



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

via email to: westernregion@planning.nsw.gov.au

Dear Damien

PROPOSAL TO AMEND WENTWORTH LOCAL ENVIRONMENTAL PLAN 2011 – NORTHBANK ON MURRAY

Wentworth Shire Council has received a submission from the planning proposal proponent, Grand Junction, in response to the Department of Planning Western Region Assessment Report.

The submission Council has received includes two separate letters. One letter responds to and addresses the inconsistency of the Assessment Report with New South Wales strategic planning policies, particularly tourism. The second letter highlights errors and/or omissions contained within the report and responds to these in detail.

Grand Junction as the proponent has requested that the Department review the attached submission and arrange for representatives to meet with them and Council to discuss the way forward to allow for the progression of the proposal.

Council requests that the Department consider the merits of the submission from Grand Junction and provide a written response to both letters addressing the issues raised.

Council also requests the Department issue a Gateway Determination in accordance with the resolution made at its Ordinary Meeting 17 May 2017.

Should you wish to discuss any matter raised in this letter, please contact Michele Bos of the Health and Planning Division on 03 5027 5027.

Yours sincerely

**KEN ROSS
DIRECTOR HEALTH & PLANNING**



Grand Junction

6th November 2017

Ms Katrine O'Flaherty
Director Regions, Western
NSW Department of Planning and Environment
PO Box 51
Dubbo NSW 2830

**Re: NORTHBANK ON MURRAY PLANNING PROPOSAL
CONSISTENCY OF DPE PLANNING REPORT WITH NSW GOVERNMENT STRATEGIC
PLANNING POLICIES**

Following our telephone meeting in September I write to provide further information on the Planning Report's consistency with NSW Government Strategic Planning Policies. We will be providing a separate letter with comments on other aspects of the Planning Report including errors therein.

Stephen Murray's letter of 18 July 2017 claims "the Department supports well planned tourism and economic/business opportunities within Wentworth Local Government Area". However, the Planning Report upon which Mr Murray's letter based is:

1. overwhelmingly negative and unbalanced; and
2. discourages tourism development in Wentworth.

The Planning Proposal was unanimously approved by Wentworth Shire at its Council Meeting on 17 May 2017 and newspaper coverage of the Planning Proposal evidences the extremely supportive response by the Wentworth community. Notwithstanding this the DPE officers based 800km away in Dubbo ignore this local opinion and barely mention that the proposed tourism development has any benefits at all.

The negativity and content of the Planning Report is contrary to NSW Government Policy and consequently it cannot be relied upon for decision making purposes. It is inconsistent with or fails to consider the objectives of the EPA Act, DPE's Strategic Planning Policies and NSW Government Plans and Strategies in the following respects:

OBJECTIVES OF EPA ACT

Northbank on Murray will support the sustainability and growth of the small community of Gol Gol in far south west NSW. The EPA Act in Object 5(a)(i) talks of ".....cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment". Please note the reference to towns and villages, not just cities. It is our view that the Department has inadequately considered the social and economic welfare of the community in the case of Northbank on Murray.



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NSW Planning Western Region takes a tokenistic approach to promoting the social and economic welfare of Wentworth Shire which is inconsistent with Object 5(a)(i) of the EPA Act. Illustrations of this include the lack of population targets in the Far West Plan and the "rusty old ute" image used to promote the Far West Regional Plan (see attached).

NSW 2021 PLAN

The NSW 2021 Plan has as Goal 3 "DRIVE ECONOMIC GROWTH IN REGIONAL NSW". Further it states "Our strategy is to encourage decentralization – steady and strategic growth in our regions. This will require a focus on regional infrastructure and job creation. Actions to support job growth include....Develop Regional Action Plans which harness business opportunities and address impediments to growth in each region.....Support regional business growth through tailored programs and local facilitation services.....Our strategy to increase the population in regional NSW will support balanced population growth across the State, invigorating regional economies and relieving congestion pressures within Sydney".

The Planning Report makes no reference to the NSW 2021 Plan and is inconsistent with it as it discourages regional investment and job creation.

