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O/N H-1490479

INDEPENDENT PLANNING COMMISSION

GATEWAY DETERMINATION REVIEW – 2 INVERARY DRIVE, KURMOND

MEETING WITH THE DEPARTMENT OF PLANNING, INDUSTRY AND ENVIRONMENT

COMMISSION PANEL: **CHRIS WILSON (CHAIR)**

OFFICE OF THE IPC: **JANE ANDERSON**
LINDSEY BLECHER

DEPARTMENT: **JANE GROSE**
ANGELA HYNES
GENEVIEVE SCARFE

VIA VIDEO CONFERENCE

4.06 PM, THURSDAY, 10 JUNE 2021

MR CHRIS WILSON: Before we begin, I would like to acknowledge all the traditional owners of the lands on which we virtually meet, pay my respect to the Elders past, present and emerging. Welcome to the meeting today to discuss the Gateway Determination Review of 2 Inverary Drive, Kurmond. My name is Chris
5 Wilson. I'm the chair of this Commission panel. We are also joined by Jane Anderson and Lindsey Blecher from the Office of the Independent Planning Commission. 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.

10 This meeting is one part of the Commission's consideration of the matter and will from one of several sources of information upon which the Commission will base its advice. It is important for the Commissioners to ask questions of attendees and to clarify issues where it is considered appropriate. If you're asked a question and not
15 in a position to answer, please feel free to take the question on notice and provide any additional information required, which we will then put onto the website. To ensure accuracy of the transcript, I request that all members here today introduced themselves before speaking for the first time and for all members to ensure they do not speak over the top of each other. We will now begin. So, the Department – as
20 per the agenda, the Department is going to give us an overview of the planning proposal. Who – is that you Jane, is it?

MS JANE GROSE: Yes, I'm happy to speak. I assume you've – I understand that you've already heard from Council and the Proponent?

25 MR WILSON: That's correct.

MS GROSE: Yes. That's okay. So, we will just touch on the proposal. As you're aware, the proposed – the site in question is zoned RU1 primary production and has a
30 current maximum lot size of 10,000 hectares and the proposal seeks to amend the maximum lot size for lots between 2,000 and two hectares, currently for 2,000 lots across the site. We would like to talk a little bit about strategic merit first. That's okay. I know you probably have some questions, but we wouldn't mind taking you through a bit of a timeline and how we came to the view that the proposal no longer
35 has strategic merit. We've got some – I hope you're okay for us to share the screen. We've got no new material that's presented in the report that we sent to the IPC and that has been made available except for pages, plans from the district plan and structure plan that are all publicly available. Is that okay?

40 MR WILSON: Sure.

MS GROSE: Okay. Good. So just – just back to, I guess, establishing strategic merit and the assessment criteria that we're required to look at in establishing strategic merit is identified in the guide to preparing planning proposals, and so the
45 assessment criteria, and this is a quote from the guide:

5 *Does the proposal have strategic merit? Will it give effect to the relevant regional plan outside? Will it give give effect to the Sydney Region Plan, the district plan, including any draft regional, district or corridor present plans released for public comment or give effect to a relevant local planning strategy or a strategy that has been endorsed by the Department or required as part of a regional district plan, or local strategic planning statement or responding to change in circumstances such as the investment in new infrastructure or changing demographic trends that have not been recognised by strategic plans.*

10 In this instance, the key document that we need to refer to is the Western District Plan that establishes some really key principles that we need to consider holistically in considering whether this has strategic merit. So the key priorities for this planning proposal: priority 17, better managing rural areas; priority 5, providing housing
15 choice, affordability with access to jobs, services and public transport; 12, protecting and improving the health of waterways; and 14, protecting and enhancing bushland and biodiversity we think are the really key ones that you need to consider on balance.

20 And one of the primary drivers for thinking about this site is the identification of this site within the metropolitan rural area. So, it's a really critical aspect in planning for Western Sydney. It means that we have to be able to identify where growth can
25 continue and be serviced and supported by infrastructure, but also helps us achieve our Western Sydney parkland objective, so making sure that we're planning for a city within a green context. And you can see here in the Hawkesbury LGA, it's predominantly identified as being within that rural area and it talks about the importance of the, you know, agriculture and it identifies the types of industries that are supported in that area. There is one area for investigation, and you can see there
30 the tip of the north-west growth area and that relates to the Vineyard Precinct which aligns with the LSPS and the housing strategy about where the bulk of growth should be located within this – in this precinct.

