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CITY OF PARRAMATTA COUNCIL

RECORD OF COUNCIL MEETING

PANEL MEMBERS:

DAVID LLOYD QC
DAVID JOHNSON
ROBERT HUSSEY
WARRICK McLEAN

RYDALMERE OPERATIONS CENTRE

4.05 PM, TUESDAY, 18 SEPTEMBER 2018

MR D. LLOYD QC: All right. I think we can begin. I'm sorry we're late, but we had a lot of sites to visit. In opening this meeting of the Parramatta Local Planning Panel, on behalf of the council I acknowledge the Burramattagal clan of the Durag, the traditional custodians of Parramatta, and pay respects to the elders both past and present. Next, I should note that this public meeting will be recorded. The recording will be archived and available on the 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. Next is apologies. There are no apologies. Next is declarations of interest and there are no declarations of interest. It's usual when we commence this meeting for the panel to introduce ourselves so that you know who we are, and we will do that now. I am David Lloyd. I am a lawyer. I'm a QC with a current practising certificate. I'm a former judge of the Land and Environment Court. I'm a former acting judge of the Supreme Court. I am currently an adjunct professor of law at Western Sydney University, and I chair three other local planning panels. Mr Hussey.

MR R. HUSSEY: I'm Bob Hussey. I'm an engineer and planner for the commissioner with the Land and Environment Court for 20-odd years, other senior local government and private experience, and I'm on a couple of other planning panels also.

MR D. JOHNSON: My name is David Johnson. I'm an environmental scientist. I have just completed six years on the Planning Assessment Commission in New South Wales as a commissioner. I've been a former acting commissioner in the Land and Environment Court, and I also teach environmental science at one of the universities in Sydney.

MR W. McLEAN: Thank you. My name is Warwick McLean. I'm the community representative, and I'm a resident of Epping.

MR LLOYD: All right. We can move straight on to the agenda. The first item is the proposed development at 38 to 42 and 84 Wharf Road, Melrose Park. I note that there are three people who wish to speak in support of this proposal. The panel inspected the site of this proposal earlier this afternoon, and we are inclined to approve it subject to the recommended conditions. Do those who wish to speak oppose that course?

MS: If I can just interrupt. I think we can perhaps clarify the developer has asked for some modifications to the conditions. I don't know if you were given that document at all.

MR LLOYD: Yes, we have.

MS: Yes. And so as long as – they just wanted to raise the fact that as long as they've been tabled, we're in agreement with the changes to the conditions and I think that what - - -

MR LLOYD: So are you happy with these changed conditions?

MR: Yes. Yes. Yes, we are.

5 MR LLOYD: You are.

MR: Yes.

10 MR LLOYD: All right. Fair enough.

MR: It's all good.

MR LLOYD: Easily done. So the determination of the panel is as per the
15 recommendation, and the reasons for the determination – we have to give reasons for
our determination – are that the panel supports the findings contained in the
assessment report and endorses the reasons for the approval contained in that report.
All right. Thank you for your attendance. The next item is the development at 23
Bennelong Parkway, Wentworth Point. Again, I don't think anyone is registered to
20 speak in relation to that matter. The panel, as I've said, inspected the site of this
development and is quite happy with it. And, unless anyone wants to say anything
about it, we are prepared to adopt the recommendation to approve in accordance with
the report. Again, the reasons for the panel's determination are that the panel
supports the findings contained in the assessment report and endorses the reasons for
approval contained in that report.

25
Next is item 5.3. This is the proposed demolition of a heritage item at number 7
Galloway Street, North Parramatta. Again, there's no one registered to speak. The
panel has read the heritage reports and is prepared to agree to the application to
30 demolish this heritage item. It's simply too far gone. It's falling apart and is beyond
repair. So, again, the panel adopts the recommendation to grant consent to that
application. Again, the panel's reasons are as before. The panel supports the
findings contained in the assessment report, and endorses the reasons for approval
contained in that report. The next item is number 27 Wylde Street, Telopea. This is
35 a development application for a dual occupancy development at 27 Wylde Street. It
is a section 8.3 review of a previous refusal of this application. The recommendation
is now for an approval, subject to conditions. No one is registered to speak. I think
the panel is in agreement. Is the panel in agreement with that?

40 MR HUSSEY: Because we ran short of time I would have liked to ask the engineers
a question about a couple of the conditions.

MR LLOYD: We could defer that. There's no one registered to speak, so we can
defer that to the end of the meeting.

45 MR HUSSEY: Okay. It deals with the conditions restricting the retaining wall
heights along the boundaries of the property to control overland flows. If I could
understand that a little bit better.

MR LLOYD: We will stand that matter down to last.

MR: Yes, we will sort that out.

5 MR HUSSEY: Thank you.

MR JOHNSON: Save a bit of time.

MR LLOYD: Yes.

10

MR JOHNSON: There's no rush on it.

MR LLOYD: Yes, we will come back to that. Next we come to item 5.5, 34 Boronia Avenue, Epping. Let me see if I can find 5.5. I see that there are a number
15 of people who wish to speak in relation to this matter. We have three speakers against and one in support. This is – I will just turn it up – a development application for what's described as a health services facility, that is, a day surgery building, at 34 Boronia Avenue, Epping. I think what we might do is hear first from the speaker in support. Is Maureen Holloway here?

20

MR D. TYRRELL: Your Honour, two of the other - - -

MR LLOYD: I'm not your Honour any more. I'm professor.

25 MR TYRRELL: Sorry, Professor. Two others registered to speak also. We received confirmation from council earlier today that our requests to submit have been accepted and given to you, myself being one of the – I'm a planning solicitor for the applicant as well as Mr Geoff Mead who's the – he's a town planner. So I requested that the three of us be able to speak in favour of the application.

30

MR LLOYD: Well, then I will just ask the panel a question. Do you want to hear the people in support, or the people against first?

35 MR JOHNSON: Well, I'm happy to hear the ones that – I think the ones in support first.

MR HUSSEY: Yes

MR LLOYD: All right. We will hear the - - -

40

MR TYRRELL: If I just may add, it may benefit the panel for us to be able to respond to submissions made. It's the typical order of things.

MR LLOYD: Yes.

45

MR TYRRELL: So we can we respond to some of those objections. That would – if we could just put that preference, but obviously we will indulge your decision on that.

5 MR LLOYD: All right. Well, in the light of that request we will hear those against. Is Bronwyn Best here? Would you like to stand up, tell us who you are and what your address is.

MS B. BEST: My name is Bronwyn Best. I live at 46 Boronia Avenue.

10

MR LLOYD: Number 46.

MS BEST: 46. which it borders.

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

MS BEST: Okay. I'm obviously against this application because, as per the Parramatta Council website, Parramatta Council, the stewards have built a natural environment fostering vibrant neighbourhoods, places and development that is well-
20 balanced, and I feel the development is not well-balanced. It's a commercial application for a residential street in a very awkward position on the street. Our problem with the street at the moment is with the huge transport hub, being buses and trains at Epping Station. People are now forced, with no parking facility available – people – we're about 1.8 kilometres from the station, and people are now
25 parking their cars and walking to the station because there is no other parking.

In our street we also have a childcare centre with no parking on the side. So they're parents of long day care. They're picking up and dropping off all day, nowhere to park. They're parking across our driveway, or double-parking. There's – I
30 personally have witnessed some very serious incidences at that particular – at the roundabout. It's a rat run for people going through from the station up Boronia Avenue. There's a bus stop opposite the application – sorry, the site for the hospital. There's a bus stop right there. There's also a laneway for deliveries for the shops there. There's a dog grooming place, a café, a long opening gym, a bottle shop. All
35 of these places do not have parking, so the staff in those places park in the street. The customers of those places have to, you know, find parking to go and take their dog, etcetera. It's actually just very dangerous.

And the bulk and scale of this building is not in keeping with the residential nature of
40 the street. It's just far too great for the block of the land, and it's a residential street. We're pulling down – they want to pull down a lovely little cottage with a picket fence and put up a very large facility for – that's going to have at least 40 – if they have the 20 patients a day that they say, there will be 40 car movements for those patients alone, let alone any cars that are coming in for deliveries and the staff
45 movements and, you know, everything else.

The street is – if anyone here is from Epping will know, it is a rat run and people speed through that roundabout. And they turn left off Midson Road very quickly, and the site for the development is only about 60 metres or so past it and there's a tree on the street because we have trees on the – you know, in sandstone on the side of the street. It's very difficult to see. If you were coming around that corner and you didn't know where you were going to be stopping, it would be very dangerous for pedestrians, and I'm worried that some fatality will happen, quite frankly, at that location. And the bulk and scale is - - -

10 MR LLOYD: That's your three minutes.

MS BEST: Thank you.

15 MR LLOYD: All right. Is Kylie Kennett here? Kylie Kennett?

MS K. KENNETT: Sorry, I'm very nervous.

MR LLOYD: Firstly, your name and address.

20 MS KENNETT: Yes. I'm Kylie Kennett. I'm at 103 Midson Road, Epping. So - - -

MR LLOYD: 103 is further down?

25 MR HUSSEY: Midson Road.

MS KENNETT: Midson.

30 MR LLOYD: You're on Midson Road.

MS KENNETT: Yes.

MR LLOYD: I see. Yes. All right.

35 MS KENNETT: So it's a neighbouring boundary. Well, like, you know, I'm a wife, a mother with three kids. This – it's our home. It's somewhere we've recently renovated. We want to live the rest of our life. To have such a facility that is of no benefit under the R2 planning, as I understand it as a layperson and a resident on the council website, that it's not in keeping and of no benefit to us whatsoever. Their own statistics show that their patients come from – up to 83 per cent of their patients
40 come from 20 kilometres away. I live, you know, 200 metres around the corner. It will affect the way I enjoy my home very much. It already has in the last year. I feel – well, yes, it's hard for me not to get emotional.

45 They want to build this. It will be there forever, long after we move on as a family, or whoever buys our home, this property will never – well, if it needs to be built. They're building it for other doctors to use, not themselves, whereas I, you know, use

my backyard, our swimming pool, my three kids. You know, we all like to enjoy it, and it will affect us greatly. There will be a car park in the backyard. There is not one on the block that is bordered by four streets, not one car park can park in the backyard. They want to put six car parks in there. The coming and going of that
5 every day will affect, you know, the noise, the impact on us. If it is built, it's a two-storey building. They have potential to see into my children's bedrooms, and I just can't accept that. And – yes.

10 MR LLOYD: All right.

MS KENNETT: I hope you take that into consideration.

MR LLOYD: Thank you for that. Thank you. Julie Norton-Taylor, are you here?

15 MS J. NORTON-TAYLOR: Yes. I live - - -

MR LLOYD: No, your name and address for the record.

20 MS NORTON-TAYLOR: Julianne Norton-Taylor.

MR LLOYD: Your address?

MS NORTON-TAYLOR: And 69 Wyralla Avenue.

25 MR LLOYD: Where?

MS NORTON-TAYLOR: 69 Wyralla Avenue.

30 MR LLOYD: Thank you.

MS NORTON-TAYLOR: So I'm directly behind the section, so I'm at the rear. And our house – it's a north facing backyard, so we – our house is sort of built to overlook the backyard. And on the building they have got – put two air conditioning – commercial air conditioning units at the back near on our – near our boundary. So
35 they're going to be on all day long. We're going to have to listen to those. And also they're going to have the car parks at the back, so we're going to hear cars coming and going. And we are retired. We spend a lot of time outdoors, in the swimming pool with the grandchildren, gardening, relaxing.

40 And this is an R2 low density residential area according to the council. And they've only got a commercial building – only for commercial. It's not for local people. It's for outer area people to come to. It's a hospital. So I can't see how a hospital can go in an area with character houses and homes. We all have our homes there. This isn't a home. It's a hospital. And I have cars coming and going round the back, doors
45 slamming. And if you come and see our house you will see exactly what I mean you've got to go from one side to the other and it's obvious It's just – and all the trees will go first.

MR LLOYD: That means your three minutes are up.

MS NORTON-TAYLOR: Yes. So we will lose all our birds comes every day on the back fence.

5

MR LLOYD: No, your three minutes are up.

MS NORTON-TAYLOR: Has it?

10 MR LLOYD: Yes.

MR: No, it's not.

MR: No, don't worry about it.

15

MR LLOYD: It's not?

MR: No.

20 MR: No, that was a smoke alarm, wasn't it?

MR: It was something else I think.

MR LLOYD: It's something else. All right. Keep going.

25

MS NORTON-TAYLOR: It's all right? Okay. Yes. So we will lose all the birds. There's lovely trees there. We look out onto trees and birds and there will just be a nice big bulk building there. It's just – I don't know. They should move into a commercial area. That's where it should go, in a commercial area, not a residential area. Okay. Thank you.

30

MR LLOYD: All right. Now, who wants to go first for the applicant?

MR TYRRELL: I will.

35

MR LLOYD: You will?

MR TYRRELL: Yes, Professor.

