



Mr Luke Pearce  
Fisheries Manager  
Aquatic Ecosystems  
Department of Primary Industries  
Unit 5, 620 Macauley Street  
**ALBURY NSW 2640**

email: [luke.pearce@dpi.nsw.gov.au](mailto:luke.pearce@dpi.nsw.gov.au)

Dear Luke

**PLANNING PROPOSAL TO RECLASSIFY RIVERFRONT PARCELS FROM COMMUNITY TO OPERATIONAL LAND**

I refer to your letter dated 9 February 2018 objecting to the above planning proposal and our subsequent telephone discussion with David Broyd, Michele Bos and myself on Thursday 15 February 2018.

In addition to that telephone discussion, Council provides the following response to the grounds of objection that have been submitted on behalf of the Department of Primary Industries:

1. *A key objective under the Fisheries Management Act 1994, Sect 3 is to promote quality recreational fishing opportunities and to provide social and economic benefits for the wider community of New South Wales. Both Anglers and DPI Fisheries have identified loss of angler access and limitations on use as a major concern in the delivery of these key objectives. The proposed reclassification of land is viewed by the department as a loss of angler access and amenity, these sites are currently accessible via the river and some via crown roads and therefore provide access and amenity to recreational anglers which will be lost should the reclassification occur.*
2. *The Murray and Darling Rivers are highly valued and angling destinations and they are stocked annually for the community by DPI Fisheries under the Departments stocking programs. Given the importance of this existing perpetual and legal access to the rivers for anglers through these lands, DPI Fisheries asks that council, as manager of the land retains the legal right of unobstructed passage and use of the land for the public.*

**Response to 1. and 2.**

Respecting loss of angler access and limitations on what is now riverfront public land as important and valid issues, Council has to take a "bigger picture" perspective and submits that:

- 2 of the 20 riverfront lots recommended for re-classification have a public road enabling direct access being:
  - Lot 2, DP 583614, Neville Street, Wentworth;
  - Lot 3, DP 616182; Boeill Creek Road, Boeill Creek;
- 17 of the 20 riverfront parcels are land locked - only accessible through adjoining privately owned land and therefore not accessible by land by anglers or the general public;

- While acknowledging that these sites are accessible via the river, none of the 20 riverfront parcels are signposted as public reserve and all of the riverfront parcels which are public reserves Council owned parcels are indistinguishable from the rest of the riverfront land adjoining – most of which is privately owned land;
  - These riverfront lots are not able to be maintained (due to being land-locked) to be acceptable for landing sites for boats or to have the amenity and/or safety features appropriate for use by anglers and members of the public;
  - In addition to the impediment of these riverfront parcels being land-locked, Council has very limited resources (financial and human) for proper maintenance of these parcels. Also, costs are relatively high because of the geographic diverse locations of these parcels;
  - By reclassifying the parcels and (potentially) conditionally selling them to adjoining owners, Council will use any consequent income for embellishment and maintenance of other more accessible riverfront public reserves – so net public and planning benefits will be achieved in the context of Council's limited resources.
3. *The current classification of community lands affords these lands greater environmental protection, with the reclassification of these lands to operational and the subsequent sale of the land to adjacent landowners would reduce the protection the environmental and ecological aspects of the lands. Activities that potentially impact on the aquatic environment and key fish habitat such as clearing or riparian vegetation, construction of retaining walls, boat ramps, jetties, de-snagging and other such activities as have been seen on other similar riverside freehold lands.*
4. *The degradation of riparian vegetation and the removal of large woody debris are both listed as Key Threatening Processes under the Fisheries Management Act 1994, this imposes certain requirements upon authorities when authorising and activity or development that may involve instream woody habitat removal or the degradation of riparian vegetation. For further information see the department's website; <https://www.dpi.nsw.gov.au/fishing/species-protection/conservation/what-current>*

#### **Response to 3. and 4.**

The legal protection, as embodied in State legislation and the Wentworth LEP 2011, for environmental assets and values of the riverfront remain unchanged by the proposed re-classifications. Indeed, because Council cannot access 17 of these parcels, Council Policy and conditions of sale, which will include a package of information from Office of Environment and Heritage requirements (as proposed by OEH in their submission), will legally embody that protection with higher levels of committed maintenance.

#### **Riverfront Parcels recommended for re-classification which have, or potentially have public road or unmade crown road access include the following lots:**

- Lot 2, DP 583614, Neville Street, Wentworth;
- Lot 3, DP 616182; Boeill Creek Road, Boeill Creek;
- Lot 10, 735148, Pooncarie Road (land dedicated with subdivision for access but unmade and high cost to construct);

Our Reference: DOC/18/2695  
 Your Reference:  
 Prepared By: Michele Bos  
 Phone: 03 5027 5027  
 Date: 23 February 2018

The following table and associated maps shows the extent of community accessible land adjacent to the riverfront in Wentworth. As it can be seen, around 243,416 square metres of maintained, signposted land is available for public use in and around the township of Wentworth.

#### Riverfront Public Open Spaces in Wentworth

Site	Length	Area (m <sup>2</sup> )
3	253.2	9157.98
6	586.5	59900
7	1248.5	128400
8	240.4	14200
9	165.4	4387
10	332.6	26300
15		1072
<b>Total</b>	<b>2826.6</b>	<b>243416.98</b>

The sites identified in the map below, directly adjacent to the river, will be the subject of a future planning proposal to rezone those sites from RU5 Village to RE1 Public Recreation zone. This will ensure they are protected from any future development pressure that removes them from public recreational use.



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Projection: GDA94 / MGA zone 54

Date: 3/08/2016

Created By: Maddison Cisco

#### Attachment 2: Proposed Wentworth Zone Map

Map Scale: 1:15082 at A3

Our Reference: DOC/18/2695  
Your Reference:  
Prepared By: Michele Bos  
Phone: 03 5027 5027  
Date: 23 February 2018

It is requested that any written response to this letter be returned to Council by no later than Friday, 16 March 2018. Should you wish to arrange a meeting to discuss the contents of the submission from DPI and our response contained in this letter, please contact either myself or Michele Bos, Strategic Development Officer, to arrange a suitable time and venue.

Yours sincerely



**KEN ROSS**  
**DIRECTOR HEALTH AND PLANNING**