Specifically, Action 20 – Action 78 within the plan states that development should only occur within the MRA where it is identified as an investigation area and we
35 know that this particular site at 2 Inverary Drive isn't located as that. It has also been – the Department has established over time where there might be opportunity to look at the fringes of the MRA for development, what is the process for establishing strategic merit, and this has been confirmed and provided in writing to Council, and that process is through the vehicles of the LSPS, the Rural Land Strategy and then
40 the Employment Land Strategy or the Resident or Housing Strategy. It's the exploration of whether those – the land within the MRA is capable for additional development where it can – and that work can consider, you know, the much broader objectives for the MRA: the landscape, and the heritage, and the ecological and the water imperatives for that area, and also consider whether that land can be orderly
45 developed and serviced. So, if we were to consider rezoning land within the MRA, we would certainly expect the evolution of those local policies to provide us with

clear direction that that further development and intensification is appropriate in those specific locations.

5 So moving then, I guess to – and, again, order of hierarchy, the LSPS for
Hawkesbury was endorsed by the Greater Sydney Commission in – I think it was in
February, but it’s certainly recently, and the LSPS has also been amended in recent
months to exclude a reference to the Kurmond Kurrajong investigation area as a
future consideration for growth, and that has been a formal process back through
Council. So, the LSPS doesn’t provide any justification for addental development in
10 this centre.

The next document to be developed and endorsed by Council is the Rural Lands
Strategy. This was adopted on 30 March. That study take the approach of looking at
15 the constraints for development in the rural areas but, more importantly, the
opportunities for agriculture and industry and landscape value and heritage within the
rural areas and forms a clear view that only organic growth should be accommodated
in this centre, and that’s due to the need to preserve the landscape character, the key
views through this area – I can talk about that in a bit more detail in a moment, but
20 also because of the constraints: the topography, servicing, bushfire risk and
ecological constraints. We could also talk maybe at some point about what “organic
growth” means.

MR WILSON: Yes. We will come back to that, Jane, I think maybe, because
you’ve done - - -
25

MS GROSE: Yes, of course.

MR WILSON: You’ve done a fairly comprehensive analysis of what you consider
is organic growth in your submission to the IPC, so we would like you to actually
30 elaborate on that, but when you’re ready. There’s no hurry.

MS GROSE: Okay. Okay, I will come back to that then.

MR WILSON: Yes.
35

MS GROSE: The next document to look at is the Housing Strategy. So, this was
endorsed by Council on 8 December and is currently being reviewed by the
Department, so they submitted it to the Department for endorsement. Again, the
Housing Strategy looks at the demand for housing, which is fairly low, and finds that
40 the one to five in six to 10 year pipeline for housing can be accommodated within the
existing centres, primarily Richmond and Windsor, within the growth areas of
Vineyard, Redbank and Jacaranda Ponds which are all identified as investigation
areas and identified through the growth area plan.

45 Finally, I guess, we need to touch on the Kurmond Kurrajong Investigation Area
Structure Plan as a local policy that we’re required to consider. This plan was
considered by Council in February, as you’re aware. Council resolved to not adopt

the structure plan after some healthy debate on the issue. Importantly, Council also resolved to assess remaining individual planning within the Kurmond Kurrajong investigation area against (a) the interim development constraints and principles of the structure plan but also in looking at the New South Wales planning framework which includes the metropolitan rural area. So it's important to assess the development against the interim principles in considering the strategic planning context but we certainly think that the resolution of February and the inclusion of the metropolitan rural area consideration in that resolution significantly diminishes the weight provided to that plan in the consideration of strategic merit.

10 MR WILSON: Just on these principles, Jane, how does it actually work? That resolution – how does that resolution work because, to me, these principles are such, it's a bit in essence, and then, I mean, if you have reference to the strategic context in terms of the MRA in the first instance, I'm not quite sure, do you get to this? How do they work? How do those two resolutions work, or those two points work together in terms of assessing the remaining PPs?

20 MS GROSE: I guess it's a matter for – I mean, it's a matter for Council to discuss, I guess, the specific intent of that – particularly that second point, and it reflects the, you know, divided views amongst the Councillors and, ultimately, you know, the prevailing view was that there should be no additional development within this area, but that also that they needed to provide a framework - - -

25 MR WILSON: Sure.

MS GROSE: - - - for the finalisation of the planning proposals in train. So I – we come to the view, in looking at the suite of directions in the strategic planning context and considering the proposal against the objectives and directions for the metropolitan rural area that it doesn't have strategic merit, but if we do need to proceed to site merit and think about that as well, we do need to consider the principles. It's very clear for this particular planning proposal that we're inconsistent with those principles as well. I think when you apply those things all together, it establishes that there isn't enough strategic merit to support this proposal.

