

11.1 PLANNING PROPOSAL PP2023/0002 - BAGO FOREST ROAD TUMBARUMBA - ATTACHMENTS

Attachment Titles:

1. Assessment against key strategic directions
2. E220057_planning proposal_v0.1_V1_PP-2023-1865
3. Request for further information - Bago Forest Road, Tumbarumba - 25-01-24_PP-2023-1865
4. E220057_Response to RFI_04Apr24_PP-2023-1865

Attachment 1 - Assessment against key strategic directions

Assessment against Key Strategic Documents

Riverina Murray Regional Plan 2041

Riverina Murray Regional Plan 2041 (the Region Plan) was released by the NSW Department of Planning and Environment in January 2023. The Region Plan is a 20-year land use plan with a targeted delivery focus on the next 5 years.

The proposal is consistent with the relevant Directions and Objectives of the Plan as summarised in **Table 1**.

Table 1 - Riverina Murray Regional Plan 2041		
Direction	Objective	Officer Comment
<u>Environment</u>	Objective 1: Protect, connect and enhance biodiversity throughout the region	The proposed amendments will support the long-term biodiversity conservation management of suitable sites.
	Objective 2: Manage development impacts within riverine environments	The proposal is consistent with this objective in that it limit development within areas and reserves land for long-term protection, conservation and management of the land.
	Objective 3: Increase natural hazard resilience	The proposal is not inconsistent with this objective noting it will not increase the risk of natural hazards. Impacts associated with flooding, bushfire and the like shall be assessed under individual development application.
<u>Communities and places</u>	Objective 4: Support Aboriginal aspirations through land use planning	The proposal is inconsistent with this objective noting it creates opportunities for Aboriginal land owners to capitalise on other NSW Government policy and initiatives such as biodiversity offsetting, providing water to meet Aboriginal cultural and economic aspirations and public infrastructure.
	Objective 5: Ensure housing supply, diversity, affordability and resilience	The proposal is not inconsistent with this objective noting it will not impact on housing supply, diversity, affordability and resilience.
	Objective 6: Support housing in regional cities and their sub-regions	The proposal is not inconsistent with this objective noting it will not impact on housing.
	Objective 7: Provide for appropriate rural residential development	The proposal is not inconsistent with this objective noting it will not create the opportunity for additional dwellings on any of the lot.
	Objective 8: Provide for short-term accommodation	The proposal is not inconsistent with this objective in that does not create or impact on the provision of short-term accommodation.
	Objective 9: Plan for resilient places that respect local character	The proposal is consistent with this objective in that support the ongoing management of landscapes and vistas,

		interactions with the natural environment and waterways (where applicable)
	Objective 10: Improve connections between Murray River communities	The proposal is not inconsistent with this objective noting the long-term biodiversity conservation of land will not impact on water ways.
	Objective 11: Plan for integrated and resilient utility infrastructure	The proposal is not inconsistent with this objective noting it will not impact on utility infrastructure. It is noted that land used for the purpose BSS under BOS can support development such as the Snowy Hydro 2.0.
<u>Economy</u>	Objective 12: Strategically plan for rural industries	The proposal is consistent with this objective noting an assessment criterion ensures rural lands are not fragmented in a manner that threatens their future use for agricultural production.
	Objective 13: Support the transition to net zero by 2050	The applicant has demonstrated how the objective of supporting the transition to net zero by 2050 can be achieved.
	Objective 14: Protecting and promoting industrial and manufacturing land	The proposal is not inconsistent with this objective noting it does not relate to industrial and manufacturing land.
	Objective 15: Support the economic vitality of CBDs and main streets	The proposal is not inconsistent with this objective noting it does not relate to CBDs and main streets.
	Objective 16: Support the visitor economy	The proposal is not inconsistent with this objective noting it supports protect the biodiversity within the LGA which contributes to the region's environmental components that visitors are attracted to.
	Objective 17: Strategically plan for health and education precincts	The proposal is not inconsistent with this objective noting it does not relate to healthcare, social services and education sectors.
	Objective 18: Integrate transport and land use planning	The proposal is not inconsistent with this objective noting it will not impact on major freight corridors and/or freight and logistics clusters.

Snowy Valley Local Strategic Planning Statement

The Snowy Valley Local Strategic Planning Statement is a 20-year planning vision which emphasises economic, social and spatial land use intentions for the Snowy Valleys Council area. The Local Strategic Planning Statement sets clear local priorities for employment, housing, services and infrastructure that the Snowy Valleys communities will require over the next 20 years.

The proposal is consistent with the relevant Themes and Priorities of the LSPS as summarised in **Table 2** below.

Table 2 - Snowy Valley Local Strategic Planning Statement		
Theme	Local Priority	Officer Comment
<u>Town and Villages</u>	Priority 1: provide a range of accessible facilities and services to meet community needs within our towns and villages, and foster a culturally rich, creative, safe and socially connected Snowy Valleys community.	The proposal is not inconsistent with this priority noting the amendment relates only to conservation and rural zones.
	Priority 2: Advocate for and support the provision of diverse housing choices and opportunities to meet changing demographics and population needs, with housing growth in the right locations	The proposal is not inconsistent with this priority noting the proposed amendment will not impact on the provision on diverse housing.
	Priority 3: Enhance residential and commercial precincts to create and maintain visually attractive, connected places, whilst reinforcing the towns and villages atmospheres by also ensuring that building design and construction is of high quality that preserves and enriches resident amenity.	The proposal is not inconsistent with this priority noting it does not relate to residential and commercial precincts.
<u>Growth and Innovation</u>	Priority 1: Encourage sustainable tourism initiatives which create employment and boost the local economy.	The proposal is consistent with this priority noting that biodiversity conservation supports protect Scenic landscapes and water bodies. In addition, an objective has been incorporated that ensures agricultural lands is not compromised.
	Priority 2: Provide for opportunities for local employment.	The proposal is not inconsistent with this priority noting it will not impact on local employment. However, should be noted that the establishment of a BSA on the site will likely generate some local employment opportunities through the provision of annual funding to undertake land care works such as pest and weed management and fencing.
<u>Our Natural Environment</u>	Priority 1: Protect, conserve and enhance Snowy Valley's landform, waterways and bushland that have high environmental value.	The proposal is consistent with this priority noting that biodiversity conservation supports advocate for the retention of established trees in rural subdivisions
	Priority 2: Manage energy, water and waste efficiently to ensure a sustainable urban environment.	The proposal is not inconsistent with this priority noting it will not increase demand for energy, water or waste.
	Priority 3: Adapt to the impacts of hazards and climate change	The proposed amendment is not inconsistent with this priority noting it will not impact on Snowy Valleys Council

		ability to Adapt to the impacts of hazards and climate change.
<u>Our Infrastructure</u>	Priority 1: Improve access to, from and within Snowy Valleys	The proposal is not inconsistent with this priority noting it will not impact on freight and haulage routes.
	Priority 2: Provide infrastructure which encourages the use of sustainable transport such as cycle ways and rail trails	The proposal is not inconsistent with this priority noting it will not impact on transport such as cycle ways and rail trails.
	Priority 3: Collaborate with Government agencies and other stakeholders to stimulate positive outcomes	The proposal is not inconsistent with this priority noting it will not impact on strategic infrastructure projects, collaborate with the with the Brungle-Tumut Land Aboriginal Council and or with the NSW and Federal Governments.

Snowy Valley Community Strategic Plan 2028

The Community Strategic Plan (CSP) is community's long-term plan for capturing the priorities and ideas of our people to create a better future for our region. The proposal is consistent with the relevant Strategic Directions and Objectives of the CSP as summarised in **Table 3**.

Table 3 - Community Strategic Plan 2028		
Theme	Strategies	Officer Comment
<u>Our towns and villages</u>	1.1 - Create welcoming towns and villages that are vibrant, accessible and foster a sense of community 1.2 - Provide accessible services and initiatives which support and contribute to wellbeing across all stages of life 1.3 - Protect and preserve local history and heritage 1.4 - Expand, support and encourage arts and cultural events, activities and creative opportunities 1.5 - Support and promote events and festivals. 1.6 - Support and partner with other agencies to ensure community safety 1.7 Manage Council's resources in a manner which is equitable and ensures organisational sustainability 1.8 - Advocate for and supports the provision of affordable housing in our towns and villages	The proposal is consistent with these priorities noting that proposed amendment supports a planning and development framework which protects the local amenity while supporting sustainable growth and an appropriate balance of land us.

	1.9 - Provide a planning and development framework which protects the local amenity while supporting sustainable growth and an appropriate balance of land use	
<u>Growth through innovation</u>	<p>2.1 Develop strong relationships with local industry, organisations and government to ensure a sustainable local economy.</p> <p>2.2 Encourage sustainable tourism initiatives which create employment and boost the local economy.</p> <p>2.3 Promote, support and attract local small businesses.</p> <p>2.4 Lobby for better telecommunications services</p> <p>2.5 Partner with local education institutions to facilitate opportunities for residents to access education, training and employment to strengthen the local economy.</p> <p>2.6 Explore new and innovative approaches to economic development to enhance skills and provide broader employment opportunities for future generations</p>	The proposal is not inconsistent with these strategies noting it will not impact on existing industries, Tourism initiatives, small business and telecommunication services.
<u>Our Natural Environment</u>	<p>3.1 - Demonstrate leadership in environmental sustainability by reducing Council's carbon footprint and supporting the use of clean energy.</p> <p>3.2 - Promote programs and initiatives which encourage more sustainable living.</p> <p>3.3 - We sustainably manage waste through a commitment to resource recovery and best practice waste management</p> <p>3.4 - Protect and manage local air quality, waterways, rivers and streams.</p> <p>3.5 - Partner and support other agencies to protect local fauna and biodiversity ecosystems</p>	The proposal is consistent with the strategies in that it can support improve environmental sustainability by reducing Council's carbon footprint of development such as the Snowy Hydro 2.0. In addition, it is an avenue of supporting other agencies to protect local fauna and biodiversity ecosystems.
<u>Communication and Engagement</u>	4.1. Partner with local communities to create an ongoing culture of	The proposal is not inconsistent with these strategies noting the proposal will not impact on ongoing engagement with local communities.

	engagement to aid Council decision making	
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Snowy Valley Community Strategic Plan 2042

The Community Strategic Plan (CSP) is based on the aspirations and priorities of the community and sets out a long-term vision for the area. The plan identifies the key priorities and strategies for achieving this. The proposal is consistent with the relevant Strategic Directions and Objectives of the CSP as summarised in **Table 4**.

Table 4 - Community Strategic Plan 2042		
Theme	Strategic Objectives	Officer Comment
<u>Our Community</u>	<ul style="list-style-type: none"> The liveability, heritage, and unique characteristics of our region is acknowledged, supported and retained. The wellbeing of local people is supported through the provision of local services. Our community is prepared and resilient and is able to respond to natural disasters and economic shocks. Arts and cultural activities thrive in our region. 	The proposal is not inconsistent with the strategic objectives noting the long-term conservation of biodiversity though offsetting will ensure the unique characteristics of the region is acknowledged, supported and retained.
<u>Our Economy</u>	<ul style="list-style-type: none"> Our economy is made up of a broad range of business and industry with diverse employment opportunities. Our economy attracts, retains, and supports young people and families in the region. Sustainable tourism initiatives contribute to a thriving economy Quality telecommunication infrastructure, including mobile phone reception and high-speed internet access supports community and economic growth. 	The proposal is not inconsistent with the strategic objectives noting it will not impact on employment opportunities, tourism initiatives, and telecommunication infrastructure.
<u>Our Environment</u>	<ul style="list-style-type: none"> Our community works together to protect and preserve our natural environment. Our ability to live sustainably is supported by access to contemporary waste, water and wastewater services. 	The proposal is consistent with this objective noting it will support in protecting and preserving our natural environment. In addition, the proposed amendments to the LEP supports in ensuring a robust planning framework.

	<ul style="list-style-type: none"> • The recreation and sustainable tourism opportunities provided by our natural environment is preserved for future generations. • A robust planning framework supports the needs and identity of our community and natural environment. • We are resilient to a changing climate through adaptation and mitigation. 	
<u>Our Infrastructure</u>	<ul style="list-style-type: none"> • A robust transport network services us. • Our amenities, infrastructure and community facilities meet community needs 	The proposal is not inconsistent with the strategic objectives noting it does not impact on transport networks, amenities, infrastructure and community facilities.
<u>Our Civic Leadership</u>	<ul style="list-style-type: none"> • Council and local communities' partner to create an ongoing culture of engagement and communication to aid Council decision making. • Council has strong organisational practices to ensure a viable organisation that provides value for money. • Council demonstrates innovative leadership and strong governance practices to ensure a high performing organisation. • Council acknowledges the unique identity of different townships and villages in our Council area while promoting connection and a shared vision for our future. 	The proposal is not inconsistent with the strategic objectives noting it does not impact on Council's community engagement, organisational practices, leadership/governance and their ability to acknowledge the unique identity of different townships and villages.

Snowy Valleys Council Region Economic Development Strategy 2018-2022

The Snowy Valleys Council Region Economic Development Strategy (REDS) supports the 20-Year Economic Vision for Regional NSW. The REDS set out a place-based vision and framework for economic development for each 8 Functional Economic Regions (FER) and identifies each endowments, industry specialisations and key vulnerabilities and opportunities, and outlines economic development strategies and actions to leverage these strengths.

The proposal is consistent with the relevant strategies and actions within the REDS, as summarised in **Table 5**.

Table 5 - Snowy Valleys Council Region Economic Development Strategy 2018-2022		
Strategy	Enablers	Officer Comment
Support the growth of the forestry and timber processing industry through direct support during the bushfire recovery phase and sustainable diversification of industry in the long-term.	Plan for long-term land use for plantations and associated technology upgrades, supporting businesses to become more resilient and efficient.	The proposal is not inconsistent with this strategy noting incorporates assessment consideration that ensure land used for the purpose of agriculture is not fragmented.
Increase value-add opportunities in the agriculture sector, in particular horticulture and viticulture, through improved access to and reliability of digital and transport infrastructure.	Explore options to improve digital infrastructure by considering the findings of Snowy Valleys options paper/business case investigating delivery models for regional wireless connectivity.	The proposal is not inconsistent with this strategy noting incorporates assessment consideration that ensure land used for the purpose of agriculture is not fragmented.
Expand and diversify the Snowy Valleys region's visitor economy by growing the region's agritourism and adventure tourism offerings.	Facilitate investment in cellar doors to leverage recent private investment in cidery operations in Batlow and investigate the option for a farm gate trail to connect and enhance the benefits of local producers expanding agritourism offerings. Promote adventure tourism opportunities within the region including trail and mountain biking, hiking, winter sports and fishing.	The proposal is not inconsistent with this strategy noting it will not impact on agritourism and adventure tourism offerings.
Boost and sustain the supply of skilled workers for the region's core industries with regional skills development and initiatives to attract new residents.	Consider expanding the offering of Tumut TAFE and regional training organisations to include services, such as childcare and hospitality. Collaborate with the Regional Housing Taskforce to identify and activate new residential land in areas with physical and digital connectivity.	The planning proposal is not inconsistent with this strategy noting the proposed amendment will not impact on the provision on housing and education services.

Section 9.1 Ministerial Directions

Ministerial Directions are given under Section 9.1 of the Environmental Planning and Assessment Act 1979. Planning Proposals are required to consider and maintain consistency with these Directions.

The proposal is consistent with the relevant Directions as summarised in **Table 6**.

Table 6 - Section 9.1 Ministerial Directions	
Planning Systems	Officer Comment
<u>1.1 Implementation of Regional Plans</u>	<p>The draft Planning Proposal has been assessed against key strategic documents, including the Riverina Murray Regional Plan 2041, Snowy Valleys Local Strategic Planning Statement (LSPS) 2020-2040, Snowy Valleys Community Strategic Plan 2028, Snowy Valley Community Strategic Plan 2042, Snowy Valleys Council Region Economic Development Strategy, 2018-2022. It is generally consistent with these plans and strategies and their key objectives.</p> <p>The draft Planning Proposal is consistent with the objectives of this Direction.</p>
<u>1.4 Site Specific Provisions</u>	<p>The planning proposal is satisfactory with consideration of this direction. It will allow for a development (i.e. subdivision) which is already permissible without imposing any development standards or requirements in addition to those already contained in the LEP.</p> <p>The provision is site specific to allow for biodiversity conservation and is considered to be of minor significance.</p>
<u>1.4A – Exclusion of Development Standards from Variation</u>	<p>The planning proposal is consistent with this direction in that it meets the criteria for exclusions in the Guide to exclusions from clause 4.6 of the Standard Instrument. Specifically, the proposal provides provide exceptions to minimum lot size controls for certain development types in rural and conservation zones and addresses split zones on site.</p> <p>The planning proposal is site specific and minimises the exclusion of development standards from variation under clause 4.6 of a Standard Instrument LEP and the exclusion is consistent with the Guide to exclusions from clause 4.6 of the Standard Instrument.</p>
<u>3.1 - Conservation Zones</u>	<p>The planning proposal is consistent with this direction in that it includes provisions that facilitate the protection and conservation of environmentally sensitive areas and does not propose to reduce the conservation standards that apply to the site.</p>
<u>3.6 – Strategic Conservation Planning</u>	<p>The planning proposal is not inconsistent with this direction in that the land is not identified as avoided land or a strategic conservation area under the State Environmental Planning Policy (Biodiversity and Conservation) 2021.</p>
<u>9.2 - Rural Lands</u>	<p>The planning proposal is consistent with this direction as follows:</p> <ul style="list-style-type: none"> • Conforms to all applicable strategic plans; • Does not impact of agriculture and primary production; • Identifies and protects environmental values; • Consider the natural and physical constraints of the land and subdivides the land accordingly; • Retains the economic productivity of the agricultural land. • not hinder the ability for the current landholder to exercise his 'right to farm' the western part of the site, which is the only part of the site used for agriculture. • Incorporates objectives into the amendments to ensure future DA's do not result in the fragmentation of rural land. • The site is not State significant agricultural land as identified in Chapter 2 of Primary Production SEPP. • Considers the social, economic and environmental interests of the community.

	<p>As previously stated, the planning proposal incorporates objectives into the amendments to ensure future DA's do not result in the fragmentation of rural land. The intended land uses are unlikely to result in land use conflict or affect the operation and viability of existing and future rural land uses on the site.</p> <p>Of note, the planning proposal does not relate to rural residential purposes.</p>
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Attachment 2 - E220057_planning proposal_v0.1_V1_PP-2023-1865(1)



Planning Proposal

Proposed Amendment to Tumbarumba Local Environmental Plan 2010

Prepared for Snowy Hydro Ltd

August 2023

Planning Proposal

Proposed Amendment to Tumbarumba Local Environmental Plan 2010

Snowy Hydro Ltd
E220057 RP#14
August 2023

Version	Date	Prepared by	Approved by	Comments
V0.1	25 August 2023	Brett McLennan	Brett McLennan	For public issue

Approved by



Brett McLennan
Director
25 August 2023

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Executive Summary

This planning proposal has been prepared by EMM Consulting Pty Ltd (EMM) on behalf of Snowy Hydro Ltd (Snowy Hydro) to support an application to Snowy Valleys Council (SVC) to amend the *Tumbarumba Local Environmental Plan 2010* (Tumbarumba LEP) to allow the subdivision of land at Lot 2 in Deposited Plan (DP) 556593 (the site) into two lots where one lot is below the minimum lot size requirement under the LEP.

This planning proposal has been prepared following consultation with SVC and the NSW Department of Planning and Environment (DPE). It has been prepared with regard to the requirements of the *Local Environmental Plan Making Guideline* (LEP Guideline) (DPE 2022).

Snowy Hydro is currently developing Snowy 2.0 which is the largest committed renewable energy project in Australia. Snowy 2.0 will expand the current Snowy Mountains Hydro-electric Scheme's (Snowy Scheme) renewable energy capacity by almost 50% by providing an additional 2,000 megawatts (MW) of on-demand electricity generating capacity and large-scale electricity storage. To connect Snowy 2.0 to the national electricity market (NEM), a new transmission connection is required. This project, known as the Snowy 2.0 Transmission Connection Project, involves two new 9 kilometre (km) 330 kilovolt (kV) overhead double-circuit transmission lines from Snowy 2.0 cable yard to an existing Transgrid transmission line (Line 64).

The Snowy 2.0 Transmission Connection Project was approved by the NSW Minister for Planning on 2 September 2022. As part of the approval, Snowy Hydro is required to offset impacts to biodiversity as a result of clearing required for the project. This includes a monetary payment to the NSW National Parks and Wildlife Service (NPWS) for impacts of the project in the Kosciuszko National Park (KNP) and offsetting impacts outside of KNP in accordance with the requirements of the NSW Biodiversity Offsets Scheme (BOS).

The eastern portion of the site has been identified as being capable of meeting a significant proportion of the offset requirements for impacts of the Snowy 2.0 Transmission Connection Project outside of KNP. Accordingly, it is proposed to establish a biodiversity stewardship site (BSS) under the BOS on the eastern part of the site to offset impacts of the Snowy 2.0 Transmission Connection Project. To do this, it is proposed to subdivide the site into two lots where the eastern lot would be used as the BSS.

The site has an area of 253.72 hectares (ha). The eastern part of the site zoned C3 Environmental Management under the Tumbarumba LEP has an area of 92.07 ha and the western part of the site zoned RU1 Primary Production has an area of 161.65 ha. The proposed subdivision would generally be aligned with the zoning boundary. The eastern lot, which would become the BSS, would be approximately 92.81 ha in area. The western lot would be approximately 160.91 ha in area.

Under the Tumbarumba LEP, the minimum lot size for the part of the site zoned C3 Environmental Management is 160 ha and the minimum lot size for the part of the site zoned RU1 Primary Production is 40 ha. Accordingly, the proposed subdivision of the site into two lots where the eastern lot would be approximately 92.81 ha would not meet the requirements of clause 4.1 of the Tumbarumba LEP for land zoned C3 Environmental Management.

Some clauses in Part 4 of the Tumbarumba LEP provide exceptions to the minimum lot size requirements in clause 4.1. However, none of these exceptions apply to the proposal to subdivide the site.

It is proposed to add an additional clause within Part 4 of the Tumbarumba LEP which provides an exception to the minimum lot size requirements to provide flexibility in the application of standards for subdivision of land to be used for a BSS. The suggested wording of this clause is as follows.

Exceptions to minimum lot sizes for biodiversity conservation

- (1) The objective of this clause is to provide flexibility in the application of standards for subdivision of land to be used for the purpose of long-term biodiversity conservation management.

- (2) Despite any other provision of this Plan, development consent may be granted to the subdivision of land to create a lot 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—
- (a) the subdivision will facilitate the long-term biodiversity conservation management of the lot, and
 - (b) suitable arrangements have been, or will be, made for the long-term protection, conservation and management of the lot, and
 - (c) the subdivision will not create the opportunity for additional dwellings on any of the lots, and
 - (d) the subdivision will not require the clearing of any native vegetation other than native vegetation required to be removed for the long-term protection, conservation and management of the lot.

There are six key steps or stages in the planning proposal process, as follows:

- Pre-lodgement – The proponent submits a scoping proposal to SVC and conducts a pre-lodgement meeting.
- Submission of a planning proposal – A planning proposal is submitted to SVC via the Planning Portal. SVC then decides to support or not support the proposal. Where a proposal is supported, SVC then submits the planning proposal to DPE for Gateway determination.
- Gateway determination – DPE makes an assessment of the planning proposal and makes a recommendation to the Minister on whether the planning proposal should proceed. DPE then issues a Gateway determination either to support or not support the proposal.
- Post-Gateway – SVC reviews the Gateway determination and actions any conditions. Upon completion of Gateway determination conditions (if any). Planning proposals and the recommended amendment to the LEP proceed to public exhibition.
- Public exhibition and assessment – The planning proposal and recommended amendment to the LEP is exhibited. Submissions are reviewed and considered by the proponent. SVC reviews the planning proposal and a decision is made by SVC as to whether to proposal (including any changes) is supported or not.
- Finalisation – Amendments to the LEP are made and DPE arranges for notification.

