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TRANSCRIPT OF PROCEEDINGS

TRANSCRIPT IN CONFIDENCE

O/N H-1288120

INDEPENDENT PLANNING COMMISSION

MEETING WITH DEPARTMENT

RE: 55 WIRE LANE BERRY GATEWAY

PROJECT #: 12348 06 55

PANEL: CHRIS WILSON (CHAIR)

OFFICE OF IPC: CALLUM FIRTH

**DEPARTMENT: GEORGE CURTIS
GRAHAM TOWERS
MONICA GIBSON
SARAH LEES**

LOCATION: SYDNEY

DATE: 3.01 PM, THURSDAY, 24 SEPTEMBER 2020

THIS PROCEEDING WAS CONDUCTED BY VIDEO CONFERENCE

MR C. WILSON: Are we all here? Okay. Let's go.

5

MR C, FIRTH: Yes. I think so. I believe so, yes.

MR WILSON: All right. Before we begin, I would like to acknowledge the traditional owners of the land on which we meet. I would also like to pay my respects to their elders past and present, and to the elders from other communities who may be here today. Welcome to the meeting. A request for the Commission to review the Gateway determination for a planning proposal has been lodged by the proponent seeking to amend the Shoalhaven LEP 2014 to rezone 55 Wire Lane, Berry from RU primary production and RU4 primary production small lots to R5 large lot residential and E2 environmental conservation. It also proposes to establish a one-hectare minimum lot – lot size control for the site.

My name is Chris Wilson. I am the chair of this panel. The other attendee of this meeting is Callum Firth from the Office of the Independent Planning Commission. In the interests of openness and transparency and to ensure the full capture of information, today's meeting is being recorded and a full transcript will be produced and made available on the Commission's website. This 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. It is important for the commissioners to ask questions of attendees and to clarify issues whenever it is considered 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. I request that all members here today introduce themselves before speaking for the first time, and for all members to ensure that they do not speak over the top of each other to ensure accuracy of the transcript. We will now begin. So firstly I thought you might want to just give a quick, brief history of the planning proposal from – from the Department's perspective, and then I think it's probably appropriate that we just go through the reasons for – for refusal. We have a few questions that we have – that we have put together just from – basically from our meeting with the proponent this morning which we will – which we will either raise through the process or at the end. So shall I hand over to – who am I handing over to? Who's going to - - -

40

MS S. LEES: Chris, maybe – I think Graham will give a – an update of the planning proposal.

MR WILSON: Okay.

45

MS LEES: But it might just be worth letting you know who we all are and where we all fit.

MR WILSON: Okay. Yes. Introduce yourselves.

5

MS LEES: So I'm Sarah Lees. I'm the regional director. I'm looking after the southern region. And, Monica, I might hand over to you to introduce yourself.

10 MS M. GIBSON: Thanks, Sarah. Chris, I'm Monica Gibson. I am the executive director for local and regional planning. So Sarah's team and – reports to me. I was also the delegate on the Gateway determination in this situation.

MR WILSON: Yes.

15 MS GIBSON: So I issued the Gateway.

MR WILSON: Yes.

20 MS GIBSON: With us today is George Curtis and Graham Towers, who are two members from our southern region planning team, and I might get Graham to do the run-through on the background of the proposal.

MR WILSON: Okay.

25 MS GIBSON: So over to you, Graham.

MR WILSON: Thank you.

30 MR G. TOWERS: Thank you, Monica. The Department first became aware of the proposal when we received some correspondence from various residents and – and groups around Berry alerting us to the fact that council was considering the proposal. This was long before council had actually made any resolution or – or referred it to the Department for consideration, so we basically, you know, responded to those correspondence along the lines of that, you know, well, council needs to make a
35 decision and then it would come to the Department and – and we would need to then assess the proposal. Council ultimately made its resolution and referred the planning proposal to us for a Gateway determination, and we considered the matter and, as Monica mentioned, you know, it went through an assessment process and – and via Sarah to Monica, and Monica used her delegations to not support the proposal
40 proceeding to a Gateway determination.

