



2 November 2018

**ADVICE FOR GATEWAY DETERMINATION REVIEW  
PART LOT 4 DP 1023024 NO 2159 O'CONNELL ROAD, O'CONNELL  
(PP\_2018\_OBERO\_001\_00)**

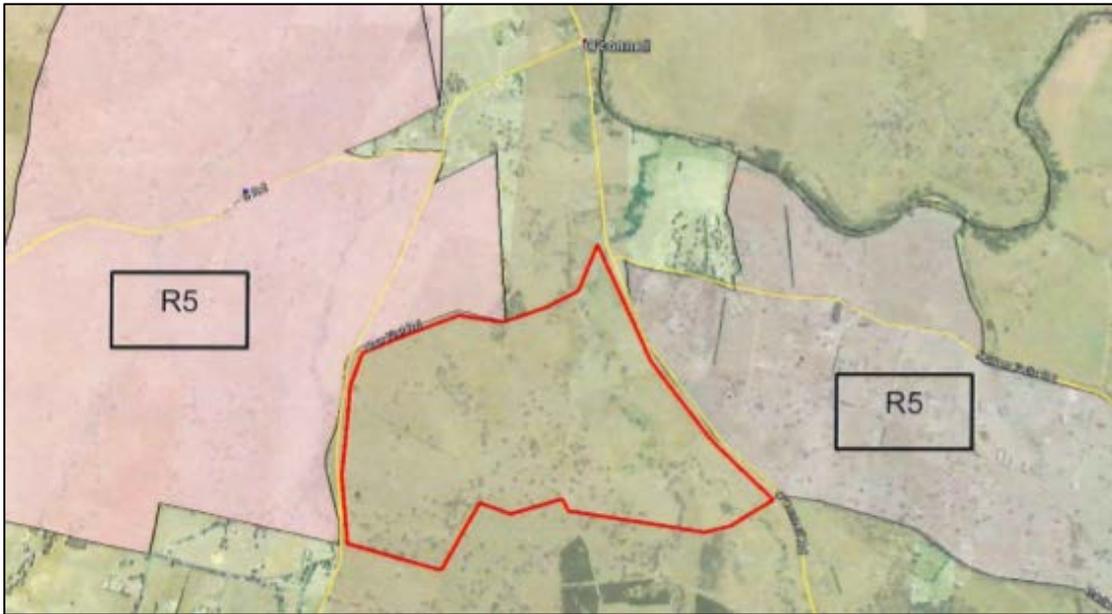
## 1. INTRODUCTION

1. On 26 September 2018, the NSW Independent Planning Commission (the **Commission**) received a request for advice from the NSW Department of Planning and Environment (the **Department**) regarding a Gateway Determination review for land at O'Connell Road, O'Connell.
2. Geolyse (the **Proponent**) seeks to amend the planning controls of Oberon Local Environmental Plan 2013 (**OLEP 2013**) by rezoning the land from RU1 Primary Production to R5 Large Lot Residential and reducing the minimum lot size from 100 hectares (ha) to 10ha.
3. The Commission has been requested by the delegate of the Minister for Planning, in accordance with section 2.9(1)(c) of the Environmental Planning & Assessment Act 1979 (**EP&A Act**), to review the planning proposal and prepare advice concerning the merits of the review request. The Commission has also been specifically requested to provide a clear and concise recommendation to the delegate of the Minister confirming whether or not, in the opinion of the Commission, condition 1 should be retained.
4. Professor Mary O'Kane, Chair of the Commission, nominated Chris Wilson (Chair), and Professor Snow Barlow to constitute the Commission to review the Gateway Determination.

### 1.1 Subject site

5. The site is legally described as part of Lot 4 DP 1023024 and is located at 2519 O'Connell Road, O'Connell within the Oberon Local Government Area (LGA) (refer to *Figure 1*).
6. The site has an area of approximately 200 ha and has frontages to O'Connell Road (1,586 metres (m)), Box Flat Road (1,469m) and Beaconsfield Road (999m).
7. The site is situated 1 kilometre (km) to the south of the O'Connell Village which is listed in the OLEP 2013 as a Heritage Conservation Area. O'Connell is approximately 22kms north of Oberon and 18kms south of Bathurst.
8. The western and eastern portions of the land adjoining the site are zoned R5 Large Lot Residential. The northern and southern portions of the land adjoining the site are zoned RU1 Primary Production.