Snowy Hydro and EMM have undertaken Stage 1 of the planning proposal process. Snowy Hydro and EMM have consulted with both SVC and DPE on this planning proposal via meetings and telephone calls. Key meetings included:

- a meeting between Snowy Hydro and SVC on 19 December 2022 to discuss the proposal to use part of the site as a BSS
- a meeting between EMM and DPE on 14 March 2023 to discuss the planning proposal
- several discussions between EMM and SVC post the meeting with DPE to discuss the process for lodging the planning proposal.

Through this stage, it was agreed, in principle, that Snowy Hydro could progress through to the planning proposal stage. On 22 May 2023, SVC emailed EMM to state that “Council is initially supportive of your proposal, subject to review of your lodged final proposal.”

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1 Part 1 – Objectives and intended outcomes

1.1 Introduction

This planning proposal has been prepared by EMM Consulting Pty Ltd (EMM) on behalf of Snowy Hydro Ltd (Snowy Hydro) to support an application to Snowy Valleys Council (SVC) to amend the *Tumbarumba Local Environmental Plan 2010* (Tumbarumba LEP) to allow the subdivision of land at Lot 2 in Deposited Plan (DP) 556593 (the site) into two lots where one lot is below the minimum lot size requirement under the LEP.

This planning proposal has been prepared following consultation with SVC and the NSW Department of Planning and Environment (DPE). It has been prepared with regard to the requirements of the *Local Environmental Plan Making Guideline* (LEP Guideline) (DPE 2022).

1.2 The need

Snowy Hydro is currently developing Snowy 2.0 which is the largest committed renewable energy project in Australia. Snowy 2.0 will expand the current Snowy Mountains Hydro-electric Scheme's (Snowy Scheme) renewable energy capacity by almost 50% by providing an additional 2,000 megawatts (MW) of on-demand electricity generating capacity and large-scale electricity storage.

Snowy 2.0 is a critical project for NSW and the broader national electricity market (NEM). The project, along with the existing Snowy Scheme, will underpin Australia's transition to a renewable energy future at the lowest cost to consumers. As the transition to renewables accelerates, reliable and stable energy supply cannot be achieved without largescale energy storage and on-demand generation.

To connect Snowy 2.0 to the NEM, a new transmission connection is required. This project, known as the Snowy 2.0 Transmission Connection Project, involves two new 9 kilometre (km) 330 kilovolt (kV) overhead double-circuit transmission lines from Snowy 2.0 cable yard to an existing Transgrid transmission line (Line 64).

The Snowy 2.0 Transmission Connection Project was approved by the NSW Minister for Planning on 2 September 2022. As part of the approval, Snowy Hydro is required to offset impacts to biodiversity as a result of clearing required for the project. This includes a monetary payment to the NSW National Parks and Wildlife Service (NPWS) for impacts of the project in the Kosciuszko National Park (KNP) and offsetting impacts outside of KNP in accordance with the requirements of the NSW Biodiversity Offsets Scheme (BOS).

The eastern portion of the site has been identified as being capable of meeting a significant proportion of the offset requirements for impacts of the Snowy 2.0 Transmission Connection Project outside of KNP. Accordingly, it is proposed to establish a biodiversity stewardship site (BSS) under the BOS on the eastern part of the site to offset impacts of the Snowy 2.0 Transmission Connection Project. To do this, it is proposed to subdivide the site into two lots where the eastern lot would be used as the BSS. The eastern lot would then be purchased by Snowy Hydro.

1.3 The site

The site is located approximately 10 km north-east of Tumbarumba in the Snowy Valleys local government area (LGA). The site is located at Bago Forest Road, Tumbarumba near its intersection with Perkins Road. The site is legally described as Lot 2 in DP 556593. The site in its regional and local contexts can be seen in Map1 and Map 2.

The site is partly zoned RU1 Primary Production and C3 Environmental Management under the Tumbarumba LEP. The eastern part of the site is zoned C3 Environmental Management and the western part is zoned RU1 Primary Production. The zoning of the site can be seen in Map 3.

The site has an area of 253.72 hectares (ha). The eastern part of the site zoned C3 Environmental Management has an area of 92.07 ha and the western part of the site zoned RU1 Primary Production has an area of 161.65 ha.

The eastern part of the site is heavily vegetated by a tall forest dominated by Narrow-leaved Peppermint (*Eucalyptus radiata*) and Mountain Gum (*E. dalrympleana*) with Silver Wattle (*Acacia dealbata*) – see photographs below. The western part of the site zoned RU1 is predominantly cleared and used for agriculture.



Photograph 1.1 Vegetation on the eastern part of the site



Photograph 1.2 Vegetation on the eastern part of the site

1.4 Objective of planning proposal

The objective of the planning proposal is to amend the Tumbarumba LEP to allow the subdivision of the site into two lots. It is intended that one of the lots would become a BSS and subject to a biodiversity stewardship agreement (BSA) pursuant to the provisions of the NSW *Biodiversity Conservation Act 2016* (BC Act).

1.5 Intended outcomes of planning proposal

The intended outcome of the planning proposal is to enable Snowy Hydro to obtain development consent for the subdivision of the site into two lots. One lot would become a BSS which would be protected under a BSA pursuant to the provisions of the BC Act. In order for development consent to be granted, the Tumbarumba LEP needs to be amended to allow the lot that would become the BSS to be below the minimum lot size requirement for land zoned C3 Environmental Management.

1.6 Structure of planning proposal

In accordance with the LEP Guideline, this planning proposal contains six parts, as follows:

- Part 1 (this part) – Objective and intended outcomes – provides a statement of the objectives of the proposed amendment to the Tumbarumba LEP
- Part 2 – Explanation of provisions – provides an explanation of the provisions that are to be included in the proposed amendment to the Tumbarumba LEP
- Part 3 – Justification of strategic and site-specific merit – provides a justification of strategic and potential site-specific merit, outcomes, and the process for implementation of the planning proposal
- Part 4 – Maps – provides maps to identify the effect of the planning proposal and the area to which it applies
- Part 5 – Community consultation – provides details of the community consultation that is to be undertaken on the planning proposal
- Part 6 – Project timeline – provides a project timeline to detail the anticipated timeframe for the amendment to the Tumbarumba LEP making process in accordance with the maximum benchmarks in the LEP Guideline.

2 Part 2 – Explanation of provisions

2.1 Current provisions

As stated in Part 1, the eastern part of the site zoned C3 Environmental Management has an area of 92.07 ha and the western part of the site zoned RU1 Primary Production has an area of 161.65 ha. It is proposed to establish a BSS on the eastern part of the site zoned C3 Environmental Management. To facilitate this, it is proposed to subdivide the site into two lots.

The proposed subdivision would generally be aligned with the zoning boundary. The eastern lot, which would become the BSS, would be approximately 92.81 ha in area. The western lot would be approximately 160.91 ha in area.

Clause 4.1 of the Tumbarumba LEP states:

- (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

Under the Lot Size Map, the minimum lot size for the part of the site zoned C3 Environmental Management is 160 ha and the minimum lot size for the part of the site zoned RU1 Primary Production is 40 ha – see Map 4.

Accordingly, the proposed subdivision of the site into two lots where the eastern lot would be approximately 92.8 ha would not meet the requirements of clause 4.1 of the Tumbarumba LEP for land zoned C3 Environmental Management. The western lot would be approximately 160.91 ha and would meet the requirements of clause 4.1 for land zoned Ru1U Primary Production.

Some clauses in Part 4 of the Tumbarumba LEP provide exceptions to the minimum lot size requirements in clause 4.1. However, none of these exceptions apply to the proposal to subdivide the site. For example, clause 4.6(6) states:

Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—

- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
- (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

The proposed subdivision of the site to create a lot for the BSS with an area of approximately 92.81 ha would not meet the 90% minimum area requirement in clause 4.6(6)(b). The lot would be approximately 58% of the minimum area (160 ha) required for the C3 Environmental Management zone required by clause 4.1 of the Tumbarumba LEP.

2.2 Proposed provisions

It is proposed to add an additional clause within Part 4 of the Tumbarumba LEP which provides an exception to the minimum lot size requirements to provide flexibility in the application of standards for subdivision of land to be used for a BSS. The suggested wording of this clause is as follows.

Exceptions to minimum lot sizes for biodiversity conservation

- (1) The objective of this clause is to provide flexibility in the application of standards for subdivision of land to be used for the purpose of long-term biodiversity conservation management.
- (2) Despite any other provision of this Plan, development consent may be granted to the subdivision of land to create a lot 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—
 - (a) the subdivision will facilitate the long-term biodiversity conservation management of the lot, and
 - (b) suitable arrangements have been, or will be, made for the long-term protection, conservation and management of the lot, and
 - (c) the subdivision will not create the opportunity for additional dwellings on the lot, and
 - (d) the subdivision will not require the clearing of any native vegetation other than native vegetation required to be removed for the long-term protection, conservation and management of the lot.

The suggested wording of the clause would allow SVC to consider any application to subdivide a site where the subdivision creates a site below the minimum lot size where that land will be used for the purpose of long-term biodiversity conservation management. It is not site specific and therefore may reduce administration and costs for SVC in the future when proponents seek to subdivide a site to be used for the purpose of long-term biodiversity conservation management.

If the planning proposal is supported by SVC, it is recognised that the wording of the clause may change based on Council's experience at drafting clauses within LEPs.

3 Part 3 – Justification of strategic and site-specific merit

3.1 Snowy 2.0

Snowy 2.0 is the largest committed renewable energy project in Australia. By expanding the current Snowy Scheme’s renewable energy capacity by almost 50%, the NEM will be served with an additional 2,000 MW of on-demand generating capacity and large-scale storage. Changes to the NSW and Australian energy system and market are creating a need for large scale energy storage projects such as Snowy 2.0. As with many electricity markets around the world, the NEM is undergoing a paradigm transformation that has been brought about by significant shifts in energy efficiency, rapidly decreasing costs of wind and solar generation (or variable renewable energy, VRE), coal power station retirements, increasing coal and gas costs and Australia’s participation in global commitments to reduce carbon emissions.

While VRE provides energy during model conditions, the challenge for these sources is their dependent on weather conditions and during prolonged periods of wind and/or solar droughts As such, VRE is required to be supported by energy storage which can be utilised when VRE is not generating. A large pumped hydro system such as Snowy 2.0 can provide significant energy storage capable of delivering large-scale generation within minutes in times when VRE is not operating.

The development of Snowy 2.0 is consistent with Commonwealth, NSW and local strategic planning and policy objectives (see **Error! Reference source not found.**).

In recognition of the need to manage the transition and future energy mix in the NEM, Snowy 2.0 was declared critical State significant infrastructure (CSSI) by the NSW Minister for Planning under the NSW *Environmental Planning and Assessment Act 1979* (EP&A Act) in March 2018. It was declared as critical for the energy security and reliability needs of NSW. At the time of the declaration the Minister stated that that Snowy 2.0 was “essential for the future security of our energy system, the economy and the environment.” The declaration signifies the critical role that Snowy 2.0, together with the upgrades to the NSW transmission network, will play in providing reliable energy and large-scale storage to NSW as it transitions to a low emissions economy.

An overview of relevant Commonwealth, State and local key policies, strategies and legislation and how Snowy 2.0 aligns with these, is provided in **Error! Reference source not found.** below. It also provides an overview of how Snowy 2.0 fits into the Commonwealth government’s commitment to *The Paris Agreement*.

Table 3.1 Relevant government policies and legislation

Government plan or policy	Project alignment with policy
International context	
<p>The Paris Agreement</p> <p><i>The Paris Agreement</i> is a legally binding international treaty designed to strengthen international efforts to limit the effects of climate change. It aims to hold the global increase in temperature to below 2 degrees Celsius (°C) above pre-industrial levels. The Paris Agreement has been adopted by 196 countries, including Australia, and came into force on 10 December 2016.</p> <p>In June 2022, the Australian Government committed to reduce emissions by 43% on 2005 levels, by 2030. This will put Australia on track to achieve net zero emissions by 2050. This commitment has been legislated through the Commonwealth <i>Climate Change Act 2022</i> (CC Act), passed in September 2022.</p> <p>As part of this pledge the Australian Government are supporting the transition to renewable energy by investing in the transmission and storage needed to balance the grid, which will lower energy prices and support economic growth.</p>	<p>Snowy 2.0 will contribute to meeting Australia’s commitments under the Paris Agreement by reducing the NEM’s annual GHG emissions.</p> <p>Snowy 2.0 is expected to generate around 350,000 megawatt hours (MWh) of large-scale storage to the NEM over a seven day period.</p> <p>Snowy 2.0 will contribute to the NEM by providing long duration storage services supporting grid reliability as coal fired generation retires and the firming of substantial amounts of additional renewable energy generation capacity.</p>

Table 3.1 Relevant government policies and legislation

Government plan or policy	Project alignment with policy
National context	
Commonwealth <i>Climate Change Act 2022</i>	
The CC Act commenced in September 2022 and for the first time in Australia’s history, mandates the Australian Government’s commitment under the Paris Agreement to reduce GHG emissions by 43% on 2005 levels, by 2030.	As noted above, Snowy 2.0 will contribute to meeting the commitments to reduce Australia’s climate change emissions through the production of renewable energy and firming capabilities provided to enable VRE growth within the NEM.
The objects of the CC Act are to advance an effective response to the urgent threat of climate change, set out Australia’s emissions reductions targets, require annual climate statements to be prepared by the responsible Minister to ensure accountability, and ensure independent advice from the Commonwealth Climate Change Authority informs the preparation of the Government’s annual climate statements.	
Large-scale Renewable Energy Target	
The Australian Government Clean Energy Regulator administers the Large-scale Renewable Energy Target (LRET) which incentivises investment in eligible renewable energy power stations.	Energy produced by pumped hydro-electric power stations falls within the eligible renewable power station energy sources category for the LRET.
The LRET of 33,000 gigawatt hours (GWh) of additional renewable electricity generation was met at the end of January 2021 (Clean Energy Regulator 2021). The annual target will remain at 33,000 GWh until the scheme ends in 2030.	Once operational, Snowy 2.0 is expected to generate approximately 350,000 MWh of electricity over seven days, which will contribute towards meeting the LRET in future years.
2022 Integrated System Plan	
The <i>2022 Integrated System Plan</i> (2022) ISP prepared by the Australian Energy Market Operator (AEMO) sets out an optimal development path (ODP) to achieve the once in a century transformation of the NEM that is required to achieve net zero emissions by 2050.	Snowy 2.0 will contribute to the NEM by providing long duration storage services supporting grid reliability and the firming of additional renewable energy generation capacity.
As part of the ODP, the following is required: treble the amount of firming capacity provided by sources other than coal, that includes pumped hydro 16 GW of pumped hydro storage capacity and utility scale batteries double the amount of VRE.	
State context	
NSW Electricity Strategy	
The <i>NSW Electricity Strategy</i> (DPE 2019) is the NSW Government’s plan for a reliable, affordable, and sustainable electricity future that supports a growing economy. Developed at a time when four of NSW’s five remaining coal-fired generators were scheduled to close by 2033, the strategy outlines a reliable energy system which meets NSW’s energy requirements and emission reduction targets.	Snowy 2.0 will contribute to the development of REZs which will in turn meet the aims of the <i>NSW Electricity Strategy</i> by ensuring a secure, reliable energy system. Once operational, the Snowy 2.0 is expected to generate approximately 350,000 MWh of electricity over seven days.
The <i>NSW Electricity Strategy</i> includes three layers: 1. supporting the market to deliver reliable electricity at the lowest price, while protecting the environment 2. setting an Energy Security Target (EST) to ensure NSW has enough generation capacity to cope with unexpected generator outages during periods of peak demand, such as heatwaves 3. ensuring the NSW Government has sufficient powers to deal with an electricity emergency, if one arises.	
The <i>NSW Electricity Strategy</i> , together with the <i>NSW Electricity Infrastructure Roadmap</i> (DPE 2020) (Electricity Roadmap) discussed below and its enabling legislation the <i>NSW Energy Infrastructure Investment Act 2020</i> (EII Act) supports the rolling out of REZs.	

Table 3.1 Relevant government policies and legislation

Government plan or policy	Project alignment with policy
<p>NSW Electricity Infrastructure Roadmap (enabled by the EII Act)</p> <p>The Electricity Roadmap, completed in late 2020, builds on the <i>NSW Electricity Strategy</i> and is the NSW Government's plan to transform the electricity system into one that is cheap, reliable and clean.</p> <p>The Electricity Roadmap coordinates investment in transmission, generation, storage and firming infrastructure as ageing coal-fired generation plants retire. The Electricity Roadmap includes actions that will deliver 'whole-of system' benefits. These include:</p> <ul style="list-style-type: none"> a plan to deliver the state's first five REZs in the Central-West Orana, New England, South-West, Hunter-Central Coast, and Illawarra regions a Transmission Acceleration Facility to fast-track the delivery of critical transmission infrastructure commitment to further funding to pumped hydro projects and the <i>Pumped Hydro Recoverable Grants Program</i>. <p>To achieve the needed energy reliability, the Electricity Roadmap draws on AEMO's projection of approximately 2.3 GW of long duration storage required in NSW over and above the 2 GW from the Snowy 2.0 Project. Pumped hydro energy storage is the primary source of long duration energy storage globally and is able to provide the bulk energy time shifting when needed.</p>	<p>Snowy 2.0 forms a major part of the development of the REZs in NSW, providing long duration storage combined with up to 2,000 MW of generating capacity.</p> <p>By utilising natural terrain features, pumped hydro energy storage can provide efficient, responsive,, and reliable long duration storage over an operational life of 100+ years.</p> <p>Its large capacity and quick-start energy generation will allow it to operate in tandem with and stabilise the energy generation of VRE technologies located within REZs. It will smooth out peaks and troughs in both supply and demand for electricity by pumping water to the upper reservoir when intermittent renewable energy output is high, and by providing quick-start electricity generation when renewable energy output is low and when demand is high. Snowy 2.0 may also be used to create additional inertia to provide the power grid with additional stability if necessary.</p>
<p>NSW Energy Security Target and Safeguard</p> <p>The objective of the <i>NSW Energy Security Target</i> (DPIE 2020) is to give the market certainty about how much new electricity is needed to deliver a reliable energy system over the medium to long term, in light of the retirement of several large coal-fired generators. The <i>NSW Energy Security Target</i> is established under the EII Act and is equivalent to the maximum demand experienced in NSW every 10 years, plus a reserve margin. AEMO has been appointed as the <i>Energy Security Target Monitor</i> and its first report released in December 2021 predicts a target breach from 2029–30.</p> <p>A further Energy Security Target Monitor report was released by AEMO in October 2022. With the announcement by Origin that Eraring Power Station retirement will be brought forward to 2025 (earlier than planned under the 2020 ISP), there is a firming shortfall,, and a target breach is now forecast to result in 2025–26.</p> <p>This signals the critical and urgent need for new generation and transmission infrastructure to ensure energy security for NSW consumers.</p>	<p>At up to 2,000 MW of generating capacity and up to seven days storage, Snowy 2.0 provides long-duration storage which cannot be economically provided by batteries. As such, Snowy 2.0 is of a sufficient scale to significantly and positively influence the State's ongoing energy reliability and security.</p> <p>Based on the target breach identified in AEMO's latest Energy Security Monitor Report, Snowy 2.0 is vital to be deployed to provide resilience and energy security for NSW consumers and to support the transition in the NEM away from coal-fired generation. This need also aligns and supports the CSSI status of the Project being essential for social, economic,, or environmental reasons.</p>
<p>NSW Climate Change Policy Framework</p> <p>The <i>NSW Climate Change Policy Framework</i> (the Framework) defines the NSW Government's role in reducing carbon emissions and adapting to the impacts of climate change. It commits NSW to achieving net zero emissions by 2050 and sets policy directions to help guide implementation of the Framework.</p>	<p>Snowy 2.0 will contribute to the overall reduction of carbon emissions in NSW, helping the State of NSW to achieve its objective of net zero emissions by 2050.</p>
<p>Net Zero Plan Stage 1: 2020–2030</p> <p>Following on from the Framework, the <i>Net Zero Plan Stage 1 2020–2030</i> (DPIE 2020) is the foundation for NSW action on climate change. It outlines the NSW Government's plan to grow the economy and create jobs while helping the state to deliver a 50% cut in emissions compared to 2005 levels. The implementation of the Net Zero Plan, together with the Electricity Roadmap, will result in more than 9,000 jobs and up to</p>	<p>Snowy 2.0 contributes to Priority 1 of four priorities identified in the Plan: "Drive uptake of proven emissions reduction technologies that grow the economy, create new jobs or reduce the cost of living."</p>

Table 3.1 Relevant government policies and legislation

Government plan or policy	Project alignment with policy
\$37 billion (B) in private investment, the majority expected to be across regional NSW.	
Pumped Hydro Roadmap The <i>Pumped Hydro Roadmap</i> , completed in late 2018, sets out actions aimed towards encouraging and promoting increased pumped hydro energy storage across NSW. The key actions of the roadmap include: bringing forward private investment by opening state-owned water infrastructure and supporting the commercialisation of new, large scale, on-demand electricity projects mapping the landscape for pumped hydro energy storage providing guidance on the regulatory process for large-scale hydro energy projects.	Snowy 2.0 is directly aligned to the <i>Pumped Hydro Roadmap</i> .
State Environmental Planning Policy (Planning Systems) 2021 Under the EP&A Act, the NSW Planning Minister has the power to declare a specified project on specified land to be CSSI if the Minister forms the view that it is essential to the State for environmental, economic,, or social reasons.	The NSW Planning Minister has formed the view that Snowy 2.0 is essential to NSW for environmental, economic, or social reasons. Therefore, the Minister declared the Project to be CSSI.
Local context	
Envisage 2040: Our Path to a Sustainable Future – Local Strategic Planning Statement The <i>Envisage 2040: Our Path to a Sustainable Future – Local Strategic Planning Statement</i> (SVC 2020) is a 20-year planning vision for the Snowy Valleys LGA. It recognises the economic boost that Snowy 2.0 is likely to make to the local region and the need to protect, conserve and enhance bushland that has high environmental value over the long-term.	As the statement indicates, Snowy 2.0 will have significant economic benefits to the region, particularly during the construction phase. The proposal to conserve part of the site as a BSS will ensure that its biodiversity values are preserved in the long-term.
Snowy Valleys 2028 Our Vision Our Future – Community Strategic Plan 2028 The <i>Snowy Valleys 2028 Our Vision Our Future – Community Strategic Plan 2028</i> (SVC 2020) is the long-term community strategic plan for the region. It contains five themes with supporting strategies aimed at achieving the themes. Two themes are relevant to Snowy 2.0 and the proposal to establish part of the site as a BSS: Theme 2: Growth through innovation Theme 3: Our natural environment. Theme 2 looks to provide strategies to support existing industries within the LGA, and to provide initiatives to attract new employment opportunities across the region. Theme 3 looks to protect the natural environment by partnering and supporting other agencies to protect local fauna and biodiversity ecosystems.	Construction of Snowy 2.0 is providing significant benefits to existing businesses in the local region both directly through the engagement of these businesses in the construction of the project, and indirectly through flow-on benefits. It is also providing the opportunity for these businesses to grow, and new businesses to establish. As stated above, the proposal to conserve part of the site as a BSS will ensure that its biodiversity values are preserved in the long-term.
2018 – 2022 Snowy Valleys Regional Economic Development Strategy The <i>2018 – 2022 Snowy Valleys Regional Economic Development Strategy 8</i> (SVC 2018) sets out a long-term economic vision and associated Strategy for the economic development of the Snowy Valleys LGA. Three core strategies have been developed to capture the opportunities identified for the LGA. These are: support the growth of the Forestry and Timber Processing and Agriculture sectors through improving access and reliability of infrastructure and utilities	Construction of Snowy 2.0 is providing economic benefits to the local region including the Snowy Valleys LGA. It is assisting to boost and sustain skilled workers in the LGA and through the magnitude of its workforce would be attracting new residents to the LGA.

