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CITY OF PARRAMATTA COUNCIL

RECORD OF COUNCIL MEETING

PANEL MEMBERS:

DAVID LLOYD QC

TONY REID

HELEN DEEGAN

WARWICK McLEAN

RYDALMERE OPERATIONS CENTRE

3.37 PM, TUESDAY, 21 AUGUST 2018

MR D. LLOYD QC: All right, I'll formally declare this meeting of the Parramatta Planning Panel open. In doing so, on behalf of the council, I acknowledge the of the Burrumattagal clan of the Durag, the traditional owners of Parramatta, and pay respects to its elders, both past and present. I should say that this meeting will be recorded. The recording will be archived and available on the council's website. All care is taken to maintain your privacy, and yes, there's some seats down here. There's some seats down here.

MR: Thank you very much.

MR LLOYD: Just be aware that your presence may be recorded, especially if you are speaking. Now, it's usual for us panel members to introduce ourselves so that you know who we are, and we will do that now. I'm David Lloyd. I am a lawyer. I am a QC with a current practicing certificate. I am a former Judge of the Land and Environment Court. I am a former Acting Judge of the Supreme Court. I'm currently an adjunct professor or law at Western Sydney University and I chair three other planning panels.

MS DEEGAN: I'm Helen Deegan. I'm a qualified town planner with some 30 years' experience in state government as well as private practice. I'm a member of the Planning Institute of Australia and I sit on a number of other local planning panels.

MR REID: I'm Anthony Reid. I'm a chartered professional engineer, consulting engineer, had 40 years as a director of engineering or a general manager in local government. I'm also on the management committee of the New South Wales Roads and Transport Directorate.

MR MCLEAN: Warwick McLean and I'm the local resident member.

MR LLOYD: All right. The next item is apologies. I understand Mrs Mary-Lynne Taylor is an apology, who was due to chair this meeting. Next, declarations of interest and there are none. So with that, we can go straight onto the agenda and what I might do is not take the agenda in the form that's been published, but move it around a bit. I hope that's convenient, and we'll deal with, firstly, item 5.7.

This is the proposed boarding house at 4 Rippon Avenue, Dundas. I can say that the panel inspected this site earlier in the day – in fact, we inspected every site earlier in the day – and we are familiar with what is proposed. I understand there is a number of people who wish to speak on this particular application. As I said, this is an application for a boarding house for 12 lodgers at no.4 Rippon Avenue, Dundas, item 5.7. So is Mr Carnell here?

MR CARNELL: I am.

MR LLOYD: All right. Well, you say it so that everyone can hear you, and we'll listen to what you've got to say. Firstly, for the record, we need your name and address.

5 MR CARNELL: John Carnell, 25 Anderson Avenue, Dundas.

MR LLOYD: Where is Anderson Avenue?

10 MR CARNELL: It's at – comes in on a T-intersection with Rippon. Just around- - -

MR LLOYD: Just around the corner? All right. You have three minutes.

15 MR CARNELL: Thank you.

MR LLOYD: Starting now.

MR CARNELL: Thank you for your time and thank you for hearing the residents. The concerns that I have directly pointed to the traffic and parking in relation to
20 Rippon and Anderson Avenue. In the 15 years that my family has lived in that street, we've seen a propagation of development go on in the streets in Anderson and Rippon. We've seen granny flats go in. We've seen duplexes grow. We've seen the publish of 3,000 units going into the old mental institution at Macquarie Boys. We've seen the university grow exponentially over the years and the parking in our
25 streets has become, at times, unbearable. We've made that noted to the council. We've had various meetings with the council over the years. The council implemented parking restrictions within the street.

30 So the direct result of that is that as a resident, I have to pay to park in my own street, and that is – it's a paltry amount. It's \$50 a year, but for me to have to park and then worry about whether I've got visitors' passes for my visitors for my house – I just find that unbelievable. Fifteen years ago, we never had that. It was fine. To address this application to put another 12 to 14 residents into a street that is ridiculously
35 narrow, and it's dangerous to navigate it with a car, if you put cars either side of that street, I don't know how the garbage trucks get through there, let alone a car. In the last five years, we've lost probably three – at least three – side mirrors on cars, where people from the uni knock off - I'm not going to blame the uni, because I don't know who they are. They don't stop, but you lose the mirrors, the cars are that tight in the street. We have rolled curbing in Anderson Avenue, which allows us to park
40 our cars up on the footpath 'cause that street is that narrow.

How can Rippon, and exactly where Rippon is, no.4 – how that little cul-de-sac is going to cope with another 12 cars, I just don't know. Add to that in five years' time – this is planning; planning plans ahead – five years' time, you're going to have a
45 light rail that goes every seven minutes. It's about 380 metres from my house. People are going to park to go and get in that light rail. Where are they going to park? They're not going to park in the mental institution. We've got – they've got

6,000 people there. They're going to park in our streets. I understand this low-cost housing the government is pushing out, but we've got granny flats. We've got duplexes. We've got housing commission and it all works well. What I put to the panel is that a 12 to 15 bed boarding house won't fit the street. It'll make our lives a misery. Thank you.

MR LLOYD: Is Ms Dolle-Samuel here?

MS DOLLE-SAMUEL: Yes.

MR LLOYD: Your turn. Your name and address, please?

MS DOLLE-SAMUEL: Catherine Dolle-Samuel, 76 Rippon Avenue, Dundas.

MR LLOYD: No.76?

MS DOLLE-SAMUEL: I'm at the opposite end of the street.

MR LLOYD: All right. Again, you have three minutes, starting now.

MS DOLLE-SAMUEL: I want to clarify a number of things. I concur with my fellow resident's concerns about parking, but obviously that's only part of the application process. Within the documentation that was provided to council, firstly I want to understand how it got downgraded from 15 to 12 without any further notification to residents, and why there was no conciliation discussion where the developer turned that down, but the council still did not allow us an opportunity to discuss that. I agree. I think we've got a wonderful mix of – we already have social housing in the street and we do have a range of duplexes. Our area's zoned for R2, so we can have town houses within the street.

And if the proposal was for town houses of, you know, two or three bedrooms for social housing run by the Department of Community Services or the relevant department, we would be perfectly understandable about that. I agree that the issue is around the traffic as much as anything else. The street is currently dangerous. It's one way, pull over, let a car through, one way, pull over, let a car through, and this particular property is right at the intersection, but I've got other concerns about the application as well, because it talked about that if there were less than 20 residents, there would be no requirement for a boarding manager, but there's potential for up to two residents per room in the documentation that's provided. And I also want to understand about- - -

MR LLOYD: The conditions proposed limit it to 12, just in total. Twelve residents.

MS DOLLE-SAMUEL: Yeah, and it says – but the documentation actually says that in some rooms there may be allowed to be dual occupancy- - -

MR LLOYD: No.

MS DOLLE-SAMUEL: - - - taking it up. That's what it says in the Parramatta Council documents. Fine if that's not the case, but I also want to understand about how, if this particular is approved on the grounds of social housing and affordability, et cetera, et cetera, what would be the amount the council would approve within the street, or the two streets, because it's Anderson and Rippon are two tiny streets together, before the nature of the street would be fundamentally changed. So we've already got the issue – and I understand that our application is saying that there won't be a need for more than three parking spots because the people don't necessarily have cars, but they'll have visitors, and we already have a high impact from the Western Sydney University, and as our – my fellow residents stated, we're having the light rail. So I guess it's the cumulative effect of the development.

Now, the nature of the zoning at the moment is that people can put in granny flats without any request for approval within the council area. So we're basically doubling the footprint and the number of people in the street in every place that's being redeveloped, because it's either going dual occupancy, or they're putting in a granny flat. So the nature of the street is already at maximum capacity for the resources within the area, and I think that there's a number of, you know – I think I read in my application to speak today that there was a number of issues that are reliant on council – or checking your compliance with the terms and conditions of the boarding house around managing agents and so forth. So I'd like to understand that process better.

MR LLOYD: That's your three minutes.

MS DOLLE-SAMUEL: Thank you.

MR LLOYD: All right. Now, Glenda Hudson, are you here?

MS HUDSON: Ah, yes.

MR LLOYD: You're over there. All right. Now, your name and address, please?

MS HUDSON: Ah, yes. Glenda Hudson. No.49 Mofatts Drive, Dundas Valley.

MR LLOYD: Where is that?

MS HUDSON: That's further down Kissing Point Road and runs off Evans Road- - -

MR LLOYD: All right.

MS HUDSON: - - - to the street that I live in. I just wanted to just draw to the panel's attention, there's a proliferation of boarding houses popping up in Dundas, Ermington area that is a concern. There's some in Spurway Street, this one in Rippon Avenue, and there's also a proposal for Kissing Point Road at Oatlands coming up. The lodger figures are quite, sometimes, in some of these applications,

are quite rubbery, in that there can be overcrowding and going unmonitored. With too many boarding houses in the area, the City of Parramatta Council will find it harder to monitor as boarding houses are not found to be registered on the boarding house register or with Fair Trading and upholding the fire regulations and this is a problem in Dundas, because in April 2016 there was a boarding house that wasn't being monitored and fire broke out and it was very overcrowded and people's lives were put at risk, and it obviously wasn't monitored by the council and that happened at that time. This development is – well, at the time that I knew, it was 15 rooms, but I believe it's come down to the 12 rooms. Is that right?

MS: Yes.

MS HUDSON: I just – I haven't updated my thing there. But if it's not properly managed, the internal problems of the lodgers – it can have an effect in the internal boarding house itself, because of due to communal living areas, and the other thing is the Boarding House Act of 2012 has had limited success in ensuring that there's quality services for residents and sometimes, ah, for lodgers and, um, if it's possible that, um, that can be tightened or some sort of, um – if these boarding houses are still going ahead – ah, the applicant noted the New South Wales Bureau of Crime Statistics and Research and it quoted that there, ah, seems to be no record at the moment, um, no problem with new generational boarding houses, but the thing is this is only a new form of boarding house. So we haven't got anything to compare against it, at the moment, because it'll only show up further down the track, like into the future of just what the implications of having some at Ermington, some at Dundas, some at Oatlands and Dundas and Ermington areas could be impacted, but we won't know that until later on.

MR LLOYD: That is- - -

MS HUDSON: And it's going to be- - -

MR LLOYD: - - - your three minutes.

MS HUDSON: Yes.

MR LLOYD: That is your three minutes.

MS HUDSON: Okay.

MR LLOYD: All right. The next speaker I have who wishes to speak is Mr Delapierre. Where is he? Where is Mr – you're over there.

MR DELAPIERRE: Good afternoon. My name's just been introduced, Brad Delapierre, a consultant town planner speaking on behalf of the applicant. My business address is Mays Hill Gatehouse, Great Western Highway, Parramatta.

MR LLOYD: Can everybody hear?

MR: No.

MS: No.

5 MR LLOYD: You'll have to- - -

MR DELAPIERRE: Project my- - -

10 MR LLOYD: - - - face the room, face the room and speak up. Yes.

MR DELAPIERRE: As I briefly outlined, my name is Brad Delapierre, consultant town planner speaking on behalf of the applicant and as has just been outlined by the objectives we originally lodged an application that sought approval for a 15-room boarding house. Following consultation through council approval process, the
15 application has been reduced to 12 individual rooms, as outlined in the business paper. There's a combination of rooms on ground floor and first floor. It's typically considered what we call as planners the new generation of boarding house, with self-contained suites. So just, I guess, to briefly address some of the comments that have been made today parking as outlined, the area does have a – I guess, some
20 parking management, where there's two-hour parking limits, a resident parking stand. The area is very accessible, being within walking distance to buses, an existing train station and the future light rail that's been mentioned a couple of times here seven minute mark. We certainly anticipate that the future occupants of the boarding house will, more than likely – the majority of them are likely to be
25 university students, but also, obviously, the employment of the site is like as well. We've certainly submitted a management plan that goes through in detail how we wish to operate the boarding house site in the future. Council has also, I guess, carefully considered that and imposed 29 conditions about the ongoing operation of the centre, which we agree with. With regard to potential for townhouses, as
30 outlined in the assessment for the site in the R2 zone, there was some concern about registration under condition 79 of the recommended conditions. So in summary, we believe that it is a good site for a boarding house, being in close proximity to public transport and close proximity to employment opportunities, but also a major educational establishment, being Western Sydney University. So on behalf of the
35 applicant, we urge you to support the proxy recommendation. Happy to answer any questions the panel members may have.

MR LLOYD: Thank you.

40 MS DEEGAN: May I ask a question?

MR LLOYD: You have a question?

45 MS DEEGAN: Yeah. I'd like you to expand a little bit more upon the management protocol. So I appreciate you've got a management strategy in place. You're not going to be having an on-site manager, but how will people who might take up

tenancy in the facility, you know, go through a process of application? How will they be able to find a place in the boarding facility?

5 MR DELAPIERRE: There's – in terms of the management, there's a number of ways which we propose to manage the building. That includes before the centre operates, we propose to delay blocks and drop offs of a number of residents outlining contact details for – two people that can be contacted, in theory, 24 hours a day. We also propose to erect a notice or a sign on the site that will be visible from the street that outlines how people concerned about the operation of the site can
10 contact the off-site manager.

MS DEEGAN: And if I want to rent it, I use that same phone number to contact- - -

15 MR DELAPIERRE: Well, in order to rent it, they'll ring, typically – it's the intention to manage the site through a real estate agent and- - -

MS DEEGAN: Okay.

20 MR DELAPIERRE: - - - the usual sources, such as realestate.com where you'll be advertising to rent.

MS DEEGAN: And I understand that with accommodation such as this, it is short-term. So there is a requirement that people can't take up short-term leases. What's the minimum?
25

MR DELAPIERRE: Yeah. The minimum period of occupancy is three months.

MS DEEGAN: So they must stay three months- - -

30 MR DELAPIERRE: They must stay three months.

MS DEEGAN: - - - to be entitled to stay within the boarding house. Do they also need to have an income means-tested aspect to that?