Figure 1: Site location and zoning – 2519 O’Connell Road, O’Connell



(Base Source: Department of Planning and Environment)

## 1.2 Proponent’s request for Gateway Determination review

9. On 22 February 2018, Oberon Council (**Council**) submitted to the Department a planning proposal to amend the planning controls under OLEP 2013 for Gateway Determination.
10. On 30 May 2018 the delegate of the Minister for Planning determined that the planning proposal should proceed and subsequently issued a Gateway Determination, subject to conditions.
11. The Proponent submitted a Gateway Review request to the Department which was received on 11 July 2018. The Proponent is seeking a review and deletion of the Gateway Determination Condition 1, which requires a review of the Oberon Land Use Strategy and demand for rural residential/large lot residential development in the Oberon LGA (Condition 1 is reproduced in full at paragraph 17).
12. On 26 September 2018, the Commission was requested by the Minister’s delegate to review the planning proposal and prepare advice concerning the merits of the review request. The request stated that, *“The advice should include a clear and concise recommendation to the delegate of the Minister confirming whether or not, in the opinion of the Commission, condition 1 should be retained”*.

## 1.3 Summary of Planning Proposal and Gateway Determination

13. The Gateway Determination relates to a planning proposal to amend the OLEP 2013 to:
  - rezone the subject land from RU1 Primary Production to R5 Large Lot Residential; and
  - amend the Minimum Lot Size from 100ha to 10ha.

14. The history of the planning proposal is provided below:

- May 2017 - the Proponent lodged the planning proposal with Council.
- August 2017 – Council officers undertook an assessment of the planning proposal and did not support it. The findings of the assessment were provided to the Proponent.
- October 2017 - the Proponent submitted further information to Council dated 5 October 2017 which affirms the Proponent's view the planning proposal had merit.
- On 21 November 2018 – the planning proposal was reported to Council. Council resolved to defer the matter until a site inspection was undertaken.
- 20 February 2018 – the planning proposal was reported to Council. Council resolved to support the Planning Proposal and request a Gateway Determination.
- 22 February 2018 – Council submitted the planning proposal to the Department.
- 25 May 2018 – the Gateway Determination Report recommending that the proposal should not proceed was submitted to the Department's Director Regions (Western).
- 30 May 2018 – The Department's Director Regions (Western), as a delegate of the Minister for Planning, recommended that a Gateway Determination be issued subject to conditions. Condition 1 requires that prior to undertaking community consultation, Council prepare an addendum to the Oberon Land Use Strategy 2013 in respect to the rural residential/ large lot residential component.
- 19 June 2018 – the Department's decision to proceed with the Gateway Determination was reported to Council. Council resolved to defer its decision on its preferred direction for further strategic planning work until such time as the formal gateway review is completed.
- 11 July 2018 – the Proponent sought a Gateway Determination review, seeking the deletion of Condition 1.

## 2. THE DEPARTMENT'S GATEWAY DETERMINATION REPORT AND GATEWAY REVIEW JUSTIFICATION ASSESSMENT

15. The Department's Gateway Determination Report recommends the planning proposal not proceed as there is insufficient strategic justification to amend the OLEP 2013 at this time as:

- *"The planning proposal is not consistent with the Central West and Orana Regional Plan 2036 (CWO RP). The proposal undermines direction 28 contained within the Regional plan which seeks to ensure the provision of suitable located rural residential land that is supported strategically by a local land use strategy.*
- *The planning proposal is inconsistent with the endorsed Oberon Land Use Strategy (Oberon Strategy). The Oberon Strategy does not identify the subject land for future rural residential development. The subject lands do not comply with the objectives (1, 2, 3 and 4) and strategic criteria (3,4,5 & 7) for locating new rural residential land.*
- *The proposal is inconsistent with Ministerial Directions (1.2 Rural zones, Direction 1.5 Rural Lands and 5.10 Implementation of Regional Plans) and the State Environmental Planning Policy (Rural Lands) 2008. The inconsistencies have not been justified as being of minor significance.*
- *Council and the proponent advise that there is 10 years supply of rural residential land in vicinity of O'Connell with an additional 411 potential lots across the Oberon LGA".*

16. The Department's Director Regions (Western) in a memo dated 29 May 2018, provided the following comments recommending the planning proposal should proceed:
- *"I have thoroughly considered the planning proposal, Council's further information, the Gateway Determination Report and the circumstances of the case. The following options to determine this proposal have been considered:*
    - *Issue a Gateway determination that refuses the proposal for reasons as outlined in the Gateway Determination Report,*
    - *Issue a conditional Gateway determination that requires a strategic planning review of large lot residential land in the Oberon local government area, and*
    - *Request Council to withdraw the proposal until the strategic work has been undertaken".*
  - *"I am of the view that Option 2 is preferred in that the proposal be conditionally approved subject to conditions. I am recommending this option for the following reasons:*
    - *The time that has passed since the Oberon Strategy was prepared and endorsed. It is timely that Council review the Oberon Strategy,*
    - *The proposal has merit for further strategic investigation having regard to the planning proposal information notwithstanding it is inconsistent with the Oberon Strategy and CWORP,*
    - *To allow Council to strategically justify the proposal in relation to the large lot residential land supply at O'Connell and in the Oberon local government area, and*
    - *To allow the strategic review of the large lots residential land in consultation with agencies and the community".*
17. In accordance with this memo, the Department's Director Regions (Western), as delegate of the Minister for Planning, issued a Gateway Determination on 30 May 2018 that the planning proposal should proceed. Condition 1 of the Gateway Determination states that:
- "Prior to undertaking community consultation of the planning proposal, Council is to prepare an addendum to the Oberon Land Use Strategy 2013 (Oberon Strategy) in respect the rural residential/large lot residential component having regard to, but not limited to, the following:*
- a. *Review of the existing Oberon Strategy recommendations and suitability of the supply and demand for rural residential / large lot residential in Oberon Council area and make recommendations for any changes based on the revised trends, assumptions and evidence including:*
    - i. *Review the Oberon settlement hierarchy classification;*
    - ii. *Consider each proposed change in relation to the relevant section 9.1 Ministerial Directions, State Environmental Planning Policies and Central West and Orana Regional Plan 2036;*
    - iii. *Consider the subject site (Part Lot 4 DP 1023024 O'Connell Road O'Connell) in relation to the above review;*
    - iv. *Review the scenic heritage value of the land surrounding O'Connell; and*
    - v. *Review the appropriateness of the zone RU1 Primary Production at O'Connell settlement.*
  - b. *Consider and submit to the Department of Planning and Environment results*

of consultation with relevant agencies in relation to the draft Addendum”.

### 3. THE COMMISSION'S MEETINGS

18. As part of the Gateway Determination review, the Commission met representatives of the Department of Planning and Environment, Oberon Council and the Proponent. A summary of the matters discussed at the respective meetings is set out below.
19. The Commission determined that a site inspection was not necessary as part of this review as the key issues relating to the Gateway Determination and planning proposal could be assessed based on the information provided by the Department, Council and the Proponent.
20. The transcripts of the respective meetings were made available on the Commission's website on 22 October 2018.

