

**12.1 Wentworth Local Environmental Plan 2011 - Planning Proposal Northbank on Murray, Lot 1 DP 1182353, Sturt Highway, Mallee to Rezone RU1 Primary Production zone to B3 Commercial Core, B4 Mixed Use and SP3 Tourist zones and remove Minimum Lot Size mapping**

File Number: RPT/17/393

Responsible Officer: Ken Ross - Director, Health and Planning  
Responsible Division: Health and Planning  
Reporting Officer: Michele Bos - Strategic Development Officer

Delivery Program Objective: 2. Growth & Development

Delivery Program Strategy: 2.2 Encourage the diversification and expansion of business and industry

**Summary**

Council has received a Planning Proposal from D & J Lush and Grand Junction Pty Ltd.

The Planning Proposal seeks to amend the Wentworth Local Environmental Plan 2011 (WLEP) by rezoning Lot 1 DP 1182353, east of Gol Gol, from RU1 Primary Production zone with a minimum lot size of 10,000 hectares to SP3 Tourist zone and introduce B4 Mixed Use and B3 Commercial Core zones and remove the Minimum Lot Size mapping applicable to the subject site.

Council outsourced the assessment of the planning proposal report, which was conducted by Aurecon Group. The report provided a number of recommendations, particularly in requiring further work to be undertaken to support the proposal.

The proponents responded to Council's advice regarding the assessment report. As a result, a few minor changes were made to the planning proposal report and it was resubmitted. The proponents now wish to seek Council's support for the planning proposal and proceed to the Department of Planning and Environment (the Department) for consideration of a Gateway Determination.

**Recommendation**

That Council receives and notes the contents of the report.

That Council selects from one of the options contained in this report and resolves to act upon that option.

**Detailed Report**

**Purpose**

The purpose of this report is to provide Council with the information required to make an informed decision with respect to the planning proposal, based on the content of the planning proposal submitted by the proponents and the independent assessment report undertaken by Aurecon Group.

Refer to **Attachment 1 Northbank on Murray Planning Proposal Report April 2017**.

**Background**

The subject site is located east of Gol Gol, south of Gol Gol Lake with the south western boundary fronting the Murray River. The site is traversed by the Sturt Highway, which provides direct access to both the northern and southern sections of the property.

The lot was formerly western lands leasehold which was converted to freehold in 2016. The site is owned by the proponents and has previously been used for dryland pastoral grazing and gravel extraction.

The subject site comprises 679 hectares with RU1 Primary Production zone applied to the site. Additional WLEP mapping is applicable to parts of the site, these include:

- Minimum lot size – 10,000 hectares
- Terrestrial biodiversity
- Flood planning area
- Natural Resource – Watercourse
- Natural Resource - Wetlands

The planning proposal submitted for Council's consideration seeks to:

- Rezone approximately 395 hectares of RU1 Primary Production zone land to SP3 Tourist zone
- Introduce B3 Commercial Core zone and B4 Mixed Use zone to the WLEP
- Rezone approximately 135 hectares of RU1 Primary Production zone land to B3 Commercial Core zone
- Rezone approximately 145 hectares of RU1 Primary Production zone land to B4 Mixed Use zone
- Remove the Minimum Lot Size mapping from the subject site.

The overall objective of the proposal is to provide permissibility to develop the site to create a large scale tourism, commercial and residential development.

Refer to Appendix A – Concept Masterplan for Northbank on Murray attached to the Planning Proposal.

The concept plan shows Northbank on Murray providing a range of tourism attractions, tourism and residential accommodation, cafes and restaurants, indoor and outdoor recreation facilities and a commercial precinct adjacent to the Sturt Highway.

#### Matters under consideration

#### **Aurecon Assessment Report**

The Health Planning Division of Council elected to have an assessment of the proposal undertaken independently to benefit from the proposal being viewed with 'fresh eyes'. The assessment was conducted by Aurecon Group.

Refer to **Attachment 2 Northbank on Murray Assessment**.

The conclusion, found on page 37, and recommendations of the Aurecon Group assessment throughout the report, surmised that the planning proposal was lacking in sufficient detail. The assessment recommended that a number of studies be undertaken to further support and provide additional justification for the large scale planning proposal.

Recommendations throughout the assessment identified that the following additional work or studies should be undertaken, prior to the progression of the planning proposal:

1. An agronomic assessment to justify the statement that the site is not economically viable or suitable for agriculture
2. Further detailed consideration of the removal of the minimum lot size mapping from the site
3. Further justify the addition of two new non-tourist related land use zones to the WLEP
4. A detailed list of agencies and stakeholders with whom to be consulted
5. An economic assessment which should include:

- the current supply of commercial, retail and employment land in Gol Gol
  - the potential impact on existing commercial zoned land in Gol Gol and Mildura
  - an analysis of the potential employment and earning value of the site in its current state, during the stages of development and when fully developed
  - the economic impacts and benefits during the construction phase at a local and regional level
6. A biodiversity assessment of the site, including the presence of any Koalas, and copies of any approvals to clear the site
  7. An Aboriginal heritage assessment of the site
  8. Flood mapping and justification as to why the flood prone parts of the site should be developed
  9. Address the consistency of the proposal with the draft Far West Regional Plan
  10. Reconsider removal of additional site specific planning controls ie. A Development Control Plan
  11. Consideration of reducing the scale of the planning proposal
  12. A servicing strategy
  13. An Environmental Assessment to determine if the site is contaminated

A copy of the Aurecon Group assessment report was provided to the proponents requesting that they consider the recommendations of the assessment report.

