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O/N H-1050143

**CITY OF PARRAMATTA COUNCIL**

**LOCAL PLANNING PANEL**

**RECORD OF COUNCIL MEETING**

**PANEL MEMBERS:**      **DAVID LLOYD QC (CHAIR)**  
                                 **TONY REED**  
                                 **KIRRILY McDERMOTT**  
                                 **DAVID RYAN**

**LOCATION:**                      **RYDALMERE OPERATIONS CENTRE, CIVIC ROOM**  
                                         **316 VICTORIA ROAD, RYDALMERE**

**DATE:**                              **TUESDAY, 19 NOVEMBER 2019**

MR D. LLOYD QC: All right. Good afternoon, everyone. I think we can commence this meeting. In doing so, on behalf of the council, I acknowledge the Burramattagal clan of the Darug, the traditional landowners of Parramatta, and pay respect to the elders both past and present. I should announce that this meeting will be recorded. The recording will be archived and available on council's website. All care is taken to maintain your privacy. However, if you are in attendance, you should be aware that your presence may be recorded. The next item is apologies. There are none. Next is declarations of interest. Each panel member has signed a declaration of interest. There are no declarations of interest in any of these matters. In commencing these meetings, it's usual for us to introduce ourselves. I'm David Lloyd. I'm a lawyer. I'm a QC. I'm a former judge of the Land and Environment Court. I'm a former acting judge of the Supreme Court. I am currently a Professor of Law at Western Sydney University.

MR A. REED: My name's Anthony Reed. I'm a chartered professional engineer with over 30 years' experience as a director of engineering or a general manager in council. I'm also a member of the management committee of the Roads and Transport Directorate of New South Wales.

MS K. McDERMOTT: Good afternoon, everybody. My name's Korrily McDermott, and today I'm here as your community representative. I'm a resident of Parramatta, and I've been a resident all my life.

MR D. RYAN: My name is David Ryan. I'm an expert member of the panel. I'm a town planning consultant.

PROF LLOYD: Well, with that, we can move straight on to the agenda, the first item of which is 5.1, the proposed childcare centre at 25 Lanhams Road, Winston Hills. Is anyone here who has an interest in that matter? If not, then we can deal with it. The panel inspected the site of this development earlier in the day. In fact, we inspected the site of every development earlier in the day, and we are happy with the recommendation. The recommendation here is to refuse the application for various reasons, and we are unanimous, which means we don't need to take a vote, I think, so the decision is unanimous to adopt the recommendation to refuse that application.

The reason for the decision is the panel supports the findings in the assessment report and endorses the reasons for refusal contained in that report, so that's easy. Next is item 5.2, is a proposed boarding house at 17 Tennyson Street, Parramatta. We have noticed that there are some people who wish to speak in relation to that application. I'll call you each in turn. When you speak, you have to take a seat here next to the mic or you won't be recorded, and you have three minutes, so, first, Simon Chiu. You are first.

MR S. CHIU: My son will be talking on my behalf.

PROF LLOYD: That's all right.

MR S. CHIU: Yes.

5 PROF LLOYD: There's a chair over there where you'll be recorded. For the record, your name and address.

MR C. CHIU: My name is Christopher Chiu. My address is 15 Tennyson Street, Parramatta.

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PROF LLOYD: Number 15. Next door.

MR C. CHIU: Next door, yes.

15 PROF LLOYD: All right. You have three minutes, starting now.

MR C. CHIU: Okay, so, good afternoon, everyone, members of the panel and the community - - -

20 PROF LLOYD: Now, now, you have to speak up, because that mic only records. It doesn't amplify.

MR C. CHIU: Okay.

25 PROF LLOYD: And people down the back want to hear you.

MR C. CHIU: Can I hold it up?

PROF LLOYD: No, no, no, no, no. Leave it there.

30

MR C. CHIU: All right.

PROF LLOYD: But the people down the back will want to hear you.

35 MR C. CHIU: Okay.

PROF LLOYD: So you have to speak up.

40 MR C. CHIU: Yes, yes, yes. Okay. So, yes, I'll be speaking on behalf of my dad, who is the owner of 15 Tennyson Street. I'm just going to be providing a few main points today about why we don't want this to go ahead, this application to go ahead. The first is going to be about the privacy problems that we're going to experience. So this is 19-room boarding house, and we are living right next door to it. There's no manager on site that can be responsible for any of the activities of the people that are  
45 living in the 19 rooms that are present, and they might overlook into our property, into our back yard, and this goes for the properties that are both behind and adjacent, not 15 but 19 as well.

The other complaint – the other point that I’m going to put forward is that there’s going to be issues with noise pollution and acoustics. So, again, with the manager not – with the manager not present on site and 19 rooms in this boarding house, the general area is full of just single houses, townhouses and just normal areas like that  
5 with fewer residents inside. This boarding house is just going to create, potentially, a lot of noise that is going to be unregulated. There’s also a lack of ventilation, which means that – or – and air conditioning, so the kind of noise that’s travelling from this building is just going to come straight through and affect all the residents around, especially us, and the last point I’m going to make is about the road and traffic  
10 conditions around the area.

So we already live – 15 – Tennyson Street itself is already a very narrow road, and we’re located very close to Western Sydney University, where many university students are already parking on our street. On the corner of Irving Street and  
15 Tennyson Street, there’s actually already – there’s a park that’s very commonly used by a lot of children from around the area and a lot of families, and the already high density of cars moving around the area, the narrowness of the road, the introduction of this 19-room boarding house would lead to a greater risk of danger for traffic accidents with the children, just congestion in general, and a lack of parking and  
20 availability for residents that are already living there in their own houses, and, yes, those are the main points that I have to talk about.

PROF LLOYD: All right. Thank you. Is Marion Stoll here?

25 MS M. STOLL: Yes.

PROF LLOYD: Your turn.

30 MS STOLL: So - - -

PROF LLOYD: And, again, for the record, your name and address.

MS STOLL: Yes. My name is Marion Stoll and I live in 2 Irving Street in Parramatta, which is about two blocks underneath the - - -

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PROF LLOYD: All right. Proceed.

MS STOLL: - - - 17 Tennyson Street.

40 PROF LLOYD: Yes.

MS STOLL: So I won’t take up a lot of time today, because I’ve obviously submitted my objections in writing already. Just when I read through the assessor’s report, while obviously supporting that development, I came across the point that  
45 there are quite a fair bit of noncompliant issues identified, and I just struggle to understand how this can happen. How can there be noncompliant issues and the officers or the assessors just accept it and say it’s acceptable? Especially, let’s say,

for example, the landscape area is not even half the size of what is expected, so I'm really struggling, and I'm just asking, how can this happen? Why do people not have to follow rules and regulations if there are rules and regulations, and how can an assessor just say, "I accept it"? That's all I have to – like, it's a question, because I  
5 was told I can ask questions as well.

PROF LLOYD: No, you can speak.

MS STOLL: Yes.  
10

PROF LLOYD: And you've had your say.

MS STOLL: Yes.

15 PROF LLOYD: All right. Thank you.

MS STOLL: Okay, so there's no one here who can answer my question?

PROF LLOYD: I don't know. We'll have to wait and see. You'll have to wait and  
20 see.

MS STOLL: Okay. No, because I was – like, it's clearly written somewhere that you can have a say and that you can also answer – ask questions.

25 PROF LLOYD: All right.

MS STOLL: Okay. Thank you.

