

## Planning Services

### Gateway Determination Report

<b>LGA</b>	Wentworth Shire
<b>RPA</b>	Wentworth Shire Council
<b>NAME</b>	Rezoning of approximately 693ha of land to facilitate tourism and commercial uses, known as 'Northbank on Murray'
<b>NUMBER</b>	PP_2018_WENTW_001_00
<b>LEP TO BE AMENDED</b>	Wentworth LEP 2011
<b>ADDRESS</b>	6811 Sturt Highway, Mallee
<b>DESCRIPTION</b>	Lot 1 DP 1182353
<b>RECEIVED</b>	12/02/2018
<b>FILE NO.</b>	IRF18/1565
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required.
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal.

## INTRODUCTION

### Description of planning proposal

The planning proposal seeks to rezone 6811 Sturt Highway, Mallee (Lot 1 DP 1182353) to enable the land to be developed for tourism and commercial purposes.

This outcome is proposed to be achieved through the rezoning of the site to SP3 Tourist, B3 Commercial Core and B4 Mixed Use. The proposal includes removing the 10,000ha minimum lot size from the subject site. The B3 Commercial Core and B4 Mixed Use zone are proposed new zones under the Wentworth LEP 2011.

The planning proposal has included an illustrative plan for a potential development. The plan shows a variety of uses including tourist and visitor accommodation, indoor and outdoor recreation activities, retail, cafes, restaurants, golf course and swimming lagoon located on the Murray River.

The planning proposal states that it seeks strategic support for a tourism development and this illustrative plan may not be the final form of the development. While it is intended to develop this site over 20 years the planning proposal provides that rezoning must be completed upfront for certainty.

A Department of Planning Senior Planner visited the subject site in April 2018.

### Site Description

The subject site is located in the Wentworth Shire on the New South Wales and Victorian border, approximately 1km east of the town of Gol Gol and 5kms north east

of Mildura (located in Victoria). The town of Gol Gol had a population of 1,523 persons and Mildura had a population of 32,738 persons in 2016.

The subject site is dissected by the Sturt Highway, with approximately 630ha sited north of the highway and 63ha south of the highway. The planning proposal notes current and previous uses include sheep grazing, cultivation and a gravel quarry. Vegetation is scattered throughout the site with a significant amount of native vegetation towards the Murray River.



Figure 1 – subject site

### **Existing planning controls**

The land is currently zoned predominantly RU1 Primary Production. A small area of the site is zoned W1 Natural Waterways at the Murray River and land to the north of the site is zoned E3 Environment Management. It should be noted the planning proposal states the subject site is zoned RU1 Primary Production in its entirety.

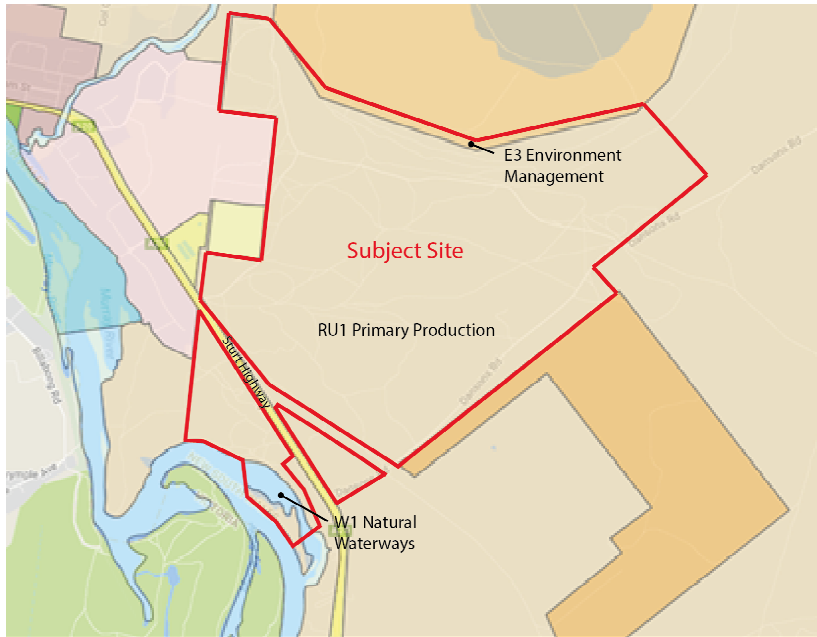


Figure 2 – land zoning map

### **Surrounding Area**

The site is bound by the Murray River to the south, a wetland to the north and various agricultural activities to the east, including horticulture, grazing and dryland farming. Land to the west of the site is zoned R5 Large Lot Residential. Only a small proportion of this land has been developed located to the south of the Sturt Highway. The Sturt Highway dissects the site and is a major transport and freight link that connects to Sydney, Melbourne and Adelaide.