35 MR DELAPIERRE: Yes. There is – in the management plan and the proposed conditions, they are requirements for the maximum rent that can be charged for each of the rooms. They're to ensure affordable accommodation. That's correct.

40 MS DEEGAN: Okay. I'm going to stretch it to one more. I haven't spoken to my colleagues, but I'd like to suggest that do you think, as the managers and owners of the facility, you would be prepared to accept an additional consent condition that says that no tenants in the boarding house would be able to acquire a local area traffic permit for parking? So I know you're in a parking scheme area. So this does happen in the City of Sydney, where you've got units and houses that don't have
45 adequate car parking. The tenants and the owners of those properties are not able to go and get car parking permits to sit in the street as well. So I'd like to put forward a possibility- - -

MR DELAPIERRE: Yes. That's- - -

MS DEEGAN: - - - that a consent condition be - - -

5 MR DELAPIERRE: We don't envision that there'd be a high demand for- - -

MS DEEGAN: No. I don't envision there is too, but it would at least, I think, alleviate some of the concerns that at least those people coming to the property are not entitled to get parking to park on the street as readily as their neighbours would be, and I certainly – in terms of location – it is a highly accessible location. So I
10 imagine that most of the people coming don't need that anyway.

MR DELAPIERRE: We'd be accepting to that proposal.

15 MS DEEGAN: Okay. Thank you.

MR LLOYD: Are you happy with that?

MS DEEGAN: Yeah. I'm happy with that.

20

MR LLOYD: Are you happy with that?

MR REID: Yeah.

25 MR MCLEAN: Yep.

MR LLOYD: Any change to our opinion?

MS DEEGAN: No.

30

MR LLOYD: No?

MR REID: No.

35 MR MCLEAN: No.

MS DEEGAN: I think with the addition of that as a condition.

MR MCLEAN: Yeah, correct.

40

MR LLOYD: All right. The panel is in a position to make a determination, and in doing so, I acknowledge the traffic and parking problem that was mentioned by Mr Carnell and Ms Dolle-Samuel in particular, but the problem with this is the boarding house complies with the statutory requirements for the provision of parking and the
45 legislation says that if a proposal complies with the statutory requirement for parking, we cannot refuse that as a ground of refusal. So we can't rely upon that point as a ground of refusal. Ms Hudson spoke about the fact that there are too many

boarding houses in the area. Again, the problem is this development is permissible within this zone and if it's permissible in the zone, there's got to be some special reason why it should not be approved.

5 As to the traffic and parking, the additional condition that's been suggested, we think might alleviate the position, mainly – the additional condition is that no tenants of the boarding house shall be able to obtain a resident's car parking permit. It's probably quite likely that this development will be occupied by people such as university students at the university, which I lecture at, I should hasten to add. So I know
10 where a lot of them come from, and really, because the development complies with all the statutory controls, we feel that we have little choice but to approve it.

The number of persons are conditioned to be no more than 12 maximum. No more than 12 persons, and with the additional condition, we think that will alleviate the
15 parking problem, at least to some extent. So the decision of the panel, which is unanimous, is that the application is approved, subject to the conditions that have been recommended in the report, together with the additional condition. I'll just make sure that we've got that right. And the reason for the panel's decision is that the panel supports the findings contained in the assessment report and endorses the
20 reasons for approval contained in that report.

MR: Can I ask, is there a way to protest this?

25 MS: Yes.

MR: Yes.

MS: Yes.

30 MS: State planning law.

MR: A number of points have been made today that have not been addressed.

35 MR LLOYD: I'm sorry. We've dealt with the matter. We have to move on. That is the determination.

MR: So it was really decided before we came here.

40 MS: Well, yes.

MR: Yes.

MR: Yeah.

45 MR LLOYD: I'm sorry. We have determined the matter. It complies with the legislation. It complies with all the statutory controls. It's permissible in the zone.

MR: That's nothing to do- - -

MR: Is there a way to- - -

5 MS: before?

MR LLOYD: Um- - -

10 MR: It doesn't have anything to do with that. Do any of youse have a boarding house around your place?

MR LLOYD: Yes.

15 MS: Are you lying at a level that we live in? Are youse trying to sell the units that you're making for the wealthy people and improving Parramatta to a lower area?

20 MR LLOYD: I'm sorry. I don't accept what you say that this will lower the tone of the area. I know boarding houses. They are some near where I live and you would not tell the difference. You couldn't tell there's boarding houses.

MR: Who's going to control the amount of people in there?

25 MS: It's student accommodation?

MR: Who's going to- - -

30 MR LLOYD: There is a condition, there is a condition limiting the amount of people.

MR: But who's going to control that? Who's going to look after it?

35 MR LLOYD: Now, I'm sorry. We have determined the matter and we have to move onto the next matter.

MR: Well, Parramatta Council is brilliant, isn't it?

MR LLOYD: I'm sorry.

40 MR: It was already – it was already done before you got here. Yeah.

MR: Waste of time then.

45 MS: Yes.

MR LLOYD: If I can move onto the next matter. Again, I will take this out of order, because there seems to be some interest in this matter also. We will next deal

with item 5.5, no.1 Cliff Road Epping. This relates to the signage on a residential flat building and this matter first went to the Sydney Central City Planning Panel, the regional panel, and after it looked at the matter, the legislation was changed to give this panel jurisdiction in relation to the matter. So is Kaye McIntyre here? Right.

5 You can stand up.

MS MCINTYRE: Thank you.

MR LLOYD: Your name and address, please?

10

MS MCINTYRE: Okay. My name is Kaye McIntyre. I live in Kent Street at Epping.

MR LLOYD: Which street?

15

MS MCINTYRE: Kent Street, which intersects with Cliff Road. So I walk down Cliff Road to the station when I go- - -

MR LLOYD: I see. All right.

20

MS MCINTYRE: Go to work.

MR LLOYD: Now, you have three minutes.

25 MS MCINTYRE: Thank you. I made a submission against the initial amended DA, relating to the signage of the property. Specifically, for those that don't know, it's in Chinese characters and it's a lovely sign, sandstone, and the sign faced Cliff Road. The submission that I made was pretty simple. The developer has suggested that the building name Gondon Élysée was put under the Chinese characters and an
30 explanation of what the foreign characters was to put on a small plaque in the left-hand corner, 20 by 20.

I understood from the council papers that the sign had originally been erected illegally and then a DA was submitted retrospectively, and also other bits and pieces
35 of the building in regard to fencing and all these things, but my submission at that time was that the sign was deceptive. The accepted way of providing a translation is to have the translated words directly under, or above, in a different language, and to have a building name Gondon Élysée under these Chinese characters, as it appeared on the development on Carlingford Road, was not correct. The sign was – also, it's
40 not inclusive of our multicultural suburb. We are a diverse range of nationalities and cultures with the Epping – it's not just a Chinese community. There's Chinese, there's Indians, there's Russians, there's Malaysians, there's Australians, there's everybody.

45 It was also not appropriate to the adjoining heritage area and one of the things that I put it in my submission was that I considered it to be advertising. The meaning of the Chinese characters given in that DA was “House of Learning”. I've read through

council polls and I understand there is over ten public submissions made against the sign and it went before a planning committee. At some stage, and I'm not sure. I'm not a lawyer and I don't have time to read all the details within council documents and planning laws, but at some stage, the sign was amended to read, under the
5 characters, "Imperial Academy Park" So it was House of Learning, then it became Imperial Academy Park. So it was the direct translation of the Chinese characters.

We were then invited to an on-site meeting at no.1 Cliff Road and we were told at the time that that meeting was of no import, as the decision had already been made
10 by the initial planning committee for Sydney Central City Planning Committee, or whatever. So we were a bit put out about that. Anyway, further information was provided to me, which I understood to be that the decision was actually not made by the Planning Committee in regard to the sign. There was an error from council which did not include it's assessment being correctly relayed to the committee on the
15 sign. And the committee only inputted on fencing issues at that time. I stand to be corrected, but that's my understanding. was another opportunity to express not just my own concern, but many of the community's. And I would just like to take another minute to concentrate on the advertising of the sign.

20 MR LLOYD: Sorry, your time is up.

MS MCINTYRE: Well, as long as the planning committee knows- - -

MR LLOYD: Well, just a moment- - -
25

MS MCINTYRE: - - - that there's - - -

MR LLOYD: Just a moment. I'll ask the panel a question. You are prepared to allow another minute?
30

MR GADIEL: I am. Yes.

MS DEEGAN: Yes.

35 MR LLOYD: All right.

MS MCINTYRE: Thank you. Thank you. The advertising is targeted to the Chinese community, national and the international. New South Wales Fair Trading referenced targeting advertising by property agents on their website, and it's against
40 prospective buyers. It is also, therefore, against the HLEP 2013 Guidelines that don't allow advertising. In the local Chinese community, if you ask some of the locals, they also translate the sign as (response not in English), which is school district housing.

45 In Beijing in 2017, you can access this on the web, Beijing has recently introduced other measures to cool the city's red hot property market. In the last month, real estate agencies were called on to remove certain buzz words, school district housing

being amongst them. And (response not in English) is “school district housing”. So house of learning, academy of whatever. “School district housing”, it’s buzz words used to be targeted to Chinese nationals looking for housing within areas of good schooling, which we do have in our area.

5

So I think it’s pretty clear that it’s a buzz word, its signage is targeted and it really doesn’t pass the test. It should just be a simple sign with the name of the building. It can be in Chinese characters with the name under it, but it should be just the name of the building without buzz words. Thank you for the extra time.

10

MR LLOYD: Mr Gadiel.

MR GADIEL: Thank you, Mr Chairman, and the panel. So you have a favourable officer’s report now before you. Obviously, the officers have taken a different view when they made their recommendations to the district panel. The district panel were definitely dealing with the issue of signage. I personally presented to the panel and engaged in some dialogue with the panel and the members about the issues of the signage and how it should be dealt with.

20 At no stage was there a proposal for an additional sign saying “Imperial Academy Park”. That has always been the applicant’s view of the correct translation of the Chinese symbols. That it is “Imperial Academy Park”. In the statement of environmental effects we proposed an interpretive – I apologise, no, we didn’t say that there could be Imperial Academy Park there. And we proposed – because that phrase was not instantly clear in English language, we had proposed an interpreter panel that explains the history behind the phrase.

25

The district panel felt that that would create a cluttered effect. So we agreed and would support a conditions and the conditions before you do that, to remove the interpretive one and remove the reference to imperial academy park, and instead replace it with a much simpler phrase, “House of Learning”. Which is probably a fairer translation in the English language and really needs no greater explanation.

30

The phrase is used in a Chinese culture to reflect the fact that the – these are dwellings in an area where there are educational institutions in the vicinity. It’s a positive way to name a building. In the same way that somebody might name a building Pleasant Views or Hill Views or something like that. There’s nothing wrong with naming a building in a pleasant way. It’s not advertising. There’s no product or service being marketed there. It is merely a building identification sign that is naming a building.

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40

The definition of building identification sign expressly says, in the LEP, that the sign can comprise of symbols. So it doesn’t have to be in English characters in order to be a building identification sign. The definition expressly authorises the use of symbols. In terms of permissibility, the sign is permissible both because it is a building verification sign and, alternatively, independently, is permissible because

45

it's for the purposes of a residential flat building. And both are permitted in this zone and council officers no longer take issue with that.

5 It's important to understand that the sign has not been erected illegally. The sandstone block with the objector who just spoke agrees is a beautiful piece of work, it's a very expensive and important contribution to the streetscape. That has been approved. It was approved under a modification that was made. Where things did go awry – two things went awry – the condition of approval required it to be
10 screened from the street by a timber fence. That has not happened. And per part of the purpose of our modification application, is to remove that requirement. Because having erected it, and it was allowed to be erected, some people weren't proviso, we don't believe it should be screened by a timber fence.

15 Secondly, the – it was erected without a construction certificate. Now, this would not ordinarily require its removal unless there was some problem about safety or structural adequacy. All of those technical issues have been dealt with, and, therefore, there isn't a basis to order its removal for that reason. So the substantive issue before you is just whether or not this existing structure, which was approved, should be screened by a timber fence.

20 Either side, by the way, there is no timber fence. It's a steel fence or metal fence. So they don't make sense why we should erect the timber fence there. And we submit to the panel that there's nothing offensive about the sign. The DCP controls do not require or prohibit Chinese language signs or Chinese language or any foreign signs,
25 and don't have any requirements about whether there should be English as well, or proportions of English. Other councils do have that, such as Rockdale, but that's not in these Hornsby Council controls which apply to this particular area.

30 Having said that, the applicant is proposing to put that English "House of Learning" in a brass plaque underneath the sign under the amended conditions that the council has put forward. I should point out that heritage conservation area's not immediately adjoining. It is some distance down an adjacent street. And the sign is not visible from the pavement to the footpaths either side of that because of a curve in the street and there's a vegetation. The only way you can see the sign from the neighbouring
35 heritage conservation area, which as I said is some distance away, is by standing in the middle of the street to acknowledge or see it.

40 But in any event, the sign is, at that distance, modest. I mean, compared to the fact that there is a modern residential flat building there. And it really doesn't have any heritage impacts at all, given that residential flat buildings have been approved right along that particular I'm happy to answer any questions.

45 MS DEEGAN: Yes. I just was wondering if you could just explain to me the other sign, the Gondon Élysée, that's- - -

MR GADIEL: Yes.

MS DEEGAN: - - - on Carlingford Road.

MR GADIEL: Yes.

5 MS DEEGAN: So what are the two names? I'm a bit confused.

MR GADIEL: Well, essentially the building is – it's a very large site.

MS DEEGAN: Yes.

10

MR GADIEL: The building is, effectively – presents really as two separate buildings - - -

MS DEEGAN: Right.

15

MR GADIEL: - - - because there's a significant gap between them. So the building that presents on the Carlingford Road elevation has the name Gondon Élysée.

MS DEEGAN: Gondon Élysée.

20

MR GADIEL: And the building that presents on the northern elevation has the name House of Learning. And you'll see there's two different main entrances, effectively, to the building. And different residents will enter and visitors will enter a different. So it's a way finding way for someone- - -

25

MS DEEGAN: And do we know what the meaning is of- - -

MR GADIEL: Gondon Élysée?