MR WILSON: Okay. That's – that's clear. Maybe we could go and discuss – as we did this morning with the proponent, we basically went through the reasons for refusal, and we can just talk around those, and I have the Gateway determination in
45 front of me, so maybe we could just go through the – the six reasons for refusal and have a – and you can give us – I – just give us a run-down or a summary of those – your position in relation to those – those matters.

MR TOWERS: Certainly. So essentially, the proposal wasn't supported due to a lack of strategic justification, inconsistencies with ministerial directions and impacts on productive agricultural land. In relation to strategic justification, the Illawarra-Shoalhaven Regional Plan is the relevant regional plan applying to the area, and the
5 Department's assessment was that the proposal is inconsistent with directions 2.1, 2.2 and 4.1 of the regional plan. Direction 2.1 of the regional plan relates to sufficient housing supply to suit the changing demands of the region, and essentially the – in the regional plan it's considered that there is enough potential in the existing zone lands to supply housing types over the long term and therefore no new release
10 areas are required for Wollongong, Shellharbour or Shoalhaven beyond – beyond those already identified in the Illawarra Urban Development Program and the Shoalhaven Growth Management Strategy.

The site is not identified in either the Illawarra Urban Development Program or the
15 Growth Management Strategy for residential development or rural residential development. In relation to direction 2.2, which is support housing opportunities close to existing services, jobs, infrastructure in the region centres, the direction refers specifically to increasing housing activity within the Berry centre itself. Therefore, the proposal is not consistent with the direction because it proposes new
20 residential development remote from the Berry centre, about 4.6 kilometres away from the centre itself. Direction 4.1 of the regional plan is to protect regionally important agricultural lands as an asset to food and fibre production.

We sought comments from regional New South Wales Department of Primary
25 Industries, Agriculture on this matter because the Department itself is not an expert in these – these matters itself and relies on advice from DPI Agriculture, and DPI Agriculture considered the proposal and the submission – the agricultural submission supporting the proposal, and basically formed the view that it objected to the planning proposal and it didn't agree with the assessment that was submitted in
30 support of the proposal, and actually the DPI Agriculture believe that the site does have agricultural value. The main reasons they support – or they believe that the site does have agricultural value is that the site contains biophysical strategic agricultural land, land with high quality soil and water resources, and is capable of sustaining high levels of productivity which is critical to the state's agricultural industries.

35 The site currently functions to separate the existing R5 rural residential area from the RU4 small lot primary production area, and provides an important buffer to prevent land use conflicts. Any proposed rural residential development that is strategically assessed will consider a range of factors and localities across the entire shire to
40 identify where and when the rural residential development should be supported, and the minimum lot size of 40 hectares applying to the RU1 zone was agreed by strategic process as part of the development of the Shoalhaven LEP 2014, and it's considered to be an appropriate size to support agriculture in the shire.

45 Justifying the basis – the subdivision, sorry, of the proposal to rezone the land on the basis that the land area, 40 hectares, is too small to support agriculture would apply equally to all rural land across the local government area, which undermines the

intention of protecting agricultural land. And direction 4.1 of the regional plan also specifically mentions agricultural land in Berry is one of the features of the landscape that attracts both residents and tourists, so it's considered to be an important asset.

5 MR WILSON: Can I just ask a question, sorry.

MR TOWERS: Yes. Yes.

10 MR WILSON: DPI, did they have the benefit of the – of the agricultural study that was submitted with the planning proposal?

MR TOWERS: Yes, they did.

15 MR WILSON: Thank you.

MR TOWERS: Yes.

MR WILSON: Sorry to interrupt.

20 MR TOWERS: No, that's okay, and please feel free to interrupt at any time. So what I propose to do now is to go to the ministerial directions.

MR WILSON: Sure.

25 MR TOWERS: The Department considers that the proposal is inconsistent with directions 1.2 rural zones, 1.5 rural lands, 3.1 residential zones, and 5.1 implementation of regional plans. In relation to direction 1.2 rural zones, we do not believe that the inconsistency is minor because the proposed rural residential zoning of the site and the application of a one-hectare minimum lot size will allow a much
30 denser development than the current zoning and minimum lot size controls that apply to the site allow, and also a lot more dense development than the adjoining land that's currently zoned RU1 to the south and north, which have a 40-hectare minimum lot size control.

