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TRANSCRIPT OF PROCEEDINGS

TRANSCRIPT IN CONFIDENCE

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INDEPENDENT PLANNING COMMISSION

MEETING WITH THE DEPARTMENT OF PLANNING AND ENVIRONMENT

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

PANEL:

**CHRIS WILSON
SNOW BARLOW**

ASSISTING PANEL:

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

**DEPARTMENT OF
PLANNING AND
ENVIRONMENT**

**STEVE MURRAY
DAMIEN PFEIFFER
TIM COLLINS**

LOCATION:

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

DATE:

9.03 AM, TUESDAY, 16 OCTOBER 2018

MR C. WILSON: Okay. So I'll fire away. I have some important formalities to start with. Good morning and welcome, everybody. 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
5 review of the gateway determination for the planning proposal to rezone land at 2519 O'Connell Road, O'Connell. Rezoning is from RU1 Primary Productions, R5 large lot residential, and the proposal also aims to reduce the minimum lot size from 100 hectares to 10 hectares to facilitate rural residential development. My name's Chris Wilson, and I'm the chair of the IPC panel today. Joining me on the panel is Snow
10 Barlow. The other attendees in the meeting are Dan Keary and Rebecca Groth of Keyland Consulting who are assisting the Commission with this project, and Matthew Todd-Jones for the IPC Secretariat. Steve Murray, Damien Pfeiffer?

MR D. PFEIFFER: Pfeiffer.
15

MR WILSON: And Tim Collins are attending from the Department of Planning and Environment. In the interest 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. This meeting is one part
20 of the Commission's decision-making process. It's 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.

It is important for the Commission's work, Commissioners to ask questions of
25 intendees and to clarify issues whenever we consider it appropriate. If you're 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 up on our website. We will now begin. So I guess it's over to you, Steve. I guess in making the decision by – to impose the condition – with the condition which requires
30 the additional strategic work to be undertaken, was the department satisfied that the proposal had strategic merit?

MR S. MURRAY: I think it's important for the Commission to understand that the strategic merit is a beginning process. Strategic merit in itself doesn't mean all the
35 answers. I – the decision in this case was taken by the director and the delegation, but in my review of the – his memo, the staff's report and the response is that I see that it has enough strategic merit to commence, and the condition is – and I think the important thing is – was that the director, in his assessment, looked at it on balance. If we have a look and I could – if I could just take the panel – the Commissioners to
40 page 214 which is just a site plan of the planning services gateway determination report, just to get a context of the site. There's a release area of rural residential on either side, and this area was held in the same ownership as this side.

So I can see how the director formed a basis that, yes, it does have some merit in the
45 form that it would link to existing areas that were identified through a strategy and, as you introduced, would yield approximately 17 lots. But in saying that, I think it's

- important that we actually look at the strategic context and the logic behind the imposition of the condition. Strategic planning in the regions has been embedded for a number of years through the process. I note that the proponent has indicated that they don't see strategic planning as a statutory requirement, but if you look across the
- 5 history of planning across the western region and a number of the other region – as most councils' land release or rural residential land release has been based on a strategic plan or a detailed study, and that's reinforced in the section as known now as 9.1 directions. Previously known as 117 directions.
- 10 For a number of them said that you wouldn't rezone rural land to a rural residential or residential purpose without a strategy endorsed by the department. It was very minor or, alternately, you did a – in the old parlance, an EIS for it. Now, come March this year, the State Government – well, the Parliament actually endorsed a new Planning Act which actually reinforced and, for the first time, codified strategic
- 15 planning within the Planning Act. So while it was a concept and been referred to, it's now codified in the Act and it has a number of things that – where a Minister declares a region, and I will say that this region wasn't – hasn't been declared by the Minister, that an LEP will give effect to that plan.
- 20 While the Minister, at this stage – and that will be a decision for government – hasn't declared the regions outside of Sydney as regions, they have retained the 9.1 direction which clearly says before you rezone land, it would be in accordance with a strategy and also says that you have to be consistent with the regional plan. So the regional plan comes down to a level where it says rural land release should basically
- 25 be – has some principles on where it should be, and then goes further forward and says that it should be consistent with the strategy. So in this case, we do have a strategy. The strategy is five year old. Now, in an area like this, I would normally think a strategy should be reviewed between the five and 10 year, but my understanding is – of council strategy, that they identified minor tweaks or minor
- 30 review of the strategy after three years; is that correct, Tim?