NSW GOVERNMENT'S RESPONSE TO THE REGIONAL PLANNING INQUIRY

In May 2017 the NSW Planning Minister released the Government's Response to the Regional Planning Inquiry. The Response stated "The NSW Government has released the 'Making it happen in the Regions: Regional Development Framework', a holistic approach to regional development aimed at tangible improvements in economic and social outcomes.....As far as possible, this focus aims to build capacity, ensuring that regions have the skills to be competitive and self-sustaining over the longer term.....The DPE is investing in case managers to ensure that regionally significant developments and planning proposals are not delayed through bureaucratic processes.....The Government will also continue to work with local government in regional NSW to build the opportunities for growth, seek opportunities to promote regional development and assist proponents and stakeholders.....the Government's regional plans provide an opportunity to assist in stimulating regional development".

The Planning Report makes no reference to the Government's Response to the Regional Planning Inquiry and is inconsistent with it as it is discouraging regional development.

MAKING IT HAPPEN IN THE REGIONS: REGIONAL DEVELOPMENT FRAMEWORK

The NSW Department of Industry's 'Making it happen in the Regions: Regional Development Framework' has strategic planning status as it was endorsed in the NSW Government's Response to the Regional Planning Inquiry. It states "The Framework is the first of its kind and provides an overall vision across Government



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for regional development in NSW, building on previous regional plans and will work as a point of reference for future work to deliver for regional NSW. The Framework will help the Government identify impactful opportunities that can make a real difference to regional communities”.

The Framework presents a clear vision of:

- A whole of Government approach to regional development
- The Government partnering with and encouraging private sector projects that encourage regional development
- Encouraging regional tourism with the Government directly funding \$300m for regional tourism development

The Planning Report makes no reference to the Government’s Regional Development Framework and is inconsistent with the Framework’s Vision.

FAR WEST REGIONAL PLAN AND MURRAY REGION TOURISM DESTINATION MANAGEMENT PLAN

In relation to the Far West Regional Plan:

- Minister Roberts introductory letter states “Significant opportunities exist for tourism, taking advantage of unique ‘outback’ experiences, dynamic communities, as well as European and Aboriginal culture”.
- Direction 5: Promote tourism opportunities states “The region appeals to domestic and international visitors as it offers an authentic outback experience.....Tourism opportunities that help to extend the time visitors spend in the region need to be further explored.....Tourism generates employment and business growth that contributes to better economic outcomes for Aboriginal communities.
- Action 5.6 states “Investigate development of a tourism trail between Balranald, Wentworth, Mallee Cliffs [where Northbank is located], Mungo and Yanga floodplains”
- Action 5.8 states “Align local land use and tourism strategies with the relevant Destination Management Plan [here the Murray Region Tourism Destination Management Plan]”.
- Action 5.9 states “Identify opportunities for tourism and associated land uses in local plans”
- Action 21.6 states “Consider cross-border land use, infrastructure and tourism strategies when planning for the region.”
- The Local Government Narrative for “The region’s south – the meeting point of the Murray and Darling rivers” states priorities are “Promote tourism opportunities.....Foster strong cross-border networks and connections with neighbouring Victorian settlements, including Mildura.....Expand tourism activities and visitor experiences.....Expand tourism opportunities and experiences”

Page 11 and 12 of the Planning Proposal discusses consistency with the Murray



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Region Tourism Destination Management Plan and other Mildura Tourism Strategies. However the Planning Report does not consider the Destination Management Plan notwithstanding that Action 5.8 of the Far West Draft Plan requires this and the Far West Implementation Plan 2017-19 lists Action 5.8 as an "Immediate" priority with Partner responsibility by DPE. Action 5.9 is also identified as a Short Term priority but it is almost impossible that this Action can be met in DPE's nominated timeline. Given we are nearing the end of 2017 and it takes a approximately a year to finalise a Planning Proposal the Action will not be met unless the Northbank Planning Proposal is supported.

The Far West Regional Plan is referred to in the Planning Report but it is not analysed and the Far West Implementation Plan 2017-19 and the Murray Region Tourism Destination Management Plan are not discussed. The Planning Report should be consistent with the Actions required of DPE by the Far West Regional Plan.

