



New South Wales Government
Independent Planning Commission

TRANSCRIPT OF MEETING

RE: 1 CLOTHIERS CREEK ROAD, BOGANGAR –
GATEWAY DETERMINATION REVIEW (PP-2024-463)

COUNCIL MEETING

PANEL: RICHARD PEARSON (Chair)

OFFICE OF THE IPC: KENDALL CLYDSDALE
CALLUM FIRTH

TWEED SHIRE COUNCIL: CR CHRIS CHERRY
DENISE GALLE
MATTHEW ZENKTELER
JONATHON LYNCH
BROOKE O’DEA

LOCATION: ZOOM VIDEOCONFERENCE

DATE: 2:30PM – 3:10PM
MONDAY, 23rd FEBRUARY 2026

<THE MEETING COMMENCED

MR RICHARD PEARSON: Hello, Tweed Council or part thereof.

5 **MR MATTHEW ZENKTELER:** Yes, I'll check the list of ... I think everyone on our end is in attendance now.

MR PEARSON: Okay, very good, and hello to the Mayor as well, thanks for joining us.

10 **CR CHRIS CHERRY:** Thank you.

MR PEARSON: I'm just going to start with a preliminary statement. So, before we begin, I would like to acknowledge I'm speaking to you today Yuin country and
15 acknowledge the traditional owners of all the lands from which we virtually meet today and pay my respects to Elders past and present.

Welcome to the meeting today to discuss the request for a review of the gateway
20 determination for planning proposal PP-2024-463. The planning proposal sought to amend the Tweed LEP to permit a dwelling at 1 Clothiers Creek Road, Bogangar is currently before the Commission for advice on whether the gateway determination should be amended. My name is Richard Pearson. I'm the Chair of this single-member Commission Panel, and I also have with me today Kendall Clydsdale and Callum Firth from the office of the Independent Planning Commission.

25 In the interests of openness and transparency and to ensure full capture of information, today's meeting is being recorded, and a complete transcript will be produced and made available on the Commission's website.

30 The meeting is one part of the Commission's consideration of this matter and will form one of several sources of information upon which the Commission will base its advice.

We have sent out an agenda for today's meeting and that will form the basis of
35 discussions. It's important for me to ask questions and clarify any issues whenever it is considered appropriate. If you're asked a question and not in a position to answer, please feel free to take the question on notice. Following the meeting, the Commission will advise you in writing of any questions taken on notice that the Panel considers requires a formal response. Any subsequent response or information provided to the Commission will then be published on our website.

40 Okay, we're getting close. I request all participants here today to introduce themselves before speaking for the first time, for all members to ensure that we do not speak over the top of each other to ensure we have an accurate transcript.

45 We will now begin. And before – when I ask each member from Council to introduce yourself, it would be appreciated if you could provide a verbal declaration of any actual or potential personal interest that you may have in the project before us. So, thank you for that. I'm now going to hand over to Council to please introduce yourselves.

CR CHRIS CHERRY: I'm happy to start. I am Chris Cherry, the Mayor of Tweed Shire and I do not have any disclosures of interest to submit.

5 **MR PEARSON:** Thank you.

MS DENISE GALLE: Good afternoon. My name is Denise Galle. I'm the Director of Planning and Regulation. My apologies, my computer wasn't working with sound or audio, so I've joined on my phone, and I'll try and switch over in the middle. And I do
10 not have a conflict of interest in this matter.

MR PEARSON: Thanks, Denise.

MR JONATHON LYNCH: Hi. Jon Lynch, Coordinator of Strategic Planning and
15 Urban Design. I have no conflicts of interest in this matter, or disclosures.

MR PEARSON: Mm-hm.

MR ZENKTELER: Matthew Zenkteler. I'm a Senior Strategic Planner working in
20 Jon's unit. I was assessing this planning proposal. I have no conflict of interest for this one.

MR PEARSON: Mm-hm.

MS BROOKE O'DEA: Good afternoon, everyone. My name is Brooke O'Dea. I'm
25 an Environmental Planning and Policy Officer with Council. I provide technical advice to the Strategic Planning Team, and likewise have no conflict of interest to declare.

