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TRANSCRIPT OF PROCEEDINGS

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INDEPENDENT PLANNING COMMISSION

MEETING WITH DEPARTMENT OF PLANNING AND ENVIRONMENT

**RE: 123 GOLDEN VALLEY ROAD,
JAMEROO PLANNING PROPOSAL REVIEW**

PANEL: **CHRIS WILSON
JOHN HANN**

ASSISTING PANEL: **DAN KEARY
BRENT DEVINE**

**DEPARTMENT OF
PLANNING AND
ENVIRONMENT:** **STEVE MURRAY
LUKE MUSGRAVE
GRAHAM TOWERS**

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

DATE: **9.01 AM, WEDNESDAY, 14 NOVEMBER 2018**

MR C. WILSON: Good morning and welcome. Thank you for coming. 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 a planning proposal that seeks to amend the Kiama LEP 2011
5 to rezone land at 123 Golden Valley Road, Jamberoo. My name is Chris Wilson. I'm the chair of this IPC Panel. Joining me is John Hann.

The other attendees at the meeting are Dan Keary and Brent Devine of Keylan Consulting, who are assisting the Commission Secretariat with this project. In the
10 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. The meeting is one part of the Commission's process of preparing advice. It is taking place at the preliminary stage of this process and will form one of several sources of information upon which the
15 Commission will base its advice.

It's important for the commissioners to ask questions of attendees and to clarify issues whenever we consider it appropriate. If you are asked a question and are not
20 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 now begin. Can you give an overview of the planning proposal and process to date, I guess with particular reference to the strategic planning context of the proposal.

25 MR S. MURRAY: Yes, I can. I'm Steve Murray from the Department of Planning, and joining with me - - -

MR L. MUSGRAVE: Luke Musgrave.

30 MR G. TOWERS: And Graham Towers.

MR MURRAY: The planning proposal was initiated by a proponent in accord with some land that had been identified in the claimer – I won't – what's the proper name of the strategy?
35

MR WILSON: Urban strategy.

MR TOWERS: Urban strategy - - -

40 MR MURRAY: Urban strategy.

MR TOWERS: - - - 2011.

45 MR MURRAY: And while the strategy didn't receive formal endorsement from the then Director-General, there was a letter from the department through to council saying that we would consider some of these lots that were identified within that

strategy – the lot here at Golden Valley Road, Jamberoo – being subject for planning proposals. So the proponent lodged a planning proposal, council undertook a step that's not a statutory step, which was communicated with its community, received a number of objections and at that point made a decision not to proceed.

5

Under the process that we have established, the proponent undertook a rezoning review. The Regional Planning Panel considered the matter, believed that the site both had strategic planning merit and site specific planning merit, and decided to forward it to the department for a gateway determination. The department followed the advice – the independent advice of the panel and issued a gateway determination. In that process, we undertake a step where we ask whether council would like to be the planning proposal authority for it. Council said, yes, it would. Council undertook that role, once we issued a gateway determination, exhibited it. The matter, following exhibition, resolved that the plan should be prepared and made, and sent it through to the Minister's delegate for making.

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15

MR WILSON: Okay. Just in terms of why the department did not – or the Director-General didn't sign off on the KUS. The documentation we have, or the report from the department, suggests that it was because it didn't identify appropriate yields, so, in other words, they didn't identify enough quantum.

20

MR TOWERS: That's correct, yes. We had identified three different projections and calculations for the Illawarra Regional Strategy and other documents before that, that council had quite a bit of demand for housing, and what they were producing through the claim of urban strategy wasn't sufficient to cater for that demand. It relied a lot on infill development, which we think plays a part, but it was very quiet on greenfield development, particularly the larger-scale type greenfield development, and left a few sort of areas which we think should have been investigated up in the air.

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30

MR WILSON: Right.

MR TOWERS: But it did identify some sites, and this was one of those sites that was.

35

MR WILSON: So the reasons for not endorsing it are not inconsistent with the progression of this planning proposal?

MR TOWERS: That's correct.

40

MR MURRAY: Yes. So this site, when you look at it, given its locality and Jamberoo village, this would be an appropriate density to retain the character of obviously what's considered, you know, visually, an important village in the Jamberoo valley.

45

MR TOWERS: And I can note that this is the final site of the ones that were identified at Jamberoo under the Kiama urban strategy for development.

MR WILSON: Stage 2.

MR TOWERS: This is the final one to be rezoned.

5 MR WILSON: Right.

MR J. HANN: So 27(a) - - -

MR TOWERS: Yes.

10

MR HANN: Sorry, John Hann. Where does that sit within what you've just said then in terms of – because when you said – we're talking about the subject sites 27(b) - - -

15 MR TOWERS: Yes.

MR HANN: - - - under the KUS?

MR TOWERS: Yes.

20

MR HANN: So does 27(a) still – is that still part of the planning for future urban expansion?

MR TOWERS: My understanding is that that has already been rezoned.

25

MR HANN: It has been, has it?

MR TOWERS: Yes.