40 MR LLOYD: Now, I think if you go over there everyone can hear what you're saying.

MR TYRRELL: Yes. Great. My name is David Tyrrell. I'm a planning and environment solicitor, the solicitor for the applicant. Our office is 25 Solent Circuit, Baulkham Hills. I am here – firstly, can I ask, did the panel members receive our late submission by way of - - -

45

MR LLOYD: From McKees?

MR TYRRELL: Yes.

5 MR LLOYD: Yes.

MR TYRRELL: Excellent.

MR LLOYD: Somewhere here.

10

MR TYRRELL: I will provide a very brief background on the history of the proceedings, being that this application was originally determined – sorry. A previous application was determined by council by way of deemed refusal late 2017. We appealed that to the Land and Environment Court.

15

MR LLOYD: Yes.

20

MR TYRRELL: During those proceedings the application was refused by Commissioner Chilcott, largely on the basis that the court on six variation seeking – sorry, in regards to FSR was not upheld. It was not accepted by the court and on that basis it was also determined that the building did not fit with the character of the local area. Our team got together and redesigned the building to respond to that determination. We had a pre-DA with council which was very positive, and we understand we had in principle support from council. Due to timing issues we filed an appeal – a concurrent appeal with the Land and Environment Court, and on the basis of a forthcoming – or we understood a forthcoming recommendation for approval to this panel, we delayed the Land and Environment Court proceedings and agreed with council that council’s statement of facts and contentions could be provided after today’s meeting, in the hope that it wasn’t required at all.

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30

That hasn’t occurred, and we are here now with a recommendation for refusal. I will now hand over to Maureen Holloway who is a registered nurse at the facility, and she will talk about the day-to-day operation and use of the building. But before I do, sorry, I will just say that in terms of use of the site, we do rely, as we said in our letter on the case of BGP Properties, and significant – I say that significant weight must be given to the fact that this proposed use is permitted on the site, so we rely on that. And also in the statement of environmental effects lodged with the application, it’s stated on page 18 that 47 per cent of patients in 2017 lived within a five kilometre radius of the site. So those are my two responses to the submissions from the public earlier.

35

40

MR HUSSEY: Could you summarise the recent McKees’ amendments?

45 MR TYRRELL: Amendments?

MR HUSSEY: Or the submission – the late submission.

MR TYRRELL: Yes.

MR HUSSEY: What are the changes?

5 MR TYRRELL: No changes to the development. It's just purely responding to the reasons for refusal. And as I said I will hand over to Maureen Holloway who's a registered nurse who will talk about the day-to-day operations and then Geoff Mead, the applicant's town planner, will respond to each of the reasons for refusal.

10 MR LLOYD: Thank you.

MR TYRRELL: Thank you.

15 MS M. HOLLOWAY: Do you need my address? Unit 39, 2 Bay Drive, Meadowbank.

MR LLOYD: Thank you.

20 MS HOLLOWAY: And I previously lived in Somerset Street, Epping, just down the road from Poplars Hospital, which is now an aged care facility. So I've lived close to a hospital before. So I'm just focusing on – sorry, nervous with this – to highlight the role of Epping Surgery Centre as a part of the local community. So we have a staff of 16, which consists of nursing and of admin staff. 14 surgeons operate at the facility, with about 16 anaesthetists who assist them. Of the nursing and admin staff, 10 staff live in the Epping, Eastwood and suburb. Four others live in the suburbs of Meadowbank – myself – Castle Hill, Oaklands and Cherrybrook, and two come from Ashworth using the train.

30 Of the surgeons, there are four ophthalmology practices in Eastwood, Epping and Carlingford which service the immediate suburbs to the centre, plus an ophthalmologist practice in Pennant Hills. Looking at where the doctors live, there are five who live in Epping, Eastwood and Beecroft, with others coming from the suburbs of Strathfield, upper North Shore in the hills region, for example, Baulkham Hills. As I stated, I think 40 per cent of the patients live within five k's of the centre.

35 I am a parishioner and attend St Kevin's, Eastwood, and I've seen many of the parishioners there having cataract surgery. And we also operate on children for squint surgery and other conditions. With the cataract surgery, many require both eyes operated on and we often see husbands, wives, partners having surgery with us as well.

40

Also, twice a month on Wednesdays there is a group of patients who come for injections to the eye for treatment of a condition for macular degeneration. And these patients come on a regular basis, sometimes once a month or six-weekly or longer, and their day consists sometimes of visiting the doctor in his Eastwood rooms

45 in the morning or early afternoon and then coming to us for the treatment in the late afternoon, and they may not be free to go home until 5.30, 6 pm. So it can be a very long day for them and their carer or family member, and having us close to their

doctor means they can pop home in between treatment, or at least their trip home around this time is short. They are all local people because their doctor works from an Eastwood practice.

5 And then I've got three letters here from some of those patients, so I've just highlighted some of the points that they've stated. I've got from Cumberland Street, Epping, a David Eales. Now, he has his mum, Aileen, who is 91 years of age and she has been coming to Epping Surgery Centre for approximately eight years because she suffers from macular degeneration. And he said this hospital is
10 badly needed as most of the patients are aged around 80 and if the hospital is rejected the stress of these people is huge as they have to, you know, go to Chatswood or somewhere else. A lot of these people are on restricted licences, plus some cannot walk very well, so it's – being close to their home is a real plus for them. This gentleman has said:

15

Council approved the gym on Midson Road and there are numerous gyms in the area. There is only one eye surgery in Epping and surrounding areas.

And his question is:

20

What is more important, a gym or where there is plenty of eye surgery for the elderly?

And as I said, the children:

25

Across the road –

he states –

30

was a doctor's surgery which is now closed, and they were seeing up to 40 people a day and there was never a problem.

So, for example, today there are five patients and five in this afternoon.

35 MR: It's plus three minutes already.

MS: Yes, three minutes is up.

MS HOLLOWAY: Is it? Okay.

40

MR LLOYD: Yes.

MS HOLLOWAY: Thank you.

45 MR LLOYD: All right. Someone else? Yes.

MR G. MEAD: Geoff Mead, planning consultant for the applicant. I was the planning consultant for the applicant during the recent Land and Environment Court proceedings engaged in expert conferencing and gave evidence through the hearing, so followed this right through the history. As a starting point, this is a site where
5 most development is admissible, both under the infrastructure SEPP and council's LEP. Now, under the infrastructure SEPP, the express aims of the SEPP are to provide certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and to provide greater flexibility in the location of the infrastructure and service facilities. The infrastructure SEPP is a
10 facilitating SEPP that seeks to enable uses like this. In this case we don't rely on the SEPP in the sense that council's own zoning allows for the use. Mr TYRRELL earlier referred to the case of BGP Properties v Lake Macquarie, and I will just read one sentence from that where McClellan CJ at the time says:

15 *In most cases it can be expected that the court will approve an application to use a site for a purpose for which it is zoned, provided, of course, the design of the project results in acceptable environmental impacts.*

20 So here we are with a situation where we're charged with assessing the impacts of this development and the acceptability of those. In that sense, the current application is very purposeful in the sense that we had the benefit of a judgment that we could respond to. We sat through two days in a courtroom dealing with the evidence, and we were very clear in our minds what we needed to do moving beyond that case. That case for the applicant failed on two grounds, a clause 4.6 for FSR. The current
25 scheme is now below the FSR of .47 to one versus a .5 to one control. So the 4.6 has gone away and that matter is resolved. The other issue that was run by council related to character. In terms of area character, there has been comments about bulk and scale and concerns with that.

30 As the panel will well-know, bulk and scale needs to be considered against the backdrop of the planning controls and that's dealt with in yet another Land and Environment Court planning principle of where it's made very clear that bulk and scale has to be a test against what could be expected onsite. In this case we have the FSR, as I said, now compliant and below the FSR allowed. We have a height with
35 8.6 metres, whereas nine metres is allowed. It's a two-storey built form, which is compatible with the locality. We have setbacks that comply at the front, rear and sides and, in fact, exceed the minimum requirements, particularly on the sides. Against that backdrop we say there's no claim that the building is of an excessive bulk and scale. Just to go to the character concern – if I could indulge the panel to
40 have some more time. A complex matter with a complex history. If I could have a couple more minutes to just deal with some - - -

45 MR LLOYD: I will just ask the panel if they will allow you more time. Just a moment. Two minutes.

MR MEAD: Two minutes. I will read some compelling extracts from the joint report. At the time this is a public document because the hearing has concluded.

This was prepared by myself and council's team leader of assessment, Mr Steven Chong, who has been in a recent meeting this:

5 *The experts agreed that the front and side setbacks are acceptable and that the appearance of the building and its streetscape impacts viewed from Boronia Avenue are acceptable. The only area of disagreement is the distance of setback to the rear boundary. The scheme has been revised to strictly comply with the rear setback control of 13.7 metres, which is the control that applies to dwelling houses.*

10 And as you will have seen in the submission we made, there is no control for nonresidential users. Again, in our view, that is purposely – in the DCP the nonresidential uses have different characteristics. In any case we comply with the dwelling house controls. That was under the contention of character. Just one other
15 sentence again:

20 *The only area of disagreement in relation to character pertains to the rear setback. Our respective positions in relation to this matter are discussed throughout the report.*

25 We went through the report disagreement about we had a six and a half metre setback. 13.7 for a dwelling house is required In our view, this scheme complies and responds to all matters of character and compatibility in that judgment. In terms of the first contention about meeting the day-to-day needs of residents, again, as the
30 panel will no doubt understand, there's a range of nonresidential uses allowed in this residential zone, the R2 zone. This is the case across the state. There is childcare centres, there are health facilities such as hours, GPs. There's a GP – what was a GP across the road. There's a real estate office next door. These are uses that are found in the R2 zone subject to compatibility. So to simply say that a use has to meet every
35 resident of an area every day of the week is just nonsense. Childcare centres are used by population with young children and, again, with childcare centres because of vacancies being very tight, you have people travelling in that order of a few kilometres – four, five kilometres. As you said, 47 per cent of patients here – that's 980 patients – come from within a five-kilometre radius of this site. This site has
40 been chosen because it's in the heart of the patient catchment area. It's – it's not there by chance, so it is meeting the need of residents; as we said, very purposefully designed to meet all those issues with the original scheme. We followed up the court case with pre-application discussions with council staff, and we thought that we were resolving these issues.

45 The only issue raised in the staff report in terms of non-compliance says that we don't comply with landscaped area. It says we have 33 per cent versus 40 per cent. The – the table that's referred to – and this was a matter in the court proceedings as well – relates to dwelling houses. It simply does not apply to this type of use, so there is no non-compliance from this proposal. I will wrap it up there, and open to any questions that the panel may have.

MR LLOYD: You refer to the non-compliance with the landscaped area requirement under the DCP for a dwelling house. You haven't – you stressed the shortfall or non-compliance of deep soil zone.

5 MR MEAD: Yes. They're intricately related – the deep soil and the landscaped area. The – the deep soil on the site is a shortfall. The deep soil requirement requires that you have a four metre by four metre area to be included as deep soil.

MR LLOYD: Yes.

10

MR MEAD: If we included our - all of our landscaped area is deep soil, so 33 per cent of the site is deep soil. The issue why that number comes up short is because we don't have four metre by four metre areas. Again, this just goes to - to the - the type of use, and - and the need for car parking and so on. Just again, to make very clear, 15 that control does not apply to the scheme either. The deep soil and the landscaped area requirements under table 3.1 – or in 3.1, which is in the reasons for refusal – is – is a table titled Dwelling Houses. It's specific to a type of building. It's not a control that applies to the zone. This was detailed in significant evidence in the 20 previous hearing - the fact that the DCP is crafted around specific controls for development types.

Dwelling houses have a set of controls; dual occupancies have a set of controls; secondary dwellings, outbuildings, multi-dwelling housing and so on – they are not controls that apply to the zone, and we say that's very purposeful because the council 25 does not want to apply the same controls to a childcare centre or a healthcare facility as they would to a dwelling house, because there's specific needs, such as the additional car parking per other DCP requirements, that would preclude you from complying strictly with those. That said, there's a character and compatibility question relating to those controls, and that's why we say we're doing very well to 30 provide 33 per cent landscaping versus the 40 per cent control, despite having to provide the car parking for this non-residential use.

MR LLOYD: You say that those DCP controls don't apply to this development, but isn't that a characteristic of the area that we have to take into account?

35

MR MEAD: Yes. And that was my previous answer that most definitely those controls are a backdrop against which character and compatibility should be – should be 40 considered, and the point I just made a moment ago was that in considering that, we're at 33 per cent landscaping versus 40 per cent, and we say that that's compatible, and we also say it's a DCP control that even for dwelling houses, should be applied flexibly, given we are as a non-residential use, almost complying with the control that applies to dwelling houses that don't have the same car parking need as our use.

45 MR LLOYD: All right. Thank you. Sorry, any questions, panel?

MR HUSSEY: I have a few concerns. We know that the proposal should satisfy qualitative as well as quantitative controls, and I'm concerned that it's an overdevelopment of the site. The objectives are – and I accept the hospital is permissible on that site - - -

5

MR MEAD: Yes.

