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O/N H-1050138

**CITY OF PARRAMATTA COUNCIL**

**LOCAL PLANNING PANEL**

**RECORD OF COUNCIL MEETING**

**PANEL MEMBERS:**      **DAVID LLOYD QC (CHAIR)**  
                                 **ROBERT HUSSEY**  
                                 **RICHARD THORPE**  
                                 **WARREN McLEAN**

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

**DATE:**                              **TUESDAY, 15 OCTOBER 2019**

MR D. LLOYD: Ready. All right, can I have your attention please? I can formally open this meeting of the Parramatta Local Planning Panel and in doing so, on behalf of the Council, I acknowledge the Burrumattagal Clan of the Darug, the traditional custodians of Parramatta and pay respect to its – to the elders, both past and present.

5 Next, I have to give notice that this public meeting is being recorded. The recording will be archived and available on the Council’s website. All care is taken to maintain your privacy. However, if you are in attendance, you should be aware that your presence will be recorded. Next, there’s apologies, and there are none. Next is declarations of interest. We have all signed declarations of interest forms, and there

10 are no declarations of interest.

When we start, these meetings it’s usual for us to – us panel members to introduce ourselves, if that’s all right with you. I’m David Lloyd, in addition to chairing this panel; I chair a number of other panels. I’m a lawyer, I’m a QC, I’m a Former

15 Judge of the Land and Environment Court. I’m a Former Acting Judge of the Supreme Court and I am currently a Professor of Law at Western Sydney University. Mr Hussey?

MR R. HUSSEY: Bob Hussey. I’m an engineer and planner, former Commissioner

20 for the land and Environment Court.

MR R. THORPE: I’m Richard Thorpe. I’m an architect, former member of the Independent Planning Commission and I serve on, I think, seven planning panels. I retired from my practice, which continues without me, 10 years ago.

25

MR W. McLEAN: Warwick McClean, I’m the community rep from Epping.

MR LLOYD: All right. Because of a large number of matters, we are going to deal with these matters three at a time. So people won’t be waiting around unnecessarily.

30 So with that, we can move straight onto the first item. This is an application for, of all things, a carport at 16 Tulong Avenue, Oatlands. The only reason it has been referred to the panel is because the owner of 16 Tulong Avenue, Oatlands is a Councillor. So it has to go to an Independent Panel. There’s nothing remarkable about this. It’s an ordinary carport with a much better roof than what’s there and we

35 are approving the recommendation as in the assessment report without amendment.

So with that, we can go onto item number two. Item number two is the proposed boarding house at 5 Campbell Street, Northmead. Now we have noticed that there is a number of people who wish to speak against the application. The recommendation

40 in the report is that the application be refused, I think, that’s right.

MS CAMPBELL: Yes.

MR McLEAN: Yes.

45

MR LLOYD: Yes. Where there's an application for a refusal, it's usual to hear the applicant first. Is anyone here representing the applicant? Mr Pasat and Mr Jelcic.

MR A. JELCIC: Yes.

5

MR LLOYD: Jelcic.

MR JELCIC: Close enough.

10 MR LLOYD: Close enough. You've seen the recommendation for refusal.

MR JELCIC: Yes, we have.

15 MR LLOYD: The panel, I have to tell you, it's inclined to adopt the recommendation. So we'll hear you on that. Who wants to go first?

MR D. PASAT: I'll go first, then.

MR LLOYD: Please come forward.

20

MR PASAT: Do I sit or stand? Or - - -

MR LLOYD: Yes. You'll have to sit down there - - -

25 MR PASAT: Okay.

MR LLOYD: - - - so that you'll be recorded.

MR PASAT: Cool.

30

MR LLOYD: Proceed.

35 MR PASAT: Dear panel members, ladies and gentleman, my name is Mr Pasat and I'm the owner's representative for 5 Campbell Street. I'm here to illustrate the effort and care that has been taken to work with Council to come up with an acceptable solution. This is a long-term family project which we would like to see developed and embraced by the local community. We appreciate the opportunity the panel gave us last time to discuss our proposal with Council. So thank you. Originally, the applicants submitted a 41 room, 78-person boarding house including one manager's residence. A compliance scheme under the SEPP and Hills DCP and LEP.

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45 Following the main panel resolution, the applicant was to meet with Council for a without prejudice meeting. After extensive trying by the applicant, the architect, myself and the homeowner met with Stephen Chong, Christine Treadville and Danielle Wan. I note the author of the Council Report you have before you, Deepa, was not present at this meeting. Instructions from the client at that stage was to take feedback from the panel, being that the proposal had too many lodgers and to work

with Council for an acceptable solution. After meeting with Council, we revised the existing scheme to the plans that you have before you, being a 36-room boarding house plus a manager's residence, a reduction of 25 per cent of lodgers on the proposed number of lodgers.

5

The whole top floor from the rear building has been removed with the exception of four rooms for the rear part of the front building. This is in order to maintain scale and relationship with the adjacent building. I also note the front building is lower in height than our neighbours at number 7 and 9 Campbell Street, being a three-story residence. Council's recommendation did not reflect what was the general discussion in that meeting. And I attempted to meet with Council prior to this meeting, but was refused. Once again, there are numerous amounts of contentions in the Council Report that are just, plainly, incorrect. Alex Jelcic, the architect on this project will discuss this in further detail, although, I'll note just a few.

