, Troy, Laurence – the Australian Government, Rural Industries Research and Development Corporation (RIRDC) – 2012
7. *"Principles of Sustainable Weed Management in Organic Cropping Systems"* - Schonbeck, Mark – Clemson University, South Carolina – 2011
8. "Rural Blight" - Eisenberg, Ann M. - Harvard Law and Policy, Cambridge, Massachusetts, USA – 2018

76

[redacted]

From: [redacted]
Sent: Friday, 17 February, 2023 3:45 PM
To: Draft LEP
Subject: Submission on the SMRC Draft Rural Land Strategy and LEP (2022) - [redacted]
Attachments: Submission on SMRC Draft Rural Land Use Strategy and LEP 2022 - [redacted].docx

Dear Sir / Madam,

Please find attached submission on the SMRC Draft Rural Land Use Strategy and LEP (2022).

I would be grateful if you would please confirm receipt of the attached.

Kind Regards

[redacted]

[redacted]

17 February 2023

Submission on the SMRC Draft Rural Land Use Strategy and LEP (2022)

Dear Sir / Madam,

Thank you for receiving submissions on the SMRC Draft Rural Land Use Strategy (2022). My family has been farming continually in the area since the 1800s. As the sixth generation working on our farming land at [redacted] I would like a future in agriculture, a future that keeps farmers and working farms in this area. To keep farmers on their farms we need appropriate land use zoning that will allow continued sustainable food and fibre production in this area for generations to come. Accordingly, I submit the following:

1. **I do not support or agree with the proposed rezoning of current RU1 land to RU2 land** in the [redacted]

In particular, I do not support or agree with conversion of our farmland from RU1 to RU2 zoning. The strategy proposes RU2 zoning conversion on a number of my families farming blocks/portions, including [redacted] Conversion to RU2 zoning will directly fragment and alienate areas of our family farm from adjoining blocks and have a significant detrimental impact to ongoing farming operations restricting routine agricultural practices in the future.

Removal of landholders' rights and allowable activities under RU2 zoning will effectively convert land continually used for agriculture since the mid 1800s. This will result in the land will becoming unviable for ongoing agriculture resulting in significant devaluation of property.

2. I do **not agree** with the proposed increase in Minimum Lot Sizes (MLS) from 40 Hectares to 200 hectares for dwelling approval on any [redacted] land. It limits development potential to enable farm succession planning, meaning aging farmers will be unable to stay on their own land with family because of the removal of the averaging provisions or dual occupancies

3. The strategy must retain lot averaging in the former Cooma Monaro and adopt it across the Snowy Monaro. This will allow land owners to maintain property rights and build on unproductive land providing much need housing across the region.

4. Any strategy must protect the equity of land owners with property on crown roads by ensuring building entitlements are **not removed**.

5. The strategy must harmonise land use rules by adopting all current land uses for RU zoned land in the current Local Environment Plans (LEPs) that do not require consent in any existing three LEPs.

Yours Sincerely,

[redacted]

17

[redacted]

From: [redacted]
Sent: Friday, 17 February, 2023 2:26 PM
To: Draft LEP
Subject: Submission on the SMRC Draft Rural Land Strategy and LEP (2022) - [redacted]
Attachments: Submission on SMRC Draft Rural Land Strategy and LEP 2022 - [redacted].docx

Dear Sir / Madam,

Please find attached submission on the SMRC Draft Rural Land Use Strategy and LEP (2022).

I would be grateful if you would please confirm receipt of the attached.

Kind Regards

[redacted]

[redacted]

17 February 2023

Submission on the SMRC Draft Rural Land Use Strategy and LEP (2022)

Dear Sir / Madam,

Thank you for the opportunity to provide submissions to the SMRC Draft Rural Land Use Strategy (2022). We have a working farm of approximately 3500 acres [redacted] at [redacted] Our family has been in the area since the mid 1800s with the sixth generation now working on this farm. We want a future for upcoming generations in this area, one that keeps farmers on their farms. We need to be supported with sufficiently flexible land uses, without unnecessary conflict, creeping regulation and increasing costs. Accordingly, we submit the following:

1. We **do not support or agree with the proposed rezoning of current RU1 land to RU2 land** in the [redacted] area.

In particular, we do not support or agree with conversion of our farmland from RU1 to RU2 zoning. The strategy proposes RU2 zoning conversion on a number of farming blocks/portions, **including** [redacted] Conversion to RU2 zoning **will directly fragment and alienate areas of our farm from adjoining blocks** and have a significant detrimental impact to ongoing farming operations restricting routine agricultural practices.

Goals of the proposed RU2 zoning remain poorly articulated. The paper claims the RU2 category supports agriculture; however, RU2 narrows options for productive land managers who are already struggling with excessive bureaucracy.

The conversion to RU2 zoning will impact our ability to build or maintain particular farm infrastructure including our farm tracks and roads; or result in required costly and complex development applications (which could well likely be rejected by current or future Councils) negating the effort and affecting continuing use of this land.

A critical land use prohibited in the RU2 category is an artificial water body (Farm Dams), yet Farm Dams are a permitted use in the RU1 category (and are an exempt development). Creation and maintenance of small farm dams are vital for stock water supply and fire fighting purposes. These are examples of encumbrances placed on grazing land managers under the RU2 category.

Removal of landholders' rights and allowable activities under RU2 zoning will effectively convert land continually used for agriculture since the mid 1800s. The proposal does not support growth in agriculture and goes against the NSW agricultural policy aim to ensure lawful agricultural enterprises can operate unencumbered. With these increased costs and removal of property rights (and permissible activities) the land will become unviable for ongoing agriculture resulting in significant devaluation of the property – with no hope of compensation.

2. We **do not support or agree** with the proposed increase in Minimum Lot Sizes (MLS) for dwelling approval on all [redacted] and currently zoned RU1 from 40 Hectares to 200 hectares.

The land use strategy must support agriculture production diversification by setting the MLS for dwelling approval in all land currently zoned RU1 **at 40 hectares**.

We do **not agree** with an increase from 40 Hectares to 200 hectares on any [redacted] land proposed for conversion to RU2 in this area. It limits development potential to enable farm succession planning, meaning aging farmers will be unable to stay on their own land with family because of the removal of the averaging provisions or dual occupancies.

3. The strategy must retain lot averaging in the former Cooma Monaro and adopt it across the Snowy Monaro. This will allow land owners to maintain property rights and build on unproductive land providing much need housing across the region.

4. Any strategy must protect the equity of land owners with property on crown roads by ensuring building entitlements are **not removed**.

5. The strategy must harmonise land use rules by adopting all current land uses for RU zoned land in the current Local Environment Plans (LEPs) that do not require consent in any existing three LEPs.

We welcome the opportunity to discuss our concerns in more detail and to continue to participate in the planning process.

Yours sincerely,

[redacted]

78

[redacted]

From: [redacted]
Sent: Monday, 20 February, 2023 8:34 AM
To: Draft LEP
Subject: [redacted]

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Council,

We vehemently oppose the proposed increase in land size allowable for sub-division for our lot for the following reasons:

- There are numerous suitable building sites on our property, suitable from an aspect, access, bushfire, view consideration.
- Proximity to Jindabyne, East Jindabyne Amenity.
- Demand and scarcity of housing in our community, we can be part of this solution.
- The opportunity to develop our property is part of our livelihood, a major investment of our financial resources and a significant consideration in purchasing the property in 2011.

We agree with the change from RU1 to RU2 zoning, this still allows us scope to undertake desired activities and development, including eco-tourism, housing and farming activities.

Furthermore, we understand that the change in zoning and the change in lot size can happen independently of one another. Similar to other surrounding properties some of the topography on our property is not suitable for housing, however much of it is, and 40 hectares very close to town as we are, is still a large parcel of land. A nearby neighbour is in the process of a 7 x 40 hectare lot sub-division and we overlook and are directly across Kosciusko road from East Jindabyne where the density of development is very high.

We would encourage Council to come and inspect the property to confirm the information supplied above. Presently no one from the planning department has been onsite to inspect our property prior to putting forward this proposal so we cannot understand what information is driving this consideration. To arrange an inspection you can contact me on [redacted] or email [redacted]

We look forward to your response and a potential meeting on site before any final determinations are made.

Yours respectfully,

[redacted]

[redacted]

80

[redacted]

From: [redacted]
Sent: Monday, 20 February, 2023 7:08 PM
To: Draft LEP
Subject: Submissions regarding Draft Land Use Strategy & Draft Snowy Monaro Regional Local Environmental Plan

Follow Up Flag: Follow up
Flag Status: Flagged

Submissions regarding Draft Land Use Strategy and Draft Snowy Monaro Regional Local Environmental Plan

Submission Regarding the Draft Land Use Strategy:

For a lot on which a dwelling was permissible at the time of purchase by an owner, that permissibility must be grandfathered (persist).

For a lot on which farm buildings were permissible at the time of purchase by an owner, that permissibility must be grandfathered (persist).

Otherwise, I do not support the proposed affecting changes in the Draft Land Use Strategy and Draft Snowy Monaro Regional Local Environmental Plan, on the grounds of loss of utility, economic loss and equity.

Submission Regarding Draft Snowy Monaro Regional Local Environmental Plan:

For a lot on which a dwelling was permissible at the time of purchase by an owner, that permissibility must be grandfathered (persist).

For a lot on which farm buildings were permissible at the time of purchase by an owner, that permissibility must be grandfathered (persist).

Otherwise, I do not support the proposed affecting changes in the Draft Land Use Strategy and Draft Snowy Monaro Regional Local Environmental Plan, on the grounds of loss of utility, economic loss and equity.

[redacted]

20 Feb 2023

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24 FEB 2023
Records
Cooma Office

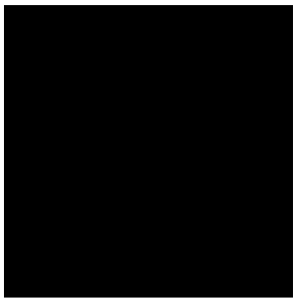
Response to the Draft Snowy Monaro LEP 24/2/2023

I wish to object to the effective ban on all renewable energy projects in the existing, and draft, LEP of Snowy Monaro Regional Council.

Renewable energy projects:

- Have to meet strict NSW state developmental criteria
- Provide community grants in a shire desperate for funds
- Have very high community support
- Can tap into existing transmission infrastructure
- Support national net zero emission goals
- Provide income security to landholders

As a primary producer heavily impacted by the recent Black Summer fires of 2019-20 and the concurrent drought, I find it extraordinary that our local Council has policies which hinder national efforts to mitigate against such extreme events recurring. The local bans on renewable energy projects are at odds with overwhelming scientific evidence of the need for a rapid transition away from fossil fuels.



RECEIVED
2 8 FEB 2023
Snowy Monaro Regional Council
Cooma Office

Snowy Monaro Regional Council
81 Commissioner Street
Cooma NSW 2630

Rural Landscape Monaro Incorporated
https://realmonaro.com/

24 February 2023

Dear Sir/Madam

We are writing to you as a significant representative group of people with an interest in how the rural areas of the Snowy Monaro LGA will be used. We are also particularly concerned with how we will leave them for future generations.

We understand that the Snowy Monaro Regional Council needs to harmonise, review and update the current Local Environmental Plans (LEPs) into one comprehensive plan covering the whole Snowy Monaro Local Government Area. We have asked Justin Doyle of Frederick Jordan Chambers to prepare an advice looking at how the new LEP can be best updated to protect important areas of the Snowy Monaro (in particular the Brothers) from significant development, and this submission supplements what he has written.

Relevant Policy directions

We have looked carefully at the key guiding policy documents and principles that must directly guide the Council and the NSW Department of Planning as controls are introduced through a new LEP and Development Control Plan(s). The key documents that we refer to are the NSW *South East and Tablelands Regional Plan* (2036), the *Local Strategic Planning Statement* (2020) and the *Draft Rural Land Strategy* (2022-2042).

The *South East and Tablelands Regional Plan* (2036) has as its specific priorities for Snowy Monaro LGA the following aims:

- Protect the unique alpine environment including scenic landscape qualities, acknowledging it as a cornerstone of the area's visitor economy.
- Recognise Cooma as a strategic centre, particularly in the winter months when the population swells.
- Enhance community access to jobs, goods and services by improving connections.

The *Local Strategic Planning Statement 2020* made clear the Snowy-Monaro needs revised plans that:

- Encourage environmental sustainability and connection to heritage.
- Support growth and change.
- Protect the capacity of productive rural land.
- Provide efficient, safe and sustainable infrastructure.

The *Draft Rural Land Use Strategy 2022 - 2042* looks to:

- Protect scenic landscapes, environmental values and respond to natural hazards.
- Encourage agricultural production, protect regionally significant agricultural land, limit land use conflict, increase diversity and resilience.

- Provide infrastructure to service rural businesses and manage it in a sustainable way.
- Safeguard existing major industries and encourage emerging industries.
- Provide opportunities for rural tourism in appropriate locations.
- Provide rural dwelling options where associated with commercial agriculture.
- Provide transparency and certainty for rural landholders.

Submissions

Recognising the above, we make the following submissions;

(1) The overarching Policy directions in each of these documents explicitly aim to encourage environmental sustainability, heritage and protection of scenic landscapes.
(2) The overarching Policy directions do not encourage development in rural areas that conflict with the above, at any significant scale or intensity.
(3) The Policy directions clearly recognise the long term dependency in the Snowy Monaro LGA on the social (scenic and heritage) and environmental (biodiversity) values and need for care when introducing any new uses at significant scale or intensity.
(4) **The new LEP and DCP controls cannot be written in such a way that isolated development in rural areas must be given greater weight than the biodiversity, cultural heritage and scenic values that clearly exist in these areas.**

The advice provided by [redacted] gives more specific detail on how the LEP and DCP could reflect these aims. Building on Justin Doyle's advice that preferred areas for infrastructure should be mapped after a focused study, we also make the following key submissions:

(5) Areas of high biodiversity, cultural heritage and scenic value must be identified through careful studies, as a matter of urgency.
(6) Once these areas have been identified, Council should advocate for planning controls to be put in place at the State level.

Conclusion

There are significant areas within the Snowy Monaro LGA that contain grasslands, aboriginal heritage and scenic values which are not well protected by current or proposed controls. This is directly contrary to the policy directions in the NSW plans (and also Commonwealth policy to halt the loss of threatened and vulnerable biodiversity, such as the Southern Temperate Grasslands and species that depend on this for habitat such as reptiles, raptors and bats). The lack of protection for these areas is also contrary to the wishes of many people of the Snowy Monaro.

We submit that the LEP and DCP be drafted so as to protect adequately Snowy Monaro's biodiversity, cultural heritage and scenic values, and that areas of significant biodiversity, heritage and scenic value must be properly identified and protected through appropriate controls before they are irreversibly damaged by large scale development.

Sincerely,

Rural Landscape Monaro Incorporated

DST
LEGAL

Our Ref: DT:22323

20 February 2023

Snowy Monaro Regional Council
81 Commissioner Street
COOMA NSW 2630

By email: DraftLEP@snowymonaro.nsw.gov.au

Dear Mayor and CEO

Submission: Draft Snowy Monaro Regional Local Environmental Plan

I act for Rural Landscape Monaro Inc aka 'REAL Monaro' – a community association consisting of approximately 300 members. I am instructed that most of the association's members live and work in and around the Monaro Plains and Cooma.

REAL Monaro submits to Council that the updated Planning Strategy and LEP ought to contain new provisions to ensure that the visual, heritage and biodiversity values of local, State and national significance are protected from unsuitable industrial development, including from the immediate speculative threat of wind farms which property entrepreneurs are currently prospecting for short-term profit in the iconic Monaro Plains.