35 MR WILSON: Okay. These slides are quite good. Can we go back? There was one that showed the site - - -

MS GROSE: Yes.

40 MR WILSON: - - - and I think that one is worth talking to.

MS GROSE: Yes. So - - -

45 MR WILSON: Just - - -

MS GROSE: Sorry. You go.

MR WILSON: Yes. Just a couple of questions on this. I guess it will solicit discussion, but there's somewhere in the documentation, in one of the Department's reports where I read that some negotiation or discussion was had with the GSC in relation to moving forward with this site in terms of given that the strategic context
5 had changed somewhat during the process and you come to, I guess, an agreement that one hectares was appropriate. Is that correct? Is that a correct assumption or a correct reading of the documentation?

10 MS GROSE: Yes. I will need to go back and have a – I'm not aware of that.

MR WILSON: Okay. That's all right. I just - - -

MS GROSE: It was referred to – it was informally referred to the GSC. I will need to go back. That was some years ago. I will need to go back and have a look at it.

15 MR WILSON: That's okay. That's all right. I just read it and I was just wondering what the nature of that agreement was. Was it – because the one hectares is consistent with the structure plan in essence and I'm just wondering what the basis for the one hectare was other than that's generally what was recommended in the
20 structure plan.

MS GROSE: Yes. So, in 2019, there was a Council resolution in considering the Kurrajong Structure Plan and that was the inclusion of the one hectare and for - - -

25 MR WILSON: Okay.

MS GROSE: - - - 4,000.

MR WILSON: Can we talk about gradation? I don't know if that's the right word,
30 but I had this discussion with the architect this morning that I asked a question, you know – I think it was the planning panel that suggested that there should be a gradation of lot sizes and it was unclear, or the Applicants were unclear in terms of what they actually meant. I took it to mean the smaller lots should be closer to the town and the larger lots should be further away so there's a sort of like a concentric
35 change in lot sizes from the smallest to the 10 hectares which would be on the other side of - - -

MS GROSE: That's – well, that's certainly the pattern that this structure plan tries to establish with the smaller lots.

40 MR WILSON: I'm not quite sure. It's a funny shape in the structure plan. I'm yet to find out what the basis of the structure plan is. It seems to be based on the urban ridgeline of the pastoral valleys.

MS GROSE: Yes. And then, when you overlay the key view up from Kurmond back onto the site, that view cone kind of loosely aligns, for this site anyway, with that green line and potentially the division of the

5 MR WILSON: Okay. Yes. There's the urban – that's the urban ridgeline, isn't it?

MS GROSE: That's right.

MR WILSON: That's that ridge.

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MS GROSE: That's right.

MR WILSON: And the pastoral valleys is, yes, the bottom half of the site. Yes.

15 MS GROSE: That's right.

MR WILSON: Do you want to talk about your analysis in relation to organic growth? It's probably an appropriate time now.

20 MS GROSE: To what, sorry?

MR WILSON: Organic growth, the meaning of "organic growth".

MS GROSE: Yes. So I guess our – I can't speak on behalf of Council, but they
25 have made assumptions in other work - - -

MR WILSON: Yes, yes.

MS GROSE: - - - in developing their housing strategy that "organic growth" means
30 growth within the existing zones.

MR WILSON: Okay.

MS GROSE: That was advice from one officer on another matter but that's one
35 interpretation that should be considered.

MR WILSON: Okay. But I want to talk – I want you to explain your analysis of organic growth in terms of - - -

40 MS GROSE: Yes.

MR WILSON: For instance, Jane, when you think about Kurmond and the residents that are in Kurmond, I think you might have identified 51 residents – residential properties in Kurmond – correct me if I'm wrong – and I think this subdivision
45 would, connected with the subdivision beside it, would provide more housing to Kurmond.

MS GROSE: Yes. So we've – I mean, we're only interpreting the organic growth that is identified in the rural lands - - -

MR WILSON: Yes, I appreciate that. I appreciate that.

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MS GROSE: Yes. So our view then is – of organic growth is organic growth, you know, within and potentially adjoining the existing centre, and that's consistent with the policy that these should be – retain the rural village character in the landscape. It also supports the view that the rest of the Rural 1 – RU1 zone, primary production zone be retained for those uses and this is consistent with that zone. If we look at recent decisions about the exclusion of – like a reference that the four-lot planning proposal that we looked at recently, we made really strong representation that 100 Bell Line of Road – Bells Lane, sorry, 100 Bells Lane be excluded from the planning proposal due to its proximity, or lack of proximity to the existing centre, and that site was about 1.2 hectares.