MR PEARSON: Well, thanks everyone, and Denise, it appears that you've now
30 switched from your iPhone to your computer, we can see you well, so good outcome.

We have an agenda today. Opening statement from the Panel Chair, we've covered that. It's really over to Council now to present an overview of the planning proposal, the strategic considerations, the environmental impacts, the views of the Department of
35 Climate Change, Energy, Environment and Water, community attitudes. And then later on, we would like to touch on where you're up to with your program to integrate the deferred lands into the current LEP.

So, I don't know if you've got a presentation, you certainly don't have to have one, but
40 if you could run those issues on the agenda, that would be appreciated.

MS GALLE: Certainly. We can absolutely do an overview through Matt Zenkteler. But I just wanted to offer the Mayor an opportunity to do an opening statement beforehand, and if she wanted to do that, then we can go into the technical, and then
45 we can possibly cycle back to the Mayor to add anything else that she might like to us as well.

MR PEARSON: Yes, sure, I'm happy with that.

CR CHERRY: Thank you very much, Commissioner or – yes, Commissioner.

MR PEARSON: Commissioner, yes, today.

5 **CR CHERRY:** Thank you, yes. So, I guess, in terms of the proposal now by the
Proponent to zone all of the site C2, I can't emphasise strongly enough how much that
that would undermine what we're trying to achieve with our C2 zones, and really
destroy the integrity of what we want. And if we look at those C2 objectives, you
know, to protect, manage and restore areas of high significance. But the second one –
10 to prevent development that could destroy damage or otherwise have an adverse
impact on those values. I guess that's the really important one here.

If we allowed a C2 zoning with an additional permitted use, which I believe is the
latest request, then that would – it would totally undermine what we're trying to
15 achieve with our C2 zones and set a very dangerous precedent. And I think looking at
the community submissions that have been put through, you know, of the 76
submissions, 52 of them were objecting, and most of those were on ecological grounds
in terms of the impact that a dwelling house would have at this particular site. Like, it's
such a sensitive site surrounded by the Cudgen Nature Reserve.

20
And I think a proposal like this needs to have strategic merit, where it really does fall
down quite badly on that, it's not consistent with the 2041 Regional Plan, it's not
consistent with our own Growth Management and Housing Strategy. And it's
providing one house on a lot that, you know, was bought under the condition that no
25 dwelling was allowed to be built there. So, I don't think that we are achieving anything
on merit by providing that.

MR PEARSON: Thank you for that. My understanding, and Denise or others can
correct me if I'm wrong on this, is that the idea of zoning the whole site C2 I think
30 came from National Parks or DCCEEW with an additional permitted use, that wasn't
Council's original strategy for the site.

And I think the Applicant, from my conversation with them, my meeting with them,
basically said they'll do whatever to get a dwelling entitlement. So, they were happy to
35 accommodate DCCEEW's view, and I know you've got quite a different view about
that, but that was my understanding of the origin of the "let's zone the whole site C2."

MS GALLE: That's correct.

40 **MR PEARSON:** But anyway, I'm happy to hand over to Council staff now if they
want to run through that and other issues.

MS GALLE: Yes, that's correct, Commissioner, thank so much. I'm going to hand
over to Matt Zenkteler who's been running the project, and then he might default to
45 Brooke to further talk about the C2 methodology. And we'll just jump in as we need to
as we go through.

MR PEARSON: Sure. Thank you.

MR ZENKTELER: Thank you. Thanks Denise, and thank you Mayor. Look, I'm going to start from saying that in our unit we process a high number of planning proposals. We have well-established methodology. We blindly follow LEP and making guidelines, state government guidelines for councils on how to assess planning proposals. So, this one was no different and the process was followed.

Once the planning proposal was submitted, it was referred internally for assessment. We usually have up to 10 units within Council that are involved in assessment of planning proposals. We chose the units that, you know, are kind of relevant to each case.

So, the planning proposal following the Council assessment phase was reported to Council with a recommendation to progress to the gateway stage and to the public exhibition stage to hear from the agencies and from the community. That report didn't say that we support the proposal, it was providing to our counsellors a summary of technical assessment. And it is one of the cases of planning proposals which we get often, it's a spot single land, one lot request for a dwelling entitlement on a lot that for planning reasons or historic subdivision rules does not have that ability to develop a dwelling.