### **Summary of Recommendation**

It is recommended that this planning proposal **not be supported** as:

- It has not completed the required site investigations nor provided the required detail to adequately assess the proposal.
- The planning proposal is not strategically supported and is inconsistent with State government policy.
- The proposal is a large-scale development which includes two additional new zones, significant floor area of commercial, retail and tourism land uses with no demonstrated demand in a rural locality.
- The proposal has the potential for significant environmental, social and economic impacts which have not been adequately addressed in the planning proposal.
- The impact of the development on the Murray River has not been investigated nor has any mitigation measures been proposed.
- The planning proposal is not consistent with the Far West Regional Plan 2036, Murray Regional Environmental Plan No 2- Riverine Land, SEPP (Rural Lands) 2008, SEPP 44 – Koala Habitat, SEPP 50 – Canal Estate Development, SEPP 55 – Remediation of Land.
- The planning proposal is not consistent with Section 9.1 Directions 1.1 Business and Industrial Zones, 1.2 Rural Zones, 1.5 Rural Lands, 2.1 Environment Protection Zones, 2.3 Heritage Conservation, 3.1 Residential Zones, 3.4 Integrating Land Use and Transport, 4.3 Flood Prone Land, 4.4 Planning for Bushfire Protection and 5.10 Implementation of Regional Plans.

## PROPOSAL

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### Objectives or Intended Outcomes

The proposal seeks to rezone the subject site to enable it to be developed for tourism and commercial purposes.

Despite the stated objectives of the proposal also seeks to introduce residential uses through the introduction of the new B3 Commercial Core and B4 Mixed Use zones, which allow for a number of residential uses. The proposal also states the 'proposal is a mix of tourism, accommodation and commercial uses' and the land use table objectives being introduced promote residential development. The statement of objectives does not clearly describe the intent of the planning proposal.

### Explanation of Provisions

The explanation of provisions adequately describes the proposed changes to the Wentworth LEP 2011. The planning proposal intends to;

1. Amend the Land Use Table to include B3 Commercial Core

An additional objective is proposed beyond the standard objectives of the zone:

- *To promote development that supports tourism and residential development in the Wentworth Shire.*

2. Amend the Land Use Table to include B4 Mixed Use

An additional two objectives are proposed beyond the standard objectives of the zone:

- *To promote, where possible, the retention and reuse of heritage items as well as the retention of established buildings that contribute positively to the heritage or cultural values of the land in the zone.*
- *To promote development that supports tourism and residential development in the Wentworth Shire*

3. Amend the Land Zone map to include SP3 Tourist, B3 Commercial Core and B4 Mixed Use on the subject site.

4. Amend the Lot Size Map to remove the minimum lot size requirement from the site.

### Mapping

The planning proposal includes maps which demonstrate the subject land, proposed zoning and concept layout for the development.

If the proposal was to be supported, the planning proposal should be amended to include correct maps which show the current and proposed zones, and the minimum lot size for the subject site.

It is noted that the proposed zoning maps and approximate areas provided, result in a discrepancy of 18ha from the sites actual area.

### NEED FOR THE PLANNING PROPOSAL

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The planning proposal has arisen as a result of a request from the land owner who is seeking to develop the subject site for tourism and commercial purposes.

The planning proposal states the use of the SP3 Tourist, B3 Commercial Core and B4 Mixed Use zonings are the appropriate means of achieving the intent of the planning proposal. The land uses proposed to be permitted in the new B3 Commercial Core and B4 Mixed Use zone are extensive.

The planning proposal has not given any justification to the allocation of the zones. In a letter from Council to the proponent requesting additional information (**Attachment H** - dated 28 March 2017), justification for the application for the two additional zones was sought. The proponent provided an email from a Council planning officer (**Attachment I** - dated 23 May 2016) which states the additional zones may be considered to provide greater flexibility in uses. No other justification was provided.

It is contended that the extent of the development will provide significant economic returns to the Gol Gol community and the wider Wentworth region including jobs and a boost in population growth as well as assisting in the provision of a tourism facilities and accommodation shortfall. However, the planning proposal does not provide justification whether there is demand for such a large development which includes 693ha of commercial, retail and residential purposes in Far West NSW.