PROF LLOYD: Tia Tzimoulas.  
30

MS T. TZIMOULAS: I live at number 15 Irving Street, which is not too far from the proposed development. It actually is situated on the cul-de-sac part of the street. So my – one of my concerns is the traffic flow. There's a lot of university students at the moment who park in Irving Street, and there's only a very narrow entrance point  
35 to Irving Street. There's only a one way – one way in and out, which is very close to the T junction of where the proposed development for the boarding house will be. That's a really big concern. The actual boarding house itself, I am concerned as to the number of rooms without a site manager. The assessment report mentions up to two adults per room. I'm concerned as to how that will be controlled, if there's more  
40 than up to two adults per room.

The report also mentions the other approved developments in the area and, near where I live, right next door, there's an approval for 17 units. Across the road from me – that's a three-storey building. Across the road from me, another approval of a  
45 four-storey development comprising 22 units, so, if you really think about the extra cars going in and out of these streets and parking, it's going to be crazy. Also, just

the visual impact of the neighbourhood with all these high rises going up in relatively quiet areas of both Irving and Tennyson Streets.

5 The fact that it's opposite a children's playground is a very big concern, because I've lived in this area most of my life, and I'm noticing an increasing number of children actually utilising this park, so the fact that there's going to be a boarding house right near it is actually quite a big concern. The fact that the boarding houses won't have air conditioning is a concern as to the people living there. They'll be seeking, maybe, outdoor space on very hot weather conditions, and, you know, having the park nearby, I'm concerned that, you know, they'll be utilising that park, and that's all I have to say. Thank you.

PROF LLOYD: All right. Thank you. Jordan Faeghi. Name and address, please.

15 MR J. FAEGHI: Jordan Faeghi. I'm a planning consultant at Mecone Town Planning at Level 2/3 Horwood Place, Parramatta.

PROF LLOYD: Thank you. Proceed.

20 MR FAEGHI: So good afternoon panel, chair and members. I represent 13 concerned residents in relation to the proposed development application at Tennyson Street, Parramatta, and, having reviewed the planning report from council and the application documentation, we're of the opinion that the development is completely unsuitable for the site, its interface with the adjoining properties and the immediate locality. Our letter dated in July of 2019 addresses a number of issues that we think were well-founded to refuse the application on its own, but I just want to highlight a couple of key ones today, and the key thing is, just because the Affordable Rental Housing SEPP permits this type of development does not mean that it's simply

30 There are things that we have to consider through the merit-based assessment and looking at the – not only the interface of the property to the adjoining properties at 15 and 19 Tennyson Street, but the outcome on the site and its impact on the immediate area. It's important to note that this is being marketed as a new age style boarding house, a new age style boarding house with 19 studio rooms that have a kitchen. It has a bathroom and a living room, and in such it functions in a way that it's almost 19 studio apartments. I think we just need to keep that in mind.

40 The applicant submission documents and council's assessment report notes that it's providing an FSR of 0.85 to one, 19 studio rooms, and, on that basis, should have side setbacks of 0.9 metres, which is comparable to that of a dwelling house – of a dwelling house, but it is evident that the intensity of what is being proposed is not a dwelling house. It is more akin to a townhouse or a residential flat building, of a small-scale residential flat buildings where greater side setbacks are required to mitigate impacts to adjoining uses, and this isn't just our view. This is also identified under the DCP, which states that, effectively, developments that are proposing 45 boarding houses must reflect the corresponding zone, so, if we're in an R4 zone, it

says that the residential flat-building typology envelope controls should be adopted, which is six metres – site setback six metres. We're proposing 0.9 metre setbacks. It doesn't even comply with the site setback requires for a townhouse at three metres or a dual-occupancy at 1.5 metres.

5

The separation is clearly insufficient to alleviate the amenity impacts of the proposal on the adjoining properties, and we note that the site elevation depicts some high-level windows and privacy screening to mitigate this; however, this is a direct response to the inadequate nature of the site setbacks and the overall intensity of the development. The introductions of high ..... is generally an acceptable outcome for dwelling houses where you've got multiple rooms, but this is for private - - -

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PROF LLOYD: That's your three minutes.

15 MR FAEGHI: Okay. Thank you.

PROF LLOYD: Do you need more time?

MR FAEGHI: I do, if that's okay. Not long, just about 30 seconds more.

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PROF LLOYD: All right. 30 seconds.

MR FAEGHI: Thank you. But this is for 19 self-contained dwellings where these are going to probably be their only windows, which is going to mean that they're going to have impacts with solar coming into these places, adequate cross-ventilation and no outlook. So, effectively, these are mini-prisons in a way. And on that basis, panel chair and panel members, we kindly, respectfully request that council refuse the application. Thank you.

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30 PROF LLOYD: Jonathan Wood. Proceed.

MR WOOD: Panel members, my name is Jonathan Wood. I'm a town planner speaking on behalf of the applicant in relation to this matter before you today. I might spend a little bit of time just on some of the issues raised by the objectors and then talking briefly just about some of the background history with the application that the assessment report before you, sort of, talks through. I actually might start with a – that's probably the better way to do it. So you would have seen that the nature of the proposal has changed significantly from when we first submitted the DA to what we have now.

40

Originally we did take, effectively, an RFB typology – a three to four storey building – 34 ..... boarding house, and council raised issues with that, as well as their design review panel, and suggested that the most suitable response might be to adopt, effectively, a two-storey built form that looks more like a dwelling house or a dual-occupancy, and that's the scheme that you can see before. That's the setbacks that we've effectively modelled, and you would've seen that on site – the large dwelling

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at number 15 and the general character of the area. So we've adopted a two-storey form in a zone that permits three storeys.

5 We're seven and a half metres in height versus, effectively, 11, so we've actually pulled down the size and the scale of the scheme quite substantially from where we started some time ago. We think that the setbacks proposed are suitable. To say that we just have highlight windows is a little bit misleading in that most of our rooms face front and rear. If you look at the plans, we've stacked as many rooms facing the front boundary and the rear boundary as we can to maximise natural light and  
10 ventilation of those rooms. Even those rooms tucked within the middle of the building are designed to have a secondary source of light or air.

15 So we haven't simply stacked as many rooms as we can and faced them to a side boundary and attempted to treat it with a raised sill. We have actually to maintain amenity. I mean, the client wants to deliver something that's going to work from a market point of view, obviously intention being primarily university students, given the location and walkability back to Western Sydney Uni. Just a little about parking – so obviously the Parramatta DCP calls up a rate of one per 10 rooms, which would equate to two spots. The affordable housing SEPP now calls up a rate of 0.5 spaces  
20 per room, which results in the need for the 10 spaces.

25 So we've adopted a scheme compliance with the SEPP, which is the higher parking rate for 10 spaces – effectively, one per two rooms. So we have looked to maximise the parking, understanding the concerns and constraints surrounding on-street parking, and we note council's proposed some conditions around the fact that the resident parking permit needs to be remitted as well as part of this development so that there will be some nominal increase in on-street parking by virtue of the fact there will be another resident permit available. In terms of landscaped area and the like, I'll touch on that too.  
30

35 So the landscaped area in the report before you does nominate that it's non-compliant with the DCP. The SEPP has a slightly different set of criteria engaging – “is the landscaped area and the deep soil suitable?” The SEPP says you can't refuse on the basis of landscaped area if the front setback is considered to be compatible in the context of the site, and beyond that I think there's been some recognition through the assessment report that there's a balance between the need for landscape and deep soil versus adequate parking to be provided within that basement configuration. If I could have another 40 seconds, if possible, just to continue talking about - - -

40 PROF LLOYD: All right. Proceed.

45 MR WOOD: - - - these issues, that would be good. So I have obviously modelled the ground floor around the basement. So the basement is of the size we're required to provide – the 10-odd cars. We do have a deep soil cut-out halfway through the building to achieve some landscaping in that central pocket that we're keen to provide, but we say that the landscaping provided is suitable and should be supported, as per the council report before you. In relation to the number of rooms,



they are, effectively, all single lodger rooms, and that's gauged effectively by the size of those rooms, which is regulated by the SEPP, that says if you have a room that's less than 16 square metres, it may only be single.

