

MR B. JAMES: start the meeting.

MR J. HANN: Okay, look, so, ah, Marc and – and Peter, it's – it's John Hann here. Look, because, um, this is part of our – our, ah, process for meetings and – and this
5 will be recorded, I just need to run through a standard procedure, if you could bear with me. So before we begin I'd like to acknowledge the traditional owners of the land on which we meet, the Gadigal people and the Awabakal people in your case in Newcastle, and I'd like to pay my respect to their elders, past and present, and to
10 elders from other communities who may be here today. So welcome to the meeting today. Lindfield Property Nominees and NGP Investments have lodged a request to review the gateway determination for a planning proposal seeking to amend the Great Lakes Local Environmental Plan 2014 to facilitate the development of a highway service centre at nine-eighty – 9844 Pacific Highway, Bulahdelah.

15 Ah, as Brad just said, look, my name's John Hann and I'm the chair of this IPC panel, and joining me is my fellow commissioner, Dr Peter Williams. Also together with Brad James is Helen Mulcahy from the secretariat. So, look, in the interest of openness and transparency and to ensure full capture of information, today's meeting is being recorded, as I mentioned a little earlier, and a full transcript will be available
20 to you and we'll put that up on our website. So the meeting is one of the commission's, ah, parts of consideration of this matter and will form one part of several sources of information and – and upon which the commission will base its advice.

25 So, look, it's important that we can ask you some questions during the meeting, and to clarify issues when it's appropriate, but, look, if we've got some questions for you that you don't feel you're in a position to answer here then just take them on notice, and if you could provide some response to those in writing that would be much appreciated, and we'll put those up on the website, as well.

30 So, ah, if you wouldn't mind introducing yourself first time around as you speak, that way we make sure we've got a correct record in the transcript, ah, so following that – that, that's the – the formal, ah, protocol, ah, Marc and Peter. Look, what we would appreciate is just, ah, if you could just give us an overview of the policy as it relates
35 to Bulahdelah, particularly, ah, and then we've just got a couple of specific questions that would flow from that. So we're talking about highway service centres along the Pacific Highway. We – we do have a copy of the review report of 2014 and the feedback June 2015. So we just appreciate your – your, ah, very brief overview of that and – and how you approach such, ah, applications as – as the one before us.
40 Over to you.

MR M. DESMOND: Um, all right. So this is Marc, development officer. Marc Desmond. Um, so in reviewing if the proposal was consistent with the Highway Service Centre Policy, ah, it's just a simple matter of reviewing the policy and noting
45 that Bulahdelah, um, wasn't chosen for highway service centre location to support the local town and, ah, in that effect we, basically, created our response saying that –

MidCoast Council, who also, originally, supported the Highway Service Centre Policy, um, agreed with, ah, the proposal to put in a highway service centre, then, really, they should review the highway service centre through the MidCoast Council, taking into account those north and south and working out if there is value in
5 providing a highway service centre at Bulahdelah, as well, um, strategically, in relation to the distance between the, ah, surrounding centres and proposed centres, and also the impact that it will have on Bulahdelah Town.

MR HANN: Okay. Look, thanks – thanks, Marc. Clearly, since the time of your
10 2014 review, and – and I understand, and I don't know which month, but the bypass came into effect in 2013; is that right?

MR DESMOND: Ah, I believe that's right.

MR HANN: So it was a relatively short time after that the bypass, ah, was, um – was in play, ah, that the review took place, and – and now, obviously, we see that the council – what is now the MidCoast Council have, um – have – has changed its position, ah, on this and supports the application, ah, as does the local chamber of commerce. Ah, so, we're obviously just trying to, ah, understand the basis of that,
20 and, look, we – I should've mentioned earlier, we will be meeting with both the department, the council and, also, the applicant up in Bulahdelah early next week. It's just we thought it was particularly helpful to us if we could have a chat to you, ah, today, just to give a sense of – of your – your, ah – your conclusions in your review, and also what – what your views are today, given that it's been a few years
25 since that review, so - - -

MR DESMOND: Well, with – we didn't object to the proposal, all we said was, um, basically, council need to undertake a review and determine if it's an adequate location. So there's no objection - - -
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MR HANN: Yep.

MR P. MARLER: Peter – it's Peter Marler here, manager for land use assessment. Um, yeah, look, in – in our consideration it was more of a case, like Marc has
35 indicated, that it's just a matter of, um, fact that it doesn't, um – or it's not consistent with the Highway Service Centre Policy. Now, um, the policy itself did have a recent review, um, which did take into consideration the bypass, and thought that, um, you know, it – it would not be necessarily needed to have a – a highway service centre. It – it – from our perspective, and it is a policy that appears to be applied
40 consistently, um, for some time. For – for many years, and, um, if council were of a mind to – to go outside that policy framework, then there would be need to be some sort of strategic justification or basis to be able to put that to you – to RMS.