MR T. COLLINS: That's right. Three years.

- MR MURRAY: And then a five year review which is now. So it's really important
- 35 that when we look at this, that we actually look at the strategic review to ensure that this land makes common sense in terms of it and, at the same time, what's happening on the other land because it may be that this land over here may or may not be released. So that's very hard. I'm referring to the land to the east of the site on the map on page 2 of 14, or there may be other areas that is now – in terms of demand
- 40 and supply, I think we've got to be a little flexible in regional areas such as around Oberon. You know, I as a planner, while I underside the purpose of demand and supply in land release, I'm also quite aware that we need to be flexible in areas that don't experience high growth and we create opportunities that sit within the market.
- 45 So the site in itself has the basic – enough strategic merit to say, look, we should investigate it because of where it's located, but for it to go any further in the planning proposal process, it needs to be supported by this information. And I think it's

important for the Commissioners to understand, and they may, that we make it very clear, as a department, a gateway determination does not mean that you will result in the rezoning of the land. A gateway is the beginning of the process to say these are the things we want you to investigate, have a look at, and it could end up in the
5 rezoning of the land. It could end up in a different change, a different configuration and a different outcome.

MR WILSON: So just on that point, if the initial strategic work required by the condition found that it did not have strategic merit, what would happen to the
10 gateway determination?

MR MURRAY: Well, we can – we would make a decision, and I can't prejudge what the Minister's delegate would do in this case, but in other cases where the work comes back, there has been cases where we will say, well, if it came back and it was
15 clearly clear evidence to say it shouldn't proceed, we can alter the gateway not – to not proceed, or if it came back with evidence it was a little bit – you know, you had to take either side, it may be allowed to proceed in that instance. So that's the purpose. So we've had a number of gateways that have gone through quite a number of studies and, you know, with different scale than this that have been stopped or
20 significantly altered in the process before exhibition.

MR S. BARLOW: If I could ask you, then, if this gateway – the call for the review is to really determine strategic merit; is that correct?

MR MURRAY: No, the call for the review is the proponent has the ability to question the conditions imposed on the gateway, and they're challenging condition 1. So they're arguing, as I read their request, that condition 1 isn't warranted and they list the number of reasons in their request why it isn't warranted. One is they say that there's no statutory requirement for it. That was the key one. There's no
25 legislative requirement. I'm referring to page 3 of the department's gateway review justification assessment report. They've indicated that they don't believe there's a legislative requirement for strategy to be amended.

The planning proposal has enough merit on its own to proceed without having to do the additional work. There is a legitimate legislative pathway that exists to enable the planning proposal to proceed without the need to update strategy. The requirement to amend the strategy is excessive and above the reasons and not adequately justified by the department's report. As with all obligations arising –
35

40 I'm just reading what it's saying –

it's likely the requirement to prepare a strategy to be referred by council to the proponent for completion. Any addendum prepared on behalf of the proponent is unlikely to be seen as impartial by DPE, council staff or the general public.
45

So, therefore, they don't think they should do it if council passes the work onto them to do.

5 MR WILSON: But the proponent states or submits that they've demonstrated strategic merit and should just proceed to exhibition - - -

MR MURRAY: Yes. So as I read – as I read it, they say the site itself has strategic merit and, therefore, the department - - -

10 MR WILSON: Yes.

MR MURRAY: - - - should have no regard for the relevant 9.1 directions, the regional plan – it should just take that condition away. Yes. So they're not actually arguing our decision. They're just saying one condition that sits in there.

