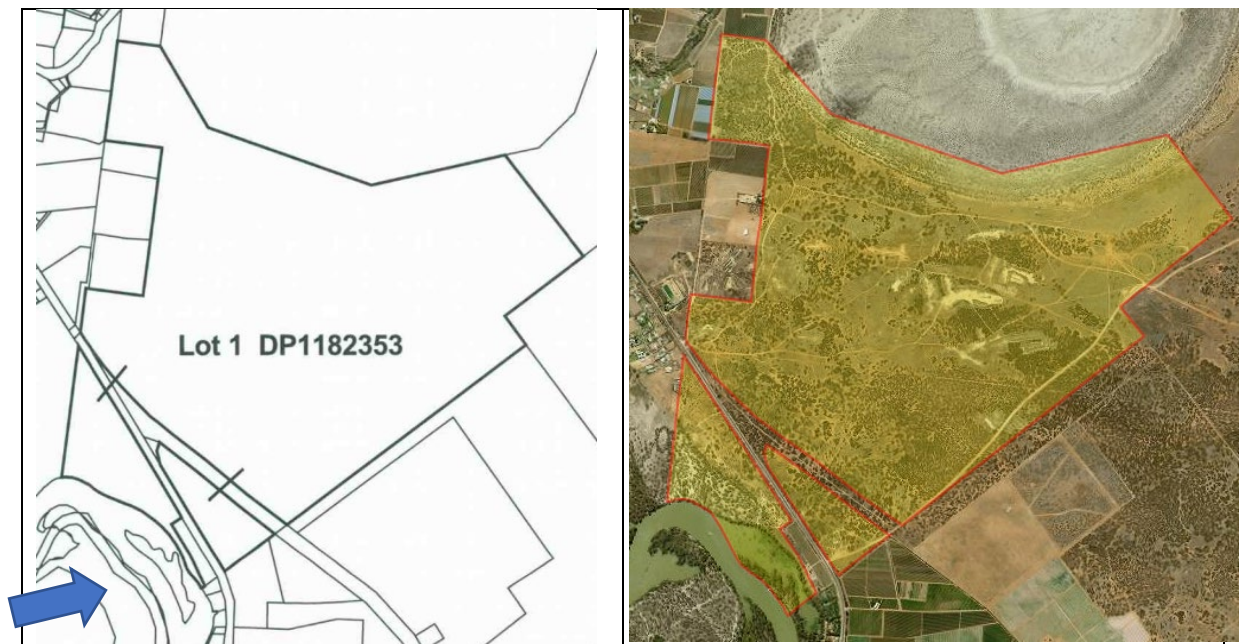


North Bank Planning Proposal – review of submitted information and advice on additional information required for consideration by the Independent Planning Commission

1. Clarification of Site to be rezoned

The planning proposal refers to the site as being Lot 1DP 1182353. This seems to be clear on the Deposited Plan map that accompanied the planning proposal (below left), however a search of the NSW Government Spatial Services website (Sixmaps) shows a different lot boundary on the Murray River in the south east corner of the site (below right) and includes areas zoned W1 Natural Waterways under Wentworth LEP 2011. This requires clarification as the consent master plan image also shows some development in this location.



2. Economic justification for the development

The proposed concept masterplan which the planning proposal includes would facilitate a significant increase in the supply of land for residential, commercial, retail and tourist related uses. While the Far West Regional Plan 2036 includes a number of Directions and Actions supporting tourism development in the region and Wentworth LGA, the development, as proposed in the planning proposal and concept master plan is not included in the current strategic plans for the locality including the Wentworth Local Strategic Planning Statement and the draft Gol Gol Structure Plan. These are both recent strategic planning documents and convincing economic justification is required for the IPC to depart from them. This information is critical in establishing strategic merit and needs to be undertaken by a suitably qualified expert in economic assessment. The current Planning Proposal lacks any quantitative analysis of the proposed land uses in terms of areas and potential floorspace that could be generated. This information is fundamental to any planning proposal that changes or intensifies land use, particularly in the absence of any Council economic study or strategy and is required for Gateway determination.

There is the need to undertake an economic market potential assessment, which will be required to investigate the economic need for the project. In addition, any likely impacts on existing or proposed facilities in the area should also be included as part of an economic impact assessment.

While details on the specific composition and timing of the development is yet to be determined, the type of analysis required in an economic assessment would include:

- Customer segments likely to utilise facilities at the project (i.e. residents, workers, tourists)
- Analysis of the local resident demographic profile (age, income, household structure, population growth etc.)
- Analysis of visitor/tourist profile (demographic, age, level of expenditure, length of stay, reason for visiting etc.)
- Forecast growth rates for each customer segment to determine future demand (taking into account government policies or strategies/vision for the region)
- Audit of existing (and proposed) facilities and uses in the catchment area (this would evaluate the existing supply/competition) including but not limited to:
 1. Retail
 2. Commercial
 3. Accommodation
 4. Tourist activities/recreation

For each of the above, a review of characteristics such as location, size and quality, price point, offer, vacancy rates and occupancy would be recommended.

