



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.



GrandJunction

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.



GrandJunction

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.

Subject: Northbank as Destination NSW Priority Project

Date: Friday, 3 August 2018 at 3:55:04 pm Australian Eastern Standard Time

From: Bob Wheeldon

To: Gary White

Gary

I attach two emails from:

- **Gabby Brown**

Regional Tourism Development Manager, Riverina Murray
Destination NSW ; and

- **Richie Robinson**

General Manager | Destination Riverina Murray
0418 439 202 richie.robinson@destinationrm.com.au



**Destination
Riverina Murray NSW**

These emails confirm that the "Wentworth Eco Resort Development" is indeed referring to the Northbank in the Destination Management Plan.

We believe this is a very strong factor to weigh in considering the consistency of the Northbank Planning Proposal with Far West Regional Plan and NSW Planning Policies.

See you next Tuesday.

Best
Bob

Hi Bob

Thanks for the call earlier this afternoon, great to hear more about your project. To assist with the planning proposal and your discussions with the NSW Dept. of Planning I can confirm the reference within the Riverina Murray Destination Management Plan to the "Wentworth Eco Resort Development" is indeed referring to the Northbank on the Murray development. Northbank is considered a priority project for the region and Destination Riverina Murray are strongly supportive. I am happy to provide a more formal letter of support if/when required.

Thanks, Richie

Richie Robinson

General Manager | Destination Riverina Murray
0418 439 202 richie.robinson@destinationrm.com.au



**Destination
Riverina Murray NSW**

Sign up to our newsletter [here](#).

From: Gabby Brown <gabby.brown@dnsw.com.au>

Date: Thursday, 2 August 2018 at 12:00 pm

To: Richie Robinson <richie.robinson@destinationrm.com.au>, Mark Francis <ceo@mrtb.com.au>
Cc: Bob Wheeldon <bob@wheeldon.com.au>
Subject: Northbank Development

Hi Richie, Mark,

This morning I met with Bob Wheeldon (cc'd) to discuss his plans to develop a large scale crystal lagoon and resort in Buronga NSW - see attached documents.

Bob has submitted a rezoning proposal to NSW Department of Planning, which is currently at the first stage of assessment.

Bob is seeking support for the development by way of written confirmation that the 'Wentworth Eco Resort Development' - mentioned in both Plans as a 'Priority Project' - is in fact referring to his Northbank project; he feels this will assist his case with Dept. of Planning by demonstrating the project is strategically sound, aligned to both Destination Management Plans (from a tourism perspective) and also aligned to the objectives outlined in the Far West Regional Plan.

As you are the custodians of these Plans, I thought it best to connect you to continue this conversation.

Bob - please see links below for both Destination Management Plans we spoke about this morning.

Murray Regional Tourism DMP - note Pg 54
Riverina Murray DMP - note pg 62

Please reach out with any questions.

Kind regards,

Gabby

Gabby Brown

Regional Tourism Development Manager, Riverina Murray
Destination NSW

E: gabby.brown@dnsw.com.au

D: 02 9931 1148

M: 0459 873 973

This message is intended for the addressee named and may contain confidential information. If you are not the intended recipient, please delete it and notify the sender. Views expressed in this message are those of the individual sender, and are not necessarily the views of their organisation.

This message is intended for the addressee named and may contain confidential information. If you are not the intended recipient, please delete it and notify the sender. Views expressed in this message are those of the individual sender, and are not necessarily the views of their organisation.

Subject: Consistency of Northbank with new Western Murray Economic Development Strategy 2018-2022

Date: Wednesday, 31 July 2019 at 10:10:25 am Australian Eastern Standard Time

From: Bob Wheeldon

To: Gary White

<https://www.dpc.nsw.gov.au/assets/dpc-nsw-gov-au/REDS/508d3c57dd/Western-Murray-REDS.pdf>

Gary

As per the link and attachment we believe the "Wentworth Eco-Resort" listed on page 17 of the Western Murray Economic Development Strategy 2018-2022 is indeed Northbank.

Given Northbank now has strategic support of Destination NSW and Department of Premier and Cabinet we request that you positively consider the Gateway Approval for Northbank. The Northbank Planning Proposal was submitted over two years ago and there is no justification for further delays in consideration of the Gateway Approval.

It could be that the Gateway Approval is granted "subject to consistency with the Wentworth Local Strategic Planning Statement".

Best
Bob Wheeldon
Grand Junction
0411 222181

STRATEGY CONTINUED

2 | Enhance and diversify the economy by leveraging growth opportunities in Tourism

Tourism is focused on the Region's rivers, arid landscape, flat topography and historical towns. The Region offers visitors rich experiences in river-based activities, food and wine, fishing, festivals, history and heritage, nature-based and business travel. Destination Riverina Murray and the cross-border Murray Regional Tourism have developed complementary destination management plans that provide a strong foundation for growth.

Infrastructure Priorities

Upgrade regional infrastructure to enhance regional profile and visitor access: Analysis of the Region's natural and human endowments, together with stakeholder consultation, identified key infrastructure projects that would help to establish the Region as a key tourist destination. These include:

- ▶ development of the Murray River Adventure Trail
- ▶ expansion of the Swan Hill Regional Art Gallery & Indigenous experience
- ▶ upgrade of Arumpo Road to ensure all weather access to Mungo National Park
- ▶ development of the Wentworth Riverfront and Eco-Resort
- ▶ development of the Mildura Motor Sports Precinct
- ▶ development of the Hay Riverfront
- ▶ development of the Shearers Hall of Fame
- ▶ development of the Hay Public Art
- ▶ development of the Nirrmlie Calra area

Organisational Priorities

Position the Region as the 'Gateway to the Outback': The Balranald and Wentworth LGAs are well positioned to act as a gateway to Aboriginal, heritage, and nature-based tourism opportunities of inland NSW and the Northern Territory. Continued collaboration and coordination between councils and business will be required.

Support cross-border collaboration: The current cross-border strategies between Mildura and Wentworth, and Swan Hill and Balranald should be supported and expanded to ensure that visitors to the Region experience the attractions available on both sides of the Murray River. This Strategy represents an opportunity to expand collaboration to provide a truly regional experience.

Support the development of new visitor experiences: Tourism opportunities that help extend the time visitors spend in the Region need to be further explored. Examples of developments include:

- ▶ a Murray Adventure Trail, a multiday trail along the river that includes driving kayaking and cycling
- ▶ use of the Region's Aerodromes to facilitate tourism
- ▶ river cruising experiences, including multiday journey routes
- ▶ regional food and drink experiences
- ▶ local events, festivals, and conferences

Strategy Outcome

Capitalise on the natural and human endowments to promote the Region as a key tourism destination

Intermediate Outcome

- ▶ Improved branding of the Region
- ▶ Improved availability of accommodation, services and experiential offerings
- ▶ Greater number of day and overnight visitors to the Region

Outputs

- ▶ Increased access to, and profile of, the Region's attractions
- ▶ Recognition of the Region as the 'Gateway to the Outback'
- ▶ Increased collaboration between businesses and councils on either side of the state border
- ▶ A wider variety of visitor experiences

Activities

- ▶ Upgrade regional infrastructure to enhance profile and access
- ▶ Position the Region as the 'Gateway to the Outback'
- ▶ Support cross-border collaboration on tourism projects and development
- ▶ Support the development of new visitor experiences

Inputs

- ▶ Resource funding for infrastructure upgrades
- ▶ Improve coordination between local councils and businesses

THE VISION

A diverse, flourishing economy built on its current strengths in high-value agriculture and agricultural product manufacturing, along with potential future strengths in mining, tourism and construction.



WESTERN MURRAY

Regional Economic Development Strategy
2018–2022



Developed with the support of the NSW Government as part of the Regional Economic Development Strategies program to assist local councils and their communities in regional NSW.



THE VISION

A diverse, flourishing economy built on its current strengths in high-value agriculture and agricultural product manufacturing, along with potential future strengths in mining, tourism and construction.



WESTERN MURRAY

Regional Economic Development Strategy

2018–2022

SUPPORTING ANALYSIS



Developed with the support of the NSW Government as part of the Regional Economic Development Strategies program to assist local councils and their communities in regional NSW



STRATEGY CONTINUED

2 | Enhance and diversify the economy by leveraging growth opportunities in Tourism

Tourism is focused on the Region's rivers, arid landscape, flat topography and historical towns. The Region offers visitors rich experiences in river-based activities, food and wine, fishing, festivals, history and heritage, nature-based and business travel. Destination Riverina Murray and the cross-border Murray Regional Tourism have developed complementary destination management plans that provide a strong foundation for growth.