Table 3.1 Relevant government policies and legislation

Government plan or policy	Project alignment with policy
continue to develop and grow the Tourism sector to diversify the Region's economy	
boost and sustain the supply of skilled workers for the core industries with emphasis on regional skills development and initiatives to attract new residents.	

3.2 Biodiversity Offsets Scheme

3.2.1 Biodiversity offsets

A biodiversity offset is the protection of native biodiversity values within a landscape, whether it be habitat for a particular species, a vegetation type, or similar. When a development impacts biodiversity, the impact needs to be offset (negated) by protecting and improving similar biodiversity values on another site which is not subject to development. The flora and fauna of that site need to be protected, managed and enhanced for it to be considered a 'biodiversity offset', and the site must achieve an improvement or 'gain' in biodiversity values.

The primary purpose of offsetting is to facilitate development in an environmentally sustainable manner, and to ensure development does not have unacceptable impacts on native ecosystems and species. Offsetting also provides an incentive to protect biodiversity on private land, provides an income for landholders with offset sites and achieves biodiversity conservation outcomes into the future.

3.2.2 Biodiversity offsets scheme

The Biodiversity Offsets Scheme (BOS) is the framework for assessing and offsetting the impact of development on biodiversity in NSW. The BOS was established under the NSW *Biodiversity Conservation Act 2016* (BC Act) and replaced the BioBanking Scheme in NSW under the former and repealed NSW *Threatened Species Conservation Act 1995*.

The BOS provides a transparent, consistent and scientifically based approach to avoiding, minimising and offsetting impacts on native biodiversity. There are two key elements to the BOS:

1. Those who plan to clear native vegetation for development have an obligation to offset that biodiversity loss. This is called a biodiversity credit obligation. The appropriate number and type of biodiversity credits must be retired (or the obligation transferred) before development can commence.
2. Landholders who establish a Biodiversity Stewardship Agreement (BSA) on their land to protect and enhance biodiversity in perpetuity, and generate biodiversity credits. These credits can be bought by those seeking to offset the biodiversity loss associated with their development.

In the BOS, a biodiversity stewardship site is created by a landholder establishing a BSA with the Biodiversity Conservation Trust (BCT) to manage their land for conservation. The site is assessed using the Biodiversity Assessment Method (BAM), with an assessor's report setting out the class, type and number of credits generated by the BSA, and a proposed management plan for the site, which forms part of the BSA. Under the BOS, the requirement to secure a biodiversity offset is determined only after reasonable steps have been taken to avoid and minimise impacts to biodiversity arising from a development. When unavoidable impacts from development or clearing generates a biodiversity credit obligation, the developer must source and retire specific biodiversity credits to offset their activity.

3.2.3 Biodiversity stewardship agreement

A BSA is a legal agreement between the legal owner of the land and the Minister administering the BC Act, to establish a BSS for the purpose of generating biodiversity credits under the BOS (i.e. to establish an offset site). A BSA identifies the land to which the agreement applies and the BSA is registered on the title of the land in perpetuity.

The terms of the BSA are agreed between the landholder and the Biodiversity Conservation Trust (BCT) before it is signed. It states the landholder's obligations and entitlements in relation to the BSS.

3.2.4 Biodiversity stewardship site

A BSS is the agreed area of the landholder's land that would be managed for conservation, from which the landholder will generate biodiversity credits. This land will be bound by the terms of the BSA, which clearly defines the area, boundaries and management obligations of the BSS.

3.2.5 Biodiversity credits

Biodiversity credits are generated when a BSA is established. There are two types of biodiversity credits – ecosystem credits and species credits, with hundreds of different types within each category.

Biodiversity credits represent the expected improvement (gain) in biodiversity values that will result from the protection and management of biodiversity on the BSS. The number and type of biodiversity credits generated by a BSA varies depending on the type and condition of the vegetation, threatened species present, and how the landholder's land will be managed to improve the biodiversity.

Determining which type and how many biodiversity credits could be generated on a BSS is achieved using the Biodiversity Assessment Method (BAM) which is used by accredited assessors to assess the biodiversity values on the BSS. The outcomes of the assessment are used to calculate the number and type of biodiversity credits that can be generated by establishing a BSA on a BSS.

The BAM is also the method used to assess the biodiversity values of a development site and to calculate the number and type of biodiversity credits that are required to be retired, i.e. the credit liability, before the development can commence.

Biodiversity credits can be bought and sold like any other commodity. When sold to a buyer, this transaction is called a 'transfer'. Biodiversity credits are used to offset the loss of biodiversity values on development sites. When used for this purpose they are 'retired', which means they cannot be sold again.

3.2.6 Snowy 2.0

For impacts outside of KNP, the Snowy 2.0 Transmission Connection Project generated ecosystem credit obligations for three different types of native vegetation, referred to as plant community types (or PCTs), and species credits for one threatened fauna species – the Yellow-bellied Glider (*Petaurus australis*).

3.3 The site

The eastern part of site will be utilised as a BSS. It is located on a north-western facing slope which contains a tall forest dominated by Narrow-leaved Peppermint (*Eucalyptus radiata*) and Mountain Gum (*E. dalrympleana*) with Silver Wattle (*Acacia dealbata*).

The hillslope drains into three unnamed ephemeral flowlines.

Although the BSS has been historically logged, it remains relatively undisturbed due to the steep slope of the site restricting access for other agricultural activities. The main disturbance results from the BSS being burnt in the January 2020 bushfires which has led to extensive epicormic growth occurring within the canopy.

The BSS is bordered by cleared agricultural lands to the west, and remnant vegetation on all other sides.

Surveys of the site indicate that it contains two PCTs and habitat for a number of threatened flora and fauna, including but not limited to the Yellow-bellied Glider (*Petaurus australis*). Surveys of the site detected the glider at all locations surveyed on the site. The vegetation on the eastern part of the site can be seen in Map 5.

The surveys indicate that the proposed BSS is likely to generate most of the ecosystem credit obligations, and all of the species credit obligations for the Snowy 2.0 Transmission Connection Project.

3.4 Process for implementation

3.4.1 Amendment to Tumbarumba Local Environmental Plan 2010

The process for amending the Tumbarumba LEP is described in the LEP Making Guideline. This describes six stages, from Stage 1 where engagement and scoping are undertaken with the relevant council and DPE prior to lodgement of the planning proposal through to Stage 6 which is finalisation of the LEP. These stages are summarised below.

- Stage 1 – Pre-lodgement

This stage includes early analysis of the planning proposal including key environmental or site constraints, review of the strategic planning framework, obtaining advice and consultation with authorities and government agencies and identification of study requirements to underpin a planning proposal.

A pre-lodgement meeting or meetings is encouraged with the relevant council and DPE to discuss the planning proposal and ascertain early on if it has the potential for strategic and site merit.

This stage of works has been undertaken and included consultation with SVC and DPE via meetings and telephone calls. Key meetings included:

- a meeting between Snowy Hydro and SVC on 19 December 2022 to discuss the proposal to use part of the site as a BSS
- a meeting between EMM and DPE on 14 March 2023 to discuss the planning proposal
- several discussions between EMM and SVC post the meeting with DPE to discuss the process for lodging the planning proposal.

Through this stage, it was agreed, in principle, that Snowy Hydro could progress through to the planning proposal stage. On 22 May 2023, SVC emailed EMM to state that “Council is initially supportive of your proposal, subject to review of your lodged final proposal.”

- Stage 2 – Planning proposal

This stage includes preparing the planning proposal (this document) which addresses the need and proposal to amend the relevant LEP. The requirements for a planning proposal were summarised in Section 1.6.

A proponent-initiated planning proposal, such as this planning proposal, is required to be lodged online via the Planning Portal. A planning proposal is considered lodged after a 14-day adequacy period for council to review the proposal.

The Planning Portal enables the planning proposal and all associated documents to be viewed and reviewed by the public.

The council then undertakes an assessment of the planning proposal and forms a view as to whether the proposal has strategic and site-specific merit. The planning assessment forms part of the planning proposal report to council on whether the planning proposal should be supported or not.

Council staff will prepare and submit an assessment report to a council meeting for formal consideration. If the council determines that the planning proposal has strategic and site-specific merit, and is to be supported, it should submit the planning proposal to DPE for a Gateway determination. It is at this point

that council formally becomes the principal planning authority (PPA). Only the PPA can submit a planning proposal for Gateway determination. If the planning proposal is not supported, council will advise both the proponent and DPE.

- Stage 3 – Gateway determination

The Gateway determination is a key assessment point for the planning proposal. It allows for review of the strategic and site-specific merits of a proposal and determines whether the planning proposal should proceed.

After the planning proposal is submitted to DPE for a Gateway determination, the Department undertakes a review of the planning proposal. DPE officers then prepare an assessment report and provide a recommendation to the Minister for Planning (or delegate) on whether the planning proposal should proceed. The Minister (or delegate) decides whether the planning proposal can proceed, either with or without variation.

The purpose of the Gateway determination is to ensure early in the process that there is sufficient strategic and site-specific merit for the planning proposal to progress. A Gateway determination that specifies the proposal should proceed, does not guarantee that the proposed LEP will be made. The Gateway determination may identify the requirement for any additional information, revisions, studies, or targeted consultation to occur with authorities or government agencies and other stakeholders prior to public exhibition. It may also identify that a revision needs to be considered by DPE prior to exhibition.

- Stage 4 – Post Gateway

This stage is the opportunity for the PPA to review the planning proposal and action conditions of the Gateway determination prior to public exhibition.

- Stage 5 – Public exhibition and assessment

The Gateway determination will specify the duration and extent of public exhibition required for the planning proposal. The recommended period of public exhibition varies depending on the complexity of the planning proposal and varies between 10 working days for a basic planning proposal, and 30 working days for a complex one.

The planning proposal is exhibited on the council's website, the Planning Portal and in writing to affected and adjoining landowners unless this is impractical and therefore not required as part of the Gateway determination.

For proponent-initiated planning proposals, the proponent has the option of responding to submissions made during the exhibition of the planning proposal.

The PPA then reviews the planning proposal following public exhibition and addresses any community, agency or other objections and responses by the proponent. The PPA then prepares a report providing a recommendation for decision by council to proceed with the planning proposal or not.

- Stage 6 – Finalisation

This is the last stage in the LEP making process and generally leads to making of the LEP amendment(s) unless the proposal is not supported. This includes:

- completing the assessment, ensuring compliance with Gateway conditions (if relevant) and ensuring the relevant section 9.1 directions (under the EP&A Act) have been appropriately addressed
- arranging the drafting of any required LEP to give effect to the proposal of the PPA
- making the LEP.

3.4.2 Subdivision of site

As previously discussed, it is proposed to subdivide the site into two blocks to enable the eastern part of the site to be established as a BSS. Subdivision of the site requires development consent from SVC and this consent cannot be granted until the Tumbarumba LEP is amended as per the proposal in this planning proposal.

There are four main stages in subdividing a site in NSW. These stages are summarised below.

- Stage 1 – Development application

Development consent is required for the subdivision of the site into two lots. Accordingly, a development application (DA) will be lodged with SVC to subdivide the site into two lots. The DA is required to be accompanied by a subdivision plan that provides the proposed boundary dimensions and site area.

Note that the DA can be lodged with SVC before the Tumbarumba LEP is amended as proposed in this planning proposal, however it cannot be approved until it the LEP is amended.

The DA is required to be lodged through the Planning Portal.

- Stage 2 – Subdivisions works certificate (if required)

A subdivision works certificate (SWC) is required if the development consent requires the proponent to carry out the following as part of the subdivision:

- civil works
- extension of reticulated water/sewer
- inter-allotment drainage
- new roads.

These works are not expected or required as part of the proposed subdivision of the site. Accordingly, a SWC is not likely to be required.

- Stage 3 – Subdivision certificate application

A subdivision certificate (SC) certifies that any subdivision plan has been completed in accordance with the development consent and authorises the registration of the subdivision plan for lodgement with NSW Land Registry Services.

An application for a SC requires the subdivision plan be prepared by a registered surveyor and is required to be lodged through the Planning Portal.

- Stage 4 – Register subdivision plan

Once the SC has been issued, the certificate and subdivision plan is lodged with NSW Land Registry Services (LRS) for the subdivision's registration.

Following lodgement, the subdivision plan is reviewed and checked against with relevant legislation, regulations and lodgement rules.

If all requirements are met, the subdivision plan is registered and an information notice is issued to the proponent and the surveyor (where applicable). Newly registered plans and associated folios are charted on the official digital cadastral map, showing all legal and other approved boundaries applying to land in NSW. The NSW land register is updated to reflect any new information generating a new edition of the folio(s).

3.4.3 Biodiversity stewardship agreement

There are four main stages in setting up a BSA on a BSS. These stages are summarised below.

- Stage 1 – Site investigations

This first stage includes undertaking preliminary site investigations and feasibility assessment to ascertain whether the site is suitable and viable to establish a BSA. This includes an estimate of the biodiversity credits the site may generate and whether there is likely to be a market for the credits.

This stage has been undertaken for the site.

- Stage 2 – Application for BSA

The second stage includes further site assessment of the proposed BSS, undertaken in accordance with the Biodiversity Assessment Method (BAM) to calculate the number and type of biodiversity credits that can be generated at the site. It also includes the development of a management plan to identify management costs for ongoing management of the BSS, which in turn identifies the total fund deposit (TFD).

Following this, application for a BSA is prepared. The application for the BSA is then lodged with the NSW Biodiversity Conservation Trust (BCT) and assessed to determine it meets all the relevant requirements.

A site assessment of the proposed BSS has been undertaken in accordance with the BAM and the application for the BSA is proposed to be lodged with the BCT prior to the end of 2023.

- Stage 3 – Establish BSA

Once the application for the BSA is approved, the BCT drafts the agreement and sends it to the landholder for signing. It is then countersigned by the Minister for the Environment and registered with LRS. Once the agreement is registered, biodiversity credits are issued to the landholder.

It is expected that the assessment of the BSA will take between six and 12 months and therefore it is anticipated that the BSA will be established around July to December 2024.

- Stage 4 – Management

Once the BSA commences, the landholder is responsible for undertaking the agreed actions in the management plan.

Once enough biodiversity credits are sold to cover the cost of the TFD, the BSS becomes active and annual management payments commence. The proceeds of any further credit sales are retained by the credit owner.

Annual management payments are made to the landholder according to the agreed schedule in the BSA.

4 Part 4 – Maps

This part provides six maps as follows:

- Map 1 – site in its regional context
- Map 2 – site in its local context
- Map 3 – zoning of site
- Map 4 – minimum lot size requirements
- Map 5 – vegetation mapping
- Map 6 – likely subdivision of site.

Map 1 shows the site in its regional context, including its location within the Snowy Valleys LGA. It is located approximately 10 km north-east of Tumbarumba and 44 km south of Tumut.

Map 2 shows the site in its local context. It is located at Bago Forest Road near its intersection with Perkins Road. The site is surrounded by the Bago State Forest to the north, east and west. It is adjoined by private land to the south. The eastern part of the site is largely cleared and used for agricultural purposes. The western part of the site is heavily vegetated with native forests.

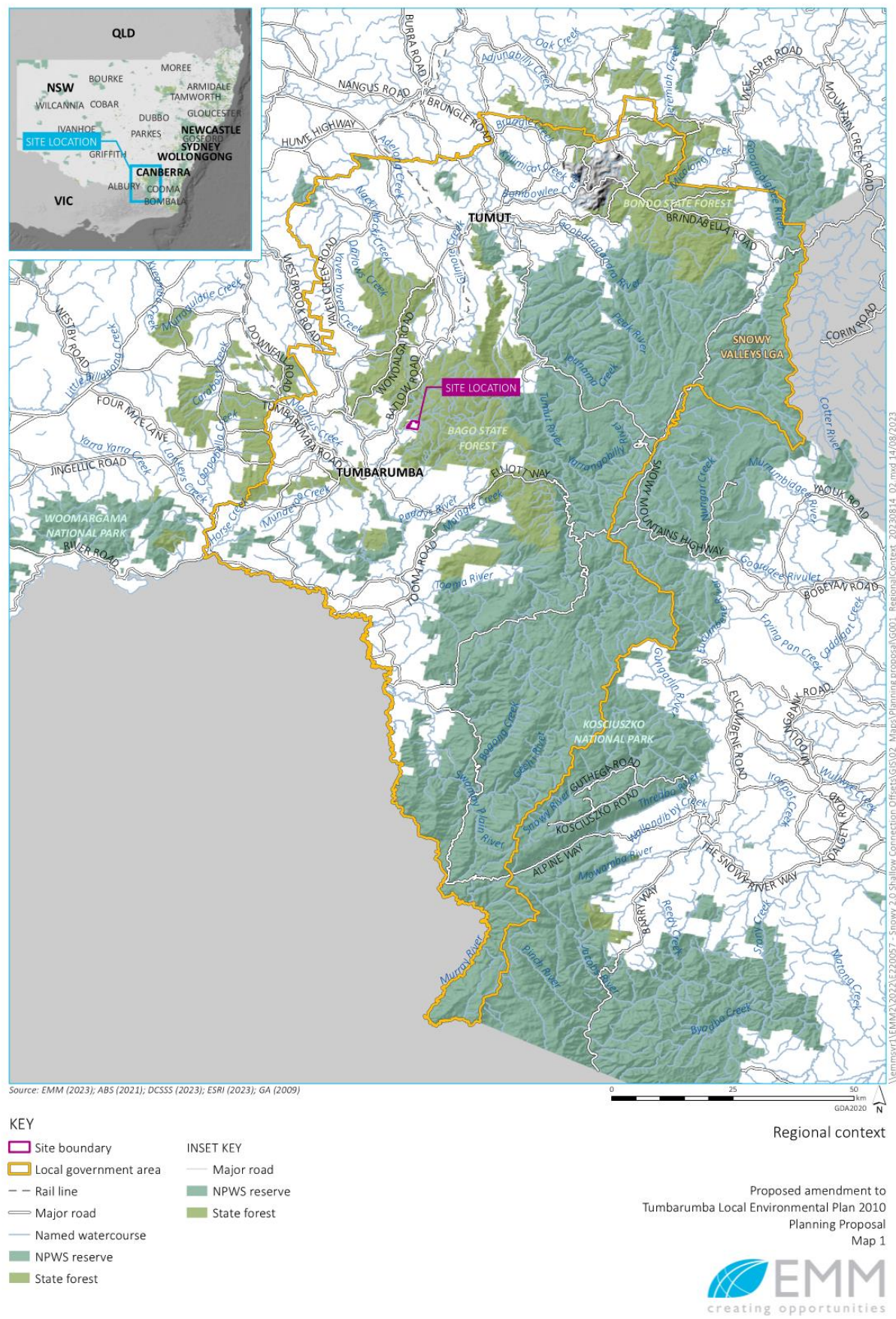
Map 3 shows the zoning of the site and its surrounds. The site is partly zoned RU1 Primary Production and C3 Environmental Management under the Tumbarumba LEP. The eastern part of the site is zoned C3 Environmental Management and the western part is zoned RU1 Primary Production. The zones largely mirror the land use of the site and the delineation between the cleared land used for agriculture and the forested land. Land to the north, east and west of the site is predominantly zoned RU3 Forestry which aligns with the boundaries of the Bago State Forest. Land to the south of the site is zoned both RU1 Primary Production and C3 Environmental Management.

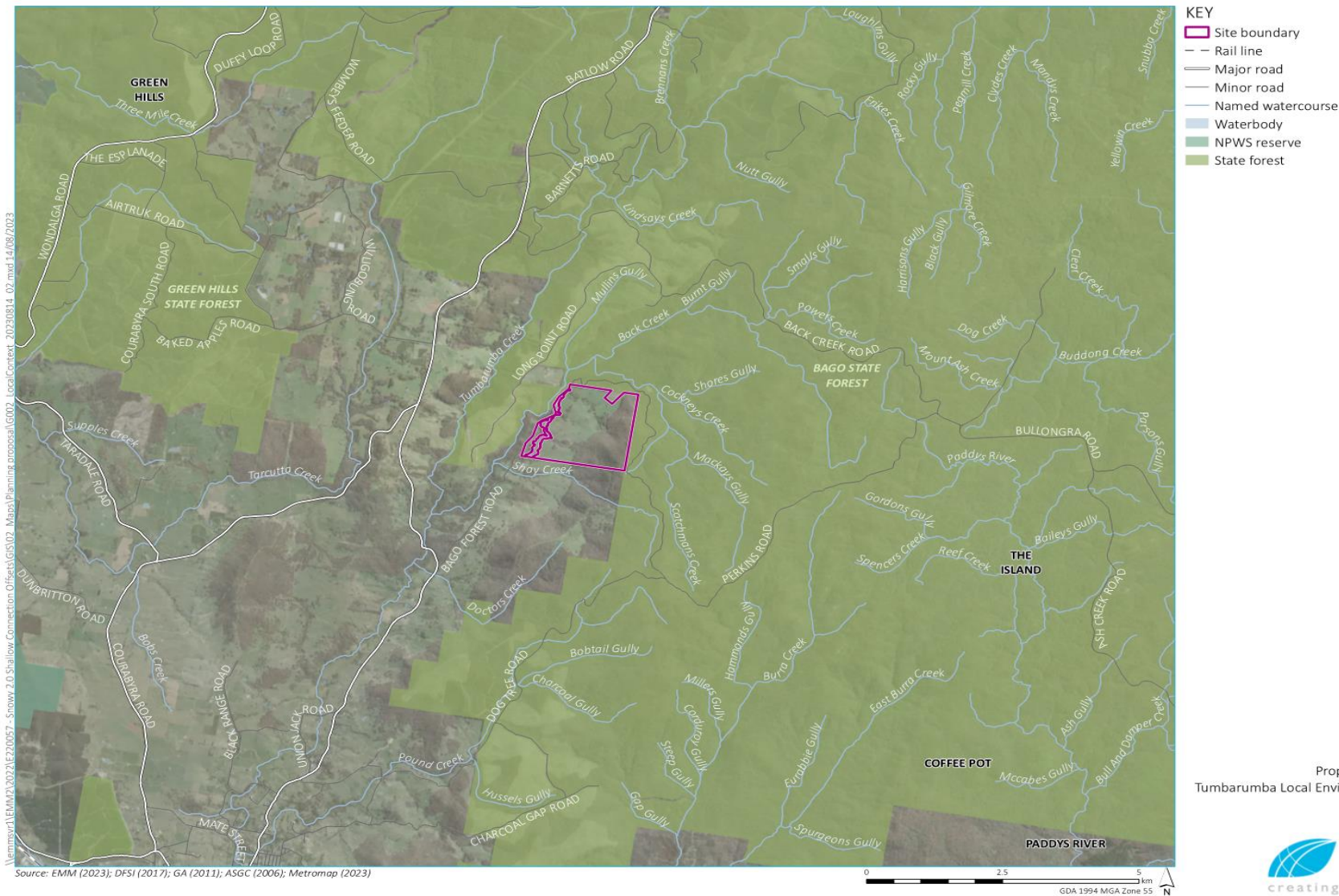
Map 4 shows the minimum lot size requirements of the site. Land zoned RU1 Primary Production has a minimum lot size requirement of 40 ha, and land zoned C3 Environmental Management has a minimum lot size requirement of 160 ha. Land zoned RU1 Primary Production on the site has an area of 161.65 ha and land zoned C3 Environmental Management on the site has an area of 92.81 ha.