30 MS DEEGAN: Yes.

MR GADIEL: Gondon is the name of the business that carried out the development. It's not advertising. It's well established that you can have building identification signs that name businesses. There's several cases in the Land and Environment
35 Court which follow the names of business. Élysée, to be honest it hasn't been raised with me what that word means and no one's queried it here. I don't think they actually – we are seeking the approval for the retention of that sign. Only the wording – the actual structure that it sits on is a fire retardant wall. It's designed the protect the water extinguishers from damage in the event of a building fire.

40

MS DEEGAN: Because that was my next question, was that – was that approved without there being any think around that particular structure? I mean, it's not a particularly visually pleasing experience when you go past that sign on Carlingford Road with the fire hydrants and- - -

45

MR GADIEL: Yes. Well, that structure - - -

MS DEEGAN: - - - and booster pumps.

MR GADIEL: - - - is approved and that's never been- - -

5 MS DEEGAN: Never had anything about it. That's fine.

MR GADIEL: No. It's in a CC. And the council has issues with a 121b order which has prompted all of this. But that 121b order never sought the demolition of that structure or the removal of the structure. The only issue, because as I said it's
10 the – I've got the right wording here – it provides radiant heat protection to the fire hose and in accordance with the building codes are required. So I think that's not an issue anymore. So the Gondon Élysée signage really has not been contentious in a community sense. And not- - -

15 MS DEEGAN: But it is the subject of this application in- - -

MR GADIEL: It is.

MS DEEGAN: - - - terms of gratifying it's approval on that particular - - -
20

MR GADIEL: That's right. We are seeking just the wording. And if you weren't to approve it, the consequence would be - subject to Land and Environment Court proceedings that're also pending – the consequence would be that just the wording would be removed by the structure- - -

25 MS DEEGAN: Yes.

MR GADIEL: - - - would remain the same.

30 MS DEEGAN: Yes. Sorry.

MR LLOYD: You have a question?

MS MCINTYRE: Yes. Gondon Élysée, as it appears on Carlingford Road, on Cliff
35 Road there are a lot of different apartment buildings and, perhaps subject to what you said, some of them are called, you know, building – HOS Building A, Building B, Building C to differentiate the different entrances to the buildings. Why is – why can't the Gondon Élysée be used Entrance 1, Entrance 2 if the applicant thinks there's a big division between the two buildings.

40 MR LLOYD: Well, I suppose- - -

MS MCINTYRE: The whole complex is named a

45 MR LLOYD: I suppose it's because they choose not to.

MS MCINTYRE: I suppose so.

MR GADIEL: Just if I could briefly answer the question as well. But, yes, you're right, Mr Chairman, we have a choice to make. And if we comply with the planning controls, prima facie, it is our choice to make. And the planning controls do not regulate foreign language signs. If you have a concern about that, that's a matter you should raise with your elected council with rights to the planning controls. And some councils have made those rules. But in this case – at this point, your council hasn't.

MS MCINTYRE: I don't have a - - -

MR GADIEL: If I could just answer this. The second point is that the – this sandstone structure and sign has in fact already been approved. The only issue is its screening. And to us it's a nonsensical condition to approve a sign, to block or fence it in. And approve a sandstone structure with a symbol but then say it must be screened by a wooden fence. That means no sign, no way finding benefits and is wasteful of resources if the signs otherwise acceptable in appearance.

MR LLOYD: Panel, any questions?

MR MCLEAN: No.

MS DEEGAN: No.

MR LLOYD: Okay. Let me understand what you're saying. You're saying that the Chinese characters are identifying the building because that is the name of the building. Is that what you're saying?

MR GADIEL: Yes. That's the name of the building that sits on the northern elevation of the site - - -

MR LLOYD: Yes.

MR GADIEL: - - - Mr Chairman.

MR LLOYD: Thank you. Okay?

MS DEEGAN: Yes. I'm just moment.

MR LLOYD: All right. As I said earlier, the panel went to the site earlier in the day and had a look. One of the points made by Ms McIntyre was that any signage should be just the name of the building and not buzz words, I think was your phrase. From what we've been told, their sign in Chinese characters is the name of the building. So that's the answer. The panel is quite unanimous here. We are quite happy to approve this modification in accordance with the recommendation. So the determination of the panel is to adopt the recommendation – better change the wording slightly.

After the words “conditions of consent”, insert the words, “As set out in schedule 1 to the assessment report”. I think those additional words should be inserted. Otherwise, the reason for the panel’s determination is that the panel supports the findings contained in the assessment report and endorses the reasons for approval
5 contained in that report. And that is the determination of that matter. And thank you for your attendance.

So with that, we can now revert to the agenda as listed and deal with the application – item 5.1. This is the apartment building at 12 Shirley Street Carlingford. I can say
10 that this matter came before the panel last time and it was adjourned or deferred at the request of the applicant who has now managed to amend their plans, which have addressed the matters of concern in the original application. In particular, the proposal now has reduced the height of the building by one storey, thereby reducing the floor space ratio and the height.

15

Is Glenda Hudson here? You wish to speak on this matter?

MS HUDSON: Yes, thank you.

20 MR LLOYD: All right. As before- - -

MS HUDSON: Right.

MR LLOYD: - - - three minutes.
25

MS HUDSON: My name’s Glenda Hudson.

MR LLOYD: Yes.

30 MS HUDSON:

MR LLOYD: Yes.

MS HUDSON: I’m very concerned about this large scale – this development for
35 Shirley Street. There was also another residential platform which has been – it’s 11 stories, 49 units at 8-10 Shirley Street. This means that there’s two very large residential flat buildings in Shirley Street which will mean on street parking, particularly heavy on weekends. There will be a pressure on Post Office Street, which is already feeling the effects of developments, and Pennant Hills Road.

40

I was also concerned about building height exceeding the HLEP 2012. The application admits to overshadowing if further developments going ahead resulting in – this will result in less energy efficiency. Meaning that more energy will be required for the building. There was also – the applicant had mentioned about all the
45 transport that’s around the proposed development site. It cited light rail. But this won’t be in operation until 2023 at the earliest. And this means in the meantime there’s a heavy reliance on road transport.

Now, it cited the M54 busses as being something that the residents can use, but they're still tied up in gridlock. Pennant Hills Road is extremely – a very dangerous road at the best of times, and especially in peak hour. It's particularly gridlocked. And the heavy volume around the traffic around Carlingford Court. The shops are
5 low in infrastructure. So the applicant had cited that 450 metres away from the development – post development site there is shops. These are very singular shops for very specific needs. It's not very – it's sort of not something that people wouldn't – couldn't cater to all people's needs.

10 And Carlingford Court is still at the same stage as it was. And with this increased traffic with people grocery shopping, everything, the carpark's just basic at the moment. And it doesn't look like Carlingford Court is going to expand or anything at any time soon. And there's still Carlingford Village which is up on the corner of Marsden and Pennant Hills Road. And that's still basic. That's not improved any.
15 And they're privately owned shops.

So with the development of these sizes going to Shirley Street, the applicant's selling it on the point that there's plenty of shops around. I'd just like to make it known to the panel that there are singular shops and they're very limited in their services.

20

MR LLOYD: Well, that is your three minutes. All right. Any change?

MS DEEGAN: No.

25 MR LLOYD: Change?

MR REID: No.

MR MCLEAN: No.

30

MR LLOYD: All right. Thank you for that. Is Ms McDowell here?

MS MCDOWELL: Right here.

35 MR LLOYD: I don't think we need to hear from you.

MS MCDOWELL: Okay. If you have any questions, I'm here.

40 MR LLOYD: No, we don't need to hear from you. I should say something about what Ms Hudson has been saying. And it seems to be mainly that you're objecting to the zoning. This is zoned for high density residential. The land was zoned for high density residential by the former Hills Council.

45 MS HUDSON: Might I just mention also, Department of Planning had said on the weekend that they're going to be very carefully planning for St Leonards and North Sydney.

MR LLOYD: They are.

MS HUDSON: They're going to be very careful about the planning. Why isn't that careful planning applied to places like Carlingford as well?

5

MR LLOYD: Well, you'll have to ask - - -

MS HUDSON: Because Carlingford's - - -

10 MR LLOYD: - - - the Department of Planning.

MS HUDSON: Carlingford's very - bringing all these massive developments that the streets can't handle, or the infrastructure that currently exists in it.

15 MR LLOYD: Well, we can only go on the zoning that applies to this land. It is zoned high density residential and it allows this kind of development. And the amended plans are acceptable in this case. So the panel is - has decided to accept the recommendation to approve this development and the minor variation to the height control for the left overrun. So I go to change it slightly. It says that,

20

"The Parramatta local planning panel support the variation to clause 4.3 Height of Buildings of the Hills LEP 2013 under the provisions of clause 4.6, as it is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6(3) of that plan, and the proposed development would be in the public interest because it is consistent with the objectives of that particular standard and the objectives for development within the zone".

25

I say that because last week there was a decision in the Land and Environment Court which said that we have to do that. All right? In effect, that's what it said. That the decision that came out last week, Initial Action Pty Ltd v Woollahra Council.

30

All right. So that's the determination of that matter. Which means we can move onto item 5.2, 7-9 Morton Street. This is an application for consolidation of two allotments, tree removal, construction of a four story residential flat building comprising 12 apartments and basic car parking. It has been referred to the panel because on one of the two allotments to be consolidated there is an exceedance of the floor space ratio standard. However, when one takes regard to the consolidated lot, it complies.

35

40

So the panel again is of the unanimous opinion here - we don't need to hear Mr Delapierre on this one. The panel is of the unanimous agreement that the recommendation be approved. And you've got the right wording in this recommendation in item 2. All right. Good. Okay.

45

So the reasons for determination are the panel supports the findings contained in the assessment report and endorses the reasons for approval contained in that report.
Thank you.

5 Now, 37 South Street Rydalmere. This is another residential flat building. The recommendation is refusal. Is Mr Byrnes here?

MR BYRNES: Yes.

10 MR LLOYD: Come forward, please. Item 5.3.

MR BYRNES: Good afternoon- - -

MR LLOYD: Right.

15

MR BYRNES: - - - panel.

MR LLOYD: Your floor.

20 MR BYRNES: Thank you, community and staff. Just got some before comments to sort of frame my submission. First, our client has tried to purchase the adjoining site of 39 South Street using the planning principle approach. The council does have a – and the council accepts that we’ve gone about that the correct way. However, the council does not accept that we’ve demonstrated a feasible development on the
25 adjoining site. This is the because the architect had assumed that the development proposed on the subject site, if found appropriate on the subject site, would therefore also be found appropriate on the adjoining site.

30 Now, clause 4.6 you will read in your report suggests that it wasn’t submitted, it was submitted three weeks ago. We have discussed that with council and understand that their report was prepared prior to that being submitted. The apparent late submission arose as my client was of the view that the design for the site was being worked towards through an intricate process of design improvements.

35 So once it was clear to us that the council no longer wished to pursue such a process, including any kind of design development process and felt that it would be best to either withdraw or refuse the application at that time. We’ve had to go to the clause 4.6 and I’ve got that before you.

40 The third point, the assumption that the design was getting closer and was emerging through the secretive process led to us not submitting the basics and landscape plan. And that’s been faithfully reported to you in the report.

45 Fourth and final matter just to frame my submission is that amended plans to address the design issues that were raised with the assessment weren’t presented to the council’s design review panel, largely on the basis that the isolation of the adjoining site had not been adequately addressed.

So, panel, this is a question about orderly development. There's no debate before you as to whether our client had deals of the sort to acquire the adjoining site and create a better site. We've tried to do that. We find ourselves apart with the council on what is, really, the right design outcome for this site, and in terms of the other site.
5 It's our belief, and my belief, that the amended plans do represent significant steps forward in terms of the design merit of the scheme.

We've really improve the design through the process. There's a better reliance on the street, we've got a good, deep soil area forward of the building that can grow
10 some significant landscaping. I personally like the materials. I like the face brick. I think that has positive elements of longevity, less prone to aging.

MS DEEGAN: Sorry, these are plans that we don't have before us, though. These have not been the subject of the application if they weren't being submitted.
15

MR BYRNES: No, you do have those.

MS DEEGAN: They are the ones they bring.

20 MR BYRNES: Yes.

MS DEEGAN: Okay.

MR BYRNES: Yes. It incorporates some interesting features features that you
25 see, aimed to protect privacy and solar access. And notwithstanding the issues of being able to comply with the DCP due to the size of the site, we think it responds to the site's circumstances. We do accept that there might be some design improvements and features that would benefit – I won't be - just a minute.

30 MR LLOYD: An extra minute?

MS DEEGAN: Yes.

MR LLOYD: Okay.
35

MR BYRNES: They said that there will be some – there are some design improvements that would benefit from further discussion with the council's design excellence panel. There are numerous similar sites and developments approved by the council within 150 to 175 metres of this site. This site is capable of being
40 redeveloped, and a design solution can be found. So we believe that this DA's capable of some design modifications in consultation with the council's design panel.

And so we would ask that they refer this so that the – turn to the design panel, second set of plans you would have before them, and list some design improvements and
45 then promptly return that to you. There's no community angst as you read in the report. So that's our request this afternoon.

MR LLOYD: Any questions?

MS DEEGAN: No.

5 MR LLOYD: Questions?

MR MCLEAN: No.

MR REID: No.

10

MR LLOYD: Any change?

MS DEEGAN: No. I think we could – maybe we should consider the request for
15 deferment. Their amended plans go back and there's another opportunity. Could we
hear from the council officers in that regard?

MR LLOYD: Stand up. So everyone's got to be able to hear.

MS DEEGAN: So I'm just understanding whether you've been privy to any of the
20 further design changes or any of the suggestions- - -

MS: Yes.

MS DEEGAN: - - - that have been talked about.
25

MS: They have been submitted.

MS DEEGAN: Yes.

30 MS: They are with the report.

MS DEEGAN: That's these ones?

MS: These ones.
35

MR MCLEAN: Yes.