#### 3.1 Meeting with the Department

21. On 16 October 2018, the Commission met with the Department on the planning proposal and Gateway Determination. The key points of the discussion included the following:
  - the fact that the Oberon Land Use Strategy 2013 is 5 years old. Council identified the Strategy should be reviewed periodically (3-5 years);
  - the Department's view that there is sufficient strategic merit for the planning proposal to proceed to public exhibition subject to further investigation of the matters identified in Condition 1;
  - the Department's view that there are precedents for Gateway Determinations having conditions requiring further studies and investigations for planning proposals;
  - the fact that a portion of the site has already been rezoned to R5 Large Lot Residential. The remaining southern section of the site was included and then later excluded from the Land Use Strategy. The sites immediately adjoining the subject site's eastern and western boundaries were included in the Strategy and are zoned R5 pursuant to the OLEP 2013; and
  - the Department's view that the site-specific issues including visual impacts and contamination could be resolved via design and siting and further investigations pursuant to *State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55), respectively.

#### 3.2 Meeting with Oberon Council

22. On 16 October 2018, the Commission met with a representative of Oberon Council regarding the planning proposal and Gateway Determination. The key points of the discussion included the following:
  - the fact that the site was included and then later excluded from the Oberon Land Use Strategy as a result of submissions from the community objecting to the subject site being included;
  - the lack of services in the area, heritage features of the area and the subject site's topography which makes it highly visible from O'Connell Road;
  - the Council's position that the Land Use Strategy should be reviewed holistically. It

is anticipated that Council will complete a review of the Land Use Strategy as part of the OLEP 2013 review in 2020;

- Council is unlikely to act on a request to undertake a review of the Land Use Strategy for this specific site as it does not have the resources and from a strategic planning perspective it would be better to consider all issues relating to rural residential development at the same time; and
- Council's resolution of 19 June 2018: *"that the matter be deferred due to the amount of material received and the implications to Council until such times as the formal review being proposed by the proponent is complete"*.

### 3.3 Meeting with Proponent

23. On 16 October 2018, the Commission met with a representative of the Proponent regarding the planning proposal and the request for a review of the Gateway Determination. The key points of the discussion included the following:
- the Proponent's view that there was no justification or analysis that supported the exclusion of the site from the Land Use Strategy;
  - the existing issue with the provision of infrastructure and services within the Oberon LGA, and the Proponent's view that the additional population expected as a result of the planning proposal would only result in a small increase in the demand for infrastructure and services;
  - the Proponent's view that the proposal would generally have a positive community benefit, particularly given it would not result in detrimental impacts;
  - the Proponent's view that the proposal has strategic merit as the planning proposal responds to changing demographic trends, being an increase in population;
  - the Proponent's view that Condition 1 is not necessary because the strategic merit has been demonstrated; and
  - The Proponents concern as to how the addendum to the strategy required by Condition 1 would be undertaken and by whom, particularly given that in the Proponent's view Council is likely to request that the Proponent undertake the review of the Land Use Strategy, in which case the review would not be considered impartial.

## 4. ADDITIONAL INFORMATION

24. On 17 October 2018, the Commission received further information from the Department in response to the Commissioners question regarding its reasoning for imposing Condition 1 within the Gateway Determination.
25. All additional information provided to the Commission was made available on the Commission's website on 24 October 2018.

## 5. THE COMMISSION'S CONSIDERATION

### 5.1 Material considered by the Commission

26. In reviewing the Gateway determination, the Commission has carefully considered the following material (the **Material**):
- the planning proposal, dated May 2017;
  - Oberon Council's reports and minutes dated 21 November 2017, 20 February

- 2018 and 19 June 2018;
- the Department’s Gateway Determination Report prepared by the Planning Officer and the Director Region’s (Western) Memo, dated 29 May 2018;
- the Department’s Gateway Determination, dated 30 May 2018, including all attachments;
- the Proponent’s Gateway Review Application, dated 11 July 2018, including all attachments (the **Review Application**);
- the Gateway Review Justification Report, including all attachments (the **Justification Report**);
- *State Environmental Planning Policy (Rural Lands) 2008*;
- the *Central West and Orana Regional Plan 2036* (the **Regional Plan**);
- *Section 9.1 Direction 1.2 Rural Zones, 1.5 Rural Lands, 5.10 Implementation of Regional Plans*;
- *the Oberon Land Use Strategy 2013*;
- Information discussed with the Commission at its meetings with the Department, Oberon Council and the Proponent on 16 October 2018, set out in the publicly available transcripts;
- two (2) public submissions submitted to the Department

## 5.2 Strategic Context

### Key Strategic Planning Documents

27. The Commission has identified the key strategic planning documents in reviewing the Gateway Determination as follows:
- Central West and Orana Regional Plan 2036 (CWOR Plan); and
  - Oberon Land Use Strategy 2013 (OLUS 2013).