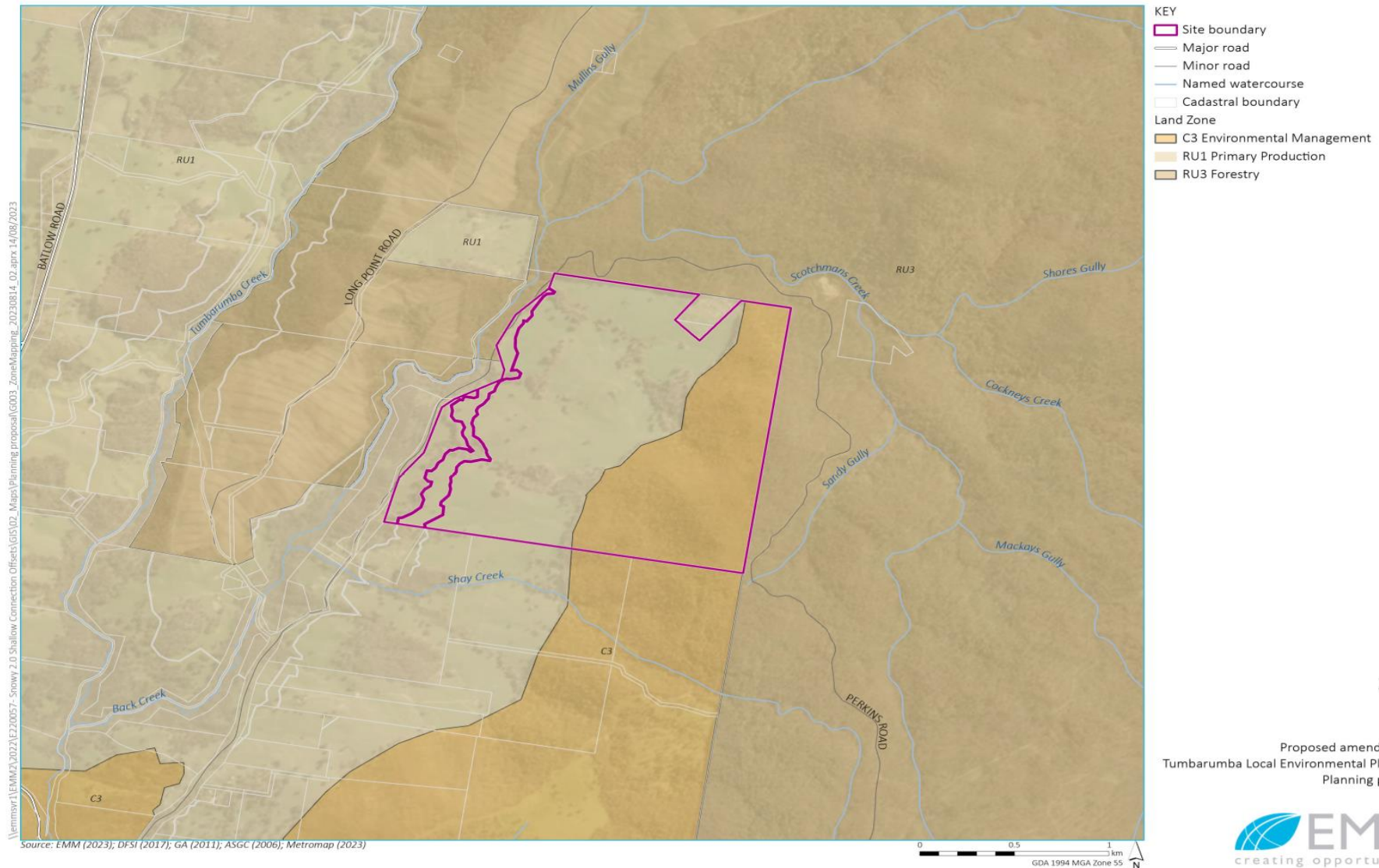
Map 5 shows vegetation on the site. It shows that the eastern part of the site contains PCTs 300 and 953.

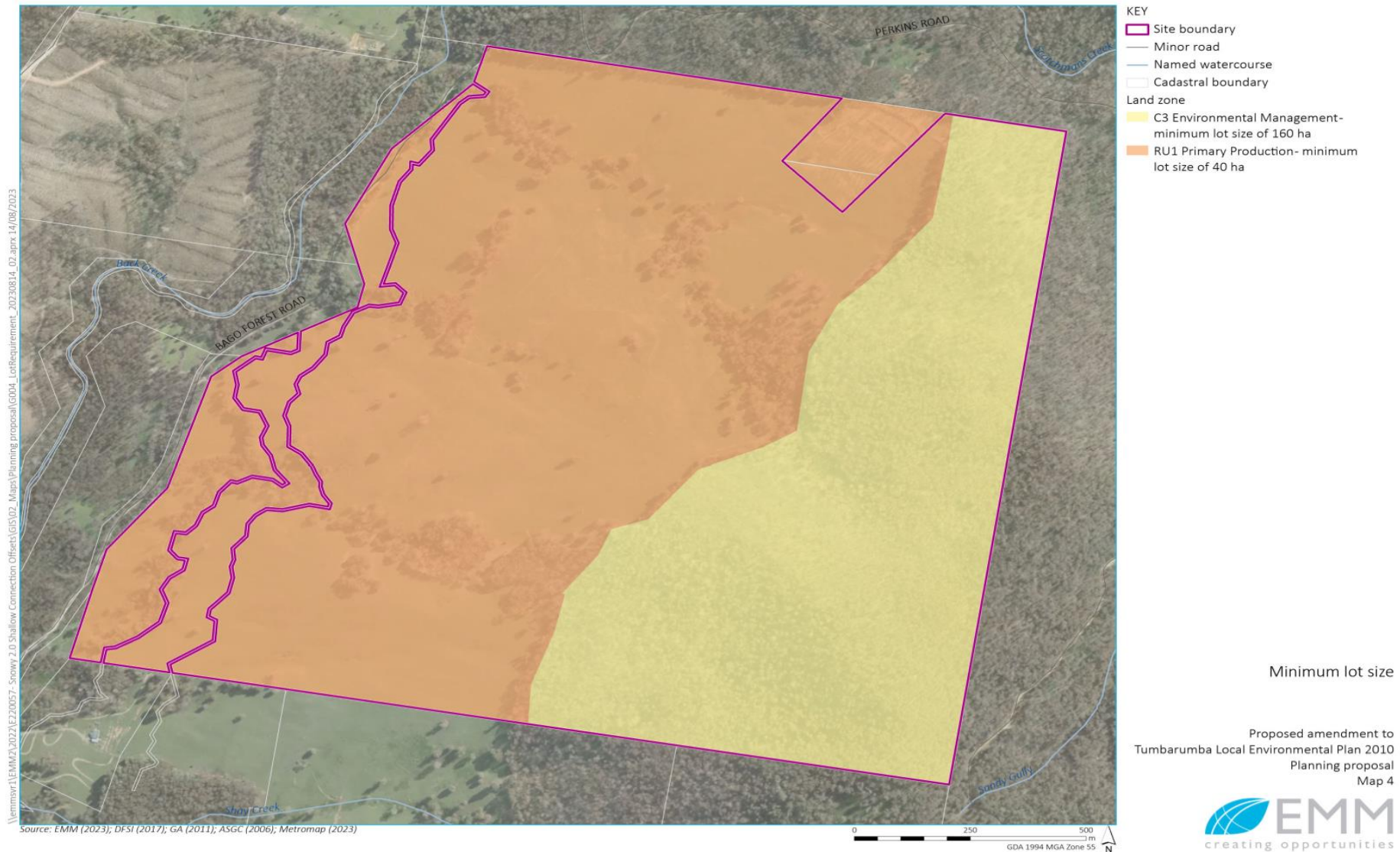
Map 6 shows the likely subdivision of the property from one lot to two lots. The subdivision would align with a fence on the property that separates the cleared and vegetated land on the property and is predominantly aligned with the zoning boundary between the RU1 Primary Production and C3 Environmental Management zones.

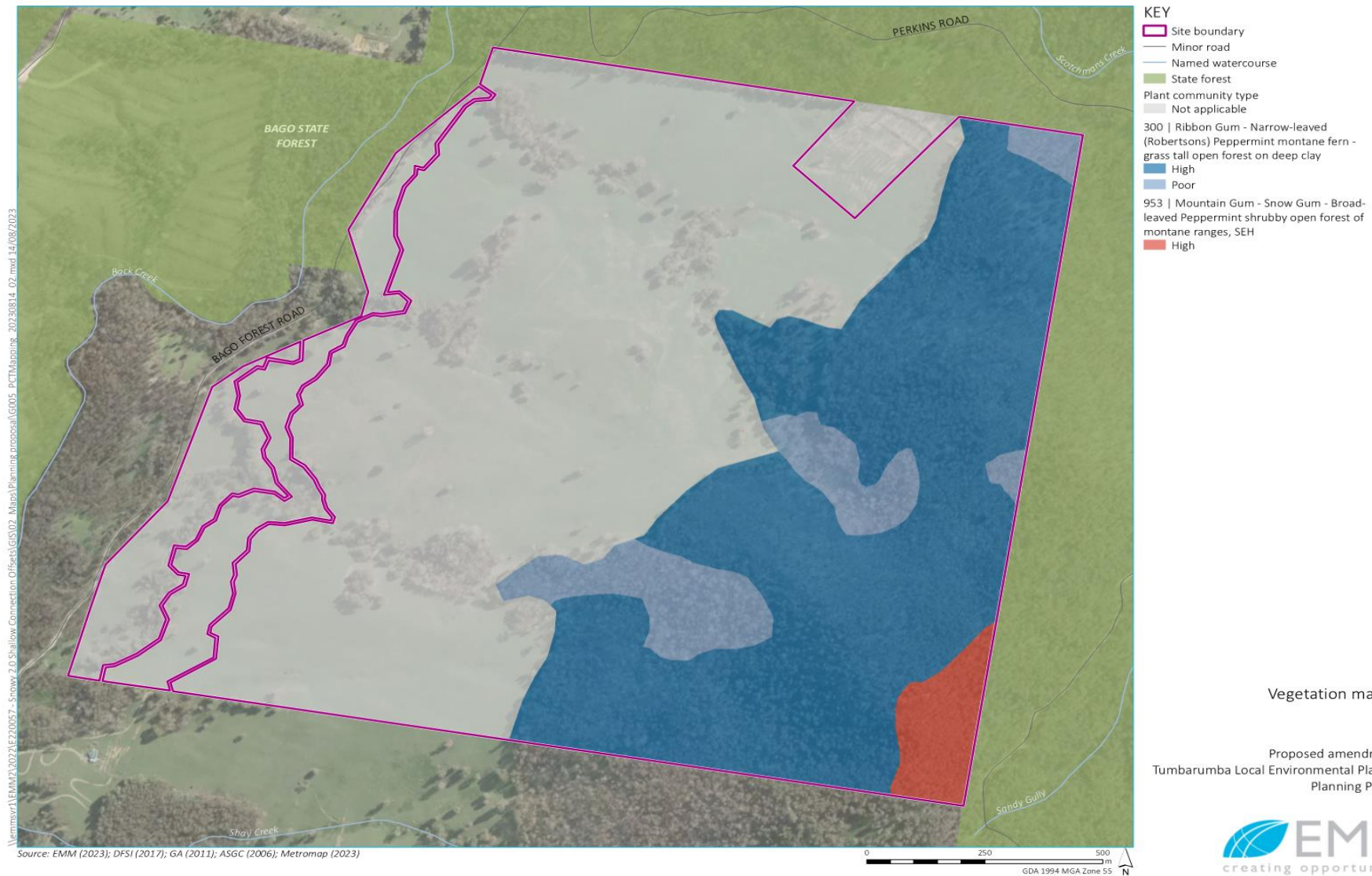
The eastern lot would become the BSS on which a BSA would be established.













5 Part 5 – Community consultation

The planning proposal will facilitate the subdivision of the site to allow a new lot of land on that part of the site zoned C3 Environmental Management to be below the minimum lot size for that zone. However, the subdivision will facilitate the owner or the land to establish a BSA on the newly created lot that will secure it for biodiversity conservation in-perpetuity.

The intended outcome of the planning proposal is consistent with the objectives of the C3 Environmental Management zone.

To facilitate the subdivision, it is recommended that SVC amend the Tumbarumba LEP to provide an exemption to the minimum lot size requirements within the LEP where the subdivision creates a lot that will facilitate the long-term biodiversity conservation management of the lot. This is considered to be consistent with SVC's strategic planning policies.

Notwithstanding the above, it is recognised that community participation and public exhibition is integral in the LEP making process. This gives the community a say on the merits of a proposal prior to any final decision being made.

In accordance with the LEP Guidelines, the planning proposal and proposed amendment to the Tumbarumba LEP would be publicly exhibited for 20 business days. It would be notified through SVC's website and the Planning Portal. Consultation would be undertaken with SVC and DPE as to whether adjoining and nearby landowners would be advised in writing.

If required, Snowy Hydro would respond to any submissions made by the community during the 20-day public exhibition period.

6 Part 6 – Project timeline

6.1 Planning proposal

This section provides a timeline for the planning proposal. These are based on the maximum benchmark timeframes for ‘standard’ planning proposals in the LEP Guideline as below.

Table 6.1 **Timeline for planning proposal**

Stage	Maximum timeframe (business days)
Stage 1 – Pre-lodgement	50 days
Stage 2 – Planning proposal	95 days
Stage 3 - Gateway determination	25 days
Stage 4 – Post-Gateway	50 days
Stage 5 – Public exhibition and assessment	95 days
Stage 6 – Finalisation	55 days
Sub-total (DPE target)	225 days
Total (end to end)	320 days

Stage 1 has already been completed. It is proposed to lodge this planning proposal through the Planning Portal at the end of August 2023. Based on the above maximum benchmark timeframes, finalisation of the planning proposal and the amendment to the Tumbarumba LEP would occur no later than 270 days later. This equates to the Tumbarumba LEP being amended by the end of August 2024 at the latest.

6.2 Subdivision

As previously stated, while a DA for subdivision of the site can be lodged with SVC prior to the Tumbarumba LEP being amended, development consent cannot be granted to the LEP is amended. Accordingly, it is proposed to lodge the DA for subdivision in early 2024. Should the planning proposal be supported and the LEP amended, it is expected that development consent could be granted within two weeks of that date.

After the development consent is granted, an application for a SC would be lodged with SVC.

6.3 Biodiversity stewardship agreement

As previously stated, a site assessment of the proposed BSS has been undertaken in accordance with the BAM and the application for the BSA is proposed to be lodged with the BCT before the end of 2023. It is expected that the assessment of the BSA will take between six and 12 months and therefore it is anticipated that the BSA will be established around July to December 2024.

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Attachment 3 - Request for Further Information - Bago Forest Road, Tumbarumba - 25-01-24_PP-2023-1865(1)

25 January 2024

bmclennan@emmconsulting.com.au

EMM Consulting
Ground Floor,
20 Chandos Street,
St Leonards NSW 2065

Dear Brett,

RE: PP2023/0002– Planning Proposal to add an additional clause within Part 4 of the Tumbarumba Local Environmental Plan 2010 at Bago Forest Road, Tumbarumba

By way of introduction, The Planning Hub are town planning consultants who are assisting Snowy Valley Council assess a number of Development Applications and Planning Proposals on their behalf.

Reference is made to the Abovementioned Planning Proposal lodged with Council on 15 November 2023. An initial assessment of the proposal has now been undertaken and Council has requests that the following additional information be provided to allow the assessment to progress:

1.0 Local Environmental Plan Making Guidelines

1. Site Specific Assessment

- (a) A preliminary assessment of the Planning Proposal identified that insufficient information has been provided to demonstrate whether this planning proposal is intended to be site-specific or applying to the entire LGA.

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PP2023/0002– BAGO FOREST ROAD, TUMBARUMBA

Specifically, the objectives and intended outcomes and the justification of strategic and site-specific merit established in the planning proposal suggests you are seeking site specific amendments. However, the intended provision established under the explanation of provision (Part 2) provides an additional clause that would apply to the entire LGA.

It is Councils preference that the proposed Planning Proposal is site specific. As such, it is recommended that the Planning Proposal be amended as follows:

- The 'suggested wording of this clause' is amended to clearly set out the site this exception relates to as established by the site-specific objectives and intended outcomes, explanation of provisions, and the justification of strategic and site-specific merit provided.

Note – If the Planning Proposal is not intended to be site-specific, the planning proposal shall be amended to provide objectives and intended outcomes, explanation of provisions and justification of strategic merit that apply to the applicable area.

- (b) It is recommended that the 'intended provision' includes the objectives provided under clause 4.1 of the Tumbarumba LEP 2010. Specifically, the following shall be incorporated:

- *to ensure subdivision occurs in an economical and orderly way,*
- *to ensure rural lands are not fragmented in a manner that threatens their future use for agricultural production,*
- *to ensure subdivision does not have inappropriate impacts on the natural environment*

2. Justification of Strategic Merit

- (a) In accordance with Part 3, Section 2 of the Department of Planning and Environment – Local Environmental Plan Making Guidelines, the Planning Proposal is to be amended to provide a more detailed assessment of the proposal's strategic merit. Specifically, the planning proposal must include reasonable justification explaining how and why strategic merit is achieved and needs to address all principles, objectives, and actions in the relevant strategic plans and relevant strategic context. Relevant policies to be assessed include:

- Riverina Murray Regional Plan 2041;
- Snowy Valley Local Strategic Planning Statement;
- Snowy Valley Community Strategic Plan; and
- Snowy Valleys Council Region Economic Development Strategy 2018-2020 & the Snowy Valleys Regional Economic Development Strategy – 2023 Update.

Where questions, principles, objectives, and/or actions in the above strategic documents are not relevant, a suitable response must be provided demonstrating how the planning proposal is not inconsistent with that particular requirement.

PP2023/0002– BAGO FOREST ROAD, TUMBARUMBA

- (b) The planning proposal shall provide a detailed response to how the Planning Proposal is consistent with each question raised in Table 3 in Part 3, Section 2 of the Department of Planning and Environment – Local Environmental Plan Making Guidelines.

3. Ministerial Directions

The Planning Proposal must clearly demonstrate consistency with all Local Planning Direction and where applicable and justify any inconsistency that is of a minor nature. A preliminary assessment has identified that the following direction may be relevant:

- 1.1 - Implementation of Regional Plans;
- 1.4 – Site Specific Provision;
- 1.4A – Exclusions of Development Standards from Variation;
- 3.1 – Conservation Zones;
- 3.6 – Strategic Conservation Planning;
- 9.2 - Rural Lands;

Note - the above is based on the exception to the minimum lot size control being site-specific.

4. Supporting Documents

- (a) **Maps** - The Planning Proposal refers to a number of 'Maps' that have not been provided in support of the proposal. Please ensure the additional information includes these attachments.
- (b) **Biodiversity Report** - If the Planning Proposal is intended to be site specific, a Biodiversity Report is required to demonstrate this site is suitable for the establishment of a biodiversity stewardship site (BSS) under the Biodiversity Offset Scheme (BOS). The report must be prepared by an accredited assessor.
- (c) **Pre-Lodgement** – It is understood that consultation has occurred with Council Officers and the NSW Department of Planning and Environment (DPE). Further information is to be provided that clearly details the items discussed and/or any advice received.

2.0 Conclusion

A formal response is required to be submitted that addresses all issues raised within **21 days** from the date of this letter so that the Planning Proposal can be progressed as soon as possible.

The response is required to address all issues in one consolidated package for ease of assessment. Please ensure that all documentation is consistent, and all issues raised have been clearly and fully closed off to allow for a detailed assessment of the application.

PP2023/0002- BAGO FOREST ROAD, TUMBARUMBA

Should you wish to discuss any of the details of this response please do not hesitate to contact **Kuzi** on 9690 0279 or kuz@theplanninghub.com.au.

Yours sincerely,



Kuzi Jaravani
Town Planner | THE PLANNINGHUB



JEREMY SWAN
DIRECTOR | THE PLANNINGHUB

Attachment 4 - E220057_Response to RFI_04Apr24_PP-2023-1865(1)

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4 April 2024

Kuzi Jaravani
Town Planner
The Planning Hub
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Alexandria NSW 2015

Re: PP2023/0002– Planning Proposal for land at Bago Forest Road, Tumbarumba

Dear Kuzi,

1 Introduction

This letter provides a response to The Planning Hub's request for information (RFI) on the planning proposal for land at Bago Forest Road, Tumbarumba known legally as Lot 2 in DP 556593 (PP2023/0002). The RFI requests information in relation to:

- a site-specific assessment
- justification of strategic merit
- relevant ministerial directions
- supporting documents such as maps and a biodiversity assessment for the site.

Responses to these matters are provided below. A copy of the RFI is provided in Appendix A.

2 Site-specific assessment

The RFI states:

- (a) A preliminary assessment of the Planning Proposal identified that insufficient information has been provided to demonstrate whether this planning proposal is intended to be site-specific or applying to the entire LGA.

Specifically, the objectives and intended outcomes and the justification of strategic and site-specific merit established in the planning proposal suggests you are seeking site specific amendments. However, the intended provision established under the explanation of provision (Part 2) provides an additional clause that would apply to the entire LGA.

It is Councils preference that the proposed Planning Proposal is site specific. As such, it is recommended that the Planning Proposal be amended as follows:

- The 'suggested wording of this clause' is amended to clearly set out the site this exception relates to as established by the site-specific objectives and intended outcomes, explanation of provisions, and the justification of strategic and site-specific merit provided.

Note – If the Planning Proposal is not intended to be site-specific, the planning proposal shall be amended to provide objectives and intended outcomes, explanation of provisions and justification of strategic merit that apply to the applicable area.

- (b) It is recommended that the 'intended provision' includes the objectives provided under clause 4.1 of the Tumbarumba LEP 2010. Specifically, the following shall be incorporated:

- to ensure subdivision occurs in an economical and orderly way,
- to ensure rural lands are not fragmented in a manner that threatens their future use for agricultural production,
- to ensure subdivision does not have inappropriate impacts on the natural environment

Prior to lodging the planning proposal, Snowy Hydro and EMM were unable to get a definitive response from Snowy Valleys Council (SVC) as to whether the proposed amendment to the *Tumbarumba Local Environmental Plan 2010* (Tumbarumba LEP) should apply only to the site or local government area (LGA). However, initial discussions with the NSW Department of Planning, Housing and Infrastructure (DPHI) in relation to the planning proposal indicated that given the need for the provision of biodiversity offset sites under the provisions of the *NSW Biodiversity Conservation Act 2016* (BC Act), it may be preferential to have the amendment apply LGA wide. Accordingly, in lieu of getting a response from SVC, the planning proposal sought to have the amendment apply LGA wide.

However, based on the RFI, it is recognised that SVC's preference is for the amendment to be site specific. Accordingly, to reflect this preference, the suggesting wording of an amendment to the LEP is provided below:

4.1AB Exception to minimum lot size for biodiversity conservation

- (1) The objectives of this clause are as follows—
- provide flexibility in the application of standards for subdivision of land to be used for the purpose of long-term biodiversity conservation management,
 - to ensure subdivision occurs in an economical and orderly way,
 - to ensure rural lands are not fragmented in a manner that threatens their future use for agricultural production,
 - to ensure subdivision does not have inappropriate impacts on the natural environment.
- (2) This clause applies to land at Bago Forest Road, Tumbarumba, being Lot 2 in DP 556593.