MS DEEGAN: Yes.

40 MR LLOYD: Yes.

MS DEEGAN: But these ones haven't been to you - - -

MS: They have not been
45

MS DEEGAN: Okay. And these still breach height- - -

MS: This is the scheme that does breach height. The original scheme did not. But due to some design changes recommended by the panel, they did allow for some height breaches.

5 MS DEEGAN: Right. Do we – yes, it’s not worded very clear.

MR LLOYD: Doesn’t seem to be clear.

10 MS DEEGAN: No. It So is the breach currently the extension that allows access to the rooftop communal area?

MR BYRNES: So the lift overruns

15 MS DEEGAN: All right.

MR REID: So you’re seeking a deferral for further discussions with council staff to make further amendments to bring it back.

20 MR BYRNES: That’s correct. We accept that there needs to be some improvements to the scheme. We are hampered by the site restraints and we accept that that could be initially processed within

MR LLOYD: Well, you’re asking us to not consider the application?

25 MR BYRNES: To defer it for that.

MR MCLEAN: Yep.

30 MR REID: I’m happy to defer it.

MS DEEGAN: I’m happy for that.

35 MR LLOYD: All right. Well, then, all we need to do is note that at the request of the applicant, we defer this application to another meeting. All right. Well, that deals with that. So now we come to the sub-division at 38 Abuklea Road, Epping, item 5.4. No one is registered to speak on this matter. So I can announce the decision. The panel viewed the site earlier- - -

40 MR MCLEAN: Yep.

45 MR LLOYD: - - - and is prepared to accept the recommendation to approve the sub-division, subject to conditions. So the formal determination of the panel is the panel supports the findings contained in the assessment report and endorses the reasons for approval contained in that report. So now we come down to Dorset Street, 52 Dorset Street. This is for demolition of an existing dwelling house and construction of a new two-storey dwelling house at 52 Dorset Street. Is Jenny Moy here? Sorry, Jeremy Moy. Jeremy Moy. Please sit down, Mr Moy. Any questions?

MS DEEGAN: No.

MR LLOYD: Any questions?

5 MR REID: No.

MR MCLEAN: No.

10 MR LLOYD: All right. We're comfortable with this?

MS DEEGAN: With the – your names aren't down so it may So there'd be some people here I think who would like to speak in relation to this particular project. Did you register through council?

15 MR BROWNING: I emailed on Sunday.

MS DEEGAN: Okay.

20 MR MOY: I emailed my request to speak on Sunday.

MS DEEGAN: Did you guys get anybody else to speak?

25 MS: No. I haven't received any other applications for this item, just that man in the blue shirt.

MR BROWNING: I requested – I asked whether the panel would be coming and I sent another email today asking whether you were coming today or not. I received no reply.

30 MR LLOYD: Well, we'll allow you to speak.

MR BROWNING: Thanks very much.

35 MR LLOYD: All right. Again, as with the other speakers, your name and address, please?

MR BROWNING: Thank you. My name is Ray Browning, B-r-o-w-n-i-n-g.

40 MR LLOYD: Yes.

MR BROWNING: And my address is 50 Dorset Street.

MR LLOYD: Next door.

45 MR BROWNING: Next door, on the western side, and I'd like to object to the

MR LLOYD: You're- - -

MR REID: You're the house with the two chimneys?

MR BROWNING: Yes.

5 MR LLOYD: Yes.

MR REID: Next to the other one that's getting built.

MR REID: Yes.

10

MS DEEGAN: Yes.

MR LLOYD: Okay. We understand. Proceed.

15 MR BROWNING: Thank you. In 2016, the Hornsby IHAP approved sub-division
of 52- the subject we're talking about, into two lots, X and Y, and they were both
under the minimum area required by council. I have noted that with sub-divisions,
and I quote, "Would not alter the physical relationship with the surrounding low-rise
residential environment. The proposal does not alter the existing houses". This was
20 IHAP's justification of the decision to allow regulations on minimum lots. In 2016,
in our letter of to IHAP, we foreshadowed the possibility for the existing house
being replaced by a much larger one and unfortunately, this has come to pass. The
DA in question, 57/2018, seeks to erect a two-storey house on the margin of the
undersized blocks. Obviously, replacing a building with one twice the size in bulk
25 and volume does alter the existing building and does alter the physical relationship
with its neighbours considerably.

The result of trying to fit the proposed building onto the undersized block is that the
applicant seeks permission to squeeze the set-backs. If allowed, this would bring the
30 bulk and height of the building much closer than it should be to the adjoining
properties, resulting in decreased amenity and increased energy costs. Saturday's
Sydney Morning Herald brought these issues to light. The New South Wales
Planning and Housing Minister Mr Anthony Roberts said, and I quote, "Solar access
is addressed under the code, by requiring a two-storey 8.5 metre height limit and
35 minimum set-backs from all boundaries. Under the code, as a building gets taller,
the upper part of the building must be set further back to limit the overshadowing of
the neighbouring properties."

Now, Ms Gardner in the submissions, you suggest that there may even be .7 metres
40 of fill on the property, which would take about it over 9 metres. Now, the minimum
set-back, according to regulations, is 8 metres and the applicant seeks to squeeze that
gap to 3.5. As you've no doubt seen in the shadow diagram, applied in the
application, the shadows no.50, no.52A are badly overshadowed by the proposed
development. From our point of view, our kitchen, sunroom and sundeck sun in
45 the morning, and we'll be forced to buy more heating. No.52A is in a worse position
than us, being directly south of the proposed building. This northern window and
solar panels will be shadowed for much of the day. Their energy costs will rise

significantly. Unfortunately, BASIX does not appear to look at the whole picture when it's assessing the DA. Why it seeks the building itself

5 So what can be done? I'd like to offer some rough calculations which show that a
single dwelling with normal bedrooms and a pitched roof would yield a floor area
similar to that desired by the applicant and would have virtually no effect on solar
access and amenity of houses of neighbours. Such a building would resonate with
the justification for sub-division provided by the 2016 IHAP Committee in that it
would not alter the physical relationship with nearby buildings and would be in
10 keeping with the scale and volumes of the existing dwelling. Should today's
committee allow DA 57 to proceed, then who could blame 52A for wanting to do
likewise, and indeed, every other corner block, if they're like these ones, they are
entitled to. We request the committee to reject DA 57 and ask for a new design
which meets the spirit of the IHAP justifications, which allowed the sub-division in
15 2016, a design which than the current proposal. Thank you.

MR LLOYD: Just a question, where did you get the idea that there had to be a side
set-back of 8 metres?

20 MS: A rear set-back.

MR BROWNING: From the rear. A rear set-back.

MR LLOYD: Oh, from the rear.
25

MR BROWNING: Rear set-back had

MR LLOYD: Hmm. If we were to insist on an 8 metres set-back from the rear, that
would move the building forward.
30

MS DEEGAN: Substantially- - -

MR LLOYD: Ah- - -

35 MS DEEGAN: - - -

MR BROWNING: I believe the applicant has problems with a sewer or something.

MR LLOYD: Well, you can always build over a sewer.
40

MR BROWNING: I- - -

MR MCLEAN: You can always build over- - -

45 MR LLOYD: You can always build over a sewer.

MR BROWNING: Well, the applicant doesn't seem to want to.

MR LLOYD: I mean- - -

MS DEEGAN: Can I also ask, I note that the side of the property adjacent to your property, am I correct, has a single storey element, and then it steps up?

5

MS: Sorry?

MR BROWNING: At the southern end, yes. It does.

10 MS DEEGAN: Their property? So that they seem to be – so if that - - -

MR BROWNING: So what - - -

MS DEEGAN: If that element- - -

15

MR BROWNING: - - - at the southern end of it- - -

MS DEEGAN: Yes.

20 MR BROWNING: - - - is there'd be a southern boundary fence in about 1.3 metres- - -

MS DEEGAN: So that's this area here.

25 MR BROWNING: - - - to the single storey, which is a- - -

MS DEEGAN: Yes.

MR BROWNING: - - - tiled- - -

30

MS DEEGAN: Yeah.

MR BROWNING: - - - covered open area- - -

35 MS DEEGAN: Yeah.

MR BROWNING: - - - and then the building steps up with a second storey at around 4.5 metres in, which is 3.3 metres closer than it should be.

40 MS DEEGAN: Can I ask the planning staff whether there were any other shadow diagrams between the hours of 9 and 12? Do you have the hours? You've only got the – on this drawing, we've got 9, 12 and 3. No? Okay. And was any other opportunities for production just in roof height or roof form, or some of those other subtle changes that could occur to sort of produce that sense of scale, particularly
45 against this property, if that's an impact on that sunlight?

MR: Nothing we think is going to have a significant impact

MS DEEGAN: And my next question is if the building was to be moved forward-

MR BROWNING: I'm sorry?

5 MS DEEGAN: If the building was to be further moved forward at a way, my other concern, then, would be it would be coming too far forward from your place?

MR BROWNING: The shadow on our property would be of increased proportion.

10 MS: It's too big.

MR BROWNING: In short, it's really too big.

15 MS: sub-dividing two single-storey buildings. How can you change the ground rules?

MS DEEGAN: Just checking too, because I think you mentioned about the height, there's a height proposed of 8.35- - -

20 MR BROWNING: Eight-point-three-five.

MS DEEGAN: - - - with the maximum height being 8.5.

MR BROWNING: Right.

25

MS DEEGAN: And you mentioned there was some fill. You think there might be some- - -

30 MR BROWNING: Somewhere in the documentation, it says there's a possible maximum fill of .74 metres.

MR: Because of the flow of the land. The flow of the land without exceeding the height limit.

35 MS DEEGAN: Okay. So height limit is taken from the natural ground level. So when you have a fall in land, it means that you kind of get the fall in the height as well, which, I think, is what you're alluding to. Okay.

MR BROWNING: And so all those people below- - -

40

MS DEEGAN: Yeah.

MS: The total height includes any fill that's under the building footprint.

45 MS DEEGAN: Yeah. And do we – we have a site coverage, but I'm thinking, because this is Hornsby, they don't have FSR?

MS: That's correct.

MS DEEGAN: So if – I haven't got a calculator, but can you just – what would you- - -

5

MR: There's been no provision for - - -

MS: Yes.

10 MR: - - - is the maximum of 320 square metres, or a slope size between 450 and 599 square metres, and the application is compatible.

MS DEEGAN: Is there any other thoughts of things that could be done that could massage the documents and might – towards the owner, obviously, at the moment, to
15 seek to possibly improve some of those amenity impacts.

MR MOY: We are- - -

MR LLOYD: Well, Mr Moy- - -
20

MR MOY: Yes

MR LLOYD: You should stand up- - -

25 MR MOY: Yes.

MR LLOYD: - - - because you have the right to speak.

MR MOY: Yes.
30

MR LLOYD: We've heard from the next-door neighbour. Now, it's your turn. You, just take a seat. Yes.

MR MOY: Yes. Thank you, Chairman and panel members. My name is Jeremy
35 Moy. I'm the consulting speaking on behalf of the applicant. My office is located at 674 Princes Highway, Sutherland. Council have recommended approval. Firstly, I'd just like to address why the building needs to be set back from the sewer and on the front boundary, there's some protected trees along that streetscape, which have historical value. We did consider building over the sewer, but that did involve
40 quite a great deal of excavation and the arborist- consulting arborist recommended against building over the sewer in that case. Hence, we front set-back, which meant a variation to the rear set-back.

45 The purpose for me being here is, firstly, we do appreciate the council's support in their recommendation of approval. The owner of the site has an extended family and their elderly mother will be living with them permanently and she will be based on the ground floor level so she doesn't have to climb stairs too frequently. She herself

likes to cook and bake as a hobby and pastime and hence, that's why there is a second kitchen sink proposed in the ground-floor rumpus room. There was never the intention to change the use, now or in the future, to a secondary dwelling or a to a dual occupancy and we've demonstrated this by revising the initial design to remove
5 the front entry from the Gloucester Road, which would be our secondary street. So that's now applied in there.

Also, internally, we removed a bathroom from the ground floor so it's one bathroom now for the use of all occupants of the house. There's no exclusive use of that
10 bathroom by the elderly person. Also, condition 71 that's proposed does provide an ongoing condition, which makes it very clear that the structure shall always be used a single occupancy building. We support that condition. So we feel that with that condition and the design changes made, now the story behind why there's a second
15 which you seemed to have requested, that the panel considers the deletion of that particular condition.

MR LLOYD: What condition is that?

MR MOY: It is the condition number 1 under the heading non-standard prior to
20 introducing the It's on page five of the

MS DEEGAN: Page 5 under consent conditions.

MS: It'll most probably be – end up being conditions of assessment.
25

MS DEEGAN: So it's on page 5 7. And we've got prior to issued with the certificate.

MR LLOYD: I see.
30

MS DEEGAN: Okay.

MR MOY: Can I continue?

MR LLOYD: What we would like you to do - - -
35

MR MOY: Yes.

MR LLOYD: - - - is address some of the continuing complaints from your
40 neighbour.

MR MOY: Okay. So if we look at the shadow diagrams that have been provided, and it's my understanding the main issue is overshadowing, firstly, two storey development and dwellings are permissible and we are within the height limit and we
45 are also compliant with the gross floor area control and relates with DCP. So we don't agree that the development's too big for the site, that it's out of control.

MS DEEGAN: Although – can I just raise something with you there. I think- - -

MR MOY: Yes.

5 MS DEEGAN: - - - that the – where the thinking is, though, you do have some significant constraints on your site. That is, you do have an ACD – a border easement. And you have trees that are concerns, okay? So- - -

MR MOY: Yes.

10

MS DEEGAN: While your compliance might be there, we have to think about the other issues that are constraining your sight. You are – the building is quite large and heavily pushed into that rear corner.

15 MR MOY: Yes.

MS DEEGAN: So I think what we're trying to say is, is there opportunity - - -

MR MOY: To push it forward.

20

MS DEEGAN: - - - to push it a little bit to see if we can't find something that's a little bit more suitable.