Infrastructure Priorities

Upgrade regional infrastructure to enhance regional profile and visitor access: Analysis of the Region's natural and human endowments, together with stakeholder consultation, identified key infrastructure projects that would help to establish the Region as a key tourist destination. These include:

- development of the Murray River Adventure Trail
- expansion of the Swan Hill Regional Art Gallery & Indigenous experience
- upgrade of Arumpo Road to ensure all weather access to Mungo National Park
- development of the Wentworth Riverfront and Eco-Resort
- development of the Mildura Motor Sports Precinct
- development of the Hay Riverfront
- development of the Shearers Hall of Fame
- development of the Hay Public Art
- development of the Nimmie Caira area

Organisational Priorities

Position the Region as the 'Gateway to the Outback': The Balranald and Wentworth LGAs are well positioned to act as a gateway to Aboriginal, heritage, and nature-based tourism opportunities of inland NSW and the Northern Territory. Continued collaboration and coordination between councils and business will be required.

Support cross-border collaboration: The current cross-border strategies between Mildura and Wentworth, and Swan Hill and Balranald should be supported and expanded to ensure that visitors to the Region experience the attractions available on both sides of the Murray River. This Strategy represents an opportunity to expand collaboration to provide a truly regional experience.

Support the development of new visitor experiences: Tourism opportunities that help extend the time visitors spend in the Region need to be further explored. Examples of developments include:

- a Murray Adventure Trail, a multiday trail along the river that includes driving kayaking and cycling
- use of the Region's Aerodromes to facilitate tourism
- river cruising experiences, including multiday journey routes
- regional food and drink experiences
- local events, festivals, and conferences

Strategy Outcome

Capitalise on the natural and human endowments to promote the Region as a key tourism destination

Intermediate Outcome

- Improved branding of the Region
- Improved availability of accommodation, services and experiential offerings
- Greater number of day and overnight visitors to the Region

Outputs

- Increased access to, and profile of, the Region's attractions
- Recognition of the Region as the 'Gateway to the Outback'
- Increased collaboration between businesses and councils on either side of the state border
- A wider variety of visitor experiences

Activities

- Upgrade regional infrastructure to enhance profile and access
- Position the Region as the 'Gateway to the Outback'
- Support cross-border collaboration on tourism projects and development
- Support the development of new visitor experiences

Inputs

- Resource funding for infrastructure upgrades
- Improve coordination between local councils and businesses



MURRAY REGION DESTINATION MANAGEMENT PLAN

MURRAY REGIONAL TOURISM



www.murrayregionaltourism.com.au

13. WESTERN MURRAY

13.1. DESTINATION SUMMARY

The Western Murray is a large sub-region consisting of the Councils of Mildura and Wentworth.

The region is characterised by its arid outback landscape, flat topography, and charming towns. The unique setting provides a visitor experience more akin to central Australia than the rest of the Murray Region.

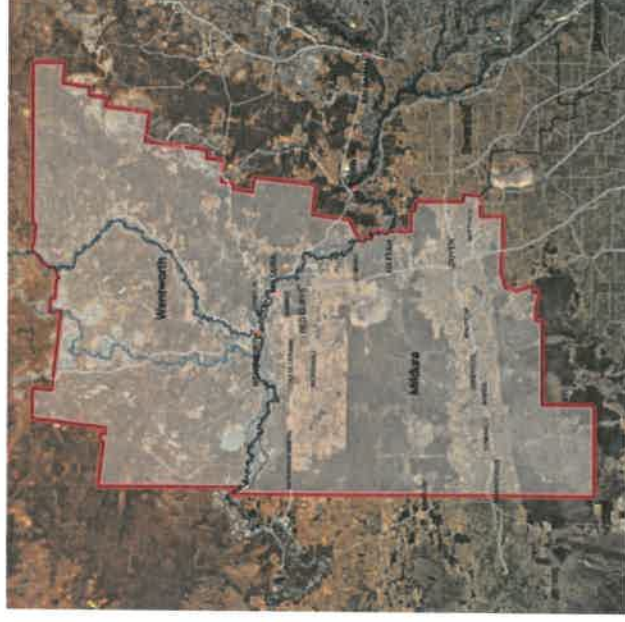
The region is an important foodbowl and major producer of grapes, fruit and citrus. There has been an increase in accessible agritourism opportunities with the development of new facilities within proximity to Mildura and Wentworth.

Nature-based tourism is the major strength of the region which includes a number of key natural sites including the culturally significant Mungo National Park, the Murray-Darling River Confluence, and Yanga National Park. The region includes the two largest rivers in Australia: Murray and Darling, making it a popular location for fishing and watersports.

Mildura is the major regional centre in the western Murray and the wider Mallee region. Wentworth is located at the confluence of Australia's two largest rivers, just 20 minutes from Mildura, and together function as important border towns. Mildura has a regional airport which services a number of major capital cities, and acts as the major gateway for visitors to the region.

The region is unique in that it consists of both Victoria and NSW, and shares a border with SA to the west.

FIGURE 22 WESTERN MURRAY



13.2. PRODUCT STRENGTHS

Western Murray has a number of regional product strengths as shown in Table 20.

TABLE 20 WESTERN MURRAY PRODUCT STRENGTHS

THEME	STRENGTHS	SUMMARY
Rivers and Waterways	Primary	There are a number of river systems that traverse the region making it a popular location for fishing and water sports
History and Heritage	Primary	There are a number of unique and charming outback towns throughout the region that provide a historical account of outback settlement and Australian rural life. The Chaffey Trail tells the story of how Mildura became Australia's first irrigated settlement.
Food, Wine and Agritourism	Primary	The region is known as a major 'food bowl' and prides itself on the abundance of fresh, locally grown produce. There has been a recent increase in the number of accessible farm gate experiences which have been included in a new Mildura Taste Trail.
Nature and Parks	Primary	Nature-based tourism is the major strength of the region, which boasts a number of National Parks and attractions including the iconic Mungo National Park, Yanga National Park, Hattah Kulkyne National Park, Murray Darling Confluence, and Perry Sandhills.
Golf	Primary	The region has a number of top golf clubs with riverfront courses that cater to a variety of standards.
Events	Secondary	Mildura Wentworth hosts a busy events calendar, with a particular strength in sports events.
Arts and Culture	Emerging	Mildura Wentworth has a vibrant arts community and a number of galleries and performance spaces showcasing local and touring exhibitions

13.3. VISITOR PROFILE

SUMMARY OF VISITATION TO WESTERN MURRAY (2017)



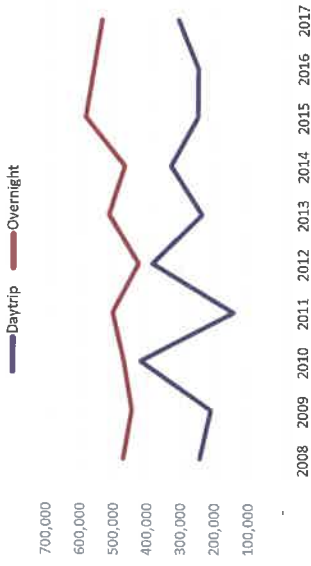
The Western Murray receives over 870,000 visitors per annum. The region experienced steady growth over the past decade. Overnight visitation grew by 70,000 visitors, and daytrips by 66,000.

Interestingly, the Western Murray receives the highest number of international visitors across the entire Murray Region. This is likely due to the high number of backpackers undertaking farm work in the region.

Analysis of the sub-region's visitor profile (using TRA data) and consultation in the region identified the following features of Mid Western Murray's market:

- 48% of overnight visitors are for the purposes of holiday/leisure, 27% are for VFR, and 18% for business purposes.
- 50% of visitors are from Victoria (25% Melbourne and 25% regional Victoria).
- The region receives a strong South Australia market with 16% of visitors from Adelaide and 9% from regional SA. NSW represents 20% of visitation.

FIGURE 23 WESTERN MURRAY VISITATION 2008-2017



Source: TRA NWS & IWS Visitation 2007-2017 ^E June

13.4. PROJECT LIST

TABLE 21 WESTERN MURRAY

TIER	LGA	LOCATION	TITLE	THEME	DESCRIPTION
1	Mildura	Mildura	Mildura Motor Sports Precinct	Sport and Recreation	Progression of the Mildura Motor Sports Precinct as outlined in the Business Case and Staged Development Plan
1	Mildura	South Mildura	Mildura South Sporting Complex	Sport and Recreation	Development of a regional sporting precinct in accordance with the Business Case. Including six indoor courts, two fields, and a 3000 seat venue which can be used for a range of purposes.
1	Mildura	Mildura	Mildura Riverfront Stage 2	The River	Stage 2 of the Riverfront development including linkages with the CBD, commercial activation, concepts for the Powerhouse building, conference centre, and other attractions
1	Mildura / Wentworth	Various	Gateway to the Outback Positioning	Nature-based	The region has the opportunity to position itself as a gateway to the Australian Outback, providing a more accessible and inexpensive experience to rival the Northern Territory.
1	Wentworth	Wentworth	Mungo All Weather Road	Infrastructure, Transport and Servicing	Lake Mungo National Park cannot be accessed from either Mildura or Barmah following rainfall, impacting on tour operators and international visitors who have booked trips to the Willandra Lakes World Heritage Area. The road upgrade will also need to include the main routes through the area, as they are also not accessible following rain.
1	Wentworth	Wentworth	Wentworth Riverfront Development	The River	Long term planning for the future expansion of the Wentworth Riverfront precinct from the Wentworth Civic Centre to Willowbend Caravan Park focusing on linkages to existing facilities and concepts for future attractions. Currently at Concept Stage.
1	Wentworth	Wentworth	Wentworth Riverfront Development	Accommodation	The development of a large-scale riverfront eco resort in close proximity to Mildura and Wentworth. This is currently in the high-level concept stage but would fill an important gap and have a significant impact on the region.
2	Mildura	Mildura	Mildura Arts Centre Future Expansion	Arts, Heritage, and Culture	Long term planning for the future expansion of the arts centre to provide for greater capacity to accommodate larger exhibitions.
2	Mildura	Mildura	Mildura Passenger Rail Services	Infrastructure, Transport and Servicing	Development of rail passenger services for Mildura to connect Melbourne.
2	Mildura	TBD	Adventure Tourism Concepts	Sport and Recreation	Development of a new adventure tourism concept for the Murray to cater for the large backpacker population and provide a unique experience in the region. E.g. bungee jumping, jetboating