MR HUSSEY: - - - that it should minimise impacts on the amenity of its neighbours. From the site inspection, it's obvious that the direction up the hill, there's well-cared setback in the front of these properties, with treed view – tree vistas. You provide no deep soil planting at the front of this property. It's set back closer – so appears to be set back closer to the street. I don't think it makes a positive impact to the streetscape.

15 MR MEAD: Yes. As - as I mentioned - - -

MR HUSSEY: A smaller hospital may be more acceptable.

MR MEAD: Yes. As I mentioned a moment ago, Mr Hussey, the – well, sorry, firstly, there is deep soil planting in the front setback of the landscape plan.

MR HUSSEY: Well, I'm looking at DA021005. Am I looking at the wrong plan?

MR MEAD: This - this is the landscape plan that correlates with these red areas. All these red areas in the front setback are deep soil or - - -

MR HUSSEY: Well, that's not consistent with that scale.

MR MEAD: That's - that may be a difference of opinion. I would like to put in front of you the landscape plan that shows that we've got three canopy trees within the frontage, as well as a canopy tree on the footpath and the deep soil – all of that is deep soil. I will also say –again, to reiterate back to court proceedings – this is the difficulty for the applicant, having – this is council's team leader of assessment in agreement - - -

35

MR HUSSEY: But can I just - - -

MR MEAD: - - - that the streetscape is the same. This DA is identical to the DA that was considered by the court in the front setback arrangement.

40

MR HUSSEY: Is this plan wrong, well, where - where it's clearly pink and green, there's no deep soil in the front of this - - -

MR MEAD: That goes back to the point I made earlier that because they're not four metres by four metres, we can't count them. We've been very conservative in - in doing the right thing, and they are deep soil; they're just not four metres by four metres.

45

MR HUSSEY: All right.

MR MEAD: And you would find that in most cases, even for the dwellings where you referred to the landscape in the front setback, there's driveways and turning
5 areas, and so you end up with shapes of landscaping on the edges of properties away from the driveway, which also could not constitute the four by four areas, to be classified as deep soil.

MR HUSSEY: All right. Interrelated with that, then, in the report the development
10 engineer is not satisfied with the drainage arrangement, and he does not support the proposal. Given the timeframe for this application, has there been – has that been resolved – the drainage – because that may interfere with the landscaping and the deep soil planting if it's not finalised initially.

MR MEAD: Absolutely. It comes as a significant surprise to us, that commentary,
15 to the extent that the drainage was a matter in contention in the original proceedings, and it was resolved to the extent that there was no evidence given by the stormwater engineers, in terms of cross-examination and so on. It was agreed that the issues could be dealt with – or not even the issues – the drainage on the site could be dealt
20 with by council's standard conditions of development consent. In terms of the commentary in the report, yes, I agree that that is there as a reason for refusal. We have had meetings with council's engineers. We have worked through this at length, and all I can say is unfortunate that council's engineers can't – can't add to this discussion to the extent that here we are, having resolved that issue, and this scheme
25 just does - does not change in that regard. We've dealt with the additional car parking space at the rear, and in our view, that's resolved. As I said, first time around, agreed that that can be resolved by a condition.

MR HUSSEY: But where there's an intensification of development and probably
30 increased run-off, I think the consideration and determination of the drainage is a fundamental issue that should be sorted out before the consent is granted, and the engineer is not satisfied in this – there's a degree of uncertainty there in this case.

MR MEAD: There's – there's uncertainty throughout many aspects of the report,
35 which we've dealt with here, and that - that is a very unfortunate situation, given the background of this matter. That said, given the history of the use application and the fact that the engineering issues were – were resolved by a condition of consent last time, we would expect that if that was a major concern for the panel, a deferred commencement resolution would - would allow us to engage further with council's
40 engineers, to - to understand what this apparent issue is, given it was resolved previously. It would not be an unusual – an unusual situation to – to – to issue a deferred commencement consent to deal with that matter, given that it has been dealt with once before, and we would expect that there's no compelling reason why we could not deal with it a second time around.

45

MR HUSSEY: You probably know as well as I do that putting a deferred commencement on for an uncertain outcome is not what deferred commencements identify for - - -

5 MR MEAD: That's why I just made the comment I made, Mr Hussey, that it has been resolved once before with council. By way of condition, not even redesign, I would expect that we could go through that - that process again. I totally accept that we can't have uncertain deferred commencement conditions.

10 MR HUSSEY: Okay.

MR JOHNSON: Can I just ask one other question. There are two fairly significant eucalypt trees on the north-eastern side near the front. I take it they're to be removed.

15 MR MEAD: They are.

MR JOHNSON: Is that correct?

20 MR MEAD: Yes. Yes. And they were to – they were to be removed under the original application, and there hasn't been issue raised with those trees over the last two and a half years of dealing with the council on this matter.

MR JOHNSON: Are you taking questions from the floor or not?

25 MR LLOYD: No. No. I think that's enough. All right. Thank you for that.

MS: It wasn't a question. It was just a – it was just from the – just - - -

30 MR LLOYD: No. No. We've heard what everyone has had to say.

MS: We just didn't get enough - - -

MS: I don't think there's much time - - -

35 MR LLOYD: I will just make a note here. All right. Well, I can announce the decision. We visited the site, and we appreciate the fact that this sort of development, namely, day surgeries and medical centres, are permissible in the R2 low density residential zone. However, the problem that we have is that the objectives of the R2 low density residential zone include the following:

40

To ensure that non-residential land uses are located in a context and setting that minimises impact on the amenity of a low density residential environment.

45 We agree with the assessment report that the bulk and scale of this development is not compatible with the predominantly low density development in Boronia Street. That means that we must refuse this application, but that is not to say that a day surgery or medical centre is inappropriate at this location. The panel feels that this

particular proposal, to put it bluntly, is too big. So the determination of the panel is that the recommendation, as reported, to refuse the application is adopted for the reasons set out in the report, and that, I think, is all that needs to be said. The reasons for the panel's determination is that the panel supports the findings contained in the assessment report, and endorses the reasons for refusal contained in that report, and I thank everyone for your input into that matter. That has been deferred.

MR JOHNSON: 28 Coffey Street.

MR LLOYD: Deferred. So we come to the development application for 28 Coffey Street, Ermington. This is for a two-story dual occupancy and subdivision. It's a review under section 8.3 of the Act. It's a recommendation for refusal. We have one person here who wishes to speak – Jonathan Wood, are you here? You're speaking against the - - -

15

MR J. WOOD: Against the recommendation.

MR LLOYD: Against the – in favour of the application.

MR WOOD: Correct.

MR LLOYD: All right.

MR WOOD: Yes.

25

MR LLOYD: We should hear you. I will just get the right page here – Coffey Street, Ermington. Yes. Proceed.

MR WOOD: Okay. So my name is Jonathon Wood. So I am a town planner on behalf of the applicant, 76 Great Western Highway, Parramatta. That's his address, so – I've reviewed the report, and obviously strongly disagree with the findings of - of the report before you. I have a number of concerns about a number of elements contained in the report that I will – I will talk through. So you would have seen in the report before you that it complies with every aspect applying to it, with the exception of the 600 square metre lot size, where it has a – essentially a five square metre shortfall, which equates to less than 1 per cent. That's the only issue. That's the issue before you, and the issue really comes down to the issue of the clause 4.6 variation, whether or not it - it is acceptable, and then full consent could be granted, or whether it is not.

40

So the key concern I have is that in reviewing the business paper, I haven't seen a full copy of the 4.6 variations. I've got a couple of concerns as to the panel forming its own opinion as to whether the variation is acceptable or not; whether it deals with the relevant matters under clause 4.6, but the panel can obviously make a - a consideration in that matter. In relation to the report itself, the recommended grounds for refusal for the estate is it doesn't achieve the lot size. It doesn't achieve a better outcome compared to other forms of development that could go on this site.

45

The development site would be better suited to a dwelling house, and the development is not in the public interest. So there's a broad range of matters.

5 Panel members, in my view, consideration of whether the site is better suited or not
to a dwelling house is irrelevant to the considerations before you today. There's
31 permitted land uses in the R2 zone, but considering whether a dual occupancy is
satisfactory or whether the variation of the lot size is satisfactory, as opposed to
whether it might better be used as a dwelling, a childcare centre or – or - or whatever.
10 The statement within the report that clause 4.6 requires that there might be a better
outcome, there's a recent Land Environment Court decision handed down on 18 –
sorry, 14 August by Preston CJ, and it essentially says that that's actually not a
requirement of clause 4.6. I can quote parts of that case, but no doubt some of you
may have already read that.

15 MR LLOYD: Well, I have.

MR WOOD: But that case essentially erred – sorry, the case found that the
commissioner erred in the decision to say it's not a better outcome, therefore, it can't
be approved. It said clause 4.6 does not establish a test that it has to be a better
20 outcome than the compliance scheme, so we've obviously got concerns that one of
the key reasons for refusal is that it's not a better outcome. It doesn't need to be; it
just has to be an acceptable outcome in the context of clause 4.6, and you only have
to consider whether compliance is unreasonable or unnecessary, and also whether
there's sufficient grounds to consider varying the control, amongst other minor things
25 that you have to be satisfied of.

In my view, the 4.6 variation that was submitted - you may not have had the ability
to review it in its entirety – addresses all those matters in sufficient detail to enable
you to grant consent to the development. Clearly, the development complies with
30 every other control that applies to that form of development. Therefore, a large
component of the underlying objectives of the control has to be satisfied the site is
big enough to accommodate a dual occupancy on the site. There can be no doubt of
that, and there's no adverse impacts. There's no submissions in relation to the matter.

35 In relation to sufficient environment planning grounds, the departure of the lot size is
a function of the irregular front boundary which you would have observed on site.
It's on an angle. Given the variation to the lot size, further to the objectives of the R2
zone, that aligns with the aims of the LEP itself through the replacement of one
dwelling with two dwellings on the site. It provides the housing needs of the
40 community within a low density environment. If we have one more minute, I can
wrap up.

MR LLOYD: All right.

45 MR WOOD: So the report also confirms that the development is consistent with the
zone objectives insofar as it provides an additional dwelling, but outlines it's better
suited to a dwelling house and, therefore, shouldn't be supported. I just think that's

an unreasonable view to take in the context of this scheme. It also outlines it's a strategically planned control. In my view, it's a fairly blunt control that sets a minimum lot size you would think would be enough to accommodate a dual occupancy. You have dual occupancy on a lot that's 800 square metres and it's
5 entirely unsatisfactory, when you have regard to this site context that complies with the controls. Conversely, you can have a dual occupancy of 500 square metres, and it can comply with every other control and clearly show that the intent of the control is achieved. This is why clause 4.6 exists.

10 So in my view, the proposal before you, it has a skilful design that responds to the minor shortfall in the allotment size. It's essentially - the shortfall is the size of the table before you, four and a half square metres. In my view, it can't be a ground for refusal if all other matters within the council's own policies are satisfied, and I disagree with the point around the precedent and the issue of other allotment sizes in
15 the area. I can see a map in front of you there. Each site has to be considered on its own merits. The street block within which we're located has very few comparable properties; even less with the same orientation with north to the rear, which is a key consideration in achieving compliance with a number of council's rules about solar access and - and so forth.

20 So I'm here before you obviously requesting that you don't endorse the recommendation before you. In my view, it's - it's a development that is capable of - of being approved on the site. If the panel is of the view that, for whatever reason, it cannot grant consent, we would request that it be deferred for a month so that the
25 panel can fully consider the content of the 4.6 that has been prepared in relation to this matter, given that is the only issue that requires a decision to be made on, and also to enable the council to provide some draft conditions, so that if the panel forms the view that it's acceptable, then it can be approved. If not, it would be refused obviously. I just think I would like the opportunity for the panel to actually make
30 their own opinion on the content of that clause 4.6, given that's the only issue we have here. It's a good plan out on the site, and it's a - it's a very good design that - that achieved all the requirements. There's no other concerns that are arising out of this scheme. If there's any questions, happy to - happy to hear them.

35 MR LLOYD: Questions?

MR HUSSEY: Well, I would like to get something clarified. As the chairman said, we were very busy today, and I didn't have a chance to do that. What I would like to know - and I might have to ask the council planner to clarify for me - on page 387 of
40 the report is figure 3. Figure 3 shows the local neighbourhood, and it shows the - in blue dots - the sites that are under 600 square metres, and I understand the planning controls are to limit that. You can have a dual occupancy over 600 square metres, but under that, you can't. So the overall outcome - there will be a mix of medium density, dual occupancy ones and a retention of some single dwellings throughout
45 there. If willy-nilly, blocks under the 600 are approved, that outcome won't be achieved because there will be an intensification of the dual occupancies. So could I

ask on that map, the green dots, are they on blocks that are less than 600 square metres? Can somebody tell me - - -

5 MR: I was the assessment planner. I believe the green dots were existing dual occupancies in the area, and the blue dots were all the lots that are under 600 within the locality.

MR HUSSEY: So the green dots were before the current set of controls came in.

10 MR: No, sir. The green dots are just dual occupancies, regardless of lot size. They're – they're just the ones that have been approved in the area, and the 600 – the blue dots are the – all the lots that are under 600.

