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TRANSCRIPT OF PROCEEDINGS

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**INDEPENDENT PLANNING COMMISSION MEETING WITH
DEPARTMENT OF PLANNING AND ENVIRONMENT**

RE: GATEWAY REVIEW – THE GAP ROAD, URALLA

PANEL:

**DR PETER WILLIAMS
CATHERINE HIRD**

ASSISTING PANEL:

**MICHAEL WOODLAND
LEE McCOURT
MATTHEW TODD-JONES**

**DEPARTMENT OF
PLANNING AND
ENVIRONMENT:**

**STEVE MURRAY
CRAIG DISS
JEREMY GRAY**

LOCATION:

**IPC OFFICE
LEVEL 3, 201 ELIZABETH STREET
SYDNEY, NEW SOUTH WALES**

DATE:

10.05 AM, MONDAY, 8 OCTOBER 2018

DR P. WILLIAMS: Good morning and welcome. Before we begin, I would like to acknowledge the traditional owners of the land on which we meet and pay my respects to their elders past and present. Welcome to the meeting today on the review of the Gateway Determination planning proposal to rezone land at the Gap Road, Uralla, from RU1 Primary Production to RU4 Primary Production Small Lots and amend the minimum lot size from 200 hectares to 20 hectares.

My name is Peter Williams and I'm the chair of this IPC Panel. Joining me is Commissioner Catherine Hird. The other attendees of the meeting are Michael Woodland and Lee McCourt of Keylan Consulting, who are assisting the Commission with this project, and Matthew Todd-Jones from the IPC Secretariat. Steve Murray, Jeremy Gray and Craig Diss are attending from the Department of Planning and Environment. In the interests of openness and transparency and to ensure the full capture of information, today's meeting is being recorded and a full transcript will be produced and made available on the Commission's website.

This meeting is one part of the Commission's decision-making process. It is taking place at the preliminary stage of this process and will form one of the several sources of information upon which the Commission will base its decision. It is important for the Commissioners to ask questions of attendees and to clarify issues whenever we consider it appropriate. If you're asked a question and not in a position to answer further, please feel free to make the question on notice and provide any additional information in writing which we will then put up on our website. We will now begin. Just by way of introduction and for recording purposes, I will ask everyone just to go around the table and introduce themselves. So, firstly, I'm Peter Williams and the IPC Chair.

MS C. HIRD: I'm Catherine Hird, Commissioner.

MR M. WOODLAND: Michael Woodland, Keylan Consulting.

MS L. McCOURT: Lee McCourt, Keylan Consulting.

MR M. TODD-JONES: Matthew Todd-Jones, IPC Secretariat.

MR C. DISS: Craig Diss, Department of Planning and Environment.

MR S. MURRAY: Steve Murray, Department of Planning and Environment.

MR J. GRAY: Jeremy Gray, Department of Planning and Environment.

DR WILLIAMS: Thank you, gentlemen. We might adopt the normal process with the meetings and ask you to give your presentation or the submissions that you would like and we will ask questions as we go along, but first of all, I just thank for coming down to join us today. It's very much appreciated. Thanks, Steve. I will hand over to you.

MR MURRAY: Thank you. Thank you for the opportunity to come along. Just to quickly outline the planning proposal, the proposal seeks to rezone the subject land. I won't go through all the lot and DP numbers. They're all clear in the package and in the information we've from RU1 Primary Production to RU4 Primary
5 Production Small Lot and reduce the minimum lot size that Uralla Council has adopted in its planning scheme from 200 to 20 hectares. Roughly, there's currently 20 lots held in the same ownership that create the parcel, which has a total area of 230 hectares and the proposed rezoning if it was to go through and then subsequently be subdivided could result in seven – sorry, 11 small primary production lots.

10 So the Department when first considering the application determined that the planning proposal did not have enough – did not provide enough sufficient justifications of its consistency with the New England North West Regional Plan, council's and – endorsed or approved strategy, the New England Development
15 Strategy, the intent names of the SEPP Rural Lands. Initially, we said it was inconsistent, too, with 1.2 Rural Zones, the 9.1 directions, 1.5 Rural Lands and 5.10 Implementation of Regional Plans, however, the Commissioners will note, in our submission, we've acknowledged that on review that we don't believe there is the inconsistency with 1.2.