15 MR BARLOW: But as they are arguing that, it does have strategic merit. Surely, that's a key question that must be answered by review.

MR MURRAY: Well – yes.

20

MR BARLOW: Yes.

MR MURRAY: But from the department's point of view, we say the process has enough – the site has enough strategic merit to comment, but it needs further studies to justify it, and if you go back to our guide for preparing LEPs and planning proposals, that's what it talks about, the whole process. The idea of setting up the gateway determination was to stop people spending money before they got a – a lot of money before they got a concept of was there enough for it to go forward. We're saying the site itself have got the basics okay, but we need to see it in the broader strategic context to take that forward.

30

MR WILSON: Okay. So make that clear, the department is satisfied that it has site strategic merit – sorry, site merit.

35 MR MURRAY: Yes.

MR WILSON: And – but at this stage, strategically, you think more work needs to be done?

40 MR MURRAY: Need more work to be done.

MR WILSON: Further review of the LUS11.

MR MURRAY: Yes.

45

MR WILSON: It might be worthwhile, Steve, going back and – there has been some work that was done leading up to the LUS11 and the LEP13 in relation to this

site. It was originally included in land – my understanding was originally included in land that was going to be covered by that strategy but was excluded at – sort of, prior to the strategy had been released and before the LEP had been made. This - - -

5 MR MURRAY: I will hand that over to Tim because I - - -

MR WILSON: Sorry, I just want to try – we’re trying – I guess we’re trying to understand the reasons why it was excluded in the first place and whether or not those reasons have been overcome through this process.

10 MR COLLINS: Yes, that’s right. So that the site actually straddles the road – so the northern portion of the site - - -

MR WILSON: Was included.

15 MR COLLINS: - - - was included in the strategy for large lot residential. So that’s - - -

MR BARLOW: Which hectare?

20 MR COLLINS: - - - this portion directly north of the site. There’s a rectangular - - -

MR BARLOW: Yes.

25 MR COLLINS: - - - portion in there. However, the southern site was excluded from the strategy.

MR BARLOW: So the red line at present is what is proposed, and - - -

30 MR COLLINS: Correct. About 200 hectares within that red - - -

MR BARLOW: That was part of that, I see.

MR COLLINS: - - - half lot.

35 MR BARLOW: Yes.

MR PFEIFFER: Can I add further information there. With that, it was a – no doubt it was included as part of that initial review in 2013. Part of the site was taken up and part of the site was not; correct. We asked for further information from council to clarify the reasons why it wasn’t included to help us make a decision and we were unable to get any clarification on that question.

45 MR MURRAY: So I suppose – I understand you’re talking to council following up.

MR WILSON: Yes.

MR BARLOW: Yes.

MR MURRAY: It's probably best directed to the council staff.

5 MR WILSON: Okay.

MR D. KEARY: So to be clear, the department has never been able to establish the exact reasons why the area that's current – subject to the current planning proposal was excluded from the 2013 strategy.

10

MR COLLINS: Correct. Other than that, it was a substantial number of objections raised during the - - -

MR KEARY: Yes. Yes. Yes. Yes.

15

MR COLLINS: - - - draft strategy from the O'Connell region against that site.

MR BARLOW: And if I could ask, were they also against the site that actually ultimately was included?

20

MR COLLINS: I don't believe so.

MR BARLOW: No. So it was only what is the current site?

25 MR COLLINS: Correct.

MR WILSON: We will confirm that with council.

MR BARLOW: Yes. Yes.

30

MR MURRAY: We can't confirm that.

MR BARLOW: And with regard to the land itself, it's stated in the gateway determination there is a resale component of that land. Where is it?

35

MR COLLINS: It's located on the – there's a creek corridor that runs through the eastern portion.

MR BARLOW: Yes, I can see that.