MR HUSSEY: But does that mean there is a precedence that the - - -

15

MR: No, sir. There - there are no current dual occupancies that been approved under 600 square metres in the locality.

MR HUSSEY: Okay. Well, that's what I'm trying to find out.

20

MR: Yes.

MR HUSSEY: When a planning - set of planning controls come in, it has a new objective. It may not want repeated what has happened in the past, and that's why it sets the controls. So under this set of controls, no dual occupancies in this neighbourhood have been approved on blocks less than 600 square metres.

25

MR: No, sir.

30 MR HUSSEY: Okay.

MR WOOD: If I could just add to that, we actually provided a table of – of those lots that have been varied with the 600 square metres. You won't have it before you, but - - -

35

MR HUSSEY: Are they under this set of controls?

3

MR WOOD: Correct. So these were approved in 2015, so there was a DA at 2 Spofforth Street in Ermington.

40

MR HUSSEY: Where's that?

MR WOOD: Sorry, in - in context to the site? So - - -

45 MR HUSSEY: Where's the plan?

MR WOOD: So you won't have a plan.

MR JOHNSON: We don't have it.

MR WOOD: This was essentially part of the clause 4.6 variation that had a list of approved dual occupancies on undersized allotments under the current planning regime. It's a total of essentially about 20 or so in the - - -

MR HUSSEY: Are they in that neighbourhood?

MR JOHNSON: But they're not – they're not within this area shown by the plan on - - -

MR HUSSEY: Well, that's - - -

MR WOOD: They're not in that immediate context, no, but there's some in the same suburb also.

MR LLOYD: But we don't know what were the particular circumstances - - -

MR WOOD: Correct.

MR LLOYD: - - - in each of those cases which justified the departure from the development standard.

MR WOOD: I agree. I agree with that comment, but I also have an issue with saying you have to consider the particular circumstances, and yet you're then concerned about what this might mean for the neighbour. If the neighbour comes in with a horrendous design that doesn't comply with any controls and it's completely inappropriate, it shouldn't be supported; it should be refused. But clause 4.6 is in place to provide flexibility in circumstances where it can actually deliver an outcome that is consistent with the desired future character of the locality, consistent with the zone objectives which the council has accepted that we're doing. This is an issue essentially of does it cause a precedent? I say it doesn't, because every site has to be considered on its merits, its location, its frontage, trees - all those sorts of factors that require consideration as to whether a site is suitable or not for this form of development.

MR LLOYD: All right. Thank you. All right. Thank you for that. The panel is unanimous. We've, as I said earlier, inspected the site, considered the reports and come to a decision that, namely, that we are not prepared to vary the development standard in this instance. We are in agreement with the proposed reasons for refusal set out in the assessment report, and the fact that we are not prepared to vary the development standard means that we don't have the power to grant consent in any event. So the determination is to adopt the recommendation to uphold the refusal of the development application for the reasons set out in the assessment report, and the reasons for the determination are that the panel supports the findings contained in the assessment report, and endorses the reasons for refusal contained in that report. Thank you for that.

In relation to that last matter, there is an additional ground of refusal, namely, that the panel does not approve a variation to the site area standard prescribed by the Parramatta Local Environmental Plan 2011, as it is not satisfied that the applicant's request has adequately addressed the matters required to be demonstrated by
5 clause 4.6 of that plan, and the proposed development would not be in the public interest because it is not consistent with the objectives of that particular standard, and the objectives for development within the zone. That is an additional ground of refusal. Right. So now we move on to 109A Wigram Street, Harris Park. This is the proposed eight-storey boarding house. We're getting through this quickly. All right.
10 No. What – did we deal with - - -

MR JOHNSON: We've got to go back to 5.4 at some point.

MR LLOYD: No. We will come back to that.
15

MR JOHNSON: Yes.

MR LLOYD: We will come back to that.

20 MR JOHNSON: We haven't done 5.7.

MR LLOYD: So we're doing 5.7. This is the proposed eight-storey boarding house at 109A Wigram Street, Harris Park. Mr Byrnes.

25 MR A. BYRNES: Indeed, your Honour. So I've registered the client, Mr El-Hazouri, so if you're comfortable, I might ask Mr El-Hazouri to go first.

MR LLOYD: All right. As you wish.

30 MR A. EL-HAZOURI: Here or would you like me up there?

MR LLOYD: Yes. Wherever you're comfortable.

MR EL-HAZOURI: We realised with – sorry, good afternoon. We realised with
35 the assessment report made available online looks a little bit different from the one that the panel members have. The legal advice that we provided council, which council refers to within its assessment report, wasn't actually provided to council, so we had it emailed to the panel yesterday.

40 MR LLOYD: We have it.

MR EL-HAZOURI: You have it? Excellent. As you would have seen from the assessment report, fundamentally this is an application that's called, you know, something that has architectural excellence. There's no issues with that. It has gone
45 through design excellence review panel; been endorsed. It has gone through every department in council and been endorsed. The question before you today is a definitional one on what constitutes gross floor area and, therefore, contributing to

the FSR of this site. And the overarching issue is not whether a 4.6 would have been supported by council - on numerous occasions they have alluded to the fact that it would be – there is a bar in the – in section 4.6 of this particular LEP at subsection 5 of any variation over 5 per cent, hence why there's no 4.6 variation before you. In relation to why we say we comply, the area in contention is noted as breezeway, located in a separate calculation on the FSR plan, shown in blue, and I've – I've got A5 copies if it's easier to describe that.

MR LLOYD: We have the plans. We have the plans, and we've looked at them.

MR EL-HAZOURI: Okay. So having reviewed the plans, there's – the question is whether that area is contained between the external face of external walls, and whether as per the numerous precedents referred to in the legal advice, as well as council's report, supports the – our position that these areas are excluded from gross floor area calculations. Our position is that they are, and there's numerous reasons, namely, the degree and proportionality of the openings surrounding these breezeways. And as you will see from the FSR calculations, the areas that are narrower and contained within the building are included for the purposes of our floor space calculations.

The areas we've excluded are those areas which are akin to a terraced area, or akin to an area that is open to the elements - that is, being capable of being wet. Council refers to – or prefers the decision in Landmark, where the commissioner in that case refused in part the council's – the applicant's position as to what constitutes gross floor area. However, the – the diagram contained within the Landmark decision supports our position that this application, or the area we've excluded from gross floor area, ought to be excluded. It's contained between external walls, or the external face of external walls. That, in and of itself, precludes it from being gross floor area.

It's – in any event, it's open to the elements and capable of being wet. It's – and the degree and proportionality of those openings are not superficial. If you look to the width of the openings versus the depth of this particular area, the openings are much greater than the depth, and by no means could this be - for any functional purpose be internal space. These breezeways are located between two buildings essentially, and that's our - - -

MR LLOYD: Keep going.

MR EL-HAZOURI: That's our predominant position, is that if this is to be construed as gross floor area, then any balcony, terrace, walkway, for that matter, between two buildings, ought to be construed as gross floor area as well, and that is the fundamental problem we have with this interpretation. Council's position, even supporting the case law that they support, versus the case law that we relate as our principal position, doesn't support a gross floor area determination here, and, in fact, we've articulated – or our barristers articulated within the advice – as to why the Landmark case supports our position – not just Danks; not just Sutherland; all of

them do. And this application results from a number of inquiries and a number of discussions as to overall design excellence, as to how we get this building operating with a natural ventilated space throughout this entire – this entire building.

5 There's no extra density derived as a result of this floor space. There's no argument that it's a bulk and scale issue. There's no argument that it's an intensification issue. It purely is a definitional issue, and if anything, if we're talking about encouraging anything, these are the types of breezeways we ought to be encouraging, not things that are closed off; not things that are exactly 1.2 metres so they don't contribute to
10 FS – or they, you know, minimal FSR contribution. These areas are communal open spaces on every single level of these particular – of these particular boarding rooms. They provide for outdoor recreation area to a large degree.

15 So if you say they are not gross floor area, or they are gross floor area, despite being between external walls, despite being open to the elements, the third argument here is why are they not a terrace? Why are they not akin to that same definitional argument that excludes terraces and balconies from gross floor area as well. Save for this issue, this application, in council's own words, is a meritorious one, and we just feel that in light of the circumstances, it definitely warrants approval, not refusal of the
20 application, given that where it's at at the moment. I'm happy to field questions on that point.

MR LLOYD: I think we will hear from Mr Byrnes next.

25 MR EL-HAZOURI: Sure.

MR A. BYRNES: Thank you, panel. My name is Adam Byrnes from Think Planners. Mr El-Hazouri has articulated a whole lot of things that I will save - save you from hearing again. There are boarding houses and there are boarding houses.
30 We're particularly pleased to be involved with this one. This is one of the good ones when it comes to architectural standard and design. We really like the way that they sort of prioritised that open space – hang out space, as it's termed on the plan – given priority to that - to that space within the building. We think it has been really skilfully done, but let's turn - turn to the vexed question – GFA. I will do it in a
35 planning kind of way, not certainly in the same manner as the – as the – as the barrister. I'm – I'm happy, of course, with the barrister's advice, so with the senior counsel's advice. What's key for me, when we have turned my mind to this vexed question are these – are these four or five dot points.

40 This is not space in the form of a long corridor with open ends. This is not that kind of approach. It's not – which we've - we've all seen in applications, and people have tried to argue that just because there's open ends at the end of a corridor, it shouldn't – shouldn't be included. There's no dummy enclosure. So that was another issue that – that – that evolved out of one of the court cases, is that the façade was tricked up to
45 ensure that although the space wasn't theoretically enclosed, there was a dummy façade element that formed a kind of secondary skin or an enclosure of the space. That's not the case here. The open space is weather affected, as Commissioner

O'Neill talks about, not only by rain; it also gets lovely sun, so that that space has been certainly prioritised as a – as a terrace space. It gets both impact from the elements in terms of rain and sun.

5 We think the design is - is skilful. It's a sculpted building, so you get this sense of the building returning in, and this open space and void through the centre that breaks the building into two parts, which moves – which - which kind of deals with the fundamental underlying purpose - or one of the purposes of FSR – and that is to control the bulk and the scale of the building. This building has broken it down
10 skilfully. It's not contributing that space to the bulk and scale. And finally, as Mr El-Hazouri has said, it's open space; it's not enclosed space. It acts like a terrace or a breezeway, and I'm comfortable that it should not be counted as GFA, and that this application warrants approval on that basis.

15 MR LLOYD: Question.

MR BYRNES: Yes.

MR LLOYD: Is this one building or two buildings?
20

MR BYRNES: This is one building.

MR LLOYD: If it's one building, what are the external walls?

25 MR BYRNES: What are the external walls? The external walls are those walls that are 1.4 metres and above according to the - the GFA, the way in which you calculate GFA. So I could point to those on the plans. That's – that's, I guess, probably most ideally represented on the GFA plan.

30 MR LLOYD: These breezeways are enclosed by the ceiling of the floor above, or on the top floor by a roof. They're enclosed by walls on each side – the walls and doors of the apartments, as well as by openings leading into corridors. If these walls on each side of the breezeway are external walls, don't you have, in fact, two buildings?
35

MR EL-HAZOURI: Yes.

MR BYRNES: There is a wall at the rear.

40 MR EL-HAZOURI: We've looked at this.

MR BYRNES: Experts - yes.

MR EL-HAZOURI: We've looked at this, and I'm happy to address it.
45

MR BYRNES: Sure. Are you happy for - - -

MR LLOYD: Yes.

MR EL-HAZOURI: So we did look at this point. One of the things that came up as part of the design evolution is, is this one building or is it two? Now, we look at this
5 building as two buildings above podium, hence why the ground floor level we've included in FSR. That podium and above – these are two independent structures connected by the breezeways, and the reasons we say that are you cannot discontinue the wall structures that face the street as they enter the building, or enter the
10 breezeway area. They are the same. They are required to be capable of weather proofing, and the fact is that ultimately they are two pods, whilst they – and they have separate rooflines.

If I take you to the roof plan, the building on this side has its own roof structure differentiated from the roof structure of the building adjacent to it. These are two
15 buildings above podium level, which is not a unusual design and, yes, connected by the breezeways, but open on both ends at the back, and the external walls surround each of those two buildings, hence why the breezeways are contained between the external faces of those external walls.

20 MR LLOYD: The floors of each part, as I may describe them, of the building continue through to the other part of the building, don't they?

MR EL-HAZOURI: The floors do. Correct.

25 MR LLOYD: The floors do. And the buildings are also connected by a roof.

MR EL-HAZOURI: Two different roofs.

30 MR LLOYD: But they are – there's a roof connecting the two different roofs, as you say.

MR EL-HAZOURI: Correct. There's a – there's – there are one roof connecting – one roof of one building is in one plane - - -

35 MR LLOYD: Yes.

MR EL-HAZOURI: - - - and the roof of the other building is at a different plane. And whilst I take your point about the floors, the objective under the gross floor area definition talks about the area as it relates to the external face of the external walls.
40 Now, there's – if the argument is about the fact that they're in the same plane of floor, then ultimately that raises a number of issues about calculation of gross floor area, for example, of podiums. Podiums are continuously on multiple – multiple buildings in one plane. The objective here is whether or not the area that we're seeking to exclude is between the external faces of external walls.