5 And that's reinforced by what is proposed by conditions of consent and further conditions of consent requiring a revised plan of management before you as well. So that's about all I have to say. I'm happy to answer any question that the panel might have in relation to any other matters, but otherwise we'd, sort of, seek that the panel endorse the recommendation before you for approval.

10

PROF LLOYD: Any questions, panel? Questions?

MR RYAN: You might want to parlay this one to the council staff, but, I will ask them if necessary. But the question raised by the planning consultant for some of the objectives on the applicable setback control – do you have a view on that?

15

MR WOOD: Yes. So I touched on it briefly before. So the DCP does call up a typology setback. So in an R4 zone you should generally adopt a setback of that typology. I guess the distinction is we don't have a residential flat building site, and the council has made that abundantly clear – to say it's not a flat building site. You need a frontage of, effectively, 24 metres to do that. We have a much lesser frontage, and, therefore, we've gone with – what else could you do on the site if you're weren't doing an apartment block? We say it would either be a dwelling house – probably not – more so a dual occupancy. You couldn't even do multi-dwelling housing because of the frontage constraint, so we modelled our footprint based on those setback controls that would apply to a dwelling house and a dual occ, and we've gone 900 off the side and stepping up to 1500 up the building at the first floor.

20

25

MR RYAN: Okay. So just in strict terms of the DCP, the typology referred to relates to the scheme itself or the typology of development that would be otherwise permissible in the zone?

30

MR WOOD: Yes. So the wording in the DCP, in my view, is a bit ambiguous as to what it says. It does – if we did have a site that was capable of accommodating a flat building, I would agree. You would have six metre side setbacks, because it is of – proportionally, you have a building that's much taller. So on a two-storey building it's a three. There's an application before you for a four-storey building in that zone and at that height and ..... and scale you do need wider setbacks. So we say that the typology should really be considered based on what you could otherwise achieve on the site, as opposed to taking that strict view, and that's – I suppose that's – that's also a question for council, I guess, in terms of their view.

35

40

MR RYAN: Okay. Thank you.

45

PROF LLOYD: Any more questions, panel? No? All right. Thank you.

MS McDERMOTT: Can we have questions of council? Questions of council or just of panel.

MS McDERMOTT: No further questions.

5

PROF LLOYD: Well, no. We can ask questions of the council or anyone.

MS McDERMOTT: Okay.

10 PROF LLOYD: All right. No more questions? Right. Panel, what are we doing, staying with the recs?

MR RYAN: Staying with the recommendation.

15 PROF LLOYD: Staying with the rec?

MS McDERMOTT: I just have a question for the council. So I heard that the consultant here mentioned that the setback is of a similar size to a dwelling house, and what would be the setback if this was considered a dual occupancy?

20

MR WAN: Dual occupancy setback, I believe, in DCP is 1.5 for ground floor and follow that up through to the first floor as well.

MS McDERMOTT: So on – looking at his development with potentially 19 rooms, what was the position of council in not applying the setback for – as if it were a dual occupancy?

25

MR WAN: It is the form of the dwelling. It is quite similar in size, at least in terms of the envelope, to the property at number 15 Tennyson Street.

30

MS McDERMOTT: I see.

MR WAN: It is for all, at least, bulk accounts a dwelling house, and the setbacks should reflect that, being 900 on the ground floor and one and a half on the first.

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PROF LLOYD: Any other questions?

MR RYAN: Just one. If a residential flat building, presumably, wouldn't be able to be accommodated on a single lot like this, would it need to consolidate at least to two

40

MR WAN: Ideally, yes - - -

MR RYAN: - - - given the setbacks - - -

45

MR WAN: - - - consolidate two.

MR RYAN: - - - that are required?

MR WAN: Yes. It is possible to accommodate an RFB on a single lot of 15 metres, but it's a very narrow RFB and would actually look more out of character than what  
5 is, effectively, a large dwelling house.

PROF LLOYD: All right. Go with the rec?

MR RYAN: Yes.

10

PROF LLOYD: Well, thank you for your input. We have listened carefully to what you've said, and the panel has come to a decision which is unanimous. The panel had decided to approve the application in accordance with the recommendation for a number of reasons. Importantly, this site is in an R4 high density residential zone.  
15 That is to say the council's planning for this area envisages high four – R4 high density residential development, that is, residential flat buildings of two to three storeys in high, and this would fit – this development would fit comfortably within that kind of development. The proposal complies with the statutory requirements of the State Environmental Planning Policy (Affordable Rental Housing) policy  
20 prescribed by the State Government.

That planning control trumps the council's planning controls; that is to say, it prevails, and it must, therefore, be given effect, and, as I have said, it complies with the requirements of the State Environmental Planning Policy for affordable rental  
25 housing. It is, as I've said, in an area which is about to undergo transformation from single dwellings to high density residential, and it fits comfortably within that planning control. As to the setbacks, we note that the development complies with the side setbacks for a residential development of point nine of a metre, and the panel is comfortable with it.

30

So the determination of the panel is to approve the development as recommended. The reasons for the decision is that the panel supports the findings in the assessment report and endorses the reasons contained in that report. Secondly, the development is permissible in the R4 high density residential zone and generally satisfies the  
35 requirements of all the applicable planning controls. We'll get this down.

MS AHMED: Go back up.

PROF LLOYD: The development is permissible in the R4 high density residential  
40 zone and generally complies with all the applicable planning controls. Next, the development will be compatible with the planned future character of the area. Next, for the reasons given above, approval of the application is in the public interest. That's all. I should permits note that due to the proximity to the Western Sydney University, the likelihood is that this will be used for student accommodation, most  
45 probably. All right. So that's item 5.2. Next. Thank you very much. Item 5.3 is the proposed five-storey residential flat building at 19 to 21 Forest Grove, Epping. We

have noticed that there are people who wish to speak. Is Margaret McCartney here? Please come forward. As – as before, your name and address.

5 MS McCARTNEY: Yes, sure. My – my name is Margaret McCartney. I live at unit 5, 12 Forest Grove, which is diagonally across from the site.

PROF LLOYD: You're next to the park, are you?

10 MS McCARTNEY: Just a bit along from the park, about three blocks, but there is someone here who's next to the park who'll speak after me.

PROF LLOYD: All right. Proceed.

15 MS McCARTNEY: Yes. I also represent the Epping Civic Trust today, which has over 400 members. We object to this DA. We do not agree to the four reasons given in the council's recommendation – demonstrate it is in the public interest. It's not in the public interest to have non-compliance with the height, non-compliance with communal open space requirements, to not adhere to the Hornsby DCP requirement for indentation and individual roofs for templates exceeding 25 metres, so as to  
20 give the appearance of two separate building pavilions, rather than a single building mass. This building represents a large single mass which is, if like the neighbouring building, 23-25 Forest Grove, will act as a soundboard or amplifier for the passing freight trains. Our streets have been so much noisier since 23-25 was built, because it does act as an amplifier because of its flat front.

