



*"Comfortable Country Living"*

13 September 2016  
Your reference: PP\_2014\_BOGAN\_001

**Department of Planning and Environment  
Western Region  
PO Box 58  
DUBBO NSW 2830**

**Attention: Deniz Kilic**

Dear Deniz

Reference is made to recent discussions in respect of the planning proposal to amend the minimum lot size on land zoned RU1 Primary Production surrounding the township of Nyngan.

Following confirmation from Council's consultant in preparing the Flood Risk Management Plan for the land included under the Planning Proposal, it was evident that a high proportion of the allotments were located within the High Hazard Flood Category and the results of this would mean that to exclude those allotments from the proposal, the possibility of the Planning Proposal proceeding would likely only result in three (3) dwelling entitlements being created where there are no significant flood constraints and, would not require road upgrades to enable flood free access or egress.

A report noting the preliminary findings of the Flood Risk Management Plan was presented to Council's August 2016 meeting whereby Council resolved to not proceed with the current planning proposal. A copy of the resolution is attached for your records.

It is therefore requested that the Minister determine that the matter not proceed in accordance with Section 58 (4) of the Environmental Planning and Assessment Act.

It should be noted that further to the resolution to not proceed with the current arrangements of the planning proposal, it was also resolved to investigate a Rural Residential Strategy to strategically identify land suitable for intensification for residential purposes. The outcomes of this would therefore guide any similar planning proposals submitted to the Department. Council would appreciate any assistance you could provide in relation to preparing the strategy in the near future.

Should you wish to discuss the above matter further, please contact me directly on 02 6835 9017 or via [admin@bogan.nsw.gov.au](mailto:admin@bogan.nsw.gov.au).

Kind regards

Kayla Volker  
Senior Development and Environment Officer

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### 3 REZONING OF RURAL LAND OUTSIDE OF NYNGAN TOWNSHIP

*Summary:-*

- *A report is presented to Council on the status of the rezoning of land outside of the Nyngan township including a full timeline of events to date.*
- *Based on the preliminary findings of the Flood Risk Management Study commenced earlier this year, as required by the Gateway Determination issued by the Department of Planning, the Planning Proposal is recommended to be rescinded due to the number of proposed lots being located within the high hazard flood area and such risks to life in rezoning this land for residential development.*
- *It is further recommended that Council complete the Flood Risk Management Study and progress towards the preparation of a Rural Residential Land Strategy in order to strategically investigate all rural land that could be considered for future rural residential living opportunities and detail the supply and demand of such land for the Bogan Shire Community.*

**329/2016 RESOLVED that:-**

1. Council write to the NSW Department of Planning and Environment and retract the current Planning Proposal on the basis of the findings from the preliminary Flood Risk Management Study relating to the majority of land to be included under the current planning proposal being within a high hazard floodplain and not accessible by road in a 1% Annual Exceedence Probability flood event.
2. Council proceed to finalise a Flood Risk Management Study for Nyngan totalling \$56,550 (+GST) in order to complete the Bogan River Flood Study.
3. Council staff investigate the cost of preparing a Rural Residential Strategy in order to continue to meet the demand for rural residential living in the Shire with a future report to Council once consultant costs can be confirmed.  
(Ryan/Douglas)