45 The openability of them – this is not tokenesque. There's large voids; there's indentations; they're not capable of being closed. That's a big thing here. These

aren't openable or closable louvres; they're there – what is there is there for architectural merit. It's open, capable of being wet - all of those things. So I - I definitely stand by the fact that this constitutes two buildings, connected by the breezeways, which is not uncommon, and hence why we say that the FSR calculation council has adopted is erroneous and ours is correct.

MR LLOYD: There's a common car park at basement level, isn't there?

MR EL-HAZOURI: No. There's no car park; no basement.

MR LLOYD: No basement.

MR EL-HAZOURI: There's a ground floor area for motorcycle parking.

MR LLOYD: Yes.

MR EL-HAZOURI: That's at – that's at the ground floor level, but there's no basement. The internal circulation area is from the ground floor, yes, from a central area, but that leads up into what I consider to be one tower. There's no – it's not like it sits in the middle of the breezeway for it to – for that area and the breezeway to constitute a connection. The lift, as you will see, is contained within one building. You would use the breezeway to connect into the other building. is that we have – we have considered and – and we have taken into account floor area, for example, in this narrow area – what I call narrow – in the one and a half metre area, which is clearly contained between the internal face of external walls, because that would be the internal face of that particular external wall, so we've calculated that area and still comply. Council has raised no objection to that. The objection is really this – what we classify the breezeway area. And I can't see how it can be classified any other way, without it leading to a lot of interpretive issues in other applications, if this is the method of – or method of thought as to what constitutes gross floor area. If this doesn't, then many other things are going to.

MR LLOYD: Should a lobby be included as gross floor area?

MR EL-HAZOURI: It depends on its characteristics. So the characteristics of this lobby say that it should, hence why we've included it in the gross floor area. It's not open to the elements; it's not contained within external walls; it has got – you know, the lobby of this place is different, hence why we've included it, and that was the appropriate thing to do. At podium level – level 1 – and above, it hasn't been included. Part of the lobby has, like I said, where the lift is and in that area which is on the internal face of an external wall, but where it's not, there's not one characteristic of gross floor area that these breezeways have. There's nothing we can point to here that says this – as per this definition, it constitutes gross floor area.

MR LLOYD: All right. Thank you.

MR EL-HAZOURI: Thank you.

MR HUSSEY: Can I ask – I think in a lot of ways, it's a clever design for that particular constrained site. If you did it otherwise, with the floor space area - I understand the breezeway issue – what other outcome would you come to?

5 MR EL-HAZOURI: If we were to include those areas?

MR HUSSEY: Yes. If you included it.

10 MR EL-HAZOURI: Well, if we were to include those areas, look, you could theoretically include three out of the seven levels' breezeways into the FSR calculation and still be under the 5% of clause 4.6 under this LEP. We're not talking about a huge departure here. But what the problem would be is that you wouldn't get the architectural and environmental outcome and benefit that this does. For example, this allows every single unit to be cross-ventilated. You don't get that in boarding
15 houses any more. You know, they're typically single orient units. This allows for the communal open spaces on each level to be light filled; they allow them to be passively surveillanced, so the outcome would be a worse one.

20 We have had previous iterations of this design where – where we looked at consolidating one built – built form outcome, and the problem with it is when it went up to the design review panel, they correctly pointed out that if this was tested against, for example, an RFB or SEPP 65 requirement, it wouldn't make it, whereas this probably would. Well, I say it would actually, because it's capable of cross-ventilation; it's capable of solar access; it's capable of all of those things, so
25 the outcome would be much, much worse.

MR HUSSEY: So you say that if you did include that FSR, would the height of the building be reduced?

30 MR EL-HAZOURI: In order to overall comply?

MR HUSSEY: Yes.

35 MR EL-HAZOURI: Look, potentially, or in the alternative, you would end up with, for example, greater void spaces or something along those lines. We're not talking about such a significant departure, or such a significant contribution to FSR that it's going to reduce the bulk and scale of this building so considerably. Where this – where this gross floor area calculation is critical is in the overall architectural and environmental outcome and amenity outcome for the site. And we do still comply
40 comfortably with the overall height, with the built form envelope of the site, and everything like that. There are no non-compliances here.

MR HUSSEY: Thank you.

45 MR LLOYD: Thank you. Hang on, sorry. Any other questions? David?

MR JOHNSON: I don't think so.

MR LLOYD: We need to think about this one.

MR EL-HAZOURI: I understand.

5 MR LLOYD: So we will take a short adjournment and hopefully come back with a determination.

10 **ADJOURNED** [5.18 pm]

RESUMED [5.36 pm]

15 MR LLOYD: Well, the panel has come to a determination which, I regret to say, is not unanimous, so that shows the difficulty we've had with this problem. It is a determination, nevertheless, to refuse the application. The first question is, is this one building or two buildings? Mr Byrnes conceded that it was one, and Mr El-Hazouse - - -

20 MR EL-HAZOURI: El-Hazouri.

MR LLOYD: Hazouri, says that it's two, so we turn to the plans. It's one building. It looks like one building; it is one building. The floors continue right through. It is
25 a building. If it's one building, we ask what are the external walls. They are the walls around the perimeter of the building. The breezeways in this case are enclosed by a ceiling of the floor above, or on the top floor, by a roof. They're enclosed on each side by the walls and doors of the apartments, as well as openings leading into corridors. The ends of the breezeway are – comprise openings containing openable
30 louvres, an architectural detail of the building, forming part of the perimeter of the building. The floor of this building is the whole floor, enclosed by the external face of the building.

If the walls on each side of the breezeway were to be construed as external walls,
35 then it would follow that there were, in fact, two buildings, and in the majority of the panel's view, they are internal walls. The breezeway is, in our view, in the majority's view, a lobby, which is within the internal face of the external walls and should, therefore, be counted as gross floor area. That is the determination of the panel, which means that the fate of this application is also determined, and the
40 determination is to refuse for the reasons set out in the report that we have. As I said, it is not a unanimous decision; it's a split decision. I am in favour of the refusal for the reasons that I've stated, as is Mr Johnson, and is also Mr McLean. Mr Hussey dissents. Do you want to give reasons?

45 MR HUSSEY: I think that the key issue is the FSR definition, and there's different court cases and different interpretations, and lawyers will always have different opinions there. On the information I've got, I think there's a fair case to accept the

breezeway concept, and consider that there is a good outcome with this proposed design, and the site is suitable for it. I think maybe there needs to be more heavy argument in terms of that particular definition, so I support the proposal, but that's not the outcome.

5

MR LLOYD: In other words, Mr Hussey likes the building.

MR EL-HAZOURI: So do I.

10 MR LLOYD: But unfortunately, applying the gross floor area calculations leads us to the result that I've announced. So thank you for that interesting question.

MR EL-HAZOURI: Thank you.

15 MR LLOYD: All right. So with that, we can move on to the application number 5.8, the proposed childcare centre at 45 Mobbs Lane, Carlingford. We have notice of two people who wish to speak against this proposal. Are they here? Are you both here? Mr - - -

20 MR D. CONWAY: David Conway.

MR LLOYD: And Mr – is Mr Fong here? You wish to speak against the proposal as well.

25 MR FONG: Yes. You - you should have three.

MR LLOYD: People against?

MR FONG: People against, yes.

30

MR LLOYD: Yes. Well, we may not need to hear from you because the panel has decided that they will adopt the recommendation to refuse the application for the reasons stated. So if you're happy with that, we will make that decision.

35 MR CONWAY: We're happy, of course. But just – just one question. So there is no value in any of us speaking – no additional value in any of us speaking.

MR LLOYD: Well, if you want to change our minds, then, certainly - - -

40 MS: No.

MR CONWAY: And that was a unanimous decision, was it?

MR LLOYD: All right. So the - - -

45

MR JOHNSON: It was, yes.

MR LLOYD: The determination - - -

MR HUSSEY: I think the objections are summarised anyhow.

5 MR LLOYD: The determination of the panel is to adopt the recommendation to refuse the application. The reasons are the panel supports the findings contained in the assessment report, and endorses the reasons for refusal contained in that report. So thank you for that.

10 MR CONWAY: Thank you.

MR LLOYD: So now we come to – sorry, now we come to 6.1, the planning proposal for land at 56 to 72 Dudley Street, and 56 to 71 Crowgey Street, Dundas. I should remind everyone that we have deferred the proposal at Wylde Street, Telopea, 15 to the end, because we've got a bit of working out to do there. So the planning proposal at Dundas - is there anyone here to speak in favour – in favour of - - -

MR: Of the recommendation? No. Not that I'm aware of, but, no.

20 MR LLOYD: You're against the recommendation?

MR: We're against the recommendation and we've tabled a statement.

MR LLOYD: Then we should hear you. Who wants to go first? Mr Byrnes. 25

MR BYRNES: Thank you, chair and panel. We've got a coordinated presentation this afternoon, that addresses the key concerns raised in - in the report. It's important for us to say that we have a positive working relationship with Parramatta Council, and we really respect their officers. This report does, however, contain errors and 30 omissions that we want to take the time to address, so that the panel has a thorough understanding of the proposal, in particular the strategic merit. We are quite disappointed with the lack of a merit assessment in this report that's before you, and the way in which the report has been structured and presented.

35 And so, therefore, we submit to you this afternoon that you should endorse this planning proposal, recommend to the council that it proceed, and not to be drawn into the suggestion that a structure plan process be commenced for the corridor, noting that there is no allocation of funding. There is no determination by the councillors. There is no structure plan project endorsed or on the table at all, and this 40 idea comes up some nine months after our lodgement of the planning proposal. Before I ask each of the - the relevant speakers to – to speak on their – in their field of expertise, there is an important context to this planning proposal, and that is, of course, the Parramatta Light Rail. It's a two billion dollar government investment, and it will be operational in 2023. That's five years away.

45 It's a city-shaping development that will connect Dundas railway station with two significant employment, educational, retail and social centres in Western Sydney,

Parramatta CBD and the Westmead health precinct and, of course, the university campuses along the way. Every seven and a half minutes, from 7 am to 7 pm, Monday to Friday, a train will go through Dundas station in each direction. And the government, as you are all well aware, expects patronage from this rail line to come from increased density, and last week, the Transport Minister spoke of the SIC that is to be put in place in order to capture funds that will emerge out of increased densities around these railway stations.

So for the patronage from new developments to coincide with the opening of this station five years away, the land must be rezoned, design competitions run and won, development applications lodged and approved, and construction and settlements occur. This proposal is consistent with government policy, and I'm going to ask that Schandel from Think Planners speak to the strategic merit of this application, and then I've Carlos from Urbis to speak in relation to urban design and those questions of FSR and density; Alex of the architects, the social and community benefits, and if I could be indulged to conclude, that would be – sorry.

MR LLOYD: Before you sit down - - -

MR BYRNES: Yes.

MR LLOYD: As I understand it, the proposal will involve an extra 1000 or so high density units in this area. Am I correct?

MR BYRNES: This proposal, in and of itself, no. That's – that's not the case. This proposal is for a portion of land. However, following council's concerns about the broader precinct, we undertook – we asked Urbis to undertake a peer review of the precinct in order to understand where the right – where the opportune locations for additional density in the Dundas precinct could occur. However, this is a refined planning proposal that only relates to - - -

MR LLOYD: This – this particular block.

MR BYRNES: - - - this particular block.

MR LLOYD: All right. How many extra units will there be if we allow this to proceed?

MR A. JELICIC: 350 to 400 units, plus about 3000 square metres of commercial.

MR LLOYD: How many units?

MR BYRNES: 350 to 400.

MR JELICIC: 350/400.

MR LLOYD: So that would be about how many extra people?

MR BYRNES: What's the average occupancy?

MR JELICIC: 2, 2.14.

5 MR BYRNES: 2, so 2, 2.3.

MR JELICIC: 1.4.

10 MR McLEAN: Seven, eight hundred.

MR LLOYD: So that would be - - -

MR BYRNES: Seven or eight hundred.

15 MR LLOYD: How many persons per unit?

MR JELICIC: 2.1.

20 MR BYRNES: Working – two.

MR JELICIC: From 2.1 to - - -

MR BYRNES: Yes.

25 MR LLOYD: To how many?

MR JELICIC: 2, 2.1. It's the

30 MR LLOYD: Well, assuming 800 extra people here, where's the open space going to go?

MR BYRNES: We would like to address that, and we've got a presentation to - to take you through those.

35 MR LLOYD: Yes. All right.

MR BYRNES: If you're happy with that. Thank you.

40 MS S. FORTU: Thanks, panel. Primarily the report before you requests that the planning proposal not proceed to allow council time to look at the structure planning of the corridor area. But to my knowledge, at no point in the guidelines provided by the Department of Planning or the local planning directions, does it state that a planning proposal should not be supported based on a timing issue to do with council's structure planning that has not yet been determined for this corridor. In
45 terms of the state government planning framework, the report references both the Central City District Plan and the Greater Parramatta and Olympic Peninsula vision document.