20 I think it's important as part of any Gateway Review, the Department – or the Gateway assessment, the Department adopts a two-stage process. The first is what we call the strategic merit of the proposal, so has the strategic planning been put in place that would guide where this development go followed by the site-specific merit
25 of the site. You know, so if it meets the strategic merit – so, yes, we believe it has got strategic justification, then we go to the more detail, which isn't a development assessment level, it's still at a rezoning level, but is that site suitable at a site a merit – from a merit point of view?

30 So to deal with the strategic work, we actually, kind of, cascade down through the relevant strategic planning documents, the first being the New England North West Regional Plan, which basically says that – and I'm going to paraphrase this, but it's all written here. Rural residential development or rural small holding development should be strategically planned for. And there's some principles that sit behind that.
35 (1) is minimising potential for land use conflicts.

Obviously, when you cluster development together, you maximise infrastructure benefits and a whole range of other benefits in servicing from the service providers and, obviously, (2) we want to protect the most productive land that we have and
40 keep it in appropriate holdings to which the best available evidence would tell us that you can actually use that land for that – and, obviously, focus areas of least biodiversity. So when we first consider that – and I can talk about the land at the same time. We looked at the land. The land actually is held in one ownership and has the capability of being quite productive at 230 hectares - - -

45 MS HIRD: How did you determine that?

MR MURRAY: Based on the work that Uralla Council first did when they put their LEP together and subsequently brought it through. They did – when they zone their lands and determine their minimum lot size always ask councils to look at a whole range of things. One is lot – actually, holding sizes through the area - - -

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MS HIRD: Yes.

MR MURRAY: - - - because there's no point imposing a lot size of, say, 600 hectares, for instance, if everyone only owns 50 hectares. So looking at those things, looking at the soil capability – and obviously a key aspect in this area is rainfall. And they actually establish that these soils are some of the better soils across their local government area and because of where they are in terms of aspect – south-east?

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MR DISS: South-east of the New England Highway.

MR MURRAY: South-east of the New England Highway, they collect better rainfall. So in looking at that, we're able to see that we're comfortable at a strategic planning level, that they're keeping that information – they're keeping the best areas available for agriculture. So they've actually strategically looked at it. They just haven't gone on and said, "We've always had X hectares across our shire, so we will just keep re-imposing it". They've actually done some work. So the fact that it's in one holding doesn't take it out of the ability to be used for a productive use compared to if 10 owners owned that land - - -

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25

MS HIRD: Yes.

MR MURRAY: - - - you could maybe look at it in a different light. Also in terms of infrastructure and servicing, council through the New England Strategy went through and mapped the areas that they believed were suitable and this area is outside of that strategic context. So when we start to look at that at a strategic level and then we look at the Rural Lands SEPP and we look at the principles of the SEPP – and there's a number of different principles, but some of the principles refer to, well, cluster development where it exists, maintain productive land and it's how you read through all those different outcomes that you want and what weight you put on them, but when we developed that SEPP, we actually wrote them in a way that they didn't prescribe that everything had to be for agriculture, that there has to be flexibility across the rural landscape.

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So from a – at a high level – and I'm keeping this short because I know you've got this all written down and I'm just paraphrasing what we've got – we believe that it doesn't have strategic merit. It doesn't meet the requirements of the regional plan. It's not consistent with the department-approved council strategy for land release. And when you start to look at the principles set out in the Rural Lands SEPP and good planning principles in that sense, it's not consistent with those principles given the land. If we start then to look at the site-specific merit, we know from the work council has done and we know from its location and some of the work that was done

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by the State Government on biophysical land, which is – only forms a very small part of this, but we know - - -

5 MS HIRD: can you just clarify, it forms part of the land – the site itself - - -

MR MURRAY: Just a little bit of the land - - -

MS HIRD: Yes. Is

10 MR MURRAY: We can present – there's a diagram of that we can provide or it's in the information we provided

MR DISS: it's within our Gateway Determination report - - -

15 MR MURRAY: Report.

MR DISS: page 6 of the Gateway Determination report.

20 MR MURRAY: So we know that we've got some of the best soils in the area. We certainly don't say that this whole site has the equivalent of those so it's on page 6 of that report.