To this end, my client has sought specialist planning and environment legal advice from Mr Justin Doyle of the NSW Bar regarding Council's review of its draft land use strategies and local environmental plans. I attach Mr Doyle's opinion as to provisions which he considers should be included in the Draft Snowy Monaro LEP 2022 and LSPS. REAL Monaro adopts Mr Doyle's suggestions (see for instance, paragraph 10 a)-e) and paragraphs 23-29) and for the reasons set out in his memorandum of advice.

REAL Monaro submits to Council that the new LEP should apply a scenic protection and/or heritage overlay to The Brothers landmark. Council should also consider an amendment to the planning scheme prohibiting industrial development within 10 kilometres of The Brothers; alternatively, buffering from industrial development all land in the Monaro Plains adjacent to the highway between Cooma and Nimmitabel.

Liability limited by a scheme approved under Professional Standards Legislation

Law Practice of Dominica Sophia Tannock ABN 76 852 848 556
17/6 Balwyn Road, Canterbury, Victoria 3126
T: 0437 989 751 E: dtannock@dstlegal.com.au

In support of the association's submissions, I attach the following documents:

1) advice from Justin Doyle of Frederick Jordan Chambers, NSW Practising Counsel, dated February 2023;

2) letter from Rod Mason, Ngarigo Custodian, which I am instructed is dated 2006 and was submitted to the National Trust.

Thank you for your consideration.

Yours faithfully



MEMORANDUM OF ADVICE

Review of the statutory planning scheme applying under the Environmental Planning & Assessment Act 1979 to the assessment of a new wind farm in theMonaro local government area.

To

[redacted]

D S T Legal
Office: 17/6 Balwyn Road, Canterbury, Victoria 3126
Tel: 0437 989 751

Frederick Jordan Chambers
53 Martin Place
Sydney NSW 2000
[redacted]

February 2023

Review of planning scheme for assessment of new wind farms in Monaro

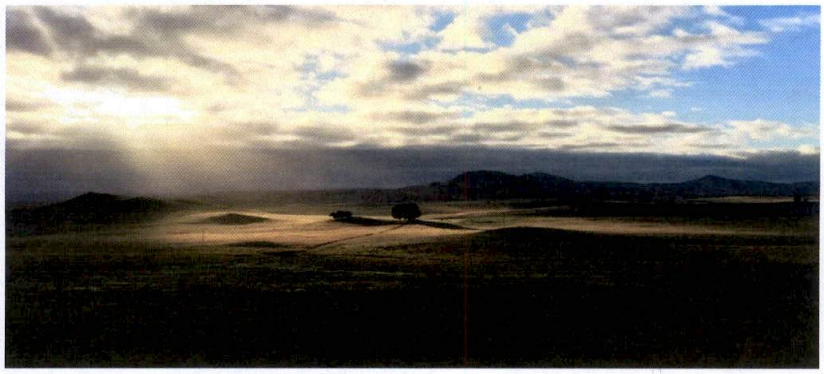
A. Context of this advice

1. DST Legal acts for Rural Landscape Monaro Incorporated which is an incorporated association whose membership is principally comprised of community members, landowners and occupiers in the Monaro Regional Council local government area. The Association also operates under the name "*REAL Monaro*" (with REAL being an acronym for 'Renewable Energy and Landscape').

2. Real Monaro is particularly concerned with recent interest shown by the entrepreneurs scoping the area for suitable sites to be developed as windfarms. While I understand REAL Monaro supports renewable energy and a low carbon economy, it sees the potential location of windfarms in the Monaro landscape as wholly incompatible with the unique visual catchment of much of the Monaro area, and its high environmental and heritage values.

3. As an example, I am instructed that one company prospecting for suitable sites in the area has proposed a new wind farm with up to 45 tall turbines of up to 266 metres high, on both sides of the road from Cooma to Nimmitabel. The location of wind driven turbines in that location would undoubtably have drastic impacts on the pristine rural landscape of the area. The impacts would be felt not only in terms of fundamentally changing the iconic visual catchment of the Monaro Plains forever, but also through major impacts to the natural and indigenous heritage associated with "The Brothers".

4. The Three Brothers are a series of hills set in a naturally treeless plain deriving from three weathered ancient volcanoes which I understand to be a critical aspect of the local indigenous cultural heritage. They are depicted in this image:



5. The intrusion into that landscape of wind turbines which are as tall as CBD office buildings would undoubtedly be both significant and profound. To ensure aviation safety, tall wind turbines must be lit. Given the very low incidence of light pollution sources in the vicinity of the Monaro Plains and The Brothers, the light spill impacts of wind farms at night is another factor that would profoundly change the area. The potential impacts of wind turbines on birdlife (specifically Wedge-tailed Eagles, which are common in the area) were given weight by Chief Justice Preston of the Land & Environment Court in *Taralga Landscape Guardians Inc v Minister for Planning and RES Southern Cross Pty Ltd [2007] NSWLEC 59.*

6. For that reason, I am instructed that REAL Monaro is keenly interested in the presently advertised proposal of Snowy Monaro Regional Council to review its Draft Land Use Strategies and Local Environmental Plans which will see the current Bombala, Cooma-Monaro and Snowy River Local Environmental Plans (LEPs) updated and consolidated into one comprehensive plan covering the whole Snowy Monaro Local Government Area.

7. The Council's website states that the current review originates from Council's Local Strategic Planning Statement 2020 (LSPS) which identified the goals of an updated planning regime to be to:

   - Encourage environmental sustainability and connection to heritage
   - Support growth and change
   - Protect the capacity of productive rural land
   - Provide efficient, safe and sustainable infrastructure

8. Mindful that those 4 objectives will not always be compatible when applied to a particular project on specific land, REAL Monaro is concerned to ensure that the updated Planning Strategy and LEP contains provisions which will ensure that all of the visual, heritage and biodiversity impacts of a proposal are accorded proper weight in any planning assessment, and that to the extent possible new wind farms are suitably located.

B. My review

9. To that end, I have been asked to review the planning scheme presently regulating new windfarms in Monaro and NSW, including particularly the interrelationship of provisions

of local planning instruments which would be called up by the required statutory assessment and the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (**Infrastructure SEPP**).

10. Suggestions are made as to provisions which should in my opinion be included in the Draft Snowy Monaro LEP 2022 and LSPS, to ensure any new wind farm is properly assessed. They include:

    a) The new Snowy Monaro LEP should list The Brothers as both a Heritage Item and an Aboriginal place of heritage significance in Schedule 5 of the LEP.

    b) An additional objective should be included in the RU1 Zone of the new Snowy Monaro LEP to the effect:

        "(x) to avoid development which will substantially intrude into and alter the scenic landscape values of land within the zone".

    c) The new Snowy Monaro LEP should include a specific provision requiring the impact of development on the scenic values of significant rural landscapes and natural features to be considered in the assessment of a development application for significant development.

    d) Include within the revised Planning Strategy (and any DCP to be developed for the new LEP) a map of preferred and undesirable locations for major electricity generating works using wind energy having regard to the comparative impacts that windfarms would have on different areas. The preferred (and undesirable) locations for wind farms should be based on an objective study of the Local Government Area, so that there is a reasoned basis to oppose any poorly located wind farm application proposed in future.

    e) Include within the associated DCP and within the revised Planning Strategy a list of considerations to be taken into account when assessing the suitability of major electricity generating works in a particular location.

11. Before explaining those recommendations, I survey relevant features of the present statutory scheme and associated instruments and policies of particular relevance to the assessment of wind farms in NSW and the Monaro.

C. Planning assessment of a new wind farm in NSW

The *Environmental Planning and Assessment Act 1979* (**EP&A Act**) and Regulation 2021 (**EP&A Regulation**) together set out how the assessment of proposed new development is to be carried out. For all development for which development consent is required, S 4.15 identifies the planning considerations which must be considered in the assessment of the development application (DA). Relevantly, the consent authority is required by that section to consider as they relate to the land the provisions of—

(i) any environmental planning instrument, and

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

(iii) any development control plan, and

(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

12. The first thing to be observed is that under Schedule 3 of the EP&A Regulation any wind sourced electricity generating station will be classed as "designated development" for which particular assessment requirements will apply including the mandatory preparation of a "Environmental Impact Statement" in the prescribed form, additional notification, and 3rd party appeal rights for objectors. Relevantly, a wind farm will be designated development if it produces more than 30 megawatts of electrical power.

13. The "*environmental planning instruments*" which must be considered relevantly include local environment plans (LEPs) adopted at local government level, Regional Environmental Plans (REPs) at regional level, and State Environmental Planning Policies (SEPPs) at state level.

14. In this case, the Infrastructure SEPP applies across NSW. It includes at Part 2.3 Division 4 provisions which regulate "*electricity generating works*". Clause 2.36 in that Division provides relevantly:

> **2.36 Development permitted with consent**
>
> (1) Development for the purpose of electricity generating works may be carried out by any person with consent on the following land—
>
> (a) in the case of electricity generating works comprising a building or place used for the purpose of making or generating electricity using waves, tides or aquatic thermal as the relevant fuel source—on any land,
>
> (b) in any other case—any land in a prescribed non-residential zone

15. Under Clause 2.7 of the Infrastructure SEPP, the SEPP will prevail to the extent of any inconsistency over the LEP. What that means is that irrespective of what the new Snowy Monaro LEP 2022 says, wind farms will be permissible on land in a rural zone (such as the RU1 zone applying to most of the Monaro Plains) provided that development consent can be obtained.

16. Furthermore, clause 5.12 of the LEP (which is a mandatory provision of all LEPs reads:

> **5.12 Infrastructure development and use of existing buildings of the Crown**
>
> (1) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2.

17. The result is that there are limits upon the new Snowy Monaro LEP 2022 purporting to prohibit or restrict wind farms on any non-residentially zoned land (particularly where the facility would be conducted for a public authority), because the Infrastructure SEPP could override such provisions. A suitably drafted provision of the Monaro LEP which set out

considerations for the appropriate location of a wind farm would not in my opinion be caught by that the SEPP provision.

18. However, there is nothing in the Infrastructure SEPP which prevents the LEP from including considerations that might be taken into account when considering an otherwise permissible form of development (such as wind farms).

19. In my opinion, the existing provisions of the Cooma-Monaro LEP and the Draft Snowy Monaro LEP (and associated DCP and Draft DCP) are wholly inadequate to assist in the assessment of a wind farm application. There are no explicit provisions requiring the assessment of visual and other impacts (such as light spill and noise) likely to arise in a wind farm development to be considered in a rural zone. Council's "Snowy Monaro 2042 Community Strategic Plan" provides at Objective 3.2 that Council should "Have in place land use controls that protect the natural environment landscape including visual and scenic values" but the new LEP will not do this in the RU1 zone, other than the vague requirement to have regard to the objective of protecting 'areas of visual and scenic quality". Planning Priority 2 of the proposed LSPS is similarly vague.

20. The only heritage nominated to be protected is narrow, being either a small number of aboriginal sites, and items of western built heritage. The Brothers are not mentioned.

21. In my opinion it is critical that those deficiencies should be corrected with the new LEP. While (for the reasons discussed) those provisions will still not be able to prohibit or restrict approval for a wind farm, it might still assist in a DA being rejected.

22. The objectives of the new Snowy Monaro LEP stated at the proposed clause 1.2 do contain a reference to visual impacts in the following terms:

> **1.2 Aims of Plan [compulsory]**
>
> (1) This Plan aims to make local environmental planning provisions for land in Snowy Monaro Regional local government area in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.
>
> (2) The particular aims of this Plan are as follows

...

(a) to protect historic, environmentally significant and cultural sites and areas of visual and scenic quality, ...

23. What I recommend is first that an additional objective be added to the zone (and I suggest the RU2 zone as well) which is more specific. The objective I have suggested is:

" - to avoid development which will substantially intrude into and alter the scenic landscape values of land within the zone".

24. Because that objective does not prohibit any electricity infrastructure use of land, but rather regulates the consideration of whether a particular proposal is acceptable, it would not be inconsistent with the SEPP and would in my opinion continue to apply to a wind farm DA.

25. I also suggest that a provision be included in the specific provisions of the draft new LEP (I suggest as an additional Miscellaneous Provision in the LEP) to the effect:

"5.?? In the assessment of a development application for development which will have a significant effect on the scenic attributes of the Monaro Plains, the consent authority will have regard to the importance of visual impacts to the natural and rural character of the area.

26. Finally, I suggest that The Brothers is added to the list of heritage items in Schedule 5 to the proposed new LEP. I observe in that regard that although clause 5.10 of the LEP is directed to "environmental heritage" as well as built heritage, the items listed in Schedule 5 are narrowly concentrated on Western instances of built heritage. I understand The Brothers to be important to the Western and natural heritage of the region. The Brothers are also I understand important to the aboriginal customs and beliefs of the *Ngarigo* People who are the traditional owners of the area. They should therefore also be added as an item of Aboriginal places of heritage significance (of which there are sadly only two examples currently proposed in the current draft LEP).

27. Including provisions which purport to prohibit wind farms in either the LSPS or any DCP will face similar difficulties if they traverse the express permissibility of wind farms in the SEPP. However, there would seem to be utility in the Council producing a reasoned study

as to where wind sourced electricity infrastructure would best be located. Any LSPS (the document whereby Council is obliged to set out its 20-year vision for the local government area, and detail how change is to be managed in conjunction with changes to the LEP) should address new pressures on the area for unsympathetic development. Wind farm development can be expected to impose such pressures.

28. Irrespective of the hierarchy of planning instruments, such a considered study would provide an objective basis for the evaluation of a wind farm proposal when lodged in the Region. If through no other means, such a study would be relevant to a DA assessment under the "public interest". At present I understand there is no objective study at all which leaves the Council vulnerable if windfarms in undesirable locations are proposed.

29. Again, discussion in the LSPS of where infrastructure of that kind should be located may prove similarly crucial if a DA is lodged.

D. Way forward

30. For the reasons set out in the introductory portions of this advice the impacts of new wind farms on the Monaro Plains would have a dire impact on the visual and natural attributes of the area. At present, the planning relevant to where wind farms should be located is at best vague.

31. I have proposed above various changes to the draft Snowy Monaro LEP currently subject to consultation prior to adoption as a draft and exhibition.

32. The conflict provisions of the Infrastructure SEPP and the compulsory clause 5.12 of the Standard Instrument make it difficult for a Council to restrict the development of windfarms, especially where they are proposed on behalf of a public authority. Nonetheless, it remains my opinion that resistance to DA's for inappropriately located facilities would be assisted by measures such as tightening the objectives of the LEP and the RU1 zone, adding an express consideration for the location of wind sourced electricity infrastructure, listing The Brothers as items of general and Aboriginal history, and (through the LSPS and any DCP prepared) mapping the preferred areas for such infrastructure after a focused study.

33. I would be happy to consult with Council assessment staff directly in conference with you if it will assist in an improved planning outcome in this important area of concern to REAL Monaro.



February 2023

The Brother's

To Whom It May Concern

The hills south of Cooma are significant cultural landscapes for the Ngarigo people and their descendants. The Ngarigo people named these hills the **Gugang**. The **Gugang** was a summer seasonal teaching place. It was a place to camp and catch certain grass birds, reptiles and small marsupials.

The story of the **Gugang** is an important teaching lesson for locals. The Ngarigo believe that one day a grandmother and grandfather went camping with their grand sons. They camped in the **Narrawallee** the long grass country.

One day, while camped in the **Narrawallee** the grandfather said he had to go south to check on some special things he had left in the bush some time ago.

As days went by, the grandmother became concerned and sent the grandsons south to search for their grandfather.