In the report you have before you, staff say that neither the Central City District Plan or the GPOP vision statement suggest that close densities are appropriate for this parcel of land, and I put it to the panel that it was not the purpose of the Central City District Plan or the GPOP vision statement to actually propose densities or maximum building heights on this land. That's left to the precinct planning stage, which would have undertaken that exercise. I would like to bring to the attention of the panel that precinct planning can be carried out in four different ways: priority precinct planning; state significant precinct planning; council led LEP amendments; and landowner initiated rezoning proposals, and that's exactly what you have before you – a landowner initiated rezoning proposal. So I would like to take the panel to paragraph 22 of the report that you have before you. That states the following:

In relation to the Dundas, the GPOP document identifies that this area has a potential for targeted growth –

however, comments that it is suitable for infill development only and specifically references low density forms of residential development, such as duplexes, terrace housing and small secondary dwellings such as granny flats. and refers us to page 32 of the GPOP document. This, in fact, is a comment which is under the heading of Infill Around New Light Rail Stops, and is actually a description of what's put there to describe what infill development is. By no means should that be misinterpreted into, "This is what the vision of the Dundas precinct is." It's actually an error that's printed in the report before you.

In any case, to me it would seem very strange that council and the government would be pushing to have infill development around a new light rail station, where they're investing billions of dollars in providing state of the art infrastructure to the local community. I would also like to bring to the attention of the panel paragraph 26 in the report you have before you, where it says that:

Council officers consider that any increased densities should be focused on the existing R4 zone within Dundas, because this is potentially under-utilised in its current form.

So if we have a look, this statement is, in fact, another error because the land that is zoned R4 within this precinct – I will just wrap it up if - - -

MR LLOYD: No. You continue.

MS FORTU: Has actually already been developed for three to five-storey residential flat buildings, so saying it's under-utilised is misrepresenting the fact to the panel that this land is highly fragmented in strata-titled apartments that are unlikely to be redeveloped for decades. I would like to highlight to the panel that the proposal is consistent with the relevant strategic planning documents - the Greater Sydney Regional Plan, the Central City District Plan, the GPOP vision, the Greater Parramatta Priority Area, the Loop and local planning directions, and council staff

have actually failed to carry out a merit assessment of the planning proposal that's before you.

5 Just a couple of issues on the traffic and transport related impacts – so we've actually submitted with the planning proposal a traffic impact assessment, and I would just like to highlight a couple of things that are raised in the report that you have before you. The first issue is that council staff suggest that the parking rates that should be applied to this development should, in fact, be the parking rates from DCP 2011, which has a reduced parking rate for developments that are within 400 metres of a train station. I don't understand why a council would seek to rely on car parking rates which are more than seven years out of date, and they don't take into consideration at all the impact that the light rail is going to have on the way that the future residents in this area move about their city. The light rail is going to fundamentally change the way that people move about Dundas and it's going to change the way they live their daily lives. So just to be clear, at present, the heavy rail to Dundas is actually serviced by two trains per hour, so between 7 am and 7 pm, Monday to Friday, that means there are 23/24 services provided to those residents.

20 So with the new light rail, it has a service between 7 am and 7 pm every seven and a half minutes, that means there's eight services per hour and during that busy period there are 96 services. That is a full 100 per cent increase in public transport accessibility. So I ask you again, why would we look at out of date parking rates, trip generation rates, when we're trying to plan for the future and for this city-shaping infrastructure? I think I'll just conclude on that, because I've probably gone over a little, but put simply, people who are going to live in this precinct are going to rely much less on private vehicles and the government is advocating the high density developments near railway stations and that's precisely what we propose and that's the planning proposal that's in front of you. I'll hand over to Carlos.

30 MR FRIAS: Thank you. I've been involved in the urban design, kind of looking at the overall precinct, not just the site. I was involved in the Telopea renewal master plan working with Land and Housing Corporation and the Department of Planning and Parramatta Council as well, and just to give you a little bit of a relationship with both types, Telopea, which is just the next station up the road, that's going to have, fully developed, about 4,000 units. It's the same. It's obviously a light rail.

40 We're only talking about a quarter of that, kind of what the old precinct – what we've identified, and one of the issues when you come back to open space is that, unfortunately, this is urban renewal and there's a certain amount of open space that did exist, and when we did the exercise with Telopea we didn't create, really, a lot of new open spaces, we created plazas, but one of the important aspects that we need to manage as we do urban renewal is to make sure that we are going to get future connections to good open spaces.

45 Now, Dundas is only four kilometres away from Parramatta Park, from the office spaces along the waterfront, so there is a lot of opportunities for people living in Dundas to connect to good open spaces within the local LGA, and that's one of the

key things that we need to think about. There is going to be access to open spaces. It's not going to be there because it's an urban but there is going to be provision that there is going to be provision to connect to other open spaces, and the plan that we look for creates, through site links, to better connect areas within the Dundas
5 areas and we are trying to connect those key open spaces, like the Subiaco Creek, which you can have some cycle ways around it and that will connect to other places as well as the on the other side of Victoria Road that can actually create that overall network connection that it's really – we really need in the area.

10

Now, just in terms of the principle that we're looking at is that what we found out is that you're going to get the light rail, that's what they all say. It's going to be a big investment of the government. We're trying to get urban renewal, we're trying to get more people to live around the light rail, and you've already looked at Carlingford,
15 which is pretty much done, Telopea has already been looked at, Camellia has already been looked at, as well, Parramatta CBD, as well, looked at, and we feel that Dundas has actually been, in a way, ignored, put on the side, hard basket case, and we really think that there is a potential to get good urban renewal, and when you're go to Dundas you will see that there is the opportunity to have an open space that is backed
20 by the train line, you have tobacco shops open, fronting that open space, there's low density housing around it.

It has really good opportunities. Not only for our client's side, but also for council's side, for right where the shops are. So there is an opportunity to get urban renewal
25 on the site. From the exercises that we did during Telopea, we know that there's a certain amount of floor space that you need to get the supermarket and the active retail and all that, in order to support that growth. We know that it's around four to one, and we don't want to really work around numbers, but that was the numbers that were coming out of the work that we did at Telopea, and that's why we say that both
30 the existing shops and the council car parking in our site and the site on the side, those sites that are really framing the park and the future light rail, that's where we can concentrate the density, and it's just going to step down over as you move away from the part.

35 Now, one of the comments in the report as well is that we didn't think about other types of uses like terraces and all that. There are already terraces happening in Dundas, and we just concentrated, really, on a small area that it's really close towards the future light rail. There is opportunity to think about future re-zoning of R3 land within both sides of the rail corridor that could accommodate other type of
40 housing like R3 and terraces in there. So that's kind of the principle of what that overall vision that we had for Dundas. We do think that there's an opportunity for urban renewal in Dundas.

45 MR LLOYD: Any questions, panel?

MR HUSSEY: Just some observations if I can. I understand that there are different approaches to strategic planning and you might get – you will get different outcomes

along the way, but reading this report there doesn't seem to be a great deal of support for this proposal. There is that central city district plan, which apparently doesn't designate this for this level of density at this point in time. The Olympic Park Peninsula Plan doesn't support it either.

5

It seems that there should be a plan, an orderly plan that probably covers a bigger area than your particular site. You've got 21 smaller blocks there. You control seven of them or so. I think that – it just seems premature to me to have these higher densities at that point when the light rail will go through there, but that's not linked in to any of these four government planning strategy studies, and it would seem to me before you do a spot re-zoning RMS you go back to the past where there was previously – some sort of local environmental study, though, to look at the constraints of the particular areas and the open space, the access to drainage and all that, but it seems to me that's not been done.

15

It's fairly selective on this particular site, but the impacts of that are a broader area, but I would think a private, smaller consultancy probably wouldn't have the resources – it wouldn't be a good use of resources to do that. So my conclusion is “premature”, and I don't support this proposal. I support the council approach.

20

MR JELICIC: I'd like to address some of those comments in my conclusion, and – but we do have the architect still – just even if I could conclude, that would be great.

25

MR LLOYD: Well, before that - - -

MR JELICIC: Sorry.

30

MR LLOYD: You spoke about access to public open space, but you've got to go to the train to go there.

35

MR FRIAS: No. No, that's correct. You can – you know, four kilometres to Parramatta Park is 10/15 minutes cycle ride, you know, at a really slow pace. So if you think about Dundas, where it sits within the LGA, it's pretty much in the centre of the LGA, so all – you know, a lot of the regional parks within the LGA are, I would say, 10 to 20 minutes away from Dundas on a bicycle.

40

MR McLEAN: But from a community member's perspective, getting – you spoke about the network and Vineyard Creek all that goes with that, I don't see a coordinated approach in building that network. That network doesn't exist at that moment. Getting Parramatta Park, I take your comment, but to get from Dundas to Parramatta Park, that's not an easy cycle, particularly if you've got young kids in terms of where you've got to navigate. So from a green space perspective, and access to that green space, at this stage I don't say a coordinated approach to that.

45

MR FRIAS: And obviously there needs to be work done by, you know, probably all levels of the government in the state and local government in order to create good cycle way connected to the whole local area, you know, even without having massive

re-zonings, you do need to provide proper cycle ways in connecting to all the open spaces in the LGA, and it's something that I suppose council has its cycle strategy and that eventually those things will happen.

5 MR McLEAN: Yes.

MR LLOYD: But there's a number of people – there'd probably be a demand for active open space, that is where people can go and kick a football or hit a cricket ball or something. I mean, where is that?

10

MR McLEAN: Because again, take concept looking at places like Carlingford, et cetera, you know, where the density has increased dramatically and there are these existing small parks, but they are getting overrun. Literally overrun by kids wanting to kick a football. Literally.

15

MR FRIAS: And it is an aspect that needs to be addressed as local – how do you manage renewal and condition of open space, how do you create – how do you deal with existent infrastructure of open space to make them more useable and more attractive and more accessible to the population that is coming in.

20

MR LLOYD: Well, you can see the hurdles you've got to overcome.

MR: But if – but, look, if the hurdles that are urban renewal I mean, Parramatta, CBD by a lot of apartments, and the amount of open spaces in the CBD has increased nothing, apart from Parramatta Park, because it can. It's urban renewal. It's a change in the way we live.

25

MR McLEAN: But walking along that riverbank to Parramatta Park is quite easy. Getting from Dundas to Parramatta Park is not easy.

30

MR LLOYD: The other thing is with this number of units and this number of people, there'll be, presumably, a significant number of school children. Where would they go? And are the schools that are in the area big enough?

35

MR: There is capacity in the schools to increase – to increase capacity.

MR LLOYD: Anyway, these are the things that are occurring to us.

MR HUSSEY: There's one other question, do you mind, addressing finally? In the report, it says that the rezoning review was submitted to the Department of Planning and Environment, and a request for consideration by the Central City Planning Panel. I'm not quite sure there's a relationship between what this panel's considering and how it fits in with the Central Sydney one and where the Department of Planning fits in. It seems as if there's parallel actions happening.

45

MR LLOYD: Who deals with it? Do we?

MR JELICIC: I'm happy to address that in the conclusion, if you like.

MR LLOYD: Yeah, that'd be good.

5 MR JELICIC: My name's Alex Jelicic. I'm the architect for one of the – or the
author for one of the urban design reports. I just to respond to a couple of queries
you had previously. You mentioned things like cycleway issues. One of the things
that this proposal does – we actually brought that to the Council initially. We started
10 talking about providing cycleways. In fact, some of the documentation that we've
got, including our report, talks about the new street design that would accommodate
something like that. We've also put forward a bicycle storage that's form which
would more than accommodate residents that live one or two kilometres away from
the train station to be able to cycle between two – to our site, jump off the bike and
then jump on a train, and then go to the city.

15 So whilst I wanted to raise big decision plan to come forward, sometimes it takes
a project like this to get things started, and we were hoping that the panel and the
Council were willing to start a discussion, a dialogue, with the landowners or a
developer to proceed with something like that. It has to be open space. I think
20 there's a bit of a misunderstanding about what this proposal puts forward.

Now, apart from just everyone just focusing on one large park, now, we just came
past the sites before we came to the meeting. The park is currently next to the
train station. Apart from a small portion that was recently reverted into a
25 playground, the rest of the park is fairly underutilised. So one of the things that we
put forward from day 1 is something that part of the proposal was to upgrade the
park, which will eventually then become probably a forecourt to light rail,
potentially, railway station. We just anticipate, obviously, it's going to take place in
the precinct, so that was something that we put forward.

30 On our block of land alone that forms the planning proposal, we are allocating about
2,000 square metres of open space. What that does is broke it up in three different
sections. One section is about just under 1,000 square metres, which is the northern
forecourt to Dudley Street. Then we've got two sub-links. One is quite generous.
35 It's about 12 metres wide, which connects Crowgey to Dudley, as well. So what
we're trying to say is – it's not just saying let's plonk just the blob of green spot in
one area. We felt it's more productive and more beneficial to the local residents if
the introduced through sub-links and reactive a portion of the Dudley side. And
the whole principle behind the proposal is also to create like a mini town centre,
40 rather than just saying – putting a lot of apartments and that's it.

