



5 July 2020

Gordon Kirkby

Ethos Urban

Dear Mr Kirkby

SUBMISSION RE IPC CONSIDERATION OF NORTHBANK

We make further submissions as follows:

Need for Site View and Regional Viewing

We submit it is impossible for the Northbank Planning Proposal to be fairly assessed without the IPC visiting the site in our presence. There are many issues such as bushfire and koalas that would not be raised if the cleared site had been viewed.

A visit to the Mildura and Buronga Gol Gol region would allow IPC members to appreciate both the tourism opportunity and the absence of recreation, tourism accommodation and retail activities in Buronga Gol Gol. Someone who knew the Mildura/Wentworth area well would find the need for further tourism development to be self-evident.

Gateway not an EPI and required investigations should be Gateway conditions

We have attached an extract from the LEC Case Moorebank Recyclers v Tanlane where it was determined that neither the making of a planning proposal or a gateway determination involved the making of an environmental planning instrument (EPI). In that case requirements to consider contamination were required prior to making of the LEP but not prior to making the Gateway.

Also we attach the Department's "A guide to making planning proposals" which repeatedly mentions that the Planning Proposal is meant to identify issues for further investigation after the Gateway. For example in Section 1.3 "The actual information / investigation may be undertaken after a Gateway determination has been issued and if required by the Gateway determination".

In our case we submit that, where required and relevant, further detailed information/study should occur after making of the Gateway Determination rather than before it.



Concept Plan

The Concept Plan was always intended to be indicative and not be a “quasi development application”. We believe that to assess the Planning Proposal by detailed critique of a drawing is not supported by NSW Planning Law. Nevertheless we accept that the Concept Plan has distracted from consideration of the Planning Proposal. The Planning Proposal zonings allow greater tourism uses (especially tourist and visitor accommodation and indoor tourist attractions/ tourist retail) but does not seek approval for any development.

For this reason we withdraw the Concept Plan.

Floodplain Area

Approx. 3% of the site is on the Murray River Floodplain. This part of Northbank is adjacent to the river and/or a billabong that is part of the Northbank land. The majority of issues raised about Northbank (koala habitat/canal estate/biodiversity/flood issues) relate to this circa 3% area of the site and not the circa 97% of the site that flood free and largely cleared land.

For this reason we suggest the part of the site in the Murray River Floodplain be excluded from the Planning Proposal. We previously suggested this to Gary White but received no response.

1. Clarification of the Site

The NSW cadastre is updated when new/revised plans are deposited with NSW LRS. In this case the last survey confirmed the billabong (zoned W1) is part of Lot 1 DP 1182353. As per above we propose the riverine area be excluded from the Planning Proposal.

2. Economic Justification for the Development

As this is the major point raised by Ethos Urban we have responded in greater detail in the attached Document “Northbank Strategic Support and Economic Study”.

3. Contamination

The land has been used for grazing in the past but not for at least 15 years. Yards and sheep handling infrastructure is not and has not been located on the land. Western Lands and Wentworth Council (not the owners) have taken gravel from the site previously and both were under obligations not to contaminate land. The land has never been used for intensive horticulture.

No other contaminated land studies have been required for grazing land in Wentworth for other Planning Proposals.

We are confident there are no site contamination issues but would be agreeable to a Gateway Condition requiring a Phase 1 Contamination Assessment and / or Stage 2 if there are issues of concern raised.



We believe this is consistent with the findings in the LEC Case Moorebank Recyclers v Tanlane referred to above.

4. Flood Assessment

As per above we suggest the part of the site in the Murray River Floodplain be excluded from the Planning Proposal. The vast amount (circa 97%) of the site is unaffected by flooding.

Ethos Urban correctly mentions the Gateway Approval for the Kelso Planning Proposal was granted subject to a Flood Study. This Gateway Approval subject to Flood Study also took place for the Jewel Markets Planning Proposal in Gol Gol.

5. Current Economic Value of the Land for Agriculture

The land is not currently being used for agriculture and contains a mix of sandy and rocky ground. The land has never been used for horticulture or dryland cropping.

The owners have other land north of Lot 1 DP 1182353, which is very suitable for horticulture (deep sand) so our focus is using the land close to the highway for tourism and land further away for horticulture.

Wentworth Shire has approx. 100,000 acres of more cleared land suitable for horticulture and there is not the water or money to plant it with horticulture. Notwithstanding this the Gateway Approval could be made conditional upon analysis of this issue.