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MR WILSON: Can we just identify – I can't remember just looking at this where it was?

20 MS GROSE: Ange?

MR WILSON: That's it there, is it?

MS GROSE: So that's – I mean has additional kind of, you know, connection issues but that's about 1.2 kilometres away from the centre.

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MR WILSON: Yes. So it's the very bottom one. It's the very bottom line?

MS GROSE: That's right. It's in that - - -

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MR WILSON: That's the bottom line.

MS GROSE: In that white area just within the boundary of the structure plan boundary.

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MR WILSON: Okay.

MS ANGELA HYNES: Just to clarify. So with the consideration of that Gateway Determination Review by the Commission, it wasn't seen as being close enough to the Kurmond Village Centre to represent a logical expansion or a suitable location for organic growth.

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MS GROSE: Thanks, Ange.

MR WILSON: Okay. So organic growth, though, there's a physical attribute about it. So it's the physicality, where it's actually spatially located in terms of distance and so forth. Then there's the aspect in terms of, you know, I guess not the density

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but the number, the actual number of lots. So there's the spatial implications in terms of distance and then there's the implications of, you know, what is growth above base. Is that correct? So organic growth is something quite small. How does organic growth actually occur then? So if growth is to occur, how does organic growth – “organic” means it sort of just happens over time, and it's not significant and it's not planned and – is that right? How does it happen?

MS GROSE: Well, that – yes, that's certainly my interpretation of the rural land strategy that's development, you know, within the existing centre within existing zone land. There may be some small opportunities for subdivision within that centre which is clearly defined, secondary dwellings and other types of housing that may be permissible in these zones subject to assessment.

MR WILSON: Okay.

MR LINDSEY BLECHER: Chris, sorry, can I interrupt for a second?

MR WILSON: Sure.

MR BLECHER: Just on the previous slide, just for the sake of the record, I think it's worth pointing out but I think the measurement is a little bit out there. I think it's closer to one kilometre based on just doing it on my desktop.

MS GROSE: Sorry. I should have said one kilometre. One kilometre was my understanding of the distance.

MR BLECHER: Yes. Look, I measured it this morning and it's from the midpoint of that line to the midpoint on the boundary is about 960 metres, but, once you get further away, it does go over a kilometre for most of the site.

MS GROSE: Yes.

MR BLECHER: But that's we looked at it anyway.

MS GROSE: Yes. No, that's good.

MR WILSON: All right. So that's the strategic. I'm interested in also understanding your views on the landscape, or two things: the visual landscape, like the character of the area, and the ecological attributes of the site, because that seems to - - -

MS GROSE: Sure.

MR WILSON: That seems to have driven – like, for instance, there were concerns that the original ecological studies hadn't looked at certain things in their assessment and that that was – and that was responded to by the Applicant by doing another, like, say, more comprehensive environment assessment or ecological assessment which

has elicited a further response from the EES. I guess we're just trying to understand (a) the physical – I guess the visual impacts of the proposal, and, secondly, because – and this is a good map actually, and the second one is more the ecological, the riparian.

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MS GROSE: Yes.

MR WILSON: And the second view, the other vegetation across the site, particularly the – is it the northern end? This is north? Yes.

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MS GROSE: Yes. We might – is it okay if we start with the vegetation? I think it's
- - -

MR WILSON: Yes. Sure.

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MS GROSE: - - - such an important issue. So the LEP currently maps, the terrestrial biodiversity on this site at the moment. We have an endangered ecological community on the site, so we have some shale, sandstone, transitional forest and some other ecological communities as well with varying degrees of importance and intactness. One of the key issues raised by EES, and they've made several submissions, is that the 2005 report, I think it was, the original report provided by the Applicant, was undertaken in a drought year, and we've got some photos of comparisons. But, since then, the site really has, you know, restored itself and the vegetation is in the grasslands that are now visible into different weather conditions. EES have found the report really doesn't – isn't accurate in identifying the value of vegetation and the extent of vegetation on the site. Issue number 1. And we might just – so we had more – we went back to EES again with the revised plan provided by the Applicant. And, Ange, do you mind just bringing up some of those? We just extracted a couple of sections from their letter which you have. Okay.

