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TRANSCRIPT OF PROCEEDINGS

TRANSCRIPT IN CONFIDENCE

O/N H-949904

INDEPENDENT PLANNING COMMISSION

MEETING WITH OBERON COUNCIL

RE: O'CONNELL ROAD, O'CONNELL - GATEWAY REVIEW

PANEL:

**CHRIS WILSON
SNOW BARLOW**

ASSISTING PANEL:

**MATTHEW TODD-JONES
DAN KEARY
REBECKA GROTH**

COUNCIL:

SHANE WILSON

LOCATION:

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

DATE:

9.53 AM, TUESDAY, 16 OCTOBER 2018

MR C. WILSON: Good morning and welcome. Before we begin, I would like to acknowledge the traditional owners of the land on which we meet, and pay my respects to their elders past and present. Welcome to the meeting today on the review of the Gateway determination for the planning proposal to rezone land at
5 2519 O'Connell Road, O'Connell. Rezoning is from RU1 Primary Production to R5 Large Lot Residential. And the proposal also aims to reduce the minimum lot size from 100 hectares to 10 hectares, to facilitate rural and res development. My name is Chris Wilson. I am the chair of this IPC panel. Joining me on the panel is Snow Barlow.

10 The other attendees at the meeting are Dan Keary and Rebecca Groth of Keylan Consulting, who are assisting the commission with this project, and Matthew Todd Jones from the IPC secretariat. Shane Wilson is attending from the Oberon council. In the interests of openness and transparency, and to ensure the full capture of
15 information, today's meeting is being recorded and a full transcript will be produced and made available on the commission's website. This meeting is one part of the commission's decision-making process. It is taking place at the preliminary stage of this process, and will form one of several sources of information upon which the commission will base its decision.

20 It is important for the commissioners to ask questions of attendees and clarify issues whenever we consider it appropriate. If you are asked a question and are not in a position to answer, please feel free to take the question on notice and provide any additional information in writing, which we will then put on our website. We will
25 now begin. Okay. Shane, just – I guess we're interested, Shane, to – this land has got a bit of history, particularly in relation to the 2011 land use strategy and the LEP amendment. We understand the land was originally earmarked for inclusion in the LEP, or for its strategy, but at the – well, towards the end of that process was excluded.

30 MR S. WILSON: Yes. Correct.

MR C. WILSON: We're trying to understand the reasons why it was excluded. Well, why it was considered appropriate for inclusion and then excluded, and
35 whether or not this PP may have resolved those issues again for inclusion.

MR S. WILSON: Yes. Okay. Obviously in the land use strategy of 2012, and the subsequent amendment of 2013, it was included; however, there were some 44 submissions in relation to it, and it was a small community, objecting to any further
40 rezoning of that land. So that was ultimately what the council's decision was – which swayed the decision then. It was also the lack of any services to that area. The increased lots would create a burden to the school. There's only a single primary school in there.

45 MR C. WILSON: Yes.

MR S. WILSON: It's at capacity as it is, without the future – the current lots being developed or any future expansion. So I think it was council's fear of lack of services, and also the community wishes at the time, which were strongly in relation to the heritage of the area. This is a fairly unique part of the area, and it's also very
5 predominant in the landscape, as it's fairly undulating, so where there would be dwellings at the moment is nice rolling hills and grazing sheep. So our feedback – I wasn't at the council at the time.

MR C. WILSON: Okay.
10

MR S. WILSON: But that's the back story I've been given from the general manager, who was the planning director at the time.

MR C. WILSON: Okay.
15

MR S. WILSON: And the documents I've read in relation to it. So - - -

MR C. WILSON: Right.

MR S. BARLOW: Could I just ask you for a bit more detail here?
20

MR S. WILSON: Yes.

MR BARLOW: You mentioned that there were 40-plus submissions. Was that
25 against the specific inclusion of the land in question now, or just generally they didn't want more blocks in the area?

MR S. WILSON: No. So there were two areas that were included within the 2013 amendment – that was one to the west and one to the east. The linkage in-between,
30 being this lot, was the one they actually objected to.

