

FILE NOTES: Kim Angel - DA/065/2013/2014

Date: Updated 30/06/2017

Details	Action By	Date Due
Summary of DA requested by Julian Geddes	Helen Ryan	25/11/16

26/02/2013	Email chain - from (NSW) (planner): received enquiry to subdivide Lot 78, give to daughter to build dwelling; request for advice.
26/02/2013	Email chain - from to : response.
27/02/2013	Email chain - from to : Exponare map showing three lots and location of habitable dwelling and non-habitable building. Note that daughter wants to subdivide Lot 78, not purchase all of it (from mother).
27/02/2013	Email chain - from to : response. <i>"All of the lots containing the dwellings are in one holding. The only habitable dwelling is on Lot 1. This is the dwelling which runs with the holding. It looks like the dwelling on Lot 1 is within the lot boundaries. If so that lot could be sold with the dwelling. However the remainder of the holding would have no dwelling right. Options - sell the dwelling on Lot 1 as part of the three lot holding, or sell the dwelling and lot and leave the remaining lots with no dwelling right. When the LEP is gazetted this will change the zone provisions and the response."</i>
21/03/2013	Letter to Roslyn Angel: advice that no dwelling entitlement is permissible under 1991 LEP.
22/04/2013	Letter from Roslyn Angel: requesting advice that new dwelling entitlement is permissible, referencing draft LEP 5/07/2011, providing photos of derelict house.
30/04/2013	Email chain - from to : requesting advice to respond to Roslyn Angel's letter.
14/05/2013	Letter to Roslyn Angel: confirmation that the three lots are considered one holding; that the dwelling on Lot 1 was erected as a replacement for the dilapidated dwelling on Lot 78; that cl 17 and 18 from LEP 1991 cannot be used for an additional dwelling on the holding; that draft LEP is not gazetted; that old dwelling is not habitable and has been abandoned; that second dwelling is prohibited by the 1991 LEP and proposed LEP.
14/11/2013	Letter from Roslyn Angel to GM: requesting assistance to advance DA (note, no DA submitted at that time); "no reason why a replacement dwelling cannot be built"; want to start building ASAP; assisting them, suggested could go to full council meeting for a decision.
17/01/2014	Email from GM to : following up complaint from Roslyn Angel that there had been no response to letter of 14/11/2013. Requesting matter being reviewed, expect response, review with Frank and Ray
21/01/2014	Referenced from letter from Kim Angel dated 8/10/14: letter from apologising for delay

29/01/2014	Email chain - from [redacted] to Anthony Newland [redacted]): requesting advice whether entitlement exists for Lot 78 under LEP 2013.
29/01/2014	Email chain - from Anthony Newland to [redacted]): detailed response; recommend owner consults town planner and agronomist for advice on what is required to comply with cl 4.2B.
02/2014	Referenced from letter from Kim Angel dated 8/10/14: meeting with [redacted] and [redacted] who suggested spot rezoning; seeking advice from Planning NSW
25/02/2014	Email chain - from Anthony Newland to [redacted]): advising dwelling entitlement could be granted if intensive plant agriculture were established under DPI guidelines
03/2014	Referenced from letter from Kim Angel dated 8/10/14: email from [redacted] advising no response from Planning NSW; asking to lodge DA to get the process rolling; going this way won't require rezoning; [redacted] will be in touch.
30/06/2014	Application received for new dwelling. New dwelling to be located approximately 100m from Murrumbidgee River; not on site of existing old dwelling. DA/065/2013/2014 - Lot 78 DP665468 Fees receipted DA revenues \$1080 + PlanFirst \$160 (receipt 85785)
19/08/2014	Report to Council: recommendation that Council refuse the application.
15/09/2014	Letter from [redacted] to Kim Angel: advising Council resolution to defer the determination of the DA and provide opportunity to prepare spot rezoning.
16/09/2014	Stop the clock - noted in DA register
1/10/2014	Letter from Kim Angel: unhappy with decision to defer determination for spot rezoning to Planning NSW. <i>"I understand that my development in RU4 zones does not comply with requirements in NLEP ..."</i>
8/10/2014	Letter from Kim Angel: advising in writing to further pursue a planning proposal to seek spot re-zoning.
9/10/2014	Letter from Judy Charlton to Kim Angel: apologising for the protracted process: explained resolution by Council; Judy determined Council has done all it could, alternative was to refuse DA.
8/12/2014	Letter from PHL Surveyors: advising acting for Kim Angel to pursue a planning proposal for spot rezoning, change from RU4 to R5.
20/01/2015	Report to Council: recommendation that Council support applicant in planning proposal to rezone.
10/02/2015	Undated letter from [redacted] to PHL Surveyors: advising Council's resolution to support applicant in planning proposal to rezone.