MR DISS: Yes. That's there.

25 MR MURRAY: It's right at the

MS HIRD: Right at the okay - - -

30 MR MURRAY: So what we're certainly not arguing is that all this land is biophysical land, but what we do know from the work council had done on its LEPs, the rainfall that we have good soils. So we know from a site-specific merit thing that we've got generally good productive soils that would sustain the types of agriculture up there which is mainly grazing – broadacre - - -

35 MR: Yes.

40 MR MURRAY: - - - grazing. I look at Craig because he's my expert from that part of the world in that terms. Also when we look at some other things, we have an unsealed road. We're going to have a range of pressure on services, and we are starting to fragment lots in an area that – where there's larger holdings. Some of the other issues that we raised and weren't addressed even in our response when the proponent gets a copy of our report is how they're going to manage effluent disposal, runoff into Dangars Lagoon, and I understand from what Craig was telling me this morning it has been listed as a - - -

45 MR DISS: It's identified on the OEH Biodiversity Values Map as an area of biodiversity value.

MR MURRAY: Yes.

MR DISS: So Dangars Lagoon.

5 MR MURRAY: Yes, so based on the information before the department, the lack of
servicing, the fact that it's going to create an impost on servicing to the council, in
that sense, the fact that we can look at it from the soil's perspective, a climate
location perspective and a potential – and, you know, I'm not going to say it would
because you may be able to design any subdivision to address those matters in terms
10 of runoff and effluent disposals – certainly acknowledge that as a planner is that
we don't believe it has site-specific merit. So on the basis we looked at it, we said
because it didn't meet the strategic merit test and then we looked at a little bit detail
below, we're of the opinion that it shouldn't be supported and it would undermine
the strategic planning that not only the state government has put across regional and
15 rural New South Wales but also the planning that the councils did as a collective at
the time to identify where they wanted to have these types of land uses.

MS HIRD: So would you say the fact that it's prime agricultural land is the key
issue that you – for the strategy?

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MR MURRAY: Well, for us, it's the strategy and the principles imbedded in the
strategy - - -

MS HIRD: Right. Okay.

25

MR MURRAY: - - - and the fact – I don't want to use the word prime agricultural
because people tend to link that to the agricultural classification - - -

MS HIRD: Yes, I know. Yes.

30

MR MURRAY: - - - under the old Department of Agriculture maps.

MS HIRD: Yes, okay.

35 MR MURRAY: We're going back in history on those, and I think that creates a bit
of a misnomer sometimes with that mapping because all soils, whether they're one,
two or three, four, five, six, seven, eight, nine, they all have different values and
contribute towards agriculture.

40 MS HIRD:

MR MURRAY: So from us, it's very clear that the purpose of good strategic
planning which was recently embedded in the Act – and I know this is separate to
that – was to actually set a clear strategic level at a regional level, drop it down to
45 your local level, and then that would help fall out and make your local planning
decisions a lot simpler. In this case, we have looked at the strategic – clear strategic
directions in the regional plan in the strategy and this, and then we've looked at the

site and those factors such as the fact that the site can be used for agriculture, it's large enough to do that, it has got reasonable soils in those areas that it shouldn't be supported in that instance.

5 MS HIRD: Did you look at the availability of water supplies?

MR DISS: It's not proposed to be serviced by reticulated water or it be potable tank water is what the proposals indicated would be the ongoing use of the site along with any farm dams and issues like that. So - - -

10

MS HIRD: And how would that go with a restaurant or, you know, some of the uses in RU4?

15 MR DISS: Certainly, I think it's a matter that could certainly be considered at the development application stage. It's certainly not an inherent rezoning issue at the moment for those lot sizes. So - - -

MS HIRD: Okay.

20 DR WILLIAMS: If we – we did have some questions. That's – thank you very much. That really helps a lot with use of the terms throughout all of the reports about the land being prime agricultural land, and we're just a bit uncertain about what exactly that meant.

25 MR DISS: Yes.

DR WILLIAMS: But describing it in terms of its rainfall and soil type characteristics - - -

30 MR DISS: Yes.

DR WILLIAMS: - - - and the fact that 230 hectares it is capable of – what's it – do you know what it's currently used for: the land?

