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**TRANSCRIPT OF PROCEEDINGS**

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TRANSCRIPT IN CONFIDENCE

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O/N H-1269643

**INDEPENDENT PLANNING COMMISSION**

**MEETING WITH APPLICANT**

**RE: REQUEST FOR GATEWAY DETERMINATION REVIEW FOR 6811 STURT  
HIGHWAY MALLEE**

**PROJECT #: 12348-05**

**PANEL: ADRIAN PILTON**

**OFFICE OF THE IPC: LINDSEY BLECHER  
BRADLEY JAMES**

**APPLICANT: BOB WHEELDON  
KATHRYN BAIRD**

**LOCATION: VIDEO CONFERENCE**

**DATE: 12.56 PM, THURSDAY, 27 AUGUST 2020**

MR PILTON: Good afternoon and welcome, and thank you for making yourselves available today. Before we begin, I'd like to acknowledge the traditional owners of the land on which we meet, and I would also like to pay my respects to their elders past, present and emerging. Welcome to the meeting today to discuss the Gateway  
5 Determination Review for 6811 Sturt Highway, Mallee, known as Northbank on the Murray. My name is Adrian Pilton. I am the commissioner appointed to this review. Joining me from the office of the commission are Brad James and Lindsey Blecher. In the interest of openness and transparency and to ensure the full capture of the information, today's meeting is being recorded and a complete transcript will be  
10 produced and made available on the commission's website.

This meeting is one part of the commission's review process. It is taking place at the preliminary stage of the process and will form one of several sources of information upon which the commission will base its advice. It's important for the  
15 commissioners to ask questions of attendees and to clarify issues whenever I consider it appropriate. If you're asked a question and are not in a position to answer, please feel free to take the question on notice and provide any additional information in writing, which we will then put up on our website. To ensure the accuracy of the transcript I request that all members today introduce themselves  
20 before speaking every time they wish to speak, and for all members to ensure that they do not speak over the top of each other. We will now begin. So you've got an agenda, Bob and Kathryn, so would you like to start your presentation?

MR WHEELDON: Yes. Thank you, commissioner. So I'll just – I provided you  
25 with a document called Substantive Issues on Northbank Planning Proposal, which is, sort of, probably one of the core things we'd like to take you through. We also put in a submission about process, but we'd prefer that to be, I suppose, acknowledged by you, but not the – you know, there's only an hour, which is a very short time for, you know, discussing the topic, so we'd prefer to focus on the  
30 substantive issues, and we can certainly answer any questions you've got.

Just in terms of background, I'm involved in – I wouldn't call – you know, I don't know what you'd call me. I'm a farmer or a, you know, property owner or – I wouldn't call myself a property developer; some people might. I've certainly tried –  
35 my family had a family farm in the 70s down near Wagga Wagga where I went to primary school, and our family farm was unfortunately very borderline viable just based on its cropping and cattle and sheep – and we sold cattle for \$30 in the height of the poor times and we had to give away our sheep. They didn't go broke. They moved back to where my family were originally from in Wentworth, but I'm – I've  
40 always ..... because the reality is in farming you're very exposed to different commodities.

So I – I'm fortunate to be the custodian of some amazing rural properties, two of which are in the – two main ones which are in the Mildura area and Wentworth area  
45 – Sunraysia area, one of which is Northbank, which we hold in conjunction with the Lush family, who are in their mid-80s and have been on the farm for a long time, and

I became a partner in the property to help assist them with it. So I've been involved in trying to diversify properties, you know – and, for example, in the past three – you know, we've had a bit of a – we – we'll get a wheat crop off on one of our properties there this year, but we haven't had a wheat crop for three years. There's been  
5 minimal grazing income.

I don't know what, you know, the government expects us to do, you know, and also I would argue that some of the activities we're talking about, particularly tourism, are a much more sustainable use of land from an environmental point of view than some  
10 of the agricultural uses, particularly the intensive agriculture, which we're not against, but – so we're custodians to amazing properties. Obviously we think they're properties that are good properties and we can do well out in the future, but we're also - - -

15 MR PILTON: Excuse me, Bob, can I just jump in? There's a message come through from the Auscript people that their recording program's frozen, so can we just hold for a couple of minutes until they get it back online because we need – we do need to transcribe the whole meeting.

20 MR WHEELDON: Yes. For sure.

MR PILTON: So she's just trying to reboot it, I think.

25 **RECORDING SUSPENDED** [1.02 pm]

**RECORDING RESUMED** [1.06 pm]

30 MR PILTON: I'll start again, everybody. Good afternoon and welcome. Thank you for making yourself available. Before we begin, I would like to acknowledge the traditional owners of the land on which we meet, and I would also like to pay my respects to their elders past, present and emerging. Welcome to the meeting today to  
35 discuss the Gateway ..... Sturt Highway, Mallee, known as Northbank on the Murray. My name is Adrian Pilton. I am the commissioner responsible – sorry, appointed to this review. Joining me for the office of the commission are Brad James and Lindsey Blecher. In the interest of openness and transparency and to ensure the full capture of information ..... and a complete transcript will be produced  
40 and made available on the commission's website. This meeting is one part of the commission - - -

45 **PORTION OF FAULTY OR MISSING AUDIO**

MR WHEELDON: ... hard work and maybe some smarts, and partly by being fortunate, we've got some properties that are in very good locations in the Sunraysia area, and we believe that the size of these landholdings allows us to do master planning at a scale that allows us to make a really positive impact on those areas.

5 I'm a big believer in the benefits of the master planning, you know, and we strongly believe tourism is the right option for this property, you know – and, you know, look, if we'd proposed a service centre with a Maccas and a KFC and whatever, it would have probably sailed right through with none of the critiques it's received or none of the requirements for studies and whatever, but we are not particularly interested in, you know, KFCs and McDonald's. There's nothing wrong with them and I make no dietary comments, but we are interested in doing things that really add to the area and are things that are there for the long term. We're not interested in a short term sugar hit.