25 MR MOY: No. My client will be very happy to move this building forward, but it was council's arborist's recommendation not to go any far forward than this, to avoid damage to those heritage listed trees.

MS DEEGAN: I don't think we want you to go too far forward. I think that just- - -

30

MR MOY: Yes.

MS DEEGAN: - - - probably makes another problem.

35 MR MOY: Yes.

MS DEEGAN: But there's a bit of- - -

MR MOY: My client would prefer to go forward if they could.

40

MS DEEGAN: At the same time, I think it might be worth having a look at that second storey setback and whether that could be improved a bit to maybe improve the overshadowing impact.

45 MR MOY: I can take that back to the client. midday in the middle of – on the winter solstice. This building won't overshadow this particular person's house.

MR MCLEAN: By midday?

MS DEEGAN: That's all right. I'm just- - -

5 MR MOY: By midday.

MS DEEGAN: If that was pushed back a little further, you'd probably be able to improve the sunlight.

10 MR LLOYD: Where's the floorplan?

MS DEEGAN: Hang on. Let me have a look at the floorplan out of focus towards the back. That's lower level.

15 MR LLOYD: Well, no, we're concerned about the upper level.

MS DEEGAN: Well, the upper level is the same as

MR LLOYD: See, there's not space for That's the
20

MS DEEGAN: Yes.

MR LLOYD: We're looking at – tell upper level.

25 MR MOY: If I can just also mention - - -

MS DEEGAN: Yes.

MR MOY: Just converting that forward, that will require a type of sewer.
30

MS DEEGAN: Yes.

MR MOY: And it will involve that my client's happy to do. Therefore, that concerns
35

MS DEEGAN: The trees. Yes. I suppose I – when I was on site, I don't have a major problem. I do like the building. I like the way you've addressed the streets each side. But I did look down that rear corner and did feel that it was very tight. And then when I saw the building being pushed back, and I appreciate why it needs
40 to be pushed back, it just feels like there's a lot going on. And then, I suppose, now that I've heard the resident's concern, I look at you to say, well, is there something in relation to the scale of this building that could be tweaked just to try a middle ground that might be suitable for all concerned?

45 MR MOY: The size of it, they do need to fit their family members. So we're reluctant to say they will make the building smaller.

MR BROWNING: With respect, I've offered a solution to that by saying that the floor area is okay downstairs, and if they put and bit rooms in, there'd be no problem at all in having the same amount of accommodation. And that it – actually, you'll be able to go a little bit closer to the rear setback and avoid going anywhere the sewer at all. The problem I think we have is that as your design has been chosen, just like brick doesn't fit. It's inappropriate for that site. No thought at all
5
- - -

MR LLOYD: You've had your say. We're just looking at ways – whether this can be tweaked to accommodate your concerns. And that's what we're interested in.
10

MR MOY: So we'll be looking at perhaps a meeting moving the building forward a metre perhaps.

MS DEEGAN: I don't think it might just be forward, I think it might be sideways away from the side boundary a little bit as well, because there's only one point.
15

MR MOY: The only issue there is that, I believe council too far close to the Gloucester- - -
20

MS DEEGAN: Of course, because you've got – this is the difficulty – you've got two street frontages.

MR MOY: Yes.
25

MS DEEGAN: Obviously they have to read as fronts for both angles.

MR MOY: Yes.

MS DEEGAN: So I totally respect the dilemma you're in in terms of your siting and what you're trying to achieve.
30

MR MOY: Yes.

MS DEEGAN: I'm just thinking that maybe it's whether or not there's areas there that can just be moved and squeezed a bit to make it fit a bit more comfortably.
35

MR MOY: But what sort of planning material could- - -

MS DEEGAN: I'd love – I mean, I haven't done the testing. I think it'd be more important for you to maybe do a little bit of modelling on overshadowing and, you know, it's not something I can, on the run, redesign it for you. But at the same time I don't want to make it impossible.
40

MR MOY: I guess, with all due respect I'm looking at the shadow diagram, there's 9 am shadow but by midday it's withdrawn.
45

MS DEEGAN: Look, I'm sure by 10 o'clock it's probably half that if that's 12.

MR MOY: Yes.

5 MS DEEGAN: So it's moving off that building quite quickly.

MR MOY: Yes.

10 MS DEEGAN: Don't disagree. It's a large building close to a boundary, close to a rear boundary, close to another small home. If we can achieve some greater setbacks by reduction in some of the floor areas, I think that could be advantageous. I'd like to see what the outcome of that looks like and whether that's a better solution.

15 MR MOY: Sure. I'll take that back to the clients. Do I have to sort of make that call now? Or can I get the- - -

MS DEEGAN: Is it something- I mean, I know I'm making it difficult. It's only that we just ask you to bring it back to the next- - -

20 MR LLOYD: Well- - -

MS DEEGAN: - - - panel meeting.

25 MR LLOYD: Well, this is the application we had before us.

MS DEEGAN: Yes.

30 MR LLOYD: This is what we're dealing with. We don't have an amended plan in front of us.

MS DEEGAN: Yes. So it's either we either – either we can make a recommendation to amend it.

35 MR MOY: Yes.

MS DEEGAN: It goes into the consent conditions. Or you can request a deferral.

MR MOY: I think we'll need to request a deferral, if that's a possibility.

40 MR LLOYD: Yes.

MR REID: The question I've got is basically – do you have any idea how deep the sewer is?

45 MR MOY: I believe it's two metres, or thereabouts, deep.

MR REID: So the arborist was concerned that the excavation to encase the sewer and - - -

MR MOY: Yes.

5

MR REID: - - - pile down - - -

MR MOY: Yes, and the - - -

10 MR REID: - - - would infect the trees' roots.

MR MOY: Yes.

MR REID: They are significant gums.

15

MR LLOYD: Look, you're entitled to build a house there – there's no doubt about it.

MS DEEGAN: Yes.

20

MR LLOYD: And, as long as you comply with the height control, you're entitled to build a two-storey house. But, as has been explained, that's not the be-all and end-all of it. There is an adverse effect on the adjoining property. If this could be tweaked to lessen that adverse effect, then that opportunity should be taken. So what we will do is - at your request, we will defer it to enable the possibility of an amended plan to be put forward. All right.

25

MS DEEGAN: Or at least a discussion of how you try to achieve some of those things - - -

30

MR LLOYD: Yes.

MS DEEGAN: - - - and maybe the analysis that's gone on behind that and why – what works for what reasons.

35

MR LLOYD: All right. So that's the determination. We'll get this down first. Have you got the decision?

MS: yep – deferral – yep.

40

MR LLOYD: Yeah, okay. Good. All right. So with that we come to Wharf Road and Victoria Road, Melrose Park. This is the proposed roadworks within that development. Is Mr Goodyer here?

45 MR GOODYER: Yes, I am.

MR LLOYD: Yes. You have the floor.

MR GOODYER: Thank you. My name is Andrew Goodyer. I live at 34 Cobham Avenue, Melrose Park.

MR LLOYD: On the other side?

5

MR GOODYER: So, um, yes. Wharf Road is the boundary between Parramatta and Ryde.

MR LLOYD: Yes.

10

MR GOODYER: And all of the current Melrose Park residents are in Ryde, because that's single storey suburb.

MR LLOYD: So Cobham Avenue is the next street over, is it?

15

MR GOODYER: Yes, it runs from Victoria Road to the river.

MR LLOYD: Parallel to Wharf Road?

20

MR REID: Yes.

MR LLOYD: Yes.

25

MR GOODYER: Yes. So thank you for the opportunity to speak to the panel. The issue that we have with the traffic network east of Wharf Road is that there is that there is – Victoria Road's the main thoroughfare and there's a single lane road called Andrew Street which runs – it's the only other eastbound road from Melrose Park east into the city and Concord. Because of that and the traffic conditions on Victoria Road, Andrew Street suffers already significant congestion in peak hours from cars coming through from further north and west – coming down Wharf Road, straight to Andrew Street or else cutting through some of the other local streets.

30

35

The change in the road – the proposed new road in this development – the traffic assessment doesn't suggest there's any change in the quantum of traffic, but I would suggest there's qualitative change because rather than the previous road which was going to go straight onto Victoria Road or the other Wharf Road exit, which is close to the intersection, this one is some distance down Wharf Road, and our concern is that drivers exiting from the development, as currently occurs with other drivers even though it's proposed to be a left-out exit there's nothing to stop them going right and then joining the throng.

40

45

So I think our main request is that consideration be given to some traffic management approach which would encourage cars to turn left up to Victoria Road or possibly even prevent them from turning right down Wharf Road single lane road eastward. That's our main concern. The other things which I guess we're uncertain about: one is that the road, we understand, has actually moved south out of the Victoria Road site and into the Melrose Park North precinct, which is currently

the subject of a Traffic Management Accessibility Plan, among other things, for the approval to go ahead. So we're not quite sure about approving the road within that site before that is done.

5 And, just finally, a comment: because we're all in Ryde – I noticed in the submissions that have been made that people have said that they were unhappy with the consultation. We don't get the Parramatta paper so just as a request to council, for Melrose Park there'll be a lot of DAs as the development – large development proceeds. If it's possible – we have about 100 people on our mailing list and I'm
10 from the residents' group, so we certainly try to let Melrose Park's current residents know, but perhaps if there were some public announcements in the papers to the east of Wharf Road that would perhaps make it

MR LLOYD: Thank you.

15

MR LLOYD: All right, we have received from Keyland Consulting a late submission addressing various aspects of this proposal from Mr Woodland. Is Mr Woodland here? Come forward, please.

20 MR WOODLAND: Good afternoon Mr Chair and panel, thank you very much for allowing me to talk today. My business address is 1 Rialto Lane, Manly. I'm a planning consultant acting on behalf of Trace, the applicant for this application and also for the remainder of Melrose Park. We generally support the Council officer's recommendation.

25

MR LLOYD: I think I can – take it we have read this material?

MR WOODLAND: Excellent.

30 MR LLOYD: Yes.

MR WOODLAND: As noted in the letter, we contest eight of the conditions of which those - four of which Mr Chair, accompanying me today I have representatives of Trace, Northrop and also M Projects to answer any questions the
35 panel may have in relation to those conditions, because the conditions are of a technical nature. I also have, if appropriate, an aerial over-view of the site which may assist the panel in their deliberations of this matter, which shows the road – that's right, Victoria Road this way - - -

40 MR LLOYD: Yes.

MR WOODLAND: Correct. I might add, what is apparent on that aerial photography is - - -

45 MR LLOYD: Not here. Here.

MR WOODLAND: It's probably easier, Mr Chair, if you turn it this way.

MR LLOYD: I've got it upside.

MR WOODLAND: This way here.

5 MR LLOYD: That way?

MR WOODLAND: Yes.

MR LLOYD: There it is.

10

MR WOODLAND: So here's North – Victoria Road,

MR LLOYD: Yes.

15 MR WOODLAND: There's Wharf Road where - the gentleman was talking about there.

MR LLOYD: Yes.

20 MS DEEGAN: And this is the intersection that he was just asking about?

MR WOODLAND: Correct.

MS DEEGAN: Is there an intention that that would be left out only, in the future?

25

MR WOODLAND: At this point, no.

MS DEEGAN: Okay.

30 MR WOODLAND: And we would contest the comments made by the previous speaker. I must say, this whole area is subject to a T-Map, master-planned. There was always – there is then, in fact – the reason why I've brought this today was to illustrate to the panel that this is an existing access way for Pfizer, which you may know is a large pharmaceutical company, which is going to be vacating the premises
35 - and it's a hard stand. You've had traffic reports, heritage reports, landscaping reports, remediation reports - all that support the application. As I said, we're here today to talk about the eight conditions, on which I'm happy to field any questions.

MS DEEGAN: Again – sorry, just to confirm, the gentleman mentioned that it was
40 in – has the road moved? I mean, there was a suggestion that the plain proposal, which is the area to the south, the roads within that – is within that particular location?

MR WOODLAND: That's correct, so - - -

45

MS DEEGAN: Is it the white line?

MR WOODLAND: So this area here on this part of the - - -

MR LLOYD: I think you should look at this.

5 MR WOODLAND: This area here is part of what we call the VRS Site – the
Victoria Road Site. This site here has been approved. The City Planning Panel
approved a concept proposal for this. This is Zone B4. There’s a long history to
10 this site, which I won’t go in to. Needless to say, last year, the Panel approved
1,100-odd dwellings here in various stages. As part of that approval, there was an
access road within this development. Through our subsequent discussions with
council, of which there are many, as you can imagine, over this entire site – this is a
25 hectare re-zoning site which has a approval It became very apparent to us
that to utilise the existing access way for Pfizer was a far superior outcome in terms
of public domain, storm-water, drainage and access. So effectively, this road, which
15 was previously here, as the gentleman correctly pointed out would come out here- - -

MS DEEGAN: Okay.

MR WOODLAND: - - - would now come here.

20

MS DEEGAN: Okay.

MR WOODLAND: I might add, this is part of a broader urban renewal project, of
which there will be multiple accesses along Victoria Road and Wharf Road.

25

MR LLOYD: Is this road in lieu of this one or are they both going to exist?

MR: I believe it’s an addition.

30 MR WOODLAND: It’s an addition, yes.

MR LLOYD: An additional road?

35 MR: which was going to exit direct. This road will remain. This road
was going to be the access to Victoria Road but I understand there were issues
cars coming out of here and trying to get across

40 MR WOODLAND: I would say, just on that point, that’s not quite correct. There’s
always been issues around access on to Victoria Road road bus lane, which is
actually mentioned by the Federal Government, hence the council’s support of the
urban renewal project. So the main access to Victoria Road is here, through Kissing
Point Road - - -

45 MS DEEGAN: So there’ll be traffic upgrades, etcetera, lights, ultimately.

MR WOODLAND: Absolutely. But ultimately, and what the T-Map that we
brought, that’s been done for this whole process – it’s been a nine-month project with

Council, State government, landowners – found, that there is no works needed to this until 1,800 units are built. Now, that, as I said, has been a nine-month project. We contest that even if nothing was done here and Pfizer was working at full steam, the amount of traffic that would still be allowed to come in and out of this private access road, you would probably find, is more than what it would be through this development in any event.