30 MR HANN: Okay. All right.

MR WILSON: So, just in terms of stage 1, documentation indicates that stage 1 proposals have largely been taken up; is that correct?

35 MR TOWERS: Yes, that's correct, yes. Yes.

MR WILSON: So this is the first or second in stage 2, is it? That's okay. I think we've got that on the - - -

40 MR TOWERS: It's second according to the - - -

MR MURRAY: Yes.

MR WILSON: Second according to the strategy?

45

MR MURRAY: Yes.

MR WILSON: So the first one was 27(a), so this is 27(b). This is the second one, stage 2.

MR MURRAY: That's correct, yes.

5

MR WILSON: Okay. Just in terms of - - -

MR MURRAY: I just point, just on page 3 of our report - - -

10 MR WILSON: Yes.

MR MURRAY: - - - 27(a) you can actually see the subdivision - - -

MR WILSON: Yes.

15

MR MURRAY: The new subdivision that has been created. So if we turn back to the page you were looking at, John.

MR HANN: Great. Yes.

20

MR MURRAY: So that's 27(a).

MR HANN: Okay. And it has already started to be – thank you. Excellent.

25 MR MURRAY: The beauty of air photography.

MR WILSON: So the regional plan identifies a lack of housing in Kiama LGA. Is that still the position? Is there still a lack of housing in - - -

30 MR TOWERS: That's correct.

MR WILSON: So supply is lagging behind demand; is that correct?

35 MR TOWERS: That's correct. And Kiama is one of those places that, because it's such a lovely locality, you know, you can almost provide as much housing and still there would be demand.

MR WILSON: Yes.

40 MR TOWERS: But even for, you know, reasonable population projections for Kiama to cater for, you know, changing needs and things like that, it is lacking, in our opinion.

MR WILSON: John, do you have a - - -

45

MR HANN: Yes. Just in terms of the specifics of the proposal, have you had any discussion with the proponent just in terms of – visual is an issue, you know. In

looking through from the original JRPP, whatever, is there any specifics that you would want to mention to us in terms – we're going to meet the applicant later today, but are there any specifics in terms of mitigation that are both on site and off site? Because we do understand that they own land continuous with the proposed rezoned site.

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MR MURRAY: Part of it, we issued a gateway condition that asked for a visual analysis.

10 MR HANN: Yes.

MR MURRAY: Council has actually taken that on board.

MR HANN: Right.

15

MR MURRAY: My understanding, it has been in – they've amended their DCP those controls on. So, from – given it's a local perspective, in that terms we're satisfied with how council has dealt with that matter.

20 MR WILSON: That was one of my questions. Is that chapter 33, is it?

MR TOWERS: That's correct.

MR MURRAY: Yes.

25

MR WILSON: And then there's two chapters – chapter 30 and chapter 33; is that right?

MR TOWERS: Yes. Yes. That's correct. Yes.

30

MR WILSON: One relating to – because the average - - -

MR D. KEARY: Yes. 30 is on exhibition at the moment.

35 MR TOWERS: Yes. That's correct. Yes.

MR WILSON: So the department is satisfied that those issues that were residual have been addressed in the DCP?

40 MR TOWERS: Yes. That's correct. So, yes, chapter – yes. 33 has already been adopted by council, so if this was to be rezoned, it will automatically have effect over this site.

45 MR WILSON: Yes. I just – I just – the timing. I quickly looked through chapter 33. This was adopted late last year. The recommendations of the visual impact assessment; when did they come out? Well, I guess we just want to ensure that the

- - -

MR TOWERS: About - - -

MR WILSON: That the DCP picks up on those recommendations of the visual impact assessment.

5

MR B. DEVINE: Well, that was – it was prepared in September.

MR KEARY: September 2017 was the visual impact assessment.

10 MR WILSON: Okay. Yes.

MR TOWERS: And the other thing that council has said is that, you know, they have been talking to the proponents about visual impact and character and also about the Aboriginal heritage sites as well.

15

MR WILSON: Yes.

MR TOWERS: And they are coming to some sort of understanding of better how to deal with those things and through various development assessment processes as well, they can be further investigated.

20

MR WILSON: Okay.

MR TOWERS: So we're happy that those issues can be addressed.

25

MR MURRAY: We don't see there are matters that would preclude the land changing its zone.

MR WILSON: Okay. Yes.

30

MR MURRAY: And detailed design and development controls would clearly – so they have looked at a strategic level - - -

MR WILSON: Yes.

35

MR MURRAY: - - - from a visual assessment, that the site can be mitigated - - -

MR WILSON: Yes.

40 MR MURRAY: - - - at the appropriate level.

MR HANN: Yes.

MR MURRAY: The Aboriginal heritage - - -

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MR HANN: Because that was the next question in relation to Aboriginal heritage and whether there was - - -

MR MURRAY: Yes. Yes. Well, it can – doesn't preclude development on the site. The proponent's aware of that, council's aware of it and that's best dealt with at development application stage, when you do the detailed work which could result in those sites being protected through some form of open space. Or, alternatively, if it's
5 items or artefacts, the community – the local Aboriginal community may want them removed.