As they arrived at the grandfather's camp, they searched and searched for their grandfather but he was no were to be heard or seen; only the camp fire he had used.

So the grandsons covered the fire place with rocks, dirt and stones. This old camp fire today is known as Delegate hill.

As time went on, the old grand mother became concerned for the grand sons she had sent south to look for their grandfather. So she covered over their campfires with rocks, dirt and stones.

The Ngarigo believe that the spirits of these ancestors still roam the Gugang and Monaro searching for each other.

These old campfire places are locally known to the Ngarigo as the **Gugang.**
For the non Indigenous community they are referred to as the Brothers.

Note: For the Ngarigo people, the significant shape and location of these types of formations, represents old covered up camp fire places in the landscape.

Yours in Unity,

[redacted]

[redacted]

From: [redacted]
Sent: Friday, 24 February 2023 4:45 PM
To: Draft LEP
Cc: Brooke Davey
Subject: Submission regarding changes to the Draft Snowy Monaro Regional LEP
Attachments: Snowy Monaro LEP Submission.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Brooke and officers of Council,

Please find attached DP Energy's submission regarding the draft LEP.

We are happy to discuss these changes and renewable energy projects further, and look forward to an open dialogue with Council.

Regards,

[redacted]

DP ENERGY

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[redacted]
www.dpenergy.com

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DP Energy Australia Pty Ltd
PO Box 212
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T: 07 4091 2163
M: 0433 281 078
[redacted]

Brooke Davey
Strategic Land Use Planner
Snowy Monaro Regional Council
Via DraftLEP@snowymonaro.nsw.gov.au

By Email: 22 Feb 2023

Dear Brooke and officers of the Snowy Monaro Regional Council,

Re: Response to Draft Snowy Monaro Regional LEP

DP Energy Australia are pleased to provide a submission in response to the Draft Snowy Monaro Regional LEP.

DP Energy Australia is part of a long established (30 years) Irish headquartered renewable energy group operating across multiple jurisdictions to develop projects that are both sustainable and environmentally benign.

DP Energy has been developing renewable projects in Australia for 15 years and recently delivered the Port Augusta Renewable Energy Park project a 320MW Wind and Solar Hybrid in SA which is now fully operational. DPEA continues to develop a pipeline of projects, mostly focusing on onshore wind development but also offshore wind, storage, solar, hydrogen and new technology opportunities.

DP Energy Australia has an interest in the Council area, as we are working with a number of landowners in the Snowy Plains area within the Snowy River LEP,to progress a proposal for a wind farm project. Based on our evaluation to date we consider the project can be developed in a manner which is consistent with the principles of sustainability and environmental sensitivity. DP Energy have a history of working with the local communities, including Council's that host projects, to ensure projects are in areas that boost the local community in a number of ways, and that mitigate and manage any potential negative impact. This is achieved through years of scientific studies across social, environmental and economic disciplines, robust and best practice community and stakeholder engagement, and proposal of community benefit plans, before a project is progressed to applying for development consent.

Draft Rural Land Use Strategy

DP Energy supports the underlying seven key principles of the Rural Land Use Strategy, it is in the implementation of these principles and policy guidance around specific issues that we have concerns the result may not reflect the intent.

The documentation makes a number of assumptions in regards to the importance of some areas as well as the impact of some land uses. We have concerns that these assumptions, whilst broadly reflecting the underlying value of the area, lack a scientific approach robust enough to make binary conclusions regarding the land and/or any potential land use.

For example, the policy position that large-renewable proposals should avoid biodiversity corridors, high environmental value areas, and high scenic quality and importance areas is broadly an agreeable one, however there is no threshold levels or quantitative/ qualitative basis to fully designate such areas in most cases. Generally, it seems to be based on broad designation, aerial imagery based mapping and community engagement feedback. A Development Application through the NSW State Significant Development Planning System requires extensive amount of data, years of field surveying and ground truthing of areas, as well as multiple levels of assessments against tried and tested State and Commonwealth bodies. In this sense it might be worthwhile to adopt a more inclusive approach, rather than exclusive to allow these processes to deliver a more robust approach than broader land designation.

Furthermore, some of the other statements also fall into the category of being broad against a backdrop of systems that are more sophisticated. This would include topics like what the community prioritises or values, what areas and viewpoints are of importance, and what areas should be avoided. Again through tried and tested processes developed through renewable energy development over the years, social impact statements, environmental impact statements, community engagement strategies, agricultural impact assessments, visual impact assessments are all detailed and robust assessments carried out with a level of independence and third party assessments, including referral authorities, local governments, State Government and Commonwealth Government. Again it would seem restrictive to rule out a particular location based on broader context, when a proponent like ourselves would be happy to conduct a full range of assessment.

The executive summary of the document states “The Strategy Considers the need to ensure that development planning decisions today do not compromise opportunities to meet future needs.” DP Energy have concerns by potentially ruling out future land uses entirely without the opportunity to assess these land uses against a properly stated code of assessment, this is what may happen in the future. This is more important in consideration of sustainable and clean energy generation as fossil fuel generators feeding existing infrastructure shut down, as well as diverse ranges of infrastructure, tourism, employment, supply opportunities and investment to safeguard the region in the future.

Local Environmental Plan – RU2 Rural Landscape Zoning

We have similar issues with the proposed changes to the LEP resulting in some RU1 land being rezoned to a new RU2 Rural Landscape Zoning. These issues are putting a broad brush control over a large area whilst excluding the ability to assess proposed sites against the normal State and Local Environmental Plan controls and regulations, which would assess the impact of land use changes.

The issues with the LEP are more serious in our eyes, as they plan to prohibit electricity generation outright, which doesn’t allow for projects that can manage and mitigate impacts in broad areas mapped of importance which may in reality not be of significance, or shouldn’t rule out particular activities.

A few of the objectives of this zone state:

- To provide for a range of compatible land uses, including extensive agriculture
- To protect the environmental significance of certain areas, including koala habitat
- To encourage development that will not have an adverse impact on the environmental and scenic qualities of the existing landscape

It is our opinion that some renewable energy proposals can meet all the objectives of this zone, and therefore should be permitted with consent if they are able to demonstrate so (as opposed to being prohibited under the zone). Wind farms in particular can be designed to avoid ecological values, avoid areas constrained by slope, manage scenic landscapes, and work with current agricultural land uses. For example, recent sites have showed

that a wind farm reduces agricultural footprint by 3%, and has almost no impact on agricultural yields whilst providing a secondary land use.

The ideals of the RU2 zoning is to apply to rural lands used for primary production that are also physically constrained by slope and poor soils, and have ecological values or scenic landscapes. Again this is broad and rules out the specific land use assessment that can be used to scientifically study these topics further. It also speaks of high impact or hazardous land used such as heavy industries, electricity generating works, intensive livestock agriculture and some rural industries. Again this is quite broad in relation to the type and scale of potential activities. A boutique solar farm development that avoids area of importance and has a low impact is not comparable to an abattoir, and there should be a procedural and scientific assessment of land uses and their impacts to inform the types of development allowed or encouraged in the area.

General discussion

We are in a current policy context nationwide that is increasing the importance of renewable energy generation and setting up pathways to ensure our future energy needs are met. At the same time, we are seeing communities begin to be more welcoming of these projects and understand the positive and negative projects impacts.

We certainly see the importance of protecting areas in this beautiful region, and particularly protecting the assets of this area, namely tourism, agriculture, ecology, views and scenic values. As the renewable energy industry matures and adjusts, we are seeing bespoke projects that can work side by side these values, and sometimes even enhance them. With the need for reliable, clean energy generation increasing into the next 20 years, as well as the assumption that these technologies will continue to be refined to have less impact on the abovementioned values, we reiterate our belief that any binary decisions to prohibit areas from this development may be hasty.

We commend and acknowledge the amount of work and community engagement the Council has done up to this point, which is very impressive and robust in itself. However, we also acknowledge the level of detail in regional area plans like this will never be as detailed as a specific site assessment, so we request that areas are not ruled out, but are able to be assessed scientifically and specifically based on the Council's, State and Commonwealth Governments policies, regulations and procedures. We also acknowledge that the mapping is based on data, such as topography, soil mapping and land capability mapping, vegetation mapping and other constraints mapping which is available on a wider scale, as needed by Council, but see a need for ground truthing this data before making significant land use decisions. This is the kind of ground truthing and scientific data that would be required to consent a project.

The Local Strategic Planning Statement 2020 (LSPS) made clear the Snowy Monaro needs revised plans that:

- Encourage environmental sustainability and connection to heritage
- Support growth and change
- Protect the capacity of productive rural land
- Provide efficient, safe and sustainable infrastructure

DP Energy certainly believe that there is a huge opportunity for renewable energy projects that can align with all criteria, whilst particularly delivering environmental sustainability and providing efficient, safe and sustainable infrastructure. These areas will continue to grow in importance moving forward in time.

We thank you for the opportunity to provide feedback on the LEP. Please don't hesitate to contact me if you would like to discuss any of these matters further.

DP Energy Australia Pty. Ltd. ABN: 16 140 516 196
PO Box 212
Holland Park QLD 4121
T: 07 4091 2163



Head of Approvals

DP Energy Australia Pty. Ltd. ABN: 16 140 516 196
PO Box 212
Holland Park QLD 4121
T: 07 4091 2163

[redacted]

From: [redacted]
Sent: Monday, 20 February 2023 1:55 PM
To: Records Snowy Monaro Regional Council
Cc: [redacted]

Subject: submission on Rural Landuse Strategy

Please accept the following as a submission on the landuse strategy and LEP review.

The inclusion of the 2019 Bombala Shire Heritage Study listed sites for Bombala and Delegate as heritage items in the LEP should be disregarded. Many of the property owners are unaware of the listing and to propose including their property in the Heritage schedule of the LEP without their knowledge is disgraceful behaviour by council.

The river corridor on the Delgate River near the water pumping station inlet and the creek adjacent to Wilsons Bridge on the Corrowong Road need to be rezoned as infrastructure to facilitate construction of on stream water storage/s for the Deleagte town water supply. As you may be aware Delegate has no raw water storage capacity which means that if the Delegate River stops flowing the town runs out of water the following day. Climate change demands that water security be considered in the LEP. Refer to an application to NSW Water by the former Bombala Council for the details of the proposed storage.

Similarly the Bombala river corridor upstream of the bottom foot bridge extending to the junction with the Columbooka River and the Columbooka weir and river extending upstream of the Columbooka bridge on the Cathcart Road need to be rezoned to infrastructure zone to facilitate construction/augmentation of water supply storages. Refer to the recently approved gateway planning proposal for specific details.

Council need to reform the community reference group and refer the Landuse strategy and LEP back to that group before anything further is done on this matter. Further the completion of the Intergrated Water Cycle Management Plans for all water supplies must be competed prior to any zoning changes such that appropriate zoning for future water storages can be made. Such is the intent of strategic planning.

[redacted]

Sent from Samsung tablet.

[redacted]

From: Draft LEP
Sent: Wednesday, 8 March 2023 2:18 PM
To: [redacted]
Cc:
Subject: RE: Late Submission to SMRC Rural Land Use Strategy (Someva Renewables)

[redacted]

Apologies for the time taken to acknowledge your submission. We are taking time to review and respond where appropriate, which is a large task so thank you for your patience.

[redacted]

[redacted]
Sent: Friday, 24 February 2023 10:34 AM
To: Draft LEP <DraftLEP@snowymonaro.nsw.gov.au>
[redacted]
Subject: Late Submission to SMRC Rural Land Use Strategy (Someva Renewables)

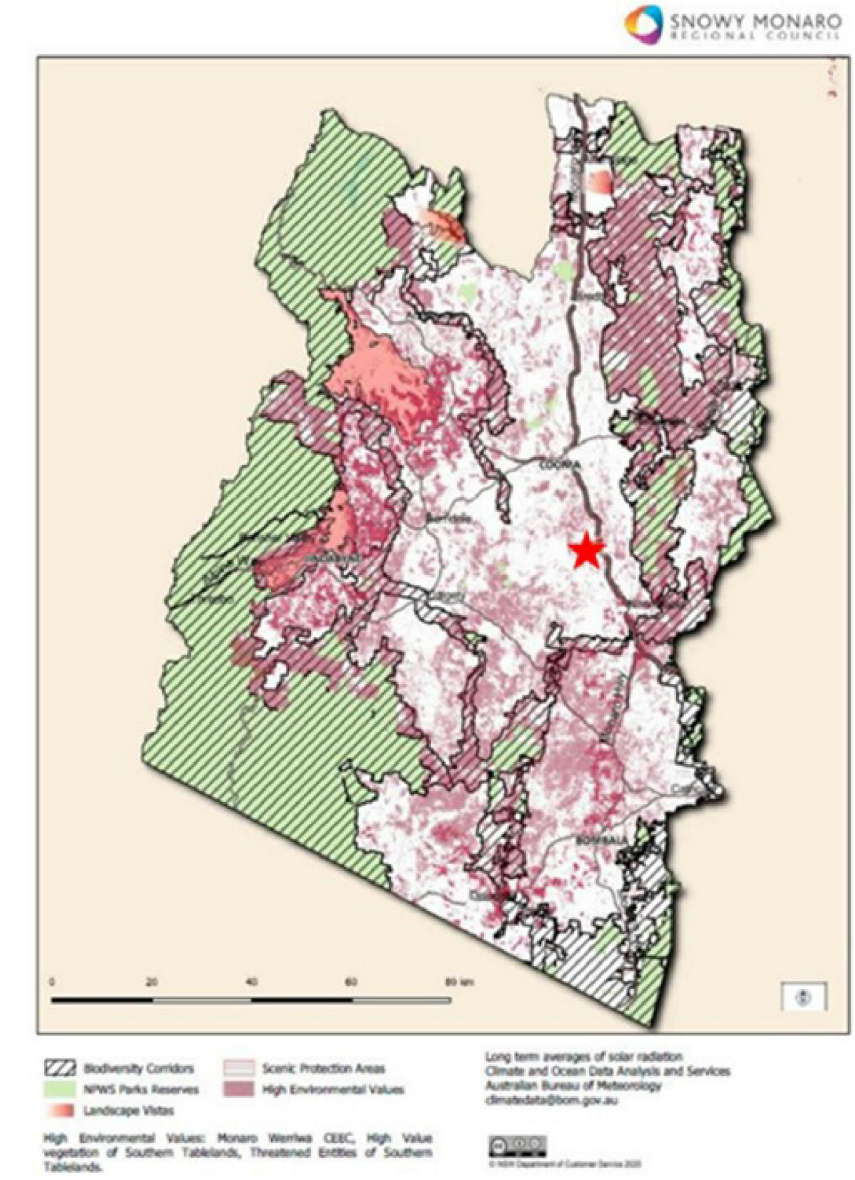
Dear SMRC Team,

We hope you are well and are also willing to accept a late submission for consideration on the re-development of the *SMRC Rural Land Use Strategy*.

We're a largescale renewable energy development company that is currently seeking to develop a wind farm off the Monaro highway near Rock Flat, which we are currently calling '*Coonerang Wind Farm*'. We chose this site after careful research, consideration of local and state development legislation, wind-monitoring efforts over the past 1.5+ years, and our commitment to a Net Zero national economy.

Our *Coonerang Wind Farm* project is highly complementary to SMRC's Rural Land Use Strategy (based on our reading of the draft strategy online). Our project is working to balance the interests of agriculture and eco-tourism opportunities, ensuring that both can operate without significant impacts on the other as well as elevate the significant environmental values that exist within the region. This project has been appropriately located in line with SMRC's Rural Land Use Strategy, away from high biodiversity constraints and identified scenic protection areas. See excerpt figure below (the red star is our project site).