#### 5.2.1 Consideration of Relevant Environmental Planning Instruments

28. The Commission has reviewed the planning proposal and considered the NSW Planning Policies identified by the Department, as set out in paragraph 26.
29. The Commission has reviewed the planning proposal against the following Section 9.1 Directions:
- Directions 1.5 Rural Lands applies to all planning proposals to which the Rural Lands SEPP applies. The direction applies to Oberon LGA. The direction applies when “*a relevant planning proposal will affect land within an existing or proposed rural or environmental protection zone*”. A planning proposal ‘*must be consistent with the Rural Planning principles listed in State Environmental Planning Policy (Rural Lands) 2008*’;
  - Direction 2.3 Heritage Conservation applies to all Relevant Planning Authorities. This Direction aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. The subject land does not comprise any known heritage items; and
  - Direction 5.10 Implementation of Regional Plans applies to land which the Minister for Planning has released a Regional Plan. The CWOR Plan is the applicable Regional Plan.
30. The Rural Planning principles set out in clause 7 of the Rural Lands SEPP include: “*ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General*”.

31. The Oberon Land Use Strategy 2013 being the applicable local strategy, which provides a strategic framework for future development within the Council area for 25 years (up to 2035). The OLUS 2013 considered the suitability of providing additional rural residential land in the vicinity of O'Connell. The OLUS 2013 incorporates a number of potential future development areas.

### 5.3 Key Matters for Consideration

32. In undertaking its review of the Gateway Determination, the Commission has considered the positions of the Department, Council, the Proponent and the issues raised in the public submissions (paragraph 34). The review considers whether the planning proposal has strategic merit and whether Condition 1 should be retained.

#### 5.3.1 Public comments

33. The Commission notes that the Department received a number of submissions from the community regarding the impacts of the project, which were not from the result of an exhibition period. These submissions raised issues including:
  - the planning proposal to rezone land RU1 Primary Production to R5 Large Lot Residential is inconsistent with the vision established in the Oberon Land Use Strategy;
  - State Environmental Planning Policy (Rural Lands) 2008 specifically promotes the protection of current and potential productive and sustainable economic activities in rural areas;
  - the proposal would result in land use conflicts between residential and primary production zoned land;
  - additional lot supply in O'Connell will generate disproportionate demands for services and infrastructure;
  - there is no tangible economic or social gain for the community;
  - there is a history of no community support for the planning proposal;
  - there is no evidence provided that there is less than 10 years of supply of rural lifestyle living sites; and
  - the proposal does not adequately address the potential impact on O'Connell Urban Conservation Area.

#### 5.3.2 Council's consideration

34. Council's report dated 21 November 2017, prepared by the Planning and Development Director and a consultant town planner, states that Council assessed the planning proposal in August 2017 and identified the following reasons to not support the planning proposal:
  - it does not accord with the Oberon Land Use Strategy;
  - it will place disproportionate demands for services and infrastructure in the village of O'Connell;
  - there is no evidence that there is less than 10 years of supply of rural lifestyle living sites /or a lack of supply of rural lifestyle living sites in O'Connell or Oberon Council;
  - there is no compelling reason this agricultural land should be rezoned to lifestyle living lot; and
  - it is has failed to provide evidence that additional R5 zoned land would contribute

to the social and economic welfare of the O'Connell community.