So, when we assessed those proposals under the LEP making guideline, we often start from strategic merit test and then we go to a site-specific test, while we evaluate the environment among other criteria. So, this proposal did not have a very strong alignment with strategic merit, as the Mayor explained a moment ago, like, it's not really advancing a lot. Having said that, we do not – when we evaluate proposal to have very little strategic merit, we are trying to still progress further, right, even though we could, I think, stop assessment at that point, perhaps other councils would have done it like that.

So, we went through technical assessment, site-specific assessment, and we received internal advice that was summarised in the report. And that advice, internal Council officers were of the view that particular area within the lot, it's not koala habitat per se, and as such, could accommodate a dwelling. So, we then sent it to the gateway, to the Department of Planning for a gateway. The planning proposal was supported at the Council meeting. And following, the gateway state agency referral commenced, then we received a strong, if I can say, a strong objection from the DCCEEW (I understand I can call them DCCEEW because it's shorter, DCCEEW).

MR PEARSON: You can do that, yes.

MR ZENKTELER: I was asking DCCEEW and they didn't explain exactly why. But DCCEEW, yes, look, there was a strong objection from them, and then to the level of detail where officers were actually evaluating the site in person, and they provided a response to us saying that they witnessed evidence of koala presence within that particular block/part of the site that was identified for a dwelling.

So, we considered this advice. We then intended to partially address DCCEEW position by changing the initial zoning outcome, initially we thought that that pocket of land, the clearing within the koala habitat, could have a rural landscaping zoning. This

was then revised to seek a C3 Environmental Management zoning in the middle of the site, with the remainder of the area having that stronger C2 Environmental Conservation zoning.

5 And then we sent it back to DCCEEW and once again we received an objection based on essentially repeating the same outcome – this is a koala habitat, we found koala presence throughout the entire property. And on that basis, the objection was [unintelligible 00:13:17].

10 We then progressed to the public exhibition phase. And then, as Mayor explained, once again there was a very strong community interest in this planning proposal, a high number of submissions. I will add that we received initially about 20 submissions supporting the proposal, all of them were anonymous, because we enabled the ability to provide the submission without actually putting your name, surname and any other
15 details.

So, at some point when it became apparent that there is a pattern of receiving very short, one-sentence, “I support this proposal,” anonymous submitter, we changed the criteria for making the submission. We extended the exhibition further, and from that
20 point we did not receive a single one submission that would be supporting the proposal. We received a number of objections.

So, we then, in accordance with the LEP making guideline, I’m kind of leading to the end of the assessment and I’m sure Brooke will step in if we have, you know, room for
25 discussion for discussing the koala habitat aspect, which is the key element here, right. So, what I did as an assessing planner, I pulled out the evidence in front of me, internal Council advice saying that there is the possibility to accommodate a dwelling within a portion of the site that’s outside of the koala habitat designation in our Koala Plan of Management Mapping. So, that was one piece of evidence. And then we had, in a way,
30 advice from DCCEEW stating something else, saying the whole site is koala habitat, with that objection to proceeding without a full Environmental Conservation zoning, and community submissions, right.

Then, look, I followed precautionary principle in my approach. Where there is
35 insufficient evidence, where you can make a point that is a conflicting data in front of me, I decided to stay on the safe side, and I drafted the report recommending a refusal of the proposal.

And lastly, very quickly, the kind of suggestion from DCCEEW to consider additional
40 permitted use through an enabling clause on top of a C2 zoning. We are of the view that it would undermine, it would be a bad precedent, we need to have one zoning in our LEP that doesn’t permit residential accommodation, and we have to be very firm on that. We are one of the most biodiverse areas in New South Wales and in Australia, and we do need to protect our environment. We do need to have one zone at least
45 where housing is not permitted.

So, we understand that this is a theoretical pathway, that the State Government perhaps could see as an option. But on a local level, it would be a bad outcome, and we

strongly advise against that. And that's all I have, thank you. I'm happy to answer if there are any questions.