We note that the Snowy-Monaro region is seeking to position itself in the region as a hub of renewable energy excellence. Local council support for such a significant commitment by largescale renewable development companies, such as ourselves, to the region is a key aspect of achieving this goal. We happy to provide any support we can through our projects to help!


SNOWY MONARO
REGIONAL COUNCIL
COOMA
BOMBALA
0
20
40
60
80 km
Biodiversity Corridors
NPWS Parks Reserves
Landscape Vistas
Scenic Protection Areas
High Environmental Values
High Environmental Values: Monaro Werriwa CEEC, High Value vegetation of Southern Tablelands, Threatened Entities of Southern Tablelands.
Long term averages of solar radiation
Climate and Ocean Data Analysis and Services
Australian Bureau of Meteorology
climatedata@bom.gov.au

[redacted]

[redacted]

From: [redacted]
Sent: Wednesday, 1 March 2023 4:35 PM
To: Draft LEP
Subject: Additional detail for submission to SMRC Draft LEP

Hello
Please add this to the submissions for the Draft SMRC LEP.
I have already made a summary submission regarding listed heritage items, however I was unable to access the information used to propose the listing. The Heritage Officer was kind enough to send me Volume 2 of the Bombala Area Heritage Study, which includes the required detail to make an informed submission.

Additional submission based on full information provided
I refer to Draft LEP map item [redacted] also described in the Bombala Shire Heritage Study 2018, Vol 1, as item [redacted] I intend to preserve the heritage aspects of my property as much as possible; however I object to the listing and the map of heritage item(s) as they stand because they are currently incorrect, and I seek to have the draft mapped areas reduced as appropriate on this rural land, as per Schedule 5 of the Draft LEP.

The basis of this request is that:

1. The majority of the information in the inventory, that the LEP proposed listing is based on, is summarised from a report by an amateur historian with a personal interest in the site.

2. The methodology noted in the Heritage Study was not followed for this proposed site: there is no site data sheet, no site evidence apart from a grainy interpretation of the site by the amateur historian, and no consultation with affected property owners. I have owned the property since 2016 and have never been contacted re a heritage inspection for the purposes of the heritage study that the LEP listing is based on.

3. Several entire Lots are proposed to be listed whereas the items are *within* the lots rather than consisting of whole lots, and that the inventory notes "The primary item of interest is the [redacted] and its [redacted] It is unacceptable to list the entirety of large lots as heritage items due to a 1m wide linear dent in the ground passing through them where a structure *used to be* but is no longer.

4. Similarly there is no point listing gullies as heritage items because they are naturally occurring flowlines; if gullies are listed then the entire Bombala River may as well be listed as a heritage 'item'. If the 'landscape' is the heritage 'item' then you may as well list the area of the entire Bombala Gold Field as a heritage item or area.

5. The mapping is inconsistent with the process of identifying heritage; for example the Bundian way lots are not included in the mapping, but Quidong Mine Workings is also proposed to be listed over whole lots but doesn't includes parts of the river where workings actually were;

Brooke and team, I seek to have the mapped areas reduced as appropriate on this rural land, as per Schedule 5 of the Draft LEP, and look forward to working with SMRC further on this issue.
Thank you for the opportunity to make this submission.
Best regards
[redacted]

[redacted]

From: [redacted]
Sent: Tuesday, 14 February 2023 3:01 PM
To: Draft LEP
Subject: Feedback
Attachments: [redacted]

Please find attached a letter detailing our feedback on one specific area of the LEP.
Regards
[redacted]

[redacted]

13 February 2023

Snowy Monaro Regional Council

We would like to give one specific piece of feedback regarding the Draft LEP.

My parents have owned what is now called 4[redacted] With my father's death a few years ago and my mother's death last year the property is currently being transferred to my brother and myself.

The property is made up of several lots [redacted] are zoned RU1 with a minimum subdivision size of AB5 40ha under the current LEP and it is intended to become part RU2 AE1 200ha minimum subdivision size. The balance of the property is C3 AD1 100ha and will remain so.

We have read the reasoning behind the RU2 zoning and looked at the maps and can see that there is intended to be a small belt of RU2 AE1 (200ha) between the RU1 AB3 (40ha) and the C3 conservation AD(100ha) in this area. Previously this belt did not exist and the zoning went straight from RU1 AB5 (40ha) to C3 AD1 (100ha). In this small AE1 belt there are 4 small block lifestyle owners on [redacted] and only a couple of owners holding more than about 10ha between the [redacted] and the ridge between the [redacted] and the [redacted] This means this whole new zoning only affects a couple of people (including us) and we cannot understand why it is necessary.

The proposed LEP has the whole current farming area around the lake and along Forest View Road as RU1 AB3 40ha, but our cleared farming area is proposed to be RU2 AE1 200ha. There are already 3 small lifestyle block[redacted] our cleared farm area in

lots 100 DP 1133466,99/756690 and 4-6/48415 surrounds. Our grazing/farming area is run in conjunction with our property near East Jindabyne. A 40ha minimum subdivision makes more sense for this area.

The proposed RU2 area of our farm cannot be seen from any public road, or from the other side of the lake. It seems that our farm has just been lumped into RU2 as there is an area of steep uncleared bushland which is not used for agriculture between our farm and "Forestview". Our cleared land is the furthest upstream on the River in this area.

At the moment we have no intention of subdivision and we would love to keep the whole place forever, however we can envisage the next generation of our families wishing to split the cleared area, which the proposed plan moves to a 200ha minimum subdivision, into part for my brother's family and part for my family, leaving the C3 area untouched. We can't see any logical reason why this should not be possible, or even encouraged. If the whole property ends up being a minimum 200ha in part and 100ha in the balance – with the C3 zoned area being more expensive to access and build on, it will be very restrictive in how we can deal with the property in the future. It seems very strange that the minimum subdivision area of the C3 zone is smaller than the RU2 zone.

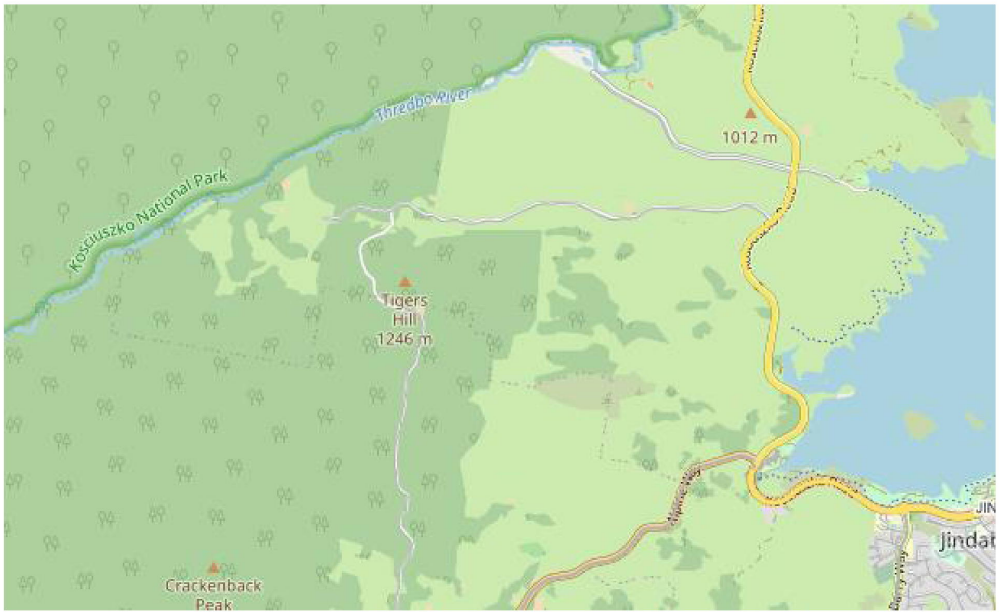
Our suggestion is that the small band of RU2 AE1 200ha is removed and the RU1 AB5 40ha, goes right to the change to C3 AD 100ha. This would bring it back in line with the current LEP which we see no reason to change. Please see the attached maps.

Regards

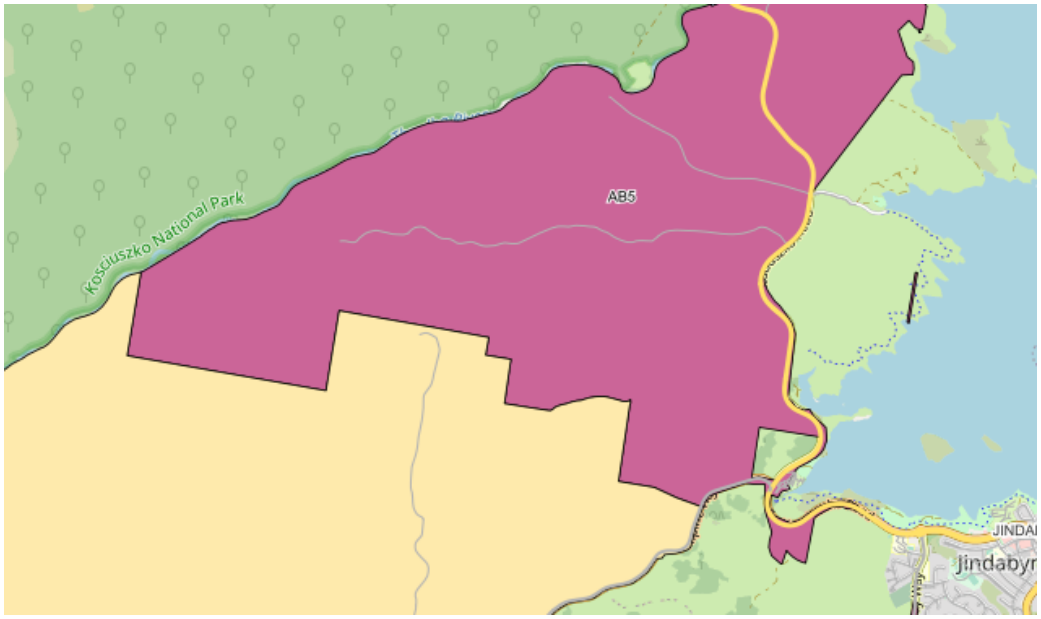
Elizabeth and Marty Timmins



(in Red) and the proposed AE1 / AB3 / AD zones, These lots are in AE1



The map without the zones – showing clearly the cleared area of our farming land (to the north west of Tiger's Hill) which has been ignored and allocated to RU2 AE1 200ha.



The current LEP zones – AB5 (40ha) and AD1 (100ha). We can see no reason at all to change this.

[redacted]

From: [redacted]
Sent: Thursday, 12 January 2023 4:40 PM
To: [redacted]
Subject: Draft LEP submission

Dear [redacted]

Re: Draft LEP Submission [redacted]

[redacted] is seeking consideration from Snowy Monaro Regional Council to review the land use zone of the above mentioned lots. The lots are in close proximity to R5 zoned land and given their size and proximity to the town, have huge potential. We would like SMR Council to consider a zone for the subject land that would enable either large lot subdivision or a small-scale tourist accommodation that would enable th[redacted]o provide tourism related business activities within the Jindabyne and snowy mountains region. Presently, there is no such tourism ventures provided by the[redacted]nd our membership has a strong cultural connection to the region. Many of our members are [redacted] and would like the opportunity to benefit from the growth flowing from the SAP. The current land use zone constrains the[redacted]and we would like to see a more flexible zoning for these holdings.

Please do not hesitate to contact me with respect to this matter.

[redacted]

[redacted]

From: [redacted]
Sent: Thursday, 12 January 2023 4:16 PM
To: [redacted]
Subject: LEP submission

Dear [redacted]

Re: LEP public exhibition

I am writing to seek support from Snowy Monaro Regional Council with respect to a change of land use zone on [redacted] It is land subject to [redacted]

[redacted] is seeking to have the change of land use to a zoning such as RU5 Village. We would like to see the land capable of having uses such as dwelling houses and accommodation for purposes such as a small ski lodge accommodation for community members. We recognise the need for some public space in the vicinity of the foreshore, but we also are aware of the need for the [redacted] to able to access Jindabyne and the Snowy Mountains area on a more regular basis and for there to be accommodation that would enable families and young people to be able to enjoy the area and reconnect with their [redacted] To our knowledge, there is no other site in and around Jindabyne and environs that can accommodate [redacted] at a price that the community can currently afford.

The Council's consideration of this matter is greatly appreciated.

[redacted]

Please do not hesitate to contact me if you wish to discuss this matter further.

Regards,

[redacted]



[redacted]

From: [redacted]
Sent: Tuesday, 29 November 2022 9:55 PM
To: Draft LEP
Subject: [redacted]
Attachments:

[redacted]

Please find attached our submission re the Draft Rural Land Use and LEP Draft Documents 2023. We have outlined our issues regarding changes made from the previous Draft 2020 and the new Draft LEP 2023.

Also could I point out that the link to the draft maps as given below, does not seem to work. And we have been unable to access this. Subsequently have had to go through all of the documents to find relevant information regarding zonings etc that apply to our land.
https://maps.chartistechnology.com/snowymonaro

[redacted]

[redacted]

29/11/22

Submission: Strategic Land Use Planner

Our submission refers to land located within [redacted] from Cooma previously in the Snowy River Shire, and consequently governed by the Snowy River Council LEP. Our property [redacted] was located on the previous boundary between [redacted] and is at the closest [redacted] from the centre of Cooma and the furthest at [redacted] from Cooma.
The zonings contained in the SRSC LEP 2014 were the same zonings as those contained in the previous SRSC LEP (approx. 2004). The new draft SMRC LEP 2023 does not contain any changes to land zonings in the area of concern even though the original Draft LEP 2020 had proposed zoning changes. The 2020 Draft LEP had addressed the anomalies of zoning around Cooma compared to the other areas around Cooma and the other towns and villages in the SMRC, mostly due to its proximity to the previous two Shire Boundaries.

The land we refer to had previously been zoned RU1 Primary Production LEP'S (2014, 2004). It would appear under the Draft LEP 2023 that the zoning RU1 will remain even though in the previous Draft (2020) changes were proposed. The changes (2020) proposed for this land were two zonings:

1. An E3 environment management for land bordering Pine Range as it contained land of a similar nature. Ie heavily timbered with large rocky areas and gullies and poor-quality soil.
2. A Zoning of E4 Environmental Living with a minimum Lot size zoning of AA - 8ha. This land, less timbered but also of poor soil quality was deemed to be of low agricultural value. Some of this land is located right [redacted]

The previous Draft (2020) : Rural Land Use Strategy ; Draft Settlements Strategy;
Snowy Monaro Regional Local Environmental Plan: identified this area as an area for potential expansion of Cooma for large residential – Life Style blocks.
We note that the **new Draft 2023** Rural Land Use Strategy; (See below copied from the document), identifies the same needs.
As these existing areas around Cooma have mostly been developed there is potentially a need for small areas of rural residential development in the immediate future. To the south of Cooma along Maffra Road, there is land zoned RU1 Primary Production which is not suitable for primary production due to lot sizes, previous uses and vegetation coverage. It is considered appropriate that the Council works with landowners to establish biodiversity value of the land and zone it appropriately.

Recommendations

• 52. Work with landowners to investigate the zoning of rural land south of Cooma and consider appropriate use of Environmental Protection Zones to protect biodiversity values well providing for limited development potential.