6. SEPP 50 Canal Estate Development

As per above we suggest both the Concept Plan and the part of the site in the Murray River Floodplain be excluded from the Planning Proposal. We previously suggested this to Gary White but received no response.

In any event there is nothing in the Northbank Planning Proposal that meets the definition in Clause 3 (c) of SEPP 50, which requires filling of land to raise the level of flood-prone land. No filling of land is proposed as part of Northbank.

7. Ecology/Koala Habitat

As per above we suggest both the Concept Plan and the part of the site in the Murray River Floodplain be excluded from the Planning Proposal. We previously suggested this to Gary White but received no response.

The Northern Region Gateway Determination Report stated there was inconsistency with SEPP 44 Koala Habitat while the proponent had detailed in its 6 November 2017 letter that there are no records of koala sightings on the property or in Wentworth Shire and stated a Biodiversity Assessment could incorporate confirming that there are no koalas in this location.



We note that the new Koala Habitat Protection SEPP was introduced just after the 2020 bushfires, approximately three (3) years after we first submitted the Planning Proposal. There is no recent evidence of koalas in Wentworth Shire or at Northbank but we have now proposed to exclude all red gum habitat from the Planning Proposal.

After excluding the circa 3% floodplain area the site is virtually all cleared. Nevertheless a Biodiversity / Ecology Study could be a condition of the Gateway Approval.

8. Utilities and Infrastructure

We attach an extract from the most recent Wentworth Council meeting (24 June 2020) which details the extension of town water and sewer past/through Northbank to Trentham Cliffs.

Our Planning Proposal noted Northbank is adjacent to the Shire Water Treatment works and is dissected by the Sturt Highway and electricity lines.

Again an infrastructure-servicing plan could be a condition of a Gateway Approval but this is a requirement of every development application. Services adjacent to the site show that infrastructure access is one of the site strengths.

9. Bushfire Assessment

The site is cleared and there is no bushfire risk. This shows the importance of an on-site viewing, as no one who went on the site would raise this as an issue.

10. Cultural Heritage

We understand the Elder was recognized by the NSW Government as qualified on cultural heritage issues. Notwithstanding that the letter from the Elder was obtained for purposes of supporting modification of the development consent for removal of native vegetation, which has since taken place.

No development is currently proposed and the site is cleared but we can obtain an AHIMS Report.

11. Traffic Assessment

Northbank did consult with RMS re traffic and suggest a traffic study would be required with any significant future DA. Given Northbank is dissected by the flood free Sturt Highway it has excellent road access.

We have attached an article on the Buronga Gol Gol Interface Report. The Report includes a detailed hypothetical analysis of developments in the Buronga Gol Gol area including a hypothetical analysis of traffic impacts from Northbank. The Draft Buronga Gol Gol Structure Plan has since recommended a major roundabout and Murray River Bridge at Northbank.



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The Draft Buronga Gol Gol Structure Plan proposal for a 2nd Murray bridge crossing and roundabout would make Northbank a central site in the BGG area as it will mark the Eastern entry to BGG. A future bridge east of Gol Gol has many more benefits than expansion of the George Chaffey Bridge. If a new bridge is relatively close to BGG there will be numerous benefits to BGG residents in addition to the benefit of diverting truck traffic away from BGG and Mildura.

Yours sincerely,

Bob Wheeldon

Director, Grand Junction Pty Ltd



NORTHBANK STRATEGIC SUPPORT AND ECONOMIC STUDY

Summary of key supporting Strategies and Economic Studies

1. Far West Regional Plan lists

Action 5.9 states "Identify opportunities for tourism and associated land uses in local plans"

2. Murray Regional Tourism Destination Management Plan lists "Wentworth Riverfront Development (The development of a large-scale riverfront eco resort in close proximity to Mildura and Wentworth) as a Tier 1 project for the Western Murray. This has separately been confirmed to be Northbank. Northbank is one of only three Tier 1 Projects in Wentworth Shire and the only one not based upon Government funding.

3. Western Murray Regional Economic Development Strategy lists in its "Infrastructure Priorities" "development of the Wentworth Riverfront and Eco-Resort. Again the Wentworth Eco-Resort has been confirmed to be Northbank. Indeed the "Infrastructure Priorities in the Western Murray REDS are the same as the priority projects in the Destination Management Plan.