25 The council's draft local housing strategy identifies the need to enhance the character of local neighbourhoods. The bulk and scale of this building does nothing to enhance the neighbourhood and has potential to impact on the heritage conservation area behind it and the heritage item, Forest Park, diagonally across the road. To  
30 place the driveway to the north where there is a bend in the road and next to a public walkway presents a hazard and risk to pedestrians and cars, which speed down that section of Forest Grove. It is not in the public interest to push the front entrance further out towards the street, thus giving less setback at the front, and the removal of all the trees on the site and the greatly-valued jacaranda street tree just to allow the  
35 widening of the footpath is not acceptable. Surely, the footpath can be redesigned. This overdevelopment of the site can no longer be justified by stating that there is a need for greater housing supplies as Epping's housing targets have been well met and exceeded. However, Epping's huge gap and need for more public open space is still to be addressed. Justifying this DA by stating it is near Forest park, thereby placing  
40 further stress on the existing short supplies of open space, is not in the public interest.

The landscaping plan includes planting four water gums of the verge. We request for alternative street trees to be provided, such as brush box, like those up the road, or, preferably, more jacarandas, which fits in with the character of the street or a lemon-scented gum to replace the significant tree previously removed from 19 Forest  
45 Grove. Water gums have been planted in the front of 23-25 Forest Grove and I'll show you a picture of this. They're slow-growing and they do nothing to soften the

building, assist with cooling the street or privacy screening and, also, I don't have time to go through the details, but we would like to request retaining trees 15, 16, 20 and 21 as they add to the streetscape, and I'll provide you with pictures of them as well. Thank you.

5

This is a photo that shows the water gums. They've been planted for over 12 months and look at the size. They're not screening the building. They're very slow-growing and when I asked council if they would replace them, they said, "No." They wouldn't take healthy trees out and put other trees in, so we're stuck with them. This is the little lemon-scented gum, number – I've written the number here – 16, which looks healthy to us, and the arborist's report was written in February 2018, so I – I think it's survived since then. Likewise, this is the street jacaranda. The wires will be removed, so it will be able to grow bigger if it's left there, and then these are trees 20 and 21. This is the New South Wales Christmas bush and this is the other  
10 jacaranda. They're right over on the boundary. They're not within the footplate of  
15 the building, so I can't see why any of those trees couldn't be protected.

PROF LLOYD: Thank you. Christine Beasley.

20 MS BEASLEY: My name is Christine Beasley. I live directly opposite the proposed DA, number 5/6 Forest Grove. I fully support my neighbour, Margaret McCartney. We are both members of the Epping Civic Trust. We take care of the local herb garden and I work with Parramatta Council with Friends of Forest Park. It is very necessary for me to have a dilapidation report done before and if this DA  
25 goes ahead, because when Radray, the property developers, were building next door to this DA at 23-25 Grove – Forest Grove, I felt intense vibrations. I was shaking inside my building as I work from home. At the end of each day, Radray would park their huge crane across the road to our side, on top of our units and others in Forest Grove on my side. The cloud space above our block of units, highly esteemed panel,  
30 is legally our property – that cloud space above our units, so I would suggest that, hopefully, you would get Radray to – not to park their crane on our units opposite this DA.

This DA presents major safety issues for hundreds of residents. Young children and  
35 residents who are walking through to either go to Epping Primary School or through Forest Park to the station, they – as they walk across, with this DA, as they come out on the left-hand side is the driveway. These children, these residents – and cars driving up. It will be extremely dangerous. I look at the view from my front window. Accidents waiting to happen. Another major issue, respected members,  
40 from the top of Forest Grove, all of the block of units – several of them – all the day and night water use comes out of four metal gutter areas in front of 15-17 on the other side of the public alleyway, where the children and residents are. Now, the slush that will come from that water with this DA for 19-21 will create accidents, once again, waiting to happen for residents.

45

This – this green space that is apparently going to be created on top – we have Forest Park opposite. It is a heritage park. Already, at night residents from the new units

opposite – they sit on the gutter talking on their mobiles 10.30 at night. I have the same problem. I – I live exactly alongside Forest Park. People sitting in the park areas midnight, talking on their mobiles. I believe this DA rooftop will promote lots of people going up to the top of that DA and talking on their mobiles. Sleep deprivation.

5 PROF LLOYD: That is your three minutes.

10 MS BEASLEY: May I have one more minute?

PROF LLOYD: One minute.

MS BEASLEY: Thank you.

15 PROF LLOYD: Good.

MS BEASLEY: Thank you. This DA will impact on my life as I only live metres away. It takes four long months alone jackhammering into the rock for the carpark, which I felt at 23-25. They had four jackhammers. Dust that was never controlled with water. A member of our side rang DA to let them know on the DA they were meant to spray it, but it wasn't done. To legally substantiate my worry about working in the first four months, I had an – an acoustic sound test was done by the State government environmental division in 2008, of which you would see the copy. The panel made special – I made special reference to the acoustic report to measure the noise disturbance related to the widening of Epping Road – in relation to down the hill where I was alongside the park. The results of this test panel found that I would be disrupted with construction noises with the widening of Epping Road and, as a result, I was offered relocation. This is my workplace, my home. It will impound negatively on my health, particularly in the first four jackhammering months, to live and work in such intolerable conditions that this DA presents. Could the panel, please, address my concerns and make an opportunity to meet with the developer to address. I object to this DA for the – for the reasons stated. Thank you.

35 PROF LLOYD: Before you leave - - -

MS BEASLEY: Yes.

PROF LLOYD: - - - you mentioned earlier in your address about the crane.

40 MS BEASLEY: Yes. When they're building the multistorey, of course, they demolish the house and then they – they dig for the carpark, which takes four months through rock. Every site along – opposite where we are has taken four months, and with Radray, they had two big lead pencils, not one, and then two huge bulldozers at the same time. It was double the noise, because if you read in the DA, they want to do it in faster time. They completed that one in under a year. Did I answer your question, sir?

PROF LLOYD: No. You mentioned a crane.

MS BEASLEY: Yes. Well, when they're building the high-rise, they have a crane and they dig it into the ground and it's very, very high as the height of the building progresses. Across the road, they have built – five are allowed, but seven with the mezzanines happening. So they go that height and, at the end of the day, sir, they park that crane over to our side of the street.

PROF LLOYD: Have you seen – they're a proposed condition of consent, which I'll read to you.

MS BEASLEY: Yes.

PROF LLOYD:  
15

*No part of any crane is to extend, operate or otherwise encroach the airspace of any adjoining properties at any time, including outside construction work hours, unless an agreement to do so has been reached between the developer and any relevant property owners, including strata body. Such agreement must be in place prior to the installation of any component of the crane.*

That is a proposed condition of consent.

MS BEASLEY: Well, I'm glad to hear it, sir, and the dilapidation report, I am very keen to have, not just from a photo of a front and put it in a file, but the side of our property – on the garage side, there is already a crack, which we've investigated and there's no issue with that, but as I felt the vibration from the building of 23-25 – and this will be much worse. That's why I won't – and the noise. How can I work in my studio at the front? It would be impossible, I'm sad to say – but impossible.

PROF LLOYD: You – you accept that there must be some development opposite, do you?

MS BEASLEY: I am not – I am not – we are not against people having somewhere to live.

PROF LLOYD: I mean, you know it's zoned for high-density residential here?