• 53. Council may consider planning proposals in this area which reduce the minimum lot size if: o Development proposed does not pose an adverse risk to the area's ecology. o If the proposal can demonstrate the risks posed by natural hazards (flood, drought and bushfire) can be effectively managed. o If the proposal can demonstrate adequate sealed road access. o The minimum lot size (MLS) proposed is not below 2ha (lower MLS may be considered if reticulated water and sewer can be provided)

Issue : that the **Draft 2023 LEP** has not realigned the zoning for this area despite the changes made on the DRAFT 2020 LEP and despite the recognition that the previous Councils LEP's needed to be harmonised and aligned . This area has now reverted back to the previous zoning of RU1, (page 304) but with a

minimum Lot size of 80ha. This does not address nor align with the statements made in the Rural Land Use Strategy and Draft Settlements Strategy.

- The RU1 zoning for this land is totally inappropriate and not aligned with the recommendations of the Draft (2023) : Rural Land Use Strategy ; Draft Settlements Strategy. From these documents it would seem that the appropriate Zoning should be
  - **C4** in line with similar land located on the other side of Cooma along the Old Dry Plains Road , close to Golf Course and along Mittagang Road .
  - possibly **R5** – Large Lot Residential, as the land we are referring to, almost adjoins the exisiting large R5 allocation located along both sides of Cooma Creek to the East of Pine Range. Or as around Berridale (a property was recently advertised for sale zoned R5, address was 462 Middlebank Rd – 4.56 KM from Berridale)

  To quote

Snowy Monaro Regional Council needs to harmonise, review and update the current Bombala, Cooma-Monaro and Snowy River Local Environmental Plans (LEPs) into one comprehensive plan covering the whole Snowy Monaro Local Government Area.

They are out of date and no longer meeting the needs of our changing community.

- It is noted in the Draft LEP (2023) the section which has been copied below
  DRAFT LEP RELEVANT SECTIONS
  Investigate a change of zoning for p[redacted] RU1 Primary Production to R5 Large Lot Residential. Amend MLS from 80ha to 8ha. Consistent. The draft Snowy Monaro LEP includes a minor change in zone and minimum lot size for these lots.
  Review and rationalise R5 Large Lot Residential Zoning around Dalgety. Consistent

It would seem that it is possible for Zonings to be changed in other areas. We feel that that the land area we are referring to – (of which we are the only residents) seems to have been forgotten again (as what occurred in the writing of the SRSC 2014 LEP).
We would request that this anomaly be rectified when the final LEP is written.

We have scheduled a meeting with[redacted]n Tuesday 6th at 9am to discuss the matter and would be happy to meet with you also.

[redacted]

[redacted]

From: [redacted]
Sent: Monday, 5 December 2022 8:39 AM
To: Draft LEP
Subject: LEP LSPS FEEDBACK

Dear Sir/Madam,

I am a resident and ratepayer in the Snowy Monaro Shire. I recently received a letter from Council regarding the LEP & LSPS which asked for feedback.

I have not read the LEP and do not have time to do so. However, I read the four LSPS Objectives in your letter. One of the four Objectives was, "Support growth and change."

I moved from Jindabyne to Dry Plain to get away from growth and change. My quality of life deteriorated at Jindabyne so I left. Residents' quality of life will only improve when government stops focussing on growth. Growth only reduces quality of life.

Why can't government concentrate on improving residents' quality of life rather than colluding with greedy developers?

[redacted]

[redacted]

From: [redacted]
Sent: Monday, 16 January 2023 10:19 AM
To: [redacted]
Subject: Submission Draft Snowy LEP
Attachments: Submission SMLEP.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

[redacted]

Please see attached submission on the draft Snowy LEP in relation to the changes proposed in Dalgety.

Thank you,

[redacted]

[redacted]

[redacted]
Team Leader Strategic Planning
Snowy Monaro Regional Council

Re: Draft Snowy Monaro Regional Local Environmental Plan

Dear [redacted],

I am writing to express my support for the draft Snowy Monaro Regional LEP, particularly in relation to the amendments to minimum lot size of certain R5 large lot residential land in Dalgety.

Council's proposed amendments to the minimum lot size from 6ha to 2ha on the urban fringe of Dalgety will have several benefits for the town, including:

- Providing a more logical and orderly transition from residential to rural;
- Increasing supply and diversity of residential lots and housing to cater to unprecedented regional demand;
- Providing an opportunity for Dalgety to capitalise on regional growth proportionate and complementary to that facilitated by the Snowy SAP in Jindabyne;
- Facilitate a growing community base to support local businesses such as neighbourhood shops, agri-tourism, childcare services, the student population, and residents to support the local pub.

The amendments proposed to minimum lot sizes in Dalgety would not result in the loss of productive agricultural land or burden the social and community services in place.

Small regional towns like Dalgety often struggle with population decline, residents unable to age in place, limited supply of housing, and a lack of opportunities for young people. The current conditions offer a rare opportunity for Dalgety to buck this trend and grow to reach its potential of a thriving regional community, great place to live and a tourist destination. Council's proposed lot size changes are an important step on this journey for Dalgety.

Kind regards and great work,

[redacted]

[redacted]

From: [redacted]
Sent: Monday, 16 January 2023 1:57 PM
To: Brooke Davey
Cc: Alexanda Adkins
Subject: [redacted]
Attachments:

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Brooke and Alex,

Please accept the attached letter as formal feedback on the Draft Snowy Monaro LEP

Kind regards,
[redacted]

[redacted]

If you look at the current Cooma-Monaro LEP Clause 4.2B (link here https://legislation.nsw.gov.au/view/html/inforce/current/epi-2013-0614#sec.4.2B) you will notice that the R5 Large Lot Residential Zone is listed. This means that to receive a dwelling entitlement you would need to comply with the minimum lot size or one of the other criteria within the clause. This currently limits your ability to construct a dwelling in the closed road reserve.

If you then refer to Clause 4.2A of the Draft Snowy Monaro LEP (starts on page 106 of the Draft Snowy Monaro Regional LEP and Explanatory Notes) you will notice that the R5 Large Lot Residential Zone is not listed at the start of the clause. This means that the R5 Large Lot Residential Zone is not subject to the additional requirements of needing to comply with the minimum lot size or other criteria. This is also explained in the explanatory note below the Draft Clause, starting on page 108.

Hope this helps to clarify, please let me know if you have any further questions.

Thanks

[redacted]



PO Box 714
COOMA NSW 2630

Direct (02) 6451 1584
Phone
Fax (02) 6456 3337
snowymonaro.nsw.gov.au

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[redacted]

Happy New Year - hope you had an enjoyable break.

I had time to look through the draft LEP more thoroughly. I can't find any statement regarding the proposal to remove existing small lots in Zone R5 large lot residential from the minimal lot size to permit a new dwelling. When

we met, you indicated that if this proposal is approved, a dwelling would be permissible on the [redacted] This would then open the possibility of a boundary adjustment to allow for a dwelling on the enlarged 2ha lot I intend to sell.

Is this proposal covered by the NOTE on the Minimum Lot Size and Subdivision fact sheet, where R5 is not listed : 'all other zones where dwellings are proposed to be permissible are not subject to a minimum lot size requirements.'?

If not, can you please send me the statement or show me where to find the detail in the LEP?

Thanks
Sue Rainsford



Minimum Lot Size and Subdivision

This information sheet is relevant to land within the following zones:

- RU1 Primary Production
- RU4 Primary Production Small Lots
- C4 Environmental Living
- RU2 Rural Landscape
- C3 Environmental Management

Please note: All other zones where dwellings are proposed to be permissible are not subject to minimum lot size requirements.

[redacted]

[redacted]

16th January 2023

Dear [redacted]

RE Proposed boundary adjustment and new dwelling.
[redacted]

Thank you for meeting with me on 12th December to discuss the draft LEP in the context of my property at 182 Bidgee Rd, Binjura.

I support the proposal to remove Zone R5 from Clause 4.2A of the Draft Snowy Monaro LEP. This means that Lo[redacted]will not be subject to the requirements of needing to comply with the minimum lot size (5ha) or other criteria listed, when seeking approval to build a new dwelling.

If this exclusion is retained in the final LEP, my understanding is that a boundary adjustment would then be possible, allowing me to decrease the size of [redacted] and increase the size of [redacted] It would then be possible to sell L[redacted] with the purchaser permitted to build a dwelling providing the building regulations of the day are observed.

Please accept this letter as formal feedback on the Draft Snowy Monaro LEP.

I look forward to continuing to work collaboratively with Council and the finalisation of the new LEP,

Kind regards

[redacted]

25

[redacted]

From: [redacted]
Sent: Monday, 13 February, 2023 2:20 PM
To: [redacted]
Subject: Re: Draft Land Use Strategies and draft Local Environmental Plan
Attachments: Snowy Monaro Regional Council consultation submission [redacted] docx

Dear Snowy Monaro Council,

Please find my submission below.

Thank you,
[redacted]

11th February 2023

To: Snowy Monaro Regional Council

Post: [redacted]

Re: **Draft Land Use Strategies and draft Local Environmental Plan**

Comments regarding proposed zoning changes – specifically regarding comparison of "DRAFT Land Zoning (LZN)" with "Land Zoning (LZN)" in the East Jindabyne and Tyrolean areas

Dear Snowy Monaro Regional Council team,

As a resident of East Jindabyne, I support the proposed change of the RE2 zone to an RE1 zone between East Jindabyne and Tyrolean Village. This area should never be developed due to its scenic value, native wildlife, landscape, and recreational value. Protecting the area will preserve the environment, prevent erosion, and provide recreational activities for visitors and residents. This change is vital to maintain the unique character and beauty of the region in both the short-term and for generations to come.

Yours sincerely,

[redacted]

Sender:

[redacted]

Preferred method of contact: email to [redacted]

Political Donations and Gifts Declaration

In accordance with Section 147 of the Environmental Planning and Assessment Act 1979, I declare that I have not made any political donations or gifts within the last 2 years, nor any associate.

29

[redacted]

From: [redacted]
Sent: Tuesday, 14 February, 2023 8:48 PM
To: [redacted]
Subject: Submission - Draft Land Use Strategies and draft Local Environmental Plan
Attachments: Snowy Monaro Regional Council consultation submission.pdf

Dear Snowy Monaro Regional Council team,

Please find attached my submission regarding the draft Land Use Strategies and the draft Local Environmental Plan.
If you could please confirm receipt of my submission by return email, that would be much appreciated.

Kind regards,
[redacted]

11th February 2023

To: Snowy Monaro Regional Council

email: DraftLEP@snowymonaro.nsw.gov.au

PO Box 714, Cooma, NSW, 2630

Re: **Draft Land Use Strategies and draft Local Environmental Plan**

Comments regarding proposed zoning changes – specifically regarding comparison of "DRAFT Land Zoning (LZN)" with "Land Zoning (LZN)" in the East Jindabyne and Tyrolean areas

Dear Snowy Monaro Regional Council team,

I'm lodging formal comments regarding the proposed zoning changes in East Jindabyne and the Tyrolean Village areas.

As a resident of East Jindabyne, I'm very conscious of the importance of maintaining the unique character of the Snowy Monaro region we are fortunate to live in. Our area is known for its natural beauty, views of majestic landscapes and liveability. To retain East Jindabyne's valued neighbourhood character, it is vital that future developments align with the established character and don't unfairly impact on existing and future residents' quality of living. As such, I applaud the proposed change of the RE2 zone that lies between the East Jindabyne and the Tyrolean Village areas to an RE1 zone. This area (highlighted in the images on the following pages) provides an essential break between housing to preserve views, provides recreation space for residents and visitors, and protects the native flora and fauna that are abundant in this area.

Changing the RE2 zone between East Jindabyne and the Tyrolean Village to an RE1 zone will be critical, as this area should never be developed for residential purposes, for the following reasons:

1. *Protection of scenic value of the area*. The Snowy River LEP 2013 contains detailed provisions and mapping for Lake Jindabyne and Lake Eucumbene Scenic Protection Areas that aim to protect the visual qualities and scenery, sense of isolation, recreational and water storage functions of Lake Jindabyne. The provisions aim to protect and maintain the environmental, scenic and natural

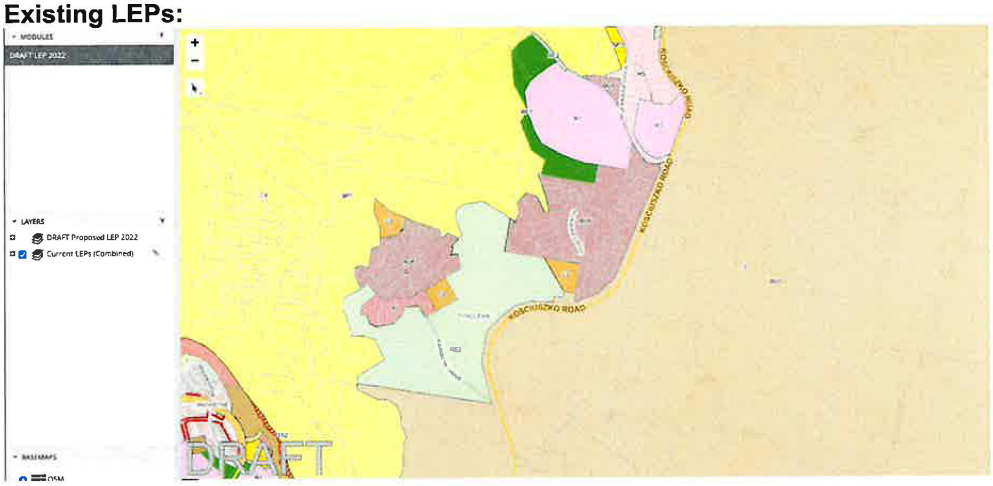
attributes, ensure development complements the areas scenic and natural resources and protect and improve the water quality and supply. Any development on this area would impact the views of the hundreds of residents in East Jindabyne and the Tyrolean Village, while placing a strain on the environment that would also impact visitors to the region, and those using the lake for recreation.

2. *Protection of native wildlife.* The area contains significant flora and fauna, including a resident kangaroo population, numerous hollow-bearing trees, echidnas, reptiles, bird life and native forest. Native animals do not respond well to human contact and development inevitably increases the numbers of domestic pets, that place further strain on local animal species. The area also contains native flora and Part 5 Clause 5.9 of the LEP requires the flora of the area to be preserved.

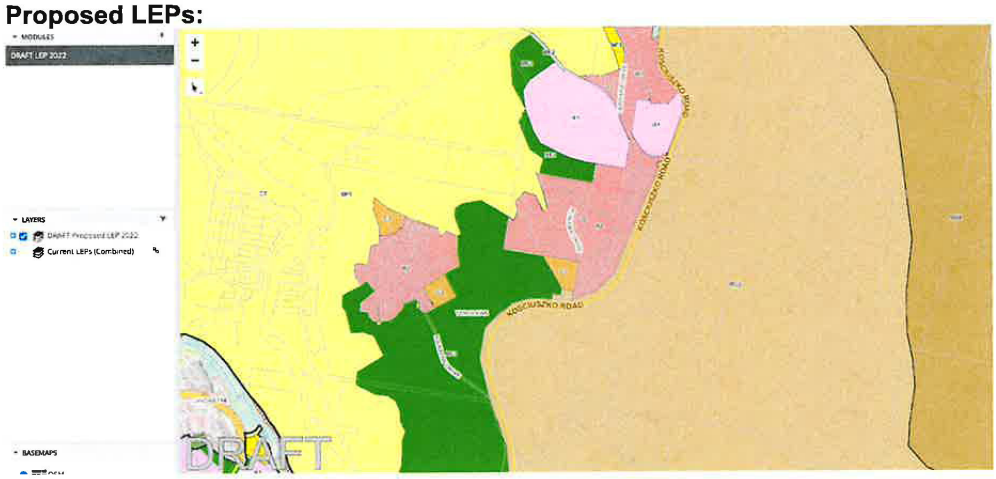
3. *Protection of the landscape.* The area comprises remnant native woodland on elevated ridges, slopes and gullies, and watercourses. The area is predominantly made up of decomposed granite loam soil that is particularly susceptible to erosion where no vegetation is present. There is a great deal of rainfall in Jindabyne, even in the driest months, and as such the area should remain undeveloped to maintain as much vegetation as possible in order to prevent its destruction through erosion.