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So a couple of things. So we might – maybe the next one, Ange. So that there's potential for the Green and Golden Bell Frog to be existing in this area and the timing of surveys conducted was unsuitable and need to be redone to make sure we establish any risk – any of these animals on site and what the risks are as a result of this development. Surveys should also be undertaken for the Cumberland Land Snail in this area. Also argues that, for several threatened bat species, the vegetational and riparian corridor must be retained. It's also that there is unlikely to be koalas resident on site, but given the number of records in the local area, EES considers that they still move through the site. So that – I think that establishes a bit more about the quality and the nature of the vegetation on site and that just hasn't been dealt with in the Applicant's report. In terms of recommendations, the EES recommended that the best outcome is for this – these areas to be zoned for E2 environmental conservation and preserved in perpetuity and that also bring different levels of protection for the vegetation and the animals and species living in there.

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And, then, I guess the second aspect was how – another aspect with how ecology hasn't been dealt with adequately on the site is that proposed fragmentation as well.

So while they have identified the east-west corridor – riparian corridor as one tidal, and that’s the two-hectare site amounts the rest of the 2000 minimum lot size area, so that’s in one – proposed to be in one ownership. Although that’s in one land ownership and that’s a good outcome, there’s no strategy for the ongoing
5 management of that asset, so it’s unclear how that’s going to be looked after in perpetuity. The second issue is that there is another riparian corridor running, I guess, more north-south that hasn’t been identified, you know, through the land – through the proposed subdivision layout and is to be located in multiple lots and presumably with fences dividing that riparian corridor.

10 MR WILSON: Have you got that subdivision there, Jane?

MS GROSE: Yes. So looking at that plan you’ve got in front of you - - -

15 MR WILSON: I see. It’s overlaid.

MS GROSE: Yes. Sorry, it’s quite faint, but you can see there, I mean, you can struggle to see the development potential on some of these lots. You know, once they’ve established driveways and also got to, you know, navigate some of the
20 development principles about the 15 per cent grade and driveways and all those APZ issues, it’s really a struggle to see how development is going to be accommodated on some of those lots.

MS GENEVIEVE SCARFE: Can I add something here? Can I add something
25 quickly?

MS GROSE: Yes.

MS SCARFE: EES also mentioned that, in their opinion, the estimation of the
30 amount of vegetation that was going to be removed was underestimated quite strongly in the submission.

MS GROSE: Yes.

35 MR WILSON: So EES basically said that, based on the subdivision layout and the 75 per cent – correct me if I’m wrong, Jane, and the Applicant’s acknowledgement that 75 per cent of vegetation will be removed, that it was difficult to maintain those values. Yes.

40 MS GROSE: Well, that’s right, and I mean – so that the – you can only draw so many conclusions, but you can see in this aerial photograph here about what’s occurring next door by the centre.

MR WILSON: We walked it. We walked it this week. We’ve walked the site, so
45 we understand the vegetation.

MS GROSE: Yes. The third issue for the proposed management of vegetation is that outside of the riparian corridors, where you have EEC outside of those corridors that is not being protected through any zoning, it's to be zoned for - - -

5 MR WILSON: 88B.

MS GROSE: - - - and is to be fragmented so significantly.

10 MR WILSON: Yes. So the Proponents are saying that they will protect it for 88Bs, whereas EES is saying that's not sufficient. It should be

MS GROSE: Okay.

15 MR WILSON: Is that right?

MS GROSE: Yes.

20 MR WILSON: So how – so just on that, while we're still there, so the one hectare which the Department said could work – is that correct or could be - - -

MS GROSE: We asked them to consider one hectare in accordance with the development principles but still require that they address the objectives and how that works with the views and the rural landscape of the area, but specially also how that relates to the preservation and protection of the vegetation as well.

25 MR WILSON: All right. So it's based on the assumption that if you do less – less housing sites, you're going to need to clear less vegetation and you could locate those houses more easily in terms of minimising all the loss of vegetation

30 MS GROSE: I didn't quite catch that. Sorry. You're breaking up.

35 MR WILSON: Sorry. So the one hectare is based – which is not an agreed number but it is a suggestion, that may be appropriate based on the ability then to locate building sites and so forth away from vegetation and maintaining vegetation - - -

MS GROSE: That's right.

MR WILSON: - - - as opposed to losing it.

40 MS GROSE: That's right. So not that – not that the one hectare is achievable but it should be considered in a line with all of those other objectives, and controls and interim principles. That's right.