MS BEASLEY: Yes. Well, we've had several blocks of units built in the last four years opposite.

PROF LLOYD: So you expect that there would be a block of units opposite?

MS BEASLEY: Oh, yes.

PROF LLOYD: Yes.

MS BEASLEY: Yes, but I'm against the design of the driveway for the safety of pedestrians. The water's coming out of several blocks out in front of gutters at 15-17, which is on the other side of the public laneway. I'm very worried about people coming out against – on the other – where the driveway and all these pedestrians are trying to cross Forest Grove, and with the water coming out day and night, regularly, from all the water use of those several blocks of units, up to 15-17, and outside 15-17, the water – every couple of hours, day and night. That's going to flow on to this DA. So I – I've seen them all built. I'm a practical, professional person and the – the slush and the muck – how is it going to be for pedestrians and young children?

10 PROF LLOYD: All right. Thank you.

MS BEASLEY: Thank you.

15 PROF LLOYD: Mr Leung, Tony Leung.

MR LEUNG: Hello. Hello, can you hear me?

PROF LLOYD: It doesn't – it doesn't amplify. It only records.

20 MR LEUNG: Oh, okay. My name is Tony Leung. I'm the architect for the proposed development.

PROF LLOYD: You are?

25 MR LEUNG: My name is Tony Leung.

PROF LLOYD: Yes.

30 MR LEUNG: I'm the architect for the - - -

PROF LLOYD: You're the architect?

MR LEUNG: - - - development.

35 PROF LLOYD: All right.

MR LEUNG: So I'm speaking in behalf of the applicant. So to – to maybe – we need to thank you for the concern. This journey has started at – meanwhile, we launched the application in January 2019. We have started this journey way back in March 2018. We had two pre-DA meeting and two ..... meeting, and throughout those meeting ..... work through the very issue that the neighbour has concern with. Within this block of land, which is ..... high density, is the last remaining block of residential-apartment land, which is 500 metre from the stations. It was – used to be under Hornsby DCP. So – now with Parramatta like developing the last block.

45



And one of the things that I want to highlight is the height and bulk and scale and the density of the development. With Parramatta City Council planning-control it's so much more less than Hornsby DCP. For instant: in Hornsby DCP they, generally – the block is about nine metre apart. But with Parramatta they have – make it very strict control. This is apply under ADG. So to set back the front and the rear is consistent with the entire development patent of all the apartment block in the area, and the interface between the neighbour is to follow ADG control. That means even though along the boundary, if some of the neighbour is closer because it's nine metre apart, they're four and a half, we have to set back even more to create the 12-metre, the 18-metre and et cetera. So in our view the bulk and scale is being tested very ..... throughout the entirely period.

And with regarding to the ..... six variation in height we had originally communal open space located on the ground floor. It was through the two design-advisory-panel meeting that it was agreed, to put on top, because it could create less noise for the resident. There was this discussion around Hornsby traditional approach of having communal ..... open space at the ground level would reverberate between two wall of the building. As such it would create even more noise. It was for that very reasons that it was relocated up at the top. And the amount of communal open space was more than what Hornsby DCP tradition require, which was only 25 per cent. We providing a totality of 31 per cent, which would not take demands of the public park.

Lastly we wanted, basically, support a council officer assessment throughout the entire process, which we've respond very diligently, and today is – part from responding to some of the neighbour – but I really wanted to – one minute to basically propose some change to conditional consent, if I may talk about it. One of them is condition 6I is talk about the duration of demolitions is to be completed within five days of commencement. Now, this is the exact concern the neighbour have. If we were to complete demolition in five days – that is almost impossible. It would create a lot of noise. So it is on that reason that we recommend the – this condition to be remove, and the other part of the condition 13, whereby it acts – they ask for tanking, full tanking of the basement. This is a general standard condition consent applied to all – a lot of Parramatta City DA where they're building right next to river. In this instance there is no concern with regard to underwater table, and the applicants have completed the development right next door without using a tanking system.

So we would ask the panel to reconsider rephrasing that conditions to what I have presented in this document. So those are the two things that I would like the panel to consider, and – but other than that one of the – public interest is one of the things that has been talk about. In this development there is one major footpath right next to it. At the moment you can't even put a pram with another person walk past it. So what we have done in here is to consider along with council recommendation and design ..... panel recommendation to make that footpath assessable and have a pram and a wheelchair passing pass each other. So at the tightest point – at the moment it's only 1.3. We are dedicating 40 square metre of land to make it 1.8, to some instant 2.4 for that very reason, allowing people from the Essex Street side to gain to the station in a

more assessable way. So my conclusion is – so in support of council decisions, and this development is an ..... for development, and it will be develop, and we believe this is a very considered design throughout two years of refining process with council and design excellent panel member. Thank you.

5

PROF LLOYD: Have you shown these proposed amended conditions to the council?

10 MR LEUNG: Not yet. My understanding is what we would be presenting, discuss it today.

PROF LLOYD: Well, we'd like to know the council's view on them.

15 MR LEUNG: Yes.

PROF LLOYD: I mean we - - -

MR LEUNG: So basically one of the things - - -

20 PROF LLOYD: Here you are. Take it over to them.

MR LEUNG: Sure.

25 PROF LLOYD: And let them have a look at it. We will want to know what the council's view is in relation to each of these condition that you propose to change.

MR WAN: Did you – I'll do it outside or - - -

30 PROF LLOYD: You can do it outside. Yes. You can do it outside. We'll go on with the next matter. And while that's going on, we can move on to the next matter, 12 to 14 Collett Parade. We have a number of people here who are for the applicant. There has been some tweaking of the conditions. Have you had an opportunity to look at them?

35 MR TAN: Yes. Most of them .....

PROF LLOYD: Have you checked with the council as to the - - -

40 MS SOHINI SEN: There's been some communication, but I'm happy to go through the amendments with the applicant.

PROF LLOYD: Well, I think you should sort out these conditions, because there are – there is no opposition to this development.

45 MS SEN: Yes.

PROF LLOYD: But there is - - -

MR TAN: ..... this has the – as - - -

MS SEN: We'll just go over it.

5 MR TAN: Yes. We'll go over it.

PROF LLOYD: There are some changes to conditions which the council now proposes that you should look at.

10 MR TAN: Okay. Sure ..... have a look at - - -

PROF LLOYD: So you should go outside.

MR TAN: Okay.

15

MS SEN: Shall we go to 5.5?

PROF LLOYD: All right. So we can now go on to 404 to 406 Church Street. Mr Smith and Mr Sedgmen.

20

MS SEDGMEN: Ms Sedgmen.

PROF LLOYD: Ms Sedgmen. George and Georgina.

25 MS SEDGMEN: It's a George and a Georgia .....

PROF LLOYD: George and Georgina.

MS SEDGMEN: ..... project this week ..... thank you, panel.

30

PROF LLOYD: What do you say about the council's proposed hours of operation?

MS SEDGMEN: At the moment we have no objection to council imposing a condition which proposes the same hours of operation as the Royal Oak is currently providing.

35

PROF LLOYD: Well, let's have a look at that. Let's have a look at that. The – they're different.

40 MS SEDGMEN: Yes, because there was one set of hours of operation we requested, and council have come back and said that they would like to enforce the hours of operation currently imposed on the existing Royal Oak hotel.

PROF LLOYD: What do you say about a suggestion that there be a trial period of one year for those hours of operation?

45

MS SEDGMEN: We would accept a trial period of one year.

PROF LLOYD: You would?

MS SEDGMEN: Yes.