15 So just in terms of background, I did secondary school in the Wentworth area. At that time tourism was quite strong – and this is going back in the 70s and early-80s ..... in the area. Since then you've seen a massive growth in tourism competition in places like the Sunshine Coast, the Gold Coast, northern Queensland, being Port Douglas and Cairns; also Bali has emerged as a competition, Phuket, a whole range of areas encouraged by cheap discount travel, and what you've seen in the Sunraysia area is virtually no – very marginal investment in new tourism product.

20 So while it's always been a fantastic location because it is on average at least, say, five degrees warmer than southern Victoria, so the market for Mildura – and Mildura still gets a lot of tourists – is southern Victoria: the Ballarats, Bendigos, metropolitan Melbourne, and those people have increasingly flown straight over the top of Mildura to go to Queensland or Bali, Phuket, whatever else. Now, there's part of that that is the natural evolution of travel, and part - - -

30 MR JAMES: Sorry to interrupt, Bob. Auscript have just advised – can we just put a hold there, sorry. I think we've got another problem. Okay. Cool. Auscript, can you just confirm that it's all sorted? Okay. Great. Apologies. Sorry, Bob. Over to you.

35 MR WHEELDON: Yes. So anyway, we've had a – an issue where – the tourism product in Mildura, it comprises a lot of three star motels that are mainly on the main roads. The main roads that – like Deakin Avenue, Fifteenth Street, which weren't so busy back in – when I was, you know, a teenager, are now very busy roads with a lot more trucks – B-doubles we didn't ever have, etcetera, etcetera. So now we've just got to – there's a – there's an opportunity, in our opinion, because the tourism product has sort of stood still for a long time. The core reasons why someone might go to Mildura are still there: the river and the natural history of the area and Mungo National Park and many other things. Some are – some things have developed a lot since I was a child, being things like the food tourism area. There were – it was very much a bulk produce market. Now it's a much broader market.

There's also – Mildura, the township, has grown dramatically and there's a whole lot of activities that you can do if – you know, entertainment type activities, whether it be the putt putts or bowling or umpteen restaurants or all the movie theatres, all these sorts of things that most towns have, but they're quite disjointed in Mildura. They're usually at the back of some industrial area and, you know, if you're a parent wanting to take Johnny and Madeline to the different activities, you've really got to trip them – and Kathryn might be in a position to comment more if you're interested – you have to go from one industrial area to another for all these things. So you've got various historic things which have meant the tourism experience isn't that great there, and what we saw is an opportunity to master plan out a new tourism zone that would still link in with all the other elements of Mildura and New South Wales Sunraysia, but that would consolidate a lot of activities and accommodation, maybe tourism retail, whatever would work into the one area without replicating things that were already there.

So, for example, the site is just down the road from the Trentham Estate Winery, which is a beautiful cellar door on the river. We're just down the road from Scopolates Olive Farm. So we saw the opportunity to do something which would cater mainly for a tourism market, but would provide additional amenity for the local Sunraysia market, and really be a bit of a one stop shop from a tourism point of view, in that once you arrive there you – most of your needs would be met without you getting in a car again, and that could be facilitated by walking paths, bicycle paths, golf track paths – like the old Coolum in – you know, before Clive killed it in Coolum. So we were – we're really looking forward looking at what you could do in terms of tourism nirvana and it was – it's really just a concept of a tourism zone.

Now, we raised this about five years ago initially. The commissioner's no longer on the line. I don't know whether that – the commissioner's no longer visible to me. I just wonder whether he's on the line.

MR JAMES: Sorry, Bob and Kathryn. We'll just put the hold there. Apologies for the technical issues. It's - - -

MR WHEELDON: Yes.

MR JAMES: It's very rare for this to happen. Just for the purpose of the transcript, Adrian's been disconnected. We'll just wait till he enters the conference again.

**40 RECORDING SUSPENDED [1.17 pm]**

**RECORDING RESUMED [1.22 pm]**

45

MR PILTON: Hi, Bob and Kathryn. I'm sorry. My computer just went belly up. I'm not sure what happened. I'm not even sure at what point I dropped out. It was – you were telling me about the – wanting to have a one stop shop for - - -

5 MR WHEELDON: Yes.

MR PILTON: - - - tourism in the area. I apologise. So if you'd like to start again, sorry, and we'll give you some extra time at the end of the meeting to keep going.

10 MR WHEELDON: Thank you. Bob Wheeldon again. So, yes, we – we're wanting to create a one stop shop, and, really, this is just purely a concept at this stage. What we're really seeking approval for is that we create a tourism zone, so rather than having a whole lot of disjointed activities – and this is the real – the main value add or main opportunity we see is rather than having a whole lot of disjointed activities  
15 all over the district, which we're not, you know – there will be lots of that. There'll always be. There already is some tourism activities in different locations that people have to get in the car and drive to, but what we want to do is create a large precinct of tourism. We're not defining what that tourism is, but a large – at the moment in the rural zone in Wentworth we're not allowed to do most tourism activities.

20 There are some; for example, we'd probably be allowed to do a golf course, but we're not allowed to provide any accommodation that relates to the golf course so the golf course wouldn't be viable. There's a few things that are allowable in the rural zone, but certainly the bulk of tourism activities aren't. So what we're trying to  
25 do is create the legality of having a tourism zone, and, for us, we have to make a decision about what we do with this land. What do we dedicate it to? If it's just a – if we had 50 acres of tourism or a small area of tourism, we don't think it will be enough to be of any significance, for us to be getting the benefits that you get from having multiple activities in the one zone. So that's really the big picture thing that  
30 we're looking at.

In terms of the one stop shop, I just put up on my whiteboard behind me – and I'll take it a bit closer so you can see some of them – all these different, you know, brochures from – which are, you know, different things I've seen in different – I've  
35 tried to, you know, do a bit of business and pleasure and go round to various tourism locations, whether it be, you know, Queenstown in New Zealand or Los Carbos in Mexico or Florida, Orlando, places like that where you see quite a large variety of – you know, they're tourism precincts and they get multiple benefits, and even in Australia you've probably got that on the Gold Coast to a lesser extent.