North bank

2	Mildura	Hattah Kulkyle NP	Activation of National Parks	Nature-based	Investigate the feasibility of new types of accommodation, such as safari tents, and after-dark and early-morning tours in Hattah Kulkyle NP and Kings Billabong Park, as outlined in the draft River Redgum Management Plan
2	Mildura / Wentworth	Wentworth/ Mildura	Business Events Strategy	Festivals, Events, and Conferences	Leverage existing infrastructure to attract more business events.
2	Mildura / Wentworth	Mildura- Wentworth	Mildura Culinary Food Plan	Food, Drink and Agribusiness	An initiative by Mildura Regional Development to connect local producers to restaurants and develop Mildura's food offering.
2	Mildura / Wentworth	Mildura- Wentworth	Commercial Tour Operator Development	Infrastructure, Transport and Servicing	Positioning the region as the gateway to the outback and a number of eco-tourism opportunities, and developing as a base for commercial tour operators. Undertake a study to identify barriers and compliance issues that may be addressed.
2	Mildura / Wentworth	Mildura- Wentworth	Mildura - Gol Bridge River Crossing	Infrastructure, Transport and Servicing	There are significant traffic volume projections between Mildura and Gol and long-term planning is required to understand the need for an additional river crossing and potential bypass of the Mildura CBD
2	Wentworth	Pooncarie	Pooncarie Camping Facilities	Accommodation	Ongoing development of an RV Camping facility at Pooncarie including installation of filtered water and power. Currently seeking funding, estimated investment \$100,000.
2	Wentworth	Wentworth	Wentworth Effluent Disposal Systems	Infrastructure, Transport and Servicing	Upgrade of existing facilities at Wentworth and Dareton. These facilities are used by house boats to dispose of waste products. These facilities are 30 years old and are vital to the continued success of the house boating industry in the Mildura/Wentworth region. Designs have been prepared and the project is currently seeking funding. Estimated investment is \$2,000,000.
2	Wentworth	Mungo NP	Mungo Visitors Centre	Nature-based	Improvements to the Mungo Visitors Centre to include enhanced interpretation and story telling of the significant heritage area.
2	Wentworth	Murray- Darling Confluence	Great Murray Darling Junction Reserve	Nature-based	To implement the actions and recommendations of the Great Murray Darling Junction Reserve Plan of Management. Currently seeking funding, estimated investment \$2,000,000. This includes improved access, interpretive displays, and potential water interpretation installations
2	Wentworth	Buronga	Buronga Riverfront	Nature-based	Implement the actions/recommendations of the Buronga Riverfront Master Plan. Currently seeking funding, estimated investment \$1,000,000.
2	Wentworth	Wentworth	Aviation Precinct	Infrastructure, Transport and Servicing	Long-term planning for the Wentworth Airport to seal the runway (business case already complete), and investigate opportunities to increase private aviation, emergency services, and residential development (private hangars adjoined to residential). This would need to complement the commercial role of Mildura Airport
3	Wentworth	Wentworth	Wentworth Willow Bend Caravan Park	Accommodation	Council has secured a new operator on two-year contract and is looking to upgrade the park. Currently in the planning stage with an estimated \$3m of investment required.

3	Wentworth	Trenttham	Caravan Park Refurbishment	Accommodation	Refurbishment of an existing caravan park to improve the visitor offering and attract new markets
---	-----------	-----------	----------------------------	---------------	---



Planning &
Environment

2036

Far West

***Regional
Plan***

Implementation Plan 2017-2019

Priority actions for 2017-2019

Priorities for the Far West are growing and diversifying the economy, protecting environmental assets, providing efficient transport and infrastructure networks, and developing strong, resilient and connected communities. Actions to support these outcomes represent the immediate areas of focus.

10 priority actions have been identified for implementation in 2017–2019. These actions respond to strong representations made in feedback to the draft Regional Plan or are areas where initial investigations or planning are required. These priorities will be overseen by the Far West Delivery, Coordination and Monitoring Committee and will require a collaborative effort involving multiple agencies, councils and stakeholders.

- 1 Promote agribusiness diversification by reviewing local plans and removing planning barriers.
- 2 Develop and implement land management arrangements to ensure continuity of supply for the emerging goat industry.
- 3 Align local land use and tourism strategies with the relevant Destination Management Plan.
- 4 Identify the regional freight network (including key national, State, regional and local roads and the rail network).
- 5 Prepare and implement a waterfront management strategy for the Murray River.

- 6 Undertake modelling with local communities to better understand the implications and factors contributing to population change.
- 7 Work with stakeholders, including Aboriginal housing providers and prescribed body corporates, to identify opportunities for social and affordable housing options to meet the distinct cultural needs of Aboriginal communities.
- 8 Conduct a pilot project to progressively improve mineral claims process around Lightning Ridge.
- 9 Support pilot projects and opportunities that empower Aboriginal people to develop tourism businesses as a means of increasing economic participation on country.
- 10 Work with the Local Aboriginal Land Councils to identify landholdings and map the level of constraint for each site at a strategic scale to develop options for the potential commercial use of the land.

4	Direction 4: Diversify energy supply through renewable energy generation				
	Action	Initiative or Strategy	Governance		
			Responsibility ¹	Partner ²	Timing ³
4.1	Identify areas and project sites with renewable energy potential, and infrastructure corridors with access to the electricity network, to inform land use planning.	Initiative	DPE	Council, DOI	Short Term
4.2	Promote best practice community engagement to realise community benefits for all utility-scale renewable energy projects.	Strategy	DPE	Council, DOI	Ongoing
4.3	Facilitate small-scale renewable energy projects using bioenergy, solar, wind, small-scale hydro, geothermal or other innovative storage technologies through local environment plans.	Strategy	Council	DOI	Ongoing

5	Direction 5: Promote tourism opportunities				
	Action	Initiative or Strategy	Governance		
			Responsibility ¹	Partner ²	Timing ³
5.1	Implement Destination NSW's Draft Aboriginal Tourism Action Plan 2017 – 2020 when finalised.	Initiative	Destination NSW	Council, DCONSW	Ongoing
5.2	Expand Aboriginal Export Ready Tour Products by partnering with relevant stakeholders.	Strategy	Destination NSW	Council, LALC, AANSW, DCONSW	Medium Term
5.3	Consult with native title holders, particularly prescribed body corporates, to determine how land subject to native title rights may be utilised in the tourism sector.	Strategy	NPWS	Prescribed Body Corporates, LALC	Ongoing
5.4	Implement the Line of Lode Redevelopment Strategy.	Initiative	DOI	Council, DPC	Ongoing
5.5	Improve access and infrastructure for the tourism sector, focusing on all-weather transport routes.	Strategy	TfNSW	Council, DPE	Ongoing
5.6	Investigate development of a regional tourism trail between Balranald, Wentworth, Mallee Cliffs, Mungo and Yanga floodplains; and between White Cliffs, Menindee, Tibooburra and Silverton.	Initiative	Council	DCONSW, DPC	Medium Term
5.7	Investigate development of a Far West Sculpture Trail encompassing sites at Broken Hill, Mutawintji, White Cliffs and Wilcannia.	Initiative	Council	DCONSW, DPC	Medium Term
5.8	Align local land use and tourism strategies with the relevant Destination Management Plan.	Initiative	Council	DCONSW, DPE	Immediate
5.9	Identify opportunities for tourism and associated land uses in local plans.	Initiative	Council	DCONSW, DPE	Short Term

¹ Responsibility: Indicates who leads the investigation, assessment and decision-making for land use planning.