5 MS McDERMOTT: They are of the hours of operation that you're currently  
working with, though. So I guess one of the considerations from the community was  
the fact that, by moving across the road into a brand-new facility – it's closer to that  
residential part of Parramatta, and I guess from the community point of view that 12  
10 pm or 12 am till 3 am trading – hopefully, it will be able to be managed well.

10 MS SEDGMEN: Sure. They'd like to see it.

MS McDERMOTT: But if it wasn't, there would need to be some safety check  
from the community point of view to be able to say, "Well, look. We need to" - - -

15 MS SEDGMEN: This is .....

MS McDERMOTT: Yes. So the point of the proposed – I guess the intention  
behind that is just to say "Look. Good luck with the move over the road. But if there  
20 is, say, lots of complaints and issues with unsociable behaviour, antisocial behaviour  
that's attracting a lot of community concern" – that there would need to be some kind  
of review. So that's was, certainly, one of the intentions behind that condition.

MS SEDGMEN: And I might refer to my client for a moment, if I can, but I think  
25 that that is acceptable, a 12-month trial period.

UNIDENTIFIED SPEAKER: May I clarify what the trial period .....

MS WANG: The trial period relates only to the Friday and Saturday trading-hours.  
30 So – the extended hours from midnight to 3. So it's not going to cover operation of  
the entire pub. It'll just be a reviewable condition on the extended hours only.

PROF LLOYD: In other words what we are doing is – we are imposing the hours of  
operation as recommended in the conditions of consent, which are not your present  
35 trading-hours, and imposing a trial period on those trading-hours of 12 months. Are  
you comfortable with that?

UNIDENTIFIED SPEAKER: If that's the panel's position ..... accept .....

40 PROF LLOYD: And if there's no complaints, then you can vary the – you can have  
– you can remove the trial-period component of that.

MS SEDGMEN: The 12-month trial – yes .....

45 PROF LLOYD: Are you happy with the other conditions?

UNIDENTIFIED SPEAKER: Okay.

MS SEDGMEN: George is going to speak on some conditions. I was going to generally address some objector concerns, because I believe there were some coming, but, apparently, there's not.

5 PROF LLOYD: No.

MS SEDGMEN: So generally I'd be saying – as you're aware, the property's been acquired. We have a demolition date we're dealing with. If that results in a 12-month trial period on hours of operation, it's more important, that we get relocated at the moment so the Royal Oak has a place to move to. In terms of conditions of consent – I might ask George to come up, because there were a few he wanted to speak to.

15 PROF LLOYD: All right.

MS SEDGMEN: Thank you.

PROF LLOYD: Mr Smith.

20 MR SMITH: George Smith. I'm a planning-consultant. I hope my voice is audible. Flu's been getting at me. I've been asked to ask for the deletion of three conditions of the 92. Two are very simple. Conditions 88 and 89 refer to registered clubs, and we're not dealing with a registered club.

25 PROF LLOYD: Just a moment. Let's find them.

MR RYAN: 8493.

30 PROF LLOYD: 88?

MR SMITH: 88 and 89.

PROF LLOYD: 88 and 89.

35 MR SMITH: And while I'm on that page – there are frequent references to the .... liquor, racing and – liquor, gaming and racing, which ceased to exist 10 years ago. It's should be "Liquor and Gaming New South Wales" or "the independent liquor-and-gaming Authority". The other condition - - -

40 PROF LLOYD: Wait a minute. So you would, simply, ask for the deletion of the those conditions. Do you?

MR SMITH: Yes.

45 PROF LLOYD: Council?

MS WANG: I think we can make reference to the correct body, but I don't know what would remove those conditions. You've got an existing licence, though. So it's being transferred, I'm assuming.

5 MR SMITH: Sorry. I can't hear you.

MS WANG: So we can have – we're happy to amend the wording of those conditions, but I don't know whether we can actually remove them, because they are standard conditions for registered premises.

10

MR SMITH: They might be standard commission, but they relate to a club, and we're dealing with a pub.

15 MS WANG: It's the liquor component that we're actually covering, but we can edit the wording of that.

MR SMITH: Well, they only merely state what's in the law. You can't sell liquor, unless you got a licence.

20 MS WANG: That's right.

MR SMITH: You don't need to put that in a development consent.

25 MS WANG: It's generally just for caution, much like a lot of the CC conditions, but - - -

30 MR RYAN: You're concerned about the brackets in the heading, I think. The actual – as you say, the wording of the condition itself is, essentially, what you'll need to do to comply with the law. It's just the fact that it refers to registered club in the heading.

MS WANG: The headings will not appear on that notice of determination. They're just headings that are generated by our system.

35 MR SMITH: Well, first - - -

MS WANG: You won't see that.

40 MR SMITH: Let me go a bit further. Condition 87 and 89 refer to gaming. Section 209 of the Gaming Machines Act says that council cannot impose any condition in relation to gaming-machines. So they're ultra vires. Whether they're standard condition or not, they're ultra vires.

45 PROF LLOYD: Council?

MS WANG: So for the conditions that we can't impose, I'm happy to remove those. For the precautionary conditions, we can amend the wording. So if there's no – this is 89, right?

5 MR SMITH: 89. 87 is also good.

PROF LLOYD: 87 as well. So looking at 87, 88 and 89.

10 MR SMITH: 87 – 87 and 89 are the same if you take out the “registered club” bit.

MS WANG: So we will delete the duplicate. So 89 I'm happy to remove, and - - -

15 PROF LLOYD: What Mr Smith is saying is that those conditions are otiose. I think that's the word.

MR SMITH: Yes.

20 MS WANG: Yes. So based on that wording, 88 and 89 can go. Okay, so I've renewed 86 as well, and it appears it covers most of what 87 through to 89 are asking for, so I'm happy to delete those conditions.

PROF LLOYD: You're happy to delete them?

25 MS WANG: Yes.

PROF LLOYD: All right.

MS WANG: That's fine. They're covered by 86.

30 PROF LLOYD: They are otiose.

MS WANG: That's right.

35 PROF LLOYD: Yes.

MR SMITH: And the other one is condition 11, which again is otiose because of it transcends the section 209.

40 PROF LLOYD: Well, that relates to the actual placement of the machine.

MR SMITH: Still covered by section 209.

45 PROF LLOYD: Yes. This submission doesn't carry the same force, Mr Smith, but - - -

MR SMITH: Well, if you read section 209, which is at page 7 of the Social Impact Assessment, subsection (3):

*A consent authority (within the meaning of the Environmental Planning and Assessment Act) cannot, as a condition of any development consent under the Act, prohibit or otherwise regulate or restrict the installation, keeping or operation of gaming machines in a hotel.*

5

PROF LLOYD: Well, what do you say about that, Council?

MS WANG: Sir, the purpose of our conditions are to preserve residential amenity and, notwithstanding, I don't believe it would be appropriate for us to allow the machines to be placed anywhere. So we need some kind of certainty in issuing a development consent that it's going to be in a location that's suitable. In this case in terms of noise and disturbance, it can't possibly be out in terrace or courtyard.

10

PROF LLOYD: What regulation was that you just read out, Mr Smith?

15

MR SMITH: Section 209 of the Gaming Machines Act.

PROF LLOYD: Well, then we don't have the power – we don't have the power to impose this condition.

20

MS WANG: In that case, we will have to take it off.

PROF LLOYD: Do we agree, panel?

