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## TRANSCRIPT OF PROCEEDINGS

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TRANSCRIPT IN CONFIDENCE

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O/N H-1269644

### INDEPENDENT PLANNING COMMISSION

### MEETING WITH DEPARTMENT OF PLANNING, INDUSTRY AND ENVIRONMENT

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

**PROJECT #: P-12348-05**

**PANEL:** ADRIAN PILTON (CHAIR)

**OFFICE OF THE IPC:** LINDSEY BLECHER  
BRAD JAMES  
ALISON HILL  
BEN PORGES

**DEPARTMENT:** DAMIEN PFEIFFER  
GORDON KIRKBY  
JENNA McNAB  
MONICA GIBSON

**LOCATION:** VIDEO CONFERENCE

**DATE:** 2.44 PM, THURSDAY, 27 AUGUST 2020

## THIS PROCEEDING WAS CONDUCTED BY VIDEO CONFERENCE

MR A. PILTON: Good afternoon and welcome. Thank you for making yourself  
5 available. Before we begin, I would like to acknowledge the traditional owners of  
the land in 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  
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.  
10 Joining me from the office of the commission are Brad James, Lindsey Blecher,  
Alison Hill and Ben Porges. In the interests of openness and transparency, and to  
ensure the full capture of information, today's meeting is being recorded, and the  
complete transcript will be produced and made available on the commission's  
website.

15 This meeting is one part of the commission's review process. It is taking place at the  
preliminary stage of this process and will form one of several sources of information  
upon which the commission will base its advice. It's important for the commissioner  
to ask questions of attendees and to clarify issues whenever I consider it appropriate.  
20 If you are asked a question and are not in a position to answer, please feel free to take  
up the question on notice and provide any additional information in writing, which  
we will then put on our website. To ensure the accuracy of the transcript, I request  
that all members today introduce themselves before speaking, every time they wish  
to speak, and for all members to ensure they do not speak over the top of each other.  
25 We will now begin. So I'm not quite sure who's going to do the presentation or lead  
the presentation from the department's viewpoint.

MR D. PFEIFFER: Adrian, I believe that's myself. My name is Damien Pfeiffer.  
I'm the director for western region for local and regional planning for the  
30 Department of Planning and Industry.

MR PILTON: Okay. Thank you, Damien.

MR PFEIFFER: Adrian, what we would like to put forward is that the planning  
35 proposal seeks, as you know, to rezone 6811 Sturt Highway, Mallee. This outcome  
is proposed to be achieved through the rezoning of the site to SP3 tourism, B3  
commercial and B4 mixed use. The proposal includes removing the 10,000-hectare  
minimum lot size for the subject site. The B3 commercial core and B4 mixed zones  
are proposed new zones under the Wentworth LEP 2011. Is there anything you  
40 would like to know from that, Chair?

MR PILTON: No. I'm fine in that your submissions before the reports that were  
prepared by the department were quite clear on all of that information.

45 MR PFEIFFER: Is there any direct questions you have for us, Chair?

MR PILTON: Generally, do you mean, or on that?

MR PFEIFFER: In general, sorry, sir.

5 MR PILTON: Yes, sorry. Generally, the questions – as I say, the information already provided is very clear and logical, particularly the information provided by Gordon Kirkby. Maybe you could comment on – we’ve just had a meeting with the proponent, and he’s very strongly of the view that he doesn’t need to do any of these studies before a gateway determination, and that it could be done after the gateway  
10 but before any rezoning or anything takes place. Would you like to comment on that?

MR PFEIFFER: Yes. The position from the proponent has been the same since the first application with council, and in reflecting through the time frame that was  
15 collated and supplied to the IPC, advice given back to the proponent from multiple sources, including the independent consultant council engaged originally, through to the assistance that Mr Kirkby through Ethos Planning has given the proponent, the information has been the same, in terms of the quantum of the development. And the unknown effects on social, economic and infrastructure is unclear in the proposal  
20 and, again, the quantum of the development for the size of that rezoning is unknown at this point in time.

MR PILTON: Okay. Yes. I understand all that. There are some things in Gordon’s report where – for example, koala habitats, bushfire, where Gordon states, I think,  
25 that they could be done as a condition of a gateway determination. Is that still the department’s – or is that the department’s viewpoint, or - - -

MR PFEIFFER: Yes. It is agreed that some matters such as the bushfire assessment, cultural heritage, contamination assessments, as identified by the  
30 proponent and Ethos Urban’s – Ethos’ report, could be considered post-gateway determination and prior to finalisation of the LEP amendment. The condition would require consultation with the required agencies to satisfy any inconsistencies with the section 9.1 directions. This is recommended prior to community consultation, and these conditions do not resolve the other concerns identified for the department on  
35 the social, economic and infrastructure.