The Buronga – Gol Gol Structure Plan states there is between 41 and 53 years of residential land supply available and the existing structure of the Buronga, Gol Gol and Midway commercial centres is sufficient for the population size. In addition, Mildura has a significant retail and commercial areas including Mildura Shopping Centre and Mildura Homemaker Centre.

## **STRATEGIC ASSESSMENT**

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### **State Environmental Planning Policies**

The planning proposal identifies SEPP (Rural Lands) 2008 and SEPP 55 – Remediation of Land as being relevant to the planning proposal. However, SEPP 44 – Koala Habitat and SEPP 50 – Canal Estate Development are also relevant to the proposal and have not been addressed.

#### SEPP (Rural Lands) 2008

SEPP (Rural Lands) 2008 (the 'Rural Lands SEPP') includes Rural Planning Principles for consideration when planning for rural land. The Rural Lands SEPP aims to protect the agricultural production value of rural land while the proposal seeks to use agricultural land for tourism and commercial purposes.

The Rural Lands SEPP also recognises the need to balance the economic interests of the community by including Rural Planning Principles contained in clause 7 of the Rural Lands SEPP. The planning proposal provides an assessment of the planning principles suggesting the proposal is consistent. However, there is no clear assessment on the current economic value of the land as an agronomic assessment has not been undertaken.

#### SEPP 44 – Koala Habitat

SEPP 44 – Koala Habitat applies to the subject site as it is more than 1 hectare in size and contains vegetation. Under SEPP 44 further studies will be needed to determine if the land is potential or core koala habitat. The planning proposal indicates that the site is predominantly cleared of native vegetation and clearing approvals are in place. No ecological assessment has been submitted and the

subject site is mapped as containing Terrestrial Biodiversity in the Wentworth Local Environmental Plan 2011. The consistency of the proposal with SEPP 44 cannot be resolved until the ecological investigations for the site have been completed.

#### SEPP 50 – Canal Estate Development

The illustrative plan for the site indicates a beach swimming lagoon and tourist and residential accommodation on the Murray River. A canal estate development under SEPP 50 is defined as:

*‘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.’*

A Canal Estate also includes the construction of dwellings including tourist development. Canal estate developments are prohibited under SEPP 50. As the planning proposal does not provide any information on the beach swimming lagoon, it cannot be determined if SEPP 50 applies to the subject site. The consistency of the proposal with SEPP 50 cannot be resolved until further information for the site has been provided.

#### SEPP 55 – Remediation of Land

The planning proposal states indicates that the site was previously used as a gravel quarry. The planning proposal does not indicate if remediation of the site has been undertaken or if the site is potentially contaminated from these activities. The SEPP requires consideration of the potential contamination of the land. The planning proposal does not include a preliminary site contamination assessment as required by SEPP 55. Until such as assessment has been undertaken any inconsistency of the proposal with the SEPP cannot be resolved.

#### Murray Regional Environmental Plan No 2 – Riverine Land (deemed SEPP)

Murray Regional Environmental Plan No 2- Riverine Land (Murray REP) is relevant to the subject site. The planning proposal does not address consistency with the Murray REP.

The aim of the Murray REP is to conserve and enhance the riverine environment of the Murray River. Part 2 of the Murray REP recognises the need to manage development adjoining the Murray River by including planning principles to be considered at both the planning proposal and development application stages. These principles are included in Clause 10 and include:

- Bank disturbance: disturbance to the shape of the bank and riparian vegetation should be kept to a minimum in any development of riverfront land. The proposal includes significant development on the Murray River including the bank. The Planning Proposal does not discuss the protection of the bank or riparian vegetation.
- Flooding: identification of hazards where land is subject to floodwaters. An area adjacent to the Murray River is identified as flood prone. The proposal seeks to rezone this land to SP3 allowing for a variety of uses, all of which facilitate a greater density than currently permitted. Investigations into the potential impacts on the site from a flood event or the impacts from proposed flood mitigation measures have not yet been undertaken
- Land degradation: Development should seek to avoid land degradation processes such as erosion, native vegetation decline and adverse effects on the



quality of terrestrial and aquatic habitats. Maintenance of existing vegetation or the avoidance of land degradation has not been investigated or discussed in the Planning Proposal.