35 While some of the minimum lot sizes of the existing lots surrounding the site are under the – the 10 or 40-hectare surrounding minimum lot sizes in the LEP, that's not a – not unusual for councils to apply minimum lot sizes which are actually greater than existing subdivision patterns where they intend to limit further subdivision, and that's what we understand to be the case here. So going back to the
40 advice provided by DPI Agriculture, we consider based on DPI Agriculture advice that the agricultural assessment prepared in support of the planning proposal does not provide adequate justification for the proposal's inconsistency with that direction.

45 Direction 1.5 rural lands, there's a number of requirements of this direction which are not satisfied by the proposal, including consistency with the relevant strategic planning for the area. The – this – it is inconsistent because the proposal – the site, sorry, is not identified by either the Illawarra-Shoalhaven Regional Plan or the

Shoalhaven Growth Management Strategy for consideration for residential development, or rural residential development.

MR WILSON: Can we just talk about that just at the moment.

5

MR TOWERS: Yes. Yes.

MR WILSON: They – just in terms of – they have basically said that – well, the – the claim that while there was – it was identified in the – that Shoalhaven
10 Community Strategic Plan that there was sufficient – sufficient land zoned for rural residential, that that land was constrained and not been taken up. Can you comment on that? You maybe not – may not be able to. Maybe that's something we can actually ask council.

15 MR TOWERS: I think it is probably better to – to ask council the specifics.

MR WILSON: Yes.

MR TOWERS: Mr Chair, was that the council's local strategic planning statement?
20

MR WILSON: No, no. No, no. This was – there was – it's the - - -

MS LEES: It could have been the - - -

25 MR WILSON: Shoalhaven Community Strategic Plan.

MS LEES: Or the council's growth management strategy. So the community - - -

MR WILSON: Sorry, growth management strategy.
30

MS LEES: Yes. The community strategic plan and the growth management strategy are both council documents, so probably a better question for council.

MR WILSON: Okay.
35

MS LEES: As opposed to the Illawarra-Shoalhaven Regional Plan, which is the Department's planning - - -

MR WILSON: Yes. I agree. Okay. Sorry to interrupt. Keep going.
40

MR TOWERS: No, that's quite all right. And the – the second requirement of direction 1.5 that is not met is the direction requires minimum – minimal fragmentation of rural and – and reduction of the risk of land use conflict, particularly between residential land uses and other rural land uses. We say that the
45 proposal doesn't satisfy this requirement because it doesn't minimise fragmentation of rural land or reduce the risk of land use conflict. In fact, by providing opportunities for additional – and the estimate from the concept plan supporting the

application is an additional 29 dwellings in this area, that the fragmentation of the rural land and the potential for – for land use conflict would be increased.

MR WILSON: Yes.

5

MR TOWERS: Direction 3.1 residential zones, we believe that the proposal is not consistent with the requirement to reduce the consumption of land for housing and associated urban development on the urban fringe, as this site is located somewhat on the urban fringe remote from the Berry centre, and it also doesn't make more efficient use of existing infrastructure and services as required under the direction because the site doesn't have access to sewer – the municipal sewer, and future development would need to either provide onsite waste water treatment or require an extension of the sewer. Therefore, there are not – there is not existing capacity in the system to cater for the site. And direction 5.1 implementation of regional plans, as discussed previously, we believe that the proposal is inconsistent with directions 2.1, 2.2 and 4.1 of the regional plan, and therefore it is also inconsistent with the Ministerial direction 5.1.

MR WILSON: Okay. There's just – yes. There's other – there's other ministerial directions but they're – they're not necessarily relevant, but you probably might want to talk to the SEP – primary production SEP.

MR TOWERS: I haven't got too many – too much to say on the primary production SEP.

25

MR WILSON: Okay.

MR TOWERS: We don't believe that that's - - -

MR WILSON: Relevant.