Now, from – from our perspective, it seemed to be both inconsistent with their own
45 policy direction and, you know, that of the Highway Service Centre Policy. So it was the case, as Marc's saying, that, um, you know, if it's to be reviewed again or if things are to be inconsistent with that policy it should be undertaken more of in a

strategic, um – strategic basis and, um – you know, and also a transparent process to allow that process to occur, because, um, it has been applied quite consistently. So there would, in my mind, need to be some reasonably strong justification, um, plus, um, some high level, I – I guess, um, transparency as to why we’d be changing that
5 or allowing something contrary to the policy, and, for instance, why not the site next door or, you know, other sites which equally might be strong candidates for such a proposal.

MR HANN: Well, no, and, look, thanks – thanks for that, and – and from that, I
10 take it, in other words, otherwise it would appear to be an ad hoc approach, whereas there is a, ah – a policy and there – and there’s a list of those sites that, ah, where such highway service centres are considered appropriate, you know, in that table, ah, and Bulahdelah is not on it and the reasons are – are outlined, ah, clearly. So when you say strategic, what – what do you mean by that? Just so we’re clear.

15 MR MARLER: From a strategic perspective, I mean that the policy has been reviewed in a holistic way, not – not just necessarily relating to MidCoast Council’s area, as well, but to the extent to which the policy already applies. So we would need to revisit that policy, but, um, you know, if council, again, is of a mind that
20 that’s what they’re seeking to do, then, um, they – they would need to, at least, you know, revisit their own policy in their own area, so that’s what I mean by strategic approach.

MR HANN: Okay. All right.

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MR MARLER: Yeah.

MR HANN: No, thanks. Ah, Peter.

30 DR P. WILLIAMS: Yes. Ah – ah, thanks, ah, Marc and Peter. It’s, ah, Peter Williams here. Um, just – just flowing on from that, um, strategic perspective and concern, um, a couple of issues. Um, a lot of weight’s placed on non-compliance with relevant ministerial direction, ah, 5.4, which is the commercial and retail
35 development along the Pacific Highway, um, but the department in its gateway determination report basically states that the, um, proposal is consistent with five of the six, um, objectives, um, of that – of that ministerial direction. It’s only objective (f) that it feels that it doesn’t comply with, and that – that direction talks about, um, “Reinforce the role of retail and commercial development in town centres where they can best serve the population of – of – of the towns”. Um, I – I’m just wondering
40 what your views are on that and the argument that, um – Bulahdelah was originally not selected as the highway service centre, because it was a highway service town, but it seems to have lost that role now, and at – so what I’m getting is it’s – its role as a – its – its role as a town centre for – its retail and commercial development has, sort of, been undermined somewhat by the – by the bypass. Um, so there’s a gap there.
45 Ah, I think what we’re seeing is the argument from the – the council and the chamber of commerce and the applicant is that what’s now sought is to fill that gap that’s been lost with the bypass. Have you got any views on that?

MR MARLER: Um, not really. I mean, I don't think it's really our – our place to, sort of, get involved in – you know, as to - - -

DR WILLIAMS: Right.

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MR MARLER: - - - the economic, um – you know, how – how well, if you like, Bulahdelah is performing at this point in time. Um, I was thinking that I – whether or not, um, you know, during the bypass process itself if the Environmental Impact Statement or something - - -

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DR WILLIAMS: Yeah.

MR MARLER: - - - had talked to that issue at all, I – I don't know.

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DR WILLIAMS: Mmhmm.

MR MARLER: I'd need to take that on notice, but that's another way, I guess, um – whether or not it – it was purposely considered and, um, considered that Bulahdelah would do better with – without, you know, having a highway service centre because the township itself would suffer - - -

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DR WILLIAMS: Mmm.

MR MARLER: - - - I – I don't know, but that might be addressed in the EIS at the time, and – and consultation at the time.

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DR WILLIAMS: Mmm.

MR MARLER: Um, certainly I – I know, um, Oliver's is – is in Bulahdelah Town Centre, um, and things like that, as well. Um, I – may – maybe there's some signs there that – that it is operating, like, just, you know, it's a timing thing and it's just a matter of time. I – I really don't know.