45 MR WILSON: So can I just go back to that plan with the subdivision on it. The blue – that one, yes. So, then, in terms of visual impacts, in terms of the visual character of the area, if you just want to – this is – if you consider what the structure plan or the character study said for – the character study found in relation to this site,

which was that the northern part was – obviously had values – significant values in terms of views. Do you think that’s what the basis was for the 4,000 square metres? This is what I’m trying to work out. Why did they come up with 4,000 square metres? Jane?

5

MS GROSE: I can’t give you any more detail on that.

MR WILSON: Yes. Okay. That’s fair enough. I did ask Council.

10 MS GROSE: And – yes, and there’s nothing in there – there’s nothing in that 2019 resolution either that provides, I guess, the evidence for that. That’s where it was established.

15 MR WILSON: All right. So just – have you got any comments in relation to the actual, I guess, the MRA that’s – there’s the visual character of the - - -

MS GROSE: Yes, yes.

20 MR WILSON: Because Council did say this morning that it just wasn’t the state regional or local planning emphasis now on MRA. It was also – and, I guess, hand in hand with that was, yes, the development principle, but also, as part of that is the physical – sorry, is the landscape character. I guess you can just talk to that a bit to – and I understand the vegetation or vegetation is part of that. But, yes, the landscape character is, I think, useful to understand.

25

MS GROSE: Yes. I mean what the Rural Land Strategy talks about and the LSPS talks about is the rural setting essentially for these villages and how important the topography is, the rolling hills and the valleys, but also, I guess, the value of the landscape, you know, agricultural uses and those type of uses in the landscape. So there’s two important – in considering, you know, landscape character and views together, which is the right thing to do, in my opinion, there are – the key views towards this site are the approach on Bells Line of Road looking north and, at the moment, you have a – I guess a drive on entry into this village that’s primarily rural. That’s changing in some parts but I think the Council policies are seeking to provide a predominantly rural journey into the town centre.

35

And then the other key – the key view is from the road in Kurmond Village looking back onto this site. In both of those views, you can see the vegetation on the site and it’s predominantly in a vegetated character which I think makes a significant contribution to that line of view. It is one of the more heavily-vegetated sites within both those corridors.

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MR WILSON: Yes. Although now you’re going to have 33 houses situated in front of it.

45

MS GROSE: That’s right.

MR WILSON: Yes.

MS GROSE: That's right. And we hope we get some trees in there over time. Yes, that's kind of what it's looking like.

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MR WILSON: Yes. We went and had a look.

MS GROSE: Yes.

10 MR WILSON: Actually, yes, that's – we were close

MS GROSE: Yes.

MR WILSON: Okay.

15

MS GROSE: Yes.

MS SCARFE: Jane, did you want to talk about the potential land use conflict which is brought up in the Rural Land Strategy?

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MS GROSE: Yes. I guess one of the other reasons it's recommended that this land be retained for RU1 is that there are many vulnerable industries within the area that make a significant contribution and make tension more so over time and it's less about lands available or feasible for these types of uses. We have, adjoining this site, an agricultural use which has the potential to generate some land use conflict with residential development right on the boundary and depending where you can get a development footprint within those lots, you know, potentially it will be close to that adjoining use and that's inconsistent with the Rural Land Strategy, the metropolitan rural area objectives, which really seek to promote the ongoing viability of those uses. Eventually, what – you know, what happens with that kind of conflict is that the – you know, both lawful uses ultimately will put restraint – you know, constraints on the offensive business who may need to adjust their operations and make the development less feasible.

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35 MR WILSON: Yes. Okay. I'm not quite sure there's a lot more except - - -

MS GROSE: Do you mind if we go through the development principles quickly?

MR WILSON: Yes. No, I did. I had hoped the Applicant will go through those and come back because - - -

40

MS GROSE: Sorry. There is one more thing I will say on the views. We were quite interested in understanding the view impacts. The Applicant has been asked to address the views with a bit more analysis and that hasn't been provided. They haven't provided any response about how their amendment to the plan has addressed these concerns and Council's concerns.

MR WILSON: Okay.

MS GROSE: That's the last point on that. On to the development principles. So, again, this kind of is obviously linked to strategic merit. If we're going to – if the strategic planning is really stepping against us, we need to – you know, if there's any opportunity for this to proceed, we need to be as consistent as possible with these objectives. So this is the last chance for a rezoning. So the first one is that essential services under the LEP and fundamental development constraints are resolved. So, in this instance, there is an issue with providing services to the site. The land isn't serviced. The Applicant has said that they might provide their own standalone sewer system but there are some concerns about the impact on vegetation and other things for this system. So it's not serviced.

