



Newsletter No. 2

Dear 5KZ Landowner,

In this newsletter we outline what the Association has been doing for its members and supporters and the way forward that was agreed at the Workshop on 31st March.

Landowner Workshop

Our landowner workshop on 31st March 2019 was well attended. Those attending the workshop discussed the – recently enacted 5km development freeze zone, the Yass Valley Settlement Strategy 2013 and worked on developing a- an alternative strategy for ensuring that we get the best outcome for our land within the 5km zone along the NSW ACT border (5KZ).

The workshop attendees confirmed that the members of the Association should continue its efforts to oppose the Yass Valley Council's decision to freeze development in the 5KZ and to seek rural residential development and small acreage subdivision approval in the 5KZ.

The workshop attendees also agreed that the Association should adopt the following strategies for achieving that goal:

1. Continue to lobby Council to reconsider and change its proposed 5km pseudo green belt.
2. Make submissions to Council to amend the Yass Valley Settlement Strategy 2036 and to have the freeze on development in the 5km zone lifted.
3. Submit a planning proposal for the whole 5km zone that include a mix of urban, rural residential and reserve land.

As reported below, we later learned from the NSW Department of Planning and Environment (DPE) that the DPE has not endorsed the 5km zone nor the restriction on development in the 5km zone.

Meeting with the NSW Department of Planning and Environment (DPE)

Ross Di Bartolo and Bill Ginn from the Association met with Luke Musgrave and his assistant representing the DPE in Queanbeyan on Thursday 4th April 2019.

Our concerns and the issues we have with the Yass Valley Settlement Strategy 2036 were discussed with the DPE including the proposed development freeze in the 5KZ.

Mr Musgrave said that the South East and Tablelands Regional Plan is reviewed every 5 years and the next review is due in 2023. He said that the review process involved consultation with the public and the next review had not started. He was unable to provide a date for the consultative process to start. He also said that at this stage no changes were planned for the Regional Plan.

We discussed the impact and implications of the Regional Plan on development along the NSW ACT border in Yass Valley and that the restriction was unfair and inequitable to the landholders in the 5KZ.

Mr Musgrave emphasised that the Regional Plan was a very general plan that applied to - the whole region from South of Sydney to Eden at the very southern end of the state. He said that there would be variations in the application of the Regional Plan due to specific circumstances of each local government area. Some of those specific circumstances were covered in the Directions such as Direction 25 that applies to the area near the NSW ACT border.

The most significant outcome of the meeting was clarification of the DPE's letter in to Yass Valley Council in September 2018 regarding the Yass Valley Settlement Strategy 2036.

Mr. Musgrave said the DPE has not endorsed the creation of the 5km zone nor any restrictions on development in the 5km zone.

That is particularly significant for landowners as it means there is no freeze on development in the 5km zone.

It means that at this time, landowners in the 5km zone all have the same right to land development as has been given

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to the landowners in Parkwood, until the DPE changes its position on the 5KZ.

We should however be concerned about the DPE doing a backflip on its decision not to support a development freeze in the 5KZ.

Yass Valley Council met with the DPE in January 2019 where it tried to convince the DPE to endorse the 5km zone along the NSW ACT border and the restrictions on development. According to Mr. Musgrave, the DPE told Council to make a formal request and it would be considered.

Should the DPE do a backflip on the development freeze in the 5KZ then we would have no opportunity to develop our land beyond what is permitted under RU1 and 40 ha minimum lot size.

The Association will make a submission to the DPE that the DPE holds a full public consultation process before it changes any policy position or agrees to any future change of the Yass Valley Settlement Strategy 2036.

A copy of the Association's submission to the DPE, when completed will be placed on the Association's website with the DPE's reply.

Meeting with the Queanbeyan Palerang Regional Council

Ross Di Bartolo and Bill Ginn met with the Mayor and General Manager of the Queanbeyan Palerang Regional Council on Monday 1st April.

The Mayor outlined the process that was used to manage development along the NSW ACT border in the Queanbeyan Palerang Regional Council local government area. The approach taken demonstrated the Queanbeyan Palerang Council's focus is on achieving the best use of the land through rezoning and lot size adjustment.

The Mayor was asked how effective petitions were in achieving a desired outcome. He explained that often a petition for one side of the argument was countered by an equal number of people signing an opposing petition. The Council's experience was that their own surveys provided a better way of collecting views about issues in the local government area.

Nonetheless a strongly worded petition with a large number of landholders would require Council to consider

the views expressed in the petition and have the petition discussed at a Council monthly meeting.