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DR WILLIAMS: Sure. Um, just going on from that, um, so the RMS places a lot of weight on this strategic approach and – and perspective, um, have you got any other – well, and – and I know part of the policy is all about, ah – my understanding, is about efficiency of movement and all that along the highway, and I guess that's also tied up with safety, as well. As – as council – ah, sorry, as the – RMS got any site specific comments or concerns about this particular site itself, in addition to the broader strategic considerations?

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MR MARLER: Um, not really. It's really, um, the policy issue that – that's probably driving our comments at this point in time.

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DR WILLIAMS: Right. Okay. Thank you.

MR HANN: On a more general – it's John Hann here – on a more general, ah, note, if you like, in – in that this is your – your area of – of experience and expertise, which – ah, rather than ours, but with – with towns that are bypass, such as Bulahdelah, but not specific to that, um, what's the general – you know, is – is there
5 a lag effect of – of five or 10 years as to whether the health, economic, social health of the town that's been bypassed, you – you need to wait that amount of time to see how it's going to pan out, or is it immediate? In other words, you know, from within 12 months you know pretty – pretty, ah, clearly what the likely im – in other words, I guess I'm coming from the point of view is you've got a – there is a policy, and
10 there's – and there's some sound basis for that, but how is it playing out, generally speaking, when towns are bypassed.

MR MARLER: Um, yeah, it's one of those I can't really comment on. I don't know if that was considered as part of the latest review or – or not, um, but it's
15 something, I guess, we could take on notice if you wanted some specific detail about that. We could – we could aim to find that.

MR HANN: Look – look, it'd be helpful - - -

20 MR MARLER: It's one of the reasons - - -

MR HANN: - - - I think, just as – as background for us. Not – not - - -

MR MARLER: Yeah.
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MR HANN: I appreciate, ah, your point about, look, not being specific to Bulahdelah, but Bulahdelah is – is – generically there are – there are comparable, ah, other – other sites, and we're just interest – we are interested to know what the impacts of bypass are over a period of time.
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MR MARLER: Yeah, and, look, I take your point about, um, you know, Bulahdelah Town Centre, I guess, has been envisaged as a – a highway service centre town, um, with good access into that town. Um, it's a question whether or not, um, you know, you want a highway service centre replacing that function of the time or what impact
35 on the town it's going to have.

MR HANN: Yeah, and, look, obviously, it's up to the applicant to do its studies and – and provide hard data, as best they can, on it to justify a position, in terms of economic and social and so on, so we – we understand that, but – so generally
40 speaking, and this – this is, again, I guess, a subset of the – my first query to you on this, is the – the documentation that we can suggest there's – there's a forecast increase in traffic along the highway of, I think – is it to 2030, or – it might be further out, I'm not – I can't remember.

45 DR WILLIAMS: Yeah, with the – it was the 34 per cent, wasn't - - -

MR HANN: Yeah, it was the – but it's around – it's significant, 34 per cent, ah, and – and we just wondered, ah, bypass town centres, do they – is that likely to – to – to benefit them significantly or, really, the major benefit of those is in the highway service centres?

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MR DESMOND: So when you use 34 per cent, are you saying that's along – through the town or is that along the highway?

MR HANN: No, that's the forecast increase in traffic along the highway, ah - - -

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MR DESMOND: Right.

MR HANN: - - - between 2016 and 2028.

15 DR WILLIAMS: Twenty-eight.

MR DESMOND: In 12 years they're expecting 34 per cent? That's significant.

MR HANN: Now – now, that may not be something you agree with. That's a number that, I think, is, um – ah, has come from the - - -

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MR JAMES: The department's report.

DR WILLIAMS: Yeah.

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MR HANN: The department's report, and I – I'm not sure what the source of that is, whether it's from the applicant's EIS or not, um, but you guys presumably have got pretty good data on forecast traffic increases.

30 MR DESMOND: Ah, potentially. Maybe not in this area, but, um, we do have some around the place. Sorry, what was the question?

MR HANN: Ah, yeah, so the question really is, ah, those, you know, significant increases – whether it's 34 per cent or 25, doesn't matter too much, but significant increases in traffic volumes along the highway over time, do they – are they primarily to the benefit of the highway service centre, or do the town that – the bypass towns, ah, that – that – in the classification that Bulahdelah is, do they also get a significant benefit from that, or is it - - -

40 MR MARLER: Yeah, look - - -

MR HANN: - - - very minor?