MR BARLOW: Okay. So it was specifically - - -

MR S. WILSON: It was specifically this one. And that has been, I guess, starting to
35 be identified now, because obviously we haven't been through community consultation at this point; however, at community meeting down in O'Connell, to do the annual operational plan, the majority of the evening was in relation to this development, or this proposal, and there's a lot of community out there still wishing to have their say. So that's very evident.
40

MR C. WILSON: So what are – I guess we don't really have – we have some submissions from the community, which have been provided to us, and I'm just trying to understand their concerns in relation to the rezoning of this land. On my
45 reading of those submissions, it was about services and it was about the visual outlook of – is that correct?

MR S. WILSON: Yes. Yes, that's the – they're the ones that I've seen on your website. Council has had some additional ones in-between, and they're all along that same theme, that it is a particularly nice area, and they don't want to lose the enhancement of the heritage – because it does link into the actual heritage
5 conservation area as well. But going back to the rezoning, this was – there was a portion of this land actually rezoned on the - - -

MR C. WILSON: Yes.

10 MR S. WILSON: - - - north - - -

MR D. KEARY: O'Connell.

MR S. WILSON: Yes. So that was done during that process. The other is sitting
15 there subject to this proposal now, but it's going to be interesting. I guess the – from council's perspective – there's two separate parts to this. There's councils, which – council has resolved – I did my professional report, and I recommended not to support the proposal. Council then chose to approve it, and that's council's prerogative. So, from council's perspective, I think – there was a lot of new
20 councillors. Those councillors may not be looking in the same light today as they were when this first went through two months after they had joined council. So it's a – it was an interesting one to put onto them early on, but the timing of a planning proposal doesn't coincide with the planning of an election, so - - -

25 MR C. WILSON: Yes. Okay. That aside, I guess we're just trying to come to grips with the merits or otherwise – or the strategic merit of the site. Just one the – so the other issue that you raised in your report was the issue about disproportionate provision of services. Can you just explain what you meant by that?

30 MR S. WILSON: So what I meant by that was, quite simply, we're going to – we've got, currently 66 lots in O'Connell, which – at the moment, there aren't adequate services, once they're all developed, to actually be able to sustain what would be a fairly reasonable expectation of the community to be able to buy a loaf of bread or to be able to send their kids to school. Those facilities aren't there.

35 MR C. WILSON: Right.

MR S. WILSON: And that's what it was. It was – for the sheer numbers of people, the services you would generally accept – so garbage services – there's no council-
40 operated garbage service. There's no transfer station there. There's none of those basic amenities that a growing community would reasonably expect.

MR C. WILSON: Okay. So I know the proponents argue that there are pre-existing infrastructure conditions, or lack of, and that they're not affected by the PP. Can you
45 talk to that?

MR S. WILSON: I think they are affected by the PP. Quite simply, when you build it, people – there is an expectation. These blocks aren't going to be sold for \$50,000. There's an expectation that people can get their basic services. And we're starting to get that now. There's more demand coming on counsel now, as a result of the
5 growth that we're seeing there now, without expanding further, on footpaths, sporting fields, you know, shops and that are bound to come, because it's – it's just the next – we've got apparently 13 lots getting developed, so they're about to be released, so we've got another 13 lots on the market. There's still another 50-odd sitting there then, waiting to be developed. And we're struggling now to provide
10 those – those basic amenities.

MR C. WILSON: Right. Okay.

MR S. WILSON: You know, from a good planning outcome I would expect to see
15 in a community, and that's bus services and things like that, even for the high schools. So they're the – they're the things that haven't been considered or looked at.

MR C. WILSON: So is it fair to say that services are lagging behind - - -
20

MR S. WILSON: Absolutely.

MR C. WILSON: Okay.

25 MR S. WILSON: And there's no doubt council in – absolutely no doubt that we need to do an LUS.

MR C. WILSON: Yes.

30 MR S. WILSON: Revisit it. But the thing is, it needs to be holistic and not forced by a single development.

MR C. WILSON: Yes.

35 MR S. WILSON: And that's where council are more than happy to sit there and – and, along with the 2020 LEP review look at doing the LUS for the whole of council area the way, you know, disproportionate – we – we looked at the whole of the R5 across the whole council area, as we have to. And there's – there's in excess of 400 potential lots. Now, that's a lot of lots in a – in a small area. Yes, there's –
40 O'Connell is on that cusp of halfway between Bathurst and Oberon, but it still forms part of our LGA and I need to consider it holistically.