MR PILTON: Okay. Yes. I mean, it’s a bit difficult to, sort of, ask any more questions because your reports were very clear to me. I don’t know if there’s  
40 anything else you want to really emphasise about – particularly about site-specific merit.

MR PFEIFFER: From the department’s point of view, I think it’s clear, and we’ve had the clear position the whole time through on the information needed for a development of this size, so not sure, Monica, if you would like to add anything else.  
45

MS M. GIBSON: So Adrian, I’m Monica Gibson. My role is the executive director for local and regional planning. So the report – I’m happy to hear that you found the

report clear and easy to read. We also have Gordon Kirkby with us, who also provided a review of the information that had been submitted, and helped with this gateway decision review. From the department's perspective, it is a very, very large proposal, and information, as Damien has outlined, would normally be required to be supported with the planning proposal before we could make a gateway determination for this type of matter. So there are site-specific issues, but there are also strategic merit issues that would need to be addressed in order for us to support the planning proposal.

10 MR PILTON: Okay. I guess the infrastructure sufficiency – we're probably going to have to ask the local council, and our meeting has been delayed until next week because of sickness, so unless you have any specific comments, I will leave that until we talk to council. That's okay. Yes. Look, I don't really have any more questions because the information was so thorough that you provided. Lindsey, do you want to say anything, or Brad?

MR L. BLECHER: Lindsey Blecher here. Not at this stage, Adrian, no.

20 MR PILTON: Brad, are you the same?

MR B. JAMES: Nothing from me, Adrian.

MR PILTON: Well, unless the department wants to say anything more, Damien, it just seems a little strange to have to wrap it up so early in the process, but I really don't have any more questions because the information you supplied is all there.

MR PFEIFFER: I might just ask Gordon - - -

30 MR PILTON: Yes.

MR PFEIFFER: - - - if you could come to the front there. Gordon, do you have anything more to say on the matter?

35 MR G. KIRKBY: I think – I mean, my report outlines, I think, when I sort of approached it, being an independent review, I had a look obviously at all the information that had been collated and put together to date when I got hold of it. I also looked at the department's reasons for rejecting the gateway, so I sort of felt part of the role being independent was to review that. So that's why I've made some recommendations about things that I think should be addressed as part of the planning proposal but, I guess, aren't critical for this first strategic or site-specific merit, and you went through those earlier around things like, I guess, bushfire. I think there are a couple of very big issues that I would have added at the end as being very critical, but because the advice I got, and the submission that was put by the proponent to the IPC about removing the development off the floodplain, I think that, sort of, there are a couple of big issues, namely, flooding and biodiversity, that I think became less critical because of that, if there was no development down in that area.

So they, sort of, I guess – had the proposal gone through as initially proposed when it went to the gateway, they would have been very big issues that were downgraded substantially if there's no development down in that part of the site, so that's the main sort of thing I would add. And also I think the concept plan that was submitted  
5 was really almost a vision, an artist's impression. It wasn't really what you would call a scaled plan or a proposal, and I think a lot of the issues like the worry that it might actually propose a canal estate, elements of it, you know, the abandonment of that concept plan probably took a couple of those issues off the table as well so – but I still think those three main issues regarding the, sort of, economic, socio-economic  
10 impact and justification – traffic, I think, is still an issue for something so large, how that would all work out, and the services. Definitely it's a big development with a big time scale, but there is just no information around whether, you know, council has the – you know, the – sort of, the capability to deliver this infrastructure. He gave me information around certain things council had committed to do, but they  
15 were things that had been decided without this proposal being factored in, so he had had to sort of question the capacity of this proposed infrastructure to deal with the development. So I think, yes, the three big issues I have, I think, are fundamental to this going through gateway.

20 MR PILTON: Yes. Thanks, Gordon. One of the things that the proponent was talking about today was that the residential component was going to be more holiday home type developments. Does the department have any comment on that?

MR PFEIFFER: The information that has been supplied to us all along has been  
25 very open and generic and not specific, to give us any kind of indication of what – apart from ecotourism as being front of development, plus the business zones, there has no other indication of what it was to be.

MR PILTON: Okay. Yes. But that's – but everything is pretty vague, as you're  
30 obviously aware. Well, look, I think, as I say, given the information we have to hand and your responses, I don't think I have any more questions to ask today. So I will just wrap it up there and thank you for your attendance, and apologies for the delay in starting the meeting. We will be, yes, getting back with our response in the required time. So thank you.

35 MR PFEIFFER: Thank you for your time, Adrian.

MR KIRKBY: Thank you.

40 MR PILTON: Yes. Thank you.

**MATTER ADJOURNED at 2.57 pm INDEFINITELY**