4. *Protection of the recreational value of the area.* The area provides a recreational amenity, in the form of nature walking and mountain biking. Maintaining such areas will promote walking and cycling to improve health and wellbeing, and to minimise environmental impacts. The use of regions of scenic bushland to attract tourists and to enhance the lives of locals by providing locations for nature walks and mountain biking is a positive area of growth for the region.

Existing LEPs:



Proposed LEPs:



In conclusion, I strongly support the proposed change of the RE2 zone that lies between the East Jindabyne and the Tyrolean Village areas to an RE1 zone. Preserving this area is essential to maintain the character, beauty, wildlife and fauna of this part of the region in both the short-term and for generations to come.

Yours sincerely,

[redacted]

Sender:

[redacted]

Contact: email to [redacted]

Political Donations and Gifts Declaration:
In accordance with Section 147 of the Environmental Planning and Assessment Act 1979, I declare that I have not made any political donations or gifts within the last 2 years, nor any associate.

41

[redacted]

From: [redacted]
Sent: Monday, 20 February, 2023 8:18 PM
To:
Subject: [redacted]

Follow Up Flag: Follow up
Flag Status: Flagged

Good Afternoon,

Thank you for the opportunity to provide comments and submissions in relation to the Draft Land Use Strategies and draft Snowy Monaro Local Environmental Plan.

This submission is made on behalf of the landowners of [redacted] The subject land is a well established property comprising a number of buildings which are used for the purposes of a restaurant, accommodation, function spaces and other ancillary retail activities over many years. The property is also a local heritage item.

The landowners support the identification of a defined 'village' area for the [redacted] location as recommended by the draft Settlements Strategy and the expansion of the RU5 Village zoning in the draft LEP to support this outcome. However, it is noted that the proposed RU5 zone in the draft LEP extends up to the boundary of the subject land at [redacted].

Given that the land already contains well established uses consistent of a village character, it is considered that the subject land should also be identified as part of the proposed 'village precinct' within the draft Settlement Strategy. The land represents an appropriate edge to the village precinct.

It is also submitted that the subject land should be identified as proposed RU5 Village zone in the draft Snowy Monaro Local Environmental Plan to better reflect existing and future uses of the subject land and to include the land within the [redacted] 'village precinct'.

We look forward to Council's consideration of this submission and would be happy to discuss the above in further detail if required.

Regards,

[redacted]

42

[redacted]

From: [redacted]
Sent: Monday, 20 February, 2023 2:00 PM
To: [redacted]
Cc:
Subject: RE: Submission on SMRC Draft Settlements Strategy 2022 & Draft LEP 2022 - [redacted]

Thanks [redacted]

I understand [redacted] met with the [redacted] last week and is aware of the matters raised. Thank you for putting them in writing.

Kind regards
[redacted]

From: [redacted]
Sent: Thursday, 16 February 2023 4:25 PM
To: [redacted]
Cc: [redacted]
Subject: Submission on SMRC Draft Settlements Strategy 2022 & Draft LEP 2022 - [redacted]

Dear Council,

Please find attached submission on the Draft Settlements Strategy 2022 and Draft LEP 2022 in relation to [redacted]

Regards,

[redacted]

[redacted]

[redacted]

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[redacted]

From: [redacted]
Sent: Thursday, 16 February, 2023 4:25 PM
To: [redacted]
Cc:
Subject: Submission on SMRC Draft Settlements Strategy 2022 & Draft LEP 2022 - [redacted]
Attachments: Draft RLUS & LEP 2022 - Submission - [redacted] - 16.2.2023.pdf

Dear Council,

Please find attached submission on the Draft Settlements Strategy 2022 and Draft LEP 2022 in relation to [redacted]

Regards,

[redacted]

[redacted]

[redacted]

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dabyneplanning

The Chief Executive Officer
Snowy Monaro Regional Council
PO Box 714,
COOMA NSW 2630

By Email: [redacted]

Re: Submission on Draft Snowy Monaro Regional Local Environmental Plan 2022 and Draft Settlements Strategy 2022 – [redacted]

Dabyne Planning Pty Ltd has been engaged by [redacted] (the client), the purchaser of a property legally described as [redacted] at [redacted] to prepare a submission in relation to the Snowy Monaro Regional Council Draft Settlements Strategy 2022 (draft SS 2022) and draft Snowy Monaro Local Environmental Plan 2022 (draft SM LEP 2022).

The Site:

The property is located on the eastern side of [redacted] between [redacted] and [redacted] and is bound by residential dwellings on its western side and [redacted] on its eastern side.

The property is vacant and is 9255m² in size and was recently purchased.

[redacted]

Figure 1: Aerial map of the subject site

The property is zoned RU5 – Village under the Snowy River LEP 2013 and has a minimum lot size of 700m².



Figure 2: Current Zoning under the SR LEP 2013

The only LEP constraint identified, is the property is subject to clause 7.2 – Riparian Land and Watercourses due to its proximity to Myack Creek.

Flooding:

The subject site is subject to flooding as identified in the Floodplain Risk Management Studies and Plans (FRMSP) - Final Report (Referenced as 'Final Report') which were prepared for SMRC by SMEC Group and GRC Hydro. Flood planning as required under Flood Prone Land, Chapter C7 of The Snowy River DCP 2013.

An extract of the Berridale 1% AEP Design Event Map is provided below.

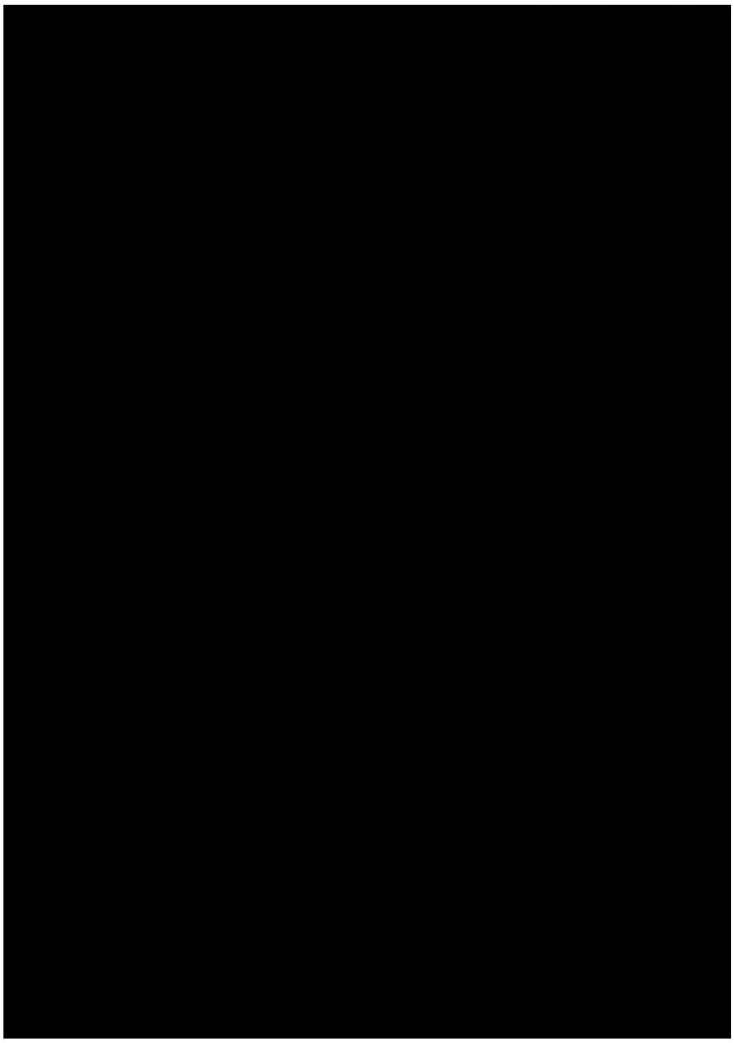


Figure 3: Berridale 1% AEP Design Event – Peak Flood depth and levels (subject site highlighted in yellow)

To obtain a more precise map, CLM Civil have been engaged to provide a map below using Councils flood mapping data overlayed on an aerial image, see below.



Figure 4: 1% AEP Hydraulic Categories Map for the Subject Site

This maps shows the 1% AEP Flood Conveyance area (purple), where *'a significant proportion of the floodwaters flow and typically align with defined channels. If these areas are blocked or developed, there will be significant redistribution of flow and increased flood levels across the floodplain. Generally, the flow conveyance is areas of deep and/or fast-moving floodwaters'.*

The light red area reflects the 'Flood Fringe', and area that *'makes up the remainder of the flood extent. Development in these areas are unlikely to alter flood behaviour in the surrounding area'.*

The balance of the site is not impact by the 1% AEP event.

Accordingly, about 3700m² of the site sits above the 1% AEP Flood.

Previous Flooding and Model Calibration:

The *Draft Final SMRC Flood and Floodplain Risk Management Studies – Flood Studies* (June 2019) outlines and maps the extent of the February 2012 flood within Berridale, as part of the model calibration process.

The mapping shows that the majority of the subject site was not flooded during the February 2012 Flood Event.



Figure 5: February 202 Flood Event Map (subject site highlighted in yellow)

Future Development:

Prior to purchasing the subject site, the client undertook a pre-application meeting with Councils Acting Development Application Coordinator in February 2023, prior to commencing the purchasing of the property.

During this meeting, Council provided the flood prone maps and identified suitable areas for future dwellings including the potential for a 2 lot subdivision.

The area that's sits above the 1% AEP flood level was considered appropriate for residential subdivision and development and at no time did Council indicate that the draft SM LEP 2022 proposed to change the zoning of the size to RE2 – Private Recreation, rendering the site redundant for any viable purposes, including residential development.

Proposed Zoning:

The draft SM LEP 2022 proposes to rezone the site and the adjacent residential land to the north at [redacted] RE2 – Private Recreation. An extract of the proposed Central Berridale draft zoning map is provided below.

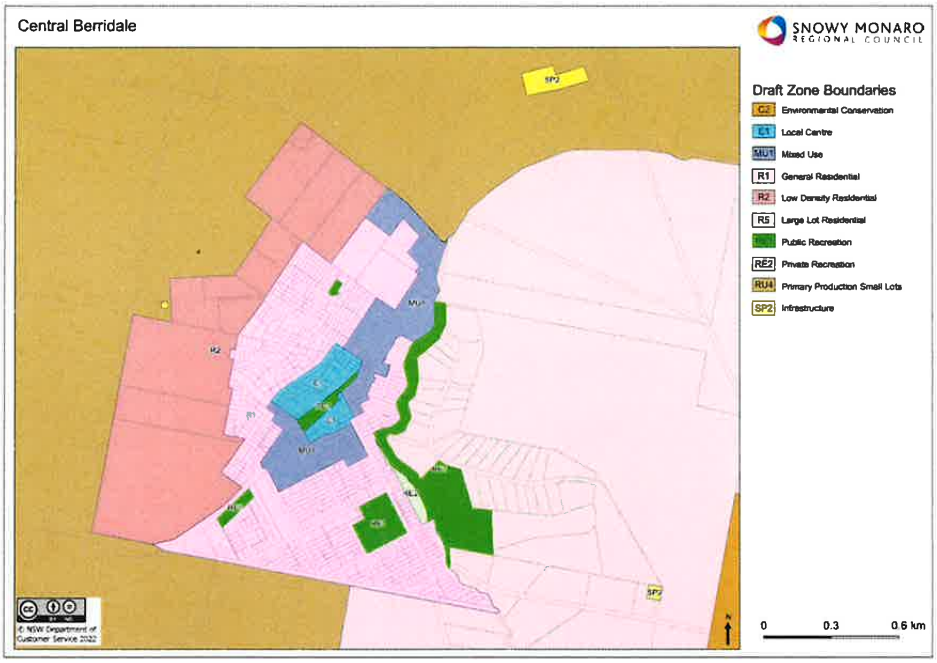


Figure 55 - Proposed Zonings, Berridale

Figure 6: Proposed Draft SS 2022 Rezoning Map - Berridale

A site specific map from the electronically mapping available on public exhibition is provided below.



Figure 7: Proposed Draft SM LEP 2022 Rezoning Map – subject site

The Draft SM LEP 2022 not only proposes to rezone the subject site RE2, but the adjacent land to the north which includes an existing dwelling at [redacted]:



Figure 8: Proposed Draft SM LEP 2022 Rezoning Map – [redacted]

The following land uses are permitted with consent in the proposed RE2 zone:

Amusement centres;
Aquaculture;
Boat launching ramps;
Boat sheds;
Building identification signs;
Business identification signs;
Car parks;
Community facilities;
Emergency services facilities;
Entertainment facilities;
Environmental facilities;
Function centres;
Helipads;
Information and education facilities;
Jetties;
Kiosks;
Recreation areas;
Recreation facilities (indoor);
Recreation facilities (outdoor);
Registered clubs;
Research stations;
Restaurants or cafes;
Roads;
Sewage treatment plants;
Signage;
Water recreation structures;
Water recycling facilities;
Water supply systems

The NSW Department of Planning's Practice Note 11-002 provides the framework for how these zones can be applied. This is outlined below.

'RE2 Private Recreation:

This zone is generally intended to cover a wide range of recreation areas and facilities on land that is privately owned or managed. The use of facilities developed on this land may be open to the general public or restricted e.g. to registered members only. Private recreation may include racecourses, golf clubs, bowling clubs, rifle ranges, speedways, tennis complexes and other sporting or recreational facilities which may be on significant parcels of privately owned land, or on land leased from councils or State authorities'.

None of the proposed permissible land uses within the RE2 zone are considered viable for the subject site or property at [redacted]

The subject site is vacant and is not used for any permissible recreational uses and is intended to be used for residential purposes. The property to the north at [redacted] is currently used for residential purposes.

Draft Settlements Strategy 2022:

A review of the Draft Settlements Strategy 2022 (draft SS 2022) has identified that there is no specific reference to the subject site being rezoned from RU5 – Village to RE2 – Private Recreation.

This review found only a few broader references to flooding within Berridale:

'Flood Prone Land

Due to Berridale's relatively flat landscape and proximity to waterways, much or the township and surrounds are prone to flooding. Floodwaters have a significant impact on the land around Wullwye Creek, land on the eastern side of Jindabyne Road running parallel to the road and land adjacent to Myack Creek (SMEC & GRC Hydro, 2020). This results in much of the eastern side of Berridale being cut off in flood events if not the whole town. Council should implement recommendations from the floodplain risk management plan to reduce risks relating to flood events. Developments in these established areas of the township under the flood planning level must address flood risk as part of any development application'.

'11.6 Berridale
11.6.1 - Zoning

Areas within the 1% AEP flood event should not be considered for a reduction in Minimum Lot Size. Flood risk should be effectively managed and recommendations from Councils flood risk management plans and studies implemented. Residential zoned land subject to high flood risks may also need to be considered for 'downzoning' to limit future risk posed to human life and property'.

The draft SS 2022 outlines that recommendations from the floodplain risk management plan be implemented and that residential zoned land subject to high flood risks may also need be considered for 'downzoning' be considered to limit future risk posed to human life and property.

A review of Councils Flood risk management plan (SMEC & GRC Hydro, 2020) has been undertaken and this review has determined that there are no specific recommendations in relation to the subject site or to rezone any site due to flood risk.

In fact, there are lots of properties mapped as entirely flood prone that are not being recommended to be rezoned.