- River related uses: only development which has a demonstrated, essential relationship with the river Murray should be located in or on land adjacent to the Murray river. The proposal does not demonstrate the relationship with the Murray River nor its intensified use on the river is needed.
- Settlement: new or expanding settlements (including rural-residential subdivision, tourism and recreational development) should be located on flood free land, close to existing services and facilities, and on land that does not compromise the potential of prime crop and pasture land to produce food or fibre. The proposal includes residential and tourism uses on rural land and an area adjacent to the Murray River is identified as flood prone.
- Wetlands: consider the potential impact of surrounding land uses and incorporate measures such as a vegetated buffer which mitigate against any adverse effects. A portion of the site is a recognised wetland under the Wentworth LEP 2011. No buffers to the wetland has been provided as part of the development and an assessment of the potential impacts has not been undertaken.

The proposal includes development on the river bank of the Murray River including a beach swimming lagoon, board walks, boat sheds, ski club and accommodation. The proposal is inconsistent with the objectives of the Murray REP. The proposal fails to address how it will minimise impact on the Murray River and the surrounding environment. The proposal is inconsistent with the Murray REP.

## **Regional**

### Far West Regional Plan 2036

The Far West Regional Plan 2036 was released in August 2017 and applies to the subject site. The planning proposal includes discussion regarding the consistency of *Direction 5: Promote Tourism opportunities*, in the Far West Regional Plan 2036. The planning proposal is consistent with Direction 5 as the proposal will provide additional tourism opportunities for the region.

An assessment of the proposal against the Far West Regional Plan demonstrates the following directions are also relevant and that the proposal is inconsistent:

- *Direction 12* aims at strengthening the commercial core of centres to create more vibrant and sustainable main streets. The direction states new retail activity and small business growth should be in or adjacent to main streets and existing commercial centres to capitalise on existing transport and community infrastructure, enhance public spaces and strengthen the role and function of the area.

The planning proposal includes 135ha of commercial development and 145ha of mixed use development approximately 1km away from the main street of Gol Gol and 5kms from the main street of Mildura. Action 12.7 requires any new proposal for retail development to demonstrate how they respond to retail demand. The planning proposal does not include an economic assessment. The scale of this proposal is such that it would adversely impact on existing centres of Gol Gol

and weakens its commercial core. This inconsistency cannot be resolved.

- *Direction 14* states that new development along the Murray River needs to be located to avoid and reduce negative effects on aquatic habitat, waterways and wetlands. Action 14.5 requires that development needs to minimise impacts to fish habitat, aquaculture and waterways (including watercourses, wetlands and riparian lands) and help deliver the objectives of the *Water Management Act 2000*. These issues have not been adequately addressed by the proposal and the scale of development sought is likely to result in significant impacts to the Murray River environs.

The illustrative plan indicates several manmade lakes. The planning proposal does not discuss consistency with the *Water Management Act 2000* nor discuss the need for works approvals under section 90, water access licences, harvestable rights and basic Landholder Rights under the Water Management Act.

- *Direction 15* seeks to manage land uses along key river corridors. Action 15.3 requires the retention of riverfront setback provisions in local plans to limit ribbon development along the Murray River and protect biodiversity, water quality and aesthetic values.

The illustrative plan includes no setbacks along the Murray River nor adjacent to the wetland to the site to the north. Action 15.4 requires the consideration and assessment of the potential impacts of new development on biodiversity along river corridors. An ecological assessment has not been undertaken for the proposal. As the development is proposed to the water's edge and an ecological assessment has not been completed the proposal is inconsistent with direction 15.

- *Direction 17* provides for the management of natural hazards and risks. Action 17.1 requires developments to be located away from areas of known high biodiversity value, high bushfire and flooding hazards, and designated waterways to reduce the community's exposure to natural hazards.

The subject site includes flood prone land and is identified as bushfire prone. The identified hazards on the subject site are discussed further under Section 9.1 Ministerial directions below. However, no analysis of the flood prone land nor bushfire hazard has been undertaken. Until such an assessment has been undertaken any inconsistency of the proposal with the direction 17 cannot be resolved.

- *Direction 21* seeks to strengthen communities of interest and cross regional relationships. Action 21.7 discusses collaborative land use planning with Mildura. The planning proposal does not discuss the potential impacts to Mildura given the scale of the development or if consultation has occurred with the Mildura Rural City Council. The planning proposal does not include an economic assessment nor an assessment on transport and infrastructure delivery given the potential cross border issues. The proposal is inconsistent with this direction.



While the proposal would provide some economic benefits, meeting direction 5, on balance the inconsistencies with the directions in relation to the environment, centres hierarchy, cross border issues and hazard suggests the planning proposal is inconsistent with the Far West Regional Plan.