40 Now, obviously there's a multitude of ways of doing it and multitudes of intensity. It can be very chilled, if you like, with a low intensity. It can be more high – obviously a place like the Gold Coast is very high intensity. Queenstown's lower intensity. There's various things we – for us, that's something we have to negotiate with  
45 council and the authorities as we actually put together a plan, but we're not allowed to do any, you know – substantively, we're not allowed to do any tourism, you know,

activity in this area, and what we're wanting to do is take this very substantial, unique site and dedicate it to tourism.

5 Our initial approach was – to the council was to make it all a tourism zone; that's  
SP3. The council preferred that we incorporate the business zones, and I think that  
may have been one of the comments from the Aurecon Group. I'd have to go – I'd  
stand corrected on that, but our initial intention was just have an SP3 zone and then  
10 master plan it out. And so one of the other things I've mentioned in there is really –  
by doing things at a reasonable scale we think you could bring in a quality architect –  
landscape architecture firm to master plan out the whole thing, and you could even  
run a design competition. You can really bring a quality to this area that just doesn't  
exist – a quality of design – and we haven't had a good reaction to date from the  
Department of Planning.

15 I think that's more a misunderstanding, and this – I don't think this concept's been  
put in a regional area before. They don't really get it, you know. At some stage I  
think they will, but it's unique – if we only had 50 acres and we said, "Oh, well, this  
is going to take such a long time, why would you dedicate a large bit of land to it",  
well, if it was 50 acres, why would you bother, you know. For example, one of the  
20 things we've – we thought an element, which we're not committed to at all but we  
thought we could incorporate, is a swimming lagoon. You know, there's a company  
called Crystal Lagoons. We've had them visit the site. They've prepared a proposal  
for us. We also had them meet with the Department of Planning officials. And it's –  
what it is, in Wentworth, Mildura area it's absolutely beautiful to swim in the river –  
25 the Murray River, but it is not particularly safe. It's not at all safe, so what we were  
proposing is a swim lagoon as one potential concept.

Now, those sort of things cost several millions of dollars. Now, they're not going to  
generate any potential revenue on their own, so you need other – accommodation and  
30 other things around that do generate revenue for it to be viable, and if you had one in  
a large site, for example, it would work, but if you had just a small site on its own –  
and a good example of that is in the local area – Buronga, Gol Gol area there was a  
waterpark that was set up recently, about three years ago, but it was just on a single  
site. It had the waterpark and it had nothing else, so it – eventually it closed up, and  
35 the reason, in my opinion, was that it had to bear the whole weight of the tourism  
experience on its own shoulders. It didn't get the benefit of sharing the weight  
around. Like, for example, the waterpark would have drawn people in that might  
have stayed for accommodation or had lunch and whatever.

40 So we think that there's a great benefit in master planning the site out. Obviously we  
started off with a concept over three years ago, so now we've had COVID and, you  
know, I think that will have pluses and minuses. It obviously provides new  
opportunities to attract southern Victorians when Victoria opens up again, who are  
not going to be as likely to go overseas and whatever, and also the other – on the  
45 other hand, you're going to have to make any – any offering would have to be more  
suitable to the – to that market.

So just, lastly, on the concept, there's this quote I have on my whiteboard, which I'll put up, and it's a Henry Ford quote which is, you know, to the effect of, "if I'd asked people what they would have wanted, they would have asked for faster horses", and I think that's quite applicable to our circumstance. The reality is this is a – a tourism  
5 zone is not something that people are asking for, necessarily. It's an innovation. It's actually, in our opinion, pure town planning, whereas, the department is simply looking at these buffer – these fringe areas to the regional towns as just a natural expansion like they look at the city, and we'll just have a line of big-box retailers and KFCs and service stations streaming out. So we think it's an opportunity to instead  
10 make the entry to the – this area very attractive and a different concept. There's plenty of room for KFCs and big-box retailers. I mean, we're just not interested in that stuff, you know.

So it doesn't mean it's bad, but – so, I mean, we think this is a really excellent use of  
15 our site. We think it's – we have indicated, you know, other – there are other uses that are viable for the site or could be discussed. We think it's an excellent use. I come up with some really bad ideas, but this is a good idea, you know, and, you know – like, this is – and we are pursuing it and we've been passionate about it, haven't let it go, because we don't think that anyone else will do it, you know. We  
20 don't think there'll be any – the reality is this will take decades to start producing high returns for the owner. There aren't many owners that are dumb enough, you know, or long term enough to do that.

Now, that's – the way we look at it's a very unique opportunity for the area. We're  
25 sort of close to hit the end of the road. You know, I don't – I mean, after four or five years of pushing it if we – you know, if we don't get some support fairly soon, we'll have to look at alternatives, but even – we could move on to the substantive planning issues, which is really – goes to, you know, what we're actually asking for, and we – we're just asking for a Gateway approval. So we're trying to make the point that  
30 we're not seeking a – I mean, we're – it's part – it's the first step in a rezoning process, but it is not the rezoning.

We're not seeking approval for any particular type of development, whether it be that  
35 water lagoon or anything else. We're not seeking approval for anything. We're just seeking to dedicate the site as a tourism location. The density of that, all those things, are all up for grabs, and the department and council have complete control, you know, over us in that respect. We have no capacity to, you know, enforce a certain level of density or whatever. We can put applications in subsequently, but we would have to be driven by demand, all the restrictions on the site, etcetera. But,  
40 anyway, that was the big picture concept I wanted to raise. I – do you want me to pause, commissioner, if you've got any questions on that big picture concept or - - -

MR PILTON: I'm happy for you just to keep going.

45 MR WHEELDON: Okay.

MR PILTON: We've got some rough things set out in the agenda.

MR WHEELDON: Yes. Okay. Well, that was sort of the – in terms of – that’s sort of, I suppose, my introduction, so to speak. Some of these points will be – on the agenda will be fairly quick, but the – point 2, the Gateway Determination Review process and fairness, again, the fairness point I’m happy to sort of take as read, you  
5 know. Like, I don’t think, you know – I mean, in particular, the officer from the Department of Planning being the same officer who assessed the thing in the first place, to us, isn’t good process, and there are a few other issues we think perhaps they’re not great process, but we’d – we’re happy to focus on the substantive issues – planning issues, and certainly if you’ve got any questions on that, we’re happy to  
10 answer them.