We also floated the idea that perhaps Queanbeyan Palerang Regional Council should manage the southern end of Yass Valley Local Government Area as was the case until the LGA borders were adjusted about 10 years ago. The Mayor thought it was an interesting idea and said we could make a proposal to the NSW Boundaries Commission.

Overall, we received a sympathetic hearing and the mood was upbeat, informative and constructive

Meeting with a legal advisor

Ross Di Bartolo and Bill Ginn met with the principal of a local legal firm on Wednesday 3rd April to discuss legal options for the landowners in the 5km zone along the NSW ACT border.

Whilst there were several options available the advice given was that the –most expedient procedure for achieving change in land issues was to submit a planning proposal and if it is rejected by Council, take the matter to the NSW Independent Planning Commission. When that process had been exhausted then other legal action could be considered

It was also suggested that we can launch a class action, however this would be a last resort as it would be time consuming, complex and costly.

Summary of our investigations so far

1. Members of the Association have been working on this issue since August 2017. We have an organization, a website, a vision and a direction.
2. We have consulted with landowners across the whole 5km zone and created a vision for the 5km zone that was based on rural residential small lot size development.
3. We obtained landowner support for that vision at the meeting on 24th February and workshop on 31st March.
4. We proposed Council adopt our vision for the 5KZ, or a variation of it, but Council rejected it saying it had its own vision.
5. We have had meetings with all the key stakeholders in the 5KZ including the ACT Government, DPE, Yass

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Valley Council, Queanbeyan Palerang Regional Council and the Corkhill Bros, the Parkwood developer.

6. We have sought advice from Town Planners and the advice so far is that our vision is the right one for the 5KZ.
7. We have had informal meetings with potential land developers and obtained - on how to best achieve our goals.
8. We have a two-path strategy that involves lobbying key stakeholders and preparing a planning proposal for the 5KZ.

The situation we are in now

Ratepayers in the 5KZ we have had contact with all agree that the proposed 5KZ quasi green belt or 'buffer zone' created by the Yass Valley Council for north of the ACT is wrong.

It is wrong on several counts

- It is wrong on substance
- It is wrong on consistency with regional plans
- It is wrong on the process by which it was developed
- It is wrong on the arguments used to defend the policy.

A consistent broad consensus by affected 5KZ ratepayers is that Rural Residential with smaller acreage would be a desirable goal to pursue.

Landowners agree that opposing Yass Valley Council's settlement strategy that is already passed by Councillors would be difficult and would put the 5KZ group in an adversarial position with Council. We should try and achieve a win-win situation for Council and landowners.

So far, the DPE has not endorsed that part of the Council's strategic plan to create a 5KZ pseudo green belt buffer zone.

While the DPE has acknowledged that councils have a degree of autonomy in deciding land use in the local government areas, the DPE is presumably basing its decision to not endorse the 5KZ and any freeze on development because the 5KZ and freeze of development is not in accordance with the Regional Plan.

As a strategy for the Association, changing the South East and Tablelands Regional Plan is unlikely to help in future.

Besides, according to the DPE, The South East and Tablelands Regional Plan is not likely to change - it is a general statement that affects an area from Eden to Bowral and a review is years away.

So, the question we face is this: How do we get council to change its policy and how can we achieve our goal of rural residential with smaller acreage in the 5KZ?

That is the question your Strategy Team is addressing now. It was discussed at the workshop on 31st March. We will present our ideas on a strategy in the next newsletter.

We would like you to tell us how you think we should proceed.

Do we have your support?

You basically have 3 choices regarding the future of your land:

1. Do nothing and wait and see what Yass Valley Council does in 2036.

Note that some of us may not make it till 2036!

The Council's policy is clearly stated. It will focus development on Yass and create a pseudo green belt along the NSW ACT border. The DPE does not object to this approach even though it is the opposite of what is happening in Queanbeyan Palerang Regional Council area.

2. Do your own thing. Put in a development application and see what happens.

Your chances of success are slim. Council's and the DPE's policy is to stop isolated developments along the border that are not what is currently allowed – 40 ha minimum lot size with averaging.

3. Join -our landowners' group to work towards achieving an agreeable future use of your land in the 5KZ.

As a group and by taking a holistic view we will have a much better chance of achieving a better future for our land.

You can be 100% assured that unless everyone in the 5KZ provides support we will end up stuck with Council's decisions on the future of our land.

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You need to consider your options. Join the Association (\$30 pa non-voting, \$130 voting member) if you want to work with other landowners to achieve a better future for your land.

Feedback

Feel free to provide your comments in this newsletter or any other of our publications through our Facebook site or by email to 5kzplanninggroup@gmail.com.