

5th June 2017

Kim Angel

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Narrandera NSW 2700

Dear Councillors,

I write to you out of anguish and disappointment in our NSC development department.

What was an exciting time with prospects of building my dream home on the land that my family hold dear to our hearts, has been nothing but unnecessarily stressful. As a humble compassionate person, naively I had thought my Shire would have been helpful in assisting both my Mother and myself with direction, instead we have felt challenged with unapproachable and confrontational NSC representatives. We have had six different staff members all put my DA into the too hard bag. NSC development department have needed to source advice from Wagga Wagga, Sydney, Dubbo, Leeton and Griffith. The one question when we first approached NSC was "what do I require to be able to build"?

2013 – No, not permissible in a RU4 zone. No, as the old Dwelling that I wish to rebuild, NSC have no record of the dwelling there for, it is an illegal structure. I requested to speak with or have a meeting with [redacted] had bluntly said all matters need to go through her first and she was to going to seek advice from Wagga.

2013/2014 – letter from [redacted] March 2013 stating I would need to have 750ha to have another dwelling. "No further guidance". Letter from my Mother Roslyn Angel in April regarding LEP to replace existing dwelling. Reply Letter May 2013 stating that dwelling on lot 1 was a replacement for the dwelling on lot 78 and again referring to clause 4.2C that the dwelling must be habitable. "No further guidance". (The house on lot 78 was rented out by both my Great Grandmother and Grandparents there for should it be classed as a replacement?) After numerus calls and visits to NSC with no suggestions to pursue, my mother mentioned to her accountant [redacted] about our predicament, he had suggested this to go to a full council meeting. My mother then replied in a letter in November 2013 asking for this very motion. With no reply until 21st January 2014 with a letter stating council is reviewing your letter dated May 2013 and will respond within 14 days from letter date. On 29th January 2014 [redacted] had email Wagga Wagga Town planner to ask advice for lot 78.

2014 [redacted] and [redacted] 27th February met with my mother and myself. suggested to my mother we would need to subdivide, or if we wished to go with the intensive agriculture path we would need to show a good income off the land to grant a 2nd dwelling for this outcome to be viable. [redacted] then suggested spot rezoning would be an option and he would seek recommendation in going down this path from DOP [redacted]. With no response from DOP, [redacted] emailed me on the 21st March 2014, "I haven't heard back from Planning and Infrastructure. We are preparing a report to Council for your dwelling. We need you to lodge at DA to get this process rolling. Going this way won't require rezoning. [redacted] will be in touch with you to discuss further. – Please TRIM to the property file. Regards [redacted]"

A meeting with [redacted] eventuated on 31st March 2014 of what was required to submit the DA. Under the impression my DA was going to a council vote and rezoning was now off the table, I gathered everything that NSC requested. After many back and forth emails and phone calls with [redacted] I had been told that the report was to go before council in July, then it changed to an August meeting. I was unaware that 4 options were in the report, one being to prepare a spot rezone planning proposal, - This was the actual outcome. With my disappointment, I wrote to the Mayor and General Manager in regards to the decision on 1st October 2014, to no avail. I pursued a consultant in preparing a compelling argument report in which he required a formal indication for the proposal that I have support from council before he could proceed. This also went to a council resolution in January 2015. With a letter of support granted. My consultant investigated the process, probable outcome and estimated cost. His response was that, applying for Spot Rezoning will be very lengthy process of 12 months + with estimated cost \$10,000+ with a high risk of being unsuccessful with no refund.

I then proceed to write a letter to, The Manager of DES and General Manager at NSC 20th April 2015 to pursue Clause 4.2B Rural subdivision and erection of dwelling for intensive plant agriculture. As my life's circumstances had changed and could now dedicate myself to a business plan that I had planned for in the future, I requested what I would need to provide or amend my DA and if my application could go before a full council for a decision.

2015/2016 [redacted] and [redacted] reply 22nd May 2015 from [redacted] acknowledging my letter and that the relevant council officer will respond in due course. With no response I phoned to be told Leeton are looking into my DA. With no feedback I wrote to [redacted] on the 6th July 2015 again requesting that my DA goes to a council meeting as I fit the criteria for LEP 4.2B and would need to utilise 4.6 Exceptions to the development standards. I appealed to the Council if they could be flexible to achieve a suitable resolution for the usage of the land in allowing me to rebuild on the site of the existing dwelling and not 100meters into viable horticultural land, as NSC had told me I would not be able to build on the river front.