5 **MR PEARSON:** Yes, thanks, Matthew. I do have a question. I don't know if you can answer this. So, DCCEEW essentially said "zone the whole thing C2 but allow a dwelling". How do you reconcile the fact that they were okay with having a dwelling with the fact they wanted this higher status C2 zoning? Did you get – and I have read their correspondence – did you find anything out in the discussion with them as to why they thought a dwelling was okay?

10 **MS GALLE:** I think the best person to answer that, it's actually a very good segway to Brooke. Because it leads to DCCEEW's difference of opinion on Council's adopted methodology for our C Zone. So, Brooke, you might be best placed to explain that.

15 **MR PEARSON:** Okay.

20 **MS O'DEA:** Yes, thanks Denise. And I can't talk to, I suppose, the rationale behind DCCEEW's advice, you know, it was received, it was noted, but I just want to echo the previous message from both the Mayor and Matt that that's not something that we would like to introduce to the Tweed LEP, the additional permitted use clauses, for the reasons that have already been stated.

25 Just regarding the application of C2, I suppose the difference in terms of the Council application of the C2 Zone and the DCCEEW application comes down to the different interpretation of criteria 3.1 of HEV. So, the North Coast Regional Plan is the principal plan that establishes that areas of high environmental value (or HEV) are to be identified through the planning proposal and protected through a suitable zoning such as conservation zoning.

30 There is no public HEV mapping, nor has the state produced any public facing HEV guidance. But there is an internal document that DCCEEW have issued to Council that identify what types of environmental values or attributes constitute a HEV.

35 Criteria 3.1 refers to koala habitat, and it also talks to the application of koala habitat through an approved koala plan of management. So, the Tweed have the Tweed Coast Comprehensive Koala Plan of Management, which I'll now refer to as the KAPOM. It's approved and it's endorsed under the SEPP. And so, our application of C Zones through the Tweed Conservation Zone Review, where we're referring to key koala habitat or threatened species habitat, we apply mapped koala habitat in accordance
40 with the KAPOM.

45 So, that level of planning is done at a far more strategical regional level, and then when it then comes to site-specific levels, we look at the KAPOM mapping, the koala mapping, and we look to align the C Zones mapping or the KAPOM mapping with any planning proposed that comes across our desk.

So, I suppose the difference is in just simply the interpretation of how criteria 3.1 is applied, and DCCEEW have taken a more broader interpretation of that by stating that

the land is used by koalas and utilised by koalas, and we certainly don't disagree with the statement that the land in its entirety is accessed and used by koala.

5 **MR PEARSON:** Yes, thank you. So, pre, like, putting this up as a draft planning proposal, you were accepting the HEV mapping that led to the differential zoning on the site, the C2/C3, but following DCCEEW's submission, are you now saying that the site, the entire site reflects C2 zoning environmental values?

10 **MS O'DEA:** Yes. We are looking at the DCCEEW advice and considering that their interpretation of applying HEV extends beyond just the KAPOM mapping, and that's the discussion that we've had with Matt and that's why it's informed the decision to recommend a refusal as well on, you know, just environmental grounds, but as Matt said, there is also the community concerns.

15 But we do take DCCEEW's advice quite seriously. They are the state agency and lead on high environmental value areas. So, by all means we took their advice quite seriously. So, the advice from – it's basically, as much as I can explain it, their interpretation of how to apply HEV slightly differs to how we've been applying HEV consistently in the Tweed C Zone Review. And so, in this instance they've looked at it
20 on a more specific site-by-site basis and confirmed the presence of koalas within the whole site, not just the bushland.

MR PEARSON: At the same time though, they've said they're okay with a dwelling on the site. Does that not seem a little bit kind of contradictory?

25 **CR CHERRY:** Could I just pop in there. Because in their letter –

MR PEARSON: Yes, of course.

30 **CR CHERRY:** – they write specifically that they're concerned about the other uses that would be permitted under a C3 Zone, including extensive agriculture and a number of other things. And so, that was their justification, was that they would allow one house but they didn't want everything else that would be permitted under a C3 Zone.

35 **MR PEARSON:** Yes, okay, that's a good point. So, your C3 Zone would allow broad-scale agriculture.