MR MARLER: Look, it – it's – it's a mixture. It's recognised that, um, it's a, I guess, mixture of both highway service centre and town centre functions that – that provide it, and they both offer different offerings, um, you know, town centre environments will offer a different environment, um, to, obviously, a highway

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service centre, and it's people's, I guess, um, overall preference, but, obviously, the – the policy, um, (a) talks about it from an economic perspective in terms of town centre bypass, um, if they're a highway service centre town to – to try and have them operating as a highway service centre town and providing them good access off the highway, which this is the case, and then, ah, the – the second being that – second
5 being that, um – I lost my train of thought, actually. The – the second being that, um, whether – you know, whether the, um – you know, from – from a user perspective, I guess, um, just having the highway service centres to fulfil the role of what are traditional town centres. It is recognised in the policy, I guess, that there is a
10 mixture.

MR HANN: Okay.

MR MARLER: Does that answer the question, I think?
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MR HANN: Yeah, I think so. Look, I - - -

DR WILLIAMS: Mmm.

MR HANN: I – if you – if you like to perhaps give it a little bit more thought. If you've got – if you want to add to your follow-up on that earlier query we had, that would be appreciated. We're just trying to get a sense of if there's significant increases in traffic volume, ah - - -
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MR MARLER: Yeah.
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MR HANN: - - - you know, is – is – is a – is a highway service centre something that's going to benefit more substantially from that, than a – than a, um, ah – than a – than a town – than the town centre that's been bypassed.
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DR WILLIAMS: And – and conversely - - -

MR DESMOND: Well, if - - -

DR WILLIAMS: Yeah, sorry.
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MR DESMOND: If the – if people are currently not using the town, then – and a highway service centre goes in, then I can't really see how more people would start using the town once a highway service centre goes in.
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MR HANN: Yep.

MR DESMOND: I do note their proposal, they were planning on embellishing the town with some landscaping to encourage people to go to the town.
45

MR HANN: Yeah.

MR DESMOND: Um, I'm not if they've done any assessment on how that will actually work, and, you know, how they're gonna actually conclude that that will assist the town, um, I mean, also, the highway service centre is on the opposite side of the highway than the town, so it would be difficult for that service centre to
5 encourage people to go to the town, because they're already on the opposite side with an interchange between them.

MR HANN: Yeah, you've got to re – you've got to negotiate the interchange to – to enter the town, yeah. Yeah.
10

MR DESMOND: Yeah.

MR HANN: Okay.

DR WILLIAMS: Okay. Yeah.
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MR DESMOND: I mean, and that's my point. It could be argued that a highway service centre might be better suited on the other site, you know, why this site and not another site.
20

MR HANN: Okay.

MR DESMOND: Or there's heaps of options, um, but, yeah, strategically if a highway service centre is to go in this – in this area, then, you know, it's – it's the
25 which lot's the best or the most suitable.

MR HANN: Yeah. Okay.

MR MARLER: Or – or – or, you know, the one that – that, um, you know, might be better suited at encouraging, I guess, visitation to the town centre.
30

MR HANN: Yeah.

MR MARLER: But that's not our call.
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MR DESMOND: Yeah.

MR HANN: No, and – and – and nor ours. I mean, we're dealing with an application that's before the – you know, that – that's for a particular site, rather than
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MR MARLER: Yeah.

MR HANN: - - - a – a broad generic question for us, but, no, that – that's very helpful, ah, Marc - - -
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MR DESMOND: It is - - -

MR HANN: - - - and Peter, your comments about that.

MR DESMOND: Um, it is one of the reasons why our response to bring the council back into this, because they know their local are better than what we do.

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MR MARLER: Mmm.

MR DESMOND: We know the highway. So, um, you know, they would have a better idea of what will allow the town to – to function better and to encourage more people to go to it than we would.

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MR MARLER: Yeah, and if their position has changed and we need to revisit this, then all I'm saying it needs to be done with some holistic strategic basis.

15 MR HANN: Yep.

MR MARLER: Keeping in mind that, you know, perhaps people have been knocked back before on the basis that it's been inconsistent with the policy. So and that – that's why I'm saying it needs to probably be a bit open and transparent.

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MR HANN: All right. Look, one other question. It relates to the correspondence that we – we've just got, between RMS – in – in relation to this matter specifically, between RMS and, ah, I think it's the – is it the department of planning - - -

25 MR JAMES: Ah, council.

MR HANN: And council. We've just got one – one letter dated, ah, it's 2018 – ah, April 2018, which deals more with Tea Gardens, ah, and – and there's just simply one paragraph in relation to Bulahdelah. We just wondered whether there was, ah, any – any further correspondence that's relevant to this that we should be aware of.

