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D & J Lush and Grand Junction Pty Ltd

C/- Grand Junction Pty Ltd - Wentworth

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Email: kathryn@grandjunction.com.au

Dear Sir/Madam

**PLANNING PROPOSAL APPLICATION – 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 ZONE AND REMOVE MINIMUM LOT SIZE MAPPING**

As previously advised, Council referred the assessment of the above planning proposal to external consultants. The assessment was conducted by Aurecon Group and a copy is attached for your records.

The recommendations of the assessment, found on Page 37, suggest that the planning proposal be withdrawn based on the requirement for further studies to be undertaken to further justify and support the objectives of the planning proposal.

On that basis, should you wish to proceed, you will be required to undertake a review of the planning proposal and resubmit for Council’s consideration.

The following items refer to the relevant pages that contain specific issues with the planning proposal, based on the Aurecon Group assessment. Recommendations are also provided to guide and assist with amending the planning proposal report to the level of detail required:

1. Page 9 – The planning proposal states that the site would be better suited to a mixture of commercial, tourism and mixed uses rather than agricultural uses. This comment is based on statements contained in the planning proposal report, which include that the current use generates minimal income for the owners and the location of the site restricts the type of agricultural activities to non-intensive sheep grazing and cultivation which is considered less viable.

Recommendation: Provide further justification and support of the above assumptions by undertaking and submitting an agronomic assessment that proves that the site would be better suited to the proposed land uses outlined in the planning proposal report.

1. Page 10 – The planning proposal seeks to remove the minimum lot size provisions for the subject site and does not provide any indication of how the Northbank development will be subdivided.

Recommendation: Give further consideration to minimum lot sizes that could be applied to each zone. Alternatively, provide further justification for the removal of minimum lot size provisions within the revised planning proposal report.

1. Page 12 – The planning proposal does not explain why the B3 Commercial Core and B4 Mixed Use zones are required to be applied when the RU1 Primary Production and SP3 Tourist zones would support the different types of land uses proposed.

Recommendation: Provide further justification for the application of the two new zones. It may be useful to create a table showing the type of uses that are proposed and the zones that will permit/prohibit those uses.

1. Page 13 – The planning proposal should specifically identify the agencies and organisations that will be consulted during the exhibition of the planning proposal.

Recommendation: Include in the planning proposal report that consultation will be conducted with Rural Fire Services, DPI Fisheries, Roads and Maritime Services, NSW Office of Environment & Heritage, NSW Office of Water, power and telecommunications providers, Mildura Rural City Council, Victorian state agencies etc.

1. Page 14 – S117 Ministerial Direction 1.1 Business and Industrial zones. The planning proposal seeks to rezone RU1 Primary Production land to B3 Commercial Core and B4 Mixed Use zones, therefore the report should consider and address this direction.

Recommendation: Undertake an economic assessment of current commercial, retail and employment land to determine the need for additional commercial zoned land. The assessment should address how this proposal will impact the existing commercial land in Buronga and Gol Gol.

1. Page 15 – S117 Ministerial Direction 1.2 Rural Zones. The planning proposal report contains insufficient evidence to justify the inconsistency with this direction. The report states that the proposal is considered to be of minor significance, however, this is not considered to be an accurate statement, given the size of the proposed development.

Recommendation: As per 1. Above. An economic assessment will determine if the proposal is the best use of the land in terms of earning capacity and net community benefit. The assessment should also include the economic impacts and benefits throughout the construction phase and operational phase on a local and regional scale. The planning proposal report should also address the proposed development’s relevance to the development to the draft Far West Regional Plan.

1. Page 17 – S117 Ministerial Direction 2.1 Environment Protection zones. The planning proposal refers broadly to state-wide policies and legislation for environmental protection and states that previous approvals have been granted for the clearing of the site.

Recommendation: Copies of any approvals for clearing of the site should be submitted as part of the planning proposal documentation. To ensure that the site does not contain any significant plant or animal species, an assessment of the biodiversity of the site should be conducted by a professional ecologist and submitted as part of the planning proposal documentation.

1. Page 17 – S117 Ministerial Direction 2.3 Heritage Conservation. The planning proposal states that the site has been previously examined and determined to not contain any cultural heritage significance or items.

