

SUBMISSION TO INDEPENDENT PLANNING COMMISSION. WEST CULBURRA CONCEPT PLAN.

COMMENTS ON THE ASSESSMENT BY THE DEPARTMENT OF PLANNING AND ENVIRONMENT.

1. Significant Omissions

1.1 The matter of scale.

There is no reference to the fact that the Department identified the site for the West Culburra Concept Plan following several meetings with the proponent at which alternative urban development options were considered. OEHL were also involved in this exercise and endorsed the site identified for the West Culburra Concept Plan.

In these discussions the matter of scale did not arise

1.2 The Final Concept Plan dated 27.11.17 submitted to the Department in November 2017 is omitted from the Assessment.

This plan shows the areas deleted from the plan (part of the industrial Zone, the medium density zone in Stage 3, the removal of Vista clearing areas on the foreshore). The Plan includes a comprehensive tabulation of areas and dwellings by stage and the leisure hub at Cactus Point expressed as a symbol "T" with a table of indicative uses as suggested by Shoalhaven City Council. The areas marked "Future Development Areas" have also been deleted on advice from the Department.

The Assessment, at Fig 6, includes a plan with overlaying comment that misrepresents the final submission in significant respects. The text of the assessment makes frequent reference to matters such as the trimming of mangroves to open up the vistas. The proposed trimming of vegetation was expressly withdrawn in the review of submission dated 30 October 2017. The Department had six months to rectify their report. The Assessment of the Concept Plan is considered to be severely and unfairly prejudicial to the proponent.

Fig 6 and the overlaying comments misrepresent the final plan.

Copies of the final plan No 23405-37 will be forwarded to the IPC prior to the hearing.

1.3 The Plan of the Planning Proposal is omitted (See Plan 7 SRTS 2017). This is the plan that was allowed through the "Gateway" in November 2015. The Planning Proposal identifies an area of some 300 ha west of Culburra STP as suitable for development. It includes the site of the West Culburra Concept Plan. (See Fig 13 SRTS July 2017). The purpose of the Planning Proposal is to formulate a long-term plan for all the Halloran lands, a plan that balances conservation and urban development.

The area of the West Culburra Concept Plan is about 30% of the area identified for urban uses in the Planning Proposal. The endorsement of the Planning Proposal by the Department is quite contrary to the concern for scale of development argued in the Department Assessment of the West Culburra Concept Plan.

The omission of the Planning Proposal in the Assessment is considered to be disadvantageous to the proponent.

1.4 The South Coast Regional Strategy 2007

THE SCRS has been the principal strategic planning document to which reference has been made during the period in which the West Culburra Concept Plan has been developed.

In 2015 the Department issued the Illawarra Shoalhaven Regional Plan which is said to build upon the SCRS and other documents.

There is no reference to Section 4 of SCRS which states (Actions dot point 3):

"Local environmental plans will not include further residential or rural-residential zoning in the catchment of the coastal lakes and estuaries shown in Map 2 unless it is demonstrated that a neutral or beneficial effect on water quality as measured at the boundary of the proposed new zoning can be achieved. In certain circumstances it may be possible to use offsetting actions to ensure improved water quality in the coastal lake or estuary."


Although the land subject of the Concept Plan is mostly zoned residential the proponent has consistently achieved a neutral or beneficial effect for each stage of the proposal and each element, such as for example, the playing field in Stage 3.

The failure of the Department to include and apply this clause in its assessment is considered to be highly prejudicial to the proponent.

1.5 The Illawarra Shoalhaven Regional Plan 2015 (ISRP2015) is referred to in the Assessment (p.12) and correctly states that West Culburra is one of a group of settlements that will add to the diversity of housing supply. The reference to West Culburra clearly refers to the West Culburra Concept Plan. At present there is no "West" Culburra.

A wider reading of the ISRP2015 reveals an emphasis on tourist development, (promoting the economy) and an emphasis on coastal settlements responding to the potential for tourist development. The Assessment makes no reference to re-ordering of priorities nor to the fact that the West Culburra Concept Plan is in part based on an assessment of its tourist and recreational potential.

The Assessment is considered to be selective in the material considered. The Selection is considered to be disadvantageous to the proponent.