MR TOWERS: - - - relevant to a – a planning proposal as much as development applications, and a lot of the important bits of the SEP have been put into the direction – ministerial direction and the regional plan.

35

MR WILSON: Okay. Okay.

MR TOWERS: Excuse me. Sorry, I will just have a drink. Okay. So that now brings me to another reason for refusal was that the land is identified for development in a local strategy. We – we have already touched on the Shoalhaven Growth Management Strategy, but just to – to expand on that a little bit, in relation to Berry, the council's growth management strategy states that there is land surrounding the town that is identified as prime crop and pasture land that should be retained for agricultural purposes. There are existing opportunities for increasing densities within the existing urban framework acknowledging flooding constraints without undermining landscape, rural and heritage values.

45

It is expected that growth in the short to medium term will occur within the existing urban boundaries of the township, and on the large parcel of residentially zoned land to the southwest of the town, and it also identified there is some potential to consider additional long-term residential growth on the southwestern edge of the village, and
5 this has been identified as a long-term investigation area. Nowhere in that – that strategy does it identify that the subject site or the locality is suitable for investigation for rural residential development.

10 MR WILSON: Okay. So – but that – that would relate to – so that growth, is it more – does it specifically relate to contiguous urban development or is it – so it doesn't really – it doesn't really address the question of the appropriateness and location of rural residential development.

15 MR TOWERS: That – that's fair to say, and that is one of the reasons why we are supporting, as was raised by the planning panel, that council should do a rural residential strategy. But I think that it's kind of – rural residential development is one of those things that – it's kind of – you either try to – to do it with your – your residential development through residential strategies or you – your rural strategies sort of also are another way to define where residential development shouldn't go, so
20 if there is not really a current and contemporary rural residential strategy, you then need to sort of look at the alternatives, you know, what is there in the strategic framework.

25 MR WILSON: Yes.

MR TOWERS: So I think that it is relevant, although you're right, it doesn't specifically address the – the issue of rural residential development.

30 MR WILSON: But the growth management strategy, I guess, is – is identifying areas where urban growth should be focused as opposed to – yes. Okay.

MR TOWERS: That's correct, and I guess in summary, the – the point with the growth management strategies is that either – that there is enough potential either within Berry itself or immediately on the outskirts, and it has identified some areas
35 where it can expand.

MR WILSON: Yes. Sure.

40 MR TOWERS: It isn't saying that – that we need a lot of extra potential for growth in this area.

MR WILSON: Okay. Thanks. Are there any further reasons?

45 MR TOWERS: So the reasons – I'm just going through my - - -

MR WILSON: What about the infrastructure?

MR TOWERS: Infrastructure. Other than the sewer system, you know, there are other forms of infrastructure available to the site or could be extended to the site, so that's probably the – the form of infrastructure that – that is lacking at the moment.

5 MR WILSON: Okay.

MR TOWERS: Just in terms of – just going back, sorry, and looking at the reasons for refusal. So I mentioned before that the Southern Regional Planning Panel when they were considering a rezoning proposal on a nearby site at 510 Beach Road came up with the recommendation that there should not be further consideration of rezoning proposals for rural residential subdivision until Shoalhaven City Council has developed a rural residential strategy and has identified regionally important agricultural lands.

15 So that – that – council hasn't yet done that strategy, but what is relevant is that council has recently exhibited a draft local strategic planning statement. It is not yet adopted by council but it has been on exhibition and they are in the process of considering that. And there – there are a couple of relevant facts that were in that document. The first one on page 22 of that document states that:

20 *Shoalhaven is well-supplied with rural residential properties, lots between 2000 to 10,000 square metres on the urban fringe. The rezoning of rural land to create more rural residential properties is not supported because of the loss of productive agricultural land and potential conflicts between agricultural and residential uses.*

And planning priority number 9 of the LSPS is supporting agriculture and aquaculture, and at page 42 of the document, it states:

30 *The contribution of rural residential subdivisions to Shoalhaven's dwelling supply needs to be reviewed, and no further subdivision of this kind will be supported until this strategic work is completed.*

35 So that supports the – the panels for recommendations for the rezoning of that nearby land.

MR WILSON: One of the things that the proponent raised this morning was the concern that that – that the regional planning panel's decision had sort of – had imposed a moratorium on rural residential in – in Shoalhaven, and that – yes, and that that was the primary reason why the Department refused the planning proposal. Can you talk to that?