MS McDERMOTT: I would be interested in seeing what the relevant, you know, case law is. I mean, it would be best to defer to you and your experience, but - - -

25

PROF LLOYD: Mr Smith is an experienced planner who I know well - - -

MS McDERMOTT: Yes.

30

PROF LLOYD: - - - professionally, and he has just read the regulation. We don't have the power to impose that condition.

MR RYAN: I suppose I would want to ask, then, is that condition fundamental to your recommendation on this application?

35

MS WANG: The condition itself is not fundamental, but we need to be satisfied that we're affording a reasonable level of amenity to residential development nearby. So again, it's a precaution that I'm sure, as a member of the community, we would like to see.

40

PROF LLOYD: But if we haven't got the power to do this - - -

MS WANG: Well, then, yes - - -

45

PROF LLOYD: - - - then it has got to go.



MS WANG: Exactly. So the reason we've imposed it is for what I just said, but if there's no power for us to impose it, there's no – I guess there's no contest as to whether or not it stays. It was just to mitigate potential impacts.

5 MS McDERMOTT: Would the trading hour changes or the trial, would that - - -

MS WANG: Not really.

10 MS McDERMOTT: - - - would that – if there were issues around - - -

MS WANG: It assists with the additional extended trading hours to 3 am, definitely, but it doesn't necessarily relate directly to the machines.

15 PROF LLOYD: Do you agree we don't – we can't impose that condition?

MR REED: Well, the real issue for me is the placement of poker machines outside in a – in a terrace. I can't think of any location where that's allowed.

20 MR SMITH: Almost every hotel has poker machines outside in what they call a smoke-free environment, and this is what this courtyard is. It has got a partial roof over it and it complies with the Smoke-free Environment Act. And the whole point of it is to get poker machines out where people can smoke.

25 MR REED: Next to accommodation.

MR SMITH: Yes.

30 MR REED: That's the – the issue here is that the pub – it's not in a pub. The pub is now in a retail shop with apartments on top of it.

MR SMITH: Yes.

35 MR REED: To then have a terrace with poker machines and smoking, which is what you're talking about, I would have thought that's a significant impact on your immediate neighbours. I'm not arguing we can't – we can't enforce the requirement. But when you say every pub has got an outdoor "gambling area", in inverted commas, and smokers ..... Yes. But the precinct that they're in is totally different to what this pub is going to.

40 MR SMITH: Well, this courtyard is bounded on three sides by the building above. There's currently a low-rise building on the fourth side, which will presumably be redeveloped. There is mechanical – as I understand it, mechanical ventilation provided in the courtyard to convey smoke to the roof. It still complies with the Smoke-free Environment - - -

45 MR REED: I agree that we can't enforce that condition.

PROF LLOYD: We can't legally impose that condition.

MR REED: No.

5 PROF LLOYD: All right. So condition 11 will have to be deleted. Panel agree?

MS McDERMOTT: Yes.

10 PROF LLOYD: Panel agree?

MS McDERMOTT: Yes, yes.

PROF LLOYD: All right. Anything else?

15 MR SMITH: No, that's – I could – I could say a lot about a lot of other conditions, but I won't. No, that's all.

20 PROF LLOYD: All right. Thank you. All right, panel. Well, apart from the deletion of those conditions and the imposition of the time-limited condition relating to - - -

MR RYAN: The trial operating hours.

25 PROF LLOYD: - - - the hours of operation, are we unanimous? We are.

MR REED: Yes. Yes.

30 PROF LLOYD: All right. Well, the panel has come to a unanimous determination to adopt the recommendation to approve the application to change the use of the ground floor from the retail premises to a licensed food and drink premises – that is, a pub – subject to conditions. And the conditions involve the deletion of conditions 11, 87, 88 and 89, because they are both otiose and beyond power of the council to impose. And there is an additional condition relating to the hours of operation for a trial period of 12 months. And the decision of the panel is unanimous, and the reasons for decision are there. The panel supports the findings in the assessment report and endorses the reasons for approval contained in that report, subject to the changed conditions noted above. All right, thank you, Mr Smith. Thank you, Ms Sedgmen. That deals with item 5.5. Going back to item 5.4, are you happy with the conditions that are now proposed?

40 MR LEUNG: Indeed, yes. We've resolved - - -

PROF LLOYD: You are?

45 MR LEUNG: Yes. Sorry. I'm so sorry.

PROF LLOYD: You can go away.

MR .....: You just got a – you just got a boarding house approval.

PROF LLOYD: 5.4. Are you – now, I will ask you the question, are you happy with the conditions that are now proposed?

5

MR TAN: Yes, I am very happy.

PROF LLOYD: You're very happy. Very good. So this is the proposed boarding house. There are no objections. It complies with all the planning controls, and the panel is unanimous in preparing to accept the recommendation. There's a mistake in paragraph (b). It says "pursuant to section 4.17"; that should read "4.16". And the reasons for determination are those set out in the assessment report on page 297 immediately above the recommendation. So if you go to the assessment report - - -

15 MS AHMED: You want me to add them? Yes.

PROF LLOYD: They're all there.

MS AHMED: That's okay. I will do that before I send them to you .....

20

PROF LLOYD: One, two, three, four.

MS AHMED: Sure.

25 PROF LLOYD: All right? Good. All right. Now we can come back to item 5.3.

MR TAN: Thank you.

PROF LLOYD: Have you sorted out those conditions?

30

MR LEUNG: Indeed I have. Thank you so much.

PROF LLOYD: Are you happy with it?

35 MR LEUNG: Yes.

MR RYAN: I just have one question.

PROF LLOYD: Yes.

40

MR RYAN: I don't know whether it's to you or the council. The street – one of the neighbours raised the issue of street trees. Were you the selector of the street trees, or was that imposed by the council?

45 MR LEUNG: Like, I followed what's the landscape guide of the council.

MR RYAN: Is anyone aware of the – your council landscape? Are you able to comment on - - -

5 MR WAN: In terms of the species of this replacement street tree, it was selected by our landscape architect, but unfortunately that - - -

MR RYAN: I can't hear you.

10 MR WAN: So the species of the replacement street tree was selected by our landscape officer and it was placed in the provision. I didn't question him on the actual species.

MR RYAN: Okay. So you're not able to sort of offer an opinion as to - - -

15 MR WAN: Yes, which species is better or not.

MR RYAN: Is there an opportunity to possibly reword the condition to allow the selection to be revisited so that street tree planting – that is a specific – what condition is it? It's - - -

20

MR WAN: Condition 14 specifies - - -

MR RYAN: 14.

25 MR WAN: - - - the actual – the species.

MR RYAN: Is there an opportunity for that possibly to be to the satisfaction of – a tree selected to the satisfaction of the council's landscape person?

30 MR WAN: Yes, I can - - -

MR RYAN: And then there might be some opportunity to - - -

35 MR WAN: Yes.

MR RYAN: - - - hear what the - - -

MR WAN: I can remove the actual reference to the specific species and just have street trees to be replaced subject to future - - -

40

PROF LLOYD: Approval by council or - - -

MR WAN: - - - future consultation with the council's landscape officer.

45 PROF LLOYD: Is that – so do you want to change the wording of any condition here?

MR RYAN: Yes. Just that condition, just in recognition - - -

PROF LLOYD: Which condition is it?

5 MR RYAN: 14.

MS McDERMOTT: And you were – as I understand it, you were wanting these established trees retained; is that – was that your position?

10 MS McCARTHY: Not all of them, but some of them. The ones on the boundaries.

MS McDERMOTT: And has council, obviously, given the works – the significant building works that are – is actually taking place, is that even viable?