But in terms of the Gateway Determination Review process is probably the key thing, and that goes back to the paper I put forward to you. So this is not a rezoning. It’s not a development application. The – when the Gateway is issued it puts any  
15 conditions on the application. It recommends any studies required. And as I’ve sort of indicated, in both the Land and Environment Court and also in terms of the department’s own guide about planning proposals it’s very clear that a Gateway is not a rezoning. It is just a step in a rezoning. So we think it’s very clear that it is appropriate to put conditions on a – so, for example, if you feel an economic study is  
20 something that should be conducted, well, the actual intent of the whole Gateway process is that that – those studies are provided between the Gateway and any rezoning, and if those studies don’t satisfy the determining body, whether it be the council or the Department of Planning, then the - - -

25 MR JAMES: I’ll just put a hold on, Bob. Apologies again. Adrian seems to have left the conference.

MR WHEELDON: Yes. I thought you were about to say something, Kathryn. You popped up on the screen.  
30

MS BAIRD: Yes. No.

MR JAMES: Perhaps, Bob, Kathryn, if you’re okay, I’ll put you back in the waiting room while we resolve this.  
35

MR WHEELDON: Yes.

MR JAMES: Apologies again.

40 MR WHEELDON: It’s quite comfortable.

**RECORDING SUSPENDED** [1.37 pm]

45 **RECORDING RESUMED** [1.41 pm]

MR PILTON: My apologies again, Bob and Kathryn. I've moved to the different computer to the different room.

MR WHEELDON: Very good. Got a different background too.

5

MR PILTON: Different background. That's Sicily.

MR WHEELDON: Great. Good stuff.

10 MR PILTON: Okay.

MR WHEELDON: So what did you hear last? Warbling - - -

15 MR PILTON: You were talking about not – it's just a gateway, not a rezoning, not a - - -

MR WHEELDON: Yes.

20 MR PILTON: - - - DA and so on.

MR WHEELDON: Yes. Sorry, that's – unfortunately, it's a important point. It's not super exciting, but – so we – to go back to the history, we put our planning proposal in way back in 2015, I think it was. And then we had a long period of negotiation with the council and, for example, as I mentioned, we were originally just seeking SP3. They wanted us to include the business zones. So there was a long period before. And then they got a report done by a – an independent consultant Aurecon, and we actually responded to that in detail. And somewhere along the – it's a – you know, it's a long time ago. It's over three years ago. But at some stage, we actually resubmitted the planning proposal. So the planning proposal was submitted a second time, I don't think to the department, but to the council. This was before it got approved. And it took on board a lot of the comments from Aurecon and, most particularly, they were talking about various of these studies that they wanted to be incorporating.

35 Now, we have from – for over three years, agreed to conduct a whole lot of the studies, you know, prior to any rezoning, and obviously to inform the rezoning. Some of these things, Commissioner, frankly, we think are a little bit ridiculous. You know, like, there are no koalas in our area. I have lived, you know, on and off in the area – I've been to the area. There are just no koalas in the area. It's a very hot area. It's not the coastal – you know, we're not Coffs Harbour. You know, it's a very different climate. So I do appreciate we want to protect our – I mean, if we'd – we'd love it if there were koalas on the site. We're interested in tourism. But there are no koalas. That said, there's a planning rule that applies to the whole state to protect koalas and we respect that. But we did provide the information of the koala mapping at the time. After the recent bushfires, they've updated the koala mapping and they have included some of the riverfront area as a area of investigation.

45

Now, you know, there are still no koalas, and if you look at the koala maps, they've mapped almost half of New South Wales in this koala area, obviously as a precautionary principle. All reasonable, and we're happy for there to be an independent person come in and confirm that there are no koalas, but there are still  
5 going to be no koalas. There are just no koalas. Again, many concerns – like, for example, the bushfire maps. The – unfortunately, when all the new LEPs were put in place, there wasn't enough resources in the, you know, government to map every single of the 80 million hectares of New South Wales. So many of the LEP maps if – I mean, I have got friends in Sydney. I've done a conveyance for them, whatever.  
10 And the local maps in Sydney are quite accurate, you know, for things like flooding and all those things. But you go out as far as Wentworth and the maps are actually very inaccurate for most of the natural resource type things. And, you know, for example, the fire area, our map – our land is mapped as a fire zone. Well, it's all cleared. You know, there's nothing to burn. You know, there is no way you can  
15 burn nothing, you know. It needs fuel.

So we – but, really, we're happy to conduct, you know, reasonable further inquiries in most of these – you know, all these areas as the Commission decides or recommends. It doesn't, you know – you know, in reality, we think some of these  
20 concerns are unjustified and some are very much worthy of further investigation. There's also the question of economics. Well, we're – the whole reason the gateway system was put in place was to give proponents some confidence that they – that the authorities would consider their application and then to do the reports then. And it was – whether it's worked perfectly or not, I, you know – in our case, we submit that  
25 to spend hundreds of thousands of dollars on a speculative basis isn't reasonable. We're not Darling Point, you know. We're in Far West New South Wales.

The other point – so in regard to – it is a very important point, but I won't labour on it for much longer, is really that all of the department's guide to making planning  
30 proposals, the Land and Environment Court Moorebank v Tanlane, all say you can do this after the gateway, all these reports. So that's our submission. Happy to discuss it as you'd wish. So in terms of the – I mean, just to carry on from that and following on the document I sent is really we would argue that Wentworth really needs this sort of diverse development. With the climate change, there is certainly  
35 pressure on all the water-based agriculture or the irrigation. There's also a pressure on all the dry land agriculture.