- (3) Despite any other provision of this Plan, development consent may be granted to the subdivision of the land to which this clause applies to create a lot 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—
- (a) the subdivision will facilitate the long-term biodiversity conservation management of the lot, and
 - (b) suitable arrangements have been, or will be, made for the long-term protection, conservation and management of the lot, and
 - (c) the subdivision will not create the opportunity for additional dwellings on the lot.

As stated in the planning proposal, it is recognised that the wording of the recommended clause may change based on SVC's experience at drafting clauses within LEPs.

3 Justification of strategic merit

3.1 Strategic plans

3.1.1 Introduction

The RFI states:

- (a) In accordance with Part 3, Section 2 of the Department of Planning and Environment – Local Environmental Plan Making Guidelines, the Planning Proposal is to be amended to provide a more detailed assessment of the proposal's strategic merit. Specifically, the planning proposal must include reasonable justification explaining how and why strategic merit is achieved and needs to address all principles, objectives, and actions in the relevant strategic plans and relevant strategic context. Relevant policies to be assessed include:
- Riverina Murray Regional Plan 2041;
 - Snowy Valley Local Strategic Planning Statement;
 - Snowy Valley Community Strategic Plan; and
 - Snowy Valleys Council Region Economic Development Strategy 2018-2020 & the Snowy Valleys Regional Economic Development Strategy – 2023 Update.

Where questions, principles, objectives, and/or actions in the above strategic documents are not relevant, a suitable response must be provided demonstrating how the planning proposal is not inconsistent with that particular requirement.

As requested, an assessment of the strategic merit of the planning proposal has been undertaken for the following strategic planning policies:

- *Riverina Murray Regional Plan 2041*
- *Snowy Valley Local Strategic Planning Statement*
- *Snowy Valley Community Strategic Plan*
- *Snowy Valleys Council Region Economic Development Strategy 2018-2020 and Snowy Valleys Regional Economic Development Strategy – 2023 Update.*

3.1.2 Riverina Murray Regional Plan 2041

i Introduction

The *Riverina Murray Regional Plan 2041* (the Regional Plan) was published in 2023. It provides an update to the *Riverina Murray Regional Plan 2036*, which provided the NSW Government's vision for land uses in the Riverina Murray region. The Regional Plan:

... resets priorities for the area and provides a path for sustained progress and prosperity for the Riverina Murray community for the next 20 years (DPE 2023).

The Regional Plan contains three parts relating to:

- the environment
- communities and places
- the economy.

Each of the three parts contain a number of objectives, and within in each objective there are a number of strategies, activities and actions (also referred to as collaboration activities) aimed at achieving the stated objective. The planning proposal has been assessed against each of the objectives and underlying strategies. The actions, or collaboration activities, have not been referenced as these are actions for the councils within the Riverina Murray region and various State government agencies to undertake.

ii Part 1 Environment

Part 1 of the Regional Plan has three objectives, including to:

- Objective 1: Protect, connect and enhance biodiversity throughout the region
- Objective 2: Manage development impacts within riverine environments
- Objective 3: Increase natural hazard resilience.

Objectives 1 and 2 of this part of the Regional Plan are considered to be the most relevant to the planning proposal. As demonstrated below, Objective 2 is not relevant to the planning proposal as it only relates to riverine environments which are not found within or remotely proximate to the site of the planning proposal.

a Objective 1: Protect, connect and enhance biodiversity throughout the region

Objective 1 relates to protecting and enhancing native biodiversity throughout the Riverina Murray region.

This objective has one strategy (1.1) as follows:

Strategy 1.1

Strategic and statutory planning should aim to first avoid, then minimise impacts on biodiversity and the natural environment. Biodiversity offsetting (through the BC Act) should only be used when 'avoid' and 'minimise' principles are not feasible.

The subject site has two zones that are reflective of the land use of the site. The western part of the site zoned RU1 Primary Production under the Tumbarumba LEP and is cleared and used for agriculture use (cattle grazing) consistent with its zoning. The eastern part of the site is zoned C3 Environmental Management and is heavily vegetated by a tall forest dominated by Narrow-leaved Peppermint (*Eucalyptus radiata*) and Mountain Gum (*E. dalrympleana*) with Silver Wattle (*Acacia dealbata*). The site contains habitat for the threatened Yellow-Bellied

Glider (*Petaurus australis*) and forms part of the threatened Yellow-Bellied Glider population on the Bago plateau, which is listed under the BC Act.

The planning proposal would allow the site to be subdivided along the boundary of the two zones so that a biodiversity stewardship agreement (BSA) pursuant to the provisions of the BC Act can be established on the newly created eastern lot. The creation of a BSA would ensure that the biodiversity values of the site are maintained (and even enhanced) in the future. This way, by amending the Tumbarumba LEP to allow for the subdivision of the site, both strategic and statutory planning will assist in the avoidance of impacts on biodiversity and the natural environment.

The planning proposal clearly meets Strategy 1.1 of Objective 1.

b Objective 2: Manage development impacts within riverine environments

Objective 2 relates to the management of development within riverine environments such as the Murray and Murrumbidgee rivers.

This objective is not considered to be relevant to the planning proposal for two reasons. The first is that the site is not located on or near a riverine environment, particularly the Murray and Murrumbidgee rivers. It is located around 27.5 kilometres (km) from the nearest major river (the Tumut River) and 54.5 km to the Murrumbidgee River. Secondly, the planning proposal does not envisage or allow for any development with its principal aim to allow a BSA to be established on the eastern part of the site (following subdivision).

c Objective 3: Increase natural hazard resilience

Objective 3 relates to planning strategies to assist with increasing natural hazard resilience and to limit the exposure of development, particularly new development to natural hazards and climate change by improving knowledge around natural hazards and natural hazard events.

This objective has one strategy (3.1) as follows:

Strategy 3.1

Strategic and statutory planning will:

- be consistent with applicable NSW policies or guidelines
- take a risk-based approach that uses best available evidence in consultation with the NSW Government, emergency service providers, local emergency management committees and bush fire risk management committees
- ensure new development is located in a way that is commensurate to the risks of unacceptable bushfire, salinity and flooding
- encourage opportunities for co-location of compatible land uses such as open spaces, biodiversity conservation areas and nature-based visitor economy developments in high hazard risk locations
- design communities that:
 - provide public spaces that build community cohesion and interaction
 - include green infrastructure networks at precinct and landscape scales to help avoid hazards such as the urban heat island effect and exposure to air pollution
- provide easy to understand information to increase public awareness of potential natural hazard risks and climate change impacts when consulting on possible future developments.

The planning proposal meets the objective of increasing natural hazard resilience and is consistent with the objective of limiting the exposure of new development to natural hazards such as bushfire and flooding. As previously stated, the planning proposal would allow the site to be subdivided so that a BSA can be established on the eastern part of the site pursuant to the provisions of the BC Act. The creation of a BSA would ensure that the biodiversity values of the site are maintained (and even enhanced) in the future.

Protecting native biodiversity plays a crucial role in increasing natural hazard resilience in several ways, encompassing ecosystem stability, adaptation capacity, and the provision of ecosystem services.

Diverse ecosystems are inherently more resilient to disturbances. Native biodiversity acts as a buffer against the impacts of natural hazards such as floods and bushfires. Australian native species have evolved specific adaptations to survive and recover from these events.

Native biodiversity enhances the adaptive capacity of ecosystems to changing environmental conditions. Biodiverse systems are more likely to contain species with different traits, increasing the likelihood that some species will survive and recolonise after a disturbance. This resilience through diversity ensures that ecosystems can recover more quickly following natural disasters. For instance, in native forests with high biodiversity, a greater variety of tree species ensures that some will be more resilient to pests, diseases, or extreme weather events.

Biodiversity also underpins the provision of ecosystem services essential for human well-being. Healthy native ecosystems contribute to water purification, soil stabilisation, and carbon sequestration, which are vital for maintaining environmental quality and mitigating the impacts of climate change-induced natural hazards.

The planning proposal will not facilitate any development on the site and therefore it will not facilitate any development such as a new house that would be subject to natural hazards such as bushfire.

The planning proposal is consistent with Strategy 3.1 of Objective 1.

iii Part 2 Communities and places

Part 2 of the Regional Plan has eight objectives, including:

- Objective 4: Support Aboriginal aspirations through land use planning
- Objective 5: Ensure housing supply, diversity, affordability and resilience
- Objective 6: Support housing in regional cities and their sub-regions
- Objective 7: Provide for appropriate rural residential development
- Objective 8: Provide for short-term accommodation
- Objective 9: Plan for resilient places that respect local character
- Objective 10: Improve connections between Murray River communities
- Objective 11: Plan for integrated and resilient utility infrastructure

This part of the Regional Plan, and the underlying objectives, is not considered relevant to the planning proposal as it is focused on the management of land to improve housing and services for the variety of communities and places in the Riverina Murray from the regional cities through to small rural villages. The planning proposal is focused on amending planning controls to allow for the subdivision of a site along its dual zone boundary to allow for the establishment of a BSA on the eastern portion of the site.

iv Part 3 Economy

Part 3 of the Regional Plan has seven objectives, including:

- Objective 12: Strategically plan for rural industries
- Objective 13: Support the transition to net zero by 2050
- Objective 14: Protecting and promoting industrial and manufacturing land
- Objective 15: Support the economic vitality of central business districts (CBDs) and main streets
- Objective 16: Support the visitor economy
- Objective 17: Strategically plan for health and education precincts
- Objective 18: Integrate transport and land use planning

Only three of the objectives are considered relevant to the planning proposal – objectives 12, 13 and 14. These are discussed below. The remaining objectives relating to CBDs and main streets, the visitor economy, health and education precincts, and integrated transport and land use planning are not considered to be relevant to the planning proposal and therefore have not been addressed or considered.

a Objective 12: Strategically plan for rural industries

Objective 12 relates to protecting rural industries and economy within the Riverina Murray. This objective has three strategies (12.1, 12.2 and 12.3) and two collaboration activities.

The strategies are repeated below followed by commentary on the planning proposal's consistency with the strategies.

Strategy 12.1

Strategy 12.1 of the Regional Plan states:

Strategy 12.1

Local strategic planning statements will:

- overview each LGA's rural land attributes, industries, assets (such as supply chain industries and infrastructure, and natural attributes such as soils, water, climate)
- identify confirmed or potential major projects and social and economic opportunities
- recognise trends and opportunities for rural land uses
- commit to preparing or updating local strategies to support rural land uses.

As previously stated, the subject site has rural zones reflective of the land uses of the site. The western part of the site zoned RU1 Primary Production under the Tumbarumba LEP and is cleared and used for cattle grazing consistent with its zoning. The eastern part of the site is zoned C3 Environmental Management and is heavily vegetated by a tall native forest that provides habitat for a range of native fauna, including threatened native fauna.

The planning proposal would allow the site to be subdivided along the zone boundary so a BSA pursuant to the provisions of the BC Act can be established on the eastern part of the site (following subdivision). The subdivision of the site along the zoning boundary will not impact or change the usage of the western part of the site for agricultural purposes.

In 2020, SVC adopted *ENVISAGE 2040: Our Path to a Sustainable Future, LOCAL STRATEGIC PLANNING STATEMENT, Spatial Land Use Concepts* (referenced herein as the SVC local strategic planning statement). It espouses a 20-year planning vision emphasising economic, social and spatial land use intentions for the SVC area. The SVC local strategic planning statement was prepared three years prior to the current Regional Plan, and therefore was prepared based on the previous version of the plan.

While the SVC local strategic planning statement describes the values of rural land uses and industries, it does not address the requirements of Strategy 12.1. Nevertheless, based on the previous version of the Regional Plan, it does require SVC to:

Protect the region's diverse productive agricultural land.

Given the planning proposal, and any resultant subdivision, will not alter or affect any rural or agricultural land uses or usage of the subject site, it will not impact on the ability of any new local strategic planning to address the requirements of Strategy 12.1.

Strategy 12.2

Strategy 12.2 of the Regional Plan states:

Strategy 12.2

Rural land strategies should be prepared when undertaking a review of rural zones and/or rural development controls, they should:

- set a vision for rural areas
- identify and detail key natural, cultural and economic assets
- analyse opportunities and constraints to the use and development of rural land, including any potential land use conflicts and proposed responses
- establish strategic directions, outcomes or policies for the management and development of rural areas
- incorporate consultation with state agencies, the community and industry groups
- include implementation mechanisms, such as planning instruments and policies.

Rural land strategies should be tailored to each area and, where appropriate and data permits, assess:

- relevant state, regional and local strategic planning policies and objectives
- agricultural trends and opportunities, including agricultural productivity and land use (such as agricultural activities, manufacturing and value-add industries, resource extraction, renewable and other energy), drivers of change, changes in farming practices and processes, and farm investment patterns
- regional economic assets, such as railways and airports, transport routes, logistics hubs and infrastructure such as major irrigation assets and employment generated from rural industries
- natural resources and environmental features and their importance, including known sites of archaeological or cultural significance
- environmental hazards that could affect how rural land is used and developed, such as flooding and bushfire risk
- settlement patterns and demographics of local communities in the area
- existing lot sizes and land use patterns, including holding sizes and trends in land amalgamation
- infrastructure capacities, constraints and thresholds for upgrades available for agriculture and other relevant land uses
- how to protect agricultural land and rural industries from land use conflicts and fragmentation

- areas strategically identified for urban expansion and options to protect rural land uses until the expansion is realised.

A defensible methodology should be utilised when reviewing lot sizes in rural areas. This should include the identification of the desirability of lots for rural living versus farming enterprises to ensure that rural lot sizes reflect their intended land use (ie. not rural residential development).

Strategy 12.2 is focused on developing rural land strategies, emphasising the importance of setting a vision, identifying assets, analysing opportunities and constraints, establishing strategic directions, and incorporating consultation and implementation mechanisms. It stresses tailoring strategies to each area and assessing various factors such as state policies, agricultural trends, economic assets, environmental features, settlement patterns, infrastructure, and protection of rural land uses. Additionally, it highlights the need for a defensible methodology when reviewing lot sizes to differentiate between rural living and farming enterprises, aiming to align lot sizes with intended land use and prevent rural residential development.

The planning study will allow the subject site to be subdivided onto two lots along the boundary of the dual zones that cover the site. The site has an area of 253.72 hectares (ha). The eastern part of the site zoned C3 Environmental Management has an area of 92.07 ha and the western part of the site zoned RU1 Primary Production has an area of 161.65 ha.

Under the Lot Size Map within the Tumbarumba LEP, the minimum lot size for the part of the site zoned RU1 Primary Production is 40 ha. Accordingly, the subdivision of the site into two lots where the western lot would be approximately 160.91 ha and would meet the requirements of the minimum lot size requirements of land zoned RU1 Primary Production by a factor of four.

Given the planning proposal, and any resultant subdivision, will not alter or affect any agricultural land uses or usage of the subject site, and will comply with the current minimum lot size for the RU1 Primary Production zone, it will not impact on the ability of any rural land strategy or strategies to address the requirements of Strategy 12.2.

As such, the planning proposal is consistent with Strategy 12.2.

Strategy 12.3

Strategy 12.3 of the Regional Plan states:

Strategy 12.3

Strategic and statutory planning will consider the life cycle of resource extraction opportunities, including:

- protecting potential mineral and energy resources from sterilising land uses
- protecting resource extraction projects from land uses that could impact operations
- protecting road, rail and freight routes from development that could affect extraction
- promoting opportunities for minerals processing
- addressing water resource constraints and impacts
- identifying future mine closure dates, potential changes to water, economic/skill profiles and demographics, and potential land use changes, mine rehabilitation activities and post-mining land use opportunities.

The predominant intent of Strategy 12.3 is to ensure strategic and statutory planning both protects existing quarries and mines and ensure future projects do not impact other land uses, including rural land uses.

There are no quarries or mines near the subject site and a check on relevant planning portals (NSW Planning Portal and Major Projects website) did not find any proposed or approved quarries or mines near the site.

The planning proposal which will allow for the subdivision of the site along the dual zoning boundary will not impact or change the usage of the site.

The planning proposal is considered to be consistent with Strategy 12.3.

b Objective 13: Support the transition to net zero by 2050

Objective 13 relates to strategic and statutory planning supporting the State's transition of net zero greenhouse gas (GHG) emissions by 2050, which will greater renewable electricity generation, transmission and storage than is currently the case.

It is noted that the Regional Plan states:

The region is also home to parts of Snowy Hydro 2.0, the largest committed renewable energy project in Australia that will pump water uphill through an underground pipeline into an existing Snowy Hydro dam and release it through an underground hydro-energy power station to create electricity when demand is high. The construction of Snowy Hydro 2.0 by around 2026 offers employment opportunities in parts of Snowy Valley LGA.

This objective has two strategies (13.1 and 13.2). Only Strategy 13.1 is considered to be applicable to the planning strategy. Strategy 13.2 relates to the management of waste from industries supporting the State's transition to net zero GHG emissions.

Strategy 13.1 states:

Strategy 13.1

To prepare for the transition to net zero emissions, strategic and statutory planning will:

- incorporate renewable energy into urban design and place-making projects
- provide opportunities for future buildings and urban release areas to be renewable-ready
- identify opportunities for potential high-energy industries, including manufacturing, materials processing
- identify opportunities for renewable energy vehicle refuelling networks/infrastructure
- appropriately consider opportunities to minimise land use conflict for the South West REZ, renewable energy generation and associated infrastructure outside the REZ.

The intent of Strategy 13.1 is for strategic and statutory planning to prepare for State's transition to net zero GHG emissions by 2050 through a number of ways.

The planning proposal will allow for the subdivision of the subject site which will then allow for the establishment of a BSA on the eastern lot that is created. The eastern part of the site has been identified as being capable of meeting a significant proportion of the offset requirements for impacts of the Snowy 2.0 Transmission Connection Project.

Snowy 2.0 is the largest committed renewable energy project in Australia. By expanding the current Snowy Scheme's renewable energy capacity by almost 50%, the national electricity market (NEM) will be served with an additional 2,200 megawatts (MW) of on-demand generating capacity and large-scale storage. Changes to the NSW and Australian energy system and market are creating a need for large scale energy storage projects such as Snowy 2.0. As with many electricity markets around the world, the NEM is undergoing a paradigm transformation that has been brought about by significant shifts in energy efficiency, rapidly decreasing costs of wind and solar generation (or variable renewable energy, VRE), coal power station retirements, increasing coal and gas costs and Australia's participation in global commitments to reduce carbon emissions.

While VRE provides energy during model conditions, the challenge for these sources is their dependent on weather conditions and during prolonged periods of wind and/or solar droughts. As such, VRE is required to be supported by energy storage which can be utilised when VRE is not generating. A large pumped hydro system

such as Snowy 2.0 can provide significant energy storage capable of delivering large-scale generation within minutes in times when VRE is not operating.

The development of Snowy 2.0 is consistent with Commonwealth, NSW and local strategic planning and policy objectives. In recognition of the need to manage the transition and future energy mix in the NEM, Snowy 2.0 was declared critical State significant infrastructure (CSSI) by the NSW Minister for Planning under the NSW *Environmental Planning and Assessment Act 1979* (EP&A Act) in March 2018. It was declared as critical for the energy security and reliability needs of NSW. At the time of the declaration the Minister stated that that Snowy 2.0 was “essential for the future security of our energy system, the economy and the environment.” The declaration signifies the critical role that Snowy 2.0, together with the upgrades to the NSW transmission network, will play in providing reliable energy and large-scale storage to NSW as it transitions to a low emissions economy.

An overview of relevant Commonwealth, State and local key policies, strategies and legislation and how Snowy 2.0 aligns with these, is provided in Chapter 3 of the planning proposal.

Therefore, the planning proposal is considered to be consistent and aligned with the intent of Strategy 13.1.

c Objective 14: Protecting and promoting industrial and manufacturing land

Objective 14 relates to protecting and promoting industrial and manufacturing land in the Riverina Murray Region.

This objective is not considered to be relevant to the planning proposal and is therefore not addressed.

d Objective 15: Support the economic vitality of CBDs and main streets

Objective 15 relates to supporting Wagga Wagga, Albury and Griffith CBDs and other town centres across the region by maintaining and strengthening their vitality and function.

This objective is not considered to be relevant to the planning proposal and is therefore not addressed.

e Objective 16: Support the visitor economy

Objective 15 relates to supporting the tourism sector or visitor economy in the region by promoting visitor activities and locations.

This objective is not considered to be relevant to the planning proposal and is therefore not addressed.

f Objective 17: Strategically plan for health and education precincts

Objective 17 relates to undertaking strategic and statutory planning necessary for the future health and educational needs of the region.

This objective is not considered to be relevant to the planning proposal and is therefore not addressed.

g Objective 18: Integrate transport and land use planning

Objective 18 relates to integrating land use and transport planning to sustainable development and development of resilient communities within the region.

This objective is not considered to be relevant to the planning proposal and is therefore not addressed.

3.1.3 Snowy Valley Local Strategic Planning Statement

i Introduction

As previously stated, the SVC local strategic planning statement espouses a 20-year planning vision emphasising economic, social and spatial land use intentions for the SVC area. It recognises the economic boost that Snowy 2.0 is likely to make to the local region and the need to protect, conserve and enhance bushland that has high environmental value over the long-term.

The SVC local strategic planning statement has as identified 11 planning priorities to signify the focus of future strategic planning work that are consistent with the strategic directions of the:

- *Riverina-Murray Region Plan 2036*
- *Snowy Valleys Community Strategic Plan 2018-2028*
- *Snowy Valleys Regional Economic Development Strategy*
- *Snowy Valleys Destination Management Plan.*

Underlying the planning priorities are several actions, monitoring and reporting requirements largely directed at SVC themselves to undertake to meet the priorities.

Like the Regional Plan, many of the planning priorities and underlying actions in the SVC local strategic planning statement are not considered to be relevant to the planning proposal.

There are:

- three planning priorities relating to towns and villages
- two planning priorities relating to growth through innovation
- three planning priorities relating to our natural environment
- three planning priorities relating to our infrastructure.

These priorities are addressed below.

ii Towns and villages

The planning priorities and underlying actions, monitoring and reporting requirements for towns and villages relate to:

- Providing a range of accessible facilities and services to meet community needs within our towns and villages, and foster a culturally rich, creative, safe and socially connected Snowy Valleys community.
- Advocating for and support the provision of diverse housing choices and opportunities to meet changing demographics and population needs, with housing growth in the right locations.
- Enhancing residential and commercial precincts to create and maintain visually attractive, connected places, whilst reinforcing the towns and villages atmospheres by also ensuring that building design and construction is of high quality that preserves and enriches resident amenity.

These are not considered relevant to the planning proposal and therefore are not addressed here.

iii Growth through innovation

The planning priorities and underlying actions, monitoring and reporting requirements for growth through innovation relate to:

- Encouraging sustainable tourism initiatives which create employment and boost the local economy.
- Providing opportunities for local employment.

These are not considered to be directly relevant to the planning proposal and therefore are not addressed here. Notwithstanding this, it should be noted that the establishment of a BSA on the site will likely generate some local employment opportunities through the provision of annual funding to undertake land care works such as pest and weed management and fencing.

iv Natural environment

The planning priorities and underlying actions, monitoring and reporting requirements for the natural environment relate to:

- Protecting, conserving and enhancing Snowy Valley's landform, waterways and bushland that have high environmental value.
- Managing energy, water and waste efficiently to ensure a sustainable urban environment.
- Adapting to the impacts of hazards and climate change.

Of these, only some of the priorities and underlying actions, monitoring and reporting requirements relating to protecting, conserving and enhancing landform, waterways and bushland that have high environmental value, are relevant to the planning proposal. The priority and underlying actions, monitoring and reporting requirements for managing energy, water and waste efficiently to ensure a sustainable urban environment, and adapting to the impacts of hazards and climate change are not directly relevant to the planning proposal and therefore have not been addressed.

a Protecting, conserving and enhancing the natural environment

There are four actions and four monitoring and reporting requirements linked to this planning priority. Each action and monitoring and reporting requirement is stated below followed by a response on the planning proposal's applicability and/or consistency with the action, monitoring and reporting requirements.