I believe that if you go down now and see what state existing shops are – let's be
honest, it's pretty sad. And I think one of the approaches and understanding that we
thought was to put forward something that's significant, and the area that we're
45 talking about is about three, three and a-half thousand square metres of commercial
space that would accommodate for a decent tenant, in regards to the Harris Farm
or AGA or something along those lines. It would accommodate for the bike repair

shop, which was always put forward to the Council as one of the BPA principles, and also some of the smaller shops. Now, what that could potentially do is allow for the shops themselves to potentially redevelop into something a bit more sustainable for a long period of time, because, again, if we sit and wait for someone to decide to something with the precinct, it could be like ten or 15 or 20 years from now, whereas the longer we've got, the parties that potentially can get something moving on these – and we don't see a reason why nobody puts – as far as we know, there's been discussions with the local residents, and there hasn't been, as far as we know, an opposition to something like this.

So we believe that, overall, there is an interest in something – and what we're putting forward today is not necessarily the end result. We're just asking to start a dialogue, and then whether the Council department wishes to come back to us and suggest something else, we're obviously willing to listen, but we understand there's a lot more work to be done, but obviously we need to go through this process in order to go to the next stage.

And I think, also, what's important to say is that instead of just relying on the Council or State Government to fork out funds for these studies to be done, the private, obviously, developers are willing to do that on their behalf. So that's - - -

MR LLOYD: Any questions?

MR McLEAN: Thank you, panel. You've shown your hand. I'll address some of those matters that have been raised. The first item is, I guess, this idea there's potentially a missing document. There's more work that needs to be done. I just wanted to point to this diagram out of that steps through the strategic planning framework that leads us to being in – to lodging this proposal. Metropolitan strategy, done. Draft west central district plan and GPOP division, done, that identifies Dundas as an area for living. Land use implementation plan, done. This is the document. The next very step of – in the process is either a priority precinct is announced. The state identifies its own state significant sites and rezones those, or the Council does it, or we – or there's an invitation implied here – landowner-initiated planning proposals.

We are not waiting for a document from the State Government that says, "Dear Dundas, you can have 1,000, 4,000, 10,000 developments". That is a – it just doesn't exist, that document. It's never coming. But this is the strategic planning framework in which we are all working within. It is up to someone – it may be Council – but it is also equally and appropriately up to us to put forward a planning proposal, and we're invited to do that. In fact, it's so disappointing that this report doesn't even speak to the relevant formerly section 117 direction – it's now direction 9.1. Within that, it's direction 7.5, which was issued apparently in July last year, that emerges from this loop that invites and permits individual planning proposals. It's disappointing that you're not given information on that strategic framework. There's a section 117, now 9.5, direction that says it's okay with this to put in a planning proposal. There's no missing document.

In terms of open space, we're not providing park on top of railway stations. That's not the open space argument here. I understand the one about is there a broader open space question to be had. Parramatta Council isn't building a new oval in the middle of Parramatta CBD. It is right to have a holistic analysis of open space available
5 across the broader region, just like it happens in every single densely rezoned, redeveloped area. You don't stick the open space – the oval on top of the station. We've had a look at that appropriately. What you do do is try and renew the urban spaces in that area. This proposal directly tries to do that. It looks at introducing a shopping precinct – to having activated area facing the existing public park. You're
10 giving an opportunity for those existing shops to decamp into our area, into our retail area while that gets renewed, and get an activated space in front of existing parkland.

So this idea that we need to provide open space – again, that's a misnomer, and we have an opportunity. This is – this is like – this is a cavillous project to enable
15 Council to go and do that, to say, "Okay" – and the State Government – "we're giving special infrastructure contributions. We need bike paths. We need connections". Then we've got – we've got years in which that can – can be achieved. We're not putting an oval on top of a light rail station.

20 A good question about the rezoning review. So yes, we lodged this in December last year, got a letter in May that said, "Don't like it". We went and got a peer review separately from the people who did Telopea. We charged our proposal in July and we submitted that. What we've done is gone and sought the rezoning – we've essentially gone to the umpire, gone to the bunker, gone to speak to the Department
25 of Planning to make a determination on this planning proposal. What the council staff have done, and rightly so, when the Department of planning receives the request for a rezoning review, they rightly and politely ask the council for their view. And then council are currently in the process of putting their together, which no doubt includes seeking your view.

30 So you're view is important in informing – to put it together with council's view, that will then inform the Department of planning, sorry.

MR LLOYD: So what's the role of the Central City of Sydney Planning Panel here?
35

MR: To make a determination – sorry, your – this panel, or? No.

MR LLOYD: No. The Central City - - -

40 MR: Is to make the final determination on this planning proposal.

MR LLOYD: So why does it come to us first?

45 MR: It's the decision of the council staff, I should not speak for them, but it's the decision of the council staff to seek this – also, another expert – independent position - - -

MR HUSSEY: To recommend to the council - - -

MR: - - - which is you guys, and you can say “we love it or we hate it”. And then when they go back to the Department of Planning, they’ll say, “We don’t
5 support it” and either the panel does or doesn’t as well. That’s the purpose of it. Is that fair, Michael? So that the final determination will be it by that panel, not this one. There’s a lot to conclude.

MR LLOYD: Well, if you’ve got anything else to put to us, put it to us.
10

MR: There’s much more I can say, but I’ve been clear. So look, we do – we – we like council. We understand they’re under enormous pressure and they’ve got significant workloads in all sorts of places, Westmead and Olympic Park and Parramatta Road Corridor and they’re snowed, and we get that. But there is no
15 justification for delaying this planning proposal. There’s no purpose to delaying it – to delaying it. And there’s no purpose to going and doing all this structure planning work. The proposal is consistent with the strategic planning documents of the State. The proposal is consistent with the government’s technical document and analysis of the infrastructure required to make this precinct work.

20 The proposal is consistent with the 9.1 direction relating to the greater Parramatta priority road area. The proposal is consistent with the nomination of Dundas as being within the next generation living corridor. The proposal is consistent with the government’s announcement of a levy, that is to fund the Parramatta Light Rail
25 through the levy of new apartments around stations. The proposal is consistent with the fundamental planning principle of locating higher-density at the core of centres where there’s immediate access to transport that connects people to places of work, enjoyment, education, and social opportunities. The proposal, as I’ve said, is the very next step in the process. There is no missing document. We seek your
30 endorsement of it this evening. Thank you.

MR LLOYD: I don’t think you could have said anything else, Mr

MR HUSSEY: Well, just by observation I don’t agree with Adam. It’s not love or
35 hate it, I just don’t support it. I think there’s middle ground for consideration and there’s big changes proposed. You know, this proposal has got numbers in it which I’m concerned about. Goes up from 11 metres to part 40 and 80 metres high, up to 25 stories. The density is a huge increase of a .6 to 1 to 4.2, so I just think that an orderly planning, a lot more work is done before you could support the thing and I
40 think a good overview has been prepared in the Council Assessment Officer’s report and I’m sort of convinced to support that line.

MR LLOYD: I agree.

45 MR JOHNSON: I agree.

MR HUSSEY: Agree.

MR LLOYD: Well, you have the determination of the Panel, and the determination is to adopt the recommendation not to proceed with the planning proposal for the reasons set out in the report.

5 MR: And not to recommend to council.

MR LLOYD: I'm sorry, not to recommend to council to proceed with the planning proposal for the reasons set out in the report. We think there are too many problems here, so the Panel – the reasons for the Panel's determination is the Panel supports
10 the findings contained in the assessment report and endorses the reasons, bar for the recommendation set out in that report.

MR: Thanks for hearing us out.

15 MR LLOYD: But you did very well.

MR: Thanks for hearing us out.

MR LLOYD: Yes. All right. Now we come to Item 6.2, another planning
20 proposal. This is for land in Tucks road, Toongabbie.

MR: Through the chair – we do have a number of people here, they're just about to come in. So there'll be some people - - -

25 MR LLOYD: For which?

MR: For this planning proposal.

MR HUSSEY: Okay.

30 MR: So there will be some people just to address the panel, so.

MR HUSSEY: Do you want to bring them in?

35 MR McLEAN: Yes, we'll bring them in please.

MR LLOYD: Never would have guessed there's a thousand people against – did we want to hear them if we – or have you decided to refuse it?

40 MR HUSSEY: I guess we can – is there anybody speaking in

MR LLOYD: They have to repeat the same issues, because - - -

45 MR McLEAN: There's no one here in favour of the planning proposal.

MR HUSSEY: And there's no one speaking in support – in favour of the actual
- - -

MR LLOYD: I mean, they're all speaking against.

MR JOHNSON: Yes.

5 MR HUSSEY: I think we are minded to not recommend it, aren't we? Aren't we minded to not recommend this proposal?

MR LLOYD: And also, I already raised objection and objected to them in court
- - -

10

MR HUSSEY: Yes.

MR LLOYD: This is what we've got. Here's the submissions. The responses - - -

15 MR HUSSEY: Yes. They're all there. They're all there. So my question is- - -

MR LLOYD: Yes?

MR HUSSEY: - - - are you intending for these people - - -

20

MR LLOYD: No.

MR HUSSEY: - - - we've decided not to recommend.

25 MR LLOYD: Correct. Is there anything – have any of you been to say that there's not a question now?

MR HUSSEY: Well, no, we've been

30 MR: I think that's the point. Yes.

MR HUSSEY: We have to find reasons for them not to. Well, we can do that. We'll do that.

35 MR LLOYD: Yes. Yes.

MR HUSSEY: But we'll tell them that they don't.

MR LLOYD: Yes.

40

MR HUSSEY: Okay.

MR LLOYD: All right. We've come to item number 6.2, the planning proposal for Tucks Road, Toongabbie. We have noticed that there is a number of speakers who wish to speak on this matter, all against the planning proposal. Is anyone here from the applicant?
45

MR: Three of us, Mr Chairman.

MR LLOYD: You haven't sought to address us, have you?

5 MR: Yes I did.

MR LLOYD: You have?

10 MR: Yes. And I received a notification yesterday that we were on the list.
Name's Caledine

MR LLOYD: Here we are. Here we are. It's tucked away in here. Only one.

15 MR: No. Two.

MR LLOYD: There's another one? Anymore?

MR HUSSEY: We have two people listed.

20 MR: Yeah. There should be another one, Mr Ezba.

MR LLOYD: No. We've only got two, Mr Caledine - - -

25 MR HUSSEY: Yes, we have Mr Ezba.

MR LLOYD: - - - and Mr Ezba.

MR HUSSEY: And Mr Caledine.

30 MR: Yes. Mr Ezba. There's Mr Tumor and Caledine.

MR LLOYD: We don't have Mr Tumor.

35 MR: Yes. It reached the vote yesterday. Or three of us - - -

MR LLOYD: Well, in view of the large number of people who wish to speak against the proposal, and there's only three in support, we'll hear you first.

40 MR: All right, Mr Chairman.

MR LLOYD: All right.

45 MR: Do you – my client's saying that you might prefer that they go first and then we address

MR LLOYD: No. No. We want to hear you.

MR: No. That's fine.

MR LLOYD: Yes.

5 MR: I'm happy to talk to you, for sure. Mr Chairman - - -

MR LLOYD: No. You are Mr?

MR: Caledine.

10

MR LLOYD: Caledine.

MR: Caledine, I'm the planning consultant involved in this project. Ray
15 Tumor is the applicant and the owner of – one of the owners of the site. He's on my
right here. Now, I will ask Ray to address you in regard to – because he is the owner
of the premises there and he's also the applicant. He wants to just address you in
regards to the gymnasium – the use of the gymnasium is consciously known,
that's all. Now - - -

20 MR LLOYD: Does that concern us? We're only concerned with future news, not
present news.

MR: Right. All right. Well, that's fine. Well, I won't ask him to address
you then. That's okay.

25

MR LLOYD: I mean, this is a rezoning proposal.

MR: Yes. That's correct. Planning proposal, yes. Yes. All right. Look, I'll
30 address you myself in regards to the new developments itself. So Mr Chairman, I
understand that you've been to the site.

MR LLOYD: Yes.

MR: You've been briefed by the council staff on the proposal. Having been
35 to the site, you are well aware of its kind of 7,500 square metres approximately.
It has three street branches, near Tucks Road, Goolagong Avenue and Rausch Street.
The site is flat. All streets in the present are reasonably wide and provide good
opportunities for on-street parking. The site contains the existing two story gym, as
you would have seen. It had great car parking and tennis courts. The gymnasium
40 at the moment is quite dated. A very dated building and obviously in our view, it
should be replaced. The site contains – there are a number of – the proposal involves
removal of the – and construction of the new outdoor recreation facility, as well as a
residential flat building, incorporating the squash courts, tennis courts, in-ground
pool, aerobics facilities, separate men and women's gym rooms, café and residential
45 apartments. As you will have seen from your visit at the site, there are numerous
public amenities and services within a short walk of the site and residential
density. I've walked myself. It's a three minute walk from Tucks Road to the

nearest bus stop in Fitzwilliam Road. It's a ten minute walk to the nearest T-way on Old Windsor Road. It's a 13 minute walk to the Toongabbie Railway Station – 800 metres. A three minute walk to open space, off Chanel Street, which is to the north of the site. And an eight minute walk to the IGA supermarket and shops on
5 Fitzgerald Road.