40

MR COLLINS: Plus two, I believe, that runs – 10 per cent of the site through that lower – lower lying areas.

MR KEARY: In there?

45

MR COLLINS: Yes.

MR BARLOW: That looks to be the creek line.

MR COLLINS: Yes.

5 MR MURRAY: Yes. So the soils would be a supplement – my – I would assume that those would meet the alluvial soils that sit with the creek because of water and soil depth.

MR BARLOW: Okay.

10

MR WILSON: There's a number of – as you've stated, there's a number of large lot subdivisions on either side of this site. Large lot residential, I think, on either side on the R5 and R5 on either side. A lot of that hasn't been taken up – your understanding of – and this – don't mean might have an answer for – your understanding of the
15 demand – the supply and demand out there, is there a reason why that hasn't been taken up? I mean the proponent's using, I guess, six per cent growth in O'Connell as a reason – as one of the reasons to justify this proposal. Yet, there's a lot of R5 on either side – well, there are – there're lots on either side that have yet to be developed, and I'm just – I'm just trying to understand why that might be.

20

MR PFEIFFER: The – why there's not uptake?

MR WILSON: Yes.

25 MR PFEIFFER: I - - -

MR MURRAY: I think you would have to put it back - - -

MR PFEIFFER: I can't assume anything on that one.

30

MR MURRAY: I think you have to put that back to the market – to the local market.

MR WILSON: Yes.

35

MR MURRAY: Their lifestyle choices. My understanding is this is closer to Bathurst as a centre than it is to Oberon as a centre, and it would just be varying markets and the demand for land, and I think that's one of the hard issues - - -

40 MR WILSON: Yes.

MR MURRAY: - - - that it's one of the reasons why – just as a general thing taught to my regional directors not to be locked into supply and demand.

45 MR WILSON: Yes.

MR MURRAY: Because you just – you can't measure it across these areas. There's no real trend, and things change very quickly and it's very hard to get a sense of why and why not.

5 MR WILSON: Okay.

MR BARLOW: Just as an update for those three sections of R5 that are really to the west, to the east and to the south, aren't they of this – is – that's correct? Am I correct in saying that this diagram is north-south? Are you north-south, is it?

10 MR KEARY: I believe so.

MR WILSON: That's RU5?

15 MR COLLINS: It's actually RU1.

MR BARLOW: RU1.

MR PFEIFFER: So - - -

20 MR BARLOW: So that's rural down there? Yes. Okay.

MR COLLINS: To the south. Correct. Yes.

25 MR BARLOW: Yes. So it's really only east and west.

MR MURRAY: Yes.

MR BARLOW: Okay. And have any of those rezonings to large lot rural development commenced?

30 MR COLLINS: Developed?

MR PFEIFFER: To the - - -

35 MR BARLOW: Yes.

MR COLLINS: Yes, to the - - -

40 MR PFEIFFER: - - - right of that page, the – if you're looking direct at the page, the section on the right is, yes, commenced, and when we move around the site, there are areas and uptake and significant homes placed along that road which is called – not Beaconsfield. What's the one on the right-hand side there - - -

45 MR BARLOW: We can bring it up, if I - - -

MR PFEIFFER: Mutton Road – Mutton Falls Road?

MR BARLOW: Something like that.

MR COLLINS: Yes.

5 MR PFEIFFER: Yes - - -

MR MURRAY: Can we say, for the record, we're on two – page 2 of 14 of the gateway assessment report, and we're referring to the R5 area to the right of the proposed area around the subject.

10

MR WILSON: So – sorry, just to confirm, then, that the eastern R5 is – there has been take up of that, but less so on the western side of the site, yes.

MR PFEIFFER: Correct.

15

MR WILSON: Correct. Okay.

MR BARLOW: And that eastern R5 sort of borders O'Connell on a couple of sides, doesn't it? Or is that what looks like to be O'Connell. Is O'Connell where the name is or is actually down here?