Retention of established trees

Action 21 states:

A21 Advocate for the retention of established trees where practical in new residential and rural residential subdivisions.

This action is not relevant to the planning proposal as the land is not zoned for residential (R1 General Residential, R3 Medium Density Residential or R5 Large Lot Residential) or rural residential (RU4 Primary Production Small Lots) uses. Notwithstanding this, the planning proposal and resulting subdivision will not necessitate or require the removal of any trees. Conversely, the planning proposal will facilitate a subdivision of land that will ensure the long-term protection of trees on that part of the site zoned C3 Environmental Management through the implementation of a BSA on the site.

Tree management policy

Action 22 states:

A22 Finalise a Tree Management Policy for the management of trees on Council managed public space, property and reserves and formulate a Street Tree Masterplan to inform an LGA-wide tree planting program in the urban areas.

This action is not relevant to the planning proposal.

Review of development control plan

Action 23 states:

A23 Council will undertake a review of the DCP to incorporate best-practice Water Sensitive Urban Design principles.

This action is not relevant to the planning proposal.

Implementation of rural lands strategy

Action 24 states:

A24 Implement the recommendations and actions within the Snowy Valleys Rural Lands Strategy.

The *Snowy Valleys' Draft Rural Lands Study* was publicly exhibited in late 2021 and early 2022. At the time of preparing this letter, the study was still in draft form and has not been adopted by SVC. A copy of the draft document is not publicly available. Notwithstanding this, the planning proposal and resulting subdivision will not affect the rural or agricultural usage of the site. The western part of the site, zoned RU1 Primary Production, will continue to be used for agriculture (cattle grazing).

Residential and rural residential subdivisions

Monitoring and reporting requirement 25 states:

M25 Applications for residential and rural residential subdivisions will be required to indicate the location of existing trees to be retained and those to be removed.

This monitoring and reporting requirement is not relevant to the planning proposal as the land is not zoned for residential (R1 General Residential, R3 Medium Density Residential or R5 Large Lot Residential) or rural residential (RU4 Primary Production Small Lots) uses. Notwithstanding this, and as stated before, the planning proposal and resulting subdivision will not necessitate or require the removal of any trees.

Tree management policy

Monitoring and reporting requirement 26 states:

M26 A Tree Management Policy is to be adopted by December 2020.

This monitoring and reporting requirement is not relevant to the planning proposal.

Street tree masterplan

Monitoring and reporting requirement 27 states:

M27 Formulation of a Street Tree Masterplan will be finalised by December 2021.

This monitoring and reporting requirement is not relevant to the planning proposal.

Review of development control plan

Monitoring and reporting requirement 28 states:

M28 Review the Snowy Valleys Development Control Plan 2019 by December 2020 to incorporate best-practice Water Sensitive Urban Design principles.

This monitoring and reporting requirement is not relevant to the planning proposal.

v **Our infrastructure**

The planning priorities and underlying actions, monitoring and reporting requirements for our infrastructure relate to:

- Improving access to, from and within Snowy Valleys.
- Providing infrastructure which encourages the use of sustainable transport such as cycle ways and rail trails.
- Collaborating with Government agencies and other stakeholders to stimulate positive outcomes.

These are not considered relevant to the planning proposal and therefore are not addressed here.

3.1.4 **Snowy Valley Community Strategic Plan 2042**

i **Introduction**

The *Snowy Valleys Community Strategic Plan 2042* (CSP) is based on the aspirations and priorities of the Snowy Valleys community and sets out a long-term vision for the area. The plan identifies the key priorities and strategies for achieving this. The CSP states that:

It is the community's plan for the future, not just a council plan. Snowy Valleys Council has a lead role in preparing and implementing CSP. However, state agencies, businesses, industry groups, community groups, and individuals also lead and support the achievement of the vision and strategic priorities.

The CSP sets out a five themes/pillars which are SVC's focus areas for achieving the long-term vision for the LGA and under each theme/pillar are a number of strategic objectives which set out the long-term aspirations of SVC's community under each theme/pillar.

The five themes/pillars are:

- our community
- our economy
- our environment
- our infrastructure
- our civic leadership.

The strategic objectives relating to each of the themes/pillars are addressed below.

ii Our community

There are four strategic objectives relating to our community. Each strategic objective is stated below followed by a response on the planning proposal's applicability and/or consistency with the objective.

Characteristics of region

This strategic objective states:

The liveability, heritage, and unique characteristics of our region is acknowledged, supported and retained.

The planning proposal is considered to be consistent with the strategic objective. It will allow a subdivision that will retain the current land uses of the site. It will preserve the agricultural usage of the western part of the site consistent with its RU1 Primary Production zoning, and it will preserve, in perpetuity, the environmental conservation value of the eastern part of the site through the establishment of a BSA (following subdivision).

Wellbeing of locals

This strategic objective states:

The wellbeing of local people is supported through the provision of local services.

This strategic objective is not considered to be relevant to the planning proposal.

Natural disasters and economic shocks

This strategic objective states:

Our community is prepared and resilient and is able to respond to natural disasters and economic shocks.

As previously stated, the establishment of a BSA on the eastern part of the site will ensure that the biodiversity values of the site are maintained (and even enhanced) in the future. Protecting native biodiversity plays a crucial role in increasing natural hazard resilience in several ways, encompassing ecosystem stability, adaptation capacity, and the provision of ecosystem services.

Arts and cultural activities

This strategic objective states:

Arts and cultural activities thrive in our region.

This strategic objective is not considered to be relevant to the planning proposal.

iii Our economy

There are four strategic objectives relating to our economy. Each strategic objective is stated below followed by a response on the planning proposal's applicability and/or consistency with the objectives.

Diversity of economy

This strategic objective states:

Our economy is made up of a broad range of business and industry with diverse employment opportunities.

This strategic objective is not considered to be relevant to the planning proposal. Notwithstanding this, the planning proposal is likely to generate additional employment opportunities through the need to undertaking regular management measures such as fencing and pest control on BSA site.

Young people and families

This strategic objective states:

Our economy attracts, retains, and supports young people and families in the region.

This strategic objective is not considered to be relevant to the planning proposal.

Sustainable tourism

This strategic objective states:

Sustainable tourism initiatives contribute to a thriving economy.

This strategic objective is not considered to be relevant to the planning proposal.

Telecommunications

This strategic objective states:

Quality telecommunication infrastructure, including mobile phone reception and high-speed internet access supports community and economic growth.

This strategic objective is not considered to be relevant to the planning proposal.

iv **Our environment**

There are five strategic objectives relating to our environment. Each strategic objective is stated below followed by a response on the planning proposal's applicability and/or consistency with the objectives.

Preservation of natural environment

This strategic objective states:

Our community works together to protect and preserve our natural environment.

The planning proposal is consistent with this strategic objective. It will allow for the subdivision of the site to subsequently allow for the establishment of a BSA on the eastern part of the site which will preserve and protect the natural environment of that part of the site in the long-term.

Sustainable living

This strategic objective states:

Our ability to live sustainably is supported by access to contemporary waste, water and wastewater services.

This strategic objective is not considered to be relevant to the planning proposal.

Tourism opportunities

This strategic objective states:

The recreation and sustainable tourism opportunities provided by our natural environment is preserved for future generations.

This strategic objective is not considered to be relevant to the planning proposal.

Robust planning framework

This strategic objective states:

A robust planning framework supports the needs and identity of our community and natural environment.

The planning proposal proposes to amend the planning framework that applies to the subject site to facilitate the preservation of the natural environment on its eastern side. It will allow the site to be subdivided along the existing zone boundary to a size below the existing minimum lot size for the C3 Environmental Management zone. This, in turn, will facilitate the establishment of a BSA on the site which will lead to the long-term preservation of the natural environment on the site.

Climate change

This strategic objective states:

We are resilient to a changing climate through adaptation and mitigation.

As previously stated, the establishment of a BSA on the eastern part of the site ensures that the biodiversity values of the site are maintained (and even enhanced) in the future. Protecting native biodiversity plays a crucial role in increasing natural hazard resilience in several ways, encompassing ecosystem stability, adaptation capacity, and the provision of ecosystem services.

v Our infrastructure

There are two strategic objectives relating to our infrastructure, as follows:

- A robust transport network services us.
- Our amenities, infrastructure and community facilities meet community needs.

These strategic objectives are not considered to be relevant to the planning proposal.

vi Our civic leadership

There are four strategic objectives relating to our infrastructure, as follows:

- Council and local communities' partner to create an ongoing culture of engagement and communication to aid Council decision making.
- Council has strong organisational practices to ensure a viable organisation that provides value for money.
- Council demonstrates innovative leadership and strong governance practices to ensure a high performing organisation.
- Council acknowledges the unique identity of different townships and villages in our Council area while promoting connection and a shared vision for our future.

These strategic objectives are not considered to be relevant to the planning proposal.

3.1.5 Snowy Valleys Council Region Economic Development Strategy 2018-2020 and Snowy Valleys Regional Economic Development Strategy – 2023 Update

In 2018, the State government developed regional economic development strategies (REDS) for 38 functional economic regions (FERs) across regional NSW, including for the SVC FER. Since their publication, regional NSW has endured shocks including bushfires, floods, COVID-19 and the mouse plague, and significant new economic opportunities have emerged, particularly in the local area with the commencement of construction of Snowy 2.0. In 2023, updates to the REDS were undertaken which provide an updated evidence base to guide governments in making policy and investment decisions to enhance resilience and drive sustainable, long-term economic growth in regional NSW.

The 2018 RED for the SVC FER contained three economic development strategies for the region. Within the 2023 update, one strategy was left unchanged, two strategies were amended and one new strategy was adopted.

The 2023 REDS updated strategies for the Snowy Valleys FER are listed below (with amendments made to existing 2018 strategies highlighted in bold):

- Amended strategy - Support the growth of the forestry and timber processing industry **through direct support during the bushfire recovery phase and sustainable diversification of the industry in the long-term.**
- New strategy - **Increase value-add opportunities in the agriculture sector, in particular horticulture and viticulture, through improved access to and reliability of digital and transport infrastructure.**
- Amended strategy - **Expand and diversify** the Snowy Valleys region's visitor economy by growing **agritourism and adventure tourism.**
- Existing strategy - Boost and sustain the supply of skilled workers for the region's core industries with regional skills development and initiatives to attract new residents.

These strategies are not considered to be relevant to the planning proposal. Notwithstanding this, the planning proposal will not detract from or impede implementation of the above economic development strategies.

3.2 Local environmental plan making guideline

The *Local Environmental Plan Making Guideline* (DPE 2021) provides a detailed explanation of the steps of the local environmental plan (LEP) making process to assist and guide councils, communities, State agencies, proponents, and practitioners. The document was used when preparing the planning proposal.

The RFI states:

The planning proposal shall provide a detailed response to how the Planning Proposal is consistent with each question raised in Table 3 in Part 3, Section 2 of the Department of Planning and Environment – Local Environmental Plan Making Guidelines.

As requested, the table below provides a response to the matters for consideration in the Table 3 of the Part 3, Section 2 of the guideline.

Table 3.1 Matters for consideration in Table 3 of Local Environmental Plan Making Guideline

Question (or matter for consideration)	Response
Is the planning proposal a result of an endorsed LSPS, strategic study or report?	<p>No.</p> <p>Snowy Hydro is currently developing Snowy 2.0 which is the largest committed renewable energy project in Australia. Snowy 2.0 will expand the current Snowy Mountains Hydro-electric Scheme's (Snowy Scheme) renewable energy capacity by almost 50% by providing an additional 2,200 MW of on demand electricity generating capacity and large-scale electricity storage. To connect Snowy 2.0 to the NEM, a new transmission connection is required. This project, known as the Snowy 2.0 Transmission Connection Project, involves two new 9 km 330 kilovolt (kV) overhead double-circuit transmission lines from Snowy 2.0 cable yard to an existing Transgrid transmission line (Line 64).</p> <p>The Snowy 2.0 Transmission Connection Project was approved by the NSW Minister for Planning on 2 September 2022. As part of the approval, Snowy Hydro is required to offset impacts to biodiversity as a result of clearing required for the project. This includes a monetary payment to the NSW National Parks and Wildlife Service (NPWS) for impacts of the project in the Kosciuszko National Park (KNP) and offsetting impacts outside of KNP in accordance with the requirements of the NSW Biodiversity Offsets Scheme (BOS).</p> <p>The eastern portion of the site has been identified as being capable of meeting a significant proportion of the offset requirements for impacts of the Snowy 2.0 Transmission Connection Project outside of KNP. Accordingly, it is proposed to establish a biodiversity stewardship site (BSS) under the BOS on the eastern part of the site to offset impacts of the Snowy 2.0 Transmission Connection Project. To do this, it is proposed to subdivide the site into two lots where the eastern lot would be used as the BSS.</p> <p>The site has an area of 253.72 ha. The eastern part of the site is zoned C3 Environmental Management under the Tumbarumba LEP and has an area of 92.07 ha. The western part of the site is zoned RU1 Primary Production and an area of 161.65 ha. The proposed subdivision would be aligned with the zoning boundary. The eastern lot, which would become the BSS, would be approximately 92.81 ha in area. The western lot would be approximately 160.91 ha in area.</p> <p>Under the Tumbarumba LEP, the minimum lot size for the part of the site zoned C3 Environmental Management is 160 ha and the minimum lot size for the part of the site zoned RU1 Primary Production is 40 ha. Accordingly, the proposed subdivision of the site into two lots where the eastern lot would be approximately 92.81 ha would not meet the requirements of clause 4.1 of the Tumbarumba LEP for land zoned C3 Environmental Management.</p> <p>Some clauses in Part 4 of the Tumbarumba LEP provide exceptions to the minimum lot size requirements in clause 4.1. However, none of these exceptions apply to the proposal to subdivide the site.</p> <p>It is proposed to amend the Tumbarumba LEP to provide an exception to the minimum lot size requirements to the C3 Environmental Management zone to allow the site to be subdivided so that a BSA can be registered for the newly created lot.</p>
Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	<p>There are no alternatives to the planning proposal. An investigation of alternatives, such as seeking to vary applicable development standards via clause 4.6 of the Tumbarumba LEP, waiting for SVC to finalise a study and/or separate planning proposal or whether the outcome could be achieved through an amendment to a development control plan, was undertaken before the planning proposal was prepared and submitted. These investigations were not only undertaken by EMM, but also SVC and DPHI.</p>
Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or	<p>No.</p> <p>The planning proposal will not give effect to any objectives or actions from any strategic planning study. Notwithstanding this, a review of relevant planning studies undertaken</p>

Table 3.1 Matters for consideration in Table 3 of Local Environmental Plan Making Guideline

Question (or matter for consideration)	Response
strategy (including any exhibited draft plans or strategies)?	<p>indicates that it will be consistent with the objectives and actions of a number of studies, particularly those focused on the retention and enhancement of the natural environment and building resilience to nature hazards and events such as floods and bushfire.</p> <p>However, more importantly, the planning proposal is not inconsistent or conflicts with any of the relevant objectives or actions in relevant strategic planning studies.</p>
Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?	No.
Is the planning proposal consistent with any other applicable State and regional studies or strategies?	<p>Yes. Strategic conservation planning is undertaken in every regional and State planning study to assess and protect biodiversity, particularly when development is being considered. This allows decision-makers to identify and protect the most important places for native flora and fauna while finding areas suitable for new development and infrastructure.</p> <p>Strategic conservation planning helps to protect a region's native plants and animals by establishing or extending public reserves and restoring degraded areas. Landowners can also be given opportunities to establish a BSS, as is proposed under the planning study.</p>
Is the planning proposal consistent with applicable SEPPs?	<p>There are three State environmental planning policies (SEPPs) applicable to the planning proposal, including:</p> <ul style="list-style-type: none"> • <i>State Environmental Planning Policy (Planning Systems) 2021</i> (Planning Systems SEPP) • <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> (Biodiversity and Conservation SEPP). <p>The planning proposal is considered to be consistent with these SEPPs.</p> <p>A review of <i>State Environmental Planning Policy (Primary Production) 2021</i> (Primary Production SEPP) was undertaken to assess applicability to the Planning Proposal, however, no provisions of sections of the SEPP are relevant to the planning proposal.</p> <p><u>Planning Systems SEPP</u></p> <p>The need for the planning proposal is driven from the Planning Systems SEPP. Under this SEPP, Snowy 2.0 was declared to be CSSI. That is, it was declared to be critical to the State for environmental, economic and social reasons. The biodiversity offsets that will be derived from the BSA to be established on the eastern part of the site will be used to offset most of the offset requirements for the Snowy 2.0 Transmission Connection Project.</p> <p><u>Primary Production SEPP</u></p> <p>The planning proposal is consistent with the provisions of <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> (B&C SEPP). Under this SEPP, controls are in place to restrict clearing within non-rural areas and the C3 Environmental Management zone that it does not detract from the objectives of the zone, which are to:</p> <ul style="list-style-type: none"> • To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values. • To provide for a limited range of development that does not have an adverse effect on those values. • To identify land of high conservation value and apply appropriate planning controls. • To protect native vegetation and existing landforms for their scenic values and to maintain the unique visual identity of the landscape. • To recognise and protect conservation reserves and sub-regional linkages to maintain viable ecosystems.

Table 3.1 Matters for consideration in Table 3 of Local Environmental Plan Making Guideline

Question (or matter for consideration)	Response
Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?	An assessment of the planning proposal's consistency with applicable ministerial directions is provided below in Section 4. This demonstrates that the planning proposal is consistent with the applicable directions.
Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?	No critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the planning proposal. The purpose of the planning proposal is to allow for the creation of a BSA on that part of the site zoned C3 Environmental Management which will ensure that the threatened species and their habitat contained on the site are preserved in-perpetuity.
Has the planning proposal adequately addressed any social and economic effects?	<p>The planning proposal will not have any adverse social or economic impacts or effects. Conversely, it is likely to have beneficial social and economic benefits.</p> <p>Under the BC Act, a BSA is a legal arrangement between a landowner and the Minister responsible for the Act. The following economic benefits are derived when a BSA is executed:</p> <ul style="list-style-type: none"> • Biodiversity credits creation: <ul style="list-style-type: none"> – A BSA establishes a BSS on the land. This site generates biodiversity credits. – These credits can be sold or used to offset the loss of biodiversity values resulting from development projects. – Developers can purchase these credits to meet their offset requirements, ensuring that development doesn't harm the environment. • Revenue generation: <ul style="list-style-type: none"> – Landholders who enter into BSA can sell the generated credits. – The revenue from credit sales can contribute to the landholder's income. – It provides an opportunity for sustainable revenue while conserving biodiversity. • Investment in conservation: <ul style="list-style-type: none"> – Biodiversity credits can also be purchased by individuals, corporations, or government programs. – These buyers can invest in conservation outcomes, supporting initiatives for philanthropy or corporate social responsibility. – By purchasing credits, they contribute to preserving natural habitats and species. • Long-term management payments: <ul style="list-style-type: none"> – BSAs are in-perpetuity agreements registered on the property title. – Landholders receive ongoing annual management payments for maintaining the stewardship site. – Additionally, they can potentially profit from credit sales once the credits are sold. <p>In summary, BSAs benefit both landholders and the environment by providing economic incentives for conservation and sustainable land management.</p> <p>Social benefits are also derived by the protection of the natural environment in the long-term and the benefits that protection derives. In addition, BSAs offer several social benefits:</p> <ul style="list-style-type: none"> • Community engagement and education: <ul style="list-style-type: none"> – BSSs provide opportunities for community involvement. – Local residents, schools, and community groups can participate in conservation activities on these sites. – Educational programs and guided tours enhance awareness about biodiversity and ecosystem health. • Enhanced green spaces:

Table 3.1 Matters for consideration in Table 3 of Local Environmental Plan Making Guideline

Question (or matter for consideration)	Response
	<ul style="list-style-type: none"> – BSSs contribute to green infrastructure within communities. – They create accessible natural areas where people can enjoy recreational activities, connect with nature, and improve their well-being. • Local pride and identity: <ul style="list-style-type: none"> – Communities take pride in having nearby sites dedicated to biodiversity conservation. – These areas become part of the local identity and contribute to a sense of place. • Health and well-being: <ul style="list-style-type: none"> – Access to green spaces positively impacts mental and physical health. – BSSs offer opportunities for outdoor activities, exercise, and relaxation. • Social cohesion and networking: <ul style="list-style-type: none"> – Community involvement in stewardship activities fosters social connections. – Residents collaborate, share knowledge, and build networks around common conservation goals. • Tourism and recreation: <ul style="list-style-type: none"> – Well-managed sites attract eco-tourists interested in experiencing local flora and fauna. – Birdwatching, hiking, and nature photography become popular recreational activities.
Is there adequate public infrastructure for the planning proposal?	No public infrastructure is required to support the planning proposal.
What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?	Two meetings have been held with DPHI on the planning proposal. An initial meeting was held with Jessica Holland and Jenna McNabb from the Department's Western Region on 14 March 2023 and then a follow-up meeting was held with Jessica Holland on 2 May 2023. Following these meetings, DPHI indicated that they were supportive of the intent of the planning proposal.

4 Ministerial directions

4.1 Introduction

The RFI states:

The Planning Proposal must clearly demonstrate consistency with all Local Planning Direction and where applicable and justify any inconsistency that is of a minor nature. A preliminary assessment has identified that the following direction may be relevant:

- 1.1 - Implementation of Regional Plans;
- 1.4 – Site Specific Provision;
- 1.4A – Exclusions of Development Standards from Variation;
- 3.1 – Conservation Zones;
- 3.6 – Strategic Conservation Planning;
- 9.2 - Rural Lands;

Note - the above is based on the exception to the minimum lot size control being site-specific.

The following sections describe how the planning proposal is consistent with relevant local planning directions, as stated above.

4.2 Implementation of regional plans

This direction applies to a relevant planning authority when preparing a planning proposal for land to which a regional plan has been released by the Minister for Planning.

Direction 1.1 states that:

- (1) Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.

As previously stated, the Regional Plan for the Riverina Murray region was published in 2023. It provides an update to the *Riverina Murray Regional Plan 2036*, which provided the NSW Government's vision for land uses in the Riverina Murray region. The Regional Plan "resets priorities for the area and provides a path for sustained progress and prosperity for the Riverina Murray community for the next 20 years" (DPE 2023).

An assessment of the Regional Plan (refer to Section 3.1.2) indicates that the planning proposal is consistent with the relevant objectives, strategies, activities and actions within the plan.

4.3 Site specific provisions

This direction applies to all relevant planning authorities when preparing a planning proposal that will allow a particular development to be carried out.

Direction 1.4 states:

- (1) A planning proposal that will amend another environmental planning instrument in order to allow particular development to be carried out must either:
 - (a) allow that land use to be carried out in the zone the land is situated on, or
 - (b) rezone the site to an existing zone already in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or
 - (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.
- (2) A planning proposal must not contain or refer to drawings that show details of the proposed development.

The planning proposal is consistent with this direction. It will allow for a development (i.e. subdivision) which is already permissible within the zoning of the site (RU1 Primary Production and C3 Environmental Management) but will amend the minimum lot size requirement for that part of the site zoned C3 Environmental Management. Therefore, while it will amend the minimum lot size requirement, it will not impose any new permissible developments, and any new development standards or requirements in addition to those already contained in the Tumbarumba LEP.

4.4 Exclusions of development standards from variation

This direction applies when a planning proposal authority prepares a planning proposal that proposes to introduce or alter an existing exclusion to clause 4.6 of a Standard Instrument LEP or an equivalent provision of any other environmental planning instrument.