² Partner: Indicates who supports the lead and takes an active role in land use planning

³ Timing: immediate: 0-2 years, short term: 3-5 years, medium term: 5-10 years, long term: 10+ years, ongoing – strategies

Council: Includes all Councils in the Far West Region; DPE: Department of Planning and Environment; TfNSW: Transport for NSW; DOI: Department of Industry; DPC: Department of Premier and Cabinet; OEH: Office of Environment and Heritage; NPWS: National Parks and Wildlife Services; DRG: Division of Resources and Geosciences; OGA: Office of the Government Architect; CBC: NSW Cross Border Commissioner; MDBA: Murray Darling Basin Authority; AANSW: NSW Aboriginal Affairs; OLG: Office of Local Government; EPA: Environment Protection Authority; FACS: Department of Family and Community Services; LALC: Local Aboriginal Land Council; RMS: Roads and Maritime Services; RFS: Rural Fire Services; LLS: Local Land Services; CMC: Far West Delivery, Coordination and Monitoring Committee; Education: Department of Education; Health: Health NSW; DCONSW: Destination Country & Outback NSW; SES: State Emergency Service; Create NSW: Create NSW; WaterNSW: WaterNSW; DPI Water: Department of Primary Industry Water.



[HOME \(/\)](#)
[ABOUT](#)
[OUR APPROACH \(/OUR-APPROACH/\)](#)
[OUR EXPERIENCE \(/OUR-EXPERIENCE/\)](#)
[ACCESS TO JUSTICE \(/ACCESSTOJUSTICE/\)](#)
[EXPERTISE](#)
[COMPULSORY ACQUISITION \(/COMPULSORY-ACQUISITION/\)](#)
[CONTAMINATED LAND \(/CONTAMINATED-LAND/\)](#)
[ENVIRONMENTAL LAW \(/ENVIRONMENTAL-LAW/\)](#)
[HERITAGE LAW \(/HERITAGE-LAW/\)](#)
[LAND AND ENVIRONMENT COURT \(/LAND-AND-ENVIRONMENT-COURT/\)](#)
[LOCAL GOVERNMENT LAW \(/LOCAL-GOVERNMENT-LAW/\)](#)
[NATIVE TITLE & ABORIGINAL LAND CLAIMS \(/NATIVE-TITLE-ABORIGINAL-LAND-CLAIMS/\)](#)
[PLANNING LAW \(/PLANNING-LAW/\)](#)
[RENEWABLE ENERGY \(/RENEWABLE-ENERGY/\)](#)
[RESOURCES LAW \(/RESOURCES-LAW/\)](#)
[PEOPLE](#)
[MARCUS STEELE \(/MARCUS-STEELE/\)](#)
[NEWS \(/NEWS/\)](#)
[CONTACT \(/CONTACTUS/\)](#)

December 22, 2017 ([/news/2018/1/8/sepp-55-application-to-planning-proposals-gateway-determinations](#))

SEPP 55 - Application to Planning Proposals & Gateway Determinations ([/news/2018/1/8/sepp-55-application-to-planning-proposals-gateway-determinations](#))

What has happened?

On 21 December 2017, the NSW Land and Environment Court (<http://www.lec.justice.nsw.gov.au/>) handed down its decision in the following Class 4 proceedings: *Moorebank Recyclers Pty Ltd v Tanlane Pty Ltd (No 2)* (<https://www.caselaw.nsw.gov.au/decision/5a3a16d7e4b058596cbad5a9>) [2017] NSWLEC 186.

A key issue in the proceedings was the application of Clause 6 (<https://www.legislation.nsw.gov.au/#/view/EPI/1998/520/cl6>) of *State Environmental Planning Policy No 55 - Remediation of Land* (<https://www.legislation.nsw.gov.au/#/view/EPI/1998/520>) (**SEPP 55**):

1. to the preparation of a Planning Proposal; and
2. to the making of a Gateway determination.

This issue arose in the context of the Applicant's challenges:

1. to the relevant Council's resolution to support "in principle" the forwarding of a Planning Proposal to the Greater Sydney Commission (**GSC**) for a Gateway Determination; and
2. to the subsequent decision by the GSC to issue a Gateway Determination for the Planning Proposal.

Findings by the Court

Stay Informed

Subscribe to receive our popular free regular legal updates via email.

You can easily unsubscribe at any time.

We will not send any marketing material or share your email address with anyone.

Email Address

SUBSCRIBE

Search News

Search

Tag Cloud

Case Note
(/news?)
tag=Case+N
Land and Env
(/news?)
tag=Land+ar

The Court found that Clause 6 (https://www.legislation.nsw.gov.au/#/view/EPI/1998/520/cl6) of SEPP 55 was *not engaged* (and so did not need to be complied with) in the making of either decision under challenge.

The key statutory provisions falling for consideration in this case were Clause 6 of SEPP 55 and Section 55

(https://www.legislation.nsw.gov.au/#/view/act/1979/203/part3/div4/sec55) and Section 56

(https://www.legislation.nsw.gov.au/#/view/act/1979/203/part3/div4/sec56) of the *Environmental Planning and Assessment Act 1979*

(https://www.legislation.nsw.gov.au/#/view/act/1979/203) (**EP&A Act**).

Clause 6 of SEPP 55 relevantly states (emphasis added):

"6 Contamination and remediation to be considered in zoning or rezoning proposal

(1) In preparing *an environmental planning instrument*, a planning authority is not to include in a particular zone (within the meaning of the instrument) any land specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of the land, unless:

(a) the planning authority has considered whether the land is contaminated, and

(b) if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and

(c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.

(2) Before including land of a class identified in subclause (4) in a particular zone, the planning authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines."

Sections 55 and 56 of the EP&A Act relevantly state:

"55 Relevant planning authority to prepare explanation of and justification for proposed instrument—the planning proposal

"(1) Before an environmental planning instrument is made under this Division, the relevant planning authority is required to prepare a document that explains the intended effect of the proposed instrument and sets out the justification for making the proposed instrument (the **planning proposal**) ...

56 Gateway determination

(1) After preparing a planning proposal, the relevant planning authority may forward it to the Minister.

(2) After a review of the planning proposal, the Minister is to determine the following:

tag=Environmental
Planning Law
(/news?
tag=Planning
Legislation
(/news?
tag=Legislation)
EP&A Act (/news
tag=EP%26A+A
Practice and Proc
(/news?
tag=Practice+anc
State Significant Dev
(/news?
tag=State+Significan
Environmental Law
(/news?
tag=Environmental+Law)
Court of Appeal
(/news?
tag=Court+of+Appeal)

Coastal Management (/news?

tag=Coastal+Management)

Supreme Court of NSW (/news?

tag=Supreme+Court+of+NSW)

Amendments (/news?

tag=Amendments)

High Court (/news?tag=High+Court)

Compulsory Acquisition (/news?

tag=Compulsory+Acquisition)

Archive

Month



(a) whether the matter should proceed (with or without variation) ..."

Put simply, the Court found that there was no intersection between the statutory requirements of Clause 6 of SEPP 55 and Section 55 and 56 of the EP&A Act.

The scope of Clause 6 of SEPP 55 is confined to the *preparation* of an environmental planning instrument (**EPI**).

The Court held that, as neither of the procedures described in Section 55 (making of planning proposal) or Section 56 (making of gateway determination) could properly be described as the *preparation* of an EPI they necessarily fell outside the scope of Clause 6.

Implications

This case underscores the difficulty of successfully challenging the making of an amendment to an EPI. The procedures relating to the making of a planning proposal and a Gateway Determination are relatively imprecise and allow decision makers considerable procedural latitude.

Further information

For further information on this judgment and its potential implications for your development please contact Marcus Steele, Director, on (02) 8005-1411 or marcus.steele@steelelaw.com.au (<mailto:marcus.steele@steelelaw.com.au>).

Tagged: Case Note (</news/?tag=Case+Note>), Land and Environment Court (</news/?tag=Land+and+Environment+Court>), Planning Law (</news/?tag=Planning+Law>), EP&A Act (</news/?tag=EP%26A+Act>)

▼ Share

Newer Post

"Amber Light" decisions in Class 1

Planning Appeals

([/news/2018/3/19/amber-light-](/news/2018/3/19/amber-light-decisions-in-class-1-planning-appeals)

[decisions-in-class-1-planning-appeals](/news/2018/3/19/amber-light-decisions-in-class-1-planning-appeals))

Older Post

Is a private road a "building"?

([/news/2017/11/28/is-a-road-a-](/news/2017/11/28/is-a-road-a-structure)
structure)



Steele Law Pty Limited

ABN: 98 618 795 305

Level 35, Tower One, International Towers
100 Barangaroo Avenue
Sydney NSW 2000 Australia

GPO Box 306 Sydney 2001

+61 2 8005 1411

info@steelelaw.com.au (<mailto:info@steelelaw.com.au>)

Liability limited by a scheme approved under Professional Standards Legislation.
Legal practitioners employed by Steele Law Pty Limited are members of the scheme.