09/7/16

Sequence of significant events relating to the WEST CULBURRA PLAN

1. **c 1900** Companies under the direction of Mr. Henry Halloran progressively acquire all the available land around Jervis Bay, including the land now occupied by Culburra Beach and Orient Point
2. **1917** The plan for Culburra Beach with some 3500 lots was approved and sales commenced circa 1921. Some attribute the plan with its distinctive crescents to Walter Burley Griffen
3. **c 1980** Culburra Beach Water Supply augmented; town sewerage introduced and a new sewage treatment plant (STP) built west of the town (the plant also serves Greenwell Point). The STP was designed with surplus capacity sufficient for an additional 3500 persons.
4. **c 1985** Shoalhaven City Council undertakes urban growth studies for Culburra Beach resulting in areas of West Culburra and Low Bow Point being re-zoned for residential and other urban uses.
5. **1985** Shoalhaven Local Environmental Plan (SLEP 1985) certified by the Minister including land identified for urban expansion at West Culburra (see Fig 4 SRTS **2017**).
6. **1993** The proponent submits a proposal for primarily residential development on Long Bow Point.
7. **1995** The Minister appoints a Commission of Inquiry (COI) into the Long Bow Point proposal

The COI recommended refusal of the proposal because of the likely adverse impacts on the threatened flora and fauna and the water quality of Lake Wollumboola.
8. **2007** The South Coast Regional Strategy

This strategic plan provides a framework of policies and guidelines intended for the period 2008-2031. The strategy has been the major policy consideration taken into account by the proponent in preparing the West Culburra Concept Plan.

The Strategy includes (in Appendix 2) the recommendations of the South Coast Sensitive Urban Lands Review; Culburra Beach is one of the localities reviewed.
9. **2010** DGRs issued for the (West Culburra) Mixed Use Subdivision Concept Plan which was classed as a Part 3A application on account of its size and coastal location.
10. **2013** Shoalhaven Council exhibited draft LEP 2009, which adopted the new Land Use template. Council adopted a "like-for-like" approach to the zoning of most lands in and around Culburra. The zoning of the lands covered by the Concept Plan was zoned primarily residential (west of the STP); the area zoned Special Uses south of Culburra Road was also zoned residential. The industrial zone south of the STP and the Business Zone east of the STP were zoned on a like-for-like basis. The balance of the land zoned residential in SLEP 1988 was zoned E2 (south of Culburra Road including Long Bow Point) and Rural (north of Culburra Road and Copper Cup Point).
11. **2014** Shoalhaven LEP 2014 (Figs 8 and 9 SRTS 2017) notified. It excluded all the land identified in the Planning Proposal as a deferred item with the exception of the Business zone between the existing urban area of Culburra Beach and the STP.
12. **2015** The proponent submitted a Planning Proposal for all its lands in the Culburra Beach/Callala Bay area (Fig 3 in the Assessment). The Planning Proposal (Fig 13

SRTS 2017) includes all the land north of Culburra Road as well as lands south of Culburra Road adjacent and west of the existing retirement village, incorporating the Concept Plan Stage 1.

13. 2015 Illawarra Shoalhaven Regional Plan (ISRP2015) released. The SCRS 2007 is stated to be an input into the ISRP2015. This plan reflects the growth in population in NSW and specifically the growth in metro Sydney and its diffusion through Wollongong and Shoalhaven. The ISRP emphasizes regional population growth and the demand for housing. Shoalhaven is predicted to provide an additional 8600 dwellings in the period 2016 – 36. West Culburra is identified as adding to the diversity of housing supply in the sub-region.

14. 2017 The West Culburra Mixed Use Concept Plan was submitted to the Department following three years undertaking additional water quality studies, particularly with respect to the Crookhaven River estuary.

On being advised that the Department had reservations regarding the water quality component of the proposal, the proponent was given a limited time to review and resubmit the SRTS. This was submitted in November 2017 entitled "Review of Sept 2017 submissions". The Concept Plan was amended to reflect the changes following this review (see Plan 23405-37).



19/7/17

RESPONSE TO CONCLUSIONS OF DEPARTMENT'S ASSESSMENT

Dot Points numbered 1 – 9.

Conclusion 1.

The site is unsuitable for the scale of urban development proposed and is not consistent with areas identified for urban expansion in current strategic plans.