Direction 1.4A states:

- (1) In preparing a planning proposal the planning proposal authority must have regard to the Guide to exclusions from clause 4.6 of the Standard Instrument.
- (2) A planning proposal to which this direction applies must:
 - (a) minimise the exclusion of development standards from variation under clause 4.6 of a Standard Instrument LEP, or an equivalent provision of any other environmental planning instrument; and
 - (b) not propose to exclude a development standard from variation under clause 4.6 of a Standard Instrument LEP, or an equivalent provision of any other environmental planning instrument unless the exclusion is consistent with the criteria in Part 2 of the Guide to exclusions from clause 4.6 of the Standard Instrument.

The drafting of the amendment the Tumbarumba LEP is a matter for SVC, however, as stated in Section 2, it is recommended that an additional (or new) clause be added to the LEP (clause 4.1AB) that allows for the exception of the minimum lot size for the C3 Environmental Management zone on the site, rather than amending the exceptions to the development standards within clause 4.6 of the LEP.

Notwithstanding the above, LEPs are regularly amended in NSW to allow for variations to the minimum lot size requirements for land use zones – either LGA wide or site specific. The planning proposal, to allow an amendment to the Tumbarumba LEP to allow a subdivision of the site to create a lot below the current minimum lot size is therefore consistent with this practice.

4.5 Conservation zones

This direction applies to all relevant planning authorities when preparing a planning proposal. Direction 3.1 states:

- (1) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.
- (2) A planning proposal that applies to land within a conservation zone or land otherwise identified for environment conservation/protection purposes in a LEP must not reduce the conservation standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with Direction 9.2 (2) of “Rural Lands”.

The planning proposal is consistent with this direction. It does not propose to amend the zoning of the site or introduce provisions that reduce the conservation standards that apply to the site. It proposes provisions that allow for the subdivision of the site to create a lot size that is lower than the minimum lot size requirement where:

- the subdivision will facilitate the long-term biodiversity conservation management of the lot, and
- suitable arrangements have been, or will be, made for the long-term protection, conservation and management of the lot, and
- the subdivision will not create the opportunity for additional dwellings on the lot.

4.6 Strategic conservative planning

This direction applies to all relevant planning authorities when preparing a planning proposal that relates to land that, under the B&C SEPP, is identified as avoided land or a strategic conservation area.

Direction 3.6 states:

- (1) A planning proposal authority must be satisfied that a planning proposal that applies to avoided land identified under the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* demonstrates that it is consistent with:
 - (a) the protection or enhancement of native vegetation,
 - (b) the protection or enhancement of riparian corridors, including native vegetation and water quality,
 - (c) the protection of threatened ecological communities, threatened species and their habitats,
 - (d) the protection or enhancement of koala habitat and corridors, and
 - (e) the protection of matters of national environmental significance.
- (2) A planning proposal authority must be satisfied that a planning proposal that applies to a strategic conservation area identified under the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* demonstrates that it is consistent with:
 - (a) the protection or enhancement of native vegetation,
 - (b) the minimisation of impacts on areas of regionally significant biodiversity, including threatened ecological communities, threatened species and their habitats,
 - (c) the protection or enhancement of koala habitat and corridors, including habitat connectivity and fauna movement, and links to ecological restoration areas, and
 - (d) the maintenance or enhancement of ecological function.
- (3) A planning proposal must not rezone land identified as avoided land in the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* to:
 - (a) a rural, residential, employment, mixed use, SP1 Special Activities, SP2 Infrastructure, SP3 Tourist, SP4 Enterprise, SP5 Metropolitan Centre, RE2 Private Recreation, W4 Working Waterfront or equivalent zone.
- (4) A planning proposal must not rezone land identified as a strategic conservation area in the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* to:
 - (a) RU4, RU5, RU6, residential, employment, mixed use, SP1 Special Activities, SP2 Infrastructure, SP3 Tourist, SP4 Enterprise, SP5 Metropolitan Centre, RE2 Private Recreation, W4 Working Waterfront or equivalent zone.

This direction is not applicable to the planning proposal because the site is land that, under the Biodiversity and Conservation SEPP, is identified as avoided land or a strategic conservation area.

Notwithstanding the above, even if the site was land that was identified as avoided land or a strategic conservation area, it would meet the principles or objectives of the direction as it would:

- lead to the protection or enhancement of native vegetation
- lead to the protection of threatened ecological communities, threatened species and their habitats
- lead to the protection of matters of national environmental significance
- does not propose to rezone land particularly land within the C3 Environmental Management zone.

4.7 Rural land

This direction applies when a relevant planning authority prepares a planning proposal for land outside the local government areas of Lake Macquarie, Newcastle, Wollongong and LGAs in the Greater Sydney Region (as defined in the *Greater Sydney Commission Act 2015*) other than Wollondilly and Hawkesbury, that:

- will affect land within an existing or proposed rural or conservation zone (including the alteration of any existing rural or conservation zone boundary) or
- changes the existing minimum lot size on land within a rural or conservation zone.

Direction 9.2 states:

- (1) A planning proposal must:
 - (a) be consistent with any applicable strategic plan, including regional and district plans endorsed by the Planning Secretary, and any applicable local strategic planning statement
 - (b) consider the significance of agriculture and primary production to the State and rural communities
 - (c) identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources
 - (d) consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions
 - (e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities
 - (f) support farmers in exercising their right to farm
 - (g) prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land use
 - (h) consider State significant agricultural land identified in chapter 2 of the State Environmental Planning Policy (Primary Production) 2021 for the purpose of ensuring the ongoing viability of this land
 - (i) consider the social, economic and environmental interests of the community.
- (2) A planning proposal that changes the existing minimum lot size on land within a rural or conservation zone must demonstrate that it:
 - (a) is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses
 - (b) will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains
 - (c) where it is for rural residential purposes:
 - i. is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres
 - ii. is necessary taking account of existing and future demand and supply of rural residential land.

Note: where a planning authority seeks to vary an existing minimum lot size within a rural or conservation zone, it must also do so in accordance with the Rural Subdivision Principles in clause 5.16 of the relevant Local Environmental Plan.

An assessment of the planning proposal against the above heads of consideration is provided in the table below.

Table 4.1 Rural lands direction heads of consideration

Heads of consideration	Response
(1) A planning proposal must:	
(a) be consistent with any applicable strategic plan, including regional and district plans endorsed by the Planning Secretary, and any applicable local strategic planning statement	As previously stated, the Regional Plan for the Riverina Murray region was published in 2023. It provides an update to the <i>Riverina Murray Regional Plan 2036</i> , which provided the NSW Government's vision for land uses in the Riverina Murray region. The Regional Plan "resets priorities for the area and provides a path for sustained progress and prosperity for the Riverina Murray community for the next 20 years" (DPE 2023). An assessment of the Regional Plan (refer to Section 3.1.2) indicates that the planning proposal is consistent with the relevant objectives, strategies, activities and actions aimed at achieving the stated objective within the plan.
(b) consider the significance of agriculture and primary production to the State and rural communities	The planning proposal will not alter the usage of the western part of the site for agriculture and therefore will not impact the State's primary production capability.
(c) identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources	The planning proposal will protect the eastern part of the site's environmental values in the long-term, particularly its biodiversity values.
(d) consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions	The planning proposal considers the natural and physical constraints of the land, particularly its topography, biodiversity and soil conditions. It is these conditions and constraints which have led to the current usage of the site and ultimately its dual zoning. The eastern part of the site contains remnant native vegetation. It has steep gradients and has less productive soils which are not suited to agriculture. The western part of the site has less gradient and better soils which has reflected its current agricultural usage.
(e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities	The planning proposal will lead to broad economic benefits both to the local area and the current property holder. These benefits, which have been discussed earlier, may lead to more opportunities for investment in productive, diversified, innovative and sustainable rural economic activities on the site – both the eastern part of the site subject to the BSA and the western part of the site which will remain for agricultural usage.
(f) support farmers in exercising their right to farm	The planning proposal will not hinder the ability for the current landholder to exercise his 'right to farm' the western part of the site, which is the only part of the site used for agriculture.
(g) prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land use	The planning proposal will not fragment rural land or lead to a risk of land use conflict between residential and rural land uses. It will simply allow for the subdivision of the site into two lots that will follow the zone boundary that splits the site. The western lot will continue to be used for agricultural purposes in accordance with its RU1 Primary Production zone and the eastern lot will continue to be used for environmental conservation in accordance with its C3 Environmental Management zone.
(h) consider State significant agricultural land identified in chapter 2 of the State Environmental Planning Policy (Primary Production) 2021 for the purpose of ensuring the ongoing viability of this land	The site is not State significant agricultural land as identified in Chapter 2 of Primary Production SEPP. As such, this consideration is not relevant to the planning proposal.

Heads of consideration	Response
(i) consider the social, economic and environmental interests of the community.	
(2) A planning proposal that changes the existing minimum lot size on land within a rural or conservation zone must demonstrate that it:	
(a) is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses	As stated above, the planning proposal will not fragment rural land or lead to a risk of land use conflict. It will simply allow for the subdivision of the site into two lots that will follow the zone boundary that splits the site. The western lot will continue to be used for agricultural purposes in accordance with its RU1 Primary Production zone and the eastern lot will continue to be used for environmental conservation in accordance with its C3 Environmental Management zone.
(b) will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains	The planning proposal will not affect the operation and viability of existing and future rural land uses on the site. As discussed, it will not affect that part of the site zoned for agricultural use or the area of the site used for that use.
(c) where it is for rural residential purposes:	
i. is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres	This consideration is not relevant to the planning proposal. It does not seek to change the usage of the site for rural residential purposes.
ii. is necessary taking account of existing and future demand and supply of rural residential land.	As above, this consideration is not relevant to the planning proposal. It does not seek to change the usage of the site for rural residential purposes.

In summary, the planning proposal is considered to be consistent with the ministerial direction on rural lands. It will not fragment rural land or lead to a risk of land use conflict between rural land and other uses such as residential or rural residential. It will simply allow for the subdivision of the site into two lots that will follow the zone boundary that splits the site. The western lot will continue to be used for agricultural purposes in accordance with its RU1 Primary Production zone and the eastern lot will continue to be used for environmental conservation in accordance with its C3 Environmental Management zone.

5 Supporting documents

5.1 Introduction

The RFI request supporting information and documents on the planning proposal. It states:

- (a) **Maps** - The Planning Proposal refers to a number of 'Maps' that have not been provided in support of the proposal. Please ensure the additional information includes these attachments.
- (b) **Biodiversity Report** - If the Planning Proposal is intended to be site specific, a Biodiversity Report is required to demonstrate this site is suitable for the establishment of a biodiversity stewardship site (BSS) under the Biodiversity Offset Scheme (BOS). The report must be prepared by an accredited assessor.

- (c) **Pre-Lodgement** – It is understood that consultation has occurred with Council Officers and the NSW Department of Planning and Environment (DPE). Further information is to be provided that clearly details the items discussed and/or any advice received.

5.2 Maps

The requested maps were provided to The Planning Hub via email on 12 March 2023 and through the planning portal on the same date. However, for completeness, the maps are attached to the letter at Appendix B.

5.3 Biodiversity report

A Biodiversity Stewardship Site Assessment Report (BSSAR) has been prepared for the site by an accredited assessor, and a copy is attached at Appendix C. The purpose of the BSSA is to:

- document the biodiversity values on the subject land
- determine the number and type of ecosystem and species credits generated by the subject land
- delineate management zones and determine management actions that generate the ecosystem and species credits
- provide costings for management actions.

Please note that the BSSAR is a confidential report and, in part, is commercial in confidence. As such, parts of the report have been redacted and/or removed. Notwithstanding this, the BSSAR demonstrates that the is suitable for the establishment of a BSS under the BOS.

5.4 Pre-lodgement

Details of consultation with the officers from SVC and DPHI were provided to The Planning Hub via email on 7 and 8 March 2023.

A number of discussions were held in person or via telephone or email with planning officers from SVC and DPHI in relation to the planning proposal. This included briefings to SVC and DPHI on the background and need for the planning proposal. A copy of a briefing document provided to SVC and DPHI can be found in Appendix D.

A meeting held with DPHI on 2 May 2023 indicated that a planning proposal would be required. Email correspondence from SVC on 22 May 2023 to EMM stated that:

... Council is initially supportive of your proposal, subject to review of your lodged final proposal.

No scoping requirements for the planning study were provided by SVC or DPHI. Notwithstanding this, examples of potential amendments to the Tumbarumba LEP were provided by DPHI and these were used to draft the suggested amendment provided in Section 2.

6 Closure

Should you require any further information or have any queries regarding the information provided in this letter, please contact the undersigned on 02 9493 9500 or via email at the address below.

Yours sincerely



Brett McLennan

Director

bmclennan@emmconsulting.com.au

Appendix A

Request for information



25 January 2024

bmclennan@emmconsulting.com.au

EMM Consulting
Ground Floor,
20 Chandos Street,
St Leonards NSW 2065

Dear Brett,

RE: PP2023/0002- Planning Proposal to add an additional clause within Part 4 of the Tumbarumba Local Environmental Plan 2010 at Bargo Forest Road, Tumbarumba

By way of introduction, The Planning Hub are town planning consultants who are assisting Snowy Valley Council assess a number of Development Applications and Planning Proposals on their behalf.

Reference is made to the Abovementioned Planning Proposal lodged with Council on 15 November 2023. An initial assessment of the proposal has now been undertaken and Council has requests that the following additional information be provided to allow the assessment to progress:

1.0 Local Environmental Plan Making Guidelines

1. Site Specific Assessment

- (a) A preliminary assessment of the Planning Proposal identified that insufficient information has been provided to demonstrate whether this planning proposal is intended to be site-specific or applying to the entire LGA.

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Alexandria NSW 2015

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PP2023/0002– BAGO FOREST ROAD, TUMBARUMBA

Specifically, the objectives and intended outcomes and the justification of strategic and site-specific merit established in the planning proposal suggests you are seeking site specific amendments. However, the intended provision established under the explanation of provision (Part 2) provides an additional clause that would apply to the entire LGA.

It is Councils preference that the proposed Planning Proposal is site specific. As such, it is recommended that the Planning Proposal be amended as follows:

- The 'suggested wording of this clause' is amended to clearly set out the site this exception relates to as established by the site-specific objectives and intended outcomes, explanation of provisions, and the justification of strategic and site-specific merit provided.

Note – If the Planning Proposal is not intended to be site-specific, the planning proposal shall be amended to provide objectives and intended outcomes, explanation of provisions and justification of strategic merit that apply to the applicable area.

- (b) It is recommended that the 'intended provision' includes the objectives provided under clause 4.1 of the Tumbarumba LEP 2010. Specifically, the following shall be incorporated:

- *to ensure subdivision occurs in an economical and orderly way,*
- *to ensure rural lands are not fragmented in a manner that threatens their future use for agricultural production,*
- *to ensure subdivision does not have inappropriate impacts on the natural environment*

2. Justification of Strategic Merit

- (a) In accordance with Part 3, Section 2 of the Department of Planning and Environment – Local Environmental Plan Making Guidelines, the Planning Proposal is to be amended to provide a more detailed assessment of the proposal's strategic merit. Specifically, the planning proposal must include reasonable justification explaining how and why strategic merit is achieved and needs to address all principles, objectives, and actions in the relevant strategic plans and relevant strategic context. Relevant policies to be assessed include:

- Riverina Murray Regional Plan 2041;
- Snowy Valley Local Strategic Planning Statement;
- Snowy Valley Community Strategic Plan; and
- Snowy Valleys Council Region Economic Development Strategy 2018-2020 & the Snowy Valleys Regional Economic Development Strategy – 2023 Update.

Where questions, principles, objectives, and/or actions in the above strategic documents are not relevant, a suitable response must be provided demonstrating how the planning proposal is not inconsistent with that particular requirement.

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- (b) The planning proposal shall provide a detailed response to how the Planning Proposal is consistent with each question raised in Table 3 in Part 3, Section 2 of the Department of Planning and Environment – Local Environmental Plan Making Guidelines.

3. Ministerial Directions

The Planning Proposal must clearly demonstrate consistency with all Local Planning Direction and where applicable and justify any inconsistency that is of a minor nature. A preliminary assessment has identified that the following direction may be relevant:

- 1.1 - Implementation of Regional Plans;
- 1.4 – Site Specific Provision;
- 1.4A – Exclusions of Development Standards from Variation;
- 3.1 – Conservation Zones;
- 3.6 – Strategic Conservation Planning;
- 9.2 - Rural Lands;

Note - the above is based on the exception to the minimum lot size control being site-specific.

4. Supporting Documents

- (a) **Maps** - The Planning Proposal refers to a number of 'Maps' that have not been provided in support of the proposal. Please ensure the additional information includes these attachments.
- (b) **Biodiversity Report** - If the Planning Proposal is intended to be site specific, a Biodiversity Report is required to demonstrate this site is suitable for the establishment of a biodiversity stewardship site (BSS) under the Biodiversity Offset Scheme (BOS). The report must be prepared by an accredited assessor.
- (c) **Pre-Lodgement** – It is understood that consultation has occurred with Council Officers and the NSW Department of Planning and Environment (DPE). Further information is to be provided that clearly details the items discussed and/or any advice received.

2.0 Conclusion

A formal response is required to be submitted that addresses all issues raised within **21 days** from the date of this letter so that the Planning Proposal can be progressed as soon as possible.

The response is required to address all issues in one consolidated package for ease of assessment. Please ensure that all documentation is consistent, and all issues raised have been clearly and fully closed off to allow for a detailed assessment of the application.

PP2023/0002- BAGO FOREST ROAD, TUMBARUMBA

Should you wish to discuss any of the details of this response please do not hesitate to contact Kuzi on 9690 0279 or kuz@theplanninghub.com.au.

Yours sincerely,



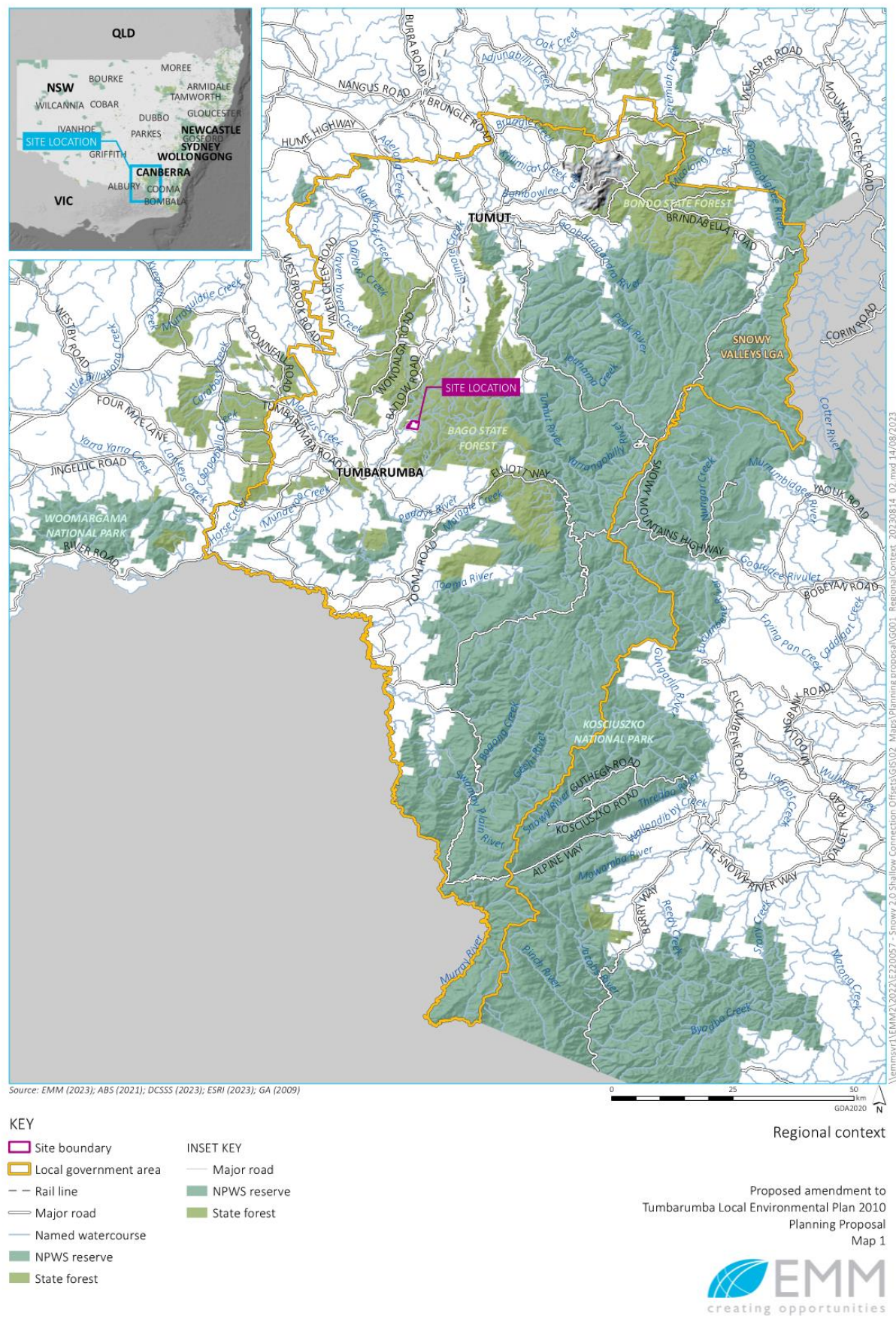
Kuzi Jaravani
Town Planner | THE PLANNINGHUB