35. The report also states that:

- Council undertook an assessment of the Planning Proposal in August 2017 which found that: *"To a certain extent there is some planning merit to the Planning Proposal as the subject site is located between two areas of R5 zoned land and in the future there may be some land use conflict between the R5 and the subject sites RU1 zoning. The land also has manageable constraints, is close to the centre of O'Connell and is potentially the most suitable RU1 land in the O'Connell surrounds for large lot living"*.
- The August 2017 assessment was provided to the Proponent for its consideration and that the Proponent responded to the Council with further information dated 5 October 2017. The further information was affirmation of the strategic merit of the planning proposal and provided responses for the Council's August 2017 assessment that the planning proposal should not proceed.
- In response to the additional information submitted by the Proponent, Council stated that:
  - *"the proponent has not provided any substantial case in favour of these inconsistencies with the State Planning Policy (Rural Lands) 2008...*
  - *...there is also no tangible economic or social gain for the community and therefore it is considered that this planning proposal and subdivision would be a net loss for the O'Connell and Oberon Council...*
  - *...based on the assessment detailed within this report, it is recommended that Council not support the planning proposal or the request for gateway determination"*.

36. On 21 November 2017, Council resolved to, *"defer the matter until an onsite meeting can be held in the New Year"*.

37. In February 2018, the planning proposal was again reported to Council, with the Council officer's recommendation of the 21 November 2017 report unchanged, stating: *"based on the assessment detailed within this report, it is recommended that Council not support the planning proposal or the request for gateway determination"*.

38. On 20 February 2018, Council resolved to support the planning proposal and forward it to the Department for Gateway Determination:

1. *"The Council resolved to support the planning proposal and request for gateway determination due to the following reasons:*
  - *This area should have been included in the 2013 LEP*
  - *The land release is of low agricultural value*
  - *Services and infrastructure are currently available in the area*
  - *Community interest in the adoption of the 2013 LEP.*
2. *Forward the endorsed Planning Proposal to the Department of Planning and Environment with a request for a Gateway determination and proceed to public exhibition subject to advice received and*
3. *Request that the Gateway delegate plan making functions to Council under Sections 59(2) and (3) of the Environmental Planning and Assessment Act 1979, in this instance"*.

39. On 30 May 2018 the delegate of the Minister of Planning determined that the planning proposal should proceed to Gateway Determination, subject to conditions.

40. Following the Gateway Determination, Council considered a further report from the Planning and Development Director on 19 June 2018. The report informed Council that the Department's Director Regions (Western) considered and determined the planning proposal having regard to information provided by Council and the Department and a conditional Gateway Determination had been issued. Council was requested to consider the Gateway Determination and subsequent conditions and determine its preferred direction based upon the information contained within the report.
41. On 19 June 2018, Council resolved *"that the matter be deferred due to the amount of material received and the implications to Council until such times as the formal review being proposed by the proponent is complete"*.

### 5.3.3 Proponent's consideration

42. At its meeting with the Commission on 16 October 2018 the Proponent considered Condition 1 to be unnecessary as strategic merit has already been demonstrated through the planning proposal and supporting documentation.
43. The Proponent provided the following comments in its planning proposal, dated May 2017, to support of the proposal's consistency with the NSW Planning Policies (relevant extracts detailed below):
  - *"The Oberon Land Use Strategy (2011) (LUS): given the rural residential nature of the proposed land uses and the proposed scale of the lots, it is considered that the planning proposal is generally consistent with this strategic vision.*
  - *Figure 40 of the LUS confirms that the subject site is outside of, but adjacent to, the O'Connell Conservation Area and Figure 40(a) confirms that the site is not within the mapped 800m radius of the O'Connell Heritage Area.*
  - *The LUS provides a summary of a number of potential future development areas as reflected in Figure 41 of the LUS. The subject site (hatched Figure 3) is omitted from this assessment notwithstanding that it represents a logical connection between the areas considered.*
  - *The current LEP zoning map reflects that all of the lands identified via the LUS as suitable for future large lot residential have been rezoned for R5 – Large Lot Residential.*
  - *An analysis of supply and demand has been prepared and appended to this report, considering the availability of land in the locality for rural residential purposes and the likely demand for such land. This assessment concludes that there can be a reasonable expectation of demand for the lots proposed.*
  - *The planning proposal is consistent with these aims as it seeks to provide rural residential lots in close proximity to the village of O'Connell and in close proximity to existing rural residential zoned land. This proposal ensures that the potential for future land use conflict is reduced"*.