40 **MS O'DEA:** Permitted without consent. C2 still allows it with consent.

MR PEARSON: C2 with consent, C3 without consent.

45 **MS O'DEA:** That's a state mandate – the state mandated that that's permissible without consent in the C3, correct, yes.

MR PEARSON: Was there any thought that maybe DCCEEW want this Vegetation Management Plan as an instrument to improve the environmental values of the site and that they thought a trade-off for a dwelling was worth doing in order to get improved

environmental management of the site? I don't know, I'm just trying to read between the lines.

5 **MR ZENKTELER:** I don't recall any such ... Because we also met with them to discuss over a Teams meeting a couple of times.

MR PEARSON: Yes.

10 **MR ZENKTELER:** I don't recall any conversation on that.

MS GALLE: My understanding is that it's a bit broader than that, Commissioner, is that there might be a differing view from DCCEEW into Council's methodology and the interpretation. So, what we're trying to do with our C Zone interpretation and our methodology is apply the same principles across the whole LGA area. And in this
15 instance, you know, DCCEEW have had the benefit of going in and doing a site analysis and saying, "Okay, well, if you just used the KAPOM mapping, then that wouldn't get the higher C2 in the area where the house pad is proposed."

20 So, I guess from our point of view, there's a little bit of a conflict there, where we would like to be consistent for our C2 mapping across our whole LGA, and before we've even down our C2 Zones, we adopt a more granular analysis or a site analysis, that we might be setting ourselves up for a problem when other people then challenge the interpretation of our methodology.

25 **MR PEARSON:** Yes, okay, I understand that. It kind of leads to the next question. You've got your deferred lands LEP that I think you're kind of getting close, according to the Department, to putting on exhibition. What does that propose to rezone the site?

30 **MS GALLE:** Go for it, Brooke.

MS O'DEA: So, originally – there are very specific rules that Council must follow in terms of the C Zone application. So, the Northern Council's E Zone or C Zone Review Final Recommendation Report sets very strict rules about how councils can apply C
35 Zones. And so, as I said earlier, there are five criteria that inform a C2 Zone. One of those is key threatened species habitat. Now, the only data that informs that layer or that criteria rather, is the KAPOM mapping. So, when this went out onto community consultation in early 2022, the rezoning proposed a C2 in the bushland portion of the site and an RU2 in the centre portion of the site.

40 Obviously, with the benefit of a planning proposal, we step outside of that very specific rulebook, and we start looking at one of the options there, which is a negotiated development outcome. So, once we have a site-specific planning proposal, the rulebook opens up and it says, well, if you're imposing the zone onto a landowner, these are the rules you must follow and you must follow them consistently. Once we
45 get to a site-specific planning proposal, there is that flexibility and that negotiation, because the rulebook says you can rezone any land to a Conservation Zone, provided you have landowner's consent.

5 So, just to be really clear, originally as part of the Tweed C Zone Review, we were looking at a C2/RU2. As part of this planning proposal we were looking at a C3 and C2, and I just want to add that the C2 was a bigger portion, so we'd actually extended the C2 from the original proposal through this negotiated process, and we had amended the RU2 and changed that to a proposed C3.

10 **MS GALLE:** And Brooke, just if I can double check on that, going out in 2026, when we go out to exhibition, what's the current mapping looking like – is that, just for the Commissioner's benefit, adopting the PP model or the 2022 exhibited version?

15 **MS O'DEA:** We haven't actually exactly landed on that yet, Denise. So, the two options I have was to either defer the land and await the results of this exercise that we're currently in, because I definitely don't want to pre-empt any decision by the Commissioner or the Planning panel in this instance. The other one was just to default back to the agreed outcomes of the C2/C3, but I'm very well aware that we will get a strong objection from DCCEEW on that one.

20 So, I suppose where we're at with that at the moment is the preference being to probably defer until this process is resolved. We could default back to the agreed outcome, which the landowner would agree with, but DCCEEW wouldn't agree with. Then the third option, which has only just been discussed in the last couple of days is a full C2, which obviously DCCEEW would support, but the landowner would object to.