## **Local**

Wentworth Shire Council does not have a growth management strategy in place. Council developed a Buronga – Gol Gol Structure Plan in 2005 but the plan does not extend to the subject site. The structure plan identifies that there is sufficient residential and commercial zoned land to meet demand without this proposal.

The planning proposal addresses consistency with the Wentworth Community Strategic Plan 2013- 2023 and the Wentworth Shire Council Economic Development Strategy 2011 – 2016. These Plans contains broad objectives which are not specific to land use planning outcomes, due to the breadth of these plans it is noted the proposal is consistent with these plans.

## **Section 9.1 Ministerial Directions**

The following Section 9.1 Directions are relevant to the planning proposal

1.1 Business and Industrial Zones, 1.2 Rural Zones, 1.5 Rural Lands, 2.1 Environment Protection Zones, 2.3 Heritage Conservation, 3.1 Residential Zones, 3.4 Integrating Land Use and Transport, 4.3 Flood Prone Land, 4.4 Planning for Bushfire Protection, 5.10 Implementation of Regional Plans, 6.1 Approval and Referral Requirements,

The proposal is considered to be inconsistent with directions 1.1,1.2, 1.5, 2.1, 2.3, 3.1, 3.4, 4.3, 4.4 and 5.10 as discussed below.

### 1.1 Business and Industrial Zones

Direction 1.1 Business and Industrial Zones provides that a planning proposal must retain the areas and locations of existing business and industrial zones and ensure that proposed new employment areas are in accordance with a strategy. The direction provides that a proposal may be inconsistent with the direction if it is in accordance with a Regional Plan, justified in a study prepared in support of a planning proposal or of minor significance.

The planning proposal intends to rezone 135ha to B3 Commercial Core and 145ha proposed to B4 Mixed Use zone away from the main street of Gol Gol and Mildura. The proposal is not in accordance with the Buronga – Gol Gol Structure Plan nor the Far West Regional Plan 2036. The proposal is not considered to be of minor significance due to the scale of the intended outcome. The planning proposal has not discussed the inconsistency with this direction. It is therefore considered that the inconsistency with the direction is not justified.

### 1.2 Rural Zones

Direction 1.2 Rural Zones provides that a planning proposal must not rezone land from a rural to a residential, business, industrial, village or tourist zone. The planning proposal seeks to rezone the subject land from RU1 Primary Production to SP3 Tourist, B3 Commercial Core and B4 Mixed Use in the Wentworth LEP 2011.

The direction provides that a proposal may be inconsistent if it is in accordance with a Regional Plan, justified in a study prepared in support of a planning proposal or of minor significance. The proposal is not in accordance with the Far West Regional Plan 2036, it has not been justified in agronomic assessment and the Department of Primary Industries has not reviewed the proposal. The proposal intends to rezone over 650ha of a rural zone for tourism and commercial purposes and is therefore not considered to be of a minor significance. The inconsistency with the direction is not justified.

### 1.5 Rural Lands

Direction 1.5 Rural Lands is relevant to the planning proposal. The direction provides that where a planning proposal affects land within an existing rural or environmental protection zone it must be consistent with the Rural Planning Principles in State Environmental Planning Policy (Rural Lands) 2008. The discussion on the consistency of the proposal with the Rural Planning Principles is contained in the above section of the report. It is considered that the proposal is inconsistent with this direction as discussed.

### 2.1 Environmental Protection Zones

Direction 2.1 Environmental Protection Zones is relevant to the proposal. The direction provides that a planning proposal must include provisions that facilitate the protection of environmentally sensitive areas and not reduce the environmental protection standards that apply to that land.

The planning proposal seeks to rezone part of the land from E3 Environmental Management to SP3 Tourist. This portion of the site is a recognised wetland under the Wentworth LEP 2011. Wentworth LEP 2011 Clause 7.5 Wetlands provides that natural wetlands are preserved and protected from the impact of development. The illustrative plan and proposed zones do not provide any setbacks from the wetland nor any environmental assessment pertaining to the protecting of the wetland.

A portion of the site is also recognised as having Terrestrial Biodiversity under the Wentworth LEP 2011. Clause 7.4 Terrestrial Biodiversity in Wentworth LEP 2011 provides that any development must maintain terrestrial biodiversity by protecting native flora and fauna and protecting ecological processes. The planning proposal states that an ecological assessment of the site has not been undertaken and the ecological significance of the site is therefore unknown. A clearing approval was attached to the planning proposal. However, this approval was for agricultural purposes and not the same Lot and DP for the subject site. The Lot and DP provided no longer exists and its location has not been provided. The proposal is inconsistent with this direction as it reduces environmental protection applying to the land and no justification is provided.