The proponents were also requested to consider implementing a staging program in the planning proposal report, on the basis that the planning proposal and subsequent development is considered a large scale concept.

Refer to **Attachment 3 Council Cover Letter**.

### **Proponent Response to Aurecon Group Assessment Report**

The proponents submitted a response to Council's cover letter and the assessment report.

The response received highlighted the author's comments in the assessment report, that:

*"the Planning Proposal would result in a relatively insignificant reduction in land zoned RU1" and*

*"rezoning and development of (part of) the site could support the strategic goals of the Council and should not be discouraged".*

The proponent's submission also provided an individual response to each of the 20 points as set out in the cover letter.

In summary, the proponents' response included:

1. An agronomic assessment is not necessary and Council has never required one of these for previous planning proposals
2. The necessity to retain flexibility in lot sizes to ensure viability of the development and to allow for the construction phase to be funded and staged
3. The zones selected were following discussions with Council in relation to the proposed development and the permissible uses that would be necessary for the success of the development

4. Additional agencies to be consulted with have been included in the current planning proposal dated April 2017
5. If an economic assessment is necessary, this requirement could be conditioned in the gateway determination to proceed
6. The current planning proposal dated April 2017 has referenced the draft Far West Regional Plan as requested
7. It is understood that no portions of the site in affected by the E3 Environmental Management zone. Gol Gol Lake to the north is zoned E3 and the land adjacent on the south eastern boundary is zoned E2 Environmental Conservation
8. Attachment I to the planning proposal report includes a letter from Ray Lawson, an Elder of the Barkinji People, confirming that following a surface inspection of the entire site there were no significant Aboriginal Cultural Heritage sites located within the subject site. If a Cultural Survey is required, this could be made a condition of the Gateway Determination
9. Flood planning area maps were attached as Appendix H and flood issues are addressed on Page 18 of the planning proposal report. The proposal does not seek to rezone the Murray River that fronts the southern part of the site
10. Refer to point 6 above
11. The current planning proposal does not include any additional site specific building controls to be applied to the development
12. Refer to point 5 above
13. Refer to point 1 above
14. Reducing the scale of the proposal or staging the zoning of the land will prevent the advantage of having a number of tourism activities permissible in the one location and will reduce the viability of the project. This may result in the project not proceeding or being relocated to another area or state. Any development on the riverfront will be required to address the LEP to ensure the environment is protected
15. Clearing consent has been granted and this is now attached to the planning proposal report
16. If a servicing strategy is necessary, this requirement could be conditioned in the gateway determination to proceed
17. It is not necessary to undertake an Environmental Site Assessment as the site has not been used for cropping and therefore not exposed to chemicals. There is no justification for this requirement
18. No koalas have been sited on the land. If required, a biodiversity assessment could be conditioned in the gateway determination to proceed
19. The planning proposal addresses how the proposal is consistent with Economic Development Strategy 2011-2016
20. Any bushfire hazard risk will be extinguished when the site is cleared under the existing clearing consent

Refer to **Attachment 4 Grand Junction Response.**

The proponents have stated both verbally and within their written response that if there are additional studies or assessments required, in their view, the gateway determination to proceed could condition what is necessary to be submitted to further support the planning proposal.

#### Options

Based on the information contained in this report, the options available to address this matter are to:

- Resolve to submit the planning proposal to the Minister for the Department of Planning and Environment for consideration of a Gateway Determination to amend the Wentworth Local Environmental Plan 2011 in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.
- Resolve to request further information be submitted in support of the planning proposal as recommended by the Aurecon Assessment Report prior to submitting the proposal to the Minister for the Department of Planning and Environment for consideration of a Gateway Determination.
- Resolve to refuse to support the planning proposal to rezone the subject site from RU1 Primary Production to SP3 Tourist, B3 Commercial Core and B4 Mixed Use zone and remove the minimum lot size mapping on the basis of the outcomes and recommendations of the Aurecon Assessment Report.

#### Organisational Support Implications

The Manager Organisational Support advises that this decision item has the following implications for Council:

No feedback required.

#### Financial Implications

The Director Finance and Policy advises that this decision item has the following financial implications for Council:

No feedback required.

#### Roads and Engineering Implications

The Director Roads and Engineering advises that this decision item has the following implications for Council:

No feedback required.

#### Conclusion

The proponents of the Northbank on Murray planning proposal are seeking Council's support to submit the required documentation to the Department of Planning and Environment for consideration of a Gateway Determination.

The Aurecon Group assessment report highlights the necessity for further studies to be conducted. In response to the assessment recommendations, the proponents believe that these studies could be conditioned as part of the Gateway Determination to proceed.

#### Attachments

1. Northbank on Murray Planning Proposal April 2017.
2. Northbank Planning Proposal Assessment.
3. Council Cover Letter.
4. Grand Junction Response.