MR: There's 1,100 units there so you're looking at 2.9 people per unit or one car per unit. I don't think Pfizer has that number, but - - -

MR REID: So in going to this existing pavement - - -

MR WOODLAND: Correct.

MR REID: - - - that's not 20 metres in terms of the full carriage width.

MR WOODLAND: No. So that's actually a good point in terms of the width of the carriage – carriageway. That has been a long-debated discussion with the applicant and Council's urban design and public domain team. I'm not sure whether Council officers can also talk to that. One of the conditions, I believe, was to increase that. We're happy to do that. Because what this is important in doing is setting the scene for the entire master plan for Melrose Park.

But in saying that, I just might add that it's an industrial zone. It's a permitted use. We meet the requirements of the LEP and the DCP and support the council recommendation, we just have some technical issues relating to the conditions. So my colleagues are here to answer any questions of a technical nature in relation to the contamination

MR LLOYD: Well, I - - -

MR WOODLAND:

MR LLOYD: There are questions. You've sought changes to a number of these conditions.

MR WOODLAND: Correct.

MR LLOYD: The first one - and probably the most obvious one – is the removal of the trees – the two trees. In discussing it amongst ourselves, the impression I have is the panel is inclined to agree with the removal of the trees. Am I correct, Mr Reed?

MR REID: There's – the red gum and the white gum have been identified as having significance and they are requiring them to be retained on the basis that the existing trees are in the planting area of the roadway – of the final development. That's my understanding. They're currently at the edge of the existing pavement so if it's a 20

m road corridor, I'm having difficulty understanding how those two trees are going to be not in – are they going to not be in the footpath?

MR WOODLAND: We're opposing the condition - - -

5

MR REID: I realise you're opposing the condition, but I'm just trying to seek confirmation that when you rebuild the road - I'm assuming you'll rebuild the road?

MR WOODLAND: Correct.

10

MR REID: Correct. So when you rebuild the road and put in the footpath, will those two trees that are being required to be retained, have impacts on that footpath?

MR WOODLAND: We believe so. There's two issues, as I see it, panel, around the trees. One is a heritage issue, of which there is an extent of lack of clarity around which particular trees form part of the heritage item – and that's talked about in Council's report. I think we should park that beside because there's no objections raised in relation to heritage. The second part is around the trees themselves, how significant they are and should they be retained?

15

Our arborist's report did say they were of significance. Council has put the condition on saying they think they should be retained on the basis they're within the verge of the road. We immediately, upon seeing these draft submissions, went back to the same arborist and asked him the question, "Could the trees be retained?" His answer was "No". He's also answered – we're planting 67 additional new trees as part of this development of the road itself. So we've established the fact that they're not of a heritage significance which is confirmed by the council officer and also from the arborists perspective, they simply can't be maintained – that road and that location.

20

That road has moved many times during its design and development in discussion with Councillors. We have to be aware of our namesake, Wharf Road. And in terms of that relationship, we have to be aware of how this works with VRS site and the future site of Melrose Park. So on that basis, we thought the best outcome was to remove the trees and replant with the 67 additional trees. Hence asking for that condition to be removed.

25

MR LLOYD: All right.

MR REID: They haven't done design yet. Everything's conceptual with your own design.

30

MR WOODLAND: Maybe Mat from Northrop might better answer that question.

MR RICHARDS: Thanks, panel. Mat Richards from Northrop Engineers. My business address is 345 George Street, Sydney. Yes, so quite an extensive design has been done and submitted with the development application for the road, but you'll note one of their deferred commencement conditions refers to the road being

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widened to provide for a 20 m wide corridor. And the documentation hasn't caught up with that, although there was a preliminary plan that you might have been furnished with earlier today that shows the footprint as it might be adjusted. So, yes, significant work has been done to confirm the impact on the trees is, as Michael
5 suggested, quite extensive. Not only from a footprint point of view but for levels that will change the formation of the road and future development in the Melrose Park North precinct as well.

10 MR REID: So have we got cut or have you got fill in that point?

MR RICHARDS: We'll be pretty much starting to fill quite quickly after the boundary of the site. So I'm just trying to – I think we'll be filling, yes, from memory.

15 MR LLOYD: Well, should we decide these one by one?

MS DEEGAN: Could I ask a general question?

20 MR LLOYD: Yes.

MS DEEGAN: Thanks. In the relation to, obviously, the deferred commencement conditions, your preference is that they're not deferred commencement conditions but they are matters prior to construction certificate?

25 MR RICHARDS: That's right - - -

30 MS DEEGAN: So you're asking us to have the faith in you doing all the things and then just putting the construction certificate in and that would be, obviously, by certifier. What's the rationale behind going down that path rather than re-submitting? Because I think, at the moment, those deferred commencement conditions are asking that they return to Council and be signed off by Council before you go forward. I just wanted to understand your thinking around that.

35 MR RICHARDS: Well, we have - - -

MS DEEGAN: Yes, happy to hear from everyone and - - -

40 MR RICHARDS: - - - from the planning point of view it's a contextual thing. We believe we've satisfied s.55 of the application.

MS DEEGAN: Right.

45 MR RICHARDS: We're not contesting the need to do these investigations whatsoever - - -

MS DEEGAN: No, no. Just the stage and the timing of them.

MR RICHARDS: - - - timing because on a project of this size – and this is – although it’s a simple application to put a road, no offence, pardon me, in terms of the perceived impacts – it’s very important in terms of the relationship between the two sides. Notwithstanding that, Council sought for a deferred commencement. I’m
5 not arguing about that requirement; the timing is critical for us. So then, Tony, if you wanted to talk about – specifically on that issue?

MR REID: I mean, we don’t have the engineering design for the road at all. Things like that. That’s why we’ve suggested the – Council suggested the deferred
10 commencement, because they would like to see the engineering design before you get the consent.

MR RICHARDS: We’ve prepared in the order of – I think 60 to 70 drawings of the prescribed formation of construction levels cross section there’s not much
15 for this particular project.

MR LLOYD: Any more questions on that?

MS DEEGAN: I suppose I’ll ask you the question because it’s in my mind, is what
20 is the way of doing this? I can understand the concerns and that is, it’s obvious that you’ve got more documentation. You’ve already got it. It’s the negotiation with Council to reach the conclusions. Can we think of any mechanism that we can use to help that process along so that that doesn’t become a hindrance to what you’re trying to achieve but still allows Council a level of control in that approval process rather
25 than just allocating it straight across to construction certificate?

MR AKLE: My name is Miled Akle from M Projects. I’m located at 22-36 Mountain Street. We’re the applicant on behalf of the land owner. I guess the essential reason we’re objecting to the form of the deferred commencement
30 conditions is, typically, we’ve had various other development applications where we had deferred commencement conditions. Whatever we have to submit to the private certifier, the private certifier always either has to submit it to council or, even more so, which we believe is quite stringent, is we need to get an approval from council before we can actually issue a CC. So I guess all we’re asking for is those deferred
35 commencement conditions be simply just included as conditions of consent. We have to go through the same process, but we ultimately end up with an approval from the outset of this.

MS DEEGAN: I suppose I’ll just defer to Council and ask what your thoughts are.
40

MR: So there’s various reasons that the four deferred commencement conditions were proposed. In terms of remediation, the applicant’s own consultant, in their report, acknowledged that further site testing was necessary to determine the full extent of the contamination at the location of the road. And our view is that in
45 keeping with previous City Central City Planning Panel determinations relating to this area, that those issues should be resolved prior to operational consent.

So I'm referring to the concept time approval to the north of the site which the City Central City Planning Panel was presented with a similar set of details by the applicant and resolved that a deferred commencement condition was necessary just to the potential nature of the contamination and needing to really understand what the remediation action plan is going to be before initiating an operational consent.

In terms of the road, the applicant did submit very detailed civil drawings of an 18 metre-wide road. The 20 metre condition is there because late in the assessment process it was agreed between the applicant and Council that a 20 metre corridor is more appropriate and that this was an opportunity to get those full drawings drawn up for us. The alternative is us having to stamp all of the 18 metre-wide drawings which gives a misleading representation to a private certifier that the 18 metres is acceptable – so that's why that condition is there.

And there's a fourth condition – deferred commencement condition requiring removal of a storm water retention basin. That was also introduced late in the assessment process and Council engineers are not satisfied yet that that's an appropriate measure or that, in fact, all the legal requirements are in place to accept that in that location. So that's also asking for that to be removed.

I can also address the tree matter if you'd like me to – those conditions. So as it's been reported, there are, identified to the arborist, two significant trees. They do happen to fall in the nature strip corridor of the new road, which is lucky, perhaps. They have heritage significance and our preliminary advice from Council arborists was that they're in a location where there was no net, cut or fill, which is a positive for the retention of trees.

The trees have been grown in circumstances where there is a road which has had heavy vehicles driving over it during their whole life and have survived that weight. And that perhaps – it certainly would be easier for the trees to be removed, and cheaper for the applicant, but these are two aesthetically pleasing and significant trees which form part of the landscape setting of the area. And going forward, there's going to be a lot of new streets with very young trees and it would be potentially nice to have some remnant old, mature vegetation to add to the area.

The applicant did provide advice two days ago from their arborist, that they thought that it wouldn't be possible to retain the trees. We have not had time yet to review that information or have it reviewed by our arborist. So I would suggest to the panel that if they are of a mind to heed that advice, they could potentially have that – move that condition to retain the trees to another deferred commencement condition which states that the applicant will submit essentially that detail and the council will review it and determine whether or not they think that it is reasonable to seek retention of the trees.

MR LLOYD: Well, we have an engineer on the panel and he is familiar with the kind of problems where you have this sort of situation. And I'm quite happy to take advice from him.

MR REID: Well, as I noted on site, the two trees are large-ish gums which will grow a lot bigger than they are currently. The argument that you've got a road there and they've been there and have survived on the road – the trees will have an adverse impact on any road that's going to be built in that location. The construction of a
5 new road in that location, in my view, has to impact on the stability of the trees themselves with the excavation that's going to occur as a consequence of the construction of a new road on that corridor. So to then expect the tree to be retained, I don't believe is capable.

10 MR: I would suggest that the matter be referred to a qualified arborist.

MR REID: Well, the arborist isn't building a road. The extent of excavation, I don't know, in terms of the new – you're saying that the existing road at that location is generally the same RL as the new road?

15

MR: Yes, it's - - -

MR REID: Whereas the applicant has advised there's fill on it.

20 MR: I can show you the section, if you like? I think the challenge also will be installation of services associated with the road as well.

MR REID: If we're going to pursue this issue further, then at minimum, they should be required to review the documentation that's been received by the – they've
25 received and not been able to look at, at this point in time. The applicant should be able to also provide details of the 20 metre road corridor in that vicinity - you've got it on a so it shouldn't be too hard – to demonstrate that the retention of the trees are not practical.

30 MR LLOYD: I think the practical thing to do is for us to approve with condition 39 in place requiring the retention of the trees and it will be open then to the applicant to make a modification application, under what used to be called s.96, to remove the trees. If the engineering details stack up that might be the way to go, which would mean that we would keep the condition requiring the retention of the trees at the
35 moment. That's the way I would be inclined to do it. Are you happy with that? All right. So that deals with condition 39. Can we deal with each of these in turn?

MR WOODLAND: Mr Chair, may I respond to one of the comments made by Mr McDougall in terms of the deferred commencement conditions?

40

MR LLOYD: Yes, please. That's the first I think we should deal with.

MR WOODLAND: So, firstly, I would say that drawing conclusions or similarities between this development, which is for a road in an industrial zoned area, versus
45 what the City Planning Panel did for over 1,000 residential dwellings, are two very different things. So I think it's erroneous to say that because the Panel – the previous City Planning Panel approved a deferred commencement therefore it should be done

on this site. I think you'll find it in the Council officer's report, it talks about recognising this is a less sensitive use. So that was my first point.

5 My second point is, I would like for Tony and/or his colleague from TRACE, who are the experts on contamination, to address the panel in relation to this issue of timing. And that may go to conditions 1 and 2. And I think, just going through the conditions of the deferred commencement, Mr Chairman, that's acceptable.

10 MR HENDERSON: I'm Kane Henderson with TRACE Environmental; 793-799 New Canterbury Road, Dulwich Hill.

MR LLOYD: Sorry, could you say your name again?

15 MR HENDERSON: Kane Henderson. I'm with TRACE Environmental.

MR LLOYD: Yes.

20 MR HENDERSON: Yes. With respect to the contamination investigation, it's definitely acknowledged that it must be done. However, in this particular instance, it's a lot easier to be able to do it as part of the construction certificate. Right now it is currently a road and it will be a road.

25 And the assessment is the - criteria that we have to assess to, EPA standards - EPA criteria is the same. So there's really nothing there currently. There's no historical manufacturing at that portion of the site or the Pfizer site that would indicate to us that there is any particular issue that would render the site not suitable for its intended use.

30 So as far as the investigation side of things, of course we also have to follow along with the EPA guidelines for site auditors. The process will be audited by the auditor and so the investigation will be robust enough to be able to determine whether or not there are indeed any issues, if any. And to determine the suitability of the use of the road for its intended use.

35 So at this stage, it can be investigated at any time, and it would be ideal to issue of the construction certificate.

40 MR LLOYD: All right. Questions? No? Okay, thank you. Then we can deal with the next thing, condition 3 - I'm looking at p.3 of 8 of the recent submission. Again, you will want these details to be forthcoming prior to the issue of the construction certificate rather than the operational consent.

MS DEEGAN: Could I put a possible option forward on that?

45 MR LLOYD: Yes.

MS DEEGAN: That we did touch on briefly, previously. If we moved the tree condition 39 into this road reservation amended drawings, so effectively as a result of the detail in your amended drawings, looking at the road reservation doing the work that is required, that will then tell you whether or not the trees can be
5 substantially kept or not kept. And then provide all of that information in one go. This time you've submitted to Council so in this case it goes to Council. I'm not saying the others, but this case with the road, then Council can say, "Yes, okay, the road is fine. It's to the dimensions we want. Yes, the trees can go" and we package that up rather than you coming back and having to do an amending application. Is
10 that something that would be worth thinking about?