### Direction 2.3 Heritage Conservation

Direction 2.3 Heritage Conservation is relevant to the planning proposal. The direction provides that a planning proposal must facilitate the protection and conservation of Aboriginal cultural heritage and historical heritage. A letter from a Barkinji Elder was included in the planning proposal which states a surface inspection was undertaken.

Cultural heritage is protected under the *National Parks and Wildlife Act 1974* and calls up the Due Diligence Code of Practice for the Protection of Aboriginal Objects. A Cultural Heritage Due Diligence Assessment needs to also comply with the Code of practice for archaeological investigation of Aboriginal objects in NSW. The letter provided in the planning proposal does not specify if the now deceased Elder is a representative of the Local Aboriginal Land Council nor does it comply with the Due Diligence standards for a cultural heritage assessment under the *National Parks and Wildlife Act 1974*.

It is considered that until an Aboriginal cultural heritage investigation has been completed the suitability of the proposal for the land is not known and the proposal is inconsistent with this direction.

### 3.1 Residential Zones

This direction applies when a planning proposal will affect land in which significant residential development is permitted or proposed to be permitted. The planning proposal includes the rezoning of a significant portion of the site which will permit residential uses. This direction also requires that land for housing should not be on the urban fringe. As this proposal is for residential development on the urban fringe it is inconsistent with this direction.

Direction 3.1 contains a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it). The planning proposal states the subject site adjoins the township of Gol Gol which has ample public infrastructure including water, sewer and telecommunications. However, there is no evidence investigations have been undertaken or consultation with Council regarding the capacity of the Gol Gol system to carry such a large development. The proposal is inconsistent with this direction.

### 3.4 Integrating Land Use and Transport

Direction 3.4 Integrating Land Use and Transport is relevant to the planning proposal. The direction states that a planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims and objectives of the documents referred to in the direction.

The planning proposal does discuss briefly local traffic, cycle and pedestrian movements within the development site. However, no assessment of the traffic network has been submitted. The location of the proposed development with direct access to the Sturt Highway and away from established centres will increase reliance on vehicles. As the planning proposal is not supported by a strategy, study or of minor significance it is inconsistent with this direction.

### 4.3 Flood Prone Land

Direction 4.3 Flood Prone Land is relevant to the planning proposal. The direction provides that a planning proposal must not permit a significant increase in the development potential of flood prone land.

An area adjacent to the Murray River is identified as flood prone under the Wentworth LEP 2011 map. The proposal seeks to rezone this land to SP3 allowing for a variety of uses, all of which facilitate a greater density than currently permitted. Investigations into the potential impacts on the site from a flood event or the impacts from proposed flood mitigation measures have not yet been undertaken. It is

considered that until the flood impact investigations have been completed the inconsistency of the proposal with the direction remains unresolved.



Figure 3 – Flood Planning Area

#### Direction 4.4 Planning for Bushfire Protection

Direction 4.4 Planning for Bushfire Protection is relevant to the proposal. The site is mapped as Vegetation Category 1, Vegetation Category 2 and Vegetation Buffer on the Bushfire Prone Land map. The planning proposal contends the subject site is no longer effected by bushfire hazard, as it has been cleared, or has approval to do so. Despite this, the land adjoins areas of bushfire prone land and consideration of this hazard would still be applicable. The planning proposal does not have regard for managing and addressing this hazard and consistency has not been demonstrated.

Should a gateway determination be issued, consultation with the NSW Rural Fire Service would be required to confirm that despite any inconsistency, RFS would not object to the progression of the proposal.



## Figure 4 – Bushfire Prone Land

### Direction 5.10 Implementation of Regional Plans

Direction 5.10 Implementation of Regional Plans provides that a planning proposal must be consistent with the Far West Regional Plan 2036. The inconsistency of the proposal with the Far West Regional Plan 2036 is discussed previously in this report. The proposal is inconsistent with this direction.

### **SITE-SPECIFIC ASSESSMENT**

#### **Social**

The planning proposal suggests that the rezoning proposed, and future development, would provide a positive social effect. This is largely reliant on the generation of jobs facilitated by the rezoning and the flow on effects from increased tourist visitation.

An assessment of the visual and noise impact of the proposal has not been undertaken. The planning proposal states while there will be an increase in noise from the existing use on the site, the proposal will not have any noise impacts that is detrimental to the area.