MR WILSON: I thought they had linkages into the local sewerage system.

MS GROSE: Sorry?

MR WILSON: Are you talking about sewerage?

MS GROSE: Yes. My understanding, they don't have sewerage connection.

MR WILSON: Didn't we - - -

MR BLECHER: I thought there was – there was discussion, I think, about sewerage infrastructure on site and the construction of a pump-out facility and, yes, my understanding was also that there was a linkage back to a sort of mains somewhere.

MS JANE ANDERSON: I thought in our meeting with the Applicant this morning they confirmed that they did have onsite sewerage for both this site and next door in place.

MR WILSON: That was my understanding as well, but that's okay.

MS GROSE: They have got a town system.

MS SCARFE: Yes. There have been concerns raised in the Rural Land Strategy that that can actually have an effect on the riparian areas and the waterways.

MS GROSE: Depending on the system, yes.

MR WILSON: All right.

MS GROSE: Yes.

5 MR WILSON: Number 2?

MS GROSE: Number 2, so building envelopes, asset protection zones, driveways and roads are to be located on land with a slope less than 15 per cent. So we don't have that.

10

MR WILSON: No. They confirmed today that – my understanding, that the site was generally less than 15 per cent except in close proximity to riparian – like the
- - -

15 UNIDENTIFIED FEMALE: There's two zones. There's the front of the site and along the riparian zones there is – there are slopes that are more than 15 per cent.

MR WILSON: Yes.

20 MS GROSE: Sorry. So when I say we don't have that, we don't have compliance with that control, so we have some significant issues. There are multiple driveways that need to traverse land steeper than that.

MR WILSON: Yes.

25

MS GROSE: And we've consistently asked the Applicant to amend their plan to achieve consistency with that objective, which has been consistently applied and they haven't been able to provide that evidence that they can do it.

30 MR WILSON: Okay. So - - -

MS GROSE: APZ is also another – you know, significant issue.

MR WILSON: Yes.

35

MS GROSE: Yes.

MR WILSON: Okay. So what you're saying is – because we asked this question today and they said basically the site is – the development is less than adjoining the riparian zone. Anyway, we can look at that. So we're going through number 3.

40

MS GROSE: Yes.

MR WILSON: Well, okay. That's - - -

45

MS GROSE: So removal of significant vegetation. I think that we don't apply – we're not consistent with that interim principle. Fragmentation of significant

vegetation is minimized. So that's certainly not the case here, not the riparian
corridor and the EEC, not just the other types. The EEC is fragmented and in private
ownership with no strategy for the ongoing maintenance and protection of that
vegetation. Building envelopes, APZs, driveways and roads are located outside of
5 the riparian corridors, and this is not achieved either. So we have driveways - - -

MR WILSON: Do you want to go back to your map? Let's go back to your map.

10 MS GROSE: So here, there's crossing, there's driveways that are impacted by that
- particularly the easternmost or northernmost corridor.

MR WILSON: I thought they had avoided crossings completely in this corridor.

15 MS GROSE: Of the north - sorry, of this one here, but my understanding is that
there will be impacts because I'm not sure what that blue area is but I don't think
that's the proper setbacks to the riparian corridor that's established under the - - -

UNIDENTIFIED FEMALE: I think that blue area is a dam.

20 MS GROSE: Yes.

MR WILSON: Sorry. What are you - which - - -

25 MS GROSE: Sorry.

MR WILSON: The dark blue?

MS GROSE: The dark blue.

30 MR WILSON: Yes.

MS GROSE: So what they - what we have there is another riparian corridor.

35 MR WILSON: Yes, yes.

MS GROSE: Yes. And we don't have, in this plan, the setbacks to that riparian
corridor.

40 MR WILSON: And I thought this one needed to be 30 to anyway, we will look
at that. Okay. All right. Number 5, or was that number 5?

MS GROSE: Yes.

MR WILSON: Yes. Number 6.

MS GROSE: Road and other crossings of watercourses are minimised. I guess that's – we can comply with that.

5

MR WILSON: It comes down to what a watercourse is, I guess. Okay. Number 7.

MS GROSE: Fragmentation of riparian areas is minimised. So, again, we have two corridors. One of them is protected in one zone, but there's no understanding of how that's going to be maintained and the other has been fragmented and so – yes, proposed to be subdivided.

10

MR WILSON: What about 8? There's no – there's a dam but it looks like just a farm dam.

15

UNIDENTIFIED FEMALE: As far as I understand, there will be removal of at least one and possibly two dams.