Response

1. The site was identified for a Concept Plan by the Department in 2009, subject to satisfying the DGRs. The proposal was classed as a major project on account of its size (exceeds 100 dwellings) and its coastal location.
2. All the proposed uses in the Concept Plan conform to the current statutory plan and are permissible with consent (see Assessment pp 15-16). A statutory plan is considered to be the expression of a strategic plan.
3. Scale, if considered in terms of land area covered by the Concept Plan, has never been raised as an issue by either the Department, Shoalhaven City Council or other State agencies. It was raised in some public submissions.
4. Scale, if considered in terms of height and bulk of proposed development, was raised by Shoalhaven City Council and many public submissions. The proponent initially proposed a group of eight storey apartment buildings along a 400m frontage to Culburra Road, (now termed Stage 1). The proponent responded to this criticism by reducing the height to 4 storeys to conform with Shoalhaven City Council DCP; the current proposal envisages a maximum height of 2 storey single dwellings across the entire development.
5. The Concept Plan is designed to be developed in stages. The four residential stages will be developed consecutively and each stage will have a different character and focal points.
6. Stage 1, comprising 46 dwellings, is located south of Culburra Road. It is located on the entrance road into Culburra B each and will be conspicuous due to the sparseness of vegetation on this site. The proponent aims to make this a showpiece development. The scale will be low key and the impact of this stage is considered to be moderate. It may take up to 3 years to complete.
7. Stages 2, 3 and 4, each of about 150 dwellings, will be developed over an estimated period of 10 – 20 years; depending on demand. These stages are in the Crookhaven catchment and will be screened from view from Culburra Road by retained vegetation. The only visible evidence of the existence of these stages will be the roundabout and the approach road (see Illustrations 1 and 8, EA, March 2013). These stages will only be visible if they are an intended destination and viewed from within. These stages will not be visible from any location in existing Culburra Beach. Even if the area to be developed was to be reduced it would make no difference to the visual impact.

The scale of these stages is considered minor.

8. The current strategic plan is the Illawarra Shoalhaven Regional Plan 2015 (ISRP 2015). This plan would have been prepared in the knowledge that the West Culburra Concept Plan was being proposed.

Goal 2 of ISRP2015 is headed "A variety of housing choices with homes that meet needs and lifestyles". Para 2 of Goal 2.1 states "The continued demands

from tourism and the nature of the housing market, particularly in coastal towns, may require new housing development.

Direction 2.4 reads "Deliver housing in new release areas best suited to build new communities, provide housing choices and avoid environmental impact".

The first para reads "The major regional release areas of West Lake Illawarra and Nowra-Bomaderry will continue to be the long-term focus for greenfield housing in the region. Other established and smaller release areas will add to the diversity of supply such as Shell Cove, Tullimbar, Haywards Bay, South Kiama, West Culburra, Vincentia, Sussex Inlet, Manyana and Milton Ulladulla.

The area covered by the Concept Plan is the only land that is available to meet this direction.

9. The most likely impact of the Concept plan if implemented will be a progressive increase in business activity in Culburra Beach Town Centre; a progressive increase in jobs, particularly in the construction industry; an increased demand for health services, particularly for the aged; a small increase in primary school enrolments; an increased demand for access to Culburra Beach and an increased patronage of community facilities such as the Surf Club and the Bowling Club. The proponent considers Culburra Beach well able to absorb these impacts.
10. The proponent considers this conclusion of the Department to be incorrect on the grounds of scale and the relationship of the Concept Plan to the relevant Strategic Plan.

Conclusion 2

The proposed 650 dwellings exceed Council's growth projections for Culburra Beach for the next 20 years (estimated at 280 dwellings).

Response:

1. Council has been party to the deliberations leading to the Concept Plan being a Major Project, now classed a State Significant Development. Council are well aware of the number of dwellings proposed, the staging of the development and the 10-20-year time frame for the project. The proponent has considerable difficulty in understanding the logic of Council's growth projections if they are as stated. Council has consistently supported the Concept Plan in its various submissions; its reservations have concerned technical and administrative matters most of which have been resolved.
2. The proponent acknowledges the difficulties in making projections of population growth and housing demand for a settlement like Culburra Beach that has no additional development other than replacement and infill since about 1970. Other comparable coastal settlements such as Vincentia and Gerringong have experienced significant growth in both population and dwellings in recent decades and could be used as indicators of potential growth rates at Culburra Beach.
3. The Planning Proposal which is progressing in its formulation has an estimated capacity of some 1200 dwellings additional to the 550 estimated capacity of the Concept Plan. At the indicative demand rate of 280 new dwellings over 20 years, this would suggest that the Concept Plan has a capacity to accommodate demand for 40 years and, when combined with the Planning Proposal, sufficient to meet demand for 125 years. If these time frames are considered realistic it is highly unlikely that the planning proposal would have been allowed through the "gateway" because it would imply that the planning proposal would only become viable in the period 2050 – 2130. These time frames are clearly improbable and cast considerable doubt on the validity of the Assessment and its reliance on an improbable demand rate.
4. The land available for urban development at West Culburra is by far the most significant area available for new urban development in the sector bounded by Jervis Bay, the Shoalhaven River, the coast, Currumbene Creek and Nowra. The northern part of Shoalhaven which includes Culburra Beach, is projected in ISRP2015 to accommodate 8600 dwellings, equivalent to 25% of the projected regional demand for new dwellings over the period 2016 – 2036.
5. Subject to land being available there is every reason to believe that this projected regional growth will be reflected in the demand for housing at Culburra Beach generally and specifically at West Culburra where new dwellings will be available.

Conclusion 3

The proposed development does not utilize the area identified in strategic plans for future urban development in Culburra Beach (the Culburra Investigation Area).

Response

1. The Department's Assessment at 3.4 (p.13) considers the Illawarra Shoalhaven Urban Development Program, Update 2016 (ISUDP2016).
2. The Department appears to regard the ISUDP as a strategic planning document, that is as a policy document. The ISUDP is referred to in Direction 2.5 of the ISRP2015.
3. Direction 2.5 is headed "Monitor the delivery of housing to match supply with demand". It notes, in the text of this section, that the Illawarra Urban Development Program has been the NSW Government's tool for managing land and housing supply in the Illawarra since 1962.
4. Action 2.5.1 is headed "Monitor Land and Housing supply through the Illawarra Urban Development Program and incorporate the Shoalhaven Local Government Area". Shoalhaven LGA was included in the program in 2016.
5. The ISUDP is clearly identified as a management tool. It is an inventory of the capacity of foreshadowed land supply which is matched with demand.
6. The ISUDP is not a strategic planning document. It is an inventory. It is a management tool.
7. It would appear from a reading of the Department's Assessment at 3.4 that the Council's review of land supply at West Culburra included both the West Culburra Concept Plan and the Planning Proposal. Council were aware of the capacity of the Concept Plan; it is not clear whether or not that land and its capacity was included in the ISUDP2016.
8. The Department's Assessment of land supply in Culburra Beach is focused on the Culburra Investigation Area, (CIA), which is identified in Figure 8 of the Department's Assessment. It is more easily understood although not delineated, by reference to Fig 9 (SRTS2017).
9. SREP2014 is the relevant planning instrument controlling land use in the Investigation Area. 45% of the CIA is a 12 ha vacant site located between the STP and the existing urban development of Culburra Beach. This site is owned by the proponent. The balance, (about 15ha), of the CIA is zoned part B2 and B3 (about 5ha) and part R1 and R3 (about 10 ha). This comprises the existing town centre and surrounding residential areas under multiple private ownership
10. Council is the relevant planning authority and, as far as is known, has no plans to amend SLEP 2014 for changes of use in the CIA., The B2 and B3 zones prohibit all forms of residential accommodation.
11. It is clear that the conclusion of the Department's Assessment of the significance of the CLA is based on incorrect and erroneous interpretation of the statutory planning framework of the investigating area.

Conclusion 7

The proposal is likely to have serious and irreversible impacts on Aboriginal heritage sites of regional conservation significance or high cultural significance to Aboriginal people.