Potential visual impacts were not addressed in the planning proposal. Given the scale of the development significant visual impacts are likely as viewed from the Sturt Highway, the Murray River, Gol Gol and surrounding dwellings. Visual impacts of the large structures proposed will be viewable from a distance and obvious given the rural landscape. There will also be visual and noise impacts associated with the increase in traffic along the Sturt Highway. Until noise and visual impact studies have been undertaken and mitigation measure identified, the noise and visual impacts are considered unsatisfactory.

Other social impacts arising from the increased tourism and residential population could be addressed at a later stage. This will be dependent on the scale of the proposed development including retail and commercial use. For instance, workers accommodation will need to be considered given the scale of the development.

#### **Environmental**

The proposal has the potential to impact the environment. At this stage no ecological, heritage, bushfire or flood assessment have been undertaken as discussed in further detail below.

#### Terrestrial Biodiversity

The region supports a diverse range of species and ecosystems. The subject site adjoins a wetland to the north and the Murray River to the south. The planning proposal states the river banks of the Murray River include a Blackbox woodland and vegetation is scattered throughout the site. The environmental qualities of the land are acknowledged through the mapping of the site as Terrestrial Biodiversity and Wetland under the Wentworth LEP 2011. Zoning appropriate to these qualities has also been applied, being E3 Environment Management and W1 Natural Waterways.

The proposal facilitates development on the land identified for its environmental qualities. While it is acknowledged there has been disturbance on the site due to previous uses, the impact from development would be significant. A detailed ecological assessment including consultation with relevant State agencies on the



impact of the development will be essential to determine whether any areas of vegetation on the site should be protected or buffers to reduce impacts. It is considered that until the ecological investigations have been completed the suitability of the proposal is not known.

### Murray River

The importance of the Murray River is recognised in a number of planning documents including the Far West Regional Plan, the Murray REP No 2 and the Wentworth LEP.

The Far West Regional Plan 2036 recognises the availability of water, and the security of its supply, as critical for continued economic development for the region. The proposal has not addressed potential impacts on water supply, particularly as the illustrative plan indicates high water use features including a golf course and artificial lake.

Water quality in waterways and aquifers is essential to sustain healthy aquatic ecosystems. Maintaining key freshwater habitats preserves fish communities, recreational fishing and the productivity of commercial fishing and aquaculture industries. The proposal rezones land at the edge of the Murray River permitting a number of water based uses such as Marinas and moorings through the application of the SP3 Tourist zone.

The potential impacts of facilitating these uses has not been considered. The planning proposal contends that water quality issues can be addressed through the treatment of stormwater on site. This is considered to be insufficient consideration of the impacts given the potential scale the proposal.

The planning proposal notes that mechanisms exist through Wentworth LEP to prevent inappropriate development in proximity to areas of environmental sensitivity. These controls provide some mitigation to impacts which may arise from the smaller scale development permitted under the LEP currently. The scale of development facilitated through this proposal require wholesale consideration of the impacts which may result.

The Murray REP No 2 states that new development, particularly along the Murray River, needs to be located to avoid and reduce negative effects on aquatic habitat, waterways and wetlands. The proposal includes development on the river bank of the Murray River including a beach swimming lagoon, board walks, boat sheds, ski club and accommodation. The board walk crosses the Murray River to a small island. The planning proposal does not include any investigations on the potential impacts to the fish habitats, river bank erosion, downstream impacts and impacts to groundwater sources. It is considered that until the ecological investigations have been completed the proposal should not be supported.

### Flooding

Flooding is an unavoidable constraint along the Murray River. A proportion of the subject site has been identified as flood prone under the Wentworth LEP 2011 (refer to Figure 3). The planning proposal states any development on flood prone land will be able to comply with the provisions of the Wentworth LEP 2011. The illustrative plan includes a hotel, tennis village and river lodges on land identified as being flood prone. Investigations into the potential impacts on the site from a flood event or the impacts from proposed flood mitigation measures have not yet been undertaken,



despite this being requested by Council. If a Gateway Determination was to be considered a flood study should be required prior to any exhibition.

### Heritage

The planning proposal states the site has been significantly disturbed and a letter from a Barkinji elder has been provided stating that a surface inspection has been undertaken. The planning proposal does not include an Aboriginal Cultural Heritage Assessment and evidence of consultation with the Local Aboriginal Land Council has not been provided. If the proposal was to be supported it is appropriate that an Aboriginal Cultural Heritage Assessment be undertaken.