Wentworth Shire has been described by NSW Tourism as the "Gateway to the Outback". This is particularly the case with Mungo National Park and Northbank would be a very appropriate gateway to Mungo. There is potential to include an Indigenous Cultural Centre in the mix of activities at Northbank.

DRAFT MURRAY REGIONAL STRATEGY OF OCTOBER 2009

The Draft Murray Regional Strategy of October 2009 discussed tourism in more detail than the Far West Regional Plan does. It stated on page 33 "Continued growth in tourism is strongly supported as a way to build the economic strength of the Murray.....Tourism will strengthen the economic vitality of the Region. It will build on the environmental assets and the social and cultural identity of the Region. Tourism will be sustainable and not deplete or degrade the environment of the Murray.....Tourist development in the Region will help to make towns and villages more sustainable.....Where possible, sites identified for new large scale tourist related development will be in or adjacent to existing settlements".

While a Draft Strategy the DPE has referred to this document numerous times since 2009 and it is consistent with the finalized Far West Regional Plan. Again the Planning Report fails to consider this Draft Strategy.

WHY IS DPE WESTERN BEING SO NEGATIVE?

We do not believe it is controversial to say that the DPE, at all levels, has very little understanding of Wentworth Shire as it is so different to Sydney and Eastern NSW. DPE clearly understands harbourfront casinos, skyscrapers, urban subdivisions and open cut mines, all of which impact the environment a thousand times more than the Northbank Planning Proposal. The Northbank Planning Proposal is one of a very small number of Planning Proposals statewide that have been recommended by a Council and returned by the Department. It is odd that Council's and the communities strong support for the Planning Proposal has been ignored when statewide much larger projects with much higher environmental impacts are passed through the Gateway by DoP.

Northbank on Murray will encourage regional tourism which is a key element of the



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NSW 2021 Plan and the Departments Western Region Plan and we submit these matters have also been inadequately considered.

We are seeking contact with the Minister for Tourism, Deputy Premier and Destination NSW as the inconsistency of NSW policy interpretation is discouraging our investment in NSW.

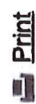
After you have considered this letter and our other letter re errors in the Planning Report we suggest another meeting with DPE Western and Council to see if there is a way forward.