So we think the tourism, which actually benefit – you know, the fact that Mildura area has the name Sunraysia – nicknamed Sunraysia, which it gets a lot of sun, is  
40 actually – while it's a very – it can be a disadvantage for agricultural point of view, it's a big advantage from a tourism point of view. So it – the fact that it's hot and whatever, it can be a big positive for tourists, you know. So we think it's important that there be diversification of the local economy, and virtually all of the New South Wales Government, you know, papers on tourism and economic development  
45 support that. So – I mean, the other thing I just may – which I do – have sent you, but the – it's important to note the life expectancy in Far West is substantially lower than that in Sydney. And part of that go – there are multiple factors that go into that:

higher percentages of indigenous people and, you know – there's multiple factors, but lack of economic – the same economic opportunities is one of those. So I think that planning should be trying to fix some of those issues, or address some of those issues, and we certainly think we could have a very positive effect on the local economy.

So to go back to your agenda, so you talk about – we talk about overview of the planning proposal in terms of the proposed land mix and restriction of the resort. So there actually is none, as such, because we're not putting a development application to you. There is no building proposed. We are simply seeking to zone an area for tourism activity. It would be great if we could skip, you know, way ahead to something that's – you know, the reality is that it – we're several years away from being able to put a development application in. Now, we've got to hold the property; we've got to invest in it in all that time. It requires a lot of patience to do that, but we're prepared to do it.

But we don't have any building to review or critique, because that would come as a part of responding to the market. It would respond to the design ideas that people come up with. Like, whatever design we'd done two years ago would have been pretty irrelevant now anyway, because you've got COVID and the whole tourism industry is being remade. But it would be good for us to get to that stage as quickly as possible, but, realistically, the sort of conditions that are likely to be put on as part of this, it will take us several years to be able to get to that stage. I know it makes it, you know, tricky in – you know, in a way, to look at this, but all we're seeking is a – to create an area that can be developed for tourism. We're not seeking any particular permission of the type of development.

So again to the question here about likely quantum of development, well, I mean, in terms of – we think this site has potential for tens of millions of dollars of development, but we have no building to cost up, no infrastructure to cost up, because we're not even allowed to do that at the moment. You know, it would be very speculative of us to engage an architect and design something. I mean, it might – it – who knows, it may have worked better that way, if we'd just said, here is this building, but what we were more trying to do is say, look, let us master plan this area out over time for tourism, you know, and we will come back to you. You can put a development control plan on the land or whatever design guidelines you want, but we think it will only work as a big master planned area.

So we don't have an answer on the quantum of development, but obviously with a scale of the land – but it depends, obviously, with how much of the land you use for very low value uses. For example, if you had a lagoon there and three golf courses, well, you'd use up most of the land without having a lot of intensity of development. And there could be other models where you have a lot more intensity. All I'd say is all of that has to go through, whether it be the council or the department, depending on the scale. Like, if it's – I think it might be 10 million – there's a scale at which it has to go back to the department. I can't remember what that number is. But, like,

it's completely in the department and in council's court, you know, in terms of what that scale.

5 So again on the project timeline and staging, well, we're only in the pre-gateway stage, so we can't – there's no prospect of us really being able to properly get it zoned for another 18 to 24 months, on the best case. So any development applications or whatever would have to then take place, so you're talking at least three years before any construction would take place, you know. But what we're trying to do is commit to a, you know, tourism development occurring in this one area. And just so you know the scale of the shire, there's 2.6 million hectares in the shire. So the shire has shortages of investment funds. The shire has shortages of water. You know, water's always a scarce resource.

15 But we have no shortage of land, you know. So it's not like, you know – you know, 1000 acres sounds like a lot to – in Sydney, but it's not very much in the scheme of the Wentworth Shire. And at the moment, there's only one acre of Wentworth Shire set aside for tourism, you know, which was an old service station which was intended to be an indigenous cultural facility, and it just didn't work because it was, you know, again probably too small scale. But there is virtually no land set aside for tourism in the shire. So that's really the intent of what we're trying to do. So – do you want me to just keep on going, Commissioner, or?

MR PILTON: Well, I might just jump in, if I could, with a question.

25 MR WHEELDON: Yes.

MR PILTON: What I'm trying to get to the bottom of is, you know, what sort of commercial centre do you envisage? Is it sort of like small scale, medium scale, huge scale, whatever? I mean, I know that the concept plan was withdrawn and it's not relevant anymore, but it looked to be huge in the concept plan.

MR WHEELDON: Well, the concept of – we certainly think that there's – there is no – to give you a nature – you know, a bit of background, there's no golf course in that particular locality. So in the Buronga Gol Gol location, on that side of the river, there's no golf course in that location, so – and there's – you know, that's one thing that could be there. A water lagoon is one thing that doesn't exist in that location. The other thing that doesn't exist on this side of the river is any material amount of shopping. There is, I think, maybe one clothes shop on the New South Wales side of the border, which is a bit of an issue with the border closure. I think – I know Kathryn could give you some idea on what's actually there, but there is – this is where an onsite visit would really help. I don't know whether – have you ever been to Mildura or?

MR PILTON: No, I'm sorry, but - - -

45 MR WHEELDON: Yes.

MR PILTON: - - - I would love to come down and visit, but it's just not practical at the moment.

MR WHEELDON: I understand. It's – I'm not – obviously, the COVID situation's  
5 restricted everyone, and there are some advantages in this to all of us, including me.  
But the – you know, this is like one side of the street having all of the shops, all of  
the entertainment, everything, and the other side of the street having close to nothing.  
So in this case, Victoria has lots of stuff. It's got an arts centre, it's got multiple  
cafés, it's got shopping districts and a shopping centre. It's got all these things to do.  
10 On the New South Wales side, there's virtually nothing in that respect. So – I mean,  
Kathryn, do you want to throw a local comment in on that, because you - - -

MS BAIRD: Yes, sure. Sure. Kathryn Baird's my name. Yes, so like Bob's said,  
15 everything is on the Mildura side, on the Victorian side of the river. And that's  
everything: our medical supplies, the swimming, the sport, kids sport, everything  
else. It's all in Mildura. On the Buronga Gol Gol side, so Gol Gol itself is literally  
just a pub and a café and a school. That is all that's at Gol Gol. And then back  
Buronga, which is where you come across the bridge from Mildura into Buronga, is  
service station, a post office and a couple of cafés and some industrial – you know,  
20 there's a steel supply shed and a trucking centre, I think; a transport depot.