[Privacy Policy \(/privacy-policy\)](#) | [Disclaimer \(/disclaimer\)](#) | © 2018 Steele Law Pty Ltd



Planning &
Environment

Planning Proposals

*A guide to preparing
planning proposals*

Once the document is prepared, it must be forwarded by the RPA for consideration to the Department of Planning and Environment as delegate to the Minister or GSC. The RPA is responsible for the content of the planning proposal and the quality of the information provided in support of the proposal. The RPA must ensure the information is accurate, current and sufficient for issuing a Gateway determination and subsequently detailed enough for the purposes of consulting with agencies and the general community.

A guide to preparing local environmental plans provides an overview of the plan making process.

1.3 How much information should be in a planning proposal before a Gateway determination has been issued?

A planning proposal must demonstrate the strategic merit of the proposed LEP amendment.

A planning proposal which is submitted for a Gateway determination must provide enough information to determine whether there is merit in the proposed amendment proceeding to the next stage of the plan making process. The level of detail required in a planning proposal should be proportionate to the complexity of the proposed amendment.

A planning proposal relates only to a LEP amendment. It is not a development application nor does it consider specific detailed matters that should form part of a development application.

The planning proposal should contain enough information to identify relevant environmental, social, economic and other site specific considerations. The scope for investigating any key issues should be identified in the initial planning proposal that is submitted for a Gateway determination. This would include listing what additional studies the RPA considers necessary to justify the suitability of the proposed LEP amendment. The actual information/investigation may be undertaken after a Gateway determination has been issued and if required by the Gateway determination.

An 'Information Checklist' has been developed to assist both proponents and councils to identify and agree on the range of key issues for the proposed LEP amendment. A copy of the checklist is provided as **Attachment 1**.

Evidence of any pre-lodgement discussions, negotiations and agreement between the parties on the key issues and scope of work to be completed should be provided in the planning proposal that is submitted for a Gateway determination.

1.4 When is a pre-lodgement meeting appropriate?

It is recommended that a proponent seek a pre-lodgement meeting with a RPA prior to preparing and submitting a planning proposal. This will be critical where the matter is complex with many factors to be considered. A pre-lodgement meeting will assist the RPA and the proponent to reach agreement on the key issues and information necessary to justify further consideration of the proposed change to land use or development controls. It will also ensure that a proponent does not commit time and resources undertaking unnecessary studies or preparing information that does not address the main areas of concern with appropriate detail.

The 'Information Checklist' provided at **Attachment 1** forms a suggested framework for discussion at a pre-lodgement meeting. The checklist may also be a useful starting point where a council does not have a similar guide or where a proponent is preparing a planning proposal for the first time. It is worth noting that in some cases the nature of a planning proposal will be such that its merits may be able to be demonstrated without the need to prepare any supporting strategic studies after a Gateway determination has been issued.

It is not expected that a council or proponent will provide comprehensive information to support a request for Gateway determination. As a minimum, a planning proposal before a Gateway determination has been issued must identify relevant environmental, social, economic and other site specific considerations. The planning proposal document may identify the need for investigations and an approach for addressing the issues.

The level of information that may be reasonable to justify a planning proposal at the Gateway determination stage is outlined in the following examples:

Explanatory Note

Where vegetation management is an issue for a large site to be rezoned, it would be sufficient for the planning proposal to be submitted to the Gateway to identify the issue and indicate what environmental studies may be necessary to assess and analyse the value and location of the vegetation and how the matter(s) could be addressed.

Explanatory Note

Overshadowing and amenity impacts may be potential issues associated with increasing the height and floor space ratio controls on a site. It would not be reasonable to require a proponent to provide detailed architectural design drawings of a proposed development as part of the planning proposal. The planning proposal should provide sufficient justification explaining why it is proposed to increase the development potential of the site by amending these development standards in that location.

The planning proposal could include block / massing diagrams at Gateway review stage to identify the proposed building massing. The RPA may also nominate that a detailed visual impact assessment is necessary after a Gateway determination has been issued to confirm the suitability for increasing the height and floor space ratio controls.

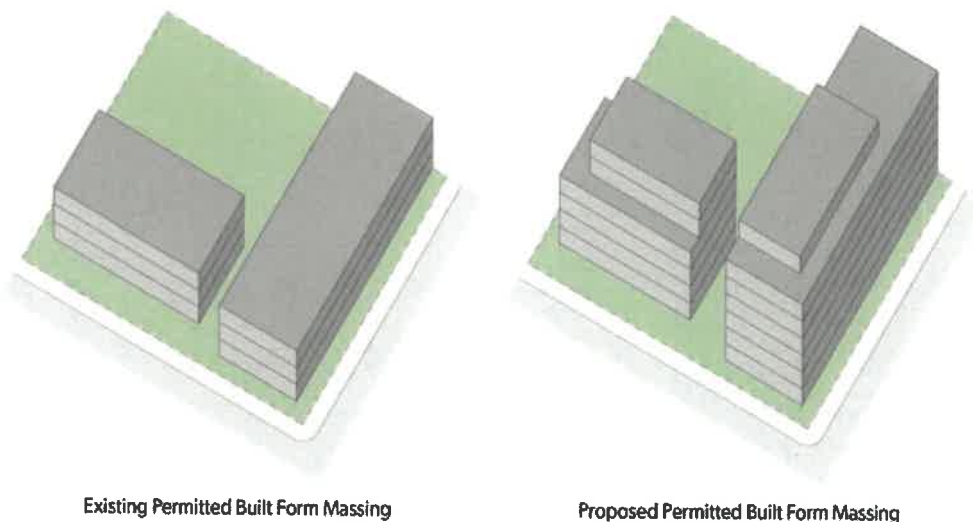


Figure 3. Showing proposed increase in the permitted built form massing

The Minister, GSC or delegate will review the planning proposal and confirm in the Gateway determination what information (which may include studies) and consultation is required before the LEP can be finalised. This may include additional information or work than what has been identified under the planning proposal.

As the necessary information is gathered and consultation has been undertaken, the planning proposal would be updated to include additional justification.

2.3.1 Questions to consider when demonstrating the justification

Section A – Need for the planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

The answer to this question helps explain the context of the planning proposal. If the planning proposal implements the outcomes of a strategic study or report of some kind, the nature of the study and its key findings should be briefly explained to justify the proposal. A copy of the study or report (or relevant parts) should be submitted with the planning proposal and ultimately form part of the public exhibition material.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Imposing or changing the controls on development is one means of giving effect to policy. But others may be equally effective and implemented quicker.

Even when changing development controls is an appropriate means of giving effect to policy, there is still a range of options regarding how and when the new controls should be introduced. For example, it may be more suitable to amend a land use table or rezone a site rather than including site specific provisions to enable a new land use.

The planning proposal should demonstrate that alternative approaches to achieving the intended outcomes of the proposal have been considered. It should be evident from this assessment that the proposed approach is the best, most efficient and most time effective approach to delivering the desired outcome.

Section B – Relationship to strategic planning framework.

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

Regional, sub-regional and district plans and strategies have been prepared for many parts of NSW. These plans or strategies include outcomes and specific actions for a range of different matters relevant to that region, sub-region or district. In all cases the plans and strategies include specific housing and employment targets and identify regionally important natural resources, transport networks and social infrastructure.

- Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or
- Consistent with a relevant local council strategy that has been endorsed by the Department; or
- Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.

There will be a presumption against a Rezoning Review request that seeks to amend LEP controls that are less than 5 years old, unless the proposal can clearly justify that it meets the Strategic Merit Test.

Note: A draft regional plan outside of the Greater Sydney Region, draft district plan within the Greater Sydney Region or draft corridor/precinct plan that has been released for public comment by the Minister for Planning, Greater Sydney Commission or Department of Planning and Environment does not form the basis for the Strategic Merit Test where the Minister for Planning, Greater Sydney Commission or Department of Planning and Environment announces that there is to be another exhibition of, or it is not proposed to finalise, that draft regional, district or corridor/precinct plan.

- b) Does the proposal have site-specific merit, having regard to the following:
- the natural environment (including known significant environmental values, resources or hazards) and
 - the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and
 - the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.

Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Where a local strategic plan has been prepared for the LGA and endorsed by the Secretary, relevant matters must be identified and the relationship of the planning proposal to those matters should be discussed.

As is the case with strategic studies and reports, the status of council's plan is important. Is it still in draft form? Has it been adopted by the council? Has it been endorsed by the Secretary? A planning proposal that is explicitly consistent with an endorsed local strategy has a good chance of being supported.

Local strategies or local strategic plans also provide the opportunity to justify or detail how environmental issues (such as those set out in section 117 Directions) can be addressed.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

State Environmental Planning Policies (SEPPs) relevant to the planning proposal must be identified and the relationship of the planning proposal with those SEPPs must be discussed. In some instances it may be necessary to provide some preliminary advice in relation to how the proposal can satisfy the requirements of the SEPP. For example, a Stage 1 contamination report may be necessary under the provisions of SEPP 55 – Remediation of Land. A proponent and / or RPA should identify whether it is considered necessary to undertake this study after a Gateway determination is issued, to demonstrate that the purpose of the planning proposal can be achieved.