- Based on the above assessment, a review of the economic need or opportunity can be undertaken to determine the size and type of uses likely to be supportable in the market. This can identify any 'point of difference' or gap in the market currently and in the future based on projected growth.
- Assessment of the likely impact of any future development on existing (and proposed) facilities in the broader region would also need to be undertaken as the project progresses through the planning stages but this could be the subject of a separate economic impact assessment.

3. Contamination

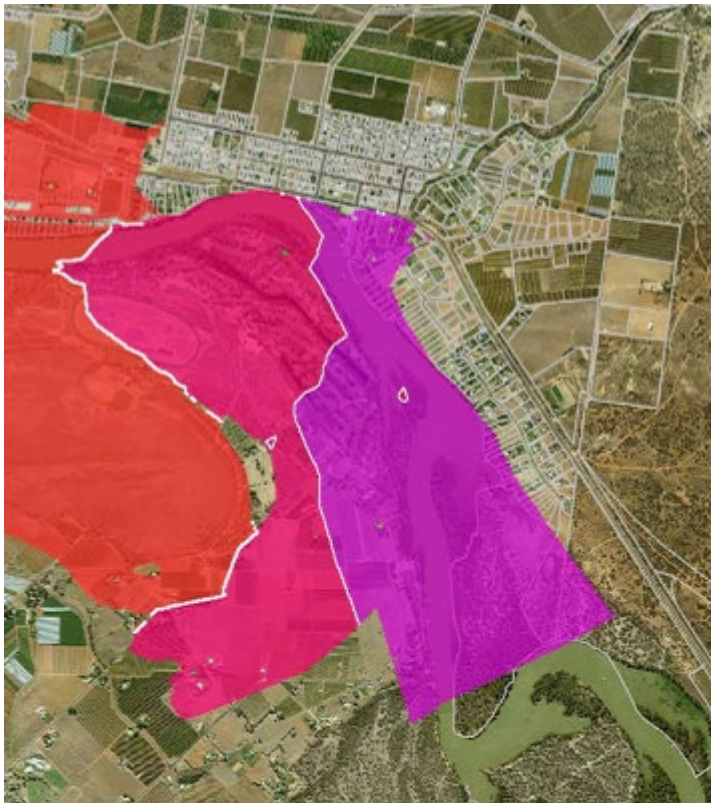
Ministerial Direction The land has formerly been used for agriculture and intensive horticulture. SEPP 55 requires a phase 1 assessment of the site. A Phase 1 assessment is a high level desktop assessment that looks at the current and historic uses on the land and advises whether there is the potential for contamination on the site. If potential areas are identified then a more detailed Phase 2 assessment (on site testing) is undertaken. The Phase 2 assessment is generally undertaken at the development application Stage, unless the Phase 1 investigation identifies a significant risk of contamination. As stated, the former use of the site for agriculture or intensive horticulture is an automatic trigger for a Phase 1 assessment, as are any current or former quarry areas on the site.

An aerial photo view of the site would indicate however, that the site would be largely free from specific activities that generally create contamination concerns (farm sheds, petrol tanks, sheep dips etc). Notwithstanding this, A Phase 1 assessment by a qualified contamination expert should be undertaken prior to the Gateway Review.

4. Flood Assessment

The Department has raised the lack of a flood assessment as a key issue as this is required by the Section 9.1 Ministerial Direction 4.3 – Flood Prone Land. I have sought clarification on this matter with Michele Bos at Wentworth Shire Council in terms of the recent flood modelling undertaken which is shown in the draft Buronga Gol Gol Structure Plan, recently on public exhibition. The flood modelling shows the 1 in 100 year flood event for a small portion of the Planning Proposal area but the information discontinues on the site. Notwithstanding this, the information would indicate the majority of the site to be flood free, with flood affectation likely to be located along the Murray River shoreline and largely in alignment with the change in topography and vegetation in this area. This area in particular will require further flood assessment to establish the flood depth and hazard on this part of the site. The concept master plan for the site that accompanied the planning proposal does show some development in the area likely to be below the flood planning level on the Murray River foreshore. It is recommended that these areas be revised to remove any sensitive or habitable development from this area unless it can be demonstrated that the flood risk is acceptable, which at present has not been established.

It is noted that a recent Planning Proposal for the Kelso Station site, north of Wentworth on the Darling River was granted conditional Gateway Approval which deferred flood assessment to being required prior to public exhibition on the basis of revised advice from the Department. The Independent Planning Commission may also agree to defer this information requirement, however would only be likely to do so on the basis that land use and subsequent development in this area be clearly described as being subject to the results of the flood assessment.



5. Current Economic Value of the Land for Agriculture

Information submitted to Council in response to this issue lacked any quantitative basis. Having said this, there does not appear to have been any significant intensive horticultural activities undertaken

historically on the site and aerial photos confirm that recent uses are extensive dryland grazing which is lower value. The site is also not in a defined irrigation district. This use would be resolved with verification from an agronomist or other qualified expert that the land is not high value in terms of agricultural production. Information on any water licences, or lack of, associated with the land should be provided.