Recommendation: An assessment of the site for Aboriginal heritage and significance should be conducted in accordance with the NSW Environment, Climate Change & Water Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales. Refer to link below:

<http://www.environment.nsw.gov.au/resources/cultureheritage/ddcop/10798ddcop.pdf>

1. Page 20 – S117 Ministerial Direction 4.3 Flood Prone Land. The planning proposal does refer to the site as being subject to partial flooding (5%). However, the report does not specifically address this direction.

Recommendation: The planning proposal report should include justification for the development of the flood prone area adjacent to the Murray River, including aerial maps/photos showing the extent of the flood prone area in terms of the concept masterplan and mitigation methods for the protection of life and property, during a flood event.

1. Page 21 – S117 Ministerial Direction 5.10 Implementation of Regional Plans. Although the draft Far West Regional Plan is not yet finalised, it is suggested that the planning proposal report address any relevance to the Plan.
2. Page 22 – S117 Ministerial Direction 6.3 Site Specific Provisions. The planning proposal suggests that a Development Control Plan be applied to enforce additional requirements. The proposal is to rezone the land to allow for the types of uses that are proposed for the Northbank development.

Recommendation: The revised planning proposal report should be amended by stating that site specific provisions are not applicable.

1. Page 23 – SEPP (Rural Lands) 2008 (a). The recommendation once again calls for an economic assessment to be undertaken to support the rationale of rezoning the site to allow for the Northbank development.
2. Page 24 – SEPP (Rural Lands) 2008 (b). The recommendation once again calls for an agronomic assessment to be undertaken to support the rationale that the site would be better utilised for the proposed Northbank development.
3. Page 24 – SEPP (Rural Lands) 2008 (d). The recommendation seeks the proponent’s consideration of reducing the scale of the Planning Proposal initially or an enabling clause that would allow for the development of the site along the Sturt Highway and Murray River frontage.
4. Page 25 – SEPP (Rural Lands) 2008 (e). Due to the site containing native vegetation, a biodiversity study needs to be undertaken to support the planning proposal.
5. Page 26 – SEPP (Rural Lands) 2008 (g). The recommendation advises the proponent to develop a servicing strategy that will identify the demand on services and the strategies to provide adequate services for the future development and use of the site.
6. Page 26 – SEPP 55 Remediation of Land. The recommendation advises that an Environmental Site Assessment should be carried out.
7. Page 27 – SEPP 44 Koala Habitat Protection. The recommended biodiversity assessment should identify if koalas are found on the site, if so, the measure to be undertaken to protect the local species.
8. Page 30 – The planning proposal does not adequately address how it sits with the Economic Development Strategy.

Recommendation: the reviewed planning proposal report should provide further detail how the planning proposal relates and responds to the Economic Development Strategy.

1. Page 34 – Environmental considerations – Bushfire hazard. The planning proposal does not adequately address the current and future bushfire hazard.

Recommendation: Due to the site partially having bushfire prone mapping applied, it is recommended that the reviewed planning proposal addresses the current and future bushfire hazard, risks and mitigation methods.

Aurecon Assessment Summary

The recommendations of the assessment report are summarised as follows:

* A review of the planning proposal report, particularly to respond to:
* Minimum lot sizes for the proposed zones
* Greater detail of justification for the proposed two new zones
* Additional consultation details ie. agencies, organisations
* Addressing the draft Far West Regional Plan
* Flood hazard and mapping details in terms of the development proposed in flood prone areas
* Agronomic assessment
* Economic assessment
* Biodiversity assessment
* Aboriginal Cultural Heritage Impact assessment
* Servicing strategy
* Consideration of reducing the size of the planning proposal.

Given the size of the planning proposal and subsequent development, in addition to the above, Council also requests that you consider how the planning proposal report might identify stages for the rezoning of the site and development of the overall Northbank on Murray proposal.

Should you wish to discuss the assessment and the recommendations, it is suggested that a meeting is scheduled to review the content of this letter.

If you require any further information please contact the Health & Planning Division on Tel: (03) 5027 5027.

Yours sincerely



**KEN ROSS**

**DIRECTOR HEALTH & PLANNING**