Response

1. All the Aboriginal Heritage sites are middens located along the Crookhaven River foreshore. The middens vary in quality (See EA March 2013. Appendix H, Aboriginal Culburra Heritage Assessment, South-East Archaeological Pty. Ltd. May 2012). The proponent agrees with all the Aboriginal Heritage Assessment recommendations.
2. The majority of the significant sites are located on or about Cactus Point. This is the location of what is now termed a "leisure" hub – a minor focal point comprising parkland and tourist/recreation facilities. The concept of the leisure hub is strongly supported by Council. It is also consistent with ISRP2015 which emphasis the development of tourist related activities, particularly in coastal towns.
3. The proponent recognises the apparent incompatibility of the two activities. The proponent's approach has consistently been to achieve a resolution of the incompatibility through urban design. The proponent's concept is the middens be not only conserved but that they also be made accessible by careful design, treating the middens as outdoor exhibits.
4. The majority of the "to be conserved" middens are located in Stage 5 of the Concept Plan. This stage will be at least 5 years from commencement allowing ample time for the relevant interest groups to formulate a good conservation and urban design outcome.
5. The proponent has consistently stated this aim and considers the Department's' conclusion to be totally unjustified.

REVIEW OF EXECUTIVE SUMMARY

- Pi line 2 application for a large urban expansion
"Large" is a relative term when used in this context. It is used here in a manner that is considered prejudicial to the proponent.
Application for an urban expansion is better and neutral.
- Pi para 4 is incorrect
The site of the Concept Plan was zoned R1 (west of the STP and south of Culburra Road), B2 (north of Culburra Road) and I1 (industrial area south of the STP) in Draft LEP 2009.
In SREP 2014 the R1 and I1 zones were deferred. The B2 zone was confirmed in the plan (see Fig 8, SRTS July 2017).
It is correct that the underlying zoning as per SLEP1985 applies to the land the subject of the Concept Plan.
- Pi para 4 The components of the Concept Plan are incorrect in several respects:
1. The final plan for the West Culburra Concept Plan indicates the number of dwellings proposed is 585
2. The view corridors are closed off; and
3. Picnic areas and playgrounds are removed from the 100m and foreshore reserve.
- Pi final para Is incorrect
1. Stage 1 is only partially in the catchment of Lake Wollumboola; and
2. The medium density development shown on the cover of the Assessment Report was withdrawn following strong adverse comments to the EA (March 2013). Since then it has been referred to as a small lot development implying a maximum height of two storeys (see Fig 15, SRTS July 2017). The minimum lot sizes are 300 m2.
- Pii para 2 Culburra is a small coastal town.
Small is a relative term when used in this context. It is used here in a manner that is considered prejudicial to the proponent.
When combined with Orient Point the area covered by Culburra is comparable with Huskisson, Vincentia and Sanctuary Point, and is somewhat larger than Gerringong – Werri Beach. Culburra is a supermarket dominated (Woolworths) town centre; such centres are not associated with small towns.
- Pii para 6 (Strategic Planning)
The para. Refers to the Illawarra Shoalhaven Regional Plan 2015 (ISRP2015) which is the relevant strategic planning document. However, the Assessment avoids interrogation of the thrust of ISRP 2015. At p 11 ISRP discusses the vision for Illawarra Shoalhaven: the first goal is to create a prosperous region; the second is to promote a variety of housing choices: and the third is to create strong, healthy and well-connected communities.
At p.15 the first goal is introduced, identifying the following growth sectors: - (1) tourism; and (2) health, disability an aged care. At p.33 housing choice is introduced and the role of coastal towns; tourism and local housing markets are discussed. And at p.38 West Culburra is identified as one of a number of coastal towns where release areas will add to the diversity of housing supply.

Although the Concept Plan pre-dates ISRP2015 the proponent's vision for Culburra is directly aligned with ISRP.

The absence of any recognition of the alignment of the Concept Plan with the main thrust of ISRP2015 is considered by the proponent to be negligent and prejudicial to the objective assessment of the Concept Plan.

Pii para 6

This para refers to a number of studies that identify the need to protect Lake Wollumboola from further urban development. One, The South Coast Sensitive Urban Lands review, an Appendix to SCRS2007, makes the following recommendations: -

- (1) Land within the catchment of Lake Wollumboola is considered unsuitable for urban development, principally on the grounds of the potential negative impacts on the Lake which is a sensitive intermittently closing and opening lake or lagoon;
- (2) the remaining land within the catchment of the Crookhaven River is considered suitable for limited urban development; and
- (3) the land in the Lake Wollumboola catchment should be zoned for conservation purposes (the most appropriate zone in the standard instrument for LEPs is Zone E1 National Parks and Nature Reserves.

Also, in para 6 the Scanes Report (actually entitled Environmental Sensitivity of Lake Wollumboola) is referred to; this, and the other studies, are stated to recommend that "any development on the Halloran owned lands be subject to environmental assessment and demand".