MR WOODLAND: Time is really of the essence for the progress of the construction of the road, so going back to another planning application would not be something that we would be - - -
15

MS DEEGAN: We would be reluctantly to obviously want to give you that if it's going to a certifier. But if it's going to go back to Council as something that they can sign off on, it might be a way around that one.

MR WOODLAND: As I said previously, we have had many, many meetings with the Council and their engineers so I am confident that between our engineers and Council, that they will be able to come to a resolution on the road design - - -
20

MS DEEGAN: Okay.
25

MR LLOYD: So how do we change the wording of that?

MS DEEGAN: So the suggestion is it stays as an operational consent, so we don't accept their variation, but we need to bring the wording of consent condition No.29 –
30 39, sorry, I don't know why I can't get it right, although if you might have seen on the paperwork I've read over the last few days, you might know why. Whether there's a way we can link that in to say that it needs to be demonstrated that if those two trees can't be kept, that's fine, it can be demonstrated as part of that work.

MR: It doesn't have to be part of the same condition. It can be a separate condition as a part of

MR LLOYD: Condition 39, yes.

MS: I think that condition 3 will be amended to take condition 39's role.
40

MS DEEGAN: Yeah. So that – so effectively it needed to – it's demonstrated they couldn't be retained as a result of that work, then that's acceptable to council. You move on from it. If the trees can be kept, they can be kept, but you'll know when
45 you've done the design work.

MR: Can we just add wording to the effect of, “Demonstrate to the satisfaction of the council manager” - - -

MS DEEGAN: Well, that’s already in there.

5

MR: Okay.

MS DEEGAN: In that it’s - - -

10 MR: I just want it to be clear that it wasn’t some of applicants submitting a letter saying that it’s - - -

MS DEEGAN: No, no, no. It is - - -

15 MR REID: Councils manage a issue.

MS DEEGAN: As per your - - -

20 MR WOODLAND: We’re certainly happy with that, as long as it’s not a deferred commencement condition.

MS DEEGAN: No.

25 MR WOODLAND: We did want to raise one issue- - -

MS DEEGAN: No, it will – they will stay as deferred commencement conditions in that particular circumstance.

30 MR WOODLAND: We would still contest that. We think we can do that with council’s – subject to council’s approval. Prior to CC. We’re happy with the tree condition to form part of the – I think there’s certainly a logic to that, and we would certainly not object to that, but we still contest it being deferred commencement.

35 MS DEEGAN: But how would you do it? How would you do it if you don’t do it as a deferred commencement?

MR WOODLAND: We could do it to council’s manager of DTSU prior to issue of CC.

40 MS DEEGAN: Okay.

MR WOODLAND: Yep.

45 MS DEEGAN: I have no problem with that, if that’s – council’s comfortable with that?

MR WOODLAND: Yeah, that's fine. We did want to raise around condition – sorry, I skipped – deferred condition number 2, which I'm not sure whether the panel skipped over. There's something that Tony from TRACE wanted to quickly mention.

5

MR NAKHOULNAKHOUL: My name's Tony Nakhoul. I work for TRACE Environmental, 793 New Canterbury Road, Dulwich Hill. Just adding on to Ken's point item 1 and item 2 are interlinked. They've both got to do with environmental. As my colleague said – Ken – it's an existing road, an internal road. We don't believe that we're going to find anything to change that, but the way the wording's – the way it's been written in a deferred commencement, it says that an auditor needs to audit the DSI and then an auditor needs to audit the RAP. It's not normally how it happens. What we'd prefer to happen is if the DSI – the outcome says, "Yeah, it's suitable for a road", then there it is - - -

10
15

MS DEEGAN: You don't need an RAP.

MR NAKHOUL: Yeah. And if it says, "Well, you do need to do further work", then a remediation evaluation plan needs to be done, and a DSI, and the RAP is submitted to the auditor together, not two separate audits and we also seek to have that with our construction certificate prior to construction.

20

MS DEEGAN: So is it just that you need an extra sentence in front of that to explain the difference?

25

MR NAKHOUL: We – yeah, all I'm going to say is that if the DSI shows that there's contamination and remediation required - - -

MS DEEGAN: And a RAP is required - - -

30

MR NAKHOUL: Yeah. And then yeah, and then that needs to be looked at.

MS DEEGAN: - - - a RAP is required, it needs to be submitted.

MR NAKHOUL: The way this – it's just – it's treating them as two separate documents and they're not. You know, we don't believe we're going to find anything - - -

35

MS DEEGAN: No, but if you do – I agree. Yes.

40

MR NAKHOUL: Okay. Thank you.

MR LLOYD: So do we need to change anything there?

MS DEEGAN: Yeah, we do. We're changing it. I think that's the intention of what it's meant to say.

45

MR NAKHOUL: I know it's the intention, but because it's written like that they might expect something from - - -

5 MR LLOYD: Are you following this on the screen?

MR NAKHOUL: Sorry. Yep.

MR LLOYD: Are you happy with that?

10 MR NAKHOUL: "If the DSI shows contamination" – well, no – "If the DSI shows contamination" - - -

MS DEEGAN: And a RAP is required, so - - -

15 MR NAKHOUL: And a RAP is – well it's not the word "contamination" I'm looking for. If the DSI shows that the site - - -

MS DEEGAN: Requires a remediation.

20 MR NAKHOUL: Not even that. If the DSI concludes that it's not suitable for a road, then a RAP is required, because you can have contamination – all roads are contaminated, and it's the wrong word. So the words we should use, "If the DSI shows that the site is" - - -

25 MS DEEGAN: Is not suitable for road.

MR NAKHOUL: - - - road. And that's it.

30 MS: Isn't that just provided to the auditor to deal with it if it needs to.

MR NAKHOUL: That's our – the DSI says that the site is not suitable for a road - - -

35 MR: And a RAP is required.

MR NAKHOUL: - - - and a RAP is required, the document is provided by - - -

MR: Is to be provided.

40 MR NAKHOUL: Is provided to the site auditor. Yep. That's it, yeah. So they're linked together. You understand where I'm coming from.

MS DEEGAN: Yep.

45 MR LLOYD: You're happy with that wording?

MR NAKHOUL: Ken, you're happy with - - -

MR: Yeah. If it's for approval.

5 MS DEEGAN: For approval, or you have to do something to it.

MR LLOYD: For approval.

MR NAKHOUL: Yes, for approval.

10 MR LLOYD: Approval/concurrence.

MS DEEGAN: So let's put that - - -

15 MR NAKHOUL: Approval/concurrence.

MS DEEGAN: Yeah.

MR NAKHOUL: That's what I but it's better to say that we're only satisfied if
20 that's prior to CC, rather than deferred commencement.

MS DEEGAN: Well, we haven't decided on that. So I suppose I'll leave it to the
Chair to ask the question, are we agreeing that in items defer commencement
25 conditions 1 and 2 are to a construction certificate, as opposed to an operational
consent.

MR: Can I just provide a little more context for this? Our environmental
health usually require these two items prior to any determination in an application. It
took a certain amount of justification from myself to convince them that we could
30 even make it for deferred commencement. So then to now say that we're just
assuming that we're not going to find anything and it might be - - -

MS DEEGAN: I don't think that's what we're saying. I think we're saying rather
than all this information coming back to council to be signed off, this information
35 will go via their certifier who will need to comply with all of these same standards
and expectations, and we're also making sure that the concern that if there is
anything from a contamination or a remediation point of view that is required, that
that still goes through the correct processes. That's what I think we're trying to do.

40 MR: It involves, if you were to align to make it a CC condition, we would
still ask that it be sent to us for approval prior to - - -

MR: Absolutely.

45 MS DEEGAN: I think it has to.

MR: It is, but not – but even – not accepting that. This is just a standard approach that we implement across all DAs. This is an industrial site, it's been used as an industrial site for a long time. While it is a road, and it is a road and an industrial land, it will have access to people – people will have access to the road, including children. There will be grass verges that will be growing from soil that will come from wherever - - -

MS DEEGAN: And I assume that the rest of the entire site will also be going through the same process.

MR: Absolutely.

MS DEEGAN: This is just one road at the moment - - -

MR: It's just a matter of certainty.

MS: Yes, and it's important to note, prior to consent, we wouldn't normally grant permission for this, so we do it as a prior CC. They will have a consent in their hand and will be in a position where if something is found, we'll be able to condition, rather than not being able to give them a consent. Yeah. Help position. That's not something that we would normally do, we would normally always have this information first, it's a very different – it has an implication - - -

MS DEEGAN: Yeah.

MS: More so than possibly the design of the road, which - It's difficult, because with the road design, if it's prior to CC, we've just got a situation where we've got a set of plans with a stamp and you have to then restamp them all with a new set. Contamination is more serious.

MR: And the way these things play out in reality is that a private certifier can allow certain works to be going ahead in lieu of a not technically. Not technically, but it happens in principle, and in practice, so - - -

MR WOODLAND: Can I say that there's some things being said here that we have Ken and Tony of TRACE Environmental here. There are significant checks and balances put in place under the EPA. We intend to do this properly. It's not a case of someone certifying someone's pool. It's about remediation and potential contamination, and if you have – we have site auditors here, which we don't, I can guarantee they would say to you the checks and balances are significant.

MR: The site auditor – I just want to add – the site auditor is independent of us.

MS DEEGAN: Yes, I know. Of you as well.

MR: Because this auditor has to notify the council and notify the EPA of her or his engagement, and then she or he endorses our work and a copy goes with our report to the council, and, you know – so it is at arm’s length, you know, it’s not like provide for more – our kind of work with

5

MR LLOYD: All right. So we have to decide whether to make it deferred commencement, or - - -

MS DEEGAN: Or whether - - -

10

MR LLOYD: Or conditional consent.

MS DEEGAN: Yes. Which at the moment we’re in talks – and we are at the moment - - -

15

MR LLOYD: What’s your opinion, Helen?

MS DEEGAN: - - - only talking about that first - - -

20

MR WOODLAND: And mind you, it is a road.

MR: I’m not changing

MS DEEGAN: It is only deferred commencement 1 and deferred commencement 2.

25

MR LLOYD: Tony? Warwick, what do you think?

MR McLEAN: Sticking with council’s approach, from a resident’s point of view, I see the potential of contamination. Sitting council’s recommended the deferred commencement approach.

30

MR LLOYD: That’s your view?

MR McLEAN: Yes.

35

MR LLOYD: Tony?

MR REID: The deferred commencement, in terms of undertaking the work – you have to undertake the work, anyway. So you’ll be able to – you’ve got to do the investigation on the road to determine what’s beneath it. So you’re arguing that there’s a delay because of the paper trail that goes to and fro, whereas if you get consent, your paper trail doesn’t have to go.

40

MR WOODLAND: There’s numerous other conditions in this consent that can be acted upon and dealt if we have an active consent as opposed to a deferred commencement consent. So of the – I don’t know how many conditions on this

45

consent – we’re only talking about eight of them, but there are many other conditions that rely upon works being done. So - - -

5 MS DEEGAN: And has a construction certificate been issued?

MR WOODLAND: That’s right. We recognise deferred commencement is consent, but it’s not operational obviously until these things are done, so that would be my response to that point.

10 MR REID: And the argument that the council’s giving is that the deferred commencement gives them further protection in terms of the work being undertaken quickly by you guys. That’s basically the way I’m reading it.

15 MR WOODLAND: Yes.

MR: I’m slightly confused about why council’s got concerns. The process is identical in terms of if we’ve got to do it, we’ve got to do some clean investigation works. We need to either – we’re going to write to the private certifier, anyway, who then provides it to council for their satisfaction.

20 MR LLOYD: It’s a simpler question. Do you do it before you get your consent or do you get your consent now and is it a condition that you do it anyway? That’s the way I see it.

25 MR WOODLAND: We do it anyway.

MR LLOYD: What’s your view?

30 MS DEEGAN: They do need to do it, anyway, and I feel with that – those particular to – those two issues the deferred commencement I’m not as concerned as letting them use a certifier to sign them off. I’d like the road and the trees to come back. I want to make sure that gets confirmed, and I’m happy for the drainage to go back to council as well, because it seems to be something that hasn’t been resolved, but I think there’s other checks and balances in place to make sure it happens properly.

35 MR LLOYD: Tony?

40 MR REID: I’d go for no deferred commencement, and proceed with it under condition.

MR LLOYD: Two no to deferred commencement. No, no, no. You’d - - -

45 MS DEEGAN: Deferred commencement.

MR McLEAN: Deferred commencement.

MR LLOYD: Deferred commencement.

MS DEEGAN: For this one? I'm only talking about this particular consent provision. I'm happy to no deferred commencement and make it a consent
5 condition.

MR LLOYD: For these two conditions?

MS DEEGAN: Yes.
10

MR LLOYD: All right. I'm going to rely upon the two experts on either side of me. So that we will agree with you on that one. So it will be – they will be conditions of consent, not deferred commencement conditions. That's 1 and 2.

MS DEEGAN: With that edit made to the RAP, as you've said.
15

MR WOODLAND: Yes, yes, you can be assured.

MR LLOYD: All right. So we've dealt with item 3 - - -
20

MS DEEGAN: Yes. So the road reservation stays with council and you bring the trees into that one.

MR REID: That's deferred to the same - - -
25

MS DEEGAN: So that stays as a deferred, because they're going to look at the tree issue.

MR LLOYD: Okay. We - - -
30

MS DEEGAN: To avoid a need for another application if required.

MR LLOYD: Okay. We've dealt with item 3. We can now go to item 4 on p.3 of 8. This is the question about a detention basin.
35

MR REID: That's the stormwater.

MS DEEGAN: Yes. A stormwater detention basin. Council, you've indicated that there is still some outstanding issues in relation to that. The stormwater detention
40 basin.