MR LLOYD: How long did you say?

MR: walk to the IGA supermarket on Fitzwilliam Road.
10

MR LLOYD: Yes.

MR: And there's a medical centre on Fitzwilliam Road – it's a seven minute walk to that and it's a seven minute walk to the Toongabbie public square. In
15 regards to the flooding and traffic issues. These have well addressed in the council report and I do not propose to comment on them, other than to say that those council's experts and my client's experts agree with the conclusions reached in each report. There are a number of public benefits as a result of the planning proposal. These include a roundabout at the Fitzwilliam Road and Tucks Road, which form
20 part of the BPA, which has been adopted by council.

A link between Rausch Street and Tucks Road. A new indoor and outdoor recreation facilities available to the general public, including local schools. I'll just go on now to the relevant controls that will govern the site, should the application proceed to a DA. So attached to the report this evening is site-specific DCP. Of
25 course, the proposal flat building. It will be subject to section 65 in the AGD. All relevant steps and parameter will be considered as part of any future TA. We'd ask the panel adopt the recommendation before you tonight.

MR LLOYD: Thank you. Now, does Mr Ezba wish to speak?
30

MR EZBA: Yes. My colleagues would be - - -

MR LLOYD: First of all, who you are.

MR EZBA: Yes, of course.
35

MR LLOYD: Yes.

MR EZBA: I am the manager of TLC.
40

MR LLOYD: Yes. All right.

MR EZBA: I think what the required

MR HUSSEY: How relevant is that to what we're
45

MR: Really, given what the said before, I think that we won't bother going into that. It's probably not an issue.

MR LLOYD:

5

MR: Yes, that's right.

MR: we give to the there's no facilities for young children in the area for fitness. We're the only school in the whole of the district that actually caters to high schools. We've got St Johns, Greystanes and Mountain View College and Toongabbie Christian School. So we service all the children in those schools. We that's why we've got the application. If you can see the application at the moment, the V1 zoning allows us top housing and shops and units above and that doesn't allow us to continue the work that's why the application for the BPA and the rezoning is to allow us in our application also to – other than units and the to have a facility for the public and to continue the work and I think that's all we need to say there.

10

15

MR: Yes. Do we need any greater detail?

20

MR LLOYD: I don't. Well, we've looked at the site. We've read the reports. And I have to say that the panel is of the unanimous view that this planning proposal is inappropriate. It is proposing a large increase in maximum height and will allow multistorey residential flat buildings in this location, which is not near any public transport. It is not well located for this kind of intense development and it is also – we have a concern about the possibility of its exposure to flooding. We do not think it is wise to have high-density residential development in this location and the panel is prepared to recommend to council that this planning proposal not proceed. In that event, we do not wish to hear any speaker against the proposal, unless you wish to change our minds. So the determination is that the panel has resolved not to recommend this planning proposal to the council for progress. That is the determination. Thank you for your attendance. We have one more matter to deal with, that's 5.4. Wylde Street, Telopea. A two-storey and subdivisions All right. Who wants to speak? There's no one registered to speak, so we'll just have questions.

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30

35

MR HUSSEY: The development engineers advised that filling the order, 70 millimetres, is proposed along the eastern side of the boundary. However, should the bill be removed, it's likely significant non-compliances would be created in the stormwater system and I got the message that there's going to be retaining walls on both side boundaries and they were put it to the right level, they would interfere with the overland flow path that comes down. I didn't know how serious that overland flow path was and why the levels – maximum levels of the retaining walls couldn't be specified now because there is quite a cross flow on that block of land. I couldn't quite get it on the plans.

40

45

MR: Is this the stormwater

MR HUSSEY: Yes.

MR: On this side it says it's really a curve and the top of the curve is, I think,
level with the adjoining ground. Now, there's the wall around over that into that
5 swale and that swale then runs down here. So the little section here of that. You can
see there's some

MR LLOYD: Okay. That's just purely to cater for the slight difference in levels,
which is not very great. Is that correct?
10

MR: That's right.

MR: It attracts the water and kind - - -

15 MR LLOYD: Yes.

MR: - - - of down to the front and on to that street with little pits to take the
rain - - -

20 MR LLOYD: Yes. Yes.

MR: That at the back, it's not a very tall order, I think it's more or less just
flush, isn't it, that wall there? They've said wall, and on this side there's a half a
25 metre retaining wall and that - - -

MR HUSSEY: So is that half metre retaining wall, is that above the existing level?

MR: Yeah. On this side here.

30 MR: And therefore it doesn't enable - - -

MR: This is build, probably. Yes.

MR HUSSEY: So that stops the water going across the property into the neighbour
35 and it channels it straight down that side down into the street.

MR: Yes. That's right.

MR LLOYD: We sort of need it to cater for the difference in level between the new
40 level cut and fill on the left.

MR: So there's a very flat channel that runs along there, sort of on top of the
water, if you like. And then there's the wall and then it drops down on this side.

45 MR HUSSEY: Yes.

MR: So water from the back, if it doesn't go into the pipes it's kind of guided - - -

5 MR HUSSEY: Is that supposed to be a traffic-full pathway up there?

MR: No. That's just – that's the at levels alongside that area.

10 MR HUSSEY: Well, how do you get around the back? How do you get around for garbage bins and all that?

MR: It's just – it's – this is 1.5 sites back. It should allow - - -

MR LLOYD: Sorry, which side? So it's down here?

15 MR HUSSEY: Yes.

MR: Yes. That's general – yeah, generally that's where we're at. Sites are backed up - - -

20 MR LLOYD: What is it, 1.5 metres?

MR: 1.5, yes.

25 MR LLOYD: Yes.

MR: It'll be great because it's been a bit paved in the end. It's not at this stage, the grass - - -

30 MR LLOYD: Yes.

MR HUSSEY: As for the there's nothing yeah.

MR LLOYD: All right. If you think it's going to work.

35 MR: Yeah.

MR HUSSEY: Yes. They're barely retaining walls, really. They're just to cater for the difference in level.

40 MR McLEAN: Retaining wall is a bit of an overstatement.

MR HUSSEY: Yes. Yes, I think maybe that's where we sort of thought there was something being

45 MR LLOYD: Condition should be specific, number 9 says, "If no retaining walls are marked on the plan, no approval is granted as part of this approval for the

construction of any retaining wall that is greater than 600 millimetres in height or within 900 millimetres of the property boundary”.

5 MR: Yes. That’s something we’ve stated.

MR HUSSEY: That’s a bit of a capture-all.

MR LLOYD: Yes.

10 MR: Yes.

MR: Because what we find is sometimes once development starts, retaining works - - -

15 MR LLOYD: Get left out.

MR: - - - are spread out - - -

MR LLOYD: Yes.

20

MR: - - - and then they say, “Well, the landscape plan didn’t quite marry up with the engineering”.

MR LLOYD: Yes.

25

MR: And we go, “Well, just a minute. You actually didn’t have approval for any retaining walls, unless it was - - -

MR LLOYD: Yes.

30

MR: - - - clearly marked”. So that’s why we - - -

MR HUSSEY: That’s belts and braces, that wall.

35 MR: Yes. It is belts and braces really.

MR HUSSEY: All right.

40 MR: And then that’s also – the scaling has been slightly modified. The sentence has been put in to change - - -

MR HUSSEY: Yes, that’s what I thought I saw. Yes.

45 MR: - - - the way you intercepted that by - - -

MR HUSSEY: And I thought that in the first place as to when you go to approve something - - -

MR: Yes.

MR HUSSEY: - - - you should be made clear that the overland flowing path won't be interfered with.

5

MR: Yes. So we've kind of done that with that sentence, I don't know if it's a on there.

MR LLOYD: Did you want to change the conditions?

10

MR HUSSEY: Yes, I'm happy to take advice on how you'd better reword that.

MR LLOYD: Well, that's why I wondered, where is the overland flow path? An overland flow path, to me, seems like a fairly contained area that you wouldn't want to block, but when I look from the street, the slope of that is generally - - -

15

MR HUSSEY: Yes.

MR LLOYD: - - - consistent - - -

20

MR HUSSEY: Over a wide area.

MR LLOYD: - - - across the whole block.

25

MR HUSSEY: Yes.

MR LLOYD: So it's not an overland – a defined overland flow path- - -

MR HUSSEY: Yes. I see what you're saying.

30

MR LLOYD: - - - it's just a slope of the land.

MR: Yes. It's just the natural concave - - -

35

MR LLOYD: So you can't block that drainage and concentrate it out, but it's not really an - - -

MR: Yes. Okay. All right.

40

MR LLOYD: Or overland flows. Overland flows can't be concentrated. And, you know, I've wondered about that little swale down the side.

MR HUSSEY: Yes. That one here.

45

MR LLOYD: It won't be constructed as swale if it's going to be concrete. It'll be just a concrete path.

MR: I think it's shown as grass, but how we're going to raise - - -

MR LLOYD: That's why I said, is it traffic or good, because it's going to be bare dirt there - - -

5

MR: That – that's grass, that - - -

MR LLOYD: It won't get any sun.

10 MR: What does the landscape plan show on that?

MR HUSSEY: Pavers. Dotted pavers.

MR LLOYD: Is it?

15

MR: It's along - - -

MR LLOYD: Well, they can show them if they want to.

20 MR: Yes.

MR HUSSEY: But this one

MR: There's supposed to be a light swale - - -

25

MR LLOYD: Yes.

MR HUSSEY: It will go down - - -

30 MR: - - - like you'll have a slight depression and that will just be paved – yes
- - -

MR LLOYD: Yes.

35 MR: - - - there'd be pavers.

MR LLOYD: When I see overland now, I know kind of what that means, if someplace is brick, I want to - - -

40 MR HUSSEY: Yes. I see. Stepping stones, is it?

MR: - - - if you know what I mean. Perhaps, I don't know, at the end of the day I can only attempt so people don't, yeah, block up the natural flow of water- - -

45 MR LLOYD: Yes.

MR: - - - that follows the contour, but there's not, you know, it isn't that necessary

5 MR LLOYD: All right. If that's going to work.

MR: Yes. I might take it on advice - - -

MR LLOYD: It could be tidied up a little bit.

10 MR: - - - and add another - - -

MR LLOYD: Yes.

15 MR: Yes. So I don't - - -

MR HUSSEY: Perhaps to this – to this or just in general

MR LLOYD: If I see flows, bloody, oh, look over here - - -

20 MR HUSSEY: Yeah, you can't have that.

MR: Fair enough. That may be something - - -

25 MR LLOYD: I've seen so many- - -

MR HUSSEY: Well, maybe - - -

MR LLOYD: - - - test put in - - -

30 MR HUSSEY: - - - you can just insert the run off or something like that?

MR LLOYD: - - - to contour the landscape areas - - -

35 MR: Yes.

MR HUSSEY: It just doesn't imply a - - -

MR LLOYD: - - - so you get bad compromises later - - -

40 MR HUSSEY: - - - it doesn't imply a – no.

MR JOHNSON: Surface run-off is the better place.

45 MR McLEAN: I'm happy to change that position.

MR HUSSEY: Yes. Just change it to surface run-off.

MR: - - - instead of saying overland- - -

MR HUSSEY: It doesn't imply that it's - - -

5 MR: - - - the connotation of the time - - -

MR HUSSEY: - - - that it's concentrated in any sort of - - -

MR LLOYD: Yes. That's what I think.

10

MR McLEAN: Yes. No, I must say, I agree with that, but - - -

MR HUSSEY: I appreciate that.

15 MR LLOYD: Did you want to change that position? Bob, do you want to change your - - -

MR HUSSEY: Yeah, well, I think this is tight enough to work - - -

20 MR LLOYD: Yes.

MR McLEAN: So the balance of we'll keep the instead of having the overland flow

25 MR LLOYD: Yes. That breaks it down a little bit and - - -

MR HUSSEY: Yes. That's, you know, the size of that?

MR: It's just the natural flow accords really well on this.

30

MR HUSSEY: All right.

MR LLOYD: I don't think we have any other issues, do we, on this?

35 MR HUSSEY: No.

MR: No. No.

40 MR LLOYD: All right. Determination of the panel is to adopt the recommendation to grant development consent, subject to the conditions set out in the report with this amendment: in - - -

MR HUSSEY: Yes.

45 MR LLOYD: - - - proposed condition 9, the words "overland flow" be deleted and substituted with the words "surface run-off".

MR HUSSEY: Yes.

MR LLOYD: That's the only change and the reasons for the panel's determination
5 is that it supports the findings contained in the assessment report and endorses the
reasons for approval contained in the report. End of meeting.

MR: Thank you very much.

10 MR HUSSEY: Done.

ADJOURNED

[6.39 pm]