



Mr Damien Pfeiffer
NSW Department of Planning Industry and Environment
Director Regions
Western Planning Services
PO Box 58
DUBBO NSW 2830

By Email: Damien.Pfeiffer@planning.nsw.gov.au

Dear Mr Pfeiffer

PLANNING PROPOSAL PP_2019_WENTW_001_00 26 NORTH ROAD GOL GOL

Council is writing to the NSW Department of Planning, Industry and Environment (DPIE) in response to its correspondence dated 11 April 2019 concerning Planning Proposal PP_2019_WENTW_001_00. This letter states the planning proposal is considered not to have adequate strategic merit and additional justification is required.

After reviewing the letter and DPIE's rationale for not supporting the proposal at this stage, Wentworth Shire Council (WSC) would like the department to review its decision based on the following considerations:

1. The DPIE's guide to preparing planning proposals outlines, under 2.3.1 Section B Question 3 – Assessment Criteria, (a); dot point 3 on page 13 suggests a planning proposal can have strategic merit if it is 'responding to a change in circumstances...'

WSC believes DPIE has failed to consider that the basis for this planning proposal is due to local land holders and developers responding to changes in circumstances in our shire. There has been a noticeable and significant increase in demographic trends in the neighbouring towns of Buronga/Gol Gol; trends that are not recognised by existing strategic plans or the DPIE's 2019 Population Projections.

Despite the DPIE's 2019 Population Projections which show a Shire wide population decline over the next twenty (20) years; WSC local statistics projects an upward trend in population and we envisage the population of Buronga/Gol Gol to increase from approximately 2735 at 2016 to approximately 3054 by 2021 and again to 4742 by 2040.

To support this projection, WSC has relied on subdivision applications and development approvals as well as locally centric data sourced from the Australian Bureau of Statistics (ABS).

2. The DPIE's guide to preparing planning proposals outlines, under 2.3.1 Section B Question 3 – Assessment Criteria, (b); dot point 2 on page 13 that a planning proposal can have strategic merit if it 'has regard to existing, approved and likely future uses of land...'

However, WSC believes DPIE has failed to consider that the existing surrounding land uses per the current Wentworth Local Environmental Plan 2011 are: RU5 – Village on the western side and R5 – Large Lot Residential on the eastern side. Furthermore, the BGGSP clearly shows the future zoning of the lots immediately north of this proposal; these lots will be amended from RU1 – Primary Production to R5 – Large Lot Residential. As such WSC believes the proposal has site specific merit.

3. In your letter it states, 'it is advised the strategic work (i.e.; BGGSP) should be completed or at a point that provides clear evidence that demonstrates the subject land should be used for residential purposes...'. It also states, 'the Structure Plan (BGGSP) will provide adequate justification...' and 'the information around the growth of Buronga/Gol Gol is required to support the rezoning of rural to residential land...'.

WSC believes DPIE has failed to consider and acknowledge the BGGSP as a supporting document. At this stage, it is important for the DPIE to note that the proposed land uses shown on page 36 of the BGGSP is not going to change. WSC believes that aside from some minor edits and amendments to improve the documents aesthetics, the current content and proposed land uses will remain. Therefore, WSC also believes the BGGSP is at a point that provides clear evidence and unequivocal intention that demonstrates the subject land should be used for residential purposes.

As such, WSC believes DPIE should have considered the BGGSP and afforded it sufficient weight to support the proposal – even at the draft stage.

4. Additionally, the question WSC puts to the Department is: What criteria was used to deem this proposal 'premature' in relation to the BGGSP? As far as WSC is concerned, this Planning Proposal has:
 - a) a Council Resolution which serves to justify and support the land use amendments
 - b) a planning proposal assessment supporting the amendments
 - c) a draft plan i.e. the BGGSP which clearly demonstrates the site- specific merits of the proposal
 - d) Justification by way of a projected increase in population and demographic trends just for Buronga/ Gol Gol

The term 'premature' from a planning point of view is not one often used in statutory instruments if at all in NSW, let alone used as rationale in a decision-making process. WSC is of the opinion that based on the reasons outlined above, the term 'premature' and the Departments rationale for deeming this proposal as such is fallacious, improper, and unreasonable.

WSC reminds the Department that the administrative power it holds, in this case, has adversely affected the proponent and WSC strategic planning staff by way of time and resources required to address DPIE's concerns. I convey to the Department the impact this decision has had on the reputational damage WSC has experienced regardless of whether that damage is perceived or real – the effect is the same.

5. The Department has expressed concern around the existing packing shed on the subject site. Council has received advice from the proponent that he will relocate the shed once he has confirmation the land will be re-zoned. To facilitate this, Council will contact the proponent to advise them to put forward their request in writing to amend the proposal to allow a gateway determination to proceed.

6. The letter has asked for Council to advise that we are satisfied that adequate work has been undertaken to support the proposal in terms of potential contamination. As part of this Planning Proposal, DPIE would have received the Environmental Site Assessment.

This report states that no immediate action is required from a regulatory or operational point of view, as there are no plausible pathways for the contaminated soil to be a threat to the environment. Therefore, I can confirm that Council is satisfied with the remedial actions required of the proponent once gateway determination has been given.

7. The letter requests further information regarding impacts of development of the proposed waterfront allotments. It also requests additional analysis of how Council will manage subdivision of land fronting waterfronts.

I note that this issue affects this planning proposal as well as that of Wilga Road. Therefore, the response below will serve to address DPIE's concerns for both sites as well as similar future sites.

In this matter, WSC believes DPIE has not reviewed geographical/topographical information; which demonstrates that the land along the creek frontage is shown as not being included in the any of the lots applicable to either of the planning proposals (being North Gol Gol and Wilga Road). Therefore, the creek frontage can be retained for public use for the benefit of local residents and visitors. It is envisaged that the creek frontage will provide public open space for pedestrians and cyclists. The creek frontage is uncleared and remains in its natural state which is one of its attractions for new residential development. It should also be noted that the lots applicable to the planning proposals have all been cleared and previously used for horticultural purposes. However, the creek frontage vegetation has remained intact.

8. WSC would like to take this opportunity to get ahead of any additional issues the DPIE may have. As such, the Department has previously sought further information with regard to flooding impacts on new residential development from the Gol Gol Creek.

The enclosed map has been extracted from the current draft Flood Study being prepared by Advisian. The map (as enclosed) shows the predicted flood levels from the Murray River in a 1 in 100 flood event. As it can be seen the impact from the flood does not enter the Gol Gol Creek. This is because a regulator is in place to control the level of water that flows in to the creek from the Murray River.

Should you require additional information; have any questions or would like to discuss these matters further, please do not hesitate to contact me on (03)5027 5027 during office hours.

Yours sincerely



MATTHEW CARLIN
DIRECTOR HEALTH & PLANNING

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