6/02/2015	Email from Cr Hall to Judy Charlton: request for assistance to progress Kim Angel's case. Acknowledges that existing rights not available due to derelict state of existing building.
20/04/2015	Letter from Kim Angel: Requesting information about utilising Clause 4.2B (Rural subdivision and erection of dwelling houses for intensive plant agriculture) of LEP?; wishes to keep option to spot re-zone on table, but lengthy, expensive process that may not be successful. Accompanied by business plan to install plantation to meet intensive plant agriculture. Accompanied by comments from planner Anthony Newland (who prepared the NLEP 2013) advising Kim Angel consults a competent town planner, agronomist and get good advice, before lodging DA.
15/06/2015	Meeting notes between Kim Angel, <ul style="list-style-type: none"> • Application needs to be resubmitted. • Discussed options to withdraw original application, submit new application, or submit modification. • Kim wanted to be closer than 100m from bank, preferably 40-50m. to check. • comments noted on copy of Statement of Environmental Effects
06/2015	referred query to GCC
6/07/2015	Letter from Kim Angel: advised does not wish to subdivide; asked surveyor to amend SEE regarding 4.2b and to utilise clause 4.6 exceptions. Asked that council is flexible, allow to rebuild onto existing dwelling and no closer to the river bank. Request to prepare report for council meeting.
4/08/2015	Letter from Kim Angel: updated Statement Environmental Effects with attachments: Anthony Newland email to 29/01/14, Business Plan, fact sheet, Certificate of Title.
25/09/2015	Email from to Kim Angel: advising that planning advice has determined "that retaining of a single chimney should be ok for your purposes. Clause 6.9 of the LEP is silent as to demolition and any limitations in terms of extension or alteration and therefore we would have no objection to your concept proposal subject to consent." (Advice received from: , GCC)
6/10/2015	Email from to Kim Angel: confirming alterations and additions to existing dwelling are permissible under Clause 6.9.
7/06/2016	Email from MJM Consulting: preparing plans and structural analysis for Kim Angel. Requested ARI flood height information.
7/06/2016	Email from to MJM Consulting: flood height cross sections.
8/06/2016	Email from MJM: requested flow velocity for the location.
10/06/2016	Email from to MJM: investigated, advised council doesn't have flow velocity.
5/10/2016	Email from MJM Consulting: submitting building design plans and BASIX certificate for proposed alterations and additions, letter regarding potential flood impacts.
	Planned to refer to , due to at least partial past knowledge. not available.

