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CITY OF PARRAMATTA COUNCIL

RECORD OF COUNCIL MEETINGS

PANEL MEMBERS:

**DAVID LLOYD QC
HELEN DEEGAN
ANNE SMITH
TONY REED
ROBERT HUSSEY**

LOCATION:

**RYDALMERE OPERATIONS CENTRE
316 VICTORIA ROAD
RYDALMERE, NEW SOUTH WALES 2116**

DATE:

3.18 PM, TUESDAY, 18 DECEMBER 2018

MR D. LLOYD: All right. So can we start the meeting? Let me formally declare this meeting of the Parramatta Local Planning Panel opened. In doing so I should on behalf of the counsel acknowledge the Burramattagal clan of the Durag, the traditional custodians of Parramatta and pay respects to the elders both past and present. The other thing to note is that this public meeting is being recorded. The recording will be archived and available on the Council's website. All care is taken to minimise your privacy, however if you are in attendance you should be aware that your presence may be recorded.

When we start these meetings, it's usual for us to introduce ourselves so that you know who we are. I'm David Lloyd. I'm a lawyer. I'm a QC. I'm a former judge of the Land and Environment Court. I'm a former acting judge of the Supreme Court. I am currently an adjunct professor of law at Western Sydney University.

MS H. DEEGAN: My name's Helen Deegan. I am a town planner with some 30 years' experience, fellow of the Planning Institute of Australia and have worked in state government and in private practice.

MS A. SMITH: I'm Anne and I'm the community representative on the panel.

MR T. REED: I'm Tony Reed. I'm a charter professional engineer and have 30 years' experience at senior management level. General Manager and director of engineering in local government. I'm a member of the management committee of the New South Wales roads and transport directorate.

MR R. HUSSEY: I'm Bob Hussey, engineer and planner. Former commissioner of the Land and Environment Court for 20-odd years and prior to that senior local government and private development experience.

MR LLOYD: All right. With that we can move straight on to the agenda. The first item on the agenda is the proposal for 32 Tramway Avenue Parramatta. We have noticed that there are people who wish to speak and we have notice that an adjournment is sought. Who wishes to speak on this?

MR COBURN: I can start, Mr Chair. My name's Adam Coburn. I'm registered as being - - -

MR LLOYD: This is your letter that you sent us?

MR COBURN: Yes, I've authored the letter on behalf of - - -

MR LLOYD: Well, before you start you have to be recorded.

MR COBURN: Oh, sorry.

MR LLOYD: So if you're speaking you should sit there and speak near to that microphone. For the record, your name?

MR COBURN: Adam Coburn.

5

MR LLOYD: Thank you.

MR COBURN: So chair yes, we've provided a letter to, I think, being tabled to the panel members requesting a deferral of the determination of the application. Whilst we've had some positive dialogue with council and it goes back over the course of the year. In September we submitted a package of documentation that we believe that we was an, in principle, set of documents. In our covering letter to council we acknowledged that this was not a complete set of documents.

10
15 It was a work in progress for future discussion. We then had a further meeting with council staff in October and then that resulted in council talking to different agencies including Parramatta Light Rail, SES and we were advised that council will then be making the determination of the application based on the number of issues, primarily to do with height and flooding. We asked for an extension to be able to respond to the issues raised because we saw them as being quite complex and given the history there's been a number of refusals and court cases.

20
25 We didn't necessarily want to go down that pathway for a third time. Unfortunately council denied our opportunity for an extension of time to submit additional information and the application before you is a result of that. We can certainly take you through our response to the issues. Unfortunately, a lot of the issues in the report are new issues that we haven't been able to respond to. There's issues to do with vegetation, basics, contamination and the report acknowledges those issues haven't been provided to us because of the key issues that council does have with height and flooding.

30
35 Nonetheless, we think it's fair and reasonable and would provide, I suppose, natural justice to my client and our team if there was a deferral to give us one last opportunity to provide a comprehensive pack back to council who've had some positive dialogue with Parramatta Light Rail who are our direct interface to the north. And we've also entered into some discussions with SES. The issue there is around refuge in place and flooding. We believe that is still a practical solution and we've also submitted a further report which was appended to my letter from iSafe which is to do with an emergency response to assist in the evacuation of the property in the flood event.

40
45 So they're the key factors I suppose why we ask for a deferral. We do have the architect here, the flood engineer and myself to respond to some of the other issues around height and flooding. And we believe them to be the two key issues. Flooding probably first and foremost and then height, the second issue.

MR LLOYD: If we agree to your application to defer this, will this involve the submission of amended plans?

MR COBURN: Yes, what we'd like to do is to obviously talk to the agencies again.
5 Those two agencies I mentioned. Have another workshop - - -

MR LLOYD: They're here now, as I see.

MR COBURN: With council. The agencies, sorry. Well, no. But we'd like to
10 submit a complete pack. As I said, we weren't afforded the opportunity to submit a comprehensive pack that responded to all the issues. In our letter we acknowledge that we needed to provide an updated SEE and other documentation and again we weren't able to do that, so. We'd certainly like to still have that dialogue with council, submit an additional pack and we're happy for you to put some time frames
15 around what would be an appropriate time. We certainly don't want to see this dragged on too much further. And I expect that if you were to give us a deferral there would be some strict time frames around that. As I said, we'd just really appreciate that opportunity for one further opportunity to respond.

MR LLOYD: All right. Panel, do we agree to that request?

MS DEEGAN: Yeah, that's fine.

MR LLOYD: Do you agree?
25

MR REED: Yeah, agree.

MR HUSSEY: I'm inclined to think that the matter should be dealt with today. I think that you read the long history that this matter's been going on about for the
30 period it's been going on. They're prescribed time periods the council has to deal with the application. We have a detailed assessment report now. There are some significant omissions. The flooding is a basic consideration. It should be to the point that we're satisfied that the flooding will be dealt with and the risk to persons and property is acceptable. That certainly is not the case and I think I understand
35 that to get the information there's probably a fair bit of modelling to be done on what we see before us in a fairly detailed report.

That could take quite a considerable period. I think it's better if you liaise afresh and get the application you want to be considered for final assessment. We look at
40 the height and what is there? A variation of the height of 85 per cent. That's how much higher it is and on the basis of the clause variation written request, I would not be prepared to support that degree of variation on the site at this present time. So I don't think there are minor amendments to be made to that proposal. Rather I think to come closer or council's plans envisaged for that area, it's a major one. And I'd
45 support the recommendation that this application be refused.

MR LLOYD: Well, what do you – I'll just see what the rest of the panel thinks.

MR REED: I'd defer.

MR LLOYD: You would defer?

5 MS DEEGAN: I think it's acceptable to defer but I would just probably extend the
question. That is, whether or not a development application is the right mechanism
to which you should also be thinking about if you are looking at the kind of heights
that you're talking about. I would echo the same comment. I think your height is
quite excessive and these are clause 4.6 in this circumstance is not necessarily being
10 demonstrated to be a rational reason for that and there may be a plain proposal if you
are seeking to increase height as well as some of the other matters before you.

MR LLOYD: So that might be the – the majority of the panel I think is prepare to
defer at your request.

15

MR COBURN: Yes.

MR LLOYD: But these are some of the points that have been troubling us.

20 MR COBURN: Sure, sure. That time will give us an opportunity then to make sure
we respond to those - - -

MR LLOYD: I mean, we're not determining the matter now.

25 MR COBURN: No, I understand. I understand.

MR LLOYD: Well, the determination of the panel is at the request of the
application. The application is deferred to enable the applicant to provide further
information.

30

MS DEEGAN: And to continue maybe to liaise with council officers to resolve
identified issues.

MR LLOYD: Yes, but – note that the decision is not unanimous and Mr Hussey
35 dissents from that determination. It was not unanimous and Mr Hussey dissents.
Dissents. D-i-s-s-e-n-t-s. Do you want to add to that, Mr Hussey?

MR HUSSEY: No, no. I think I gave sort of my reasons there and I think that a
fair bit more convincing work has got to be done on the risk analysis with that
40 flooding information.

MR COBURN: Yeah, yeah. There is any more we will respond and appreciate
your comments. And with that we can move onto item 5.2. This is the proposed
townhouse development at 1 Dunmore Avenue Carlingford. We have notice of two
45 speakers on this application. Two speakers. Now, who's going to go first? You
have to be recorded.

MR McNEILLY: My name is David John McNeilly. I'm a retired professional engineer and I live in 4 Baker Street Carlingford opposite the proposed development.

MR LLOYD: You're an objector, I take it.

5

MR McNEILLY: Yes.

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

10

MR McNEILLY: My wife and I have no overall objection to the project. It's a sticking point relating to the easement that's at the back of the project. There's a storm water pipe that runs from Baker Street to Cumberland High School and it runs through the backyard of all the properties on that side of Dunmore Avenue. None of the existing properties have a back boundary fence. An arrangement made by the then Broken Hills council when the pipe was installed about 50 years ago. In effect, the easement formed part of the property's backyard and is enjoyed by and cared for by the resident. They are separated from the neighbours at the back of the boundary fence north of the easement.

20

The development seeks to construct a back boundary fence for number 1 Dunmore Avenue, thus boxing in and isolating a strip of land approximately two metres wide by 45 metres long. There will be a build-up of weeds and broken branches and a breeding ground for vermin. Birds will transmit seeds. It will be a fire hazard in dry weather. Access by council or land care groups for maintenance will be via private property and fence claim. Council has upheld our concern but has simply imposed a condition that the back boundary fence be of the flow-through type which is related to flood control.

25

This does not address the concern raised by the lack of access and may have a deleterious effect on the residents who will now look through this see through fence at the pile of rubbish at the back. Furthermore, the survey plan that's attached to the documents by Chadwick Chen indicates that the council stormwater pipe does not run along the middle of the easement but runs along the southern boundary of the easement, meaning probably up to half the pipe width encroaches onto the property of number 1. This means the boundary fence will be built on top of the pipe, making any repair to the pipe more difficult and expensive in the future.

30

So in summary we have a landlocked box two metres by 45 metres at the back. Presumably it's council's property to look after it. They can't get into it other than going through private property and climbing over fences and we're concerned and our neighbour who lives next door, he will support it. We're concerned that that's not desirable. It's not in the public interest to box in a section like that. We suggest the status quo apply, which is applied for all the development down that side of the street in the last 20 years where a back boundary fence is not built and the residents enjoy the easement land as part of their backyard and they look after it. There's no build-up of weeds. There's no problem for anybody. So that's what we want.

40

45

MR LLOYD: All right. Thank you.

MR McNEILLY: Okay.

5 MR LLOYD: That's your three minutes.

MR McNEILLY: Yes.

10 MR HUSSEY: Can I just ask a question?

MR McNEILLY: Sure.

MR HUSSEY: How long did you say you've lived there?

15 MR McNEILLY: Forty-five years.

MR HUSSEY: Have you observed any floods going down that overland flow path?

20 MR McNEILLY: There's a flood about every eight years and it's pretty horrific.

MR HUSSEY: Relative to the back undercroft area of the house on the block, how close would the water go to that carport area?

25 MR McNEILLY: Say that again, please? I didn't - - -

MR HUSSEY: That carport area - - -

MR McNEILLY: Yes.

30 MR HUSSEY: - - - how close would the water go to that in the flood events?

MR McNEILLY: Which do you mean the carport area? The back of the house?

35 MS DEEGAN: The existing dwelling.

MR LLOYD: The existing house.

MS DEEGAN: The existing dwelling.

40 MR McNEILLY: On the existing house?

MR HUSSEY: The existing house.

45 MR McNEILLY: Yeah, it floods through there. It's probably in the old measurement two feet high running through.

MR HUSSEY: So the open space area down there along the back boundary would be fairly wet and damp at times, whatever?

5 MR McNEILLY: When it floods, yes. But it only floods when the pipe – which is about, I don't know, say two feet in the old measurements – when it can't cope with the water.

MR HUSSEY: Yeah.

10 MR McNEILLY: Normally the rain, you know, runs down the pipe and there's no flooding. But when Baker Street overflows, because the pipe can't take the water, the flood runs down and it's up to two feet. And I've witness eight in the 45 years that I've been there. Sorry, I've witnessed six. It's about every eight years. Six
15 eights are 48.

MR HUSSEY: Thanks.

MR McNEILLY: So there is an issue.

20 MR LLOYD: Thank you.

MR McNEILLY: Thank you.

25 MR LLOYD: Yes, your turn. Again, for the record your name and address.

MR WEN MA: My name is Wei Wen Ma. Normally, people call me Willy. William Ma. I lived in 1A Dunmore Avenue, Carlingford, just next neighbour to David McNeilly.

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

MR WEN MA: Okay. Thank you. I have two points to make. The first one, we have common points with the neighbour, David McNeilly. It's about – simple. We are not here to oppose this program. This project is okay – looks okay for me and
35 for my neighbour, but I just want to make things better. Look better and we have more beautiful streetscape and easy life. The first thing is the common point – as David mentioned, we just need – not more, because according to the picture and the plan and the graph or the diagram showed to me on the existing house, number 1 Dunmore Avenue, behind them there's a kind of public land. It's owned by council,
40 by here's council but not, I don't know, Parramatta council.

But this land will be isolated by putting a fence so nobody can get in and they will be left like a wasteland. Like a wasteland, so everything in there and nobody can clean and that could be a problem. That caused a little bit of a problem for the whole
45 street. That's the common concern. Maybe we can push the fence but the existing house fence further to the easement and – just one fence. You don't need two fences

and two fences leave a wasteland. I think that's better. Just get rid of wasteland and also the house. The residence of the future house, they can use the land.

The land's not wasted and also somebody works here. That's the first point.

5 Second point is about our point. We live in 1A Dunmore and adjoining neighbour with number 1 Dunmore Avenue, but we do want a very solid fence block between us because a solid fence – over the flat just sometimes – I remember once in 2012, our backyard flooded full of water. Nearly got into my house, but nearly. Nearly, okay. Six years ago. I know that's not very often, but sometimes there's still a possibility. So where does the water come from? Water from Baker Street. Baker Street is higher than our land and it flows over into my garden and into my neighbour's garden.

15 If they had a fence – block – so our land becomes a swimming pool – yeah, they cannot go through. So I want them to flow through fence that me. The fence leaves some space underneath so water can go through. The other thing, not very transparent. There's no promising if, like, a swimming pool fence. Anybody can see, so a little bit covered to protect our privacy and let the water go through, because higher than Baker Street, our land and the other land – number 1 is a little bit lower than Baker Street. The water goes this way.

MR LLOYD: Your three minutes are up.

MR WEN MA: Okay.

MR LLOYD: All right.

MR WEN MA: Okay. That's all.

MR LLOYD: Okay.

MR WEN MA: Thank you.

MR LLOYD: Now, is someone here for the applicant? Come forward, please.

MR DELAPIERRE: Thank you, Mr Chair. My name is Brad Delapierre. I'm a consultant town planner on behalf of the applicant. It's on the screen over there on the right. I think there was some late registration. So, yeah. Thank you for listening to me to start with. So as you're aware from reviewing the assessment report, this application was in this iteration submitted to council back in August 40 2017. There's been some – at the time of lodgement, approval was sought for five townhouses. Going through the process with council having regard to their planning concerns and concerns with regards to stormwater overland flow and flooding, the proposal has been reduced to the current proposal before you for four townhouses.

45 We've also modified the proposal in response to some of the issues received through the submissions with regards to privacy. At one point in the plans there were some

balconies that wrapped around the side of the development. They've now gone. As outlined in the assessor's report, we comply with council's primary planning control of height at the site. We also comply with council's density control that's contained in the Hills TPP. In respect to some of the issues raised by objectors, I again
5 reiterate flooding has been one of the primary drivers of this site. There was plenty of discussion about the rear fence and I note that council has required the rear boundary fence to be open-style fencing.

10 There was some concerns expressed today and in the submissions about accessing the drainage corridor at the rear of the site that connects through to Baker Street. Certainly as the applicant we are certainly prepared to accept a condition that requires an easement for access to be provided down what would be the western portion of the site and in the yard of unit 4 to facilitate additional access to that easement. I, you know, do note that when I review the Cadastre plans, I don't know
15 the topography that well, but it does appear to connect to Baker Street, so whether it is possible to walk through there, I don't know, but I said in addition to that we'd certainly be prepared to have an easement that provided another access point to that rear drainage land.

20 With respect of the flooding – you know, there was talk about how far up the flood levels come through the site. Certainly, I'm no engineer but our engineer spent lots of time discussing that matter with council to come up with adequate plans that addressed their concerns and as advised in the report council was accepting of that. As the panel is aware, townhouses are a difficult form of development to deliver.
25 That's one of the reasons the state government issued the missing middle and we believe approval of this development would assist with delivering alternate dwellings in dwelling stock in an accessible location. I'm here with the project's architect, Mr J. El-Sabbagh and we'd be happy to answer any questions panel members may have and again thank you for listening.

30 MR LLOYD: All right. Before you go away we have some questions. This is the first time we have looked at this proposal and our first impression is that the site is certainly suitable for townhouses but we query whether it's suitable for four. It's probably more suitable for three. What do you say to that?

35 MR DELAPIERRE: Look, I certainly believe the site as proposed for the four townhouses is suitable. If you look at the plans, the townhouses are certainly are in a garden setting with adequate setbacks to the front, rear and side. They're provided with adequate courtyard sizes. They're provided with adequate solar access. The
40 internal dimensions of the townhouse are quite generous. You know, we're not going down to the terraced style where you'd end up with, you know, sort of three and half metre widths, anything like that. They're very generous inside.

45 I certainly think that, you know, if the proposal went back to three, you would still have almost an identical building footprint, you know, for the buildings. So it would just be division of internal spaces and open space within the complex. And I certainly believe the plans illustrate that an appropriate, level amenity from an

internal planning point of view from access to open space, access to parking, is delivered through the division of four - - -

5 MR LLOYD: They're not the only points. I think Mr Hussey has some valid points that he'd like to put to you.

10 MR HUSSEY: Yeah, I'm interested in that proposition because there is the flooding report and we got the other detail flooding report a little bit later, so I haven't had a great deal of time to have a look at the exact consequences of that flooding. But when you look at the proposal, there's a 40 per cent variation in the minimum lot size. If you look then at the open space, the soft landscaping you propose is 41.8 per cent which is less than the 50 per cent required. And a couple of the townhouses that require an open space is less than the standard, which means it's a bit tight.

15 When we had a look at the character of that area, generally low density houses, green space around them, lot of trees. Seven trees are going to get removed in this. So I think that main open-space area along the back where it's subject to repeated regular flooding has reduced amenity and I would think that a bit more space around them by reducing it to three townhouses would enable compliance with the amount of open space and much better compliance with the type of development that's envisaged on
20 my reading of the planning controls.

25 MS DEEGAN: And just expanding on that, we do note that the minimum lot size is 1,800 square metres. We are almost an entire building – a residential house block below that in this circumstance and acknowledging this as a clause provision it allows council to vary that site in certain circumstances whether the extent of variation is really appropriate and given some of the constraints that we're hearing about, particularly from a flooding point of view.

30 MR DELAPIERRE: I guess in response to that in regards to private open space division, the smallest court yard and including only the rear courtyard is around the 68 square metre mark. Now, that's quite generous in terms of an open space area for a townhouse. There's other planning controls, for example the city of Parramatta for
35 the old Parramatta council suggesting a 40 square metre courtyard is adequate. There's other controls that consider a 25 square metre courtyard is adequate for townhouses. So in my planning view a courtyard of 68 square metres is a very generous courtyard for this style of development. And if it was an apartment building, you know, we're all aware the ADG talks about having a 15 square metre
40 ground courtyard. So I would think that in regards to private open space division, having regards to the fact that all these four townhouses are provided with, you know, secondary front courtyards as well that an adequate level of private open space is provided. In terms of a landscaped area there's – my understanding is that the majority of developments are approved under the Hill's controls for multi-unit –
45 multi-dwelling housing. You know, vary that 50 percent landscape controllers. It's one of those controls that I haven't seen and are in compliance in a proposal of this scale.

In terms of orderly development, you're right. Ideally, you would include No.1A Dunmore Street in the proposal. We endeavoured to do that. We, you know – we followed the court planning principle. We've made multiple offers and haven't been able to incorporate that development or that site into our development. So we

5 certainly – yes – don't believe that the proposal before is an overdevelopment. We do believe it's a modest townhouse development that will result in a built form that resembles a townhouse development in a garden setting, which is, you know, the Hills controls are about, the garden shire, et cetera.

10 MR LLOYD: I mean, for my part, I'm concerned that this land is 40 per cent undersize for townhouse development, and I don't think feel inclined to allow the clause 4.6 variation.

MR DELAPIERRE: Well, it's a matter of whether the panel believes that it actually

15 requires a clause 4.6 departure.

MS DEEGAN: No, it doesn't.

MR LLOYD: Yes.

20

MS DEEGAN: There's still the standards

MR LLOYD: Yes. I'm sorry. Yes. But that is a concern. Any other questions?

25 MS DEEGAN: Yes. I just wanted to come back. Just a suggestion. Okay. Just running down the track of if we were looking at potentially reducing the dwelling numbers to three, hearing that concerns have been raised by your residents. And I think there's a difficult position where when you've got a flood land you obviously need to protect people from moving into those floodwaters in the event of a flood.

30 So therefore, the fencing is part of the approach that's adopted by council in normal circumstances.

If there was to be – if the existing fencing could be brought back and made – and we actually had a landscape strip against the easement, which was left to be managed by

35 and remained in common ownership and it was maintained and managed by the body corporate in the manner that your neighbours are requesting. And then you could still have your fencing around each of the individual units to provide for the safety issues in relation to the flooding concerns. I mean, that could be a possible solution.

40 Yes, it might result in a reconfiguration of units and whether that would still mean you could achieve the four. Is that something that would be worth thinking through, having heard the concerns of your neighbours?

MR DELAPIERRE: Look, certainly in regards to the fencing. I certainly think that

45 the – whether it was low or open fencing, those kind of aspects, I think there's opportunity that way. I would have some concerns from a maintenance point of view if it was beyond the fencing because it would be hard to delineate what is council

property, you know, what is in the common open space there. Councils often get concerned about maintenance of their open spaces, particularly if it's, you know, townhouse perspective. You would typically have it, you know, mowing lawn or vegetation introduced, whereas council's often more concerned about having native
5 riparian vegetation and not necessarily regular maintenance or mowing, those kind of aspects.

So my personal view or planning view would be I don't necessarily think that is the best solution to, you know, reduce the delineation between what is common open
10 space and what is council property. I think that would be troublesome for all parties. I certainly agree that providing access to council to get in there for maintenance purposes when required would be a positive aspect, and certainly there is the possibility to do that.

15 On the western boundary there's, I think, a minimum, you know, point – minimum of 3.7 metres between the edge of the building and the boundary, so that's certainly enough to get a good-sized ute down there and possibly even a small truck down there to assist with maintenance following these storm events that seem to occur
20 every eight years, based on the residents and the evidence, and they possibly experienced it in the last couple of days, so, you know, where there's a need to go down there, remove, you know, vegetation that's either flung down the street or blown off in the wind.

So that's a certainly positive aspect. I don't think if you reduced it to three that there
25 would be much of a difference to the building envelope. The building envelope has already been, to a large extent, set by the flooding constraints of the site that are down that western boundary and that northern boundary. So I again reiterate that even if the panel was of a mind to have three dwellings, the footprint would be extensively the same and it would just result in – likely result in larger dwellings,
30 because at the moment it's – what – I think it's two fours and two twos. You'll probably end up with three fours and a three.

So I think from a planning point of view having the townhouses, the two-bedroom dwellings, is a plus. The dwelling mix of the locality is typically three to four
35 bedroom dwellings, and I think having that diversity in dwelling stock is good compared to the – either the detached dwellings around the site or, further afield, the apartment buildings that have recently, you know, been erected in Carlingford.

40 MS SMITH: I have a question about how many bedrooms - - -

MR LLOYD: Yes.

MS SMITH: - - - we're talking about.

45 MR LLOYD: Go ahead.

MS SMITH: Through this document I've been reading about three-bedroom units and two-bedroom units. One two-bedroom unit and three three-bedroom unit. But you're referring to a four-bedroom unit?

5 MR DELAPIERRE: Yes. Well, to be honest I'm happy to go through the plans, but I am relying on the executive summary of the - - -

MS SMITH: Yes.

10 MR DELAPIERRE: - - - report direct - - -

MS SMITH: I'm having conflicts between the executive summary and the reality of the planning documents.

15 MR DELAPIERRE: The architect's just advising me that all the townhouses are three-bedrooms.

MS SMITH: They're all three bedrooms. So in fact that last unit No.1 where you've got marked rumpus, it's actually a bedroom, is it? On the upper level.

20

MR DELAPIERRE: We're changing our minds again. So it's a - - -

MS SMITH: Right.

25 MR DELAPIERRE: So there's one times two, and two by three.

MS SMITH: One times two, and three by three.

MR DELAPIERRE: That's correct. Apologies for that incorrect information.

30

MR McNEILLY: Mr Chairman, could I make a comment?

MR LLOYD: No.

35 MR McNEILLY: Could I make a comment or not? Am I out of order now?

MR LLOYD: We'll hear from the applicant first.

MR McNEILLY: Thank you.

40

MR HUSSEY: Could I check one other thing. Well, depending if the application's approved, have you had a look at the conditions?

45 MR DELAPIERRE: Yes. We have reviewed the conditions that accompany the report and we are accepting of those conditions.

MR HUSSEY: Okay. Condition 121, I think it is, sort of brings our attention to this flooding aspect, and it requires that there be a flood evacuation report put in. Have you given any thought to that?

5 MR DELAPIERRE: Haven't got the condition in front of me. I saved some paper and only printed out the deferred commencement condition. But in terms of a flood evacuation report, it's certainly a fairly common requirement for this kind of development, and yes, we've certainly had an engineer that's been a key part of the team since before the application was lodged, so we're certainly aware and, you
10 know, that on a flood constrained site that, yes, you do need a flood evacuation plan prepared for people, you know, move into the development. So - - -

MR HUSSEY: So have you given any thought to how that's actually going to work?

15

MR DELAPIERRE: I haven't, because I'm the town planner on the on project - - -

MR HUSSEY: All right.

20 MR DELAPIERRE: - - - and not the engineer and I, you know – as you'd be well aware, it'd be fraught with danger a planner such as myself having a go at the flood report, but I'm getting close to the conditions, so I can certainly have a look at it.

MS DEEGAN: What number was it, sorry?

25

MR REED: Ninety-eight.

MS DEEGAN: Ninety-eight.

30 MR HUSSEY: Yes. So it's condition 24 and it's dot point 2,

“All measures, including flood evacuation measures contained in the flood management report shall form part of the construction certificate”.

35 It just seems that somebody with some expertise in that should do it properly.

MR DELAPIERRE: And certainly I agree that a flood evacuation report needs to be prepared by an expert in that field, and if – I'm not sure if you're suggesting the condition doesn't iterate that, and certainly if it doesn't I would certainly agree that it
40 should.

MS SMITH: Mr Chair, I have another consideration I'm concerned about from the basement carpark setbacks. The basement will encroach into the front setback area by up to 3.4 metres and the eastern side setback area by .69 metres. So your
45 comment was that the footprint was not change, but that would certainly be a big impact if it went from four to three townhouses on that encroachment.

MR DELAPIERRE: To be honest, having a look at the design of the basement I – and noting the flood constraints of the site, is that the parking would end up in the same location. There might be one less space in there, because the space is a tandem, so there's a requirement for the visitor spaces. And, you know, if you took out, for
5 example, you know, unit 3's parking and put a visitor space in there, you would still have a visitor's – one of the two visitor's spaces and associated manoeuvring area within the front setback, so it'd only be a very minor increase in deep soil.

And I would guesstimate it to be in the order of eight square metres, something like
10 that, because it's just because of the need – because you're chasing the grade with the basement, and the need to manoeuvre and the tandem parking, so I don't think it would greatly increase. As I said, my guesstimate would be in the order of eight square metres.

15 MS SMITH: Thank you.

MR LLOYD: Any other questions? You say you've got your architect here.

MR DELAPIERRE: I do. The
20

MR LLOYD: Please come forward.

MR EL-SABBAGH: State my name?

25 MR LLOYD: Yes, please.

MR EL-SABBAGH: Joe El-Sabbagh from Design Corp Architects.

MR LLOYD: Thank you. You've heard our comments. What do you say about
30 reducing it from four to three?

MR EL-SABBAGH: From five to four?

MR LLOYD: Four to three.
35

MR EL-SABBAGH: So we've already reduced it from five to four. So the history of this application is we initially attended a meeting with The Hills Shire Council. The owners have – and we can clarify this with the adjoining neighbour because his concerns have not been anything to do with being isolated, as such. So we
40 determined that this size actually isolated in its own right, in order for it to be developed.

Now, when things changed and this application is now before Parramatta Council due to the boundary changes, there were discussions with the Parramatta team and
45 the Hills Shire team to continue with the advice given initially. Having done further flood studies and so on and the fact that having five dwellings on the site was going to be an issue, especially with the size of the original basement and the overland flow

and so on, so we reduced the actual development to four townhouses. Four townhouses which were actually smaller than the initial townhouses. I want to say smaller in regards to the number of bedrooms and so on.

5 So to actually reduce further to three, I'm still of the opinion with Brad where the footprint of the development would not change. And I know this panel may or may not consider the financial aspect of a development. When this development was purchased, the actual market was completely different to what it is today. So having a loss of one unit is already a sort of a big deal from a development point of view,
10 that it could potentially not stack up as it is. So neither I or Brad can actually make a decision on behalf of the owners to lose another unit, because losing another unit would just mean we probably would not consider development at all.

15 So if that's the intention, then, you know, there can be no development on this site, because three townhouses would not work. And if they were to work from a size point of view, they'd be fairly large townhouses because the footprint would not change. I'd definitely be going with much larger townhouses to try and recoup some of the losses, but then it goes against everything in regards to affordability. This product provides something that the area needs, which is townhouses for families,
20 small families, someone that's starting up, or a transition from a residential flat unit for someone that can't actually afford a four-bedroom home.

25 So I'm definitely against the recommendation of having three townhouses rather than the four, for obvious reasons. But, again, it's not – neither one of us is in a position to make such a statement or agree to something of this scale without going back to the client and discussing it with him.

MR LLOYD: Any questions?

30 MR HUSSEY: But you would look at the planning controls and see what the site constraints were initially, wouldn't you? And you would've seen that the soft landscaping required 50 per cent of the site. So you say the footprint wouldn't change, but if you were going to have reasonable compliance with the controls in the first place, your footprint's too big.

35

MR EL-SABBAGH: As stated by Brad, there's already precedence under the Townhouse Code in the Hills Shire Council that never complied with that 50 per cent landscape.

40 MR HUSSEY: Well, we don't know about that.

45 Mr EL-SABBAGH: It was an objective. It's more about having the right objectives. And what we've proposed have actually met those objectives, so we do have a courtyard that is usable by the occupants. The landscaping is used. We've actually enhanced further landscaping to actually take care of some of the privacy concerns that the objectors have raised. So it's, you know – we can talk about numerical compliance, but we also have to look on its own merits. And this is where

we believe, on its own merits, whether it's three or four, I believe the footprint would not change.

5 MR HUSSEY: So there'd be more people there in the four units, would there?

Mr EL-SABBAGH: Of course there would be. The - - -

10 MR HUSSEY: Okay. Well, I think that one of the things that goes towards supporting the three units is, it's probably not a great practice to allow intensification of residential development adjacent to these flood-labile creeks. There's a danger risk there. The risk may be reduced to some extent with less people close to the creek.

15 MR EL-SABBAGH: Sorry, I – let me rephrase. I was saying that there would be more people in the three townhouses, because they won't be two-bedroom townhouses. They'd be four-bedroom townhouses.

MS DEEGAN: You've only got one unit that's two bedroom. The other three are three bedrooms.

20 MR EL-SABBAGH: Correct. But the footprint, when you average that out and add we're talking 70 square metres downstairs and 40 upstairs. You average that out over the three, that's an additional bedroom automatically, so definitely there'll be more cars and there'll definitely be more people as an average for a townhouse.

25 MR DELAPIERRE: The total population would very likely remain the same, whether it was three or four because you would shift to four-bedroom townhouses to try and, as said, recoup some of the additional expense that you would have over the three townhouses. The density, in my mind, would be the same. In terms of the density envisaged by the planning controls, there's a density of 95 dwellings per hectare under the planning controls in the DCP list, effectively, the equivalent to an FSR.

30 The development complies with that density control in the DCP that as I said is the measure about, you know, what are the number of townhouses you can achieve on a site, and that's based on a per person based on the bedrooms. So as I said, we – the development does comply with that requirements of 95 persons per hectare as a maximum, so it equates to, I think, 10-odd persons and this development proposes 10-odd persons.

40 MR LLOYD: Any more questions?

MS DEEGAN: No.

45 MR LLOYD: Thank you.

MR McNEILLY: Mr Chairman, could I make a comment or am I out of order?

MR LLOYD: You've had your turn.

MS DEEGAN: We can withdraw.

5 MR LLOYD: I think the panel will have to retire to consider this one. What we might do is ask you to wait. We'll stand this matter down and deal with some of the other ones and then come back to it because we're going to have to spend some time with this one. Is that agreeable to the panel?

10 MR HUSSEY: Yes.

MS DEEGAN: Yes.

15 MR LLOYD: Yes. All right. So, I'm sorry, you'll just have to wait a bit.

MR DELAPIERRE: We're happy to wait.

MR LLOYD: And we'll move onto the next item, 14 Eastwood Avenue, Eastwood. This is the modification application to an approved boarding house development.
20 Let me see. Who's here. No one wishes to address. The panel inspected the site of this earlier in the day and the panel, I think, is happy with the recommendation.

MS DEEGAN: Yes.

25 MR LLOYD: So the determination of the panel is – the wording's not quite right. That the Parramatta Local Planning Panel – I'll get the wording right. Got it here somewhere. After the words, "Parramatta Local Planning Panel", add the following words, "Exercising the functions of the council as the consent authority pursuant to the provisions of s.4.16 of the Environmental Planning and Assessment Act 1979,
30 grants development consent", et cetera. Okay. Panel happy?

MS DEEGAN: Yes.

35 MR LLOYD: You happy? We're happy with the recommendation, in other words, in this case.

MR REED: This is the - - -

40 MS STEPHENS: Boarding house.

MR REED: The boarding house.

MR LLOYD: All right.

45 MR HUSSEY: The recommendation at the end of that is on p.196, is it? Of the agenda?

MR LLOYD: No, 171.

MS STEPHENS: I don't have an agenda.

5 MS DEEGAN:

MS STEPHENS: The online one, remember, is different to the printed one.

10 MR HUSSEY: Why do I have a conclusions and recommendation to modify condition No.1? Is this a modification?

MS STEPHENS: Yes.

15 MR HUSSEY: Is that what we're doing? Modifying it?

MS STEPHENS: Yes.

MS DEEGAN: Yes.

20 MR LLOYD: Yes, we are. You're right.

MR HUSSEY: Yes. So the approval is to the following modification, modify No.1 in the following way, and, No.2, delete condition No.12. Is that it?

25 MR CHONG: It's in the officer report.

MS DEEGAN: No.

30 MR HUSSEY: It's written different.

MS STEPHENS: It must be different.

MS DEEGAN: No.

35 MR LLOYD: Well, if you - - -

MR HUSSEY: There's a recommendation there to report.

40 MR LLOYD: Yes. The recommendation.

MR REED: That was their previous report, I think.

MR LLOYD: The recommendation is on p.171.

45 MR HUSSEY: But this is to modify. Are we modifying this now?

MS DEEGAN: We're modifying the existing approval.

MS SMITH: For the boarding house.

MS DEEGAN: For the boarding house.

5 MS STEPHENS: Yes. You're in the – you're in 116 on the old version, which is a recommendation from the officer. That's from the – this is the bit that's just going in here.

MR HUSSEY: So that covers all?

10

MS STEPHENS: Yes.

MR HUSSEY: All right. So - - -

15 MS DEEGAN: in that last one.

MR CHONG: Endorses the modification as - - -

MS STEPHENS: Endorses the modification, yes.

20

MR LLOYD: So, all right. Are we happy?

MR HUSSEY: Yes.

25 MR LLOYD: All right. That's it. All right. We can move onto item 5.4, please. 15-19 Essex Street, Epping. This is the application for a residential flat building for 78 apartments at that address. And we have a number of people that wish to speak on this application. Mr Zhou.

30 MR ZHOU: Yes. I'm here.

MR LLOYD: You can go first.

MR ZHOU: Okay.

35

MR LLOYD: You can go first.

MR ZHOU: Thank you. Okay. My name is Rongpin Zhou. I'm living at 8 Brenda Way, Epping, and it's a building very close to the 15-19 Essex Street. Very close to that. I have two concerns. I think let me address the first one. The first one is about construction safety. Why is this one? Firstly because we have been through situation for the building of the 7-9 Essex Street. That period really uncomfortable and unsafe, because the hammer hitting the ground and the whole building is kind of – was kind of vibrating. And also the crane standing over the, you know, roof and then we also find something – you know, a safety incident in Hornsby that's kind of, you know, collapse on the buildings and caused the residents nearby to evacuate. Okay that's the first one is construction safety.

40

45

The second one is about the privacy. Actually, I think the pictures will kind of say the words for that. My building will be surrounded by all tall buildings. That means there is no privacy for us at all. Here you will see - - -

5

MS DEEGAN: Sorry. Can I just seek a point of clarification. You're No.11, did you say?

MR ZHOU: No.8 Brenda Way. That's is our building.

10

MR LLOYD: Where is that on here?

MS DEEGAN: It's this property.

15

MR ZHOU: Yes.

MS DEEGAN: Okay.

MR ZHOU: Yes. This is the property.

20

MS DEEGAN: Okay. This property here.

MR LLOYD: Next door.

25

MS DEEGAN: Well, yes. It looks like there's a rear access lane in and it's at the back. Okay. Sorry. Thank you.

MR ZHOU: Yes. So that means they kind of can see through, you know – through our living room, kitchen and our bedroom. That means, you know, all the kind of pleasure, you know, living in a, you know, standing building – standing house, it's kind of lost. Yes. And so that's the two points, actually. Safety and also the privacy.

30

MR LLOYD: All right. Thank you very much.

35

MS DEEGAN: Thank you.

MR ZHOU: Thank you.

40

MR LLOYD: Is Joanne Page here?

MS PAGE: Yes.

MR LLOYD: Your turn.

45

MS PAGE: Thank you.

MR LLOYD: Again, you're limited to three minutes.

MS PAGE: Correct.

5 MR LLOYD: For the record, your name and address.

MS PAGE: My name is Joanne Page. I live at 29 Rockleigh way. We're just on the other side of the boundary – the rear boundary.

10 MS DEEGAN: Is it visible on this map?

MS PAGE: It is.

15 MS DEEGAN: Never mind. Sorry. That's north. There's Essex Street. This is the development here.

MS PAGE: I'm here.

20 MS DEEGAN: You're there. Okay. Thank you.

MS PAGE: And we face the development. Okay. So thank you very much, Chair, for the opportunity to again address the planning panel. We support the panel's recommendation that this variation be refused. To recap, we live on the eastern rear boundary behind, and more importantly, about two metres below the development. My reasons for opposing this variation are in the transcript of the 20 November meeting. But to summarize, our view is that the variation of this application is for an inappropriate of the development given the current zoning and level of neighboring properties. Seven stories will be adjacent to two-story dwellings already at a level below the ground of the proposal.

30 The impact is that the topography amplifies that additional height of the proposed building from the rear-eastern side. In effect, it'll be like a seven or eight story building, which we argue is not in the spirit of council's stepped zoning plans. We also note that the proposed site has a four metre slope to the rear boundary. In addition, the adjoining rear properties are set one to two metres below the level of this rear boundary and there's a one to two metre retaining which should be carefully considered in evacuation plans.

40 The profile of the rear of the building is still exceedingly bulky in height and length, and even with the increased setback which the developer has put in place, it accentuates an overbearing vista to lower level neighbours. Page 20 of the submitted architectural plan design clearly shows the overwhelming scale of the proposed development in relation to neighbouring properties. The rooflines of properties number – in this diagram the rooflines of properties No.22 and 24 Rockleigh way are not even at the height of the first floor of building B at the back.

The current plans will result in virtually no view of trees or sky out of our bedroom windows, with higher levels being able to look in. We advocate that a dense green screen would assist both visual impact and privacy for the neighbouring buildings. And I appreciate that this meeting – this panel is considering this DA, but I would like to introduce a further point to the panel. The accumulative effect of recent developments in Essex Street, Pembroke Street and Oxford Street have changed traffic and parking conditions in this section of Essex Street and, therefore, impacts this proposal.

10 MR LLOYD: You're aware that the zoning of this area is high density residential?

MS PAGE: Correct. Correct.

MR LLOYD: Yes.

15

MS PAGE: Since the original DA was approved and the Epping Traffic Study, which I think from memory was done in 2014, they've been further DAs approved which compromise the premise of the calculation for parking in this development. Essex Street already relies heavily on street parking for the existing residents. This is due to a continuing underestimation of car usage in each residence. It's a high rental and high sub-rental area, which typically increases the number of cars per household.

20

MR LLOYD: All right. That's your three minutes, I'm afraid.

25 MS PAGE: Okay. Yes. Any questions?

MR LLOYD: Thank you. Is Nigel Dixon here?

MR DIXON: Yes, I am, sir.

30

MR LLOYD: Yes. Your turn.

MR DIXON: Thank you.

35 MR LLOYD: Again - - -

MR DIXON: Hello, my name's Nigel Dickson. I'm a managing director of Dickson Rothschild. We're the architects and the planners. I'm a registered architect and a registered planner. We appeared before this panel on 20 November and met the objectors Mr Zhou and Ms Page, and the meeting was very useful. The matter was deferred at that time in order to bring forward amended plans, and those plans have been presented to Council by Mills Oakley just recently. I have accepted the amended plans, but new plans have been brought forward that deal with the matters before court. There are a number of matters and it's quite complicated, but there's a planning letter that accompanies the new plans that have been lodged with Council. But I'll summarise it very quickly with three minutes.

45

The building has been lowered. Privacy measures have been taken into account to address property adjacent – Mr Zhou’s site. We know his window. We know his situation. There have been changes made. Existing trees along the rear setback have been retained. So the landscape plans have been updated to retrain more vegetation.
5 There is a 9 metre setback in accordance with the ADG, given the zone boundary condition there. The stormwater plans have been updated to increase the OSD tank and one extra car has been fitted in the car park.

10 Our planning and architectural work in the last weeks has, obviously, coordinated its way right through the set to comprehensively address each and every time in Council’s report. Council’s report is very thorough, and we’ve gone down to the detail of checking the distance from the windows to the back kitchens. So each and every item in Council’s report from Design Review Panel, the AGD compliance
15 issues and the DCP compliances with respect to the Hills Shire Council controls have been addressed. So I’m here before the panel, requesting you to defer the matter, since amended plans have been brought forward to Council. They’re not before you at the moment. I don’t want to waste your time, but we actually value Council’s comments. We value the input of Mr Zhou and Ms Page on the application. We think the application has been improved.

20 As I said at the time of the 20th of November meeting, these matters are quite complicated, so I request the panel defer it. We when spoke on the matter at the last meeting on the 20th of November it was noted the amended plans would need to be exhibited, and that could be done in February. So I ask the panel to consider
25 deferring the matter. If you wish to deal with it, please understand that amended plans have been received by Council, but only recently. Thank you.

MR LLOYD: Mr Dixon, the problem is that we understand that there is currently an appeal before the court, and the court has issued directions requiring the Council to
30 produce a statement of facts and contentions by this week – the end of this week. If we defer it, that can’t be done. We can’t meet the court’s timetable. For that reason, we are, at present, minded not to agree to adjourn it, but to deal with this application that we have before us, and that’s our current thinking. That is, we have to formally deal with this application in order to meet the court’s timetable.

35 MR DIXON: I understand. I’m here to tell you that new plans have been produced. Mr Sonter spoke to this on the 20th of November. The matters were quite complex to deal with. It would be very unfortunate that a statement of facts and contentions would report – and I’m very familiar with those reports we’ve produced – if those
40 matters have already been addressed. So I understand the dilemma you have as a panel. I understand your situation. We respect that you’ve got to make that decision, but I want you to be understanding that new plans that addresses the matters – landscape plans, architectural plans, a planning report together with ADG compliance tables, stormwater drawings and traffic report are with Council. Thank
45 you.

MS DEEGAN: Sorry, just out interest, what’s the height variation now?

MR DIXON: The building's been substantially lowered. Where it was increased on building A, that's been taken off and a communal has been added on. So the height variation is in the order of – the height – that's about 200 – 300 The intent is not to have any residential floor over the height limit – I mean, talking about the
5 ceiling heights. Obviously that required new diagrams – new sections to be prepared. It's, obviously, a largeish application, so the matter needed to be brought forward in a coordinated way. I respect the panel has a lot of experience of court. The court's timetable has to be respected, but, nonetheless, I hate to see the court's time wasted on preparing statements of facts and contentions which are superseded
10 by amended drawings that are brought forward. It's very burdensome on the court when the matter is afoot, so - - -

MR HUSSEY: I think that, in view of the appeal that's been lodged and the direction to the get the statement of facts and contentions there, we've got the report
15 before us. The report says that no new plans were put in. I think it's a bit late for us to deal with those amendments along the way, and it seems, having a little knowledge of the way the court system works, the first thing that would be addressed is the statement of facts and contentions, and if there's amended plans, they'd be dealt with fairly properly in that system.

20 MR DIXON: I understand, Mr Hussey, and you are quite correct in what you say. It's just it would be expeditious, in our view, if the new plans could be considered. I'm only asking the panel to defer it. Obviously, we are heading into the Christmas season – and season's greeting – but, nonetheless, I would imagine that any amended
25 plans may need to be readvertised anyway. The court dates aren't until May next year, so please understand that.

MS STEPHENS: We only received the plans yesterday, so we haven't had a chance to actually look at them, assess them or anything. As advised to by the applicant at
30 the last meeting and the panel at the last meeting, we are currently in shutdown with respect to advertising and notification, so there would be no – if I'm to – we couldn't actually advertise these plans until, probably, mid to late January, therefore it probably be able to meet a next local planning panel meeting. So you're looking
35 March, April, maybe even May next year as well, depending on how we're able to get through those plans.

MR DIXON: Yes.

40 MR LLOYD: I think we can do is refuse this application for the reasons set out in the assessment report.

MR DIXON: I understand, Mr Lloyd.

45 MR LLOYD: And I think that's the panel's determination.

MR REED: Yes.

MR HUSSEY: Yes.

MS DEEGAN: Yes.

5 MR LLOYD: And that's unanimous.

MR DIXON: Thank you.

10 MR LLOYD: So we adopt the decision of the panel. Ian, change the wording that
"The Parramatta Local Planning Panel, exercising the functions of the Council as the
consent authority, pursuant to section 4.1C of the Environmental Planning and
Assessment Act 1979 refuses". Okay. That's it. That's the determination. Thank
you very much. That's item 5.4. Item 5.5 is 36 Keeler Street. I'm missing people.
There are no speakers on this matter I think. You are here, mister - - -

15

MS STEPHENS: It appears that none of Brad's ones actually got through the
system or - - -

20 MR LLOYD: Well, Mr Delapierre, it may not be necessary for you to address us,
because I think the panel is agreed to adopt the recommendation to approve this.

MR DELAPIERRE: I'm very happy not to speak.

25 MR LLOYD: We'll wait for the – we'll wait for the missing panel member to
formally do that.

MS SMITH: So Bob's happy now? Bob's happy now?

30 MR LLOYD: Yes. You're happy.

MR REED: I'm happy.

MS SMITH: No. Sorry.

35 MR LLOYD: Yeah, we're all happy.

MS SMITH: Okay. I thought we were worried about the water on the back - - -

40 MR LLOYD: No, we were – discuss it inside.

MS SMITH: Okay.

MR LLOYD: We're all happy.

45 MS SMITH: Good. Okay. Good. We were waiting for your opinion.

MS DEEGAN: Sorry. Apologies. I thought we

MR LLOYD: So we're now onto item 5.5, 36 Keeler Street. Again, a change of wording: "Determination that the Parramatta Local Planning Panel, again, exercising" – let me get the wording again. Sorry. got it here – "pursuant to Section 4.16 of the Environmental Planning and Assessment Act, supports the
5 variation to clause 4.3 and then, in B, Parramatta Local Planning Panel, exercising the functions, et cetera, approves". Good. That goes there. And the determination is unanimous. All right. That's 5.5. Five point six. Numbers 1 to 3 Ryan Street, Dundas Valley. We have Mr Noel Birrell. Mr Birrell, again, for the record, your name and address?

10 MR BIRRELL: Noel Birrell, 4 Rope Street, Dundas Valley.

MR LLOYD: Number 4 Rope Street. Thank you. Three minutes starts now.

15 MR BIRRELL: Good afternoon. My name is Noel Birrell. I'm part of the community group that got together to oppose this childcare centre. I will endorse the comments made by Michelle, who I know is going to be commenting shortly – formed after a number of community meetings and discussions. The efforts
20 displayed by the community group resulted in what I think was a fair and pertinent – objections to this commercial venture. As a resident of Rope Street for a quarter of a century, I have appreciation that this development was totally out of character for the area, first for the noise. As a shift worker, it would personally have affected me. With up to 95 children there for 13 hours of the day, it would certainly have made a
25 great change to the quietness of the street – or both streets, even though it was stated that they would shut the windows during activity times.

Parking was another major problem for our area. We have, and are currently, I think, looking into the future, a very large transport traffic corridor that is ranging from the northern part – from North Rocks and even further north through Dundas Valley to
30 get down to the southern suburbs across Silverwater Road. It is, even at this stage, far more than the small streets can accept, and the proposal, as I said, of up to 95 children – perhaps up to 200 car movements in our small streets per day – I think was well beyond what we could put up with.

35 The streetscape for this building that has been proposed from the planning was very much out of the character for what is, fundamentally, a 1950s war service slash housing commission area of fibro homes. Two storeys high over a large area did not fit in at all with what we consider our local community. In closing, I would like to thank the Parramatta Council members for supporting us and recommending –
40 supporting us and communicating their concerns, having discussions with a number of the local councillors who attended our meetings – local community meetings. The recommendations put forward by the Council of the childcare centre not proceeding is a relief to myself and my family. Thank you for your time.

45 MR LLOYD: Thank you.

MS QUINN: Excuse me. I did actually submit – and I’ve got stamp I actually was at this meeting as well. I’m Michelle Quinn. I actually did have – I didn’t put in a form speak - - -

5 MR LLOYD: You’re Ms Ashaid? Are you Ms Ashaid?

MS QUINN: I’m Michelle Quinn. No, I’m Michelle Quinn. So I was actually a resident as well and I actually submitted the form to attend the meeting because I’m resident.

10

MR LLOYD: Yes.

MS QUINN: Yes.

15 MR LLOYD: You wish to speak?

MS QUINN: Yes, thank you.

MR LLOYD: All right.

20

MS QUINN: Thank you.

MR LLOYD: Yes.

25 MS QUINN: Thank you. Michelle Quinn, 6 Rope Street, Dundas Valley. I’m opposite to the proposed development in 1 to 3 Ryan Street.

MR LLOYD: How do you spell your surname?

30 MS QUINN: Quinn – Q-u-i-n-n.

MR LLOYD: Thank you. We’ve got it.

35 MS QUINN: Thank you. So I suppose our major concerns as a resident’s group, and as a resident myself of 60 year – we were certainly there during the point of time when the area was developed in the mid-50s, as I was, and concern about the contamination that was put into the ground at that point in time in reclaiming what was a quarry and also wetlands in that area. Our concern of the childcare centre is the contamination, particularly in reclaiming some of the that contamination –
40 removing the contamination as residents who exist there for a significant period of time, and also the impact of that on children in the childcare centre, as well as the noise and stuff around that – would be quite significant for us living in that area.

45 As my neighbour mentioned, we have an older residential area. We do have some new developments, which we’re happy to have, but it is inconsistent with what is existing there. Also of concern is the number of garbage collection in terms of that

site, given the number of children there, which is above the normal for 75. It's 95, and it most likely could go up further than that.

5 Also of concern is the noise acoustics for that area, given the proximity of the place to the residents in that area that it would overlook, and it would be difficult to handle. And I don't believe that it would be appropriate for children to be any less than children in that point in time, and being conformed to that, I don't believe the site is appropriate for that area. There's only seven – just over 7 metres per street size. It is an ambitious proposal and we understand the reason for it. However, as a
10 community, and as a resident, we actually oppose it, and we are very supportive of the Council's review of the development plan, because we agree with a number of their findings in that report.

MR LLOYD: Thank you.
15

MS QUINN: That's it. Thank you.

MR LLOYD: Is Ms Ashaid here?

20 MS ASHAID: My name is - - -

MR LLOYD: All right.

MS ASHAID: - - - Elizabeth Ashaid.
25

MR LLOYD: Yes.

MS ASHAID: 1 Rope Street, Dundas.

30 MR LLOYD: Thank you.

MS ASHAID: I'm on the corner of Rope and Adamson Avenue. My concern, mostly, is traffic. I have mentioned several things: traffic, safety, height and noise. Being on the corner of Adamson and Rope Street, I'm seeing a lot of issues with
35 traffic because the street is extremely narrow in that area in particular – unusually narrow, and we are having – since we're gone to duplex housing the area, most people are parking their cars on the street. There is difficulty enough with – in the position that I'm in, I'm able to observe what's occurring in a wide kind of an area.

40 I see difficulty with the garbage trucks trying to negotiate. I see difficulties with builders' vehicles moving around. I see difficulties with people just trying to move around the corner. We do not have paving up and down the street where we do need it, therefore we're having mothers with strollers – are going out on the street to walk up that road. It's becoming more and more dangerous. So I see the issue being
45 compounded when we get to the childcare centre itself, with more vehicles coming into the area, parking for a short while and moving out. We have a school nearby

where we have children who are walking to and from school at the same time that a lot of parents would be dropping children off at the childcare centres.

5 So that was my main concern – was the increase in the traffic issues that we’re
having in the area itself. Michelle has mentioned the contamination issue, which is a
concern, and I would just like to flow on with that and say that there are a lot of
things that were not addressed by this developer in the timeframe that you’ve asked
them, and my concern is – why have they delayed. Is this a tactic that they’re using
10 to use for later? And one of things that concerned me is that there will be parking
down underneath. There’s no mention at all of how the exhaust fumes are going to
be funnelled out of the area and where it is going to be directed – at what house –
what residential house.

15 Noise was the other thing with children. We’re finding that to comply with certain
sections that these children are going to restricted, and I don’t think that’s in the best
interest in the education of children as well. As I’m a lecturer in education at the
university, and I’m seeing this – it is not in the best interest of children to be starting
to be putting restrictions on them because the owners of a building want to have this
20 facility in an inappropriate area. And that’s all I’ve got to say.

MR LLOYD: You just fitted within your three minutes.

MS ASHAID: I’m pretty good at that. Thank you.

25 MR LLOYD: All right. There are no more speakers on this matter. The panel has
listened carefully to what you’ve said, and some of the – most of what you have said
has been incorporated in the recommendation and reasons for refusal. The panel
unanimously adopts the recommendation to refuse this application for the reasons set
out in the assessment report. So, again, insert – correct – refusals. So that’s the
30 determination of the panel – to refuse the application for the various reasons set out.
So, with that, we will have to come back – before we deal with the planning proposal
– come back to item 5.2, and we’ll take an adjournment while we consider that
matter.

35 **RECORDING SUSPENDED** [4.54 pm]

40 **RECORDING RESUMED** [5.09 pm]

MR LLOYD: All right. We now go back to item 5.2 on the agenda, the proposed
development of four townhouses at No.1 Dunmore Avenue, Carlingford. The
determination of the panel is to refuse this application for a number of reasons. I’ll
45 spell them out. First, the Parramatta Local Planning Panel, exercising the functions
of the council as the concerned authority, pursuant to section 4.16 of the
Environmental Planning and Assessment Act 1979, does not approve the variation of

40 per cent to the minimum lot size under clause 4.1A(3) – clause singular. No, no, no, no, no, no, no. Go back before 4.1. It’s clause singular. Yes. 1A(3) of the Hills Local Environmental Plan 2012. As it is not satisfied that the applicant’s request has adequately addressed the matters required to be demonstrated by clause 4.6 of that plan – addressed the matters required to be demonstrated by clause 4.6 of that plan, and the proposed development would not be in the public interest because it is not consistent with the objectives of that particular standard and the objectives for development within the zone. Next, new paragraph.

10 MS DEEGAN: David, before we go on, we just need to amend – it’s demonstrated not by clause 4.6 but by clause 4.1A(3).

MR LLOYD: No.

15 MS DEEGAN: It’s on a clause 4.6 variation.

MR LLOYD: Okay. Yes, you’re correct.

MS DEEGAN: Yes. So that’s the - - -
20

MR LLOYD: Sorry.

MS DEEGAN: - - - clauses that we – the two clauses that we’re talking about.

25 MR LLOYD: Yes. It’s different. 4.1A(3), good. Okay. The next paragraph. The panel is of the view that the proposal is an overdevelopment of the site for the following reasons. The proposal is of the view – the panel is of the view that the proposal is - - -

30 MS DEEGAN: Is a not not.

MR LLOYD: Is an overdevelopment of the site – an overdevelopment, for the following reasons. Colon, new line. (1), it does not comply with the soft landscaping control, being 41.8 per cent, rather than 50 per cent of the site area. (2),
35 the proposal does not comply with the minimum building alignment setback of ten metres, under the Hills DCP 2012. (3), the site is subject to flooding of an overland nature, which increases the risk to persons and property and is contrary to the principle that there be no intensification of development in flood-prone areas. (4), proposed units 1, 2 and 3 do not meet the required open space provision under the
40 Hills DCP 2012. Open space provision, sorry. What did I say? Private open space. To meet the private open space provisions under the Hills DCP 2012. Next. (5), the cumulative effect of these non-compliances indicate that the proposal is an overdevelopment of the site and the decision of the panel is unanimous. No, no, no, no, no, no, no, no, no. Full stop after “site”. New paragraph. Where is it? I’ve
45 lost it. Okay? All right? Happy, panel?

MS DEEGAN: Yes.

MR LLOYD: Right, that's the determination. All right. We can now move on to the final matter, the planning proposal at 18-40 Anderson Street, Parramatta. All right, who is here for that matter? Who have we got?

5 MR COBURN:

MS DEEGAN: You might want to come forward, for the speaker.

MR LLOYD: Name, please.

10

MR COBURN: Adam Coburn.

MR LLOYD: Right.

15 MR COBURN: Okay. So thank you, panel. Overall, we're supportive generally of the recommendation and certainly the balanced approach that the council have taken in the – and certainly the collaboration we've had over the last year, working with council. We just have two key items we wanted to talk to today. But just before I do that, I just wanted to sort of just take a little step back and just outline that this is a
20 genuine proposal for a luxury five-star hotel in Parramatta. As you're aware from your site inspection, the Holiday Inn currently operates from the site and as part of the global InterContinental hotel chain. And that's important because it means there's an established hotel chain and an operator that can bring a global brand that you need for a five-star hotel. The residential that's proposed with the development
25 will – whilst assisting with dwelling targets – it's also going to provide activation within the precinct, which is going to provide a vibrant mix, with the commercial that's proposed and the hotel.

The other key benefit of this project is that it's going to deliver on the objectives of the CBD strategy and valley precinct, in terms of that through-site connection to Jubilee Park, from west to east. As well as the open space that we've provided. So that's a real key public benefit that's going to be delivered. So I can just go through the two key issues that we have and we would seek the panel to consider as part of their recommendation. The first is that the serviced apartments, whilst we appreciate
35 council accepting an additional use for serviced apartments and residential on this site, what we disagree on is that the service department has been put in the FSR bucket for residential. Serviced apartments are not a residential use. It's evident in the standard definition under the LEP that they fall under the tourist and visitor accommodation definition.

40

They're non-residential and looking at different non-residential and residential FSR buckets, I suppose we'll call it for this proposal, the serviced apartments should really fall under the non-residential or commercial allocations towards FSR. The serviced apartments will be run as part of the hotel. It's an intrinsic closely aligned
45 use and has no residential features. So I suppose that's the first thing we'd like to have looked at. And the second thing is around the minimum 3:1 proposed by council. We accept that. Originally we had a proposal of 2.89:1 commercial in our

planning proposal. We accept to increase to that a minimum of 3:1 commercial component, as part of any development. However, we would still require the 6.7:1 upper limit cap. So what that effectively is – the report before you talks about a 6:1 total FSR with a split essentially of a minimum commercial 3:1 and then obviously other uses forming that.

In our proposal, we had a slightly higher residential component than the 3.7:1. We had – it was actually 3.81:1. However, recognising council's desire to increase the commercial and to have the minimum 3:1 commercial component, again, we would accept that. And on the basis that we accept the minimum 3:1 commercial component, I see no real obstacle why we can't have additional residential on the site. That is, above the 3:1, up to the cap of 6.7:1. And whilst there's some discussions in the report around the urban design, again, I don't believe there's any urban design constraints in terms of achieving the 6.7:1 on the site. The council report – and certainly our submission as part of the planning proposal – we both agree that residential is a suitable use of this site. And a couple of the key reasonings for that and they're in the report but I'd like to just echo those.

The first is that the site is bounded to the north by a currently zoned B4 site. It has an FSR – recently approved for rezoning – of 6.5:1 and it's a site that's just over 2000 square metres, versus our site that's 8000 square metres. Naturally, a site that's larger has the better ability to manage and massage built form. Then we have the site to the south, which whilst currently is zoned B5, under the CBD planning proposal is proposed to be zoned B4. So again, to the north and to the south, we've got sites that are B4. To the east, opposite the park – Jubilee Park – we've also got B4 and then under the CBD planning proposal, the B5-zoned land which runs down the spine of Church Street is generally proposed to be B7. So again, we're spatially off to the side of that B7 zoning. The other factors, of course – and again, I won't go into any detail but just summarise very quickly. The fact that we've got the access plan to Jubilee Park. Again, we're a little bit disjointed from the CBD, so naturally, this site doesn't suit itself to being wholly developed for commercial purposes, given the floor plate requirements for A grade commercial tenancies. So by accepting the three to one, again, we're committing to the economic development, and if we can achieve additional residential above that that doesn't compromise the commercial, then there's no planning arguments that I see that would prevent that from occurring.

So our request, I suppose, can be simply summarised in that we ask that the serviced apartments be included in a non-residential limit and that any issues with urban design can be dealt with as part of the recommendations, and, again, we agree with recommendations B.2 about submitting a revised reference scheme. We do have our architects from Grimshaw here who can talk to any of those issues. I'm not sure if Council's recommendation for an upper limit of six to one is because of urban design or was part of a more broader strategy, but, as I said, we have a unique situation where this site has been identified with collaboration between the parties for residential.

We've got a site that's B4 directly to our north, which has a 6.5 to one SFR. An upper limit of 6.7 to one on this site would not be out of character with what has been approved recently. And, again, we're happy to work through the recommendations before you, in terms of working through a site-specific DCP, an updated reference
5 scheme – to iron out any potential urban design issues – to make sure we do have a good outcome that goes on public exhibition and, again, the serviced apartment issue will be addressed as well. So that's our submission to the panel. And, again, I'm here, and we've also got our flood plan engineer as well and our architects.

10 MR LLOYD: Before you go - - -

MR COBURN: Sure.

15 MR LLOYD: Looking at the recommendation that we have before us, in paragraph A, second dot point is to amend the maximum floor space ratio on the floor space ratio map from four to one to 6.1. You're happy with that, are you?

20 MR COBURN: No. We ask that it be 6.7 to one. We accept the minimum commercial component of 3 to 1, but what we're asking for is it be 6.7 to one as an upper limit.

MR LLOYD: That's the total floor space ratio?

25 MR COBURN: Correct.

MR LLOYD: All right, then. Going to next dot point, "Add residential accommodation and serviced apartments as additional permitted uses". Do you need residential accommodation if you're just providing serviced apartments?

30 MR COBURN: We accept that you need to have serviced apartments in there, because the future CBD strategy is going to prohibit them.

MR LLOYD: Yes.

35 MR COBURN: Yes.

MR LLOYD: But do you need the words "residential accommodation" as well as "serviced apartments"?

40 MS DEEGAN: You put residential on top.

MR COBURN: We'd have to have both - - -

45 MR LLOYD: You have to have both?

MR COBURN: - - - as an additional use.

MR LLOYD: Yes.

MR COBURN: What we have an issue with is that the serviced apartments are counting towards - - -

5

MS DEEGAN: The residential - - -

MR LLOYD: So - - -

10 MR COBURN: - - - the residential FSR, and they should really be part of the non-residential FSR.

MR LLOYD: Well, first of all, that's the first bit of that particular item. So you agree with that recommendation?

15

MR COBURN: I agree. Where it says "adds residential accommodation and serviced apartments" - - -

MR LLOYD: You agree with that.

20

MR COBURN: - - - "as additional permitted uses", I agree up to that point.

MR LLOYD: All right. But you disagree with what follows.

25 MR COBURN: "To a maximum FSR of three to one". I accept - - -

MR LLOYD: You want a higher FSR.

30 MR COBURN: We want it up to 3.7 to one. So I suppose it would need some rewording to allow - - -

MR LLOYD: You would reword that to read, instead of "3.7 to one", you would read - - -

35 MR COBURN: I - - -

MR LLOYD: - - - "3.3 to one", you would change that to "3.7 to one", would you?

40 MR COBURN: Yes, well, I suppose if the panel were of a mind to accept what we're suggesting you probably don't need to say a minimum – sorry, a maximum residential. If you have a minimum commercial and an upper limit FSR of 6.1 to one, you don't need the words - - -

45 MR LLOYD: Well, how would you reword that paragraph?

MR COBURN: How would I reword it? I would say "add residential and serviced apartments as additional permitted uses" - - -

MR LLOYD: Yes.

MR COBURN: - - - and that's all – and also you need to include – I would get rid of “to a maximum FSR of three to one”. I'd, obviously, change the - - -

5

MS DEEGAN: To allow there be a minimum - - -

MR COBURN: I'd say excluding design excellence bonuses, because above, in the second dot point, I would be making the – up to 6.7 to one as the upper cap limit, so you need to specify a minimum – sorry, a maximum residential if you've got the upper base limit of 6.7 to one covered, and then you've got your minimum 3.1 to one commercial.

10

MR LLOYD: All right. Now, how would you reword – what is your preferred rewording of that provision, because it's confusing – to me, anyway.

15

MR COBURN: This wording?

MR LLOYD: Yes.

20

MR COBURN: Okay. So I think the first bit I'm fine with. Where you end with “as additional permitted uses”, I would hold it there, and then I would probably just – and I'd keep that last part and say “and subject to a minimum FSR of three to one being provided as non-residential”. I think that's all you need to do. The only bit you would possibly need to deal with is the design excellent provision, because, obviously, that's something that you could use as well. But, again, I think that could be dealt with separately.

25

MR LLOYD: Well, if you look at page 606 of what I have in front of me – do you have what - - -

30

MR COBURN: Yeah, yeah.

MR LLOYD: - - - we have?

35

MR COBURN: What page is that – 606?

MR LLOYD: Six-O-six.

40

MR COBURN: Yes.

MR LLOYD: There's a table there. This is paragraph 27 of the assessment report – paragraph 27. Have you got paragraph 27?

45

MR COBURN: Yes. So I must've – it's in the actual assessment report by the - - -

MR LLOYD: By the - - -

MS DEEGAN: Yes. It's the Council office's - - -

MR LLOYD: - - - Council office.

5 MR COBURN: Yes. Sure. Sure. Yes.

MR LLOYD: You see that table – table 2?

MR COBURN: Mmm.

10

MR LLOYD: You've got "original proposal", "revised proposal", "recommendation". What would you change in that table?

MR COBURN: Well, we'd start with the total down the bottom. So we'd be asking
15 for - - -

MR LLOYD: You're asking for the 6.7.

MR COBURN: Point seven to one, yes.

20

MR LLOYD: Yes. Yes.

MR COBURN: Again, I don't feel you need a residential maximum if you've got a
25 minimum commercial component, so the residential FSR, I feel, could just – that
whole line in that row could fall away. If you've got – that three to one
recommendation for non-residential FSR should probably read as the minimum, so
you could insert the words "minimum FSR of three to one for non-residential".

MR LLOYD: Yes.

30

MR COBURN: Because that's really the issue here. It's - - -

MR LLOYD: That's all you would change.

35 MR COBURN: That's all you need to change. Yes.

MR LLOYD: And you would cross out the first line?

MR COBURN: Yes, I don't think you need to refer to residential again, as I said, as
40 long as you've got that minimum three to one.

MR LLOYD: Panel? Any questions about that?

MS DEEGAN: Yeah. So I'd go back to what is the dot that's requested. Basically,
45 you want another .7 of floor space, and you want that - - -

MR COBURN: Yes.

MS DEEGAN: - - - as non-commercial floor space.

MR COBURN: Correct.

5 MS DEEGAN: So is Council not – and I’ll ask the Council. In case, Council are offering you 3.1 with a potential of 3.9 if you can demonstrate design excellence; is that not correct and what you’re trying to say there?

MR COLOGNA: Yes. So that’s consistent with the CBD planning proposal.

10

MS DEEGAN: Yes.

MR COLOGNA: So under the CBD planning proposal, the site would benefit from an FSR of six to one, and if you then apply the design excellence provisions, that would take it to 6.9. I’d also point out that there’s a 0.5 to one high performing building bonus on top of that, which could also be used for residential capacity. So - - -

15

MS DEEGAN: So it’s all - - -

20

MR COLOGNA: - - - residential - - -

MS DEEGAN: - - - achievable.

25 MR COLOGNA: The residential capacity – but I think, if I can speak on behalf of the application – I think they’re asking for 6.7, then add the design excellence - - -

MS DEEGAN: Yes.

30 MR COLOGNA: - - - to that. Is that what you’re getting at?

MS DEEGAN: Yes.

MR COBURN: Correct. Yes.

35

MR COLOGNA: Yeah.

MS DEEGAN: Yeah. Yeah.

40 MR COBURN: And, certainly, we appreciate the high performing building bonus is a new initiative. When we started this journey, it wasn’t on the table, because Council policy has changed, and I suppose the only point I’d raise with that is it’s obviously a bonus. It comes with a cost. We’d rather firm up the base residential FSR for what we know we can achieve.

45

MS DEEGAN: So does that mean that, for your hotel component, you'd be applying that under the commercial use? What category of use would use with the hotel? Would it be commercial?

5 MR COBURN: Correct, yeah.

MS DEEGAN: So we would be, largely, a form of accommodation for people in some form. It's unlikely to be used a lot for offices or things like that. It would be hotel accommodation, serviced hotel, residential - - -

10

MR COBURN: Well, yeah.

MS DEEGAN: - - - largely.

15 MR COBURN: There are commercial components to it, but, obviously, yeah, that's the key driving force behind - - -

MS DEEGAN: Yes.

20 MR COBURN: - - - that non-residential component, yes.

MS DEEGAN: Yes.

25 MR LLOYD: I think I understand that – I think. All right. Any questions? Any questions?

MS DEEGAN: No.

30 MR LLOYD: All right. Thank you.

MR COBURN: Thanks.

MR LLOYD: Who else have you got here?

35 MR COBURN: I think that's all we really had in terms of submission to the panel. It's just, really, if you had any questions, particularly - - -

MS DEEGAN: Tony?

40 MR COBURN: - - - on urban design or drainage.

MR HUSSEY: I'd like to ask a few questions of the drainage. I feel a bit uncertain on a few of those matters.

45 MR REED: I'm still concerned about the FSR and, in terms of the recommended FSR in this report, you achieve the FSR request if you actually get the design

excellence component granted. You don't get the 6.7, but, again, with design excellence, it will take it over to 6.7.

5 MR COBURN: Yes. I think factored we would achieve – by able to achieve design excellence. So even in that 3.7 to one, that was always contemplated – that there would be the opportunity to go for the additional FSR through design excellence. So that had already been factored in.

10 MR HUSSEY: Is there discretion with that bonus? Wasn't there a recent planning proposal at Granville where the bonuses were done away with?

15 MR COLOGNA: So the provisions in Granville in relation to design excellence are different to those within the CBD. So in the CBD there is a clause in the existing LEP which is intended to carry over into the new CBD planning proposal where 15 per cent of the mapped FSR is achievable as a design excellence bonus, and when we talk about a bonus, it's actually not an option. Design excellence is mandatory. So it
--

20 MR HUSSEY: Well, that's what I would've thought.

MR COLOGNA: The wording of it is actually a bit misleading. You are required to do design excellence, and if you achieve design excellence, you get .9 for one. So, in practice – sorry, you get the extra 15 per cent, depending on the base FSR. So, in practice, the design excellence just becomes part of the FSR achievable on the site.
25 The circumstances in Granville are slightly different because, in Granville, there is no established framework, and so the recommendations being made to you were about site-specific design excellent provisions where we don't have a more formalised structure, and so you can do things that are site specific.

30 And so I'm not completely familiar with the Granville case. I wasn't responsible for those reports. But my memory of those was that the provisions in that instance – sorry, there are proposals in Granville where the FSR has been mapped at six to one, inclusive of design excellence. So there essentially is no bonus given in those circumstances. So comparing Granville with the CBD is a slightly different policy
35 framework.

MR LLOYD: I'd like to know the Council's view as to the applicant's request to increase the total FSR to 6.1 to one.

40 MR COLOGNA: So, under the CBD planning proposal, the FSR proposed is six to one, and our position is that that'd be inconsistent and set a precedent for other sites throughout the six to one area to say, "Well, if they get 6.7, why don't we?" And I do acknowledge that the site to the north does have an FSR that's slightly higher. It was approved before the CBD planning proposal was put together, and I'd have to go
45 back and look at the – I think a slightly different bonus arrangement applied to that site as well at that time, but I'd have to go back and check the facts on that. But, to answer your question directly, our assessment is that we think it should be compliant

with Council's strategical framework, which is the CBD planning proposal, and the CBD proposal would allow for an FSR of six to one on this site.

MR LLOYD: Thank you.

5

MR COLOGNA: If you then add design excellence, that takes it to 6.9.

MR LLOYD: On top of the six?

10 MR COLOGNA: On top of the six.

MR LLOYD: All right. We've got drainage problems. Who's going to be able to deal with that? Could you come forward, please. You are?

15 DR PHELPS: Dr Brad Phelps.

MR LLOYD: Engineer.

DR PHELPS: Correct.

20

MR LLOYD: Good. We've got two engineers.

DR PHELPS: We talk the same language.

25 MR LLOYD: All right, Mr Hussey.

MR HUSSEY: Okay. It's a bit difficult to fully understand this with the level of information that we have, but one of the plans in there shows the extent of the 100 year flooding. And plonked right in the middle of that is this development. That goes against the principle that the Chairman mentioned a little while ago. It used to be that it's not a good principle to intensify development – residential development – right in the flood area. This puts it there. There is proposals to put an extended culvert around it, but what flood modelling has been done and what are the flood levels and velocities going to be at ground level at the back of this development?

35

DR PHELPS: Okay. So there's been extensive modelling that has been undertaken. It's been through a number of iterations and a number of reports have been submitted to council with time. The planning proposal is based – sorry. It's my understanding of seeing the site, so under current conditions in council's flood model, the only active flow path through the site is the driveway between the carpark and the hotel.

40

The future proposal is that the carpark – which is built over the open channel which daylight downstream through Jubilee park, which is located under that car park – that carpark goes. It is completely removed and that whole zone is opened up. And as part of the planning proposal, the area between, effectively, what is the current driveway and the southern extent of the property, that land is re-graded to direct floodwaters from Anderson Street back towards the channel, which in turn, then

45

flows down through and into Jubilee Park and then further downstream through the railway.

5 MR HUSSEY: So in the 100 years flood event - - -

DR PHELPS: Yes?

10 MR HUSSEY: - - - at the back of the building on the natural surface level as we saw today and we walked on, what will the flood level be there?

DR PHELPS: On the Jubilee Park side?

15 MR HUSSEY: No, no, on the development site. I've got a cross-section here, Figure 14.

DR PHELPS: Okay.

20 MR HUSSEY: And it has got Jubilee Park and then it's got a cross-section. I presume that that goes on to the back of the proposed development.

MS DEEGAN: Page 613 if you've got the council's print-out.

MR COLOGNA: Just above clause 50.

25 MR HUSSEY: Yes, above clause 50.

DR PHELPS: Okay. I'll be there in a sec. Sorry, I'm looking in the wrong place.

30 MR LLOYD: Paragraph 49 of the assessment.

DR PHELPS: Right, okay.

MR LLOYD: Yes.

35 DR PHELPS: I'm there.

MR HUSSEY: So that shows the sort of extent of that culvert or that open drain that's there now and a bit of benching on the side – your site.

40 DR PHELPS: Yes.

MR HUSSEY: But in the “1 in 100” year storm, will that whole storm – all that run-off be contained within – well, will those people walking get wet feet?

45 DR PHELPS: Well, it depends where in Jubilee Park they are.

MR HUSSEY: Right at the back of this site.

DR PHELPS: I realise that, but the flood extents vary down through the back of the property, because the floodwaters are directed through the corridor, through the development and then they turn north and they at some point they will start spilling through Jubilee Park in the way they do at present. So if you were at the northern
5 end of Jubilee Park, yes, you would be wet. If you were at the southern end, no, you would not.

MR HUSSEY: When you're wet, how wet would you be?

10 DR PHELPS: Once again, it depends where you are within the park. The conditions vary. There are higher flows at the northern end of the channel, because the channel goes back into a covered section and at that point there is a spill of floodwaters down through Jubilee Park, because of the constrained capacity of the covered section further downstream.

15 At the southern end, just close to the edge of the park at the southern end, there isn't flow in a 100 year event through that area. So as you move north, if you're walking on that path north beside Jubilee Park, the further north you go the higher the flow and the higher the depth will increase and the velocity will increase as well.

20 So you can't – in a 100 year floor, you can't traverse through Jubilee Park, either under existing conditions or in future conditions, without being exposed to floodwaters.

25 MR HUSSEY: So does that benching on your side make any difference to the flooding result?

DR PHELPS: In terms of the performance of the scheme, that benching is more there for a landscaping outcome, rather than flood conveyance. We can get this
30 scheme to work with the existing channel in place or with a benched approach.

MR HUSSEY: All right. Where you go to divert or fix up the culvert in the street under the car park, in a major storm event, will any of that water go down – what's the front street – go down the front street?

35 MS DEEGAN: Anderson.

DR PHELPS: Sorry? Okay. So in Anderson Street the scheme is based on encouraging the overland flows that arrived in Anderson Street to flow southwards
40 into the corridor with that, which will be future opened up, channel. The open channel that is there is currently under the car park.

MR HUSSEY: It goes under the car park.

45 DR PHELPS: But that car park will be removed. There is re-grading proposed from the edge of the proposed development down to the channels so there will be a modest

lowering of the side of the channel to tie in with that re-grading so that the flow, once it makes it into that corridor, is pushed towards the open channel.

5 MR HUSSEY: So what I'm interested in is, is there any likelihood that will overflow and go down on the street so the international guests, when they want to walk out on the footpath, will get wet feet in the front street?

DR PHELPS: In a 100-year flood?

10 MR HUSSEY: Yes.

DR PHELPS: They would be discouraged from walking out because there would be inundation in Anderson Street. Not necessarily as far north as the edge of the property, but there are other areas within the property that it would be possible to
15 walk between buildings that are not flood affected, but there would be floodwaters present within Anderson Street itself.

MR HUSSEY: And then when you take the next step, what degree of risk there? The velocity and depth. Is that a dangerous way? It says it's high hazard. The
20 whole thing is high hazard.

DR PHELPS: That's council's mapping, based on a set of results that potentially are going to change in the not-too-distant future as a result of more detailed modelling which is being undertaken for council at present – 2D modelling. The
25 previous modelling was not two-dimensional modelling. Our assessment, under this scheme, of the flood hazard within Anderson Street, except within the zone where the flow is being directed down where the open channel is located, further north along Anderson Street that would be deemed to be low hazard.

30 MR LLOYD: And you say this proposal would be an improvement on the existing situation, do you?

DR PHELPS: It certainly manages floodwaters – well, the removal of the car park, the opening of the channel, the re-grading of the land to tie into the edge of that
35 channel and to consolidate the flows from Anderson Street – that are arriving from upstream into Anderson Street and directing those and consolidating those in the corridor – certainly represents an improvement over current conditions where it is constrained by the current driveway, it is constrained by the car park and it will find its own way through that area as it will. So this is a much more intentional control of
40 the movement of floodwaters through the property and down through into Jubilee Park.

MR HUSSEY: And you said the modelling is ongoing at the moment in terms of the scheme?
45

DR PHELPS: So what I'm referring to is that council is currently undertaking updating of its flood modelling across the whole LGA. That is a very major

undertaking which is ongoing at present. The modelling that we have undertaken through here is using a two-dimensional model that extends from upstream to well downstream of this particular property. We expect that council's modelling update will arrive at very similar answers to the flood levels and the flood velocities that we are assessing using a two-dimensional model at this point in time.

MR HUSSEY: So given the proposed significant increase in people in this particular area - - -

10 DR PHELPS: Yes?

MR HUSSEY: - - - what is the risk analysis for the risk for flood water or whatever? Or risk to life?

15 DR PHELPS: So in relation to the development, it will comply with council's requirements with regards to fall level controls so that the minimum habitable fall level will be elevated above the 100 year flood level as required. That doesn't mean that there won't be, perhaps, the lower level of development which would be potentially subject to flooding in an extreme flood. The probable maximum flood is, obviously, a higher flood level than the 100 year flood level.

20 So potentially the lower level of development may be subject to extreme flooding and under those circumstances, we have been involved with a number of developments within the LGA where, as part of that process, there has been a flood emergency response plan which has been put in place. It documents the flood risks adjacent to the development and how staff and others will need to respond in the unlikely event of an extreme flood getting beyond the planning level adopted by council.

25 MR HUSSEY: But just with the flood planning levels, with pedestrians around the environs, are they at low risk or high risk?

30 DR PHELPS: So with the proposed scheme, pedestrian movement within the site but beyond the zone where the floodwaters are concentrated, in a 100 year flood, subject to the configuration of the scheme that is being developed, certainly movement between those buildings would be "flood-free" in a 100 year event. That's not to say that there is not flooding. There is flooding present within Anderson Street itself, so the movement would be restricted, there would be limitations on pedestrian movements within Anderson Street itself, but elsewhere within the property it is possible to move by foot between the various buildings and you're not subject to flood waters.

35 MR HUSSEY: So then if you go back to that cross-section, if you went to the back of the building on your side - - -

40 DR PHELPS: Yes?

MR HUSSEY: - - - in the “1 in 100 years” flood event, when that is flowing, would that be highly dangerous? Extreme hazard? Given that it is going to be at least 1.8m deep and that water would be flowing at quite a velocity, wouldn't it?

5 DR PHELPS: It is high hazard in the channel.

MR HUSSEY: Okay.

10 DR PHELPS: It is high hazard under existing conditions.

MR HUSSEY: Yes.

15 DR PHELPS: And none of this changes the high hazard within the channel itself. Part of the proposed re-grading through the site itself is such that anybody who, for whatever obscure reason, might decide that they want to wade out through active floodwaters – don't ask me why, but they might – it would progressively get deeper, which would hopefully encourage them at some point in time to turn around and walk back the other way. There's no way you can walk through the floodwaters, particularly with that channel which in a 100 year flood there would be quite high
20 velocity of the floodwaters - - -

MR HUSSEY: But at the back of your property it is not a transition there. It's just a bench. Does that really need fencing along there to keep people out?

25 DR PHELPS: That area or that benching – and I guess we'd be informed by what the urban designers might have in mind in terms of the use of that area – what I would envisage is that that would be an area primarily of landscaping and not of active recreation.

30 MR HUSSEY: But in the flood event.

DR PHELPS: Yes?

35 MR HUSSEY: Wouldn't that be fenced?

DR PHELPS: If somebody happened to fall into that benched area, there would be – the velocity would be such and the vegetation would be such that there would be an opportunity to clamber back out again without being swept away. That would be part of the intention of the bench. That it be of a lower velocity and certainly – yes.
40 The starting point would be, well, my approach would be one of using vegetation to discourage people from stepping over into that bench. Council as I understand it is suggesting that it would prefer to retain its existing fence on the other side to discourage people from approaching the channel from Jubilee Park.

45 MR HUSSEY: But even if it was a holding pond and no velocity, it would still have a depth of .8 and so the V times D would be much greater than four and would be

highly dangerous. And if it's got some velocity, wouldn't it be highly dangerous if you'd fence it?

5 DR PHELPS: But fencing is an option. That benching can be refined. It could be, if the benching was retained at all, it would be possible to have a further intermediate bench where it would be shallowed such that anybody who inadvertently stepped into that area would, you know, step into a shallow depth of water and I would think that there would be a variety of urban design techniques available to discourage people from going into that zone. And certainly we would not be encouraging
10 people to go into that zone during a flood.

MR HUSSEY: Okay.

15 MR LLOYD: Any more questions? Thank you.

DR PHELPS: Thank you.

MR LLOYD: Is the urban designer here?

20 MR SEYMOUR: urban designer but architectural.

MR LLOYD: Architectural. Yes, please.

25 MR SEYMOUR: Ross Seymour, principal at Seymour Architects.

MR LLOYD: You heard the discussion we've just had. What sort of treatment would you recommend along that greater channel?

30 MR SEYMOUR: Well, I understand it's something driven by the council themselves. I do believe it's a better visual and probably addresses a better way to treat it than having just a pure concrete culvert with barricade fencing. It's very confrontational to people. It provides a barrier between the park and where they live. So I think the idea is, day to day, try and get a lot more connection with people residential to the park and create porosity through that space, so. I think the
35 benching and that impact of having a lot more landscape there is quite a positive, so that by itself actually starts to shield the effect of having one big concrete space.

MR LLOYD: And how would you discourage people from entering that area?

40 MR SEYMOUR: Well, I think it's a study to work out what are the velocities, how deep should it be, what are the other amelioration strategies you can have so that people just don't accidentally go in there? I think regardless of the fence, if someone wants to go in there and ride their boogie board down in the storm, you're not going to stop them, unfortunately. But you really want to stop people
45 accidentally going to somewhere which is unsafe, so. So I think that's about level understanding. You may be able to baffle it, like you say, so that the actual speeds are in the middle – if that channel is full, the speeds are actually in the middle

because the sides are actually baffled, slowed down by landscaping, by other elements, so that you, like we said, have the option to step out and get out of it, knowing that it isn't actually somewhere you should be.

5 MR LLOYD: One of the recommendations is that a revised reference design would be finalised that addresses flood mitigation and urban design issues discussed in this report. That sort of leaves it up in the air, doesn't it?

10 MR SEYMOUR: Well, I think it is something that's a result of design to properly solve it.

MR LLOYD: What do you think?

15 MR HUSSEY: Well, I think there's a – can I ask you, is there any criteria for the situation where you're concentrating a lot of new people into an area and residential people where the flooding would be too dangerous and you wouldn't do it? And bearing in mind, every time there's a flash flood or something, people do get into trouble and you come back that probably the designs weren't adequate and the protections weren't built in in the first place.

20 DR PHELPS: Yeah, I think it is possible to develop with appropriate response to flood risks. So for example where there are single storey dwellings, wherein the problem with maximum five – the pay amount is over the top of the roof of the single storey building and there are a number of those properties which are being
25 redeveloped into multi-storey apartments where people said there was no opportunity to escape vertically within the site. If somebody was trapped there that is part of that future redevelopment there is an option for vertical evacuation to higher within new development, based on minimum affordable being above the but the problem

30 MR HUSSEY: I'd like to come back to this situation that we're dealing with. Is there any criteria where the risk is too high?

35 DR PHELPS: Well, the - - -

MR HUSSEY: Could you build that into the planning controls now? Because there seems to be a high degree of uncertainty. More studies have to be done later on, but we're negotiating about how high the densities are going to be. Could that be a constraint on the overdevelopment of the site because too many people will be
40 exposed to flooding risk? Or don't we worry?

DR PHELPS: No, I think the scheme which is being developed iterably in discussion with council does address that by concentrating the conveyance of flood waters in the southern area of the site, which will be open, and that those discharge
45 into Jubilee Park in a manner which is similar to a system of conditions. So the whole point of the assessment which is being undertaken is to ensure that the development doesn't make conditions worse for anybody on adjoining properties and

certainly it does achieve that. It does consolidate those flood risks within a defined area within the southern zone of the property.

5 DR PHELPS: And in relation to any residual flood risks on the property itself there is always a need to communicate those flood risks to residents where we're increasing involved in developing flood emergency response plans for multi-storey developments, whether it be residential or even commercial, that ensures that those flood risks in surrounding areas are communicated to people, either staff or residents, and that the intent is that that be implemented such that over time anybody who
10 moves into a property is made aware of the complex of that development, because 99 per cent of the time we're going to be looking out over the parklands and they're not going to be seeing floods.

15 MR HUSSEY: So – so - - -

DR PHELPS: It's how we respond when the flood occurs.

20 MR HUSSEY: Given the limited time we've had and the information we've got in the bundle of documents there, what's the flood study that's got that technical information about depths of water, volumes of water and impacts on properties that if we wanted to read that we could read that separately?

25 DR PHELPS: Okay. There is such a report. I would presume that was appendix 3.

MR COLOGNA: Those appendices actually haven't been provided in the business planner.

30 MR LLOYD: We haven't got it.

DR PHELPS: Okay.

35 MR COLOGNA: The flood impact assessment card does not appear to have been provided in the business planner.

MR HUSSEY: So what's the name of the report?

DR PHELPS: Sorry?

40 MR HUSSEY: The name of the report.

DR PHELPS: Well, it will be a – it will look something like that.

45 MR LLOYD: We haven't got any of this.

MR HUSSEY: Can I just have a look at the cover and I can write it down?

MR COLOGNA: Council has it. We don't have it here today. We don't have it here today.

MR HUSSEY: What's the date of the report?

5

DR PHELPS: Well, this one's called an addendum. It's going to 12 September 2018 but I'm not absolutely sure that's the latest that's the latest? Okay.

MR REED: Council's got it electronically, doesn't it?

10

MR COLOGNA: Yes, we do.

MR REED: Okay, I can send it.

15 DR PHELPS: The sorts of things that I think you're all looking at. Things like velocity, depth, velocities, depths, flood levels. But as you can see the scheme is such that the ground itself is dry.

MR HUSSEY: Okay. That probably does it.

20

DR PHELPS: That's the report if you want to lock in those details.

MS DEEGAN: Can I ask a question of the architect while that's being done? With the conversation that we've been having in relation to flood, does that have an impact on the ability to go underground to find underground car parking onsite?

25

MR SEYMOUR: It's something you would take into consideration, yeah.

MS DEEGAN: So there's potential that there might be a need for above-ground car parking?

30

MR SEYMOUR: I think it'll be all below ground, but how you baffle that, how you can possible sort of lessen the impact of that water, I think that's something you consider through design. But the ground level, the pedestrian level will be above PMF so really that takes away the urgency or danger that you put people in that they're safe within our site. It may be just the carpark that's having problems.

35

MR LLOYD: Well, what are we going to do? I have to say - - -

40 MS DEEGAN: Want to adjourn? Do you want to adjourn?

MR LLOYD: Do you want to adjourn?

MR REED: Yeah.

45

MR LLOYD: Yes. We're going to have to think about this one and we'll take a short adjournment and come back.

RECORDING SUSPENDED

[6.06 pm]

RECORDING RESUMED

[6.12 pm]

5

MR LLOYD: All right. The panel has come to a decision, which is unanimous. We adopt the recommendation as set out in the planning report with a minor change. We do not agree to increasing the floor-space ratio of map to 6.7 to 1. We think
10 that increasing density on any flood-prone site is not the way to go and we are not prepared to adopt your suggestion, nor are we prepared to adopt the split as recommended between the various uses. In relation to flooding, we note that recommendation B requires that prior to public exhibition issues relating to flood mitigation etc will need to be finalised and put on exhibition. And after public
15 exhibition, the matter will have to come back to the panel when we can look at this in detail, this whole question of flood mitigation.

We are going to slightly change the wording in recommendation B. First dot point, "Issues relating to flood mitigation and risk assessment to be dealt with and if
20 necessary the planning proposal will be amended etc". So we've just inserted those words "and risk assessment to be dealt with" to be included. So with that minor change, we adopt the recommendation as in the assessment report unanimously. All right. So at least the matter can proceed.

25 MR COBURN: Yeah, thank you. Yeah, sure. Thanks.

MR LLOYD: All right. With that, we can formally close the meeting.

30 **RECORDING CONCLUDED**

[6.14 pm]