Kind regards

Yours sincerely

Bob Wheeldon

Director



Print



MINISTERIAL MEDIA RELEASE

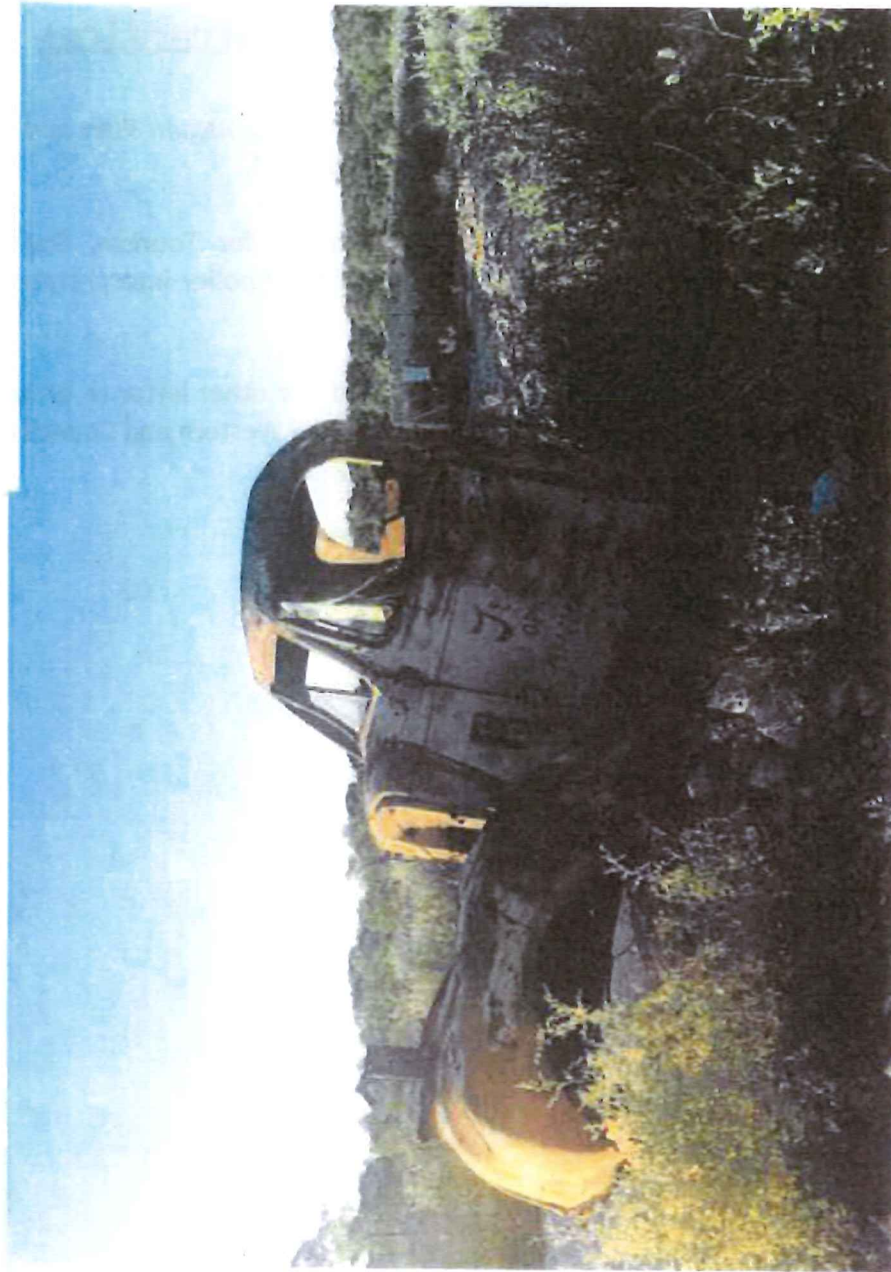
Far West Regional Plan for Outback NSW

Date
Type
Author

22.08.2017

Ministerial Media Release

The Hon. Anthony Roberts, Minister for
Planning and Housing





GrandJunction

6th November 2017

Ms Katrine O'Flaherty
Director Regions, Western
NSW Department of Planning and Environment
PO Box 51
Dubbo NSW 2830

**NORTHBANK ON MURRAY PLANNING PROPOSAL
ERRORS, INCONSISTENCY AND MISINFORMATION IN DPE PLANNING REPORT**

Following our telephone meeting in September I write to identify Errors, Inconsistency and Misinformation in the Planning Report. We request that you consider these comments as the basis for a further and balanced discussion with us and Council.

We have concerns with the Planning Report prepared for the Director Regions, Western, which are detailed in the attached document "Northbank on Murray: Planning Proposal Assessment Comments". We believe Department of Planning (DPE) should address these concerns and reconsider the matter. Without adjustment to the Planning Report and process for the preparing the same we fail to see how Grand Junction and Des and Joyce Lush can be accorded procedural fairness.

DPE'S OBLIGATIONS IN RELATION TO PROCESS

We submit DPE must act in accord with the principles of procedural fairness in addition to complying with the DPE's Code of Conduct as per below.

A. PROCEDURAL FAIRNESS

In "Good Conduct and Administrative Practice – Guidelines for State and Local Government (2nd Edition)" NSW Ombudsman sets out guidance to public officials in relation to expected standards of conduct.

https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0016/3634/Good-Conduct-2nd-edition-amended.pdf

These Guidelines includes 4.6 "Correcting mistakes", 4.8 "Providing redress for maladministration" and 5.4 "Providing procedural fairness". In particular 5.4.2 states decisions must be made "acting only on the basis of logically probative evidence". This is a fundamental rule of procedural fairness articulated in by the High Court in ABC V Bond (1990).

As detailed in the attached "Northbank on Murray: Planning Proposal Assessment Comments" we submit that the Planning Report Recommendation has not been made based on logically probative evidence. "Absent probative evidence, the decision fails to meet the test of reasonableness, logicity and rationality" (Para 52-080 Development and Planning Law in NSW, John Whitehouse). In relation to the Planning Report this is due both to reliance on incorrect information and omission of essential information.