11/11/2016	<p>Delay between 10/10/2016 and 11/11/2016 was D&E oversight. Identified during DA Update meeting.</p> <p> and reviewed file and past documentation. Too complex to be assessed in-house.</p> <p>Identified number of differences in original DA location and also floorplan. Did not include intensive plant agriculture.</p> <p>No updated SEE as referenced by Kim Angel in 07/2015.</p> <p>Agreed to request revised application and SEE as DA already on STC and had already been requested on 15/06/2015.</p> <p>Preferable to have all information before referring to LSC.</p> <p>Determined not necessary to notify neighbours or RFS.</p> <p>Send courtesy email to NOW when update information received.</p> <p>Likely to need Koala Plan of Management prepared.</p>
14/11/16	<p>Telephone conversation between and Stephanie, MJM.</p> <p>Follow-up email from to MJM requesting:</p> <ul style="list-style-type: none"> • existing DA be withdrawn due to time on STC and changes • new DA be lodged due to change of location of build, change of floor plan, intensive plant agriculture • updated estimated cost of works • review of SEE (confirmation of accuracy)
15/11/16	<p>Telephone conversation between and Kim Angel:</p> <ul style="list-style-type: none"> • explained the conversations with Stephanie • explained pre-assessment had been undertaken • advised that Stephanie was not told Council would refuse the DA • explained that Council did want an updated application (as per meeting 15/06/2015) due to different location, floor plan, updated costs, etc • asked whether MJM would be acting for Kim (not answered) • forwarded copy of email from 14/11/16
24/11/2016	<p>File reviewed. No updated Statement of Environmental Effects submitted.</p> <p>Summary to 24/11/2016 and file given to s for review.</p>
28/11/2016	<p>Review of file and process to date by and .</p>
29/11/2016	<p>Email from MJM: noting discussions with Kim Angel. Statement of Environmental Effects (undated) attached. Noted in email as being provided by Kim Angel in October 2015.</p>
29/11/2016	<p>Telephone conversation between and MJM Consulting: clarified inaccuracies regarding location, floor plan, SEE contained in their email of 29/11/2016. Confirmed that Council would follow-up with Kim Angel.</p>
2/12/2016	<p>Telephone meeting between Garry Salvestro (Salvestro Planning), , , : advice on required support documentation, intensive agricultural activity, deferred commencement, etc.</p> <ul style="list-style-type: none"> • Garry to email additional information. • to draft letter to be given to Kim Angel. • and to arrange meeting with Kim Angel.

8/12/2016	Letter to Kim Angel (emailed) confirming new DA required and SEE revised to include intensive agriculture. telephoned Kim requesting a meeting w/c 12/12/2016, but Kim unavailable. Agreed that letter would be emailed.
9/12/2016	Kim Angel met with . and : <ul style="list-style-type: none"> • Kim Angel did not expect the option to be necessary. • Kim expected that the advice regarding clause 6.9 allowed her to build without the intensive ag option. • explained the difference between permissibility to build (cl 4.2B) and permissibility to build close to the river (cl 6.9). • explained that the confusion about the many methods that Kim had endeavoured to get consent was the reason we were asking for a new DA application. Given the seemed to be the only option, the DA application and SEE needed to reflect it. • Kim said that the family had already been told they had existing right to rebuild. advised that he would check that and review the file while Kim was away. • Agreed to meet again once Kim and returned from leave in 2017.
9/01/2017	Email to Garry Salvestro, Salvestro Planning: requesting another review in relation to dwelling entitlement
12/01/2017	Email from Garry Salvestro, Salvestro Planning: response regarding dwelling entitlement enquiry. Conclusion that no dwelling entitlement exists to add and additional dwelling.
17/01/2017	Letter to Kim Angel: summary of advice, a. cannot be termed an existing dwelling; b. cannot be termed an existing holding.
31/03/2017	Email to Kim Angel: follow-up to letters 8/12/2016 and 17/01/2017 plus withdrawal form.
5/04/2017	Email from MJM Consulting Engineers: believes existing use applies.
6/04/2017 & 7/04/2017	Email to Garry Salvestro, Salvestro Planning: seeking response to MJM email. Email from Garry Salvestro, Salvestro Planning: confirming use abandoned, no existing use applies.
5/05/2017	Email to MJM Consulting Engineers: planning advice received; Council's position unchanged.
5/05/2017	Letter to Kim Angel: further independent advice sought; Council's position unchanged. Offer to withdraw DA and Council will refund fees in good faith.
18/05/2017	Email from Cr Hall: request for report to Council. Kim Angel requested to supply timeline.
14/06/2017	Email to Kim Angel: request that timeline be supplied by 30/06/2017.
30/06/2017	Email from Kim Angel: letter to Councillors describing process dated 5/06/2017.