MR C. WILSON: Yes. And when would you undertake that review?

45 MR S. WILSON: I would say – obviously, council needs to budget for it, but I would be looking at doing it in the early part of 2020 prior to the requirement for the LEP – full LEP – it would form part of the LEP review in mid-2020.

MR C. WILSON: So, let me just confirm. So if this condition to be retained and you were asked to do an addendum, theoretically you have got to do it across the LGA. You can't just do it for the subject land – so that would be done in 2020, yes?

5 MR S. WILSON: That's where I would be looking at it, holistically. That would be all – all the zones; not just this one.

MR C. WILSON: Yes. And that would be seven years since the original, so - - -

10 MR S. WILSON: That would be seven years since the original, which is, you know, that five to seven year time being a – a realistic time for an LUS.

MR C. WILSON: Yes. Has there been any sort of review of this done already in the – since '13?

15 MR S. WILSON: Well, there has been a couple of planning proposals in, obviously.

MR C. WILSON: Yes.

20 MR S. WILSON: And they've been done each time the planning proposal has been put in.

MR C. WILSON: Yes. Okay.

25 MR S. WILSON: A couple of RU5 - - -

MR C. WILSON: So this is another thing. Is this something that has happened before?

30 MR S. WILSON: So, no. We've had a – the last one in the RU5 was to actually change the medium lot size.

MR C. WILSON: Okay.

35 MR S. WILSON: In the - - -

MR C. WILSON: Yes. But not to rezone.

MR S. WILSON: Not to rezone.

40 MR C. WILSON: Not to rezone.

MR S. WILSON: No. That's somewhat different, yes.

45 MR C. WILSON: Yes.

MR S. WILSON: Yes. But increased – obviously went through and increased the yield – the potential yield, so.

MR C. WILSON: Okay.

5

MR BARLOW: Just so – I’m sorry. I’m not a planner, so forgive me for asking maybe basic questions, but infrastructure, what – you know, what would normally be done? You’ve got O’Connell with a township of about 600 people, and then it would expand more with this. What would normally be done as far as garbage disposal?

10

MR S. WILSON: There – there’s currently private contractors.

MR BARLOW: Yes.

15 MR S. WILSON: That do provide a service, but I don’t know what their capacity is to – unless, I think, we haven’t assessed the capacity of the current contractors.

MR BARLOW: Yes.

20 MR S. WILSON: - - - for future growth. And that’s the thing. I – and that’s why I’m saying we absolutely need to look at it, but it’s bigger than just an isolated LUS issue. It’s across all of those services. It’s the garbage service. It is – there’s an expectation that people can – don’t have to drive 20 minutes to buy a loaf of bread or a carton of milk. They’re – they’re basic amenities that people get. The services in
25 O’Connell currently is there’s a pub, which is effectively a tourist pub, in part. There’s a café which is open Friday to Sunday exclusively for tourists. 99 per cent of their clientele would be tourists.

MR C. WILSON: And the primary school.

30

MR S. WILSON: Yes, and the primary school, which is actually located in the Bathurst Council area.

MR C. WILSON: Okay.

35

MR S. WILSON: So there’s some cross-border issues to look at here as well; there’s not just the Oberon site.

MR BARLOW: So where is the border between the LGAs?

40

MR C. WILSON: Its around about two kilometres down the road from this development site.

MR BARLOW: Okay.

45

MR S. WILSON: It’s not - - -

MR C. WILSON: That's another question - - -

MR BARLOW: What?

5 MR C. WILSON: That's another question on boundaries.

MR BARLOW: Yes.

10 MR S. WILSON: It's not a long way, so - - -

MR BARLOW: No.

MR S. WILSON: But the school does - - -

15 MR BARLOW: Apparently so, yes.

MR S. WILSON: The school does fall in part of that. But, yes, the education side, the bus services, again, not knowing whether they're – well, the capacity of the bus services, because it hasn't been looked at.

20 MR C. WILSON: So is it fair to say the council looks at Oberon – Oberon is your primary - - -

MR S. WILSON: Oberon is our primary township.