35 MR DISS: Extensive grazing.

DR WILLIAMS: Yes, right.

MR DISS: So - - -

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DR WILLIAMS: Right. Right.

MR DISS: Is our understanding.

45 DR WILLIAMS: Right. Thanks. So I might just hand over to Michael or Lee at this stage. We've got lots of questions.

MR WOODLAND: Yes.

DR WILLIAMS: I can see Michael is - - -

5 MR WOODLAND: Thanks, Commissioner. Look, I just had – and I think you
guys have touched on a couple of the issues that we had – and from our perspective
was looking at what did it actually means in terms of this prime agriculture land
issue. And, Steve, you touched on it in terms of those terms. You do use in your
10 letter – the Gateway letter, it’s primary broadacre production area. Could you just
elaborate on that just for us so I can understand what the value of this land is.

MR DISS: So I guess the intent of that wording that our understanding is that it is
an extensive grazing area as its primary production.

15 MR WOODLAND:

MR DISS: And that is its primary use very much is along that extensive grazing and
– at the Uralla and Walcha areas - - -

20 MR WOODLAND: Yes.

MR DISS: - - - a very common land use is extensive wool grazing, and that’s what
the land is often used for. So - - -

25 MR WOODLAND: And could it be argued that those uses – or that land could still
be used for that purpose within an RU4 zoning, looking at the type of zoning that –
the type of uses you could have in that zoning?

MR MURRAY: Well - - -

30 MR WOODLAND: No?

MR MURRAY: - - - for extensive agriculture, given my understanding of the
rainfall and climate, 20 hectare lots wouldn’t – not that I’m an agricultural - - -

35 MR WOODLAND: Yes.

MR MURRAY: - - - economist, but I don’t - - -

40 MR WOODLAND: No, I’m certainly not. So - - -

MR MURRAY: - - - think on those size lots you could sustain – particularly over
11 lots under separate ownerships, you could sustain that type of land use.

45 MR DISS: It would be extremely intensive and would not be the norm for that area
- - -

MR WOODLAND: Okay.

MR DISS: - - - very much so, and even council within some of its own planning work tends to treat 20 hectares as rural lifestyle/rural residential - - -

5

MR WOODLAND: Right.

MR DISS: - - - development based on the actual landholding sizes - - -

10 MR WOODLAND: Yes.

MR DISS: - - - that you need for commercial agriculture. Across the LGA, they've got two fundamental lot sizes. In the area is a 200-hectare minimum - - -

15 MR WOODLAND: Yes.

MR DISS: - - - lot size soils and rainfall are.

MR WOODLAND: Yes.

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MR DISS: But for the western side of the shire where the soils aren't as strong and the rainfall isn't as good, they actually identify a 400-hectare minimum size, and our understanding was that the council identified those lot sizes based on a commercially viable agricultural holding at the time.

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MS HIRD: But couldn't somebody on a 20-hectare lot still graze – it wouldn't be their total income, but they could still productively use the land for grazing.

MR DISS: Well, certainly, you could graze.

30

MR:

MR DISS: As I say, it would be for a rural lifestyle exercise rather - - -

35 MS HIRD: Yes, okay.

MR: Yes.

MR DISS: - - - than agricultural – commercial agricultural production in general.

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MR WOODLAND: Yes, well, I'll just look at it in terms of the face value of looking at the permitted uses in the RU4 zone that this application is seeking and just getting a better understanding of the type of uses, in your view, that you could have on those lot sizes. Another issue I noticed in reading through some of the reports is that the proponent talks about another – some other land that was zoned to the east of the site some time ago, and then there's some commentary in the council report

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around it was intended to be intensive agriculture but ended up being rural/residential uses.

MR: So there's - - -

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MR WOODLAND: Do you have any views or knowledge or commentary around that?

MR DISS: Yes, so there's the two issues about the land that was rezoned previously.

10

MR WOODLAND: Yes.

MR DISS: That's currently RU4 within the LGA. That was a planning proposal the council undertook a few years ago.

15

MR WOODLAND: Yes.