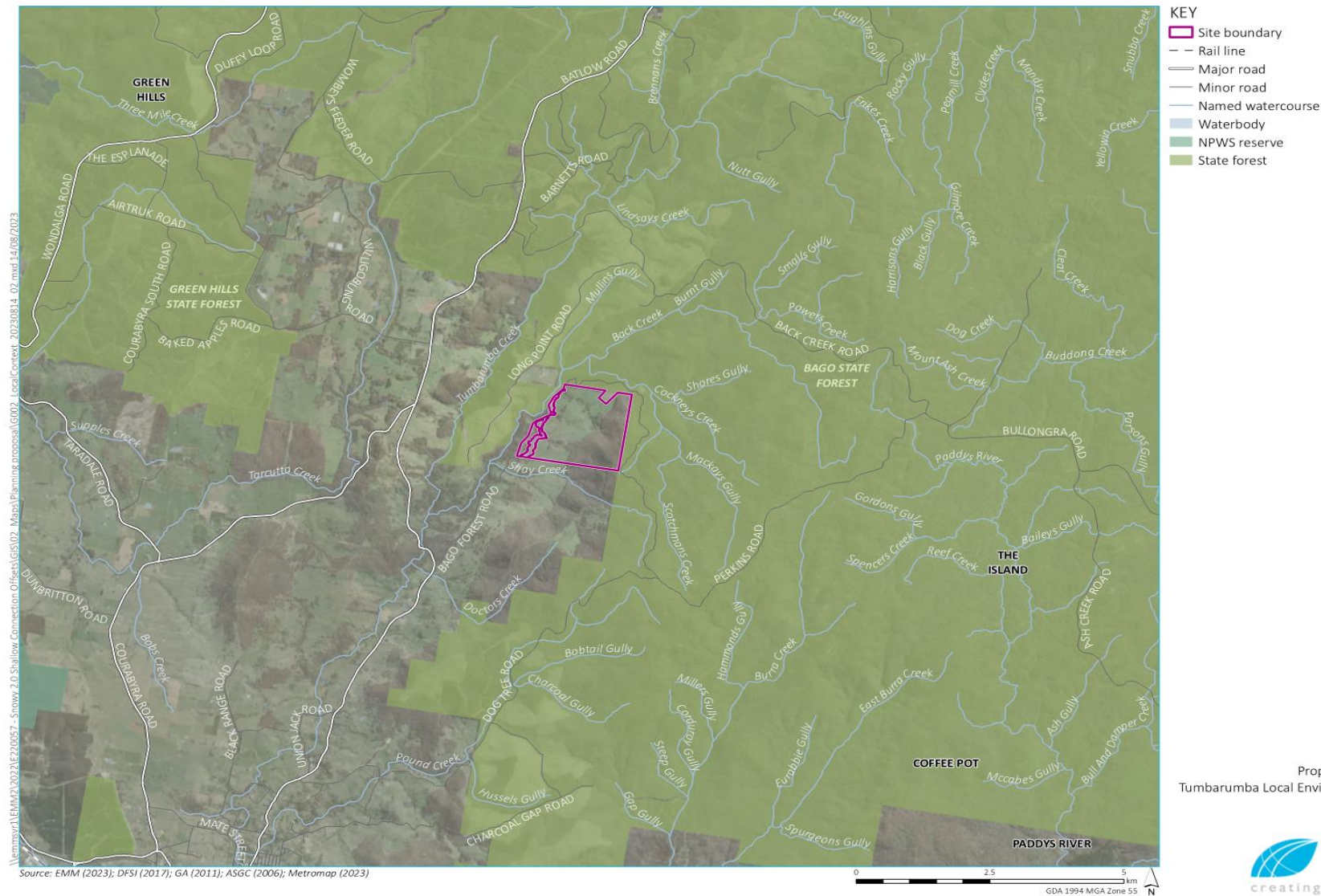


JEREMY SWAN
DIRECTOR | THE PLANNINGHUB

Appendix B

Maps

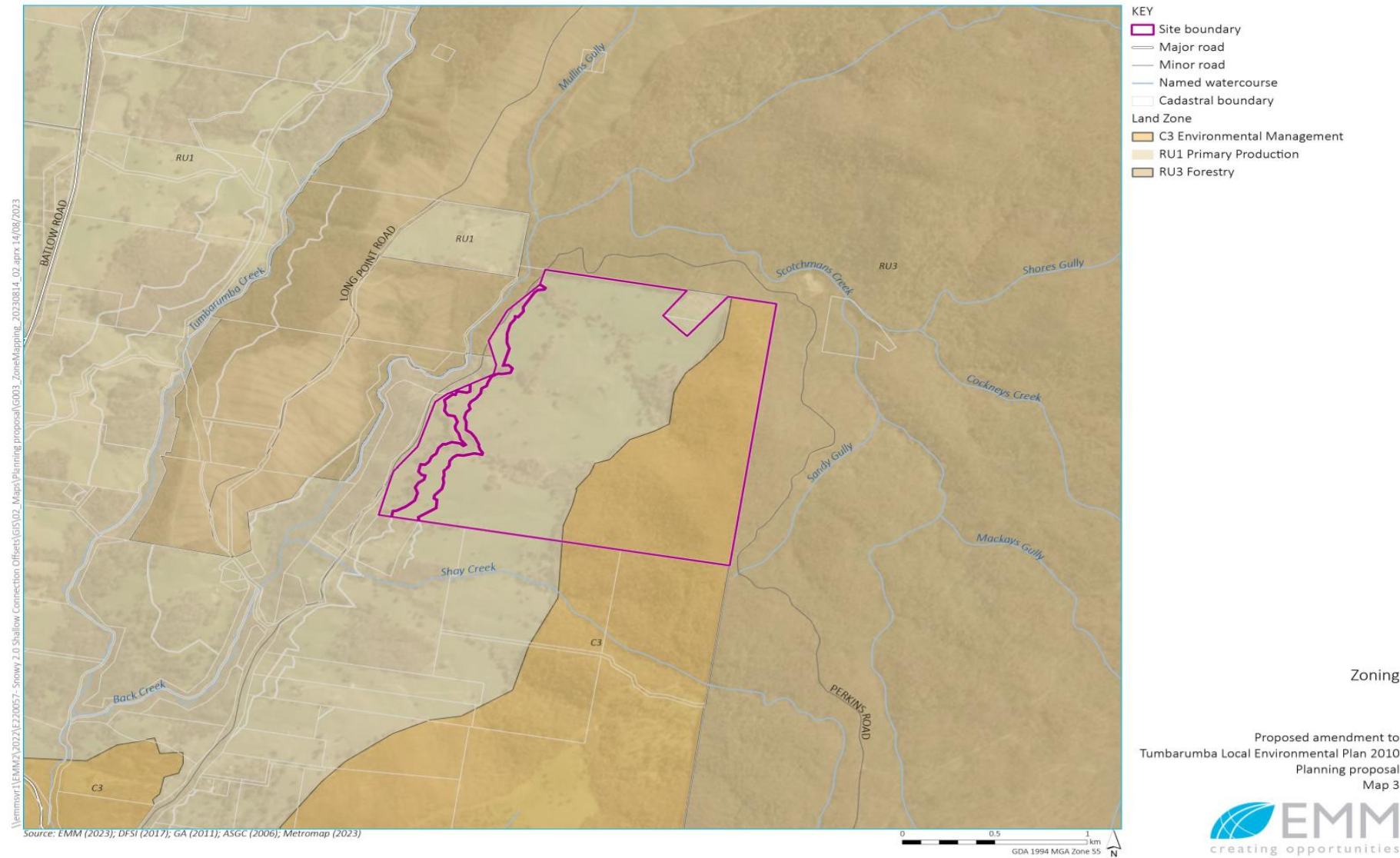


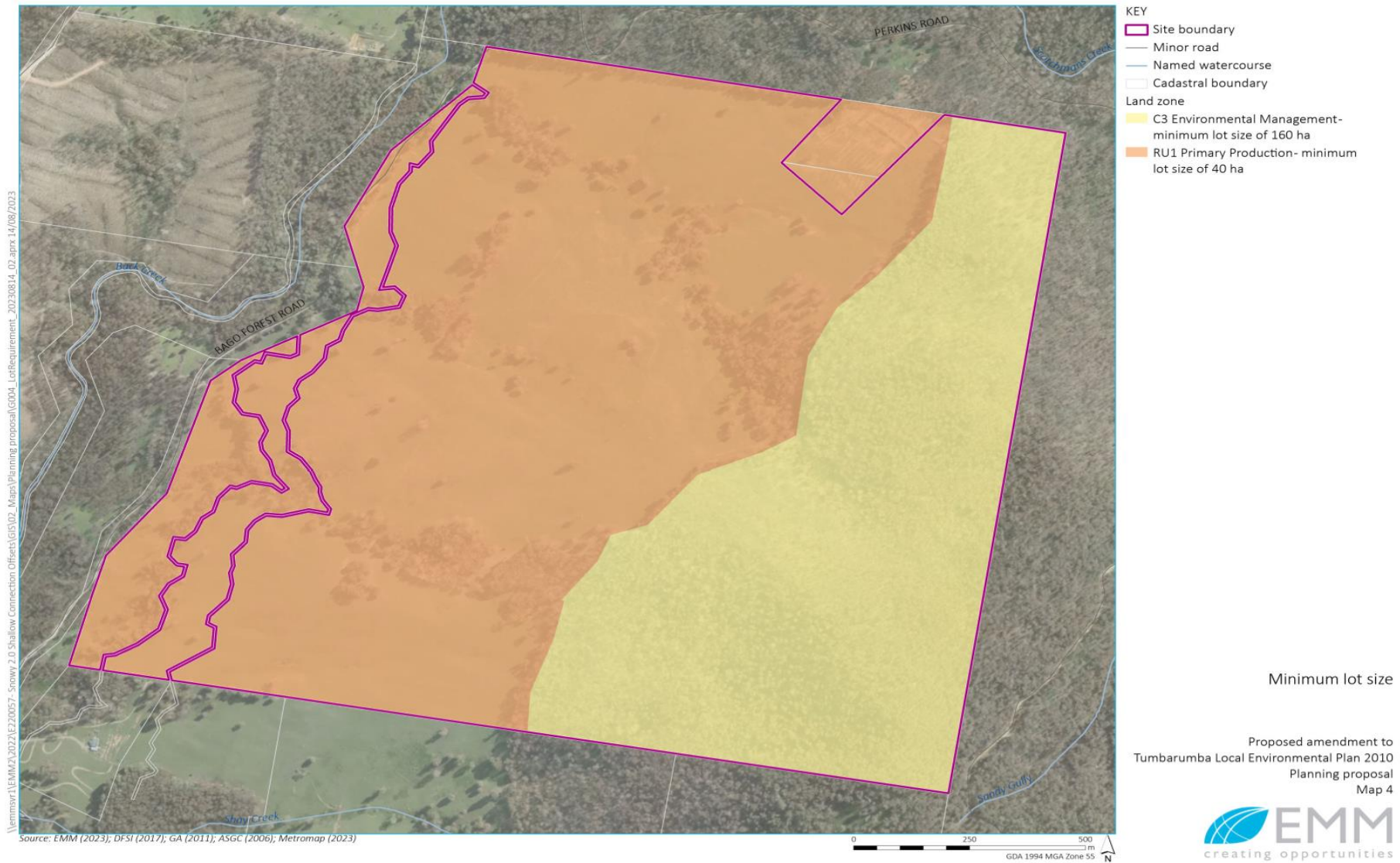


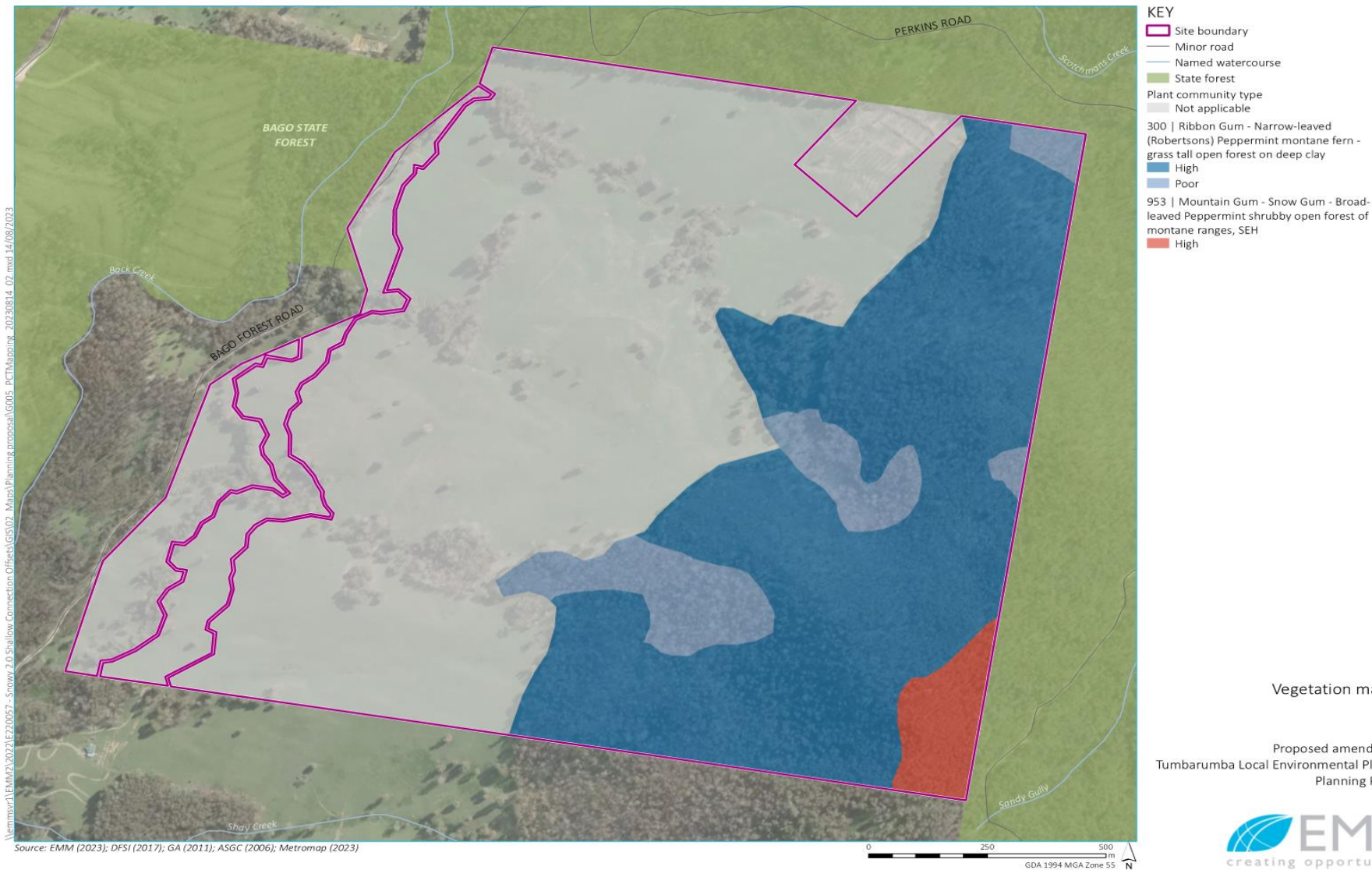
Local context

Proposed amendment to
Tumbarumba Local Environmental Plan 2010
Planning proposal
Map 2











Appendix C

Biodiversity Stewardship Site Assessment Report

LGA s10A (2) (d)(i)



LGA s10A (2) (d)(i)



LGA s10A (2) (d)(i)



LGA s10A (2) (d)(i)



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Appendix D

Briefing document for SVC and DPHI



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Memorandum

15 March 2023

To: Jessica Holland
Manager, Western Region
Department of Planning and Environment
Level 1, 188 Macquarie Street
Dubbo NSW 2830

From: Christopher Colusso

Subject: Further information regarding the proposed subdivision at Lot 2 DP 556593 to facilitate a biodiversity stewardship site

Dear Jessica,

Thank you again for yours and Shili’s time at our meeting on 14 March 2023 relating to the proposed subdivision at the potential biodiversity stewardship site in Tumbarumba. Further to our meeting, this memo provides additional information on the proposed subdivision.

Snowy Hydro Ltd (Snowy Hydro) and Transgrid are currently progressing the Snowy 2.0 Transmission Connection Project (SSI-9717). The project involves a new substation within Bago State Forest and new transmission lines and access tracks within the Kosciuszko National Park in order to connect Snowy 2.0 to the National Electricity Market. The project is a declared critical State significant infrastructure (CSSI) project and was approved by the NSW Minister for Planning on 2 September 2022. Impacts to biodiversity values arising from the project are outlined in the Biodiversity Development Assessment Report (Jacobs 2022). A strategy to offset these impacts is provided within the Snowy 2.0 Transmission Connection Project: Biodiversity Offset Strategy (EMM 2022). This offset strategy includes provision of like-for-like credits from proponent driven offset sites.

A property (Lot 2 DP 556593) in Tumbarumba has been identified as capable of meeting a significant proportion of the offset requirements for the Snowy 2.0 Transmission Connection Project. The present and potential offset yield based on the average credit yield of [REDACTED] per hectare for the property is provided in Table 1.

Table 1 Estimated credit yields

PCT	Trading Group	Area (ha)	Estimate of credits generated
300	Southern Tableland Dry Sclerophyll Forests; <50%	49.57	[REDACTED]
953	Southern Tableland Dry Sclerophyll Forests; <50%	33.24	[REDACTED]
295	Southern Tableland Dry Sclerophyll Forests; <50%	18.43	[REDACTED]
Total ecosystem credits		[REDACTED]	[REDACTED]

Draft vegetation mapping of the site is shown in Figure 1.

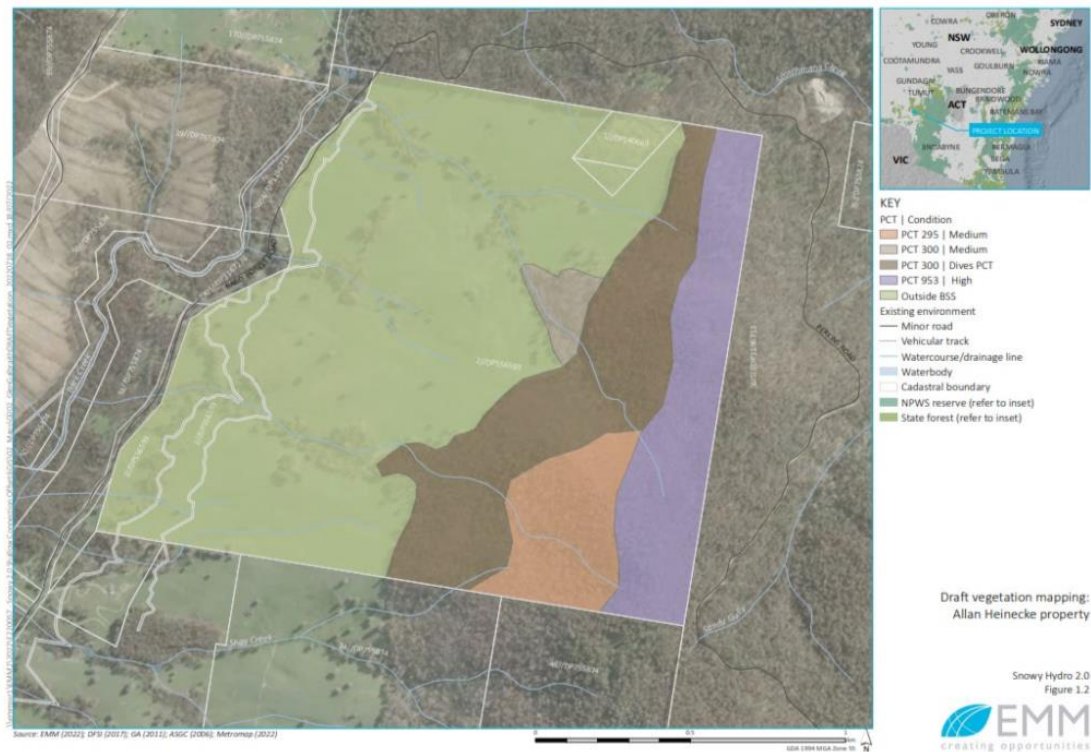


Figure 1 **Vegetation mapping**

The portion of the property earmarked for the subdivision to create the subdivision site is zoned C3 Environmental Management and RU1 Primary Production under the *Tumbarumba Local Environmental Plan 2010* (Figure 2). The minimum lot size applying to the C3 zoned portion of the site is 160 ha (Figure 3).

The site is currently 253 ha. The area of the site that is zoned C3 Environmental Management is about 91 ha, and the area zoned RU1 Primary Production is approximately 162 ha.

A potential alignment for the subdivision can be seen in Figure 1. This alignment would follow the area marked “outside BSS” on the key. The subdivision would create one lot zoned C3 Environmental Management of about 99 ha and a second lot zoned RU1 Primary Production of about 154 ha.

The property is privately owned. After subdivision, Snowy Hydro will either acquire or lease the site and enter into a biodiversity stewardship agreement, which once signed will see the land managed in perpetuity via funding from the NSW Biodiversity Conservation Trust, to maintain its biodiversity values.

Snowy Hydro met with Snowy Valleys Council in December 2022 to gauge their interest in an amendment to the LEP to allow the site to be subdivided. Council expressed initial support and recommended that Snowy Hydro progress discussions with DPE as to the potential for a planning proposal.

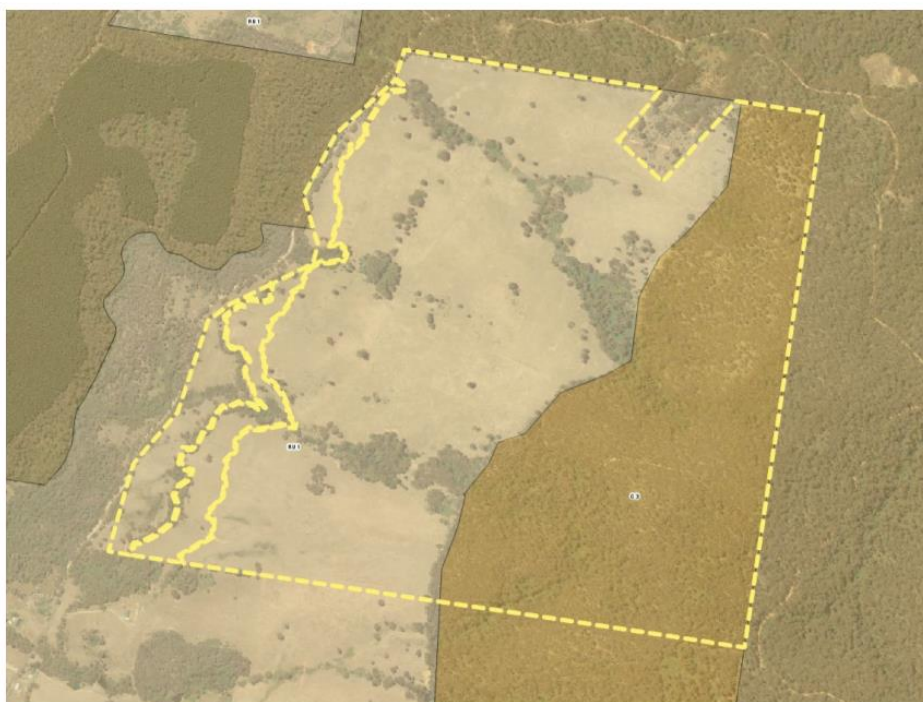


Figure 2 Zoning

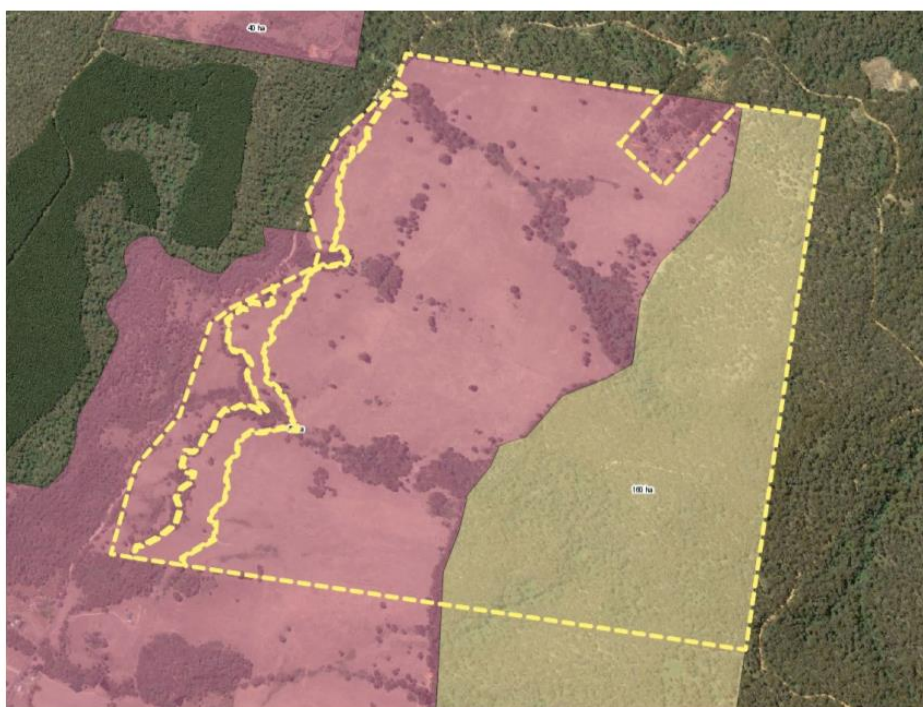


Figure 3 Minimum lot size

As discussed at our meeting, any feedback from the Department on the proposal to undertake a planning proposal would be appreciated. As also discussed, we will investigate with Snowy Hydro as to whether the land holder of Lot 2 DP 556593 also owns any other properties adjoining the lot.

Please do not hesitate to contact me on 0400 520 628 should you require any further information.

Kind regards,



Christopher Colusso

Senior Environmental Planner

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