But that's literally it on the – you know, directly across the bridge from Mildura,  
where there's just nothing. There's no clothes shops there. There's one in  
Wentworth. So that's what, 40, 50 ks away on the New South Wales side. That's  
25 where I am at the moment. But Buronga Gol Gol, there's literally nothing there at  
all. It's all in Victoria. And like Bob said, the border is closed. You know, we have  
permits at the moment. I have to go into town this afternoon, so I need a permit to be  
able to come back to New South Wales, to get back across the border. And I'm only  
allowed to go across there for medical, for work or essential items, you know. So,  
30 yes, there really is nothing on the New South Wales side. It is all Mildura based. So  
all of our spending is in Victoria, basically.

MR WHEELDON: So Bob – thanks, Kathryn. So Bob Wheeldon again,  
35 Commissioner. The potential is – I mean, what we saw as an opportunity is really to  
complement what's already there. So rather than just being the typical property  
owner/developer saying oh, we'll expand the town into our area, we just want to do  
more of whatever else is happening, we are actually looking at it and thinking well,  
what's complementary. So certainly there are certain things that you could put on  
the land that – you know, for example, an indigenous cultural centre was one of the  
40 things we had on the earlier concept plan. There are various things that you could do  
that don't exist now.

Certainly, in terms of the bigger scale development, if you look at the big box that  
was shown on the concept plan, we thought there was potential for some shopping  
45 and retail, and we were looking at a completely different opportunity, being for  
things like outlet shopping, things like – all these activities which are in a disjointed  
way, like the trampoline centre and the putt putt and the bowling and the – you

know, all these different activities which are quasi tourism, quasi entertainment activities, there's the opportunity to locate more of those things in the one area. So to create an area where, you know – and the core concept of the – having the tourism zone is that, you know, a family could arrive and the different members of the  
5 family, with having very diverse interests, could all walk or cycle or buggy to one of these other interests. There could be someone interested in going to a cellar door, someone interested in playing – you know, going bowling, someone interested in golf, someone interested in going on a camel or around the ....., someone interested in going shopping. You know, having all of these things in the one location.

10 So – but we have only – we provided a concept plan which, you know, we've withdrawn. And, look, I think there would be a possibility of very substantial investment if you look over a 30 or 40 year period. So, you know – but we – that is the property, the difference. Like, we're talking a different language to – I mean, a  
15 lot of the planning system is dealing with very short-term – or a project that's very immediate. And what we're trying to do is plan out for the long-term. Now, ultimately, what is the demand for any level of activities will determine – so the first step of an activity, the first stage, which is probably what would be the first thing we would do? Well, you could probably – you know, if we could fund it at the time, it  
20 would be great to create a water lagoon with perhaps some sort of water play area around it and small scale accommodation. You know, that might be a first stage.

Now, obviously, we certainly don't have any capacity to raise hundreds and  
25 hundreds of millions of dollars to build some massive building and, you know, every element – a golf course and every element at the one time. We were looking at creating an area where you, you know, would go through, you know, many, many stages to determine what it actually worked out as, you know. But in order to reserve an area for the long-term, we need to – you know, we wouldn't bother with it if  
30 you're just going to do a small scale. Is that – there's probably holes in what I've just said in terms of your question.

MR PILTON: No, that's .....

35 MR WHEELDON: Would you like to pick those out or?

MR PILTON: No. I mean, generally, I understand what you're aiming at. How important is the residential component?

40 MR WHEELDON: I don't – I wasn't looking at – if you look at the way tourism has developed, people, you know, used to go to – if you look at locations that develop, you know, people used to just go camping at the Gold Coast, okay. They eventually – they liked it, so they put a permanent caravan there. Then they put – let's put a four star – three star motel there. Then they built a better accommodation. Then they sort of thought, well, gee, I like visiting this place so much, why don't I  
45 put a permanent dwelling here? So what you need – obviously, there's a variety of different tourism experiences. One that would work in – which obviously harnesses

private investment, is if you have, effectively, a holiday home type market, which is then in a rental pool.

5 So that would be an opportunity that would work in a Mildura area where you create – and it’s much the same as places, you know, on the outskirts of the different big cities in – you know, there are holiday homes and whatever. Those houses are leased out. There is certainly – it doesn’t have to be a – so it doesn’t have – the housing element doesn’t have to be part of it. And I suppose that’s one of the things we’ve said all along is really the department and now the Commission and the council are  
10 setting the rules. You know, obviously, you know, if you have to build a, you know, a 50 room hotel and you pay for it all, that’s a big chunk of money, where it can be cut up into, you know, smaller bits and each person buys a holiday home which is rented out in a pool, or a unit, you know. That’s a bit more economically – well, it’s easier to do. But it doesn’t really go to the heart of the proposal. The heart of the  
15 proposal is about having a large area that’s master planned out for tourism. Is that – I’m getting a notice, “Auscript monitor” up. I don’t know whether that means it’s working or - - -

20 MS BAIRD: You’re back up.

MR WHEELDON: Yes. Anyway, I probably should move on, because there’s a couple of very key points I wanted to make and I don’t know what our time - - -

25 MR JAMES: I’ll just put a stop there, sorry, Bob, Kathryn. Adrian’s been disconnected again. I might go through the same process, if you don’t mind.

MR WHEELDON: Yes.

30 MR JAMES: No, hold on. He’s back. One sec. Adrian? Hi, Adrian, can you hear? I’ll just – Bob, Kathryn, I’ll just move you into the waiting room and see if we can get this sorted on our end.

MR WHEELDON: Thank you.

35 **RECORDING SUSPENDED** [2.07 pm]

40 **RECORDING RESUMED** [2.10 pm]

MR PILTON: Okay. Apologies again, Bob and Kathryn. There’s something – I don’t know what’s happening here.

45 MS BAIRD: No worries.

MR WHEELDON: All good. We’ll get there in the end.