The site does adjoin land developed for horticulture. The Planning Proposal needs to include a provision to the effect that adequate buffer areas to adjoining horticulture will be included in the detailed design of the development to prevent land use conflict.

6. SEPP 50 Canal Estate Development

Canal Estates are prohibited in NSW under SEPP 50. The Department has questioned the design of the beach swimming lagoon area in this regard. We don't agree that this is an issue that, in itself, requires resolution at Gateway as there would be the opportunity for the detailed design of this area to be informed by SEPP 50 and designed to be a permissible development. Notwithstanding this, the submission to the IPC should clarify that future design for this area will ensure compliance with SEPP 50 and that the future development would not be a canal estate.

7. Ecology / Koala Habitat

It is understood that the site has largely been cleared and information verifying the approval for the land clearing has been submitted as additional information to Council. In regard to Koala habitat, the assessment of the planning proposal was undertaken while the former SEPP 44 Koala Habitat was in force. The SEPP was repealed in February 2020. SEPP 44 required an assessment of habitat to determine if vegetation on the site was *Potential Koala Habitat* and if so a further more detailed assessment is undertaken to determine if the site is *Core Koala Habitat* in which a population of Koalas is known to be present. Large areas of the site north of the Sturt Highway, have been cleared and would have been unlikely to contain feed tree species scheduled in the SEPP. However, the parts of the site along the Murray River foreshore are likely to include River Red Gum which, if this species constitutes at least 15% of the total number of trees in the upper or lower strata of the tree component, would make it potential Koala habitat. These areas are limited on the site and an assessment of whether they constitute Potential Koala Habitat or Core Koala Habitat should be undertaken by a suitably qualified expert. These parts of the site along the river foreshore, it should be noted, are mapped on the Koala Development Application Map or as being investigation areas for Koala Plans of Management under the new Koala Habitat Protection SEPP, therefore an assessment will be required as to whether there is core Koala habitat prior to any development taking place.

An ecological assessment would generally accompany a planning proposal of this scale in a non-urban context. Given the majority of the site is now cleared, such an assessment would not be likely to be significant or time consuming in terms of verifying if there is Koala habitat or other threatened species populations or ecological communities. A full assessment of ecology under the Biodiversity Conservation Act 2016 could be deferred to DA stage, should the site be rezoned, however a preliminary assessment of vegetation types on the site should be undertaken.

8. Utilities and infrastructure

You will need to consult with utility providers regarding their long term plans and ability to service the site. The Planning Proposal lacks detail with regard to the number of potential residences and non-residential floorspace. The ability to service the development will be a key determinant of its strategic merit. Notwithstanding that the development is proposed over a long timeframe, the

proposal will need to demonstrate long term infrastructure provision is feasible. Consultation with Wentworth Shire Council regarding future upgrades to water and sewer service and preliminary advice that future upgrades can be accommodated, should be undertaken and included in the revised Planning Proposal to go to the IPC. This would also apply for electricity and other relevant utilities.

9. Bushfire Assessment

The site is mapped as Vegetation Category 1, Vegetation Category 2 and Vegetation Buffer on the Bushfire Prone Land map. The affected areas however have recently been cleared of vegetation. The Department's determination report stated that, notwithstanding the clearing on the site, the Planning Proposal did not have regard for managing and addressing bushfire hazard, as required by Ministerial Direction 4.4. The Determination report did however acknowledge that this issue could be addressed through consultation with the Rural Fire Service following Gateway determination.

10. Cultural Heritage

Ministerial Direction 2.3 requires that Planning Proposals contain provisions that facilitate the conservation of:

- b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and
- c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.

Generally, the above is satisfied by a survey undertaken in accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects* (DECCW 2010). This report includes at the very least information with regard to the location of any sites on the Aboriginal Heritage Management System (AHIMS) and a visual inspection of the project area.

The correspondence included in the Planning Proposal is signed by an Elder of the Barkinji People and pre-dates the introduction of the Due Diligence Code of Practice. Notwithstanding this, the Planning Proposal was prepared and submitted in 2015 which was 5 years after the introduction of the code of Practice.

Clarification should be provided as to whether Aboriginal Elder was a member of the Land Council. This will at least technically meet the requirements of Ministerial Direction 2.3. However, the Independent Planning Commission would be expected to raise this issue as part of their consideration. The Planning Proposal would be strengthened by having a search of the AHIMS database undertaken and any registered sites on, or in the vicinity of the site recorded. A commitment should also be made that a new survey, in accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects* Would be undertaken prior to public exhibition of the planning Proposal should it proceed through the LEP Gateway.

11. Traffic Assessment

For a large development such as North Bank proposal, a traffic assessment should be submitted with the Planning Proposal to be able to assess the current level of service of key intersections, any future changes to this level of service and potential road infrastructure upgrades. Such an assessment will

require overall development yields for each type of development. There is currently no information provided in the Planning Proposal regarding the ultimate development yield or proposed staging. Notwithstanding the long timeframe for development proposed, this information is required as part of any planning proposal for a rezoning of this scale and complexity. Given the location and generally low traffic environment, it could be argued that this issue could be deferred to be undertaken prior to exhibition. However, there is no guarantee that the IPC will agree to this.