MR: Yeah, so the road itself does not necessitate a stormwater basin in that location. The road itself has a negligible increase in – or decrease in soft soil that would normally manage overland flow to some extent. The basin as included in this
45 application, because the concept plan approval to the North, the four stages of mixed-use development will necessitate an overland flow solution, one of those solutions being to retain water in a basin and release it slowly.

It was proposed as part of this application by the applicant as part of the development of that stormwater solution to counsel, but there's an outstanding issue whereby council requires legal advice on whether public stormwater can be contained on a private site and the safety and – safety requirements of that. So that's now been
5 deferred to a separate application which this panel will be considering next month. So it's simply a matter for you to hear from this application during the next applications. It can be done by the applicant in five minutes and the new plans not showing the basement. So as a deferred commencement condition it shouldn't hold up the applicant. It's just a deferred commencement condition because we don't
10 want to stamp the plans that show it, because that infers that they don't approve.

MR LLOYD: All right. Panel?

MS DEEGAN: Sounds reasonable.
15

MR LLOYD: Well, that's obvious. What do you want to do with it?

MR REID: I'm happy to stay and keep deferment on that one.

20 MS DEEGAN: Yes.

MR REID: So they can submit the plans.

MR LLOYD: Yes. That should be a deferred commencement condition? That's
25 your view?

MR REID: Yes.

MS DEEGAN: Yes.
30

MR LLOYD: Well, item 4 will remain as a deferred commencement condition. Not raise exhibit detention basis. All right. Deferred commencement condition number 4 remains as a deferred commencement condition. Are you – you got it? All right. Moving forward. Page 4 of 8.
35

MR REID: As did 3. Three and four.

MR LLOYD: Yes. Okay. All right, now, general condition 3. This relates to the retaining walls. All retaining walls and earth matters must remain in private
40 ownership is what you are seeking. Are we happy with that changed wording, panel?

MS DEEGAN: Would you accept - - -

MR: We're - we accept the proposed changes.
45

MS DEEGAN: No problems.

MR LLOYD: You're having a what?

MR REID: Yes, because they're not dedicating the road until the - - -

5 MR: Well – well, not just dedicate the park not including the retaining wall, so it will just be a minor - - -

MR LLOYD: Is that all right?

10 MR: Yes, that's fine.

MR LLOYD: So we agree with your suggested amended condition general condition 3. All right? So condition 3 amended. General condition 3 is amended. General condition 3 is amended in accordance with the applicant's request of 20
15 August. Then we come to general condition 9, retaining walls. Did we – were they amended wording? That additional wording.

MS DEEGAN: Well, this is – this is not saying anything.

20 MR REID: No, they have no real - - -

MS DEEGAN: They're not asking for anything.

MR REID: They're just pointing out that once they - - -
25

MR LLOYD: It's okay. That remains.

MS DEEGAN: Yes.

30 MR LLOYD: Condition 9 is confirmed.

MR REID: And I've dealt with - - -

MR LLOYD: And that's it.
35

MR REID: We've dealt with the tree.

MR: There's one more condition there, condition number 51.

40 MR LLOYD: Six of eight. This is about the fill? Well, you amended some words and added some words. Does the panel have any problem with that?

MS DEEGAN: What – what's the – why?

45 MR: Tony from TRACE might be best placed – or Ken - to talk about that - -
-

MR: I'll add if I need to.

MR: Yes, the condition states that natural material. That's not how roads
are built. Being a road, it can accept other materials that are deemed suitable for – to
5 road use, for its intended use. So that would include other materials from the general
development that's been validated as suitable to be under roads, in the EPA's criteria
for commercial industrial land use. As well as any other – there's existing other
resource recovery exemption with the EPA, such as the excavated material, natural
material exemption as well as the recovered So there's a number of other
10 materials that can be put under roads other than just that.

MR: And they mentioned that it has to be approved by the auditor and the
auditor doesn't get involved in that. It's approved by the consultant, that's not in
their change. The auditor doesn't get involved in signing off on things like that. The
15 auditor just says "yes, the site can be made suitable" or "this site is suitable". Then
the other thing is the words 'free of contamination' – 'VENM free of contamination.'
VENM is not free of contamination. VENM has got contamination in it. The carpet
we're standing on has got contamination in it. It's not the right word. It's like Ken
says, "As approved by the EPA guidelines", the exemption guidelines. They're the
20 words that need to be said.

MR: I'm okay with the second part put in red. That's fine. That was the
intention of that section. The first bit about VENM appropriate action I guess, but
that's just our standard condition. If they're saying that they don't need to import
25 any fill on to this site, which they're suggesting, it's suggested they can use
excavated material from other parts of the site to construct the roads, I mean, why do
they need to change it? But - - -

MR: They need to change them - - -

30 MR REID: Well, VENM - - -

MR: - - - what they're saying is that all roads that are built use VENM
material because that's not - - -

35 MR: No, I just said - - -

MR: - - - supplies any fill material imported to the state to do that.

40 MR: Yes. But what I'm trying to say – why does it need to be VENM if it
meets the criteria as intended use, that's what the EPA allow you to do and that's
what you've already signed off on.

45 MR: Well, that's just the standard condition that we apply as a council
looking to minimise the potential impact on future residence. If you're not importing
fill, which I think you're suggesting, you're not going to me to do and that shouldn't

be a problem for you because you can use the excavated material from within the site to make the road.

5 MR: Look, can I just make one other point. We could bring fill from another site – could be crushed concrete – crushed concrete, for example, isn't considered VENM. So that means you're not allowing us to use crushed concrete in the middle of the road.

10 MR: My preference would be to limit truck movements and for you to use required, you know – to use materials from - - -

MR REID: This is - - -

15 MR: Fill is not building materials, fill is fill.

MR REID: This is specifically a reference document, and – sorry, an approval for the building of the road and the corridor, so the requirement that it be virgin – VENM, then it's really not required for the construction of a road. So although it's the common practice of the council to require VENM when filling land, we're not
20 filling land, we're filling a road corridor. So in this particular instance it's my view that the VENM's not a requirement.

MS DEEGAN: So you could just add a sentence that does say, "Given the purposes of the fillers for road construction", and then remove that, which – give everyone that
25 level of comfort.

MR LLOYD: So does the panel agree to the omission of the words proposed to be omitted.

30 MS DEEGAN: Yeah. I think it - - -

MR McLEAN: Yep. Yep.

35 MS DEEGAN: Yep.

MR LLOYD: All right. We agree with that.

MR: And the words 'audited by the Council.'

40 MR LLOYD: And the additional words on the end. So the decision here is: general condition 51 is in accordance with the applicant's request of 20 August.

MS DEEGAN: Sounds right to me.

45 MR LLOYD: Okay. I think that's it. I think we - - -

MS DEEGAN: For these guys it is. There's more to go. We're not going anywhere.

MR LLOYD: We've got a bit more work to do.

5

MR: Thank you very much for your time.

MR LLOYD: All right.

10 MR McLEAN: Oh, we've got the LEP?

MR LLOYD: That's all right.

MS DEEGAN: We've got the LEP stuff, yeah.

15

MR LLOYD: But I think it will be straightforward.

MS DEEGAN: We can only hope, David. We can only hope.

20 MR LLOYD: Well, there's no one registered to speak against the recommendation.

MS DEEGAN: No, I know.

25 MS: Can I just – the Planning Committee is not going to make any action on
- - -

MR McLEAN: No. The road.

30 MR LLOYD: No, look, it's an existing road which is being improved and widened,
and - - -

MS: So it's not an existing local road?

35 MS DEEGAN: No. Not at this point in time.

MR LLOYD: No.

40 MS DEEGAN: But it's intention is that it will be an existing road – a new local
road as part of a broader planned development.

MS: So the issue of traffic is not in your - - -

45 MS DEEGAN: No, it's not for us to be dealt with in this application. Where you
see – and there'll be future applications coming before the panel that all relate.

MS: Speaking of future applications, what is the local paper that you guys
use, the Northern District?

MR LLOYD: No, The Weekly Times

MS: Well no-one – the road to Melrose Park doesn't - - -

5 MS: So you still get the weekly times?

MR LLOYD: We do get it delivered, I'm sorry about that.

10 MS: I didn't think that still existed, no I'm just making a note for our purposes. It's not one of the papers we actually get, however, we're making a note that for any of the applications that come through for Melrose Park, to see if we can put an ad in the Weekly Times. I can't guarantee it, but I've actually seen - - -

15 MS DEEGAN: Yes, we weren't asked to consider whether that road should be built, what it should be used for, and consideration of its use. It was about its construction.

MR LLOYD: Yes.

20 MS DEEGAN: So there will be future applications that you will - - -

MR LLOYD: Yes, and there'll be further roads down - - -

25 MS DEEGAN: Which you will need – you will need to be – remain involved in and communicating around.

MR LLOYD: Yes, so thank you for explaining that, thank you.

MS: Yes, thank you.

30 MS DEEGAN: It's not an easy this process, this one in particular. It's a very big site, we've got a lot of change.

MR LLOYD: Thank you.

35 MR REID: And I know the really well.

MS: Well it's the joys of living in the border

40 MR LLOYD: All right, now, can we move on to item 6.1? This is the - - -

MS DEEGAN: Maybe could all jump up and do jumping stars or something.

45 MR LLOYD: This is – this is the Parramatta LEP housekeeping amendment number 3, which we have read. There is no-one registered to speak on this, so we're all in favour of it?

MS DEEGAN: Anybody hear his comments? No.

MR LLOYD: All in favour of the recommendation?

MS DEEGAN: Yes.

5 MR LLOYD: Yes?

MR McLEAN: Yes, yes.

10 MR LLOYD: So the decision of the panel is the panel supports – the reasons is the panel supports the findings - - -

15 MS DEEGAN: Come on, they've sat all – the whole afternoon. We need to give them some they can't have sat there the whole – quick, quick, let's just – let me see if I can find a question. In 25 words or less explain what the housekeeping amendments are?

MR: Might I add, non-policy specific – just amendments to the Parramatta LEP which is basically just fixing up anomalies, etcetera.

20 MR REID: So when will the city planning harmonisation project be completed?

MR: Yes, that's a – that's quite a detailed task. So what this is proposing is just, it's just the quick fixes for the Parramatta - - -

25 MR REID: No, I understand that, but the question I have is - - -

MS DEEGAN: Completely separate.

30 MR REID: - - - roughly what time frame are we talking about?

MR: When we can get it - - -

MR REID: 2030?

35 MR: Well, possibly. Possibly. No, it's at least a two year process for the harmonisation.

MR REID: That's 2018.

40 MR: Say that again?

MS DEEGAN: 20. It's 2020.

45 MR REID: Yeah, well, amalgamating in 2016.

MR: 2020, probably. It's – I mean, I've been involved even when I was - - -

MR REID: Yeah, okay.

MR: Yeah.

5 MR REID: Have you got - - -

MR: It's a long time.

10 MR REID: Have you got people working on it?

MR: Yes, we have a specific team with the council that are working on the harmonisation process. We have to bring together five separate LEPs to get do harmonisation process.

15 MS DEEGAN: But don't they also have to do that now linked to the character statements and to all the other stuff - - -

MR: Yes, yes. We've already got the process underway.

20 MR LLOYD: Okay.

MR: It's working separately.

25 MR: Our company's taking bets, if you want, some good odds so - - -

MS DEEGAN: What, on the timeframe, or what?

MR McLEAN: Some pretty good odds going I'd say, at the moment.

30 MR LLOYD: All right. So the formal decision is the panel adopts the recommendation.

MS DEEGAN: Yes.

35 MR LLOYD: The reasons is that the panel supports the recommendation and endorses the reasons for the recommendation in the assessment report. So we come to 6.2. This is the planning proposal for land in Cowper Street, Railway Street and East Street, Granville. Again we've read the report, we've visited the site - - -

40 MR REID: The hole.

MS DEEGAN: The hole.

45 MR McLEAN: The hole.

MS DEEGAN: The hole.

MR LLOYD: The hole in the ground.

MS DEEGAN: And it took one hell of an effort to get there, actually.

5 MR LLOYD: Saw the hole in the ground.

MS DEEGAN: The amount of going around that we had to get to it was incredible.

10 MR LLOYD: I think the panel is unanimously - - -

MR McLEAN: Yes.

MR REID: Yes. We're happy.

15 MR LLOYD: - - - in agreement with this.

MS DEEGAN: Yeah, although, I think we've got people here to speak, and they've sat here again for four hours or three hours. It might be nice to hear from them.

20 MR REID: Well, we don't need to, we've given - - -

MS DEEGAN: I'd like to see what they've got say.

25 MS FORTU: I'll talk then, I'm registered to talk.

MS DEEGAN: Yeah.

MR LLOYD: Yeah.

30 MS FORTU: I'm Schandel Fortu from think planners, and really just want to say that this height issue has been workshopped extensively with council's planners and urban design team, and we think that the outcome of 92 metres on the side is a superior urban design outcome and we look forward to working on the DCP and moving forward through the gateway.

35

MS DEEGAN: And I reiterate that's just for the one tower – for C.

MS FORTU: Yep.

40 MS DEEGAN: And this is something that would reflect – coming back to the harmonisation discussion we were having a moment – I assume what's going on in Granville in total is an area that we would start to be looking at.

45 MR: Yes. As part of the Parramatta Road corridor strategy, the council will ultimately seek to implement the Parramatta Road strategy. This is the planning proposal that's just moving ahead of that process.

MS DEEGAN: Yes. Okay. Thank you.

MR LLOYD: Do you have any questions?

5 MS DEEGAN: No, I've asked and I'm pleased to have asked them.

MR LLOYD: All right.

MS DEEGAN: Saw the hole.

10

MR LLOYD: As before, we adopt the recommendation for the reasons that I've mentioned.

MS DEEGAN: Thank you. Thank you for your patience.

15

MS FORTU: Yeah. Thank you. We thought when you were shifting up the agenda that you were going to bring us forward.

MS DEEGAN: Yeah, sorry, we should have, shouldn't we?

20

MS FORTU: No, no, that's fine.

MR LLOYD: Sorry to keep you waiting.

25 MR McLEAN: Should have had more people here.

ADJOURNED

[6.07 pm]