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The most significant of these relates to the Planning Report selectively considering the Aurecon Report and failing to adequately consider the reply to the Aurecon Report. Many of the key elements of the Aurecon Report that were relied upon were factually inaccurate and consequently was not logically probative evidence.

We believe that we should be accorded redress in accord with Cl 4.6 "Good Conduct and Administrative Practice – Guidelines for State and Local Government (2nd Edition)" NSW Ombudsman.

B. DEPARTMENT'S CODE OF CONDUCT

Clause 4.2 of the Department's Code of Conduct requires the Department to "treat members of the public and our colleagues fairly and **consistently**, in a non-discriminatory manner with proper regard for their rights and obligations".

The Planning Report is not consistent with other Planning Proposals endorsed by the DoP. We request that our Planning Proposal be assessed by consistent standards and framework to other Wentworth Planning Proposals.

One clear example of this is the suggestion in the Planning Report a SEPP 44 Koala Habitat Report be required. This was not required by the DPE Western for the Kelly/Trentham Cliffs Planning Proposal which contains a similar riverine environment.

Another example is the Planning Report's criticism of the level of information in the Planning Proposal when it is objectively the most detailed Planning Proposal ever produced from Wentworth Shire. Two recent tourism based Planning Proposals for land nearby to Northbank (Kelly/Trentham Cliffs and Jewel Markets) were recently supported through the Gateway by DPE notwithstanding that they contained minimal information and were not even prepared by the proponents.

The Jewel Markets Planning Proposal was approved at the Gateway Stage even though almost all that site was mapped as flood liable land. In the Jewel case the proponent was required to get a flood study done as a condition of the Gateway. For the Northbank Planning Proposal flood issues are being used to delay consideration of the Gateway Approval even though flood planning is a consideration for less than 5% of the site.

We request DPE consider the attached and have another discussion with us and Council.

Kind regards

Yours sincerely

Bob Wheeldon

Director

Northbank on Murray

Planning Proposal Assessment Comments

Page 1

ERRORS

- Proposal heading states the proponents are seeking rezoning from *"W1 Natural Waterways and E3 Environmental Management"*. This is incorrect as all land on Lot 1 is currently zoned RU1. No rezoning of inundated billabong zoned W1 has been sought.
- Stated part of site is zoned E3 – that is not correct
- The site contains *"a small vineyard operated by the local school"*. Incorrect as the school lot is a separate title and adjacent.

OMISSIONS

- The site is also used for grazing, illegal camping by trespassers and illegal rubbish disposal by trespassers. Viable economic use of the site will allow these activities to be controlled.
- Should be made clear that proportion of site that is flood prone is minimal being less than 5%

Page 2

ERRORS

- *"The proposal is unclear in that the rezoning of the land is for the primary purpose of tourist related development, notwithstanding that several tourist related land uses are already permissible with the existing RU1 Primary Production zone"*

It is completely clear that the primary purpose is for tourism development. The appropriate zones have also been extensively discussed with Council. The tourism activities allowed in the RU1 zone are very limited and exclude most retail and tourism and visitor accommodation. It is true that some low value tourism uses, eg. Golf courses, can be permitted in the RU1 Zone but NSW Planning's policy is to select the most appropriate zone for land and consider impacts at zone boundaries. Activities permitted with consent in the RU1 Zone

include “Intensive livestock agriculture”, “Offensive Industries” and “Open cut mining”, all of which should be kept as far away from a tourist facility as possible.

- *“There is no justification for the extent of business zones, nor justification for the lack of development controls”*

The proponent initially suggested to Council that the whole site be zoned SP3 and that a Development Control Plan for the site be created. Council felt it was better to split the site into different zones so as to separate retail/entertainment areas from the more land intensive uses such as golf course/swim lagoon. Aurecon criticized inclusion of a Development Control Plan so it was deleted. The proponent is happy to see a DCP for the site or none but would like some clarity.