25 MR C. WILSON: And secondary is?

MR S. WILSON: Secondary is – well, with the growth in O'Connell, it will soon be O'Connell.

30 MR C. WILSON: Okay. But you have to plan for that, I presume.

MR S. WILSON: Yes. We're going to have to plan for that, that's right. We're going to have to look at budgeting, certain infrastructure thing. We're doing a community strategic plan right at the moment.

35

MR C. WILSON: Right.

40 MR S. WILSON: And within that we're hoping to get some really good feedback from O'Connell and the like in relation to what they expect.

MR C. WILSON: Yes.

45 MR S. WILSON: So it's our opportunity now to – to get that, which we then can feed in through the planning – through the LUS strategy.

MR C. WILSON: Yes.

MR S. WILSON: This is starting that discussion. At the moment it's not a good time for the community. We're going to down the community in consultation if we do the community strategic plan and we want good outcomes there.

5 MR C. WILSON: Yes.

MR S. WILSON: And then we – we throw the LUS onto it and then – we're also doing a DCP review which – it's going to be - - -

10 MR C. WILSON: Yes. Sure.

MR S. WILSON: - - - an overload for them.

15 MR C. WILSON: I presume you will integrate these.

MR S. WILSON: They will be, but the CSV will take precedence at this point.

20 MR C. WILSON: One of the – excuse me for jumping in, but one of the justifications for the PP is the strong growth in O'Connell. Like, I think the proponent has got his own analysis. He has identified 6 per cent. Is that a reasonable – based on your - - -

MR S. WILSON: Yes.

25 MR C. WILSON: That's reasonable?

30 MR S. WILSON: I think it is. Definitely at the moment I think there's – there's definitely that growth, but where that – I think if it was as much as the proponent is saying he would have already developed and sold off his other lots to the north.

MR C. WILSON: Right.

MR S. WILSON: But that's my personal opinion.

35 MR C. WILSON: Yes.

MR S. WILSON: And so 13 lots. We will see how long they take. We've got a lot of – a lot of vacant possession probably.

40 MR C. WILSON:

MR S. WILSON: No. So we've got – well, across the council we do. We've got a lot of people who actually use it as their weekender.

45 MR C. WILSON: Yes.

MR S. WILSON: At the moment. We're going to start to see a change in that dynamic, I think. But it's – again, we haven't modelled it, because - - -

MR BARLOW: What, a weekender from Sydney?

MR S. WILSON: Weekender from Sydney. It's – you know, it's that two and a half hours drive away, so you can be a professional in Sydney for three days a week and go up and work from home the rest of it. So that's seeing a change in that dynamic.

MR BARLOW: Can I ask you just on that demand question, you know, you've indicated that the logical and perhaps the intention of council would be to conduct the review in 2020. Do you consider the current sort of store or availability of rural subdivisions in that area is entirely adequate to service demand until the next review?

MR S. WILSON: Absolutely. So at the moment I've looked at where there's a 14-year supply currently in O'Connell.

MR C. WILSON: In O'Connell. Not across - - -

MR S. WILSON: In O'Connell.

MR C. WILSON: Not across the LGA.

MR C. WILSON: No, no. In O'Connell.

MR BARLOW: Yes.

MR S. WILSON: At the moment there's a 14-year supply.

MR C. WILSON: Well, the proponent says there's between three and four. Well, it could potentially be more but - - -

MR S. WILSON: I think he's looking at developed lots.

MR C. WILSON: Okay.

MR S. WILSON: Not potential.

MR C. WILSON: Yes.

MR S. WILSON: Potential yield. So there's potential – obviously, it's market-driven, and - - -

MR C. WILSON: But you're saying there's 14 years of zoned land.

MR S. WILSON: Correct.

MR C. WILSON: Right.

MR BARLOW: I see. And just – it's probably not that important, but the
proponent, because of that piece of this land that was zoned into RU5, is already
5 developing those lots or - - -

MR S. WILSON: No. No. There has been no development of those lots at all.

MR BARLOW: Okay.
10

MR C. WILSON: Why?

MR S. WILSON: I don't – obviously, there's no demand.