MR TOWERS: It – it was – sorry, Monica, were you going to say - - -

45 MS GIBSON: Yes. So – so – sorry, Graham. And it's Monica here.

MR WILSON: I'm just repeating – repeating what was said this morning.

MS GIBSON: Yes. No, I understand, Chris, and the Department has had a meeting with both council and the proponent in this period of time since the Gateway determination has been issued. Primary in our consideration in this Gateway decision was the strategic planning framework, so we're looking for the strategic
5 planning merits.

MR WILSON: Yes.

MS GIBSON: The strategic merits of this proposal are informed by the Illawarra-Shoalhaven Regional Plan. I think Graham has been through that in a bit of detail
10 about the inconsistency.

MR WILSON: Yes.

MS GIBSON: As well as council's adopted local strategic planning work. Now, the – the Shoalhaven Growth Management Strategy, which would be the relevant strategy to turn to for this type of development, doesn't support it in this location and – and talks to their supply.
15

MR WILSON: Yes. Sure.
20

MS GIBSON: So while we did reference the decision of the regional planning panel about other rezonings in Berry and their position about suggestion to council to prepare a rural residential strategy, the – the existing strategic planning framework
25 doesn't support this site and this planning proposal.

MR WILSON: Okay. That's fine. It's just something they said this morning, that there was a – there was a – an overly dominant reliance on – on that decision of the planning panel. But that's okay. I understand. Is there anything further to add? We
30 have got a couple of questions.

MR TOWERS: In – in terms of the loss of viable agricultural land, we maintain that this proposal was supported without a strategy being in place, without a strategic justification, that it could create and lead to a precedent for other similar planning
35 proposal to come in, and – and, in fact, the proposal itself identifies two adjoining lots which are currently zoned RU1 that could potentially go – they call it a longer-term strategy for rural residential development in the locality. So we believe that there – there is the potential for precedent to be set if a Gateway determination was issued for this one.
40

MR WILSON: Their stated objective for that long-term strategy is to bring – I can't remember the name of the swamp, but to enable that swamp to be - - -

MR TOWERS: Coomonderry.
45

MR WILSON: Yes, to be transferred into public ownership and managed. Do you have a comment on that?

MR TOWERS: There have been a number of planning proposals both historic and also a recent rezoning that occurred at 510 Beach Road, Berry which involved some residential development and also the dedication of parts of those sites that were in the swamp to form part of the national park. So there – there have been historically
5 those proposals that have supported that and it has led to – to some land going back to the swamp.

MR WILSON: Okay.

10 MR TOWERS: The panel considered that in their review of the Beach Road planning proposal and they – they considered that on balance, weighing up the benefits – public benefits of the dedication of parts of the swamp to the national park, versus the loss of agricultural land, that in those circumstances, that it – they – it was worthy of support.

15 MR WILSON: Okay. Okay. And that's the difference. Well – okay.

MR TOWERS: Yes.

20 MR WILSON: Anything further?

MR TOWERS: I don't believe so, no.

MR WILSON: Okay. Callum, do you want – do you want to quickly go through
25 these matters that we thought we wanted to ask the Department.

MR FIRTH: No worries. I will just run through them now. Okay. So the first one was is category 1 to 3 or just 1 to 2 considered prime agricultural land?

30 MR TOWERS: Yes, just – just on this matter, I mean, from my – from my, I guess, background, I – I always understood that prime ag land was 1 to 3. It was classified 1 to 3 in terms of the land classification maps.

MS GIBSON: Yes, the – Chris, it's Monica here.
35

MR WILSON: Yes.

MS GIBSON: The – the terminology has changed a little bit over time.

40 MR TOWERS: I am a bit old, Monica.

MS GIBSON: No, which is fine, because I remember when it was class 1, 2 and 3 that was considered to be the most important agricultural land, or considered prime
45 agricultural land.