- *“It is unclear how, simply by rezoning the land, the large scale, integrated tourism development as proposed would eventuate across the 693 hectare site”*

Rezoning in itself does not make any development occur, it simply makes it allowable. This statement could be applied to any rezoning. The development occurs because a developer believes the development is viable. It is clear however that a large-scale development cannot occur without the State permitting it.

- *“The proposal does not address the draft Wentworth Rural Land Use Strategy or the Buronga Gol Gol Structure Plan”*

The Wentworth Rural Land Use Strategy is not public and has not been adopted so it cannot be used as a basis for making planning decisions. The proponent specifically requested the land be considered as part of the Buronga Gol Gol Structure Plan approximately ten years ago but it was excluded from the Structure Plan Boundary. To our knowledge the required review of the Structure Plan has not taken place.

OMISSIONS

- *“No site-specific development control plan is proposed”*

The proponent initially suggested to Council that a Development Control Plan for the site be created. Aurecon criticized inclusion of a Development Control Plan so it was deleted. The proponent is happy to see a DCP for the site or none but would like some clarity.

MISINFORMATION

"Proposal does not address the draft Wentworth Rural Land Use Strategy or the Buronga Gol Gol Structure Plan". The Wentworth Rural Land Use Strategy is not public and has not been adopted so it cannot be used as a basis for making planning decisions. The proponent specifically requested the land be considered as part of the Buronga Gol Gol Structure Plan approximately ten years ago but it was excluded from the Structure Plan Boundary. To our knowledge the required review of the Structure Plan has not taken place.

Page 3

ERRORS

- *"proposal does not contain any information regarding agency or community consultation"*

Page 22 and 23 of the Planning Proposal references a meeting with the RMS and suggests other referral authorities.

- *"There is no evidence to indicate that preliminary agency consultation has been undertaken"*

The Planning Proposal statement is in itself evidence of the RMS meeting. Council also attended this meeting. In any event the proponent has acknowledged it was preliminary and further RMS consultation was required.

- *The documentation does not address Council's existing Buronga Gol Gol Structure Plan, which is also applicable to the proposal"*

Page 21 of the Planning Proposal discusses impacts on Buronga Gol Gol. The proponent specifically requested the land be considered as part of the Buronga Gol Gol Structure Plan approximately ten years ago but it was excluded from the Structure Plan Boundary. To our knowledge the required review of the Structure Plan has not taken place. The proponent has agreed to an Economic Assessment that would include impacts on the Buronga Gol Gol area. Perhaps local enthusiasm for the Planning Proposal should also be considered.

- *"it does not justify the large scale of the development, or adequately address the economic, environmental, social or infrastructure impacts"*

Page 21 of the Planning Proposal discusses impacts on Buronga Gol Gol and the supporting letter. To quote point 14 of the letter "Reducing the potential scale of the development by

staged zoning will eliminate the advantages of having numerous different tourism activities in the one location. It will reduce viability and the project will not proceed in Wentworth and will be pursued in another area/State". Land is one of the few advantages Wentworth has and the Department should allow Wentworth to use this advantage.

MISINFORMATION

- *"The Council officer report provided no opinion within the reporting as to whether the proposal is supported or not supported"*
DPE were provided with advice that the Council decision was unanimous and of the very favourable community reaction as evidenced by newspaper coverage.
- *"There is no local strategy prepared for the subject land"*
The Planning Proposal refers to numerous local strategies that impact the subject land including the tourism and economic development strategies.

Page 4

MISINFORMATION

- *"The scale of the development has the potential to significantly impact the existing retail and business centres of Gol Gol, Buronga, Wentworth and Mildura"*
The proposed economic study will identify any impacts, which are expected to be positive. Wentworth is 30km away so there will be minimal retail/business impacts there. Mildura is in Victoria and it is about time the NSW Government started considering its citizens in border communities. Mildura Tourism has provided more positive encouragement for the Planning Proposal than any NSW Government body.
- *"The removal of approximately 693ha of potential agricultural land with frontage to the Murray River is not considered to be of minor significance"*
The land is in a low rainfall area with low agricultural production potential without irrigation. There is an enormous surplus of irrigable land and a significant shortage of irrigation water. 693 ha may be a lot of land in eastern NSW but in the 2.6million ha of Wentworth Shire it is insignificant being 0.027% of the Shire's land.