MR PILTON: Sorry, keep going. You were talking about - - -

MR WHEELDON: Yes.

5 MR PILTON: - - - timing and so on.

MR WHEELDON: Yes. So I just – I don't know about the time of – how much  
time we've got allowed in our meeting, but I did want to – there were sort of three  
big points I wanted to make that I made sure got through. One we've already  
10 discussed, which was, you know, when do we do the reports? Do we have to do  
them before the gateway or after the gateway? And we've discussed that and, you  
know, our strong submission is, based on all the information that's public, that we  
shouldn't be required to do them until after the gateway. So that's one point.

15 The other issue – two issues I wanted to raise are – one is I think there has been  
insufficient weight and recognition on the different strategic documents that support  
the planning proposal. So this planning proposal is a priority project in both the  
Destination Management Plan and the Far West – so in the Western Murray Regional  
Economic Development Strategy. So this is the document here. You know, it's  
20 quite a extensive document. You know, like, this is the economic development  
strategy. The Destination Management Plan is an even thicker document, over 100  
pages. The planning documents that the government – you know, the Department of  
Planning are saying that are – that caused this to fail are like a two – you know, a  
two-page section. Like, there's two pages on tourism in the Far West plan, we would  
25 argue which is mostly supportive of this proposal.

But, you know, if you look at the weight of government effort, it has been – in terms  
of supporting the activity, I think you've got – the Far West planning is not taking  
into adequate consideration all the work that has been done by their sister or brother  
30 departments in the tourism and the economic development space. And, you know,  
this wasn't the case when we – when we put our planning proposals in, these – you  
know, the Regional Economic Development Strategy and the Destination  
Management Plan hadn't been prepared. But they did see our planning proposal and  
they, obviously independently, determined that it was a priority project for this area.

35 Now, that – we believe that should carry at least enough weight that the project  
passes the gateway. Obviously, to pass the rezoning, there's multiple other boxes to  
check. And we're not excusing ourselves from checking those boxes, but, you know,  
there is a lot of, you know, strategic work and evidence behind – you know, these are  
40 both prepared by independent consultants. There's a lot more effort that's gone into  
these documents than – in terms of the departments, which – who don't specialise in  
tourism. They're – they specialise in land use as considered. So anyway, that's the  
second issue.

45 And the third issue is really Gordon Kirkby and Ethos Urban have, in most cases,  
written a fair review of the planning proposal. And in most areas, they have  
determined that a study to consider, for example, koalas or, you know, land

contamination or – you know, there’s multiple things that, you know, they needed boxes they need checked off before the rezoning could occur. In virtually all of those cases, they have said a study post the gateway is adequate. The only two areas where they haven’t said that – or the – sorry, the three areas where they haven’t said that is in regard to an economic study, in regard to a traffic study and in regard to an infrastructure study.

So the economic study is probably the, I think, the – it’s the most important one, and we certainly think – like, from a local person, and if you were actually there, you just think there is nothing there. Like, in terms of competing industry, on our side of the river, there is nothing there. There is no – you know, there is virtually no tourism infrastructure there. There is no retail infrastructure there. Local people clamour to have both. You know, they want both. They can’t quite understand why they’re denied having some access to services and things to do. But I recognise it is a legitimate point. And it’s something government wouldn’t necessarily understand, and it’s something that should be examined.

And we, all the way back to 2017, volunteered to prepare such a study. I mean, you know, there is a concept of escape shopping, and virtually all of the New South Wales border shopping escapes to Victoria. Now, you know, from a local, you know, Aussie local point of view, I think, you know, it’s a – you know, I think I have a different perspective on it, because I think this is just so obvious that we need economic development, but I appreciate there needs to be it, but what are the parameters of that study? And we certainly think to provide it after the gateway is perfectly reasonable. We think at the gateway, we should be establishing that there is some merit in the concept that we are putting forward.

And even going back to Aurecon, in the very first Aurecon report, they said, on page 37:

*Rezoning and development of the site could support the strategic goals of council and should not be discouraged.*

So this is what Aurecon said. And even if you seek through the different documents that – from Department and Planning, whatever, they usually include a phrase, “Oh, we’re in support of tourism, but we can’t support this”. You know, they always – there is some acknowledgment that tourism is good. It will be – fit well in our area. To me, they are underplaying the work that the economic development arms and the tourism arms of government have had. But I think we meet the criteria to pass the gateway.

And just – I want to give you another chance, but just to go back to the road and infrastructure point. So my understanding is that you looked on Google Earth and you, you know – so the highway is very obvious from Google Earth. It is a very busy road. You know, like, this is the major traffic point for all of the suppliers that go from Sydney to Adelaide and from Adelaide to Sydney. We’re not talking about a baby road here. It’s a major highway. And the thought that we can’t deal with

some tourism traffic – obviously, there’s the point of access on and off the road, and there is a – the council has got a thing called the Buronga Gol Gol interface strategy. So they’ve got a roads consultant. Now, I don’t have access to that. I’m – I was on the council about four years ago and I saw a draft of it. I don’t know the current  
5 status of that, whether it’s been updated, but I do know that it considered all these future developments in and around the area, including our site.

So I’d suggest you ask for council for a copy of the interface strategy. But, really, it’s kind of – you know, we’re on a major highway. A major highway splits our site.  
10 The thought that, you know, you can’t, you know, come up with a traffic solution is, you know, really quite preposterous. You know, like, if – you know – and also, the Department of Planning has approved major mines. We’re a – the shire’s a major source of mineral sands mines, and they’ve approved enormous open cut mines at the north of our shire that are nowhere near the highway, you know, that – and, you  
15 know, they’re allowed, you know, like – so it seems to me – I’m not suggesting a traffic study shouldn’t be provided, but to suggest that this – the whole project gets not considered because of a traffic issue, is quite preposterous.