MR DISS: But it was a very different situation in terms of it was on the southern edge of the current LGA township opposite the golf course. It had a split zone across the land, was part industrial, part rural at that time, and council, to facilitate and excise the industrial land to allow industrial development to occur, which is something the council has been seeking for a number of years and has had difficulty in bringing industrial land to the market, they undertook that planning proposal. But, naturally, in doing that, it left them excised with a block of land with a rural residue that was approximately 76 hectares in size. So at that time, it was deemed, "Well, we're creating a 76-hectare residue lot. What is the appropriate type of zone and land use for it?". And they determined through that proposal that an RU4 land use on 76 hectares for the excised residue was appropriate.

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MR WOODLAND: Right.

MR DISS: So that was the history of why that is – what – of that area to the south of Uralla. The other land that's talked about in here is – our understanding is that – like, the proposal indicates it dates back to the old Uralla LEP ADA which had a clause – clause 17, I believe it was – that allowed specialised intensive agricultural land uses to be subdivided.

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MR DISS: And along with that at the time, under that LEP, you actually gained a dwelling entitlement for intensive agricultural use, but our advice from council is that, yes, it was created for that purpose, but since that time, they – rather than being used for intensive agriculture, they've become rural residential/lifestyle - - -

45

MR WOODLAND: Right.

MR DISS: - - - blocks.

MR WOODLAND: And that's the land that the proponent, or the applicant, is citing in the planning proposal as a precedent, of sort.

5

MR DISS: That's our understanding, yes.

MR WOODLAND: Right. Okay. All right. Thanks for that. The other question I had was around – well, we had, Lee and myself, in looking at this, was around the council strategy. So we take your point that council has done strategic planning, has identified areas for smaller lots. What year was that strategy undertaken? That was done - - -

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MR DISS: 2010.

15

MR WOODLAND: 2010. Okay. So when would ordinarily that be reviewed, that strategy?

MR MURRAY: Between five and 10 years, depending on uptake. So in our areas further west, good strategic planning, you normally look at a five year circle – cycle, but where you have – and I don't mean to – where you have development rates that aren't high, you tend to leave those things a bit longer, because it's different.

20

MR WOODLAND: I suppose I'm coming from this understanding is there a review imminent, given it was 2010 and we're 2018?

25

MR MURRAY: Well, that would be up to council.

MR WOODLAND: Right.

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MR MURRAY: But one of the things we would expect council to do is as part of the new act, councils are required – the regional councils are – I will talk about regional – are required to do what's called a local strategic planning statement.

MR WOODLAND: Yes. Yes.

35

MR MURRAY: My understanding, they're not due until 2020.

MR GRAY: 20. 1 July 2020.

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MR MURRAY: 2020. through that work. They would then identify the future direction for the shire. Part of that would be a housing strategy, not only for residential. We would ask them to look at – and through that they would then have a need to go forward and update their LEP.

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MR DISS: And that was reinforced in the gateway determination letter that was sent to council for that exact issue, that if they wanted to pursue proposals like this

that the department was not against this type of proposal, but it would be most appropriate to go through that strategic process which our framework establishes across the state and to review the strategy and do that strategic work to help support these types of proposals. And that was reiterated in that determination letter.

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DR WILLIAMS: Sorry, the applicant makes a lot in several places about demand for this subdivision type and development typology and talks about at one point, or couple of points, that there's only 82 hectares available on two sites, and yet there are plans that show places like Kentucky and a few other places that appear to be identified for this type of development. There just seems to be a little bit of an inconsistency there. Could you clarify that for me?

MR DISS: Yes. That's – and I believe it's the 76 – they do make reference to 82, but I believe there was a 76 hectare residue for the zoned RU4, which is that single block that I talked about with our previous planning proposals, the existing RU4 land. But it doesn't have further subdivision potential under it, because I believe it was given a 40 hectare minimum lot size. But I would have to take that on notice just to 100 per cent confirm.

20 But in terms of the existing or other opportunities for rural smallholdings, the strategy, when it was done, identified those other areas for rural smallholdings as investigation areas, and it was very much those areas were selected based on the occurrence of existing uses that were in those areas. They were already fairly fragmented, small lots. Some of them, like Kentucky and were former orchard areas, former soldier settler schemes. So they already had small former almost intensive type rural small uses within those areas, and council strategy was to reinforce and to move forward with those areas.