20

MR COLLINS: O'Connell is directly on the point of the subject land.

MR BARLOW: Yes, that's right.

25

MR COLLINS: Not the text of the O'Connell - - -

MR BARLOW: Yes, that's correct.

30 MR COLLINS: Yes.

MR BARLOW: Well, I hope it's correct. Yes. So that current subdivisions are actually bordering O'Connell.

35 MR PFEIFFER: Correct.

MR BARLOW: Yes.

MR WILSON: And my understanding that was one of the reasons the councillors agreed that it should proceed? It's because it fills the gap. It fills the – yes. Okay. Can I just ask a question in relation to – both council and the department agreed or raise the issue of disproportionate demand on the services, and I would just like to get your understanding or what they're – we're trying to understand that – that basically, council and DPE identified the potential for a disproportionate demand of services and infrastructure in O'Connell as a key concern. Yet, the proponent considers that there's a pre-existing condition not impacted by the PP. Just trying to understand that statement.

45

MR MURRAY: Are you referring to the staff report to the director - - -

MR WILSON: Yes.

5 MR MURRAY: - - - or to the director's report - - -

MR WILSON: Well - - -

10 MR MURRAY: - - - because the director's report is the reflection of the department's decision - - -

MR WILSON: Right. Okay.

MR MURRAY: - - - as the delegate of the Minister.

15 MR WILSON: Okay. Well, okay.

MR MURRAY: So - - -

20 MR WILSON: If regardless it has been raised - - -

MR MURRAY: It has been raised

MR WILSON: understand what that

25 MR MURRAY: Yes.

MR WILSON: Because council mentioned it as well - - -

30 MR MURRAY: Yes.

MR WILSON: - - - in their reasons for recommending refusal. Council officers. Sorry. I will be clear.

35 MR MURRAY: Yes.

MR WILSON: And I'm just trying to understand that. That's all.

MR MURRAY: Yes. No, that's fine.

40 MR WILSON: Because the - - -

MR MURRAY: Yes.

MR WILSON: - - - proponent says, well, they're pre-existing issues, and I'm just trying to work out whether or not we're compounding the

MR MURRAY: Yes.

5

MR WILSON: infrastructure issue.

MR MURRAY: Yes. Okay. Tim, I will get you to answer it because you are the author of that original report.

10

MR COLLINS: Yes. I think the proposal does exacerbate the issue of infrastructure, service provision. The land use strategy doesn't identify O'Connell as a primary or secondary in the hierarchy of the urban settlement, therefore, this whole infrastructure service provision from council hasn't considered this site for those infrastructure provisions.

15

MR WILSON: And what type of infrastructure are we referring to? Is it - - -

MR MURRAY: Sewer.

20

MR WILSON: Is it - - -

MR MURRAY: Power, roads.

25

MR WILSON: Okay.

MR MURRAY: Schools

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MR WILSON: Okay. The whole range. The whole is this something that would be considered as part of the review?

MR MURRAY: The strategy amendment to their land use

35

MR WILSON:

MR MURRAY: They would need to look at what level of infrastructure or whether services would be available to come through to that area as part of any strategic planning exercise. They don't necessarily have to plan it and

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MR WILSON: No, no. I appreciate that.

MR MURRAY: They just need to identify what would be the impact.

45

MR WILSON: What's required.

MR MURRAY: Yes.

MR BARLOW: Is it normal to provide water and sewerage services to large lot rural developments?

MR COLLINS: Depending on the size of the lots and locality, I guess.

MR MURRAY: It varies.

MR BARLOW: It does vary

MR MURRAY: It would vary depending on lot size and sometimes if water is available – I can't answer here, but if water is available it's actually better to give them potable water than to require water onsite because of impacts of bores, depending where you are in the state. Bores – you got issues with salinity, so you can imagine the impacts of multiple small holdings pulling water up. So some estates do look at town water or a water supply. Sewerage is normally only on very small lot sizes where you can't get soils. Look, not knowing the soils here, but 10 hectares – I imagine you could design a suitable onsite system for each house - - -

MR: Yes.