### **Economic**

The proposal if fully developed could provide significant economic inputs during the construction and operational phases of the development. The planning proposal makes broad comments regarding potential employment ranging from hundreds of jobs to over a thousand jobs. It also seeks to expand and improve the existing tourism facilities in the region and diversify the tourism accommodation base.

The planning proposal states it is consistent with the Regional Development Australia Murray Regional Plan 2013 – 2016 and Economic Development Strategy for Regional NSW (January 2015) to drive regional employment and investment in regional tourism. These are very broad strategies supporting general industry initiatives. As noted previously, the planning proposal includes 135ha of commercial development and 145ha of mixed use development approximately 1km away from the main street of Gol Gol and 5kms from the main street of Mildura. The planning proposal does not include an economic assessment. Given the scale of the proposal the economic impacts will need to be assessed on a local and regional level. The assessment is needed to gauge the demand for extensive commercial and retail development in this locality, as well as impacts on job supply. Without details regarding the timeline for development, its staging or an economic assessment, it is difficult to ascertain what the precise local and regional impacts of this proposal might be.

### **Infrastructure**

The planning proposal indicates that Gol Gol is currently serviced with all necessary infrastructure and this infrastructure could be extended to service the subject site. The planning proposal states the development will be staged, however, there is no detail including times of the staging of the development and cannot be guaranteed should rezoning proceed. The staging of the development will impact infrastructure delivery and is important to determine at an early stage. Given the scale of the development including water allocation for the manmade lakes, a study for the provision of future essential infrastructure for the proposal needs to be undertaken. Until an infrastructure servicing plan including detailed staging has been completed, infrastructure delivery to the site cannot be ascertained.

The proposal is accessed directly from the Sturt Highway. This section is under the control of RMS. A traffic study has not been undertaken so it is not clear the number of additional trips that this proposal will generate especially given the scale of the development. Until a traffic study is developed and RMS is consulted, the impact to the Sturt Highway cannot be considered suitable.

## **CONSULTATION**

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It is recommended the planning proposal not be supported. Therefore, no consultation framework is recommended.

## **TIME FRAME**

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It is recommended the planning proposal not be supported. Therefore, no timeframe for its completion is recommended

## **AUTHORISATION**

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Council has sought authorisation to progress this planning proposal, however, it is recommended that this planning proposal not be supported. Therefore, no authorisations will need to be issued.

## **CONCLUSION**

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It is considered that the planning proposal should not be supported as it has not completed the required site investigations nor provided the required detail to adequately assess the proposal. The planning proposal is not supported by the adopted Strategic planning documents and is inconsistent with government policy.

The proposal is a large-scale development which includes two additional new zones, facilitating significant floor area of commercial and retail land without demonstrated demand and removed from established centres. The proposal has the potential for significant environmental, social and economic impacts which have not been adequately addressed in the planning proposal and should be considered in a more strategic manner. The development has potential impacts to the Murray River including key freshwater habitats, water quality and downstream processes. The impact of the development on the Murray River has not been investigated nor have any mitigation measures been proposed.

## **RECOMMENDATION**

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It is recommended that the delegate of the Minister for Planning, determine that the planning proposal should not proceed for the following reasons:

- The planning proposal is inconsistent with directions 12, 14, 15, 17 and 21 of the Far West Regional Plan 2036
- The planning proposal is inconsistent with the aims of the Murray Regional Environmental Plan No 2- Riverine Land, as well as the principles contained in clause 10.
- The planning proposal is inconsistent with SEPP (Rural Lands) 2008, SEPP 44 – Koala Habitat, SEPP 50 – Canal Estate Development, SEPP 55 – Remediation of Land.
- The planning proposal is inconsistent with Section 9.1 Directions 1.1 Business and Industrial Zones, 1.2 Rural Zones, 1.5 Rural Lands, 2.1 Environment Protection Zones, 2.3 Heritage Conservation, 3.1 Residential Zones, 3.4 Integrating Land Use and Transport, 4.3 Flood Prone Land, 4.4 Planning for Bushfire Protection, 5.10 Implementation of Regional Plans is unresolved until further consultation and investigations have been undertaken.
- There is no demonstrated need for a large-scale development at this location.
- The planning proposal has not completed the required site investigations nor provided the required detail to support the proposal.

- The proposal has the potential for significant environmental, social and economic impacts which have not been sufficiently addressed.



20/04/18

**Tamara Prentice**  
**Team Leader, Northern**



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**Jeremy Gray**  
**Director Regions, Northern**  
**Planning Services**

Contact Officer: Katrina Burbidge  
Senior Planner, Northern  
Phone: 6641 6606