30 Council started undertaking the work to actually investigate and rezone those lands through the Uralla biodiversity strategy in 2010, and they also did an options paper in 2013 looking at those areas, and those areas combined had over 6500 hectares of land potentially for rural smallholdings, and, you know, acknowledging some of that land would be constrained and would not all come to the market being brought forward. But since that time, council hasn't progressed with that work, and council is relying fundamentally on the existing fragmentation and the land supply within it through growing entitlements, existing holdings, to supply that to the market.

40 And when we contact the council as part of this assessment process and ask them that issue, they identified in their own report to council – this is council staff – that there was no evidence that they were aware of of the demand for this type of land use, that the proponent hadn't given any, you know, data, to justify that. And they also advised that they believed that there was sufficient landholdings within those identified areas, even they hadn't been necessarily rezoned, but there was enough for the market to be provided with and even – yeah.

45

DR WILLIAMS: That's with the 20 year

MR DISS: And that was where council provided to us that they believed that there was at least 20 years supply based on their experience and feelings of the uptake within those areas.

5 DR WILLIAMS: So your experience up there, has there been strong demand, or any demand, for this type of small intensive agriculture agribusiness?

MR DISS: No. Certainly – and I can talk from slight experience. I was actually the Uralla planning manager for three years before I joined the department. And
10 certainly during my time there, there was not a lot of demand for intensive agriculture, but I think there's – it's very careful to differentiate between intensive agriculture and rural lifestyle on small lots. I would certainly argue, yes, there is demand within any urban centre radius or development for rural residential, rural lifestyle, but certainly during my time at Uralla and my experience with the
15 department since, where I've been the team leader for that region covering Uralla for over 10 years now, certainly not for intensive agriculture. I haven't seen a lot of demand in that area, where other areas of our region, such around Tamworth with the growing poultry industry, there has been.

20 DR WILLIAMS: And the existing use at present is grazing, extensive grazing for the land, and that's viable? That within 20 hectares?

MR MURRAY: Look, I think – I don't think we should make a judgment on that.

25 DR WILLIAMS: Right.

MR MURRAY: I think you need an agricultural economist to look at that to give you truly independent and evidence-based information.

30 DR WILLIAMS: Okay. But the point – I think my point – it's capable of – there's capability - - -

MR MURRAY: Yes. Well, council strategic work, and they would have talked with primary industries at the time in developing their lot sizes, would have that
35 indication. And – but we know with any agricultural change climate, changes with rainfall, it changes with international markets. And that's why I think you need – if you need further advice

MR DISS: But certainly – and within the gateway determination report that we had,
40 it was open at pages 2 and 3, just side photos showing the nature of the existing land, and the photos illustrate that I guess the extensive broad, open, grazing nature of the land at the present time.

MS HIRD: Did you say earlier, though, that area that is considered on the other
45 side of the highway, the minimum that side was now 400 hectares?

MR DISS: It was always – when this area was set, the 200 hectare minimum lot size under the Uralla LEP 1988 - - -

MS HIRD: Yes.

5

MR DISS: - - - the other land in the shire is set at 400 hectare area

DR WILLIAMS: Steve and Craig, you also made the point a couple of times also that the land wasn't included in council's, you know, local growth area management strategy. Any particular reason why this wasn't explored as a suitable site?

10

MR DISS: So I don't believe it was explored, as such. When they ran through, they looked particularly at existing holdings and land fragmentation and the existing uses within their LGA through that process, and through that process, and they actually identified areas that already had those types of characteristics, the Kentucky area, and the rocky river area, the yarding area, and that was where they were going to naturally focus that development rather than going to a potentially different area and fragmenting it when you already had those types of areas that would be being used for that area, and that zoning would actually reflect existing nature. So I don't think it was being excluded from it, as such. It was that they just had strategy, identified other suitable areas that they wanted to investigate first rather than a site like this.

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MR MURRAY: And normally fragmentation sits – it's a funny concept to talk about, because you can say, "Well, I own 20 lots, so it's fragmented." But we tend to look, from our sense, the fragmentation is when you have multiple owners, not single ownership, because obviously single ownership, you don't treat it as 20 lots, you treat it as your land parcel.

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DR WILLIAMS: Sorry, Matthew. Did you have any questions?

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MR TODD-JONES: I don't

DR WILLIAMS: And Mr Woodland?