- *"The proposal will result in the prohibition of mining activities on the land"*

The land is adjacent to residential land, the Murray River and the highway so mining is already severely restricted on the land and it is unlikely mining would ever be approved on the land. There is no mining proposal for the land anyway.

Page 5

ERRORS

- *"The subject land is zoned part E3 Environmental Management. The portion of land which is zoned E3 at the northern edge of the site is approximately 10ha in size"*

As previously identified we believe this is an error but 10ha is not material so this land could be excluded.

- *"A copy of the letter to the proponent advising of no aboriginal cultural heritage value or items was not included in the proposal"*

The letter is printed on page 189 of Council's 17 May 2017 Agenda/Business Paper.

MISINFORMATION

- *"The planning proposal is unclear in its statement, as the Master Plan included with the proposal show a recreation vehicle"*

117 Direction 2.4 only applies to land within and environmental protection zone or where the land "comprises a beach or dune adjacent to or adjoining a beach". Consequently 117 Direction 2.4 does not apply here.

Page 6

ERRORS

- *"As the site is mapped as Bushfire Prone Land, consideration of Planning for Bushfire Protection Act 2006 is required to be consistent with this direction."*

The land is not bushfire prone land.

MISINFORMATION

- *"This direction [4.3 Flood Prone Land] is not specifically addressed in the proposal"*

While 4.3 specifically is not referred to the Planning Proposal states at page 19 "Any development in this part of the site

would have to be compatible with the NSW Floodplain Development Manual and the Wentworth LEP 2011"

- *"There is no regional strategy that applies to the proposal"*
Other parts of the Planning Report complain that the proponent has not referred to the Draft Far West Strategy. The Far West Strategy is now released and supports the Planning Proposal.

Page 7

OMMISSION

- *"A Development Control Plan and staging of the development are also recommended to be considered by council"*
The proponent initially suggested to Council that a Development Control Plan for the site be created. Aurecon criticized inclusion of a Development Control Plan so it was deleted. The proponent is happy to see a DCP for the site or none but would like some clarity.

INCONSISTENCY

- *"It is recommended that a site investigation be undertaken to determine if any contamination has occurred on the site"*
This has not been required for other rural lands in Wentworth Shire that are rezoned.

Page 8

ERRORS AND INCONSISTENCY

- *"An assessment under SEPP44 is required"*
As per point 18 of our letter responding to Aurecon:
In the decades of ownership of this property, no Koalas have been sighted. There are no koalas on site and no evidence for this. SEPP 44 applies at the development application Stage (per Cl.6(b)). The SEPP 44 assessment has been required for no other Planning Proposals in Wentworth Shire.
- *"The proposals capital investment value is estimated to be upwards of \$30million and therefore maybe State Significant Development"*
The Planning Proposal proposes no capital expenditure, just a rezoning that would then permit development that would require separate assessment. DPE does not require this anywhere else in the State where it rezones land

MISINFORMATION

- *"There are several tourism-related uses that are permissible within the current RU1 Primary Production zone which are also proposed in the Master Plan, that can be undertaken without rezoning the land"*

The tourism activities allowed in the RU1 zone are very limited and exclude most retail and tourism and visitor accommodation. It is true that some low value tourism uses, eg. Golf courses, can be permitted in the RU1 Zone but NSW Planning's policy is to select the most appropriate zone for land and consider impacts at zone boundaries. Activities permitted with consent in the RU1 Zone include "Intensive livestock agriculture", "Offensive Industries" and "Open cut mining", all of which should be kept as far away from a tourist facility as possible.

Page 9

ERRORS

- *"The proposal is inconsistent with the following SEPP's:*
 - *SEPP (Rural Land)*
 - *SEPP 55 – Remediation of Land*
 - *SEPP 44 – Koala Habitat*
 - *SEPP State and National Development"*

These comments are unsupported by evidence and are inconsistent with the detail provided in the SEPP Checklist provided with the Planning Proposal.