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MR DESMOND: Ah, I – this is Marc. I did send an email directly to planning on the matter, um, it was just an informal advice in relation to an informal, um, request from them. Just, basically, them saying, um, about the highway service centre and the – they were currently assessing MidCoast Council planning proposal at Bulahdelah to enable the highway service centre, um, and they just wanted to discuss our 2018 response, and we just, basically, reiterated that the 2018 response remained current and that council should be involved in the review.

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40 MR HANN: Right. Okay.

MR MARLER: And I think the other one probably had site access issues, as well.

MR DESMOND: The Tea Gardens one.

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MR MARLER: The Tea Gardens one had – had bigger issues.

MR HANN: Yeah, I get that. I mean, obviously, a large portion of that 11 April documentation was between yourselves and the department – or the council, in this case, was, ah, related to Tea Gardens, rather than – rather than Bulahdelah. All right.

5 MR MARLER: Yeah.

MR HANN: Okay. But there's no other detailed documentation, no other detailed letter, ah - - -

10 MR MARLER: No.

MR HANN: - - - between yourselves and the department or – or the council, other than the 11 April one. Okay. All right.

15 MR MARLER: Mmm.

DR WILLIAMS: It's Peter Williams here again, sorry, Marc and, ah, Peter. Sorry, just one point of clarification, if I may. Just – just on the, ah – again on the, um, Highway Service Centre Policy, um, I just wanted to clarify just the timing. The – so
20 the policy was – review was finalised after the, um, bypass at Bulahdelah, so this – this document, ah – so, therefore, implicit, or explicit in the document, is that, ah, the RMS has prepared this document on the basis that, um, Bulahdelah has already been bypassed, um. So, I mean – so in terms of context, ah, the fact that – that Bulahdelah's been bypassed was recognised and – and incorporated in this
25 document, and so the findings of this document take into account that Bulahdelah has – had already been bypassed. So what I'm trying to get at is – is that this – this – this document post-dates the – the change of circumstances - - -

MR DESMOND: Yeah.

30 DR WILLIAMS: - - - with Bulahdelah.

MR DESMOND: Yeah, so, um, the policy review was carried out in 2014, but it wasn't adopted - - -

35 DR WILLIAMS: Yeah.

MR DESMOND: - - - until late 2015.

40 DR WILLIAMS: Right.

MR DESMOND: Um, and that included the Nambucca Heads are, as well.

45 DR WILLIAMS: Yeah.

MR DESMOND: Um, so it was bypassed after Bulahdelah, so Bulahdelah would have been taken into account at that point in time.

DR WILLIAMS: Okay. That's fine. Thank you. Yeah.

MR HANN: All right. Ah, I don't have any further questions. Peter?

5 DR WILLIAMS: No, thanks.

MR JAMES: Ah, nothing from me.

MR HANN: Brad. Helen?
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MS MULCAHY: No. No, nothing.

MR HANN: Well, gentlemen, look, that – that's, ah – that's been very helpful, and
15 thank – I do appreciate it. Ah, if you – unless you've got any queries for us, then, ah,
we'll close the meeting and – and, ah, thank you very much for making yourselves
available.

MR MARLER: Yeah, look, the only thing I – I would add is it's probably
20 worthwhile that we – we do check the EIS and look at, um, if there were specifically
mitigation measures detailed in the EIS relating to this issue. And I guess what I'm –
what I'm saying is that, um, was it – did we purposely – did RMS purposely at the
time, you know, provide for those access ramps and things like that to Bulahdelah,
um, in order to access the town, um, because it was always envisaged that, you
25 know, it was – it was a concern – the bypass would've been a concern, and steps
were made in order to ensure or to assist the town still maintaining its role as a
highway service centre town, whether that issue was addressed in the EIS or not
during the bypass. I – I don't know.

MR HANN: Ah, you're – so you're signalling that that's something that we should
30 look at carefully?

MR MARLER: Um, I think it just - - -

MR HANN: Or is that something you're - - -
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MR MARLER: I think it just helps provide some of the background context as to,
um, you know – ah, you know, if that – that was a consideration at the time.

MR HANN: Okay.
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MR MARLER: As well as the

MR HANN: All right. Thank you, Peter. Thank you, Marc.

45 MR DESMOND: All right.

MR MARLER: Okay.

MR HANN: All right. No. Much appreciated.

DR WILLIAMS: Thank you very much.

5 MR HANN: Okay.

DR WILLIAMS: Thank you.

MR MARLER: Okay. Bye.

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MR HANN: Bye. So, Taylor, meeting closed.

MATTER ADJOURNED at 10.30 am INDEFINITELY