15 MR C. WILSON: Okay. No. That's just assumption.

MR S. WILSON: Yes. I don't know.

MR C. WILSON: That's an assumption.
20

MR S. WILSON: Yes, that my assumption. I don't know why that's - - -

MR C. WILSON: costs or?

25 MR S. WILSON: No. I – there's no services there, other than power.

MR C. WILSON: Right.

MR S. WILSON: There's no water, there's no sewer
30

MR C. WILSON: And that's essentially similar land, is it, or - - -

MR S. WILSON: It's – yes.

35 MR C. WILSON: Yes.

MR S. WILSON: It's – it's directly 20 metres to the north of the lots that he's
looking at. It's actually – it's more suitable in many ways. It doesn't have the
undulations and the environmental – potential environmental issues in relation to
40 onsite sewerage management and the like.

MR KEARY: So that's the areas to both the east and the west, Shane, you're saying
that haven't been developed?

45 MR S. WILSON: No, no - - -

MR BARLOW: It's the north one.

MR S. WILSON: On the north.

MR KEARY: On the north. Okay.

5 MR S. WILSON: Yes, the northern side.

MR KEARY: But the other R5 areas?

MR S. WILSON: So the ones on the eastern side are currently being developed
10 right now, and the other ones are there ready to be sanded - - -

MR BARLOW: But that - - -

MR S. WILSON: - - - whenever the proponent decides.

15 MR BARLOW: Yes. But that – but there’s a large area to the west - - -

MR S. WILSON: There is.

20 MR BARLOW: - - - that is presently not developed.

MR S. WILSON: No, that’s right.

MR BARLOW: And that little slither – well, it’s not small, that the proponent
25 owns, sort of, if you like, east of the western A5 is – yes, so it’s right in line, isn’t it?

MR S. WILSON: Yes, yes, it’s there.

MR C. WILSON: So, just confirming – so the land to the north which was included
30 in the 2012 and 2013

MR S. WILSON: Correct.

MR C. WILSON: The proponent’s land. That’s been developed?

35 MR S. WILSON: No.

MR C. WILSON: It’s still vacant?

40 MR S. WILSON: It’s still vacant.

MR BARLOW: How many lots are in that area?

MR S. WILSON: I think there’s only four.

45 MR C. WILSON: Yes.

MR S. WILSON: They're 10 hectare lots.

MR C. WILSON: Yes.

5 MR S. WILSON: So they - - -

MR C. WILSON: That's this area.

MR BARLOW: Yes, yes, yes.

10 MR S. WILSON: They haven't been developed at this point.

MR C. WILSON: And we don't know why? I've got to ask the question.

15 MR S. WILSON: No. Yes. No, I don't know.

MR C. WILSON: That's okay.

MR S. WILSON: I did ask that question and I didn't really get an answer.

20 MR C. WILSON: Okay. We will ask that question later. Thanks, that's - no it's - Dan?

MR KEARY: Yes, I just wanted to pick up on - you just mentioned something

25 now, Shane, one of the questions we had earlier was what the difference was between the two areas of R5 to the east and west, as opposed to the subject site, and why they were included and this one wasn't. I think you said this one has some different issues, in terms of its undulating, some different visual impact type issues and servicing issues.

30 MR S. WILSON: It's extremely visual from O'Connell Road.

MR KEARY: As opposed to the other two sites.

35 MR S. WILSON: Yes, the other two sites have - you've got to turn off and deliberately go down there to the other two sites, but the O'Connell Road itself - - -

MR KEARY: Yes.

40 MR C. WILSON: - - - through the township?

MR S. WILSON: Just outside the heritage area, so to the southern side of the conservation area - - -

45 MR C. WILSON: That's from public areas.

MR S. WILSON: - - - it just rolls – rolls with – from the road right up and it just sits there.

5 MR KEARY: Yes, so in all those community submissions that were received at the time of the LUS, is that the principal issue that was raised, the visual impact of this site versus the other.

10 MR S. WILSON: It's the visual and the potential impact on the heritage plus the servicing. So it's really those three: it's visual, heritage and servicing - - -

MR KEARY: Yes.