25 So, look, there isn't an easy pathway through with this particular site. So, I don't have an exact answer on which way we will land with that. I think today's meeting is just the start of the discussion around what the appropriate pathway would be.

30 **MR PEARSON:** Yes. I'm not sure what your timing is for exhibition of that deferred LEP. But the outcome of this one will be pretty quick. We're going to provide advice in a matter of weeks; this is not going to take months. And it is advice, you know, the Department can choose to accept it or ignore it, they'll obviously give consideration to it.

35 But I guess what I'm foreshadowing is you're going to probably get an outcome on this ahead of your going to exhibition, so deferral might not be a realistic option for you. But anyway, that's your business how you deal with it through the deferred LEP. But I do want to wrap up my advice on this pretty quickly, so which will obviously –

40 **MS GALLE:** [Cross-talk 00:29:11] Sorry to cut you off, Commissioner. The other option is that we put something out, knowing that it's an exhibition. Whereas a deferral doesn't sort of give people a lot of chance to be involved in that exhibition process. But we put something out to exhibition and then any ... I imagine that there's two steps to this process. One is your Commissioner advice and if it was to proceed to a challenge, it would go to a local regional panel for the full review. Or are you the
45 decision making on the review?

MR PEARSON: I would have thought this is the end of the line. Kendall, do you have a, do you know on that?

MR KENDALL CLYDSDALE: In terms of this actual planning proposal?

MR PEARSON: Yes, in terms of the gateway review.

5 **MR CLYDSDALE:** Yes. So, once the Commission provides their advice, that's the end of the process for us. And as Commissioner Pearson said, the Department can choose to take the advice or not. Yes, it's back in their hands per se.

10 **MS GALLE:** Oh, okay, my apologies. We got told that this was informing whether it would go back to a review to a panel. So, if your advice is then just with the Minister to make a decision and the Minister's decision's on the review, then that's certainly a quicker timeframe than we were anticipating.

15 **MR PEARSON:** Yes. I mean, that was my understanding, but I mean we can, Kendall can double check that.

20 **MR CLYDSDALE:** Yes. There is a different process. So, this is a gateway determination review. There is also what's known as a rezoning review. So, a rezoning review is where a planning proposal doesn't proceed to gateway, so council receive a planning proposal from an applicant, council chooses not to support it, and then that applicant can seek a rezoning review. That is a different process and that will go to, or would go to a regional panel. But because the gateway has been issued and it's a gateway review, the process is that the Commission does the review and provides the advice. So, they're similar sort of processes but just different points in time on the PP
25 timeline.

30 **MR PEARSON:** Mm-hm, yes. So, in short, I think what we're saying is that this review will, and the provision of advice to the Department is the end of the line. Obviously, the Department then has to consider it and decide whether to make a different determination. As you all know, the Department agreed with Council and has stopped the planning proposal. But, yes, they would obviously have the ability to reactivate it if they chose, not pre-empting what my advice on this will be, of course.

35 **MS GALLE:** Thank you. I have one question from Counsellor Firth. She was concerned that this step in the process wasn't re-engaging with the community. And just wanted to ask that the Commissioner was reviewing all of the previous written submissions and if the Commissioner thought it was relevant to, yes, have some form of public hearing on it to hear from the community, that was certainly her wishes in the matter.

40 **MR PEARSON:** Mm-hm. Well, it's not part of the established process and, I mean, obviously we're talking to Council and you're the representative of the community if you like. We could, I guess, get access to the submissions. I would say, unless there was a strong thought of going in a contrary direction, I couldn't particularly see the point of re-animating the community on something where we're pretty clear what the view is through Council's report. And essentially, it's largely a desktop review, this – I
45 have certainly researched the site on Google Maps and otherwise, but I haven't done a site inspection, as much as I enjoy my occasional trips to the Tweed.

5 So, it is what it is, we're following the rules, we're following the process, we're following the way that these things are meant to be done. And we're very clear that there was a large opposition to the planning proposal, 50 plus submissions for a single dwelling proposal was quite significant. I don't think there's a particular need to be holding public meetings at this point in time, but I do appreciate you passing on Counsellor Firth's question.