The recommendations of the Scanes Report are inter alia: -

- (1) The demonstrated ecological significance of the lake, the relative rarity of the biotype and its sensitivity to catastrophic state change justify the current limitation to development within the Lake catchment.
- (2) That a precautionary approach in assessing development near the lake be adopted as a high priority, as impacts on the lake are likely to be irreversible; and
- (3) Any further development in the vicinity of Lake Wollumboola should be placed as far away as possible to minimize risk of contamination of the groundwater aquifer which may be directly linked to the LAKE.

The Scanes Report is primarily developed in response to the Golf Course proposal. It makes no reference to the Halloran lands.

Notwithstanding the error in interpretation in the Scanes Report that leads to doubt being cast on the conclusion regarding the sensitivity of Lake Wollumboola, the proponent shares the concern to avoid any adverse impact on water quality in the lake.

None of the documents referred to in this section propose prohibition of development in the Lake catchment. The burden of the conclusion of the reports is to protect water quality, and specifically, any groundwater flows into the lake. To achieve this the recommendations considered the lake catchment unsuitable for urban development, adopting a precautionary approach to assessing development near the lake. The proponent is strongly of the view that the encroachments proposed in the Concept Plan are a significant distance from the lake and are most unlikely to have any adverse impact on the water quality in the lake.

The proponent is very strongly of the view that that none of the encroachments on the lake catchment will cause catastrophic change in or cause irreversible damage to Lake Wollumboola.

Stage 1 is some 500m from the Lake. The roundabout is over 1000m from the lake.

The Oval is 1800m from the Lake.

Piii para 1 The statement that the lake catchment is zoned for environmental protection is incorrect. The lake catchment is currently unzoned and consequently SLEP1985 applies; in that instrument Long Bow Point and the site of the Concept Plan stages 1, 2, 3 and 4 are zoned for general residential purposes.

The SCSHLR recommended land in the catchment of Lake Wollumboola be zoned EI National Parks. The proponent considers this unlikely because it would force the State to acquire the land.

In Draft SLEP2009 part of the lake catchment (Long Bow Point and Copper Cup Point) was zoned E2, the back land was zoned E3; land north of Culburra Road was zoned RU3 a rural use. Zone E2 permits inter alia with consent, dwellings, eco-tourism facilities and recreation areas.

It is correct that the Planning Proposal is under way; it is incorrect to state that the development footprint being considered is outside the catchment of Lake Wollumboola. The urban development footprint north of Culburra Road currently being considered as part of the Planning Proposal includes some 100 ha within the lake catchment.

Piv para 4 The Assessment states "The scale of development proposed is considered inconsistent with the thrust of ISRP2015 which is the relevant strategic plan". The statement is in denial of the fact that the Department identified and endorsed the land the subject of the Concept Plan in 2010; at no time since that time and over numerous meetings has the matter of scale (=size of area) ever been questioned. The statement fails to recognise that this is a staged development which is expected to be developed over a period of 10-20 years.

The statement also fails to recognise the Direction in ISRP2015 relating to the delivery of housing (p.36) "other established and smaller release areas ...such as ...West Culburra...!". This can only refer to the West Culburra Concept Plan because no other land is in the pipeline.

Culburra is identified as one of a number of coastal towns where release areas will add to the diversity of housing supply.

Although the Concept Plan pre-dates ISRP2015 the proponent's vision for Culburra is directly aligned with ISRP.

The absence of any recognition of the alignment of the Concept Plan with the main thrust of ISRP2015 is considered by the proponent to be negligent and prejudicial to the objective assessment of the Concept Plan.

The document that identifies the Culburra Investigation Area is not a strategic plan – it is an inventory This is presented as an alternative to the Concept Plan; what is not made clear is that this area is not available. It is zoned part B2 which prohibits residential development, including the 12 ha vacant land owned by the proponent as well as the existing town centre retail/business area, and part R1/R3 which is a fully developed residential area adjacent to the town centre. As far as is known Council has no intention of re-visiting the planning of this area with a view to amending SLEP2014.

The Culburra Investigation area is not an alternative to the Concept Plan. This is misleading and is considered prejudicial to the proponent and to the aims of the Concept Plan.

The proponent rejects each and every conclusion arrived at by the Department.