15 MR S. WILSON: - - - are the three things that have been picked up in the submissions.

MR KEARY: And you also mention that a lot of these are used as weekenders. Does that come into council's considerations in terms of infrastructure demand, or do you still plan for them as they're going to be permanent residents there.

20 MR S. WILSON: We should be planning that they're permanent residents, because, quite simply, they settle – they retire to the area and they are permanent, or their life situation changes, they become permanent, or they sell the property and a family with three children and two dogs move in, so it's – we always go for - - -

25 MR KEARY: Yes.

30 MR S. WILSON: - - - that. We're not saying we've done it well in the past. I'm not – or alike, but it's definitely, I think – it's reached that critical mass, from my perspective, from a planning perspective, that – and that's why my recommendation was what it was, and I guess the – really the dispute is the condition that's been applied for the LUS to happen, which I find a little bit funny when they're saying that the LUS is needed now to identify strategic merit of the development, yet I thought the Gateway needed to have strategic merit proven prior to the Gateway being determined. That's my feeling on it. I think council, to be honest, council, I think, through the department was going to play bad brother, and potentially not support the proposal.

40 MR C. WILSON: Just on – on council's recommendations, was it primarily based on the fact that this land is, sort of, wedged between the two R5s, and in terms of making their – when they resolved to support the - - -

MR S. WILSON: So there was a site inspection undertaken.

45 MR C. WILSON: Yes.

MR S. WILSON: There was one councillor who was passionate about pushing it through, and there was some other councillors which were new and thought, well, it

won't hurt. It's not that big of an issue, and the like, the community won't – and I don't think they really knew until the public meeting we had down there, how much the community were passionate about it, and they thought, you know, it would be fairly straightforward. And, you know, the – once it goes to the community, the
5 public interest test would be placed upon it and they will have another chance to have their say. But I – that's what I think they went with it. I think – through conversations now I think they've actually identified if they were – if this came before them again they would reconsider their position, and hence the reason for their last resolution to say “defer any action” until after these matters are heard here.

10 Council is not going to – council's given the intention – the impression, I should say, that they're not going to expend money on doing an LUS for basically a single component, and which is, from a professional's perspective, and working within the community, it's not an unreasonable thing, but also we're not going to be asking the
15 proponent to fund such a study because it gives no – absolutely zero transparency to the process, so – and that's where it's not – it's not the right time, so it's – this is not an easy one from our perspective. It's something that the council – it's only 14 lots, it's not a – but it's a quantum that is 25 per cent greater – increase on what's there now.

20 MR C. WILSON: Yes.

MR BARLOW: Just the sequence of events – did the council – you know, had they been to a community meeting before they made the decision to approve this? So
25 they only had recognised this opposition from the community post making this decision, and post this going forward for a Gateway determination?

MR S. WILSON: So – correct. That's exactly what happened. They – it was February when they determined to support the Gateway. It was April where we went
30 down for a community meeting, which was for a totally unrelated matter. It was for our annual plan. And it went to question time, and we spent 45 minutes discussing the merit of the PP, where the community asked the councillors a question, “Why would you support such a thing?” And I think it was a light-shed moment for a number of councillors that were new, and they went, “Wow”. They never expected
35 such a – any type of overwhelming objection to it. There was no one in the room, other than one councillor, supporting the matter. And I was chairing. I was unfortunately there without the general manager, and I was having to try to defend it off. But it's interesting.

40 I think that's where I'm saying if this goes – from council's perspective, we would be better off to say, well, has the Gateway got merit on its own? If it has, let the Gateway go ahead to public exhibition, and that – because I would hate to see \$100,000 spent in LUS to find out we're going to be recommending the office's recommendation again in an LUS, or council to say, “We're not going to go ahead.”
45 It's sort of a little bit of a – it's not a straightforward one. And we're a small council. We're not flush with cash. We're not – we're definitely not flush with resources.

And, you know, it's – I think it's going to be the public interest test that's going to be an interesting process, as you've already noted with some of them.

MR BARLOW: Yes. Yes.

5

MR C. WILSON: Dan, do you have any more?

MR KEARY: No.

10 MR C. WILSON: Snow?

MR BARLOW: No. No, I don't think – we've got a very good understanding now of where the council is positioned, and what the – you know, what the pathway of this proposal has been.