15 MR REED: Not with the excavation for basement car parking.

MS McDERMOTT: I wouldn't think so. Yes. So I guess that that's the challenge, is that, you know, they are very beautiful trees, but the scale of what is proposed – I just don't think that that would be viable, unfortunately.

20

MS McCARTHY: The street trees, the jacaranda and - - -

PROF LLOYD: No, no, no. We're not talking about the street trees. We're talking about the trees onsite that you've identified.

25

MS McDERMOTT: Onsite, yes. But I think certainly there would be – what you're saying is that perhaps some input or change, perhaps, to, you know, what's proposed onsite, you know, might be able to be accommodated, but the - - -

30 MR RYAN: This was the street trees I think you were talking about.

MR REED: Can I seek clarification on the condition for the dilapidation survey and report for the private properties?

35 MR WAN: Yes.

MR REED: I'm just confirming that unit 5/6 on Forest Grove, being opposite the current site, would be incorporated as an immediate neighbour.

40 MR WAN: Yes. So joining them is usually the two on the side and - - -

PROF LLOYD: And opposite?

45 MR WAN: That one I'm not too sure, but I can definitely add that in and make it – make it more specific to ensure that that property is included.

MS BEASLEY: I'm at the closest point.

PROF LLOYD: So what condition are we looking at?

MR RYAN: That's DCO3, dilapidation survey report for private properties.

5 PROF LLOYD: 56 - - -

MR RYAN:

10 *Prior to the commencement of any excavation works onsite, the applicant must submit approval by a principal certifying authority ..... dilapidation report.*

PROF LLOYD: "Of all neighbouring structures".

15 MR RYAN: And there's also a provision for the geotechnical report, which is focused on the ground water flow, which is DCO4 – addresses Ms Beasley's concerns ..... construction.

MR REED: 56 and 57.

20 PROF LLOYD: 56 and 57.

MR WAN: Yes, I can add it.

25 PROF LLOYD: So after the words "all neighbouring structures", add "including those opposite". Those words are inserted. And as to the other condition, I mean, the applicant objected to condition - - -

MR WAN: 6I.

30 MR REED: .....

PROF LLOYD: The applicant objected to condition 6I.

35 MR WAN: Yes.

PROF LLOYD: Are you happy to delete that?

MR WAN: I'm happy to delete that one.

40 PROF LLOYD: That has been agreed? Okay, good.

MR WAN: And then if we turn to condition 13, it was agreed that I couldn't delete it, because it was a development engineer condition.

45 PROF LLOYD: Yes.

MR WAN: So we would read that ..... leave it for now, and then there will be .....

PROF LLOYD: And there's this additional condition about the crane.

MR WAN: Yes, and we can add that one in as well.

5 PROF LLOYD: I think you're well looked after here.

MS BEASLEY: In the last paragraph, sir, whether you would consider inviting Radray to consider what they can do for me in the jackhammering four months.

10 PROF LLOYD: There is a construction management plan that covers all that sort of thing.

MS BEASLEY: So how do I - - -

15 PROF LLOYD: There's quite a detailed construction management plan.

MS BEASLEY: How do I deal with the noise and vibrations? Because I work directly opposite.

20 PROF LLOYD: Well, there are – they can only work during limited hours, for example. I don't think I've got the hours here, but it is limited.

MS BEASLEY: But I work from home directly opposite.

25 PROF LLOYD: Well, we can't – I mean, you – they've got to be allowed to build.

MS BEASLEY: I'm not saying don't build.

PROF LLOYD: No.

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MS BEASLEY: But just remove me for the first four months, please, as the State Government did in relation to the widening of Epping Road to where I live.

PROF LLOYD: Well - - -

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MS BEASLEY: The State Government at this test found that I was – I couldn't handle that noise at night, and they removed me for a period of time.

PROF LLOYD: Well, there will be no noise at night here.

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MS BEASLEY: No, no, no. But there will certainly be in those four months - - -

PROF LLOYD: Yes.

45 MS BEASLEY: And I work with sound, so – I teach. I'm formally with Opera Australia, and I teach everyday people how to sing within the – in that front room. So I won't be able to play, they won't be able to hear. I will be deprived of an

income for the first four months. I'm not saying the whole year, because we've lived with all of that. I'm just very concerned about the first four months of – and I ask that the panel would consider if, I don't know, a meeting could be arranged with Radray and they listen to my concerns and do something for me.

5

PROF LLOYD: I think that might be in the construction plan anyway. Is it? It's usually contained – that's usually a standard clause in the construction management plan.

10 MS BEASLEY: The State Government actually relocated me because of the noise. I'm not asking for relocation, but maybe some salary moneys for that four months where I would be losing the income. And I find - - -

15 PROF LLOYD: Well, we can't – we can't impose that sort of condition. That's beyond our power. We are not the State Government, unfortunately.

MS BEASLEY: Sorry.

PROF LLOYD: Nice try. Nice ry.

20

MS BEASLEY: Yes. But when they were building 23-25 and the excavation started, four months, clouds of white smoke, young children around, residents, in their DA they were asked to down that with water spray; they did not. We had to ring council. They put one lone man on a huge block for four months, dust. And we had to ring for the noise inside my property – apparently there's someone that will be managing that. When? We had to ring several times. "It's okay." How does that help us to live day-in day-out with this incredible noise? We're not against development.

25  
30 PROF LLOYD: Well, I mean, as I said, we're not the State Government. We can only - - -

MS BEASLEY: No, no, no. But you've implemented that that hosing should be occurring during the four months.

35

PROF LLOYD: Yes.

MS BEASLEY: It didn't happen at 23-25. I'm worried about Radray's obedience of the rules.

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PROF LLOYD: Well, if they don't obey the rules, you can report it.

MS BEASLEY: Well, the number was rang often and reported it. Why should residents have to be ringing Parramatta Council all the time - - -

45

PROF LLOYD: Well, I mean - - -



MS BEASLEY: - - - when they're like – they know the rules.

PROF LLOYD: I mean, you're assuming that they won't comply. We can't assume that.

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MS BEASLEY: Well, they didn't when they constructed 23-25.

PROF LLOYD: I mean, well, we can't assume that. I mean, all we can do is impose these conditions.

10

MS BEASLEY: Okay. Thank you for listening to me.

PROF LLOYD: All right. So that's the determination. You've got it. Yes, it's there.

15

MS AHMED: Unanimous?

PROF LLOYD: All right. And did you note the additional words in condition - - -

20 MS AHMED: That conditions 56 and 57 be amended to include structures opposite the development?

PROF LLOYD: Yes. Correct.

25 MR WAN: And also condition 14, about the street tree - - -

MS AHMED: So have we agreed that condition 14 is going in with a change to – about the street trees? How would you like that amended?

30 MR RYAN: It's a – we will get rid of the box that specifies the – the following street tree shall be planted within the road reserve, four street trees shall be planted within the road reserve as approved by council's – who is it, landscape - - -

MR WAN: Landscape officer.

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MR RYAN: - - - landscape officer. And then the note and the reasons can stay the same; it's just removal of the boxes.

MS AHMED: Okay, cool. .... So was it unanimous?

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PROF LLOYD: Unanimous, yes.

MS AHMED: And did you have any additional reasons?

45 PROF LLOYD: No. All right. Done? Thank you very much. I can formally close the meeting at 4.55. Thank you for your attendance.

**RECORDING CONCLUDED**

**[4.56 pm]**