MR TOWERS: Yes.

MS GIBSON: The terminology isn't – has been changing over time, and at this point, the ministerial directions that talk about rural land and rural zones don't necessarily call up those maps and don't use the same terminology, and the biophysical strategic agricultural land, or BSAL - - -

5 MR WILSON: Yes.

MS GIBSON: - - - is a terminology that is currently used in other planning instruments, and so there are maps that produce BSAL.

10 MR WILSON: Yes. Part of the mining SEP. Yes.

MS GIBSON: Biophysical strategic agricultural land.

15 MR WILSON: Yes.

MS GIBSON: Yes, and that's included in the mining SEP. Now, that is often kind of, you know, the reference point for definitions of important agricultural land or significant and agricultural land. There are a couple of other places around the state where other maps are used, but, you know, we – we don't currently have a map and a definition of prime agricultural land in the planning system.

20 MR WILSON: Okay. Well, that's interesting.

25 MR FIRTH: We spoke a bit about correspondence with DPI before, but has there been any further correspondence since the Gateway, just regarding the quality of the land?

MS GIBSON: So since the Gateway, so once – since the decision is made, no – like, there – we are in a conversation with Agriculture – Department of Agriculture about this site.

30 MR WILSON: Are we able to get a copy of their advice, or is that something that is – is possible?

35 MS GIBSON: Do you mean the letter that was received during the Gateway assessment period?

MR WILSON: Consideration of the yes.

40 MS GIBSON: Yes, we can provide that.

MR WILSON: Thanks. What was the next one, Callum?

45 MR FIRTH: What is the timing of the Shoalhaven LSPS?

MR TOWERS: Yes. Obviously, my understanding is that there's a – there's a – there's an action in the – well, there's – there's the – the local – local strategic planning statement which is in draft.

5 MR WILSON: Has – has it been exhibited yet?

MS GIBSON: It has been exhibited.

MR WILSON: Okay.

10

MS GIBSON: And council are required to have that completed by 30 September, and I understand that they're working very hard towards meeting that timeframe.

15 MR WILSON: Okay. That's interesting. So from what you were saying, that the statement has a position on rural residential development but also has an action to further investigate opportunities for rural residential development; is that correct?

MS GIBSON: As it was exhibited, it was.

20 MR WILSON: Okay.

MS GIBSON: I understand that council received some submissions and they are reviewing those and working to amend that draft LSPS to make it a final and endorsed LSPS.

25

MR WILSON: Okay. Okay.

MS GIBSON: So it would be a good question to ask council about what might be included in that document at the moment.

30

MR WILSON: It could change. Yes. Okay. That's fair enough. Callum, was - - -

35 MR FIRTH: Yes. So the next one was just something the proponent brought up at our meeting in regards to some community engagement at the planning proposal when it maybe just in regards to the planning preparing the proposal.

40 MR WILSON: Yes. Monica, the concern was – and I don't know if I necessarily agree with it, is that – well, I don't agree with it, basically. The concern was that the – that the – the circular says that community consultation should occur after gateway determination. I – I haven't read the circular in recent years, so I assume that meant community consultation undertaken along with section 65, or whatever the section is now, but then it's a – councils have their own policies in relation to community consultation and when those consultations should occur, and they can occur at any time early in the – in the process.

45

MS GIBSON: Yes. Chris, I would agree. So there is a statutory requirement in part 3 of the Planning Act about community engagement or consultation in relation to a

planning proposal, and it normally forms a condition of the Gateway determination about how long that consultation should occur and what might be – need to be done before that consultation occurs. That said, there's nothing stopping a council from having their own practice of consulting in preparing a planning proposal consulting
5 around Gateway – after they have made a Gateway resolution – to submit a planning proposal for a Gateway determination, sorry, is the words that I'm looking for.

MR WILSON: Yes.

10 MS GIBSON: Where they might inform the community that they have made a – a resolution. You know, I'm aware of different practices from different councils in relation to that.