MR MURRAY: - - - on 10 hectares without any real problems as long as you didn't sit it on the creek bank, so to speak.

MR: Yes.

MR MURRAY: I mean, soils aren't probably the greatest out here, but 10 hectares is a lot of land to get rid of it.

MR KEARY: So existing R5 zoned areas – how are they serviced in relation to the

MR COLLINS: I'm unsure about this – these – this site here isn't developed yet.

MR KEARY: Yes, but - - -

MR COLLINS: I'm not aware of how

MR MURRAY: But it's also the impacts on the small village of O'Connell. As you increase services you need to provide more services in the village so - - -

MR KEARY: The increase impacts beyond what's already - - -

MR MURRAY: Yes.

MR KEARY: - - - required to be serviced.

MR MURRAY: Yes.

MR KEARY: Yes.

MR BARLOW: And those services would be – what – for primary school?

5 MR MURRAY: Well, it – look, I don't know the population there. I don't know the case, but it could be a community facility.

MR: It's about

10 MR: Yes.

MR MURRAY: Yes. It – you know, it could be a community facility or a community hall, extra library services, book mobile. Depending on how Oberon Council services their rural communities.

15 MR WILSON: Okay. Just – one of the site specific issues that was raised particularly through some of the submissions to this – I'm not quite sure how those submissions came about, but – was in relation to the visual outlook of O'Connell and the further fragmentation of land and the impact. So you – was the department then
20 satisfied that that was – that issue was resolvable or was acceptable?

MR MURRAY: The department in its condition to actually ask that to be looked at as part of the review of the study.

25 MR WILSON: Okay.

MR MURRAY: Without personally knowing the specifics – I know both Damien and Tim have been to the land – is that 10-hectare lots through lot layout and a whole range of things. If there's really important you can achieve that through
30 development

MR WILSON: Through siting.

35 MR:

MR MURRAY: But the – Damien in making his decision saw that as a significant issue.

40 MR WILSON: Yes.

MR MURRAY: That – well, an issue – sorry – and therefore made sure that the condition reflected further work onto that so we could actually be satisfied that it could be addressed.

45 MR WILSON: Okay.

MR PFEIFFER: Just to answer your question about how those letters come in during the those letters were received by office through mail. We are unsure of – we do not know where the public got the information, but we just received our office.

5

MR MURRAY: We – look, I can’t speak for this one, but there is community members that keep an eye on council agendas and we often receive – or the Minister will often receive letters from the community saying, “We saw council has voted to do this. If it comes to you we would like you to stop it or consider this.” So we did not call for public submissions.

10

MR WILSON: No, that’s okay. Look, I’m just - - -

MR MURRAY: I just – to give you clarity - - -

15

MR WILSON: Yes. Sure.

MR MURRAY: Yes. Just so you know, like, the department has not gone out and sought public submissions, so - - -

20

MR WILSON: But they are an important part of us - - -

MR: Yes.

25 MR WILSON: - - - understanding the jigsaw which is have you got any more questions?

MR BARLOW: I think I’ve got most of the information that I require. Probably will require more, but I think I understand it much better now. I guess there is a question of secondary education there, but presumably that is satisfied by bus services; is that right, Tim, or is – was that a question for you, too, in terms of infrastructure?

30

MR COLLINS: In terms of accessing?

35

MR BARLOW: Yes. Access.

MR COLLINS: Further appealed to services?

40 MR BARLOW: Yes. Well, accessing, you know, secondary education is part of infrastructure services, presumably.

MR COLLINS: Yes. There’s no secondary education in O’Connell - - -

45 MR BARLOW: Yes.

MR COLLINS: - - - so they would be travelling to Bathurst or Oberon.

MR BARLOW: And are there school buses available to do that?

MR COLLINS: I'm not quite sure.