Explanatory Note

Mapping may be provided under an initial planning proposal to identify if a SEPP is relevant to the proposal.



Figure 5. Confirming that the provisions of State Environmental Planning Policy 26 – Littoral Rainforests do not apply to a site.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Section 117 of the Act enables the Minister to issue directions regarding the content of LEPs to the extent that the content must achieve or give effect to particular principles, aims, objectives or policies set out in those directions.

There is a range of section 117 Directions (Local Planning Directions) requiring certain matters to be addressed if they are affected by a proposed LEP. The directions can be found on the Department's website at www.planning.nsw.gov.au/Plans-for-Your-Area/Local-Planning-and-Zoning/Policy-Directions-for-Plan-Making. Each planning proposal must identify which, if any, section 117 Directions are relevant to the proposal, and whether the proposal is consistent with the direction. Where the planning proposal is inconsistent with any of the relevant directions, those inconsistencies must be specifically explained and justified in the planning proposal.

Additional information may be required after a Gateway determination has been issued, to demonstrate consistency with a direction or enable the Secretary to agree to an unresolved inconsistency.

A RPA will need to ensure that any unresolved inconsistency with a direction is addressed and agreed to by the Secretary prior to the LEP being made.

Certain directions require consultation to take place with particular government agencies to demonstrate consistency with the direction's desired outcome. If such a direction is relevant to the planning proposal, this should be identified in the planning proposal in the first instance. Formal consultation with that government

social infrastructure such as schools and hospitals and impacts on existing retail centres which may result if the planning proposal proceeds.

In the instance where a planning proposal is to proceed, the Gateway needs to be satisfied that the level of information available leads to the conclusion that the LEP can be completed within a reasonable timeframe and that identified potential impacts can be addressed.

As with other potential impacts, the initial planning proposal should identify the scope of issues to be addressed. The Gateway determination will confirm the scope of matters to be addressed.

Section D – State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

Typically, this question applies to planning proposals that:

- result in residential subdivisions in excess of 150 lots
- substantial urban renewal
- infill development
- development that will result in additional demand on infrastructure (such as public transport, roads, utilities, waste management and recycling services, essential services such as health, education and emergency services).

Where applicable, the justification for the planning proposal should address whether existing infrastructure is adequate to serve or meet the needs of the proposal. Any justification should address how any predicted shortfall in infrastructure provision could be met. It is not necessary for a proponent or RPA to identify exactly what infrastructure may be needed at the initial stage. The planning proposal should identify that there may be an expected shortfall in service provision, that studies may be required to identify the extent of that shortfall, potential mechanisms to address any shortfall and which agencies are to be consulted as part of that process.

For planning proposals likely to place additional demands on public infrastructure, this section will be developed following Gateway determination and consultation with the public authorities responsible for the provision of that infrastructure. The Gateway determination would confirm the additional studies required and which public authorities to be consulted.

To maximise opportunities associated with the Government's unprecedented investment in infrastructure, strategic planning reviews are being undertaken for a number of centres and growth areas across the Sydney Metropolitan Area.

As part of these strategic reviews, land use and infrastructure plans are being prepared and Special Infrastructure Contribution plans are being investigated. This will ensure infrastructure such as additional public transport, health care, road upgrades, new schools and parks will be coordinated to support the community's needs at the same pace as the delivery of new homes and jobs over time.

The land areas which are under review can be found on the Department's website www.planning.nsw.gov.au/Plans-for-Your-Area/Priority-Growth-Areas-and-Precincts.

Until these strategic reviews are completed, and as an interim measure, all planning proposals within these areas should acknowledge that a satisfactory arrangements provision for contributions to designated State public infrastructure may be required in the final instrument.

	A	B	C	D
1			REGIONAL NSW PLANNING PROPOSALS FOR TOURISM	
2	TITLE	LGA	SUMMARY	ECONOMIC STUDY REQUIRED
3	LAKE HAVEN, CHARMHAVEN, Lake Haven Town Centre	Wyong	The planning proposal rezones land in two precincts within Lake Haven Town Centre to B4 Mixed Use under Wyong LEP 2013. The rezoning seeks to encourage growth and development through increased economic activity and employment.	No
4	GWANDALAN, Tourist and Visitor Accommodation on Lots 1-4 Section 22 DP 28961, 2-8 Aldinga Road	Wyong	The proposal seeks to add Tourist and Visitor Accommodation as an additional permitted use on Lots 1-4 Section 22 DP 28961, 2-8 Aldinga Road Gwandalan.	No
5	Huntley Colliery rezoning	Wollongong City	To rezone the former Huntley and Avondale Collieries from a mix of environmental, rural, and non-urban zones to a combination of R2 Low Density Residential, RE2 Private Recreation, SP3 Tourist, E2 Environmental Conservation, E3 Environmental Management, and E4 Environmental Living. The rezoning will enable tourist development (90 room hotel + 45 cabins), residential development (approx. 470 dwellings), rural residential development (approx. 25 dwellings).	No
6	Wingecarribee LEP 2010 Amendment No.2 - Northern Gateway	Wingecarribee	Rezone land to R2 Residential from IN1 Industrial , rezone low quality rural land to IN1 Industrial , rezone land between the proposed residential and industrial to SP3 Tourism, and rezone remaining land to RU4 Primary Production Small Lot and E3 Environmental Management.	No
7	Wingecarribee Rural Tourism Planning Proposal (0 jobs, 0 homes)	Wingecarribee	To make various amendments to the Wingecarribee LEP 2010 to support rural tourism in the Shire.	No
8	Proposed rezoning of Lot 1 DP 1134973 Swan Hill Road Murray Downs to zone RE2 Private Recreation	Wakool	Proposal to rezone Lot 1 DP 1134973 Swan Hill Road Murray Downs from zone RU1 Primary Production to zone RE2 Private Recreation with no minimum lot size	No
9	Tweed LEP 2014 Amendment - Palm Lake Resort, Banora Point	Tweed	The Planning Proposal seeks to amend the Tweed LEP 2014 by:1. Rezoning part of Lot 10 DP 1190061 and part of Lot 1, DP 1197599, Barneys Road, Banora Point from 7(a) Environmental Protection (Wetlands & Littoral Rainforests) under Tweed LEP 2000 to RE2 Private Recreation under the Tweed Local Environmental Plan 2014;2. Applying a height of buildings control of 10m to the subject land; and3. Amending the Land Application, Flood Planning and Acid Sulfate Soils Maps to include the subject land.	No
10	Amendment No 7 - Amend Temora LEP 2010 - Extend SP1 Zone near airport to permit Business, Residential, Tourism incidental to aviation	Temora	Temora Shire Council seeks to rezone approximately 32 hectares of land adjoining Temora Airport to extend the SP1 Special Activities Zone labelled Business Premises, Residential, Tourist and Visitor Accommodation Incidental with Aviation.	No
11	Tamworth Regional LEP 2010 Amendment No 2 - Longyard Trails	Tamworth Regional	The Planning Proposal seeks to permit dwelling houses and secondary dwelling with consent in the SP3 Tourist zone.	No
12	Tamworth Regional LEP 2010 - Rezoning of land for the development of a regional harness racing facility	Tamworth Regional	This Planning Proposal seeks to rezone land from RU4 Primary Production Small Lots to SP3 Tourist to facilitate the development of a regional harness racing track and associated facilities. It also seeks to remove the 40ha minimum lot size currently applying to the land to facilitate the development.	No
13	Tamworth Regional LEP 2010 - Tamworth Enterprise Area	Tamworth Regional	This Planning Proposal seeks to rezone land in West Tamworth land from RU4 Primary Production Small Lots and R5 Large Lot Residential and alter other development controls to facilitate the development of employment generating and business activity lands.The site is between Westdale and the Glen Artney Heavy Industrial estate. It adjoins the Oxley Highway and Tamworth Airport to the South and the Tamworth - Barraba Railway line and Wallamore Road to the North	No
14	Port Macquarie Hastings LEP 2011 Amendment	Port Macquarie-Hastings	Rezone land at Cassegrain Winery, Fernbank Creek Road, Fernbank Creek from RU1 Primary Production to part SP3 Tourist to facilitate the development of a tourist precinct and an environmental protection zone to preserve areas of residual vegetation.	No
15	Murray LEP 2011 - Amendment 10 - Rezone land	Murray River	Murray LEP 2011 - Rezone land from zone E3 Environmental Management to zone SP3 Tourist at 'Tindarra Resort' Lots 1, 2, 3 and 4 DP 270496, 2 Pericoota Road, MoamaNB: Proposal received 29 September 2016. Requested additional information from Council 18 October 2016 & 1 November 2016. Proposal held in abeyance until additional information submitted on 10 February 2017.	No
16	Lord Howe Island LEP 2010 - Rezoning of part of	Lord Howe Island	The planning proposal seeks to amend the Lord Howe Island LEP 2010 (LHI LEP 2010) by rezoning approximately 903 square metres of portion 123 from Zone 1 Rural to Zone 2 Settlement, and 87 square metres of portion 176 from Zone 5 Special Uses to Zone 2 Settlement, to enable encroachments from structures associated with Capella Lodge on Lot 4 DP 1133177 to be rectified.	No
17	Expansion of Jamberoo Action Park	Kiama	To permit the existing development within Jamberoo Action Park and facilitate the expansion of the Park beyond its current boundary.	No
18	Amendment to Cessnock LEP 2011 - Integrated	Cessnock	The Planning Proposal investigates whether the subject land should be rezoned from RU4 Primary Production Small Lots to SP3 Tourism under the Cessnock Local Environmental Plan 2011. The subject land has an area of approximately 250 hectares.The rezoning will permit the development of an integrated tourist development consisting of the following:- Eighteen (18) hole golf course and clubhouse, 300 tourist and visitor accommodation units, which includes a 50 room hotel, 300 permanent residential dwellings, and function centre, neighbourhood shops, food and drink premises. Subdivision requires development consent under clause 2.6 of the Cessnock Local Environmental Plan 2011. There is no minimum subdivision requirement on the Lot Size Map so it is possible to create development lots of any size provided it is consistent with the local clause, which requires the site to be developed as an integrated tourist development.	No
19	Additional Land Uses at 'The Farm', Ewingsdale	Byron	The planning proposal seeks to enable additional land uses with consent at The Farm, Ewingsdale. The proposed land uses include a shop (wholesale bakery), industrial training facility, office premises and an information and education facility which are to be directly associated with the agricultural activities on the land. The subject land uses are currently being undertaken outside of the terms of existing consents and are associated with the farming activities at the site.	No
20				No