Late July 2015 [redacted] instructed me to update my SEE as a report was being prepared for council. I proceed to update and add annexures to accompany. I wrote to [redacted] on August 4th 2015 asking if both previous letters 20th April 2015 and 6th July 2015 could be attached to report and all councillors receive a copy in advance to the meeting. This did not eventuate.

I had a meeting at NSC with [redacted] and [redacted] in early September 2015. Thinking it was in regards to the report, [redacted] had sought advice from Griffith planner [redacted] words were " [redacted] has said I can utilize LEP 6.9 2b development on a river front area and that I would need a good Engineer to meet reports required to cover clause 10.3 in the DCP, I would also need a flood investigation for potential impacts." [redacted] also said "we should move fast if [redacted] is prepared to approve the DA and this would be an easier way then going down the intensive agriculture path as this could involve years of monitoring the DA". I agreed and he also made it clear when I had said, "I would still want to plant once settled". [redacted] replied that "I would still need approval from council to put any species croo in". I asked his advice on whom I should get as an Engineer, we discussed whom [redacted] had used. I had as I jokingly said I would not want my house built on stilts like the one at [redacted] and [redacted] had replied " [redacted] ". He suggested Angelo Piccolo at Xeros.

I proceeded to have Angelo handle the Engineer report working alongside with PHL Surveys for a new SEE and architect Mick Fallon for an accurate house plan with elevated engineering floor plans. With [redacted] confirming via email, alterations and additions to the

existing dwelling is permissible under the clause 6.9 and the LEP is silent as to how the extensive the alterations /additions, therefore council would have no objections to retaining 1 or 2 chimneys in the alterations to attach to the new dwelling to the old as long as it is no closer to the river. Feeling pressure as [redacted] had said "we need to move fast" both Xeros Engineering and Architect Mick Fallon all did not having a clear understanding of what was required and finding Griffith Planer [redacted] was uncontactable, I was given [redacted] number a Planning consultant whom was also uncontactable.

Growing frustration with length of time and being put into the too hard bag I appointed MJM Consulting to take over everything, as I felt overwhelmed and depressed by the long drawn out process and being advised with multiple avenues by multiple people.

MJM had the Flood investigation done. The finding was that the land was not inundated in the 100yr ARI event and as such, certification of flooding impacts is not required for the development. After MJM Engineers consulted in correspondence with NSC, everything that was requested was submitted by 6th October 2016. On the 8th December 2016 a letter from [redacted] requesting me to withdraw my DA and submit a new DA. With point form reasons why.

- Original DA does not refer to intensive agriculture.
- Original DA does not include estimated costs for works with intensive agriculture.
- Location of floorplan has changed
- Existing DA has been on stop-the-clock since 16th September 2014.

I was infuriated as I was unaware that my DA has been on stop-the-clock since 16th September 2014, I was now been told of this in December 2016? Could or should someone have told either myself or MJM during countless communications? My original DA should not refer to intensive agriculture as I never submitted a DA for intensive agriculture. The only time I raised the discussion was in the letter dated 20th April 2015, asking to see if the Council would support me in utilizing the intensive agriculture, as I fitted the criteria but would need council to be flexible in allowing me to build on the pre-existing site. I attached a SEE and Business plan to accompany this report. As for the Site floorplan it was NSC that had me amend the plan twice as I was told by [redacted] that I would need to build 100meters away from the river. It has been NSC that have request new or amended floorplans, SEE, Flood investigation, and proper house plan including elevation. It was NSC that requested me to put in a DA and it is now NSC requesting me to withdraw my DA.

All I ask is that the council would honour irrespectively of the advice provided from past and or present staff and take into consideration my circumstances in coming to a resolution.

I am a good community person that is not seeking capital gain from my DA only to reside on my owned and occupied ancestral land with being able to assist and care for my mother now as she has heath issues, and in the future to maintain a profitable sustainable property for future generations of my family. I have good neighbours that are supportive of my DA, I have no intention of withdrawing as I am prepared to undertake whatever I need to do to be able to build, even if need to obtain legal advice.

Engineers, Surveyors, Architects and Consultants have cost me greatly in time, patients and money but more upsetting has been the time this process has taken and to be no further ahead in almost 5 years with no positive outcome.

Sincerely,



Kim Angel