- *"The proposal is inconsistent with the following s117 directions:*
 - *1.1 Business and Industrial Zones*
 - *1.2 Rural Zones*
 - *1.3 Mining, Petroleum Production and Extractive Industries*
 - *1.5 Rural Lands*
 - *2.3 Heritage Conservation*
 - *2.4 Recreation Vehicle Areas*
 - *4.3 Flood Prone Land*
 - *4.4 Planning for Bushfire Protection"*
- These comments are unsupported by evidence and are inconsistent with the detail provided in the 117 Checklist provided with the Planning Proposal.

Page 10

MISINFORMATION

- *"The Master Plan included with the proposal included some development types which may have significant impacts on the environment, such as 'private billabong', marina and beach development"*

The private billabong is an existing private billabong, which has been inundated permanently by the Mildura weir. The beach development is an artificial beach at an inland site using a Crystal Lagoon. There is no proposal for a marina but houseboat moorings are shown on the Master Plan. Houseboats can be moored on the land under the existing zoning.

Page 11

ERRORS

- *"No consultation with State and Commonwealth authorities has been undertaken"*

Page 22 and 23 of the Planning Proposal references a meeting with the RMS and suggests other referral authorities. Council also attended this meeting. In any event the proponent has acknowledged it was preliminary and further RMS consultation was required.

- *"The proposal does not address the draft Wentworth Rural Land Use Strategy or the Buronga Gol Gol Structure Plan"*

The Wentworth Rural Land Use Strategy is not public and has not been adopted so it cannot be used as a basis for making planning decisions. The proponent specifically requested the land be considered as part of the Buronga Gol Gol Structure Plan approximately ten years ago but it was excluded from the Structure Plan Boundary. To our knowledge the required review of the Structure Plan has not taken place.

Page 12

ERRORS

- *"The planning proposal has not adequately addresses bushfire hazard"*

Clearing consents have been provided for the site showing the land is almost fully cleared or approved for clearing. There is no bushfire hazard on the land.

- *The planning proposal does not adequately address potential biodiversity issues associated with the development of the site. Consultation with OEH is required"*

Page 23 of the Planning Proposal states OEH referral should be a condition of the Planning Proposal. However as per above the site is already substantially cleared or approved for clearing.

- *"The planning proposal does not consider the impact of the development on resources"*

The land is adjacent to residential land, the Murray River and the highway so mining is already severely restricted on the land and it is unlikely mining would ever be approved on the land. There is no mining proposal for the land anyway.

MISINFORMATION

- *"No analysis of existing commercial zoned land demand and supply in Gol Gol and Mildura, and an assessment of the impact of the proposed B3 zoned land on the site has not been supplied"*

There is NO COMMERCIAL ZONED LAND (B3 and B4) in Wentworth Shire. There are virtually no shops in Buronga Gol Gol while Mildura has extensive retail. Almost all NSW retail expenditure escapes to Victoria to support Victorian jobs and investment. The proposed economic study will identify any impacts, which are expected to be positive. Wentworth is 30km away so there will be minimal retail/business impacts there. Mildura is in Victoria and it is about time the NSW Government started considering its citizens in border communities. Mildura Tourism has provided more positive encouragement for the Planning Proposal than any NSW Government body.

Page 13

ERRORS

- *"The planning proposal states that there are no heritage items or sites located on the land, however this has not been quantified"*

No item of European Heritage is located on the site (no buildings or remnants thereof) and the Wentworth Shire Heritage Study identifies no such sites. A letter from a local

Indigenous Elder attests there are no sites of indigenous cultural heritage on the site.

- *"The planning proposal states that an Aboriginal elder has inspected the site and determined that there is no items or sites of cultural significance, however, evidence of this has not been provided"*

The letter is printed on page 189 of Council's 17 May 2017 Agenda/Business Paper which is evidence it was included with the Planning Proposal.

- *"The planning proposal does not consider potential social and cultural impact"*

Page 8, 9 and 22 of the Planning Proposal discuss the social and cultural aspects of the proposal in detail.

- *"The capacity of existing services to provide for the proposed development has not been considered"*

Page 22 of the Planning Proposal discussed infrastructure. The proponent separately proposed that an Infrastructure Servicing Strategy be included as one of the Gateway requirements.