Accordingly, the proposed rezoning is not predicated on any flood risk management plan recommendations.

Compensation:

Under the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991* (LA (JTC) Act, 1991) the owner of the subject site may be able to seek compensation should the property be zoned RE2 and the land uses identified in the draft be adopted in the LEP.

Section 21 of the LA (JTC) Act, 1991 states that:

21 Definition of "land designated for acquisition for a public purpose"
(1) For the purposes of this Division, land is designated for acquisition by an authority of the State for a public purpose if—

(b) the land is reserved by an environmental planning instrument for use exclusively for a purpose referred to in section 26 (1) (c) of the Environmental Planning and Assessment Act 1979 and the instrument (or some other environmental planning instrument) specifies that authority as the authority required to acquire the land.
(3) For the purposes of subsection (1) (b), land is reserved by an environmental planning instrument for use exclusively for a purpose referred to in section 26 (1) (c) of the Environmental Planning and Assessment Act 1979 only if—
(a) the land is expressly set apart by that instrument for use exclusively for such a purpose, or
(b) the land is expressly set apart by that instrument for use for such a purpose and also for other purposes, but those other purposes do not constitute a reasonable use of the land.
The aims, objectives, policies and strategies of that instrument are to be taken into account in determining whether those other purposes constitute a reasonable use of the land.

Section 26(1)(c) of the EP&A Act, 1979 (now S.3.14) states:

(1) Without affecting the generality of section 3.13 or any other provision of this Act, an environmental planning instrument may make provision for or with respect to any of the following—
(c) reserving land for use for the purposes of open space, a public place or public reserve within the meaning of the Local Government Act 1993, a national park or other land reserved or dedicated under the National Parks and Wildlife Act 1974, a public cemetery, a public hospital, a public railway, a public school or any other purpose that is prescribed as a public purpose for the purposes of this section,

A reasonable legal assessment of the range of land uses identified in the table provided above could come to the conclusion that the land has been affectively zoned for a public purpose or the other purposes permitted do not constitute a reasonable use of land.

As advised by the Department of Planning *'council should be aware that the range of uses should not be drawn too restrictively as they may, depending on circumstances, invoke the Land Acquisition (Just Terms Compensation) Act 1991 and the need for the Minister to designate a relevant acquiring authority'.*

'Unless a relevant acquisition authority has been nominated and that authority has agreed to the proposed acquisition, council should ensure, wherever possible, that the range of proposed land uses assists in retaining the land in private ownership'.

The Minister for Planning would then need to designate a relevant acquiring authority which in this case could be Council.

Therefore to avoid invoking the LA (JTC) Act 1991, Council should refrain from rezoning the site RE2 Private Recreation as it is not used or intended to be used for this purpose.

Conclusion:

The proposed rezoning is not predicated on any flood risk management plan recommendations or local or state-wide strategy or policy.

The proposed rezoning is therefore not adequately justified to render the subject site and the residential property to the north redundant and not suitable for residential use and development.

As outlined above, a sufficient portion of the site sits above the 1% AEP flood level and is considered suitable for residential development and therefore should be continued zoned for this purpose.

Should Council ignore this submission and rezone the site RE2 – Recreation, the client may choose to seek compensation from Council for any unjust zoning for other purposes that do not constitute a reasonable use of the land, that would render the land unviable and therefore redundant.

Should you wish to discuss or require any further information in regard to the submission provided above, please do not hesitate to contact me on [redacted]

Regards

[redacted]

16 February 2023

45

[redacted]

From: [redacted]
Sent: Monday, 20 February, 2023 11:23 PM
To: Draft LEP
Subject: Comments on draft LEP - [redacted]

Follow Up Flag: Follow up
Flag Status: Flagged

Please find below my comments on the draft LEP and settlement strategy.

Regards,

[redacted]

I generally agree with the proposed changes to the LEP as they appear to have a sound rationale underpinned by comprehensive data analysis and they appear to meet the objectives set and offer very reasonable outcomes for growth and development in our LGA.

My specific comments are :-

Minimum lot sizes and Subdivisions

The proposals for East Jindabyne to rezone RU5 and R5 land to R2 are sensible provided minimum lot sizes are not reduced below current allowances and the DCP is much stronger to limit setbacks and building heights to mitigate the residential crowding, on-street parking issues and lack of trees, green space and community infrastructure that has resulted in the RU5 zones to date.

Draft Snowy Monaro comprehensive LEP 2022

Given the planning horizon of this LEP, I feel Berridale and Dalgety should be targetted more strongly for residential growth as they offer more opportunities for lower cost owner-occupied housing with less competition for holiday rental property development than Jindabyne. These villages offer great potential for expansion or intensification while retaining their quiet country village feel and make better use of the infrastructure that is quite underutilised at present.

I support proposed Clause 7.12 as this has been a loophole used to get a substantial residence on land not normally permitting a residence under the current LEP. In one instance it has also led to the allowance of inappropriate development of 'eco-tourist' accommodation adjoining urban residential land. The minimum lot size provisions need to be matched to the appropriate zones and locations for this provision as well.

While I endorse proposed Clause 7.13 'Stormwater and for Water Sensitive Urban Design (WSUD), the LEP (and DCP) needs to be strengthened or made clearer that the nature of the receiving waters will also be factored into the application of the clause. In addition a subdivision size provision needs to be included so that WSUD is included within the subdivisions or contributions are made to to Council so that the runoff control measures are incorporated into the drainage system downstream of that development. The WSUD requirements of the current LEP and DCP have been applied very weakly or not at all in most recent subdivision developments around Lake Jindabyne. Given the recreational use of Lake Jindabyne and it's use as our town water supply, and the level of contaminants flowing into it from urban runoff, this aspect is more important than ever given the objective of the SAP project to encourage greater summer visitation and use of the lake.

Other comments

The proposed change of zoning of land at Rushes Bay East Jindabyne from E3 to C3 without any special provisions is supported although C4 zoning is more appropriate given the ecological, scenic and Aboriginal heritage values of that land. Only a low level of development on this land should be permitted as any development there has potential to cause significant impact to those

environmental values and the existing surrounding residential areas which has inadequate road infrastructure to cater for further development.

I support the proposed E1 zone at the intersection of Barry Way and Tinworth Drive. This site contains a significant heritage building cluster and should be protected and reused or repurposed with sensitive redevelopment.

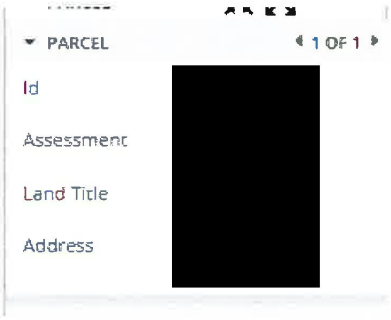
47

[redacted]

From: [redacted]
Sent: Monday, 20 February, 2023 10:11 AM
To: [redacted]
Subject: Draft Land Use Strategies and draft Local Environmental Plan

Follow Up Flag: Follow up
Flag Status: Flagged

Feedback submission



[redacted] you have marked this block for rezoning to C4 Environmental living from RU1 Primary production on your proposal for land use strategies. We would prefer the block to be zoned RU5Large Lot residential which is what the blocks in the area of [redacted] are zoned, just behind us. Also the area off the [redacted] on the "[redacted]" and in "[redacted]" area are all RU5 large lot residential as is some of [redacted] so we feel that this would make sense to make our block RU5 large lot residential in keeping with this zoning. Our block is fairly small at 2.72Ha and should probably not be primary production but RU5 would be in keeping with this size.

We note the proposed lot size would change with this too.

Could you please consider this before changing our zoning to C4 which we would not like?

We are the owners of this block , happy to discuss at anytime.
Thank you
[redacted]

S7

[redacted]

From: [redacted]
Sent: Monday, 20 February, 2023 1:28 PM
To: Draft LEP
Subject: SUBMISSION ON DRAFT LEP by [redacted]
Attachments: [redacted] zoning comparison (2).docx

Follow Up Flag: Follow up
Flag Status: Flagged

Hi [redacted]
Further to our discussion at the Dalgety community forum I have attached a submission to the Draft LEP for my property at [redacted]
Many Thanks
[redacted]

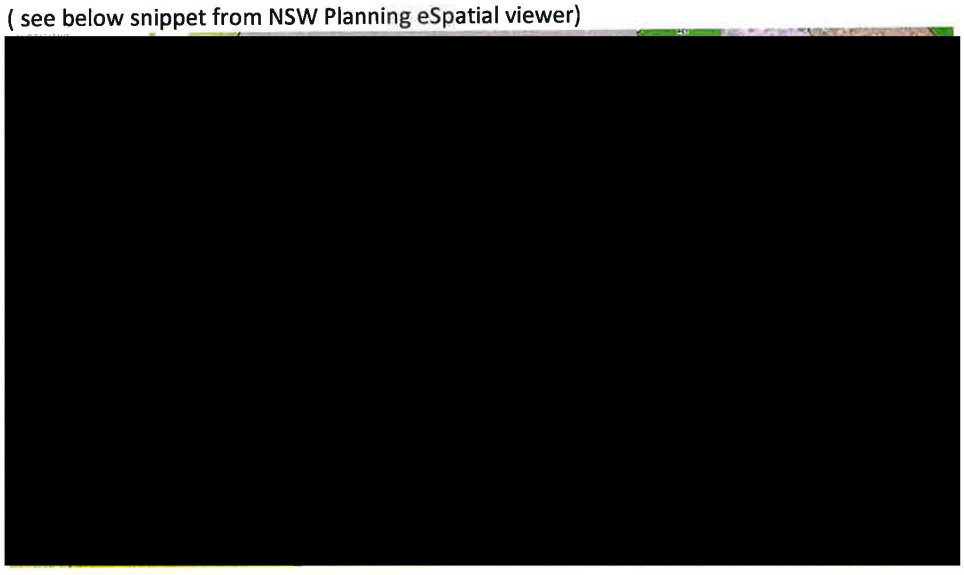
To whom it may concern,
As the owners of [redacted] we wish to advise Snowy Monaro Regional Council of our concerns regarding the recently exhibited 'Draft land use strategy and draft Local Environmental Plan'.

We own and operate [redacted] which currently has [redacted] and has approval for a further [redacted] and [redacted] at our property and have done so for 13 years now. The cottages have been approved for use as eco tourist facilities using the current RU1 zoning in the Snowy River LEP 2013.

Present zoning:
At present in the Snowy River LEP 2013 the current zoning surrounding our property is a mixture of conflicting zones and does not reflect the current and future uses of the land within the vicinity due to the significant changes proposed with the Snowy Mountains Special Activation Precinct SEPP.

Our property is currently zoned RU1 and is bounded by land which is zoned SP1 (Aerodrome), C2 Environmental Conservation. The zonings on properties within the vicinity are an assortment of R1, B1, SP1, IN1 and SP3 which does not lend itself to inhibiting conflicting uses of land.

(see below snippet from NSW Planning eSpatial viewer)



Proposed zoning:
Snowy Monaro Regional Councils Draft landuse strategy and Local Environmental Plan currently on exhibition has our land remaining as RU1 zoned. Changing the zoning of our land would enable Council to create a more harmonious and cohesive transition between the R1, IN1 and SP1 zones that surround our land.

Having our land remain RU1 creates fragmented development, does not enable adequate expansion of the township, nor does it remain appropriate. The RU1 zone also does not align Councils own objectives of the changes to the LEP which are:
- to support growth and change
- protect the capacity of productive rural land

Therefore we would like to bring it to Councils attention that the zoning is not appropriate and recommend having the land zoned **RU4 or SP3**. Zoning the land RU4 or SP3 enables Council to regulate the impacts of land use that may not be in the best interest of the people whilst protecting the enjoyment and value of properties by separating incompatible land uses and minimizing their potential negative impacts upon each other.
(see below snippet from Councils proposed LEP mapping)



As the owner of this property I cannot understand why it should remain RU1 due to it's location surrounded by the town centre, industrial area special use airstrip and only being [redacted] from the new school and tafe precinct.
Our property has not been used in a rural capacity prior to the airstrip being established. There is also no permanent water on our site. I would like to see the Zoning change due to it's strategic location centralised between the commercial centre of Jindabyne, the

industrial centre of Leesville, the new School precinct and the Jindabyne airstrip(which is developing into a major aeronautical industry centre) .
The location being so close to town also reduces services being required for future town expansion which would have to be provided further from the town centre. As I am the only private land owner there has been no representation from this area which has led to it being seriously overlooked.

Many thanks for your consideration.

[redacted]

62

[redacted]

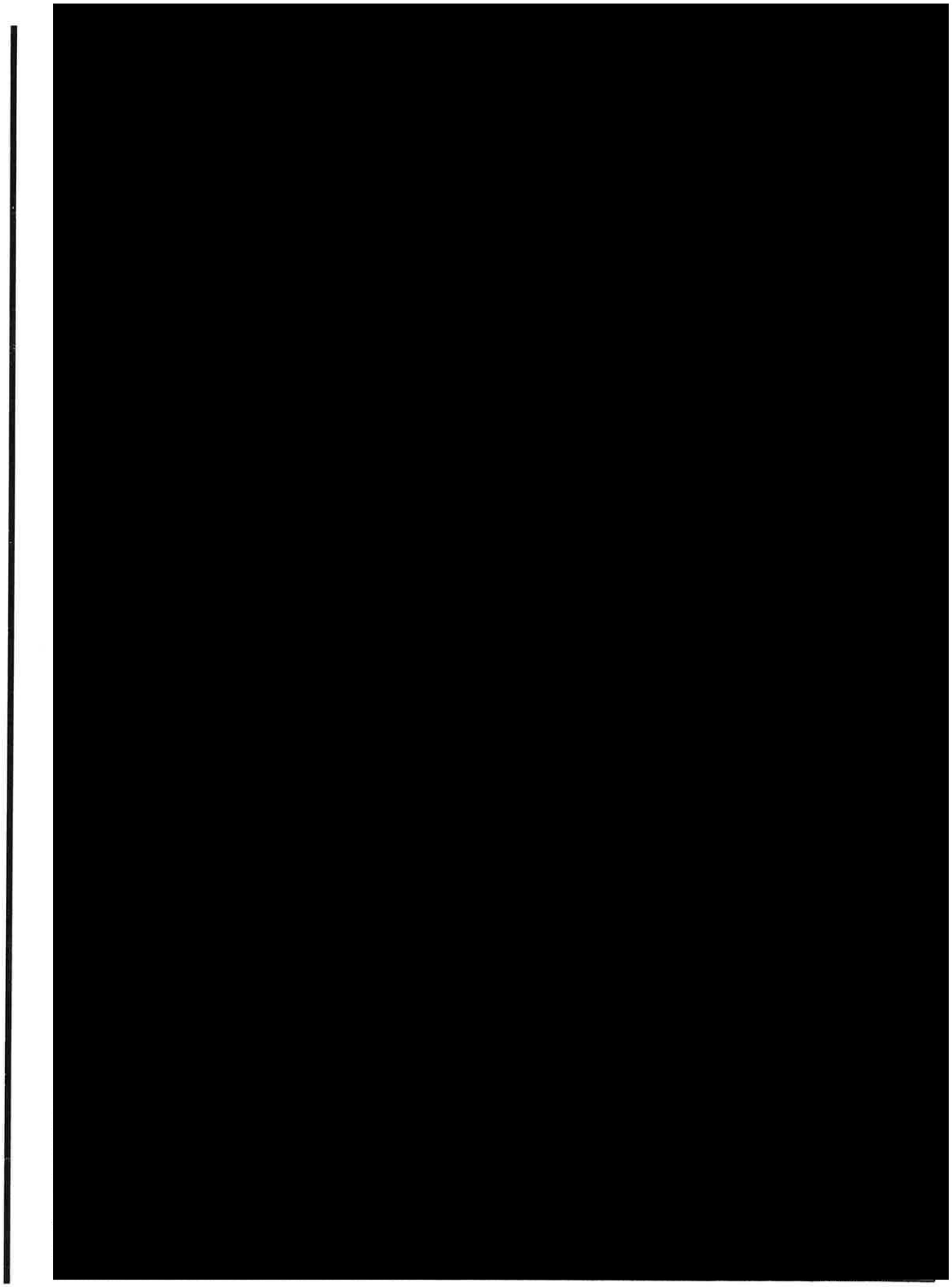
From: [redacted]
Sent: Monday, 20 February, 2023 11:59 AM
To: Draft LEP
Subject: Submission to draft EP and Land Use Strategy
Attachments: Land for Aged Facility.jpg; Submission to Council - Rezoning of land..docx

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning,

Please see attached a submission to the draft LEP and Land Use Strategy from the [redacted] together with a map showing the proposed location.