MR WILSON: Yes, but did it have significant aquatic habitat, that was the question. Okay. All right. So they're all – see, I'm still struggling to understand how this and the MRA and the principles sort of fit, but as but anyway, that's okay, but they're very site-specific, those Department principles, and they're all relevant. So I guess what you're saying, if you meet these principles then you might be considered to less offend the values of the MRA. Yes?

20

MS GROSE: Sorry. I'm not hearing you very well. I'm sorry.

MR WILSON: Sorry.

MS GROSE: Can you say it one more time?

30

MR WILSON: I guess how the development principles would work, if you generally meet the development principles, then I guess the thinking is that you might – you're less likely to offend the principles of the MRA. Is that how it works?

35

MS GROSE: Well, again, my interpretation of this Council resolution of 23 February is that you have two tests.

MR WILSON: Yes.

40

MS GROSE: For – if you're a remaining individual planning proposal – so not a new one but remaining ones, you must be assessed against the interim development constraint principles and you must be assessed against the metropolitan rural area.

MR WILSON: Okay. Fair enough. All right. Okay. That's good. Is there anything else, Jane? Angela, do you have anything?

45

MS GROSE: I think for the key things, is there anything else from you, Angela or Genevieve?

5 MS HYNES: Thanks, Jane. So one thing, I'm sure, that perhaps the Council spoke to the Commission about but we just want to make clear as well is the journey that has happened up to this point. So Council have provided the Proponent numerous opportunities to respond to, you know, their development principles, look at better and allotment layout to do with how the landscape character and views and, essentially, since, you know, it started, it hasn't come that far.

10 MR WILSON: Yes. No, no. We – look, we understand that, and Council made it clear they've never made any or resolution on this proposal.

15 MS GROSE: One – and one last point, sorry. Going back many years to the rezoning review which was the basis for this coming to the Department for Gateway Determination, the key reason this was identified as having strategic merit was that it was consistent with the planning – the district planned principle about providing housing choice, affordability and identifies a significant demand for this type of housing. We – I guess we need – over time, there has been a lot more work done to understand demand and the latest information available is the housing strategy which I can advise is less than one per cent growth and - - -

MR WILSON: Sure.

25 MS GROSE: - - - and we meet demand. That would be the last point we need to make,

30 MR WILSON: I guess the supporting – the tools and support that the work undertaken for the MRA principles – because those principles and the MRA, they were in the draft district plan, weren't they? See, the draft district plan – I mean, they were these plans – the regional plan and the district plan were adopted prior to the initial determination, the Gateway Determination.

35 MS GROSE: Yes. Hang on. Let me check my timeframe for that again. So the district plans were March 2018 was the draft and the Gateway Determination, yes, was June 2018.

40 MR WILSON: So I guess what you're saying is that the objectives were put in those draft plans and the policy was firmed up following its initial implementation. It's just that I – it's just that it went through Gateway and I understand the issue was housing choice. It went through Gateway with a condition that it needed to address the district plan and the regional plan.

45 MS GROSE: That's right, and specifically the MRA.

MR WILSON: Yes. Okay. All right.

MS GROSE: And our argument would be that they really did not address those things.

5 MR WILSON: No. Fair enough. I guess, from my perspective, I mean if you're looking at strategic context, I mean, aren't you making a decision on strategic context, or you must be satisfied that they can justify the strategic context by putting those conditions on it. Is that - - -

10 UNIDENTIFIED FEMALE: So – I'm sorry, if I can just jump in. So Jane's reference to the rezoning review, so it was the planning panel that decided it had enough strategic merit to proceed to an assessment. So the Gateway Determination issued by the Department essentially echoed that sentiment but noted that the planning proposal had to give further consideration to the other priorities of the district plan other than just the residential aspect of it.

15 MR WILSON: And the Department's view is that that hasn't occurred, and it is Council's as well.

20 MS GROSE: That's right.

MR WILSON: Okay. All right. I don't have any more. That has been very useful. Thank you. Jane? Lindsey?

25 MS ANDERSON: Nothing more from me, Chris.

MR WILSON: Okay.

MR BLECHER: Nothing from me.

30 MR WILSON: Thank you very much. Stay warm.

MS GROSE: Yes. You, too.

35 MR WILSON: Thanks, guys.

MS GROSE: Thank you for the time.

MR WILSON: Appreciate it. Thanks.

40 UNIDENTIFIED FEMALE: Thank you.

MS ANDERSON: Bye.

45 MR BLECHER: Bye.

MEETING CONCLUDED

[4.54 pm]