And the other one that – you know, so again I think Gordon Kirkby and Ethos Urban were on the right track with audit. For some reason, they got to the point of traffic  
20 and infrastructure and said, no, we must resolve those now. And the other – with infrastructure, again, if you’re on the Google, we are immediately adjacent – if you look on Google Maps, you’ll see that we are immediately adjacent to the water treatment plan for the shire. We are immediately adjacent to the Murray River. You  
25 know, there is as much water, like, as a – you know, the amount of water used by horticulture is enormous compared to the amount used by human beings. So about two per cent of the Murray River water is used for human beings and human-related uses; 98 per cent is used for the – of the consumptive water – is used for massive horticulture properties.

30 So the amount of water used is very, very small, and we have the treatment – they can treat as much water as we want. And we could – you know, the – a water treatment plant is not that big a deal, even at a smaller scale these days. And we’re on the river. We have no issue in accessing the water and treating it. So water is no  
35 issue. We have major low voltage and high voltage powerlines running through the property. We are at a point in the – we’re at the point where the tristate grid interconnects, so the electricity between South Australia, Victoria and New South Wales intersections on our property a bit further north. So the thought that we could not have power is again fairly unlikely to ridiculous. We’re a major source of solar  
40 power. There’d be a great opportunity for integrating solar power in what we do here.

The other point of infrastructure is sewerage treatment, and there is – the council has just serviced another development further east than us that’s just put the sewer pipe  
45 running through our property. So, of course, we could treat our own sewer depending on the scale of any development. All the soil in our area is red sandy loam. It is highly suited to disposal of those sorts of waste, and, you know, people

really don't want the liquid to be wasted anyway. There is multiple improvements in that technology. So again, we're very happy for it to be studied, but, you know, it is really not the – you know, it is not a good justification for our planning proposal not even getting to gateway, because infrastructure is all around us and if you look on the  
5 – on Google, we can point it out to you. We can give you another – a map pointing it out to you, if you like.

MR PILTON: I've had a look at it, thank you, Bob.

10 MR WHEELDON: Yes. So, look, I'm – obviously it was a bit disjointed, the presentation, with everything we've had to go through and a few technology issues. I mean, I didn't really talk about alternate uses. I mean, people always – I mean, we've got residential all round our eastern boundary – sorry, our western boundary is all residentially zoned land. The whole boundary. So we have issues with domestic  
15 dogs, issues with, you know, neighbours not – you know, the incompatibility of grazing, and we – our site's cleared. It doesn't have the right type of vegetation to suit grazing. Cropping. I mentioned before we had one year out of three in our wheat – or one year of four. We're obviously close to all those settlements, so you have to use sprays and whatever for cropping, which is an issue. So it's not great for  
20 that.

In terms of intensive agriculture, we have land to the north which is ideally suited to intensive agriculture. And if we look on this map here, the property was originally  
25 22,000 acres and we sold the lots which are on the map 2, 3 and 4 to a company called Boundary Bend Olives, which – I don't know if you've heard of the Brown Cobram Estate. It'd be what you'd see in Woolies and Coles. They're the biggest Australian olive – and they are building Australia's biggest olive farm to the north of us. We also have a little bit of land in here, which is very good soil for oranges, and our neighbour wants to buy that land from us to put an orange grove in. So we've  
30 done more heavy lifting in the intensive agriculture space than, you know, many people. And I'm not against it. I think we do have real issues of the amount of water that's available.

But in terms of other things, well, we could do – we could – as I said, we could do  
35 the highway ..... retail, the fast food, we could let the town just expand in our area for just more suburban blocks or aged care. But that's not what we're – and some of those things would be easier for us to do than what we're proposing. But what we think will actually add to the area is the tourism, which is why we've persisted. So, you know, there's multiple cross-pollinations of – and the area also needs a bit of a  
40 tourism champion. This is something Destination NSW sort of highlighted as it sort of needs some tourism.

So we've got multiple features. So we've got Mungo National Park in our shire. We've got the junctions of the Murray and Darling River. You know, we've got the  
45 Murray River itself. We've got a lot of attractions. But there isn't really a – it isn't really brought together, you know. So we've got a lot of indigenous cultural tourism opportunities. But it needs to be at a scale and brought together. So that's what we

were – we saw the opportunity to do. I think I probably should stop now and just – are there other questions you would like to ask or?

5 MR PILTON: I don't have any more questions at the moment, thanks, Bob. That was a good presentation. I understand a lot better. Brad or Lindsey, do you want to ask any questions?

MR JAMES: Nothing from me, Adrian.

10 MR PILTON: Okay. I can't hear you, Lindsey. Must be turned off.

MR WHEELDON: Well, look, any - - -

15 MR PILTON: But if we've got more questions, we'll put them in writing and send them to you. And likewise, if there's anything you want to send to us, please feel free.

20 MR WHEELDON: Yes. I think the – look, the biggest issue is really with these reports, is that – you know, to me, the – both the guide that the department put in about planning proposals, it's very specific in terms of saying, you know, where there's more – you know, the idea is to sort of flesh out the proposal and then if more information's required on traffic – and, you know, it's very specific about traffic. For example - - -

25 MR PILTON: I'm just going to have to interrupt, Bob. We've got another meeting coming up scheduled with the department, which I've just put off for a few minutes, but I think I'd better wrap up here.

30 MR WHEELDON: Yes.

MR PILTON: And thank you and Kathryn for being with us. As I say, please feel free to send us anymore information that you want, and we'll get back to you if I have any further questions. But apologies for the technical issues we've have this afternoon and thank you for joining us.

35 MR WHEELDON: No, thanks for that. I think that – anyway, that's a key point, I think, is really are – you know, what is the gateway process? Are we – is it – you know, why have the gateway process at all if you're required to do everything upfront, you know? That's the - - -

40 MR PILTON: I understand.

MR WHEELDON: Yes.

45 MR PILTON: Okay. I'll have to wrap it there, Bob. We're really running out of time.

MR WHEELDON: Thank you very much.

MR PILTON: But thank you very much.

5 MR WHEELDON: Thank you.

MS BAIRD: .....

MR PILTON: Thank you.

10 MR WHEELDON: See you. Bye.

MR JAMES: Thank you.

15 MR PILTON: Bye. Thank you.

**RECORDING CONCLUDED**

**[2.29 pm]**