Kind regards,
[redacted]



[redacted]

Submission to LEP and Land Use Strategy

Preface

The [redacted] is requesting that Council give consideration to re-zoning part [redacted] in an unregistered plan of subdivision to permit an Ageing in Place facility to be created . Attached is a map showing proposed [redacted] in an unregistered plan.

The [redacted] intends to engage an Aged Care Provider to work in partnership with the [redacted] to progress this worthy project.

[redacted] **is a registered charity** and as such, enjoys tax exemptions which in turn will benefit the facility and ultimately the community. All donations to the Jindabyne Community Association are tax deductible.

It is envisaged that the facility would initially include 10 villas, recreation room, visiting doctor/specialist rooms (2), hairdressing room, two rooms for physiotherapists/podiatrists/ counsellors and day respite care.

[redacted] (the land) is located on the [redacted] and is less than a [redacted] to central Jindabyne.

Pathways that are wide enough to permit two wheelchairs to pass will be constructed throughout the "village" as well as private areas within the landscape to facilitate family visits in an attractive outdoor setting.

It is intended to approach community organisations such as [redacted] and [redacted] to assist with the construction of the pathways.

Ageing in Place

Ageing in place means that as people get older they can remain living in their home rather than entering residential aged care, even when the impacts of old age (e.g. the increasing risk of illness or disability) affect their mobility and mental ability.

It is the aim of the [redacted] that a number of **one and two bedroom self contained villas** be constructed on [redacted] which will be [redacted] in an as yet unregistered plan. These villas would enable residents to reside in a supported environment and access home care packages designed to meet their individual needs.

It is envisaged that the "village" would include an indoor space where residents could meet with an adjacent activities area for recreational activities.

It may be necessary to have live-in overnight carer/s to attend to after hours calls. Each villa would have a vita-call system installed for use in case of an emergency. This would be addressed by the Provider at the appropriate time.

It is proposed to include solar power (back to the grid) wherever possible.

Home Care Packages

The Australian Government funds a range of aged care services delivered in the community to support older Australians' equality and diversity to live independently and safely in their own home for as long as possible. These include:

• Entry level home support – ongoing or short-term entry level care and services provided under the Commonwealth Home Support Programme and

• More coordinated and complex support at home – support packages that address your ageing related assessed care needs and goals through the Home Care Packages Program. There are four levels of packages ranging from low care needs to high care needs.

Support packages range from help around the home, therapy support, personal care and transport assistance through to nursing services.

In order to be eligible for a home care package applicants must undergo an **ACAT assessment**

The [redacted] intends to work with the Provider to provide home support packages.

Commercial Kitchen and Laundry

It is proposed that the "village" would include a commercial kitchen where:

- meals on wheels would be prepared and distributed
- meals would be prepared for residents needing that service.
- Meals would be prepared for respite care patients.

The laundry would launder residents clothing, sheets, towels etc. where necessary as well as items used for the day- to-day operation of the facility.

Medical/Dentist Appointments & Shopping Trips

The [redacted] would raise the funds to purchase **a small bus** so that residents would be able to attend appointments and to go on shopping trips both in Jindabyne and Cooma. It is proposed to engage community transport services to enable residents to access services in Canberra as well as engaging with the local community for drivers. Bus drivers would be sourced from the community or employed as needed.

It is envisaged that the buses would go into Jindabyne in the morning and return around lunchtime and then again in the afternoon. The bus trips would be on a timetable to meet the needs of residents.

With dedicated doctors' /specialist/podiatry/physiotherapy rooms on-site being available for rental, it is envisaged that the majority of residents would not need to leave the "village" for appointments and treatment.

Rental if the professional rooms would also provide a source of income.

Water/Sewer/Stormwater/Power

The developer is required to comply with his conditions of consent [redacted] and [redacted] which address the water/sewer/stormwater and power connections to proposed [redacted]

All services will be connected to proposed [redacted]

Road Access

Access to proposed [redacted] will be from [redacted] which will be extended to the boundary of [redacted] Internal roads and concrete pathways will then provide vehicular and pedestrian access around the "village".

Step 1

Access to home care packages needs to be through a registered Provider. While the land is being re-zoned, the [redacted] will have arranged for a meeting with a number of Providers in order to enter into a partnership and apply for status as a Home Care Provider.

The [redacted] will be inviting the community to register with the Provider to be assessed through ACAT in order to be eligible for a home care package.

Step 2

In the meantime [redacted] will finalise the purchase of proposed [redacted]

Step 3

[redacted] will work with the Provider to access funding to construct the first two villas to be sold off the plan and to finance the construction of the recreational facility.

On-site Staff Accommodation

It is proposed that the nurse/trainees would be accommodated in on-site purpose-built units. This would help to relieve the pressure on the housing market and to support levels of staffing.

Partnership with CIT

[redacted] enjoyed a very successful meeting with the CIT Nurse Training School which expressed an interest in providing trainees with an opportunity to do sections of their training in the proposed Jindabyne Facility.

Overview

Yallambie Lodge is located approximately 2.8kms from Cooma township and Sir William Hudson Memorial Centre is located approximately 2 kms from Cooma shopping centre.

Jindabyne is a thriving tourist town during winter, Christmas holidays and at Easter. The noise from the bars, pubs and Club can be heard as far as 3 blocks away in Munyang Street.

The centre of town (CBD) is not considered to be an appropriate location for an aged care facility. The business district is a busy precinct with heavy traffic movements.

In fact, the geographical centre of town is moving, with the expansion of Jindabyne and particularly with the relocation of the public school to NSW Sport and Recreation Centre campus and the creation of 100 home sites between Barry Way and Lakewood Estate.

The proposed Jindabyne Aging in Place facility will be located approximately [redacted] from Nuggets Crossing Centre and will provide a peaceful, quiet environment for residents in their twilight years.



* To be added to submission #62

65

[redacted]

From: [redacted]
Sent: Tuesday, 21 February, 2023 10:55 AM
To: Draft LEP
Subject: Submission to LEP and Land Use Strategy

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning,

The [redacted] respectfully requests that the additional paragraphs below be included in its first submission to the LEP and Land Use Strategy.

"The figures released by the SAP team demonstrate how fast Jindabyne is expected to grow. The area is already severely short of support packages and the additional strain on the system is likely to leave residents with little or no support.due to a significant rise in the local population.

Jindabyne is severely lacking inasmuch as there is no option for the elderly to access appropriate services and remain in Jindabyne so that they are close to family and friends.

The development of an Aging in Place facility with a commercial kitchen, commercial laundry, doctor/specialist rooms etc. will provide the local community with much needed support."

Kind regards,
[redacted]

66

[redacted]

From: [redacted]
Sent: Tuesday, 21 February, 2023 6:03 PM
To: [redacted]
Subject: Feedback on draft LEP

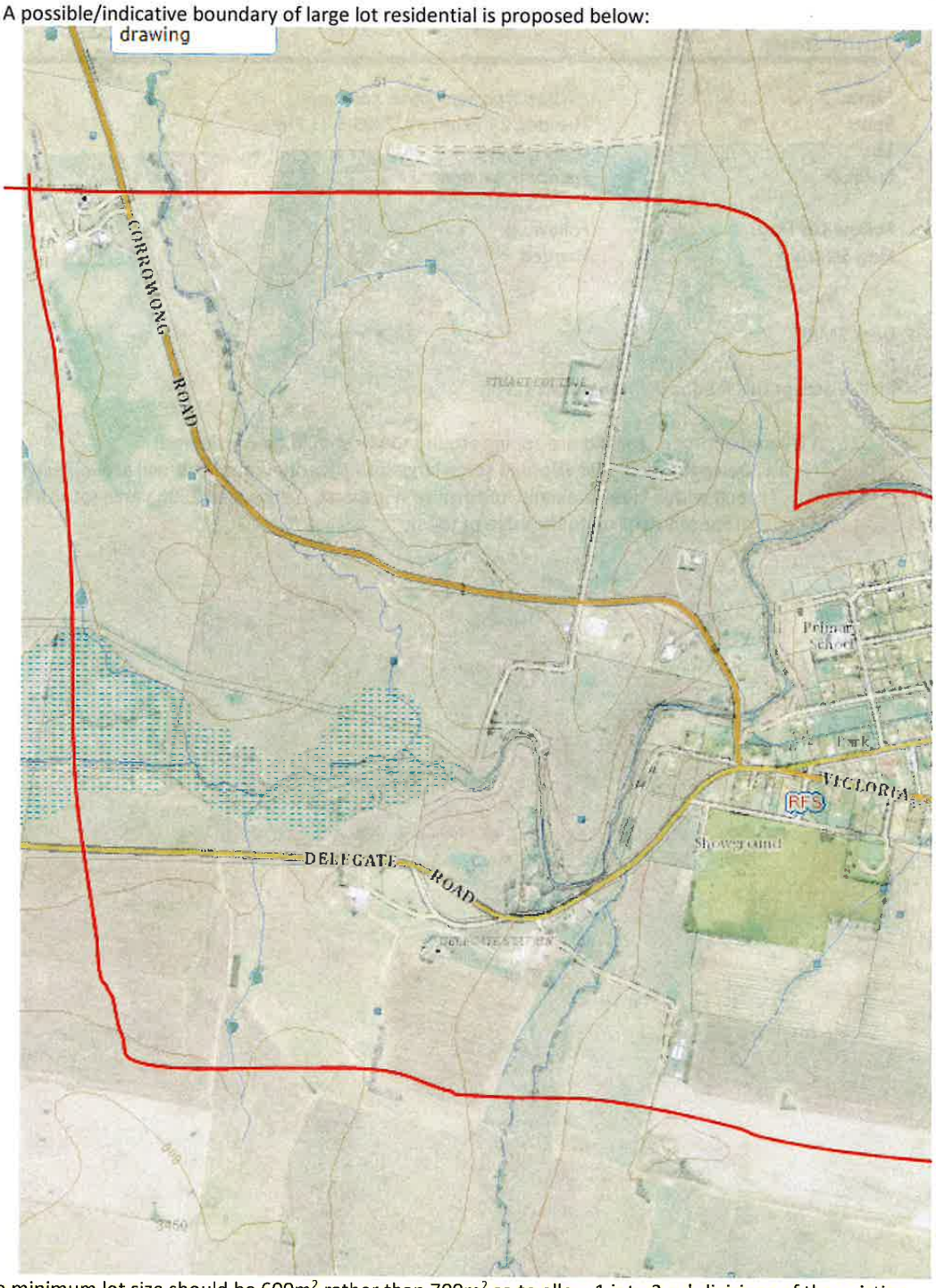
Follow Up Flag: Follow up
Flag Status: Flagged

Dear SMRC,

Please accept this feedback on the Draft LEP;

1. A layered approach to land use zoning around towns should be considered;
    a. Delegate should be afforded some large lot residential zone. This will allow lifestyle lots to be created off land within close proximity to town rather than the proposed 250ha min lot size RU1 land (currently proposed right up to the edge of town.

b. A possible/indicative boundary of large lot residential is proposed below:



2. Delegate minimum lot size should be 600m^2 rather than 700m^2 so to allow 1 into 3 subdivisions of the existing 2050m^2 lots.
3. RU1 minimum lots size proposal of 250Ha is detrimental to the future of the region. I have read the justification in the supporting docs and I still feel that the increase from 40Ha is unsuitable for the actual land productivity,

particularly and Delegate where we experience higher rainfall and more fertile soils than many other areas of the LGA. Furthermore it is prohibitive to new entrants to the farming industry.

Regards,

[redacted]

79

[redacted]

From: [redacted]
Sent: Monday, 20 February, 2023 8:48 PM
To: Draft LEP
Subject: Submission to Draft Land Use Strategies and draft Snowy Monaro Local Environmental Plan

Follow Up Flag: Follow up
Flag Status: Flagged

Good Afternoon,

We act on behalf of [redacted], being the landowner of [redacted] and make this submission to the Draft Land Use Strategies and draft Snowy Monaro Local Environmental Plan.

These comments are made following our meeting of 16 February 2023 with Council Officers.

The following comments are made for discussion and Council's further consideration.

1. In relation to the **draft Settlements Strategy**;
    a. We support the general strategic directions identified for [redacted] to become a defined 'village precinct'. We note that our client has been in ongoing discussions for some time with Council regarding the development of a multi lot residential subdivision which will be progressed shortly. This development will be a catalyst project for the village precinct and will set a high standard of design which is hoped to influence any future development of the surrounding area.
    b. We would recommend that the proposed 'village precinct' be extended to include the adjacent [redacted] which will strengthen the intended village character for the [redacted] area. This precinct should be identified as providing a different role to the growth areas of Cooma and should promote the establishment of a village character through a combination of public domain changes and character of future development.
    c. We support the recommendation for a Structure Plan in the [redacted] area, but would recommend that these investigations include the 'village precinct' to ensure a consistent and cohesive development outcome for this area.
    d. The proposed village precinct spans either side of the Snowy Mountains Highway and further investigation should be undertaken with Transport for NSW to determine safe access arrangements. It is our view that the development of a village precinct will require the slowing of traffic to enable appropriate consolidated access points either side of the road. Our client has been investigating speed limit changes to the Highway and would recommend that further consideration of the need for changes be included in the Settlements Strategy.
    e. In addition to the above, consideration should be given to potential movements of traffic and pedestrians within the proposed [redacted] 'village precinct' to enable connections between the future activities and uses within the precinct.
    f. It is recommended that consideration be given to creation of 'gateway' locations at the entry to the [redacted] 'village precinct', as well as potential landscape themes to further activate and support the development of this precinct.

2. In relation to the **draft LEP**;
    a. We support the retention of the current zoning and minimum lot size controls for the subject land, which have informed the development proposal being put forward by our client.

We look forward to Council's consideration of these comments and would welcome an opportunity to discuss in any further detail as required.

Regards,



[redacted]

19-2-23

To C&C Peter Bascomb
Snowy Monaro Regional Council
Cooma 2630

RECEIVED
3 - MAR 2023
Records
Cooma Office

Dear Sir,

My Land [redacted] join the Rural Residential and are surrounded by roads giving good road access. I ask that they be regoned rural residential purpose min lot. size 2 Hec.

The 3 lots are close to Bombala inclosed by roads and close enough for Council to provide services if needed.

I am not in favour with Council allowing rural residential in remote areas.

a lot of people want to live on a rural Residential lots, they dont realise how much work is required to maintain the whole property, if they have a job they go away on the weekends, for Xmas out, the property does not get Maintained.

The original surveyors had it wright around the Towns and villages they had suitable Holdings and homestead selections. 2 acres, 5 acres. 25 acres. 35 acres all within 2 mile radeus of Bombala

Yours faithfully

[redacted]

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