8 NEWS

MILDURA WEEKLY FRIDAY, MAY 27, 2016

Shire report reveals long wish

WENTWORTH Shire Council has revealed its thoughts and suggestions on possible future upgrades to the Sturt Highway between Buronga and Monak.

Arguably one of the most utilised roads in the Shire, councillor-endorsed ideas were contained in the final version of the Buronga Gol Gol Interface Report, recently made available to the *Mildura Weekly*.

The report was developed in response to the soon-to-be-released New South Wales Roads and Maritime Services and Transport NSW 20-year Sturt Highway Corridor Strategy – which will address the highway's transport needs.

Council's interface report aims

to provide "a strategic document for future planning between Bonnie Doon Road, Monak, and the Buronga roundabout".

"This report details options that we think should be considered as part of the Sturt Highway Corridor Strategy, with our short-term findings certainly issues we feel need to be addressed now," Wentworth Shire Council director of Roads and Engineering Simon Pradhan said.

Council currently sees Buronga and Gol Gol as one of the fastest growing areas in the Shire (with 17 commercial and residential subdivisions proposed), with the Sturt Highway identified as the main access road to Mildura.

We recognise that there is significant growth occurring in the Buronga and Gol Gol areas, and this report was a way for us to find out what we know and what we don't know.

– Wentworth Shire Council director of roads and engineering Simon Pradhan.

cess road to Mildura.

The highway has also been identified as a 'National Key Freight Route', with the Sturt Highway Corridor Strategy to address transport needs, including support for greater use of higher productivity vehicles.

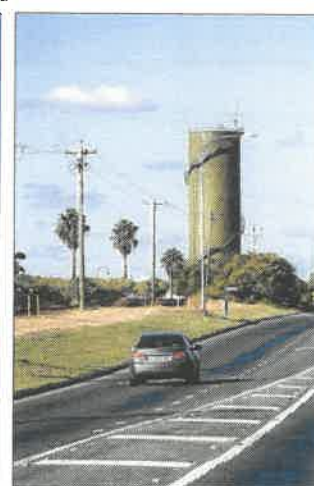
A draft version of the Strategy is expected to be released for public comment in July once it receives Ministerial approval.

The strategy will look at safety, asset and traffic solutions to meet current and future challenges, with

the section between Buronga and Gol Gol already identified as being in need of future reconstruction.

Knowing this, Wentworth Shire Council engaged Tonkin Consulting to prepare the Buronga Gol Gol Interface Report, with the final version of that report endorsed by councillors at their April meeting, and sent to those responsible for developing the Sturt Highway Corridor Strategy.

The scope of work undertaken by Tonkin Consulting included site inspections to observe existing operations, collation and review of traffic and crash data, investigation of future development proposals and planned upgrades and existing infrastructure.



RIVER MURRAY TO BURONGA ROUNDABOUT

- Develop separate turning lanes, particularly for right turn movements, and a continuous path on both sides of the highway.
- Possible duplication of the Sturt Highway (which may require duplication of the bridge), a two-lane roundabout at the junction with the Silver City Highway – or traffic signals – and a clear shared path access and formal footpath on nearby service road, ABOVE.

BURONGA ROUNDABOUT TO EAST OF ROSE STREET


- Restrict junction movement to left in/out with provision of signals at Rose or Pooley Street.
- Upgrade Silver City Highway/ Pitman Road intersection to provide alternative access.
- Duplicate highway – converting parking lane to a full travel lane (requiring widening of the roadway).
- Reduce the speed limit to 50km/h, widen existing shared path, and create additional footpath access on the north side of highway.

EAST OF ROSE STREET TO WATER TOWER

- Modify the median to prevent access to service road from the west, and similarly access at the service station.
- Upgrade pedestrian crossing point at bus stop locations.
- Provide formal left turn deceleration lanes to junctions, with Melaleuca Street junction potentially requiring signals for safe operation.
- Duplicate the roadway in the longer term based on traffic volumes.
- Reduce speed limit to 60km/h, widen existing shared path, provide formal footpath on service road and ensure crossings adhere to required standards, ABOVE RIGHT.

WATER TOWER TO GOL GOL

- Widen existing road to establish a wide westbound shoulder for property access and painted median, or, realign the highway to the north so existing road is a service road. Access to the service road would then form a new junction to the west of Dawn Avenue.
- Provide a formal service road for properties west of Dawn Avenue on north side of highway.
- Traffic signals for Dawn Avenue and Carramar Road junctions.
- Duplicate the roadway in the longer term based on traffic volumes, reduce speed limit to 60km/h, ensure crossings adhere to required standards and widen existing sealed shared path.



5024 7371
2160 Fifteenth Street, Irymple

Open Monday to Friday 7:30am - 5pm
Saturday 7:30am - 12:30pm
sales@nationalag.com.au

Find us on **facebook**

Cutting Edge Technology
Innovated redesigned handpiece and battery

Lighter Handpiece
Integrated handpiece - ergonomic, functional and lighter than ever before. Inner body comes with conditional lifetime guarantee.

Increased Power
High speed, high performance & high precision

Integrated Electronics
Plug & Play all accessories. Only one cable between battery and handpiece.

Futuristic Battery Technology
Next Generation Technology - one battery powers over 10 different tools. Small, powerful and fits in your pocket.

JUST RELEASED
NATIONAL AG ARE YOUR LOCAL SUPPLIERS OF

ELECTROCOUP **INFACO**
www.infaco.com



FRIDAY, MAY 27, 2016 MILDURAWEEKLY.COM.AU

NEWS 9

list of Sturt Highway upgrades

Also included was a review of development proposals to investigate future traffic volumes, and an investigation of both constraints and opportunities for future upgrades.

"We recognise that there is significant growth occurring in the Buronga and Gol Gol areas, and this report was a way for us to find out what we know and what we don't know," Mr Pradhan said. "This report was about qualifying what we know about traffic counts, growth predictions, and the impact on communities that neighbour the highway."

"With the State Government, New South Wales Roads and Mari-

time Services and Transport NSW about to release their draft of the Sturt Highway Corridor Strategy, we thought it was timely to make our views known about what could be done to improve the highway here."

According to Council's study, development within Buronga and Gol Gol is expected to inflame existing traffic issues, and potentially increase safety risks – particularly at key intersections/junctions – around schools and commercial areas of both towns.

Traffic along the George Chaffey Bridge, heading towards the Buronga roundabout, has increased by more than 7000 vehicles a day since 1997 – or 2.5 percent each

year – with future residential and commercial development expected to see an additional 5000 to 10,000 vehicles utilise the highway each day by 2025.

An even larger impact is expected from significant long-term development to the east of Gol Gol, with the report estimating a further 16,000 to 20,000 vehicles a day would utilise the Sturt Highway between Buronga and Gol Gol by 2035.

This increase in traffic is expected to result in significant congestion along the highway, particularly within the nearby townships, at the major intersection with the Silver City Highway (the Buronga round-

about), and junctions with key local roads.

The increase in traffic is also expected to contribute to existing issues related to pedestrian movement across and along the Sturt Highway, direct access from adjacent properties and road safety.