MR WILSON: They're registered now. There's two sites and they're both registered on the OEH Register.
10

MR MURRAY: Yes.

MR TOWERS: Yes.

MR WILSON: That's fine. Okay. So you're satisfied then that there's appropriate – appropriate provisions in place and appropriate mechanisms to address these issues
15 - - -

MR MURRAY: Yes.
20

MR WILSON: And they're not – they don't preclude - - -

MR MURRAY: They wouldn't preclude - - -

MR WILSON: - - - progression for PP at this stage.
25

MR MURRAY: No. And then it would be up for the development assessment process to determine the final layout design and any mitigating measures that may be required.
30

MR WILSON: Okay.

MR HANN: This is just a question of process really, in that I don't understand the implications of the fact that all the conditions have been met as of a 12 month period
35 ending, I think it's 7 August 2018. What – are there any implications for the fact that, okay, a deadline has passed in the process, Steve?

MR MURRAY: No, there's not.

MR HANN: Okay.
40

MR MURRAY: It's a – we put a timeframe on it for council to deal with it. The matter was – is with us for finalising.

MR HANN: Okay.
45

MR MURRAY: I could technically make an amendment but I would have to act so the Minister would have to make a decision to say, well, you haven't met that deadline, we're not of an opinion to do that. This is just the process.

5 MR HANN: Okay. No - - -

MR MURRAY: It's to keep councils moving and keeping matters moving along. So we do have powers we could use under the Act on behalf of the Minister, but it's not a technicality, it's not a breach of the legality.

10

MR HANN: Thanks. No, thanks for - - -

MR WILSON: It's progressing.

15 MR MURRAY: Yes.

MR HANN: All right. No, that's good. Chris, I didn't have anything else.

MR WILSON: I don't think I do either.

20

MR KEARY: Could you just clarify – I think, Graham, you said all the areas identified in the claim are urban strategy, the release areas around Jamberoo, various sites, they have all been rezoned or in the process of being rezoned.

25 MR TOWERS: That's correct and most of them have been developed.

MR KEARY: So this is the last site?

MR TOWERS: Yes.

30

MR KEARY: Okay.

MR TOWERS: Yes.

35 MR KEARY: The other question I have is about impact on agricultural land. The department's reports seem to indicate that you're satisfied with the loss of agricultural land. Is there anything you wanted to add to that in terms of process or issues that have been considered?

40 MR MURRAY: I just think it has been identified for a strategic planning process. That's part of why we do the strategic planning process.

MR KEARY: Yes.

45 MR MURRAY: From our point of view, because it has gone through that process, it's around four hectares, a little bit more. We're not concerned. That's why we go through this process - - -

MR KEARY: Yes.

MR MURRAY: - - - so we don't have the long term impacts and the potential creep of urban expansion so as a fact, this is within a strategic context. If council sought in the future to further expand the village, they would have to come back and do detailed analysis.

MR TOWERS: It is also on class 3 agricultural land so a mid-range sort of capability. It's not class 1 lands. And that was a matter that – I was involved in the joint regional planning panel review and that was a matter that they considered in a fair bit of detail - - -

MR KEARY: Yes.

MR TOWERS: - - - and they reached the conclusion that it was acceptable from that point of view.

MR WILSON: Just on that note, the rural land strategy, has that progressed?

MR TOWERS: The - - -

MR WILSON: The one that's required by the regional plan.

MR MUSGRAVE: That's – DPI have a scheduled program rolling out the rural lands mapping across the state.

MR WILSON: Right.

MR MUSGRAVE: So the Illawarra Shoalhaven is scheduled to commence mid next year.

MR WILSON: Okay. That answers that question. Thank you.

MR TOWERS: And council has just commenced – they're doing a range of studies and things but basically one of them will be a rural lands strategy as well. They have just commenced that work and also a settlement strategy as well.

MR WILSON: There was a bit of inconsistency in the reporting in relation to the use of this land. We understand it's class 3. Some reports said it's not being utilised for agricultural purposes at the moment, it's not being grazed, and some said it was being grazed.

MR TOWERS: Yes.

MR WILSON: I guess it doesn't really matter but - - -

MR MURRAY: It's a bit – probably the day of the week.

MR WILSON: Yes.

MR TOWERS: Yes. When I was there, there was no cows on it but – yes. It was obviously not - - -

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MR WILSON: No, that's okay. I was just interested, that's all.

MR TOWERS: It was obviously not - - -

10 MR MURRAY: Yes. It's whether the gate is open or not.

MR WILSON: Yes, okay.

MR TOWERS: Yes. It was obviously not overgrown.

15

MR WILSON: All right. Look, I don't think there's anything else is there?

MR HANN: No.

20 MR WILSON: No. That's all. Thank you very much. Appreciate you coming.

MR MURRAY: Thank you for the opportunity.

MR TOWERS: Thank you.

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[9.16 am]