5 MR PFEIFFER: If I could answer that one? There are adequate bus services through the area back into Bathurst and being located approximately 20 minutes drive out of Bathurst. Secondary schools are located in Bathurst.

MR BARLOW: Thank you, Damien. What about medical facilities?
10

MR PFEIFFER: Medical facilities?

MR BARLOW: Services.

15 MR PFEIFFER: There is a medical facility within Oberon, but there is a large emergency hospital within the township of Bathurst.

MR BARLOW: Thank you.

20 MR WILSON: Dan?

MR KEARY: Yes, just wanted to clarify. Steve, you said earlier that if – this goes through the process and condition 1 is applied, council goes away undertakes a further study - - -
25

MR MURRAY: Because it's council requirement.

MR KEARY: Exactly. But if – I think Chris or Snow asked the question, if you don't establish – or strategic merit is not established at that stage you said there's a number of options open to the department. What are those options? Can the Gateway then be, potentially, this is a hypothetical, of course, but reissued with it not proceeding – with a recommendation that it not proceed?
30

MR MURRAY: Well, we amend the Gateway.
35

MR KEARY: Yes.

MR MURRAY: So the Act gives the powers to the Minister or delegate to amend a gateway, and it can be to amend to not proceed. It could be amend to add some additional conditions, or it could just be the department says here's the study, it satisfies what we want, proceed to exhibition and off you go with the process.
40

MR KEARY: Yes, okay.

45 MR MURRAY: So, there's a range of options. Obviously the delegate, I can't foreshadow what a delegate would do - - -

MR KEARY: Yes.

MR MURRAY: - - - but they're the types of options available to the delegate.

5 MR KEARY: Thanks.

MR BARLOW: One other question, if you don't mind, Chris, might be that there was a mention in there that there is a potential arsenic contamination on that land. At what stage would that have to be investigated? Would that be part of this Gateway and council review, or would that be part of a further development application?

10

MR MURRAY: Tim, was it preliminary investigations indicated?

MR COLLINS: Yes, arsenic, yes.

15

MR MURRAY: Yes, so - - -

MR COLLINS: I believe it's a condition of the sand, I'll just check.

MR MURRAY: Yes. Normally it gets dealt with if it goes through a development application, so the rezoning may identify, and then you would have either the study done. Say, for instance, that it all stacks up and it goes through, and they get it rezoned, normally you would get a study done – a detailed study to support your development application, and you normally have a remediation plan as a condition of development consent, and normally that's – you have to fulfil that before you're allowed to actually register the title on the lots or whatever – however it's imposed. So that's the normal process that it's dealt with, so - - -

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25

MR BARLOW: So, you know, the reason for the question is that the arsenic question is really further down the line, and - - -

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MR MURRAY: Yes.

MR BARLOW: - - - are these strategic questions that need to be answered first.

35

MR MURRAY: Yes.

MR BARLOW: - - - before and – but it still would be addressed if the development went further?

40

MR COLLINS: Definitely. So - - -

MR MURRAY: SEPP 55 requirements - - -

45 MR WILSON: Yes.

MR MURRAY: - - - would kick in towards the end of this process as well as with the DA process, something like that. Yes. So there's – I'm just reading through the report, so we've just followed the requirements of SEPP 55. So they come a development application, SEPP 55 gets triggered in respect to that, and they have to
5 go through and do the detailed work, and remediate. So it doesn't have to be separate to an approval to do the subdivision, it's normally done at the same time, especially on a site like – a rural site, and on highly contaminated sites that we tend to get in the city, they're normally dealt with separately.

10 MR BARLOW: Yes.

MR WILSON: I think that is us? Do you have any questions of us? No? Thank you, Damien.

15 MR PFEIFFER: Thank you allowing me the opportunity to Skype, it was greatly appreciated. The Royals have caused a little bit of havoc getting in and out of Dubbo at the moment.

MR WILSON: Okay. Thank you.
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[9.35 am]