The abovementioned Strategies and Plans are supported by data of the nature identified as important by Ethos Urban. For example the Western Murray REDS was prepared by The Balmoral Group and is supported by a 67-page "Supporting Analysis" document and the Western Murray area only covers Hay, Balranald and Wentworth Shires. Similarly the Murray Regional Tourism Destination Management Plan was prepared by Urban Enterprise Consultants and is supported by "surveys undertaken by Tourism Research Australia, the National Visitor Survey and the International Visitor Survey. Where applicable, data from the ABS is used to support the analysis.

We believe it is reasonable to assume that the NSW Government would accept and take as read the content of its own strategies and plans and we should not have been expected to re-quote data from these plans/strategies at a Gateway Stage.

Economic Study

Ethos Urban has for the first time detailed some clear parameters for the economic analysis of a development proposal. However, in this case there is no development proposal, simply a Planning Proposal to make tourism and related business uses permissible. Also it is not possible to conduct any such study during Covid and in the short time before the IPC hearing.

As per the section above the Supporting Analysis for the Western Murray REDS and the supporting documents for the Murray Destination Management Plan provide much of the information identified by Ethos Urban.

That said we would be prepared to conduct further economic study after the Gateway Approval. No rezoning would proceed unless the economic study



supported the project. We don't believe it is reasonable to require an economic study prior to the Gateway Stage.

Further the attached analysis of 17 Planning Projects for tourism in regional NSW shows an Economic Study was not required on any other occasion. In one instance (Golden Bear Resort at Pokolbin) there may have been an economic report but it is not available on the Dept. Planning website.

Wentworth is a low socio economic area with a significant need of investment. Given the three-year process for assessment of the Planning Proposal further investment in Northbank is not viable unless a conditional Gateway Approval is obtained.

Wentworth LSPS and Draft Buronga Gol Gol Study

Wentworth Shire's very specific and unanimous endorsement of the Northbank Planning Proposal of three years ago incorporated the benefits a tourism resort would have for BGG residents in amenities. Wentworth has since been required to update the Buronga Gol Gol Structure Plan and prepare an LSPS without the Northbank Planning Proposal being resolved.

Wentworth Shire's adopted LSPS builds upon the coordinated direction of the Far West Plan, Riverina Murray REDS and Western Murray REDS. To quote page 18:

This planning priority sets in place a land use planning framework to support and grow tourism in the Wentworth Shire and aligns with the projects outlined in the *Riverina Murray Destination Management Plan*, strategic land use directions in the *Far West Regional Plan 2036* and the *Western Murray Regional Economic Development Strategy*.

The Draft Buronga Gol Gol Structure Plan 2020 ("Draft Structure Plan") includes allowance for significant increase in the Buronga Gol Gol (BGG) population and fills in many gaps but we believe possible Northbank tourism/lifestyle amenities will complete the Structure Plan.

The Draft Structure Plan proposes a new Murray River Bridge crossing and major roundabout at Northbank.

Without Northbank BGG will have great sporting infrastructure, two pubs, one/two supermarkets and a small number of café/specialty stores only. Residents will still have to go to Victoria to watch the movies, do most shopping or engage in most non-traditional sport/recreation. Northbank fits seamlessly into the Structure Plan by potentially providing a range of entertainment and hospitality services that both residents of BGG, Mildura and tourists will use. If Northbank caters for these three markets then a larger range of services will be viable.

Council has announced the Draft Structure Plan will be considered at the August 2020 Council Meeting.



EPA Act and NSW 2021 Plan

Northbank on Murray will support the sustainability and growth of the small community of Gol Gol in far southwest 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.

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".

Far West Plan and earlier Draft Murray Regional Strategy

In May 2017 the NSW Planning Minister released 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 and Northbank is in this Plan as a Priority Project]".
- 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”

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 in 2020 already the Action will not be met unless the Northbank Planning Proposal is supported.

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”.

Wentworth Region Community Strategic Plan 2013-2023

The Wentworth Region Community Strategic Plan 2013-2023 is structured into 3 Key “Visions”. Vision 1 (Page 14) *“We want to be vibrant, growing and thriving community”*, Vision 2 (Page 18) *“We want to strengthen the natural and built environment”* and Vision 3 (Page 22) *“We want enhanced community and civic leadership”*. In particular on page 16, “1.0 - Increased economic development and growth” is of particular relevance and in more detail the sub-points “1.1 – Cultivate and develop a strong and vibrant tourism industry”, “1.2 – Identify new opportunities and actively encourage increased investment into industries such as tourism”.