The Interface Report lists a range of potential improvements and actions that could be considered to improve future congestion, while also catering for future development within the study area.

A review of existing conditions along the Sturt Highway identified a number of key issues, namely high crash rates and a number of casualty crashes in two specific locations.

The report found that the narrow shoulders of the highway did not provide opportunity for vehicles to safely access properties outside the townships, with a constraints and opportunity assessment, which identified a number of key opportunities, also included.

It should be noted that at this stage, recommendations made as part of the Interface Report are pure suggestion, and highlight future improvements and potential upgrades Council believe could or should occur as part of the Sturt Highway Corridor Strategy.

Recommendations are broken down into eight sections, and can be seen on Pages 8 and 9.



GOL GOL

- Provide formal parking lanes in both directions at western end of town adjacent to the park. Include provision for pedestrian crossing points, ABOVE.
- Modify lane and kerb arrangements at Hotel/King Street to ensure clarity and safety.
- Improve footpath provision on north side of highway, which includes assessing how access can be improved to the property on northwest corner of junction with Burns Street.
- Future traffic volumes may require a median within the township to provide safe turn movements, and would assist with pedestrian movement across the highway.
- Upgrade Burns Street junction (provision of signals), reduce speed limit to 50km/h and widen existing shared path.
- Include additional footpaths north of the highway, improve pedestrian access between Burns Street and Wilga Road and seal currently unsealed shared path.

GOL GOL TO TRENTHAM CLIFFS

- Improve existing junctions/intersections.
- Construct a roundabout at the Wilga Road intersection (to be used as an entrance statement for the town), ABOVE RIGHT.
- Ensure that access points for future developments are minimised and located so as not to impact on existing junctions.
- Widen the highway (depending on future development on either side of the road and traffic volumes), and reduce speed limit to 80km/h.



TRENTHAM CLIFFS

- Widen shoulders for the full length to allow vehicles to safely pass turning vehicles, BOTTOM.
- Provide upgraded CHR/CHL treatments for access to Trentham Cliffs development.
- Provide formal service roads at various locations, with the length and location of these service roads to be discussed with relevant landowners to determine how they can be maximised to remove short distance movements from the highway.



TRENTHAM CLIFFS TO BONNIE DOON ROAD

- Improve existing junctions/intersections to provide formal CHR/CHL treatments.
- Widen shoulder curves as required.
- Wentworth Shire Council's Buronga Gol Interface Report has revealed several potential 'opportunities' for improving the Sturt Highway between Buronga and Monak, and has been developed in response to the NSW RMS and Transport NSW's 20-year Sturt Highway Corridor Strategy.

TOUGH. DURABLE. BUILT TO LAST.



Each farm is different, and Titan prides itself on offering a complete range of Tyres, Wheels and Axles to meet the diverse needs of Australian growers in various applications throughout the country

As part of the Titan International Group of companies, Titan Australia is a leader in the design, development and sales of the toughest and most durable wheels, undercarriages, axles and tyres for agriculture.

TITAN
AUSTRALIA
TYRES | WHEELS | AXLES

SALES PHONE: 1300 791 672 FAX: (03) 5023 7200 www.titanaustralia.com Please send us an email with any enquiries to sales@titanaustralia.com

9.3 TRENTHAM CLIFFS DEVELOPMENT - PROVISION OF WATER AND SEWER

File Number: RPT/20/302

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Ken Ross - General Manager

Objective: 1.0 Wentworth is a vibrant, growing and thriving Shire
Strategy: 1.2 Encourage and support population growth and resident attraction

Summary

This report should be read in conjunction with one with the same title which was deliberated with the following resolution of Council being carried at the 18 December 2019 meeting.

That Council authorises the Mayor and General Manager to negotiate an agreement with the developer regarding the provision of water and sewer infrastructure to Trentham Cliffs and beyond, and that it be brought back to council for ratification.

Since the December meeting of Council the final costing has been prepared for the delivery of the project which equates to \$1,841,106.00

Under the terms of the agreement the Council contribution is capped at \$1,500,000.00 in line with the December Report.

This report now seeks Council endorsement of the agreement.

Recommendation

That Council authorises the Mayor and General Manager to attach the common seal of the Wentworth Shire Council to the agreement pertaining to the provision of water and sewer infrastructure to Trentham Cliffs and beyond, noting that the agreement caps the Council contribution at \$1,500,000.00.

Detailed Report

Purpose

The purpose of this report is for council to endorse the attached agreement which has in the opinion of the author delivered suitable arrangements in the apportionment of costs associated with the provision of filtered water to Trentham Cliffs and beyond and the return of sewer from the development site.

Background

Council has previously approved three developments in the Trentham Cliffs precinct, for which water and sewer infrastructure is required. In part the rationale behind this was to open up Gol Gol to Trentham Cliffs to more development opportunities.

Matters under consideration

Within the development of the Trentham Cliffs highway service center and cabin park patrons are to be provided with filtered water and a pressurized sewer, with the developer to supply the required infrastructure for the development.

The provision of this water and sewer infrastructure to the Trentham Cliffs development allows the opportunity for Council to futuristically connect approximately 300 tenements to this infrastructure in the rapidly developing area over Gol Gol creek in the R5 large lot resident zone.

The concept for consideration is for the developer of the Trentham Cliffs development to supply the required infrastructure for water to the Trentham Cliffs winery and install a sewer pump station upon the development site to pump the sewer back to Gol Gol.

Since the December meeting the design and costing of the project has been undertaken. The cost associated with the supply and installation of the required infrastructure to satisfy Council standards has been calculated at \$1,841,106.00

This report seeks council endorsement of the separately circulated agreement, whereby council shares in the upfront costs of providing the infrastructure which will be of future benefit to the council.

Conclusion

Through the approval of previous development applications Council has provided its support for the progression of development out to the Trentham Cliffs area.

The provision of essential infrastructure to the rapidly developing area of Gol Gol creek in the R5 large lot residential zone is necessary to facilitate the progression of development plans. Subsequent to the December meeting of Council the final costing for the project has been calculated at \$1,841,106.00

The agreement has been drafted to support the resolution of Council and now the agreement is returned to Council for endorsement.

Attachments

Nil

Background

Council has previously approved three developments in the Trentham Cliffs precinct, for which water and sewer infrastructure is required.

Matters under consideration

Within the development of the Trentham Cliffs highway service center and cabin park patrons are to be provided with filtered water and a pressurized sewer, with the developer to supply the required infrastructure for the development.

The provision of this water and sewer infrastructure to the Trentham Cliffs development allows the opportunity for Council to futuristically connect approximately 300 tenements to this infrastructure in the rapidly developing area over Gol Gol creek in the R5 large lot resident zone.

The concept for consideration is for the developer of the Trentham Cliffs development to supply the required infrastructure for water to the Trentham Cliffs winery and install a sewer pump station upon the development site to pump the sewer back to Gol Gol.

While the design and costing of the project is currently being undertaken, this report is to seek council endorsement for the mayor and general manager to enter into negotiations with the developer to put in place an arrangement whereby council shares in the upfront costs of providing the infrastructure which will be of future benefit to the council.

State Environmental Planning Policy No 50—Canal Estate Development

Historical version for 13 March 1998 to 10 April 2008 (accessed 21 June 2018 at 10:48) **Current version**

Clause 3

3 Definition

In this Policy, *canal estate development* means development that:

- (a) incorporates wholly or in part a constructed canal, or other waterway or waterbody, that is inundated by or drains to a natural waterway or natural waterbody by surface water or groundwater movement (not being works of drainage, or for the supply or treatment of water, that are constructed by or with the authority of a person or body responsible for those functions and that are limited to the minimal reasonable size and capacity to meet a demonstrated need for the works), and
- (b) includes the construction of dwellings (which may include tourist accommodation) of a kind other than, or in addition to:
 - (i) dwellings that are permitted on rural land, and
 - (ii) dwellings that are used for caretaker or staff purposes, and
- (c) requires the use of a sufficient depth of fill material to raise the level of all or part of that land on which the dwellings are (or are proposed to be) located in order to comply with requirements relating to residential development on flood prone land.

Ng

State Environmental Planning Policy No 50—Canal Estate Development

Historical version for 13 March 1998 to 10 April 2008 (accessed 21 June 2018 at 10:49) **Current version**

Clause 6

6 Development to which this Policy does not apply

This Policy does not apply to:

- (a) development of any kind, whether or not development consent is necessary in order to enable it to be carried out:
 - (i) that is required to complete a canal estate development in accordance with a development consent that was granted before the date of commencement of this Policy and that has not lapsed, and
 - (ii) that does not change the size or shape of the canals, or
- (b) canal estate development:
 - (i) that could be carried out with development consent under an environmental planning instrument in force immediately before the date of commencement of this Policy, and
 - (ii) that is the subject of a development application made, but not finally determined, before that date, and
 - (iii) for which development consent is granted after that date.