MR WILSON: Sure. Yes. That answers – I think – I think that's what I was
15 thinking at the time. Is that it, Callum? Is - - -

MR FIRTH: I think you wanted to ask about the history of the site.

MR WILSON: Yes. I – well, two things, actually. It was – do you know if this was
20 subject to the South Coast Sensitive Lands Enquiry? Was this land included in that?

MS GIBSON: Graham, that sounds like a question for you.

MR TOWERS: I don't believe that it was, no. No.
25

MR WILSON: Okay.

MR TOWERS: We can – we can verify that, but – but I don't believe that it was,
30 no.

MR WILSON: Yes. Okay. And the – Callum – yes. So, look, there's – I think it's more a question for council, but I just don't know. Do you understand whether or not – apparently this – this site was included in a draft LEP after exhibition as – as rural resi but was recommended for omission by DUAP or whoever it was at that
35 stage to be omitted, or – or it wasn't agreed – wasn't – wasn't agreed to be included probably based on rural land policies at the time. Is that something you could chase up for us?

MR TOWERS: Yes, we could. George, can you speak to that now?
40

MR G. CURTIS: Yes. It's – that's something we – we talked about in the report. Yes. There was a concern about impact on, you know, regionally important rural areas, so there was a – DUAP determined not to – not to support that parcel being included in the LEP, and – and it communicated that to council and then council
45 agreed to omit that site from the LEP.

MR WILSON: So that was – and it was – it was after exhibition; that’s what I understood. It was actually - - -

MR CURTIS: Yes.

5

MR WILSON: It was incorporated after exhibition or it was deleted after exhibition?

MR CURTIS: Yes, that’s right.

10

MR WILSON: Okay. It was – it was incorporated and deleted after exhibition.

MR CURTIS: Yes. Yes, that’s right.

15

MR WILSON: Okay. All right.

MR CURTIS: That’s my understanding.

MR WILSON: All right.

20

MR CURTIS: But you might like to double check that with council as well.

MR WILSON: I will, with council. Yes, we will.

25

MR CURTIS: That was a bit before my time, but that’s my understanding.

MR WILSON: Yes. Okay. Thank you. I think that was it, Callum, wasn’t it?

MR FIRTH: Yes, that’s it.

30

MR WILSON: Yes. So, look, unless there’s something else to add, I think that’s probably about it. Yes. I don’t have any more questions. I think you have given us a good appraisal of the – of the Department’s position. Just in terms of timing, the issue raised this morning with the proponent is that residential development or – or the Shoalhaven’s own residential development strategy has taken so long to take hold that it’s – it’s no – it’s not fair for them to – to wait another 20 years for this may or may not be released. But do you have any – you said that the local statement has to be prepared by 30 September, and that action – would there be a timeframe around that action, or is that something we need to ask council?

35

MS GIBSON: Chris, I think that’s a really good question for council.

MR WILSON: Okay.

45

MS GIBSON: They’re – you know, the guidelines that we’re – the Department has prepared for LSPSes does ask council to include timeframes on actions that they include, so, you know, council should have a view on that.

MR WILSON: Okay. All right. Okay. Well, that has been very useful. Callum, is there anything else? Callum?

MR FIRTH: Can you hear me?

5

MR WILSON: Yes, I can now. No, I have lost you again, Callum. Okay. Well, we're not going to get any more out of Callum at the time being. So, look, thank you very much. That has been very useful, and – yes, we will – we will hopefully make our decision in a couple of weeks, or our – sorry, provide our advice. It's not a decision.

10

MS GIBSON: Thanks, Chris.

MR WILSON: Okay.

15

MS GIBSON: Thanks, Callum.

MS LEES: Thanks. Thanks, Chris and Callum.

20

MR WILSON: No worries.

MR TOWERS: Thanks very much.

MR WILSON: Thanks very much.

25

MS LEES: Bye.

MS GIBSON: Thank you.

30

MR TOWERS: Thank you.

MS LEES: Bye.

MR TOWERS: Okay. Bye-bye.

35

MR CURTIS: Bye.

MR WILSON: Okay.

40

MATTER ADJOURNED at 3.37 pm INDEFINITELY