The proposal is consistent with the vision outlined in the Community Strategic Plan by facilitating the development of and investment in the tourism industry and business, using the most efficient process to allow the development to proceed and will provide employment opportunities during the construction and operational phase of the development.

Wentworth Shire Council Economic Development Strategy 2011-2016

When reviewing the above strategy document, section 1.4 looks at “Key Actions” for the council. In particular, action point 1.4.1 on page 3 looks at *“Tourism and Promotion of the Region”* The strategy as stated is to *“Promote the region and grow tourism”*.

The planning proposal is consistent with the strategy as it seeks to provide an opportunity for a local landowner to develop an extensive tourism facility that will assist in drawing more tourists to the Wentworth Council area, as well as the



Sunraysia region and provide a range of experiences for tourists with a Murray River aspect.

The strategy supports the growth of small business, of which this planning proposal seeks to achieve permissibility for a range of commercial tourism enterprises.

The proposal will also provide a net community benefit through ongoing employment opportunities in the retail and building trades, both during the construction and operational phase.

The Regional Development Australia Murray Regional Plan 2013-2016

The RDA Murray Regional Plan 2013-2016 states on Page 18 that *‘There are obvious sub-regional distinctions between various economic activities. The Western part of the region has a strong emphasis on fruit, nut, vegetable and wine production’*. On page 21 the report also states that *“The region is primarily a holiday and leisure market with more than half of all tourists visiting the area for this reason. The natural Beauty of the region is a key driver with the Murray River a major attraction”,* and *‘A significant proportion of visitor expenditure is likely to be spent on retail, accommodation and food service businesses, thus boosting these small scale businesses in the region.’* Relevant Key Tourism Opportunities listed on page 21 of the report include:

- Invest and enhance golf infrastructure
- Encourage and develop quality dining at key tourist destinations and regional centres, with a focus on providing opportunities for riverfront dining
- Development of large and iconic festivals and events, particularly at key accommodation nodes, that have synergies with the product strengths of the region and destination
- Development of conference infrastructure
- Diversify the accommodation base across the region – need for more self contained apartments, higher quality backpackers, high quality branded accommodation at primary tourism nodes

Located in the south west corner of New South Wales, economic drivers for the Sunraysia region are irrigated horticulture, dry land agriculture and tourism driven by the popularity of the Murray River and the mild Mediterranean climate.

The planning proposal is consistent with this plan as it seeks to expand and improve the existing tourism facilities which will inevitably contribute to and compete with the range of accommodation and activities currently provided on both sides of the Murray River.



Economic Development Strategy for Regional NSW January 2015

On Page 4 of the document in the Executive Summary section, the Strategy identifies five goals to enable economic growth:

- Promote key regional sectors and regional competitiveness
- Drive regional employment and regional business growth
- Invest in economic infrastructure and connectivity
- Maximise government efficiency and enhance regional governance
- Improve information sharing and build the evidence base

The planning proposal is consistent with this strategy, as it will provide local employment opportunities and business growth in the municipality, while contributing to growing the number of tourists coming to the local region.

Mildura Destination Management Plan – Discussion Paper

Page 8 of The Mildura Destination Management Plan discussion paper outlines the *“Specific issues that a Mildura Destination Management Plan should address”* and states *“Identification of Game Changing Projects which will help invigorate the Mildura visitor economy and provide new motivators for visitation”*. We believe that the vision that is held for the site once rezoned to SP3 Tourist will indeed be a *“Game Changing Project”*.

The second dot point on page 8 of the discussion paper also addresses another key need stating *“Better utilization of the Murray River as an asset: This includes consumer and visitor interaction; leisure, dining and accommodation facilities/activities as well as indigenous, cultural and heritage experiences that interact with the Murray River”*. The vision of the project is indeed to show case the Murray River whilst enhancing the aspects listed above with a plan to becoming the premier showcase attraction, not only in the Mildura region but the entire Murray Region.

Murray Region Tourism Board Strategic Plan 2015-2020

On page 5 of the plan in the Executive Summary section the Murray Region Tourism Board states *“Our key aim is to grow visitation by developing a quality visitor experience....”* and then on page 8 they outline *“Our Vision is to hold our rightful place as one of Australia’s most vibrant and iconic tourism destinations focused on the legendary Murray River.”* On page 20, the report outlines a Key Performance measures as *“Increase in investment in tourism assets and infrastructure measured by LGA area & Grow the economic contribution of the events sector by 10%”*.