### 5.2.4 Department's consideration

44. The Department's position, as outlined in the meeting with the Commission on 16 October 2018, is consistent with the position in the Department's Director Regions' (Western) memo dated 29 May 2018. The Department considers that the proposal has sufficient strategic merit to proceed, however, in order to allow Council to strategically justify the proposal in relation to large lot residential land supply, it should be subject to

the requirement for this strategic planning review (as per Condition 1 of the Gateway Determination).

45. The Department also considers that Condition 1 is an appropriate mechanism to require further testing of strategic merit prior to community consultation on the planning proposal and that there are precedents for Gateway Determinations including conditions requiring further studies and investigations for planning proposals.

### 5.3.5 Commission's consideration

46. Based on the Material before it and its meetings with the Department, Council and the Proponent, the Commission considers that the strategic merit has not been satisfactorily demonstrated for the planning proposal to progress passed Gateway Determination.
47. In particular, the Commission finds that the planning proposal is inconsistent with the Central West and Orana Regional Plan 2036, the Oberon Land Use Strategy, relevant section 9.1 Directions and the Rural Lands SEPP.
48. Furthermore, while the Commission accepts that the imposition of Condition 1 is valid, it considers the Condition is inconsistent with the intent of the Gateway Determination process for 3 key reasons:
  - i. it enables Council to revisit matters fundamental to determining strategic merit post Gateway. The Commission's position is that if there is sufficient doubt about the strategic merit of a proposal that warrants such a condition, then the proposal should not progress past Gateway until such time as the relevant matters have been addressed;
  - ii. it introduces uncertainty particularly as, during its meeting with the Commission, Council advised that it did not intend to undertake a specific review of the Oberon Land Use Strategy in response to Condition 1. In addition, the Proponent also indicated a reluctance to undertake the review due to its concerns about perceived impartiality. Without a commitment to a review of the Land Use Strategy, the planning proposal is unlikely to proceed, despite the Gateway Determination; and
  - iii. it establishes an alternative process for determining strategic merit post Gateway which is likely to have procedural implications for the consideration of other proposals where strategic merit has not been satisfactorily demonstrated at Gateway.
49. For the reasons set out in paragraph 48, the Commission finds that strategic merit for the planning proposal has not been satisfactorily demonstrated because:
  - the planning proposal is inconsistent with the Central West and Orana Regional Plan 2036, the Oberon Land Use Strategy, relevant section 9.1 Directions and the Rural Lands SEPP;
  - the imposition of Condition 1 reflects a level of sufficient doubt over the strategic merit of the planning proposal;
  - if strategic merit was satisfactorily demonstrated, the Department would not have needed to impose Condition 1; and
  - without a commitment to a review of the Land Use Strategy from Council or the Proponent, the planning proposal may in fact not proceed.
50. Given the Commission's findings outlined in paragraph 49 regarding the strategic merit

of the planning proposal and the shortcomings of Condition 1, the Commission recommends that in this instance Condition 1 be retained only on the basis that if it is removed, then the planning proposal would progress to exhibition without any further assessment of its strategic merit.

## 6. THE COMMISSION'S ADVICE

51. The Commission has reviewed and considered the Material before it, met with the Proponent, the Department and Council.
52. For the reasons set out in paragraph 49, the Commission finds that the planning proposal has not demonstrated sufficient strategic merit to proceed.
53. However, while the Commission has concerns about Condition 1, it finds that its removal would mean that the planning proposal will progress to exhibition without any further assessment of strategic merit.
54. The Commission advises the Minister's delegate that Condition 1 of the Gateway Determination should be retained in its entirety.



**Chris Wilson (Chair)**  
Member of the Commission



**Professor Snow Barlow**  
Member of the Commission