15

MR S. WILSON: I do – you know, this is council – council currently has resolved to support this Gateway. You know, I definitely make that clear. So, as you can tell, I'm a little bit conflicted between - - -

20 MR BARLOW: Yes. No, we - - -

MR S. WILSON: understand I'm not trying to do anything more than - - -

MR BARLOW: No.

25

MR S. WILSON: - - - paint the true picture, which is - - -

MR C. WILSON: We're just here to listen to the facts and - -

30 MR S. WILSON: Absolutely. And that's what I've tried to deliver. And I think, again, it comes down to the fact that technically, if we're looking at strategic rigour of a Gateway, and need an LUS retrospectively, I think that's – I question the validity of the Gateway generally. That's – I thought that was something that should be upfront.

35

MR KEARY: So, just to be clear on council's position, as you say council has resolved to support the PP, but then there has been subsequent meetings and you said it was a bit of a light-bulb moment, so that is still council's formal position, though?

40 MR S. WILSON: That's council's - - -

MR KEARY: Supports the PP?

MR S. WILSON: - - - formal - - -

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MR KEARY: They haven't resolved otherwise?

MR S. WILSON: - - - position. No, they haven't resolved. They have basically taken a deferral until after this.

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MR KEARY: Yes.

MR S. WILSON: At the moment, I think if it was put to – because council has got no – had their planning delegation removed in relation to this matter, as well, so that didn't really help the process, because they fell like they've been totally undermined by it. But I think you will find, if it comes back that LUS is required, council won't act on it. Council – there's no legally-binding requirement for council to undertake it, and I think - - -

15 MR C. WILSON: No, I appreciate that.

MR S. WILSON: - - - council will sit on it, and in 12 months time, when it lapses, it will go back to the department to determine.

20 MR C. WILSON: Yes.

MR S. WILSON: Now, that's not a good planning process.

MR C. WILSON: No.

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MR S. WILSON: It's – I don't think it's the way that process was ever intended, but it's – it's a messy one.

MR C. WILSON: No, that's okay. We appreciate that. We appreciate your frankness. I don't think I have any more - - -

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MR BARLOW: I'm fine, thank you.

MR C. WILSON: Snow. Dan?

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MR KEARY: No.

MR C. WILSON: Okay. Look. Well, we appreciate you coming down.

40 MR S. WILSON: No problem.

MR C. WILSON: We appreciate the trip. As I said, I appreciate your frankness. It has been very helpful to us.

45 MR BARLOW: Yes. Is there anything else you want to add?

MR S. WILSON: No. No, I don't think so.

MR BARLOW: Anything of interest?

MR S. WILSON: You know, look, I think it's – you know, there's enough professionals, and that, to be able to make a wise decision. Council will review its position after this, obviously, and determine its next step. And it – look, council was looking at whether it actually put in a review, but the proponent chose to do it, so that was just – no sense in two reviews coming in.

MR C. WILSON: Yes.

MR S. WILSON: With maybe opposing or similar views.

MR C. WILSON: Yes.

MR S. WILSON: So, you know, council, I think, will look at it and see whether they request an informal review from the department after, whatever the findings are.

MR C. WILSON: Sure.

MR S. WILSON: So - - -

MR C. WILSON: Okay.

MR S. WILSON: So, you know, I don't think this is the end of it, from council's perspective, and it's going to be - - -

MR C. WILSON: Well, that will depend on what the panel.

MR S. WILSON: Exactly.

MR C. WILSON: - - - finds.

MR S. WILSON: You might even find that, after public exhibition, it comes back here again. So you never know.

MR C. WILSON: Okay. Well, we appreciate you coming down, Shane.

MR S. WILSON: Yes. No, I appreciate that. Thank you for - - -

MR BARLOW: Thank you, Shane.

MR S. WILSON: - - - hearing me.

MR C. WILSON: Everything will be put on our website – the transcript.

MR M. TODD-JONES: Transcript. Yes. The transcript will be on the website. Yes.

MR S. WILSON: No problem at all. All right.

MR C. WILSON: Okay.

5 MR BARLOW: Thank you.

MR S. WILSON: Thank you very much.

10 MR C. WILSON: Thank you very much.

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[10.21 am]