In their vision for the region by 2020 on page 24, they state the following:

- Increased visitation in the Murray Region by 4.5% from 5.46 million to 5.72 million.
- Increased employment contribution of the tourism sector by 1100 jobs and an increase in the overall percentage contribution of tourism jobs as a proportion of total employment in the Murray Region.
- Increased investment and participation by our public and private stakeholders.
- Continued improvement of the quality of our visitor experience by attracting investment in infrastructure developments that are visitor focused and inspired.
- Increased destination appeal by the delivery of authentic experiences.

The planning proposal is consistent with all the above stated visions by the MRTB. We believe that the site will allow the development of a major drawcard and feature attraction, which will bring people to the area just to experience our product but will also increase the benefits to all other tourist operators in the area as well as the overall economy. We anticipate creation of jobs by both the investment into development and construction, but also the ongoing operations of the tourist facilities located within the development.

The vision of the site is also drawn from gaps and opportunities identified within the MRTB Destination Management Plan, which responds to the need for new developments that are visitor focused and inspired.

Murray Region Tourism Board Destination Management Plan 2012

In the Executive Summary (page ii) section of the Murray Region Tourism Destination Management Plan they have identified several key aspects that should be focused on to enhance the economic viability of the area.

"The main theme to be taken out of the research is that the region should be promoting and developing the river further: the Murray River is the unique and defining attribute." They also stated, *"The second overarching theme identified in the research and consultation is the need for development of visitor activities at destinations throughout the region..."*

They also state in the Executive Summary under other key points that *"There has been a decline in visitation to the Murray over the past decade, particularly people aged 15-44,"* which suggests that families & young people are not catered for in the region. Further to this, they also state *"Visitation forecasts based on recent visitation*



trends and ABS population growth forecasts indicate limited growth over the next decade, unless investment in new tourism product is achieved."

Within their direct visitor research section of the executive summary (page ii) they state, *"The survey indicates that one of the factors in determining holiday destinations is the availability of low cost accommodation, which indicates support for the development of backpackers and serviced apartments."* The management plan continues on *"Therefore, the emphasis on the development of both the National Parks and tourism opportunities on the river align with the results of the direct visitor research"* and *"The survey indicates that the development of food, wine, unique accommodation may attract visitors who have not travelled to the Murray Region before"*.

Of note on Page 4 of the DMP, they found that *"The Murray has large accommodation capacity, but there are many 3 to 3 ½ star motels that require refurbishment to retain market competitiveness;"* and then on page 5 they identify further opportunities as *"There is a need to reinvest in and establish a range of new tourism product across the Murray: many areas lack a range of visitor activities and many of the existing products are in need of a refresh. This was seen as a significant impact on the appeal of the Murray Region as a family destination"* and they also go onto note that *"The waterfront and the river has been underused and undersold to visitors, and presents the main opportunity for development, including improved visitor access;"* and *"There is a need to diversify the accommodation stock in the region, and there is demand for more accommodation on the riverfront."*

The Destination Management Plan also identified that one of the key gaps and development opportunities are that of "Destination Development" which highlights the need to increase the range of product available in the region. Specifically they have identified: *"Improvement of river access infrastructure; designated safe swimming areas; Development of riverfront dining and accommodation; and a more diverse range of food and accommodation options."*

The rezoning of this site to SP3 Tourist will allow a development to occur that will fill a number of the gaps identified by the Destination Management Plan. The vision has been based around the shortfall and gaps identified. The location of the site is perfect for tourism in that it is adjacent to a rapidly growing town and as such can both support and utilize existing and future infrastructure requirements, without impeding on the amenity of the town or reducing its capacity to develop further residential lots.

The 2012 Destination Management Plan states that without new tourism offerings the Murray region will not be able to reach its required projections to be viable contributors to the economy. The NORTHBANK site offers a unique opportunity to capitalize on so many of the gaps and opportunities identified.



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Summary

Destination NSW and Dept. Premier and Cabinet have analysed the Western Murray Economy and Tourism Market in detail and determined that Northbank is a priority project in the region's Destination Management Plan and the Western Murray Regional Economic Development Strategy.

Pursuant to Direction 5.8 of the Far West Regional Plan 2036 – Implementation Plan 2017-19 Council is required to amend its LEP and strategies to implement this as it has done by recommending the Northbank Planning Proposal to the Department.