10 **CR CHERRY:** On that point, if it's possible to assure her, that you would read the Council agenda report that was made which kind of details all of the basic points that were brought up in the submissions, that would probably be enough to satisfy –

MR PEARSON: Yes, certainly. Kendall, do we have access to that?

15 **MR CLYDSDALE:** Yes, certainly, yes. We've got note of Council's agenda reports.

MR PEARSON: So, let's just make sure you make a copy of that available for me, Kendall, that would be – and I'll take some time to step through that. Thank you.

20 Is there anything else? I feel like we've touched on most things on the agenda today. Look, and community attitudes is on there, what would you distil as the main concerns that the community has in relation to this proposal?

25 **CR CHERRY:** Look, it's very much based on the environmental impacts and when we think about just placing a dwelling there, it's not only the impacts of the dwelling itself, but it's the asset protection zone, it's the accessways, it's the edge effects of having domestic animals there. It's not a sewerage site so it would have to have a land application area. These are all things that would increase the footprint and impact on the land.

30 And I think because of its location in the Cudgen Nature Reserve, because it's, you know, when it was created, it was created not to allow a dwelling, it really does, for the community it feels very wrong that it would then be allowed to have one. Particularly with the strategic plan that the state's own 2041 North Coast Regional Plan says that new housing should be well located, it has to be approved in a strategy and directed away from the coastal strip. It's neither of those. And under 3.1, it should be focusing land use intensification away from high value environmental assets, and it's not doing that.

40 So, it feels like it's not consistent with the state's planning policies. It's not consistent with our Growth Management and Housing Strategy objectives that we've just kind of gone to the community with. And so, I think it's very much a feeling like this is just – this is not – it doesn't have strategic merit.

45 **MR PEARSON:** Okay. Thank you. We haven't got a map of the site up, but I recall that there's, to the east, it's maybe 2 kilometres into Cabarita-Bogangar, what's happening with that land between this site and Cabarita-Bogangar – there's no proposal to extend the footprint of Cabarita?

5 **MS O'DEA:** The site to the east, it's been acquired by National Parks, look, fairly recently, but it is part of the National Park Estate, so it has – it will be receiving a C1 Zone as part of the Tweed C Zone Review. So, yes, just in terms of that context and to further add there to Councillor Cherry's points there, the site is north, south, east and west bordered by national park.

MR PEARSON: So, on four sides it's bordered by national park. Okay. Thank you for that.

10 **MS GALLE:** And you probably should note as well, Commissioner, that there has been a history of bushfires through this area, which is a direct threat to the koala population itself. And the Cudgen area and the Cudgen Nature Reserve has been subject to that burning where we have lost a lot of our local koala population as a result of those bushfires.

15 **MR PEARSON:** Sure. Thank you. Is there anything further? I think we've covered the agenda. Is there anything further that Council would like to bring to my attention?

20 **CR CHERRY:** Could I just pick up on the point, the question you asked before about why would the Department/DCCEEW be suggesting having the Habitat Management Plan there. I think that it might be pointing to our Koala Conservation Management Plan which kind of says that we can only provide consent if there's going to be a, I think, if a better ecological outcome for koalas is assured. So, I guess that it's a pretty strong statement in terms of when any future application comes to us for assessment.

25 **MR PEARSON:** Thanks for that. Kendall or Callum, is there anything further that you would like to raise?

30 **MR CLYDSDALE:** No thanks, Commissioner.

MR CALLUM FIRTH: No, thanks.

35 **MR PEARSON:** All right. Well, that was a very useful meeting. Thank you. If there's anything further that you do want to bring to my attention, you can provide that via the office of the Commission. But as I say, it won't be a long time before I provide advice on this matter, so if there's anything further that you do want to add, I would say to do so within the next week would be worthwhile. There's nothing, I think, further that I require from Council. I will have a look at that agenda report that you mentioned, Mayor. I've got that on my list.

40 And otherwise, I do want to thank you all for a constructive meeting and it was very useful to me, so I appreciate all of your time. And hope to speak to you all again one day.

45 [Multiple people say thank you]

MR PEARSON: Thank you all. See you later.

>THE MEETING CONCLUDED