35

MR WOODLAND: The only thing that was in my mind was the proponent has undertaken an assessment against the criteria that was used in the strategy. Did you have any views on that assessment? It probably goes to what the commissioner was talking about, was – was this area excluded, or did – it didn't – it wasn't actually part of the thinking of – at the time when they prepared that strategy.

40

MR MURRAY: Well, for us, it's hard to say what we consider the principles, which Craig expounded upon how they put the strategy together.

MR WOODLAND: Yes.

45

MR MURRAY: But because council puts the strategy together and then presents us with a draft strategy for endorsement we don't necessarily see everything they've looked at; we see something that has come out of the process from there.

5 MR DISS: And I probably iterate as well that the strategy was developed as through
the former New England Strategic Alliance Council, so it was the work of four
councils. And the consultants naturally developed up that framework for a range of
councils. So certainly it wasn't a framework that was – while adopted by council
wasn't necessarily developed firsthand by Uralla Shire Council it was a generic
10 type that was developed, as my understanding, by the consultant that was then
applied arguing these – if you're going to plan for rural small holdings and rural
residential as a big criteria – the starting point on where you go forward, but much of
the criteria sits within that broader framework. What –because the strategy also
identifies actions, policies, objectives of how to plan for rural residential, so - - -

15 MR MURRAY: I think what's important for us, Michael, is – because when we
look at it we go straight up to the strategic test, and we look at it. You know, I – you
could take those criteria and I could find other land and other local government areas,
and I could probably go through and have it matching. So, therefore, what's – you
20 could argue what's the point of the strategic planning upfront, because – and then if
we were to ask council to review their strategy, if council decides to, we would say
what are the basis that you're going to do – are you going to use these ones, or
through experience now are you going to update these criteria?

25 DR WILLIAMS: So just in relation to again, has there been any consultation at
all or discussions with the Department of Primary Industries in relation to this, or

MR MURRAY: What we do in these instances, unless council did – and I don't
think they did is – because we're at the Gateway – the purpose of the Gateway is to
30 say yes, this proposal has enough strategic and site-specific merit to start the detailed
investigations, and we changed the Act on purpose to do that because councils were
asking proponents to pre-do all this work, cost them a fortune and then they would
come to the department and they would say we never would consider this – council
would never this. So we've changed the process around. So what would happen is if
35 a Gateway was issued we would ask that they actually consult with the relevant
agencies, which would be Water and also Primary Industries, in this instance. And
OEH, given – as probably others, and we would ask them to write to the electricity
provider, but – you know, that's not a big deal because they just say you pay us
this much and we can get anything to you, basically.

40 Which is fine. That's part of a market economy. But – so the purpose of the
Gateway is to identify does it have enough strategic and site-specific merit at the
beginning of the process before we then impose further studies, consultation and a
whole requirement upon the proponent. So we're not wasting time and resources for
45 everyone.

DR WILLIAMS: Yes. There have been a number of comments made throughout about the need to consult with a number of organisations like that. It was just – we were just wondering whether there had been any liaison with

5 MR MURRAY: Now. We don't do that. Some proponents go and consult.

DR WILLIAMS: That's what I thought. More the proponents

10 MR MURRAY: Normally if they do they provide us with that evidence, and some councils will go and talk to these agencies upfront.

DR WILLIAMS: They have. Yes. Yes. No, I understand. But none of that has happened in this case?

15 MR MURRAY: Not that we're aware of.

DR WILLIAMS: Yes. It's just that infrastructure water issue again about the availability of water to the proposal as well.

20 MR WOODLAND: There's no further questions from me.

DR WILLIAMS: Is there anything else you want to say?

25 MR MURRAY: Just thank you for the opportunity.

DR WILLIAMS: Timing – I'm not sure about – we're meeting conference with the applicant this morning, and we will be having a meeting amongst ourselves afterwards, just to resolve it. So we will obviously be getting it out as quickly as we can.

30 MR MURRAY: Well, as usual, we will just wait for the IPCs response.

DR WILLIAMS: Yes. Okay. Thank you very much, gentlemen. Very much appreciate your time.

35 MR MURRAY: Thank you.

MR WOODLAND: Thank you.

40 **RECORDING CONCLUDED**

[10.40 am]