10

15

Referring to multi-dwelling controls, when it was outlined by Gordon Hartley to the Panel in May that general residential controls apply to us, that – our site. Being a mandatory consideration. A scheme is a boarding house, a permissible development that is a type of residential development. This is an incorrect assessment, an error by Council that follows through most of the other contentions. I would like to note the GFA, whilst not relevant, as there is no off site control, Council's assumption of some 6,000 square metres, when it's clearly illustrated that it is 990 square metres. I note all our fundamental controls, such as building height, deep soil; site coverage and landscape calculations are compliant.

20

25

It was clear to me that Council are struggling to interpret basement architectural plans, as well as the traffic report. There are clearly 19 car spaces shown, although Council struggled to see the access to nine car spaces. The panel's recommendation was to reduce the number of lodgers and size, which we have done. We have reduced the scheme by 25 per cent, a considerable amount. I asked this panel to endorse this revised scheme. I believe this panel has the capacity and the knowhow to realise that Council has not assessed the application in the correct spirit and the goodwill expected of them.

30

35

The community is in much need of affordable housing. And this boarding house, as per panel member Mr Reid, is in a – is in a great location, which would service the greater Parramatta and Westmead region. The proposal is one that would cater for nurses, students and public servants of our community, one that we're in desperate need of. Thank you.

40

MR LLOYD: Are you an architect? Or - - -

MR PASAT: Yes.

45

MR LLOYD: You are?

MR PASAT: But Alex is the real architect on this project.

MR LLOYD: You are the architect, are you?

MR PASAT: No, Alex is an architect. I am an architect too, yes.

5 MR LLOYD: All right. We want to hear from the architect.

MR PASAT: Yes, sure. I'll step away.

10 MR LLOYD: And for the record, tell us who you are?

MR JELCIC: Yes. My name is Alexander Jelcic; I'm the architect for this project.

MR LLOYD: All right.

15 MR JELCIC: Like my colleague has mentioned, we appreciate the Panel's opportunity for giving us an option to discuss the scheme with the Council, which obviously, has undertaken for the last few weeks. And I'm just going to take you through, like, very specific points that are in relationship to this particular report that's in front of you today. As mentioned earlier, we do have some serious concerns  
20 about how the density was interpreted on this project, especially in regards to the GFA that's calculated on this scheme. Now the Council is suggesting that the FSR, which is not applicable for this site, the gross floor area is in vicinity, in the current plan, at 5,500 square metres.

25 This is about five and a half times greater than what the plan shows. The plan shows 990 square metres of gross floor area. And I'm just wondering, is this actually, obviously, there's a multiple points in the report that talks about overdevelopment of the site. And we are concerned whether this has got something to do with that. But I'll take you through some other points as well. So as mentioned earlier, we have  
30 gone through a significant reduction on this project. What we did is we have reduced the back building. So there are two buildings on site, the front building and the back building. The back building has been reduced from three-storeys, which was complying with the height. It has gone down to two-storeys.

35 The front building is a combination of two/three levels. The third level is tucked in at the back and it's still significantly lower than our adjacent neighbours which are three-storeys plus the pitched roof. Now in relationship to the GFA that I just mentioned now, more importantly, the panel was concerned about the intensity of the number of lodgers which we have reduced from 78 to 63 lodgers, which is  
40 approximately 20 per cent reduction. Now, I'll go through the specific points on – in the Council's report, it talks about a few other things.

Now the Council – like, as I mentioned earlier, Council's still, officer, assessing officer is still talking about referring this – referring multi-dwelling controls against  
45 this project. Now, further in the report, it clearly states – it clearly states – if you look at the item, which is, basically in a character test. It talks about the:

5            *Whilst the zoning permits a multi-dwelling housing development, the appropriate fit for the residential development of the site is a dual-occupancy, given the width of the site, which is only 15.59 metres. Now, significantly narrower than what would be required for the purpose of multi-dwelling housing under the DCP, which is 28 metres. And the lot size is less than 1800 square metres.*

10           So we kept, I guess, harping on about this issue from day one. And we kept saying that this should be assessed under the general DCP, rather than multi-dwelling, because we technically would not be allowed to submit a multi-dwelling application for this particular site.

MR LLOYD: Yes. You can keep going.

15           MR JELCIC: Yes.

MR LLOYD: Yes.

20           MR JELCIC: So I'll just go to the – a couple of other, maybe, more factual points. There is a recommendation that talks about the valid BASIX Certificate was not provided. It has been. In addition to all the other supplementary documentation, such as the storm water, traffic, landscaping and so forth. Now the GFA is something I've already covered. Now, if we look at the Compliance Table Summary in Council's report there is a – there is a concern about how we dealt with common open spaces. Now, what we did in our particular submission, and you can see there with some additional diagrams that we provided since the last time, we have focused our circulation, all the common living areas and private open spaces in the middle of the site to reduce or to minimise any impact upon the neighbouring properties.

30           Now, Council assessing planner has a got a concern about that – that aspect of the design being too – too much of a thoroughfare through those spaces. Whereas, we actually wanted intentionally to create this – to create this, sort of, a – you know – interactive common open spaces with the circulation. And also to minimise any impacts upon the neighbouring property. My colleague has mentioned about the parking. There is a fundamental issue with assessment. Whilst the report talks about the proposal having 19 parking spaces, I think the assessing planner or maybe the Council's traffic consultant has struggled to understand how the basement works.

40           So they just can't understand how cars can access basement two level, which is basically on grade with the entry of the car park. So this is something that's really puzzling to us. And I'll just finish off with, maybe, character of the area, which is somewhat a subjective issue. But, previously, if you remember – you probably don't, but – because it was a while ago. But we did have some issues of, I think, the setback in the front yard. So that's been relocated, that's been taken away from the front yard completely and put within the building footprint. So all of the front area is, basically, dedicated to deep soil landscaping. Our front setback complies.

And the only – the only, I guess, aspect that we have in the front yard is a single driveway which is complying under the Australian Standards for in and out, and, obviously, pedestrian entry to the building. Now, the other elements I would like to stress are just in regards to, I mean, the report talks about:

5

*It is acknowledged that the effectual resolution materials used are of high order. However, the overall scheme is considered as an overdevelopment of the site.*

10 It doesn't really specify in the report is it, like, acoustic? Is it overshadowing? Or is it – I mean – we are confident that it does not have these impacts and we've demonstrated in our submission. However, we have never really had, been given scientific or a specific rationale behind what these impacts are. And as I mentioned earlier, if you look, and I assume the panel's been to the site. There are some  
15 significantly large buildings adjacent to us which are taller than what we are proposing, which is evident on our character study report, as well as the streetscapes. So we are struggling to, kind of, gauge from Council – and that's, obviously, I think, the lack of communication with Council doesn't help.

20 How – what direction, how do we deal with this issue? The Panel's aware that this matter's going to section 34 in about four weeks. But, I mean, our applicants and our clients would prefer, obviously, to have this resolved prior to then.

MR LLOYD: Was that all you wanted to say?

25

MR JELCIC: Yes. That's what I wanted to say, and available to any questions you might have.

MR THORPE: I was going to ask – or make a comment, at least, if I may.

30

MR LLOYD: Yes. Sure.

MR THORPE: Just picking up on your comment that you believed that the car parking was not understood.

35

MR JELCIC: Yes.

MR THORPE: We understand it and it does work.

40 MR JELCIC: Thank you.

MR THORPE: That's good.

45 MR JELCIC: Well, I'll maybe elaborate a little on that. So what the original basement car park did, it was actually a split-level arrangement. And obviously you're an architect. You've got an appreciation of how the plans are prepared, but technically, the whole lower basement should have been shown on one level.

MR THORPE: Yes.

MR JELCIC: We didn't want to create additional confusion with the assessment, which obviously didn't work out, by creating an additional page showing that all on  
5 one level, but fundamentally in a long section and with all the RLs and a traffic assessment clearly demonstrates that we achieve - - -

MR THORPE: Yes.

10 MR JELCIC: - - - 19 parking spaces.

MR THORPE: Yes. So I just wanted to assure you that - - -

MR JELCIC: Thank you.

15

MR THORPE: - - - we certainly understand it's a parking work.

MR LLOYD: All right. I mentioned at the start that the panel is inclined to refuse this application. We are still of the same opinion. We think you have a real problem  
20 here with fitting this building onto the site. For instance, you can't comply with the site set-back requirements at all. Your lot size is too small for this kind of development and there are a number of other non-compliances with the DCP which we can't see how you're going to overcome. In short, we think you'd be better off with a consolidated site, rather than this single allotment site for this kind of  
25 development, and the panel is unanimous. We will adopt the recommendations to refuse for the reasons set out in the assessment report. So you'll have to go to court.

MR JELCIC: Okay.

30 MR LLOYD: So that means that if – as I've said, the panel is going to refuse this application. However, if there is anyone here who wants to change us to a contrary view, then we will hear you. No? All quiet? All done? All right. Well, then the formal determination is that the panel adopts the recommendation in the assessment report for the reasons set out in the assessment report. All right. Thank you for your  
35 attendance and we'll move onto the next item. This next item is No.32 Mary Street, Northmead, a proposed childcare centre for 100 children over two storeys. Again, the recommendation is for refusal. Is there anyone here for the applicant? There is not. So we have no one registered to speak for the applicant. The recommendation is to refuse. The panel is unanimous, I think - - -

40

UNIDENTIFIED MALE: Yes.

MR LLOYD: - - - in agreeing with that recommendation. So the determination of the panel is to refuse the application in accordance with the recommendation in the  
45 assessment report for the reasons in the assessment report, and I can point out we are quite concerned here about non-compliances with the childcare planning guidelines,



which is a statutory requirement. So that's the determination and thank you for your attendance. Sorry, you want to change our mind, do you?

5 UNIDENTIFIED MALE: No.

UNIDENTIFIED FEMALE: No. No.

UNIDENTIFIED FEMALE: We were ready to speak.

10 MR LLOYD: If you want us to change our mind - - -

UNIDENTIFIED MALE: No.

UNIDENTIFIED FEMALE: No.

15 MR LLOYD: All right. Thank you very much.

UNIDENTIFIED MALE: Can I ask a question?

20 MR LLOYD: You want to change our mind?

UNIDENTIFIED MALE: No. Can I ask you a question?

MR LLOYD: Yes.

25 UNIDENTIFIED MALE: Just wondering that now that you have endorsed the refusal - - -

MR LLOYD: Yes.

30 UNIDENTIFIED MALE: - - - can the applicant or the developer resubmit another DA in relation to the same idea at the same premises and does the whole process start again?

35 MR LLOYD: Yes.

UNIDENTIFIED FEMALE: Yes. And yes. That's a question for council.

MR LLOYD: Yes. If they want.

40 UNIDENTIFIED FEMALE: But yes and yes.

UNIDENTIFIED MALE: Thank you.

45 MR LLOYD: All right. Thank you. That's item 5.3.

UNIDENTIFIED FEMALE: Thank you very much.

MR LLOYD: Now we want items 5.4, 5 and 6.

UNIDENTIFIED FEMALE: I will go grab them. All right. Do we have everyone here? No. We don't. We've got still people wandering in. All right. I take it that  
5 you're all interested in items 4, 5 and 6. You weren't here when we started, and when we started we introduced ourselves so that you'd know who we are, but you weren't here. So we'll do that again. I'm David Lloyd. I'm a lawyer. I'm a QC and I'm a former judge of the Land and Environment Court and a former acting judge of the Supreme Court, and I'm presently a Professor of Law at Western Sydney  
10 University. Mr Hussey.

MR HUSSEY: I'm Bob Hussey, engineer and planner, former commissioner with the Land and Environment Court.

15 MR THORPE: I'm Richard Thorpe. I'm an architect. I retired from my firm, which carries on to this day, ten years ago. I'm on half a dozen or so planning panels and I was a former member of the Independent Planning Council.

MR McLEAN: Good afternoon. My name is Warwick McLean. I'm a resident of  
20 Epping and I'm the community representative.

MR LLOYD: All right. We have two registered speakers for Nos.21-23 Norfolk Road, Epping. This is a proposed childcare centre. It's a section 8.3 review of a previous determination to refuse. That can come back to the panel. It has to come  
25 back to the panel for the review. The previous recommendation or the determination was to refuse this application. I note a speaker against and a speaker for. Is Mr Hugh here? Mr Hugh? Not here? All right. Mr Moffatt. Right. You'll have to take a seat near the mic or you won't be recorded. You've seen the recommendation, I presume, for refusal?  
30

MR MOFFATT: I have. Yes.

MR LLOYD: And the reasons for it?

35 MR MOFFATT: Yes.

MR LLOYD: Yes. Thank you. Proceed.

MR MOFFATT: Go ahead? Mr Chairman and panel, my name is Mike Moffatt and  
40 I talk on behalf of Epping Civic Trust, which represents some 450 members of the Epping community. We as a trust have made submissions in objection to this DA to council in November 2018 and again to the local planning panel in April this year. The application was first submitted in October 2018, and a revised application was submitted in June 2019, which contained very few and very minor revisions to the  
45 initial refused application. We understand it is the June 2019 revised application which is the subject of this section 8.3 review.

We remain opposed to approval of this DA. We fully support the council's assessment that the proposal fails for a number of reasons, including the inappropriate bulk and scale of the proposed development in the East Epping Heritage Conservation Area; the demolition of a cottage with heritage value; the  
5 need for extensive and excessive earthworks; the removal of two significant trees, which are prominent in the streetscape; and the loss of some 14 other trees and the proposed siting of this development in a flood affected area. We make the following additional comments. (1), We completely concur with the council's catchment engineer's comment that, "Locating a childcare centre on this site is likely to expose  
10 occupants to risk to life from flash flooding". The occupants at risk are likely to be babies and infants. It should be noted that the revised basement floor level is at RL of 77.58 metres, and this still leaves the basement floor level at close to one and a half metres below water in the worst case probable maximum flood level. Other than raising the basement floor level by 500 millimetres, none of the other flood issues  
15 raised in the council's original notice of determination have been addressed in the revised submission.

And the second item, notwithstanding the council's traffic engineer's assessment the council should not oppose the development on traffic grounds, we remain very  
20 concerned at its traffic implications. The assessment report from the council's traffic engineer advises that, "Based on the analysis and information submitted by the applicant, the proposed development is not expected to have a significant impact on the traffic road network". We believe that the analysis and information submitted was faulty and out of date. The original and revised traffic assessments were  
25 identical. Both indicated their traffic assessments were based upon a Sidra analysis carried out in August 2017.

MR LLOYD: Mr Moffatt, that is your three minutes.

30 MR MOFFATT: I've got about another minute.

MR LLOYD: Well, I can tell you that the panel has considered this matter. We agree with your observations about traffic and we agree with what you've said so far and we agree with the recommendation to refuse. So if you're happy with that - - -  
35

MR MOFFATT: Yes. I'm happy with that.

MR LLOYD: - - - we'll proceed along those lines.

40 MR MOFFATT: Thank you.

MR LLOYD: All right. All right.

MR HUSSEY: So there's nobody here for the applicant to speak.  
45

MR LLOYD: No. No. Who are you?

UNIDENTIFIED MALE: I'm ..... an ex- .....

MR LLOYD: Are you - - -

5 UNIDENTIFIED MALE: But I was going to say that my objections to this proposal are very similar to the ones that he's just said, and in the light of what you've just said, I don't feel it necessary to speak.

10 MR LLOYD: There's no need for you to speak. All right. So, again, the determination of the panel is unanimous. We adopt the recommendation to refuse, as set out in the assessment report. There's one change, two changes, to it. It refers to section 8.3. The application is made under section 8.3, but the determination is made under section 8.4. So we change 8.3 to 8.4 in the recommendation and we add an additional ground of refusal, ground 5, the unacceptable impact on traffic and  
15 parking, particularly during school drop-off times. And that's the unanimous determination of the panel. Thank you very much. So we can move onto item 5.5. This is another childcare centre at 5 Dent Street, Epping. Again, the recommendation is to refuse. So what we do where there's a recommendation to refuse is hear the applicant first. Is anyone here from – for the applicant?

20 UNIDENTIFIED SPEAKER: Me.

MR LLOYD: Do you wish to be heard?

25 UNIDENTIFIED SPEAKER: We would like it to be deferred.

MR LLOYD: Say that again?

30 UNIDENTIFIED SPEAKER: We would like it to be deferred. Our consultants couldn't be here at this time. The only way we could get it at a later date was to come and request it.

MR LLOYD: You are seeking a deferral. Why?

35 UNIDENTIFIED SPEAKER: Just to collate information for storm water.

MR LLOYD: There's a lot of people here. I think we should deal with it.

40 MR HUSSEY: Hear it. Yes.

MR LLOYD: There's a lot of people here. I think we should deal with it.

MR THORPE: All right.

45 MR LLOYD: We note that there are quite a number of people here who went – who are interested in this application and wish to speak against it. We will determine the application now. So we are prepared to adopt the recommendation to refuse unless

there is anyone here who wants to persuade to the contrary. Anyone? No. All right. So the determination of the panel is to adopt the recommendation to refuse the application for the reasons set out in the assessment report. Thank you very much.

5 UNIDENTIFIED SPEAKER: Sorry, Can I just ask a question. Is there a right of review from your refusal? Or is that absolutely final?

MR LLOYD: No, there's a right of review, yes, certainly.

10 UNIDENTIFIED SPEAKER: Excuse me. Is that – will that be of any relevance if we actually have a chance to speak against it?

MR LLOYD: Yes.

15 UNIDENTIFIED SPEAKER: Now?

MR LLOYD: No. We've determined the matter - - -

UNIDENTIFIED SPEAKER: Because otherwise - - -

20

MR LLOYD: - - - it's refused.

UNIDENTIFIED SPEAKER: Yes. But what I'm saying is - - -

25 MR LLOYD: End of story.

UNIDENTIFIED SPEAKER: - - - our objections, if it goes to review, do we have another chance to then be able to - - -

30 MS STEPHENS: Yes.

UNIDENTIFIED SPEAKER: - - - put our point to it.

MR LLOYD: Yes. The answer is yes.

35

MS STEPHENS: Yes.

UNIDENTIFIED SPEAKER: Then that's what I needed to know.

40 UNIDENTIFIED SPEAKER: And how does that note apply?

MR LLOYD: Okay.

UNIDENTIFIED SPEAKER: I'm happy with that.

45

MS STEPHENS: It depends on how they review it. They could either do it as review a determination or they can go to the Land & Environment Court. They're two very different appeal processes.

5 UNIDENTIFIED SPEAKER: So if we requested to speak today, would we receive something in writing from Council notifying us what their - - -

MR LLOYD: You will be notified, as an objector.

10 MS STEPHENS: You'd be notified if a – if another application comes in, an appeal comes in to review it or an appeal comes into the Land & Environment Court, as an objector at this time, you'll be notified if something else comes in.

UNIDENTIFIED SPEAKER: Okay.

15

MR LLOYD: All right. Thank you very much. Now, item 5.6, 52 to 54 Dryden Avenue, Carlingford. Another child care centre. All right. This is an application which has been recommended for approval. So we'll hear anyone who wishes to speak against the application. Mr Bentwich.

20

MR A. BENTWICH: That's me.

MR LLOYD: You have to sit there, near the mic. Tell us who you are and where do you live?

25

MR BENTWICH: I live at 56 Dryden Avenue, Carlingford.

MR LLOYD: Next door?

30 MR BENTWICH: Next door, correct.

MR LLOYD: And you have three minutes.

MR BENTWICH: Okay. Well - - -

35

MR LLOYD: Three minutes, all right. Proceed.

MR BENTWICH: I'm sure I'll only take two minutes.

40 MR LLOYD: All right.

MR BENTWICH: I just don't believe that the survey of traffic flow is correct in that the increase of the numbers goes from mid-30s to 110. So it's a narrow street, it will have problems – we'll have problems, especially with an afternoon between 3.00  
45 and 4.00, when schools finish. It's a narrow street. There's issues in Murray Farm Road which the Council thought would be, this is another development, which is not a child care centre. But the Council thought because of the Metro, cars parking in

Murray Farm Road will dissipate. That hasn't happened, so whether the Council was misinformed on that issue, I don't know.

5 The other issue I've got is there's a large electrical stanchion, which is going to be right next to the child care centre. And there's issues regarding whether these create cancer clusters or not. That, I don't know whether it's been addressed. The third issue I have is it's a small street, there's aftercare, already, and before care, two other places in the street. And it's just becoming a – it's going to just become a school, the whole street. So I just think the number which has been approved is just far too high.  
10 That's my opinion; it's the opinion of others. But obviously, they didn't turn up today. So that's basically it. I don't blame Anton or Lawrence, sorry, in extending his child care centre, because they're just like gold.

15 You know, the Federal Government throws money at them and if I was Anton I'd probably – Lawrence, I'd probably be doing the same thing, if I was his age and not my old senior years. And that's – I haven't had time to look at the, you know, the recommendation. All I know is, apparently, it's been approved. Because I run a tax practice and we've got 800 clients and I spend all my time working on that. Is that it?

20

MR LLOYD: That's your three minutes.

MR BENTWICH: Three minutes?

25 MR LLOYD: Yes.

MR BENTWICH: Oh, well, at least I got to three minutes.

MR LLOYD: Yes. You've done well. You've done well.  
30

MR BENTWICH: Thank you.

MR HUSSEY: Somebody else has put his hand up.

35 MR LLOYD: Do you want to hear the applicant?

MR HUSSEY: No.

40 MR L. KALLMIER: I just would like to support this gentleman. I didn't have time, or didn't put my notice in to speak. But I do support the traffic issues. If there is 109, 130, 132 moved into a retirement facility, they're just around the corner. There's a proposal for traffic lights in North Rocks Road and traffic is already coming through and using it as a back road through. Because it really is a big problem. Well, it is a problem now. It will become a bigger problem. We've got a –  
45 just got about a 900 to 1000 student school in that vicinity. And all the traffic from that, that's horrendous. I live opposite the school and just the other side of the block from this centre, so I'm very aware of them. So the traffic is a – is a major issue.

MR LLOYD: But the traffic report gives it a tick.

MR THORPE: Yes, yes.

5 MR LLOYD: The traffic report gives it a tick.

MR HUSSEY: Mmm.

10 MR THORPE: Yes. I .....

MR KALLMIER: That's me off, then.

MR LLOYD: Do you want to hear from the applicant? Or we just give it a tick?  
15 The recommendation is to approve.

MR THORPE: Yes. I'm happy to approve.

MR LLOYD: You're happy to approve?

20 MR HUSSEY: Yes. But I want to check what are the conditions? I've just realised that.

MR LLOYD: Okay.

25 MR HUSSEY: Yes. Can I check that? I don't know where the applicant's - I'm satisfied with the traffic assessment, the way it is in the report. Can I query one thing with the staff, to see if there's correlation? On page 713 of the report - - -

30 MS STEPHENS: Your page numbers are different to ours.

MR HUSSEY: Oh, okay. Well, the recommendation there's a preliminary site investigation attachment. And the recommendations are based on the finding in the PSI, they recommend that a Hazardous Material Survey should be completed prior to demolition to identify any hazard material. I'm not sure that that condition is a  
35 condition of the approval. There's another ones there. But it seemed to me the HMS is a significant investigation to come in at the right time. So can we crosscheck that that is in the conditions?

40 MS STEPHENS: Mmm.

MR LLOYD: Is the assessing officer here?

MS STEPHENS: Yes. He's down the back. So it's prior to demolition, did you say, that they mentioned it?  
45

MR HUSSEY: It's just that PSI - - -



MR .....: Completed prior to demolition, yes.

MR HUSSEY: - - - was fairly detailed and it has that specific recommendation as to when this study should be done. And I think it's important to be included.

5

MS STEPHENS: It's not really – yes, there is nothing in prior to demolition. There's no condition there.

MR HUSSEY: So could we incorporate those recommendations?

10

MS STEPHENS: Yes.

MR HUSSEY: Okay.

15 MS STEPHENS: We have it down as condition 66.

MR HUSSEY: Okay.

MR LLOYD: I didn't think it was.

20

MS STEPHENS: So it's a lot further down.

MR LLOYD: I thought this was complete here, but - - -

25 MS STEPHENS: It's during works.

MR HUSSEY: Okay. All right, before anything's done, it's probably - - -

MS STEPHENS: There is some asbestos type wording in the demolition condition. But we can strengthen that if you'd like - - -

30

MR HUSSEY: Yes.

MS STEPHENS: - - - like, just to include that.

35

MR HUSSEY: Yes.

MS STEPHENS: Okay. We'll make note of that.

40 MR HUSSEY: Okay.

MR LLOYD: It's 66 conditions.

MS STEPHENS: But we'll include it back - - -

45

MR THORPE: What caveat have you got there?

MR LLOYD: I'm on 615, I've got condition 66.

MR HUSSEY: Yes, well it's not the same, it's not the HMS - - -

5 MR LLOYD: No.

MR HUSSEY: - - - which was referred to in this detailed study.

MS STEPHENS: It's - - -

10

MR HUSSEY: Yes.

MR THORPE: No.

15 MR LLOYD: All right. We'll, with that, we don't need to hear from the applicant. We are prepared to grant consent here. In relation to traffic, there has been a traffic study over seven days, and the traffic report, if I can find it, a traffic – traffic data was collected over seven days traffic survey on Dryden Avenue and it was found that this development would be quite acceptable in the light of that traffic survey. And  
20 we can only go on those numbers.

MR KALLMIER: The only – yes, the only thing is, it doesn't take into account they're going to put traffic lights in on ..... Road and North Rocks Road which is a through road through and 132-person site for the retirement facility in Murray Farm  
25 Road just around the corner. So this is taken in isolation. Agree it may be okay now, but we've got three other – two other things happening which are going to significantly impact. And they're quite independently operated. So you know, this is – I think those things should be taken into account in determining the traffic for the future, not just for now. What's going to happen in the future?  
30

MR LLOYD: Well, I mean, we – we can only go what's in this report.

MR KALLMIER: I understand that.

35 MR LLOYD: Yes.

MR KALLMIER: I'm just saying, my concern is, that those things are being looked at separately. They should be all looked at together, those proposals and the proposals, when they're considered take into account the other proposals that will  
40 impact on traffic.

MR LLOYD: Well, we're only considering this proposal.

MR KALLMIER: I understand that.

45

MR LLOYD: Yes.

MR KALLMIER: I'm just saying this for the Council people.

MR LLOYD: Yes. They're sitting - - -

5 MR KALLMIER: And perhaps for yourselves.

MR LLOYD: - - - they're all sitting behind you.

MR KALLMIER: What's that?

10

MR LLOYD: They're all sitting behind you.

MR KALLMIER: Yes, I know. But perhaps for yourselves the, you know, if you look at something in isolation, it can look fine. But when you look at all the other things that are happening around it, it's, you know, I have to oppose - - -

15

MS STEPHENS: They were considered by the assessment officer. He was aware of the traffic light situation.

20 MR LLOYD: Yes. All right. That's taken on board.

MR KALLMIER: Yes.

MR LLOYD: All right. So the determination of the panel is to adopt the recommendation to approve with the recommended conditions. And that's, again, unanimous.

25

MR KALLMIER: Okay.

30 MR LLOYD: So that deals with that matter, thank you very much.

MS STEPHENS: Have to get the next through.

MR LLOYD: No, we're going to take a break.

35

MS STEPHENS: You're going to take a break. You can have a break, then.

MR LLOYD: We're going to take a 10-minute break.

40 MS STEPHENS: Okay. I'll let them know.

MR LLOYD: All right.

45 **RECORDING SUSPENDED**

**[3.19 pm]**

5 MR LLOYD: All right. Thank you everyone. We can resume the second half of  
this meeting. We've had to split it up because of the numbers. None of you were  
here when we started and when we started we introduced ourselves. So we'll do that  
again. I'm David Lloyd, I Chair this meeting, this panel and a number of other  
panels. I am a lawyer, I am a QC, I am a former Judge of the Land & Environment  
Court, I'm a former Acting Judge of the Supreme Court and I am currently a  
10 Professor of Law at Western Sydney University.

MR HUSSEY: I am Bob Hussey, engineer, planner and former Commissioner with  
the Land & Environment Court.

15 MR THORPE: I'm Richard Thorpe and I'm an architect. I serve on this panel and  
seven others as a former member of the Independent Planning Commission for six  
years, I have retired from my practice 10 years ago and I am here to serve the people.

20 MR McLEAN: My name's Warren McClean, I'm a resident of Epping and I'm the  
community representative.

MR LLOYD: All right. With that, we can move straight onto the agenda. This is a  
proposed child care centre at 1 Bennetts Road, West Dundas. Now is – we have  
notice of two speaks on this application. Is Annemarie Lyons here?  
25

MS A. LYONS: Yes.

MR LLOYD: You're Annemarie Lyons?

30 MS LYONS: I am, I am.

MR LLOYD: This time? For today.

35 MS LYONS: For today. No, I really am Annemarie Lyons.

MR LLOYD: All right. Well, then, please take a seat.

MS LYONS: Okay.

40 MR LLOYD: You have to sit there or you won't be recorded.

MS LYONS: Okay. And can I give you a copy of these?

45 MR LLOYD: Whatever you've got.

MS LYONS: There's four of them. Sorry.

MR LLOYD: Yes.

MS LYONS: Thanks very much.

5 MR LLOYD: First of all, tell us who you are and where you live?

MS LYONS: Okay. My name is – do I have to talk in here?

10 MR LLOYD: You speak and it'll be recording you.

MS LYONS: Okay. My name is Annemarie Lyons and I live at 19 Bennett Road, West Dundas.

15 MR LLOYD: And you have three minutes.

MS LYONS: Okay. I'm speaking on behalf of all concerned local residents. There are legitimate concerns on the validity and the accuracy of the traffic and parking statement conducted by Traffic Solutions on behalf of the applicant. The main entry into Bennetts Road West is into the child care centre off Park Road. The diagram in the traffic assessment showing Bennetts Road West and Park Road entry and exit points is grossly inaccurate. It shows a diagram of a straight T-intersection. This does not represent the real life conditions and layout. That's A1, image A1 and A2. The entry into Bennetts Road West is a single lane, that's image D.

25 Travelling northbound towards the approach towards Bennetts Road West, there is a dip and a bend in the road. And visibility is restricted to the oncoming traffic as you turn right into Bennetts Road West off Park Road, that's image E and D. The guardrail on Park Road is often damaged and replaced from previous accidents, image E. Park Road is a very busy thoroughfare with high volumes of traffic. The extra traffic generated from the proposed child care centre, combined with poor visibility at the main entry and exit point increases the risk of accidents and none of these critical issues have been addressed in the traffic assessment.

35 Another inaccuracy within the report is the traffic count data of Park Road and Bennetts Road West. Residents did their own survey on the 22<sup>nd</sup> of August '19 and found a higher count of traffic on both Park Road and Bennetts Road West. With extra traffic generated by the proposed child care centre, this number will increase significantly, causing serious congestion and increase the risk of accidents. The traffic report also omitted the fact that Bennetts Road West is a designated cycleway and only refers to car movement, not pedestrian or cycle.

45 As this traffic and parking statement has a direct bearing on the approval of the development, we would expect that accurate images be used instead of those supplied by Raw Data who state on their report, "obtained via satellite, may be incorrect," image 1. The residents were able to obtain accurate satellite images without much difficulty. Accurate images of the road layout would allow Council to

make an informed, precise decision of the effect the proposed child care centre would have on the safety of people, which should always be their prime focus.

5 For the reasons raised, we have no faith in the provided traffic and parking assessment and request another independent assessment be taken to satisfy all parties and address the issues raised by myself on behalf of the residents here today. Thank you.

10 MR LLOYD: All right. Thank you.

MS STEPHENS: Thank you very much.

MR LLOYD: Mr Singer?

15 MS LYONS: Jane is going to speak on behalf of Mr Singer. He couldn't make it from work.

MR LLOYD: All right.

20 MS J. BOUCHER: My name is Jane Boucher. I am a resident of Dundas and I live in number 5 Weerona Place.

MR LLOYD: Are you speaking for Mr Singer?

25 MS BOUCHER: I am speaking on behalf of Mr Singer.

MR LLOYD: Yes. And what number did you say? What number?

30 MS BOUCHER: 5 Weerona Place. 5 Weerona Place.

MR LLOYD: Thank you.

MS LYONS: 5 Weerona.

35 MS BOUCHER: But Greg is - - -

MS LYONS: And Greg is 19 Bennetts Road West, as well.

40 MS BOUCHER: - - - 19 Bennetts Road West.

MR LLOYD: Thank you. All right.

45 MS BOUCHER: Sorry. I would like to raise the following concerns about the proposed child care centre at number 1 Bennetts Road West, Dunas, 2117. On site car parking, neighbourhood character area and child care spaces for centres with more than 40 children. As stated in the plan of management document, submitted with the DA to Council, the breakdown of children and carers is 57 children and 9

carers. It is a requirement of Parramatta Council that one on site car parking space is provided for every four children in care. This equates to a total of 14 car parking spaces for the parents to pick up and drop off their children. There is a total of 15 on site car parking spaces with the proposed development.

5

The allocation of on site parking is nine car spaces for parents and six car spaces for staff. This does not comply with the Council's DCP of one car space for every four children in attendance. With on site car parking spaces inadequate for both staff and parents, they will be parking on the narrow street which will also prevent neighbours and their family from parking in front of their own premises. Front setback of the proposed development is less than 5 metres. This affects the aesthetic outlook of the street, as all houses in the street to the east of number 1 Bennetts Road West have a setback of 11 metres. This proposed development has a direct impact on the streetscape of the neighbourhood.

10

15

Council's development control plan 2011 has Bennetts Road West as identified in a neighbourhood character area. As stated in the Council's DCP A4, the character descriptions are intended to be used to help a development proponent and the community identify the features of housing character types prevalent in proximity to a development proposal and provide guidance on compatible design themes. Resident's input have not been considered. Nor have we been consulted in the design of this development. A 7-metre setback of the proposed development is out of character with the rest of the houses in the street.

20

25

This child care centre does not comply with Council's Development Control Plan 2011 part 5.2 which is Maximum Number of Child Care spaces. This states:

*Council will only permit a child care centre in a Residential zone with more than 40 places where:*

30

- a minimum of 33% of the place are provided for children under 2 years of age;

This development does not comply, as there is only 12 spaces provided for children under 2 years of age, which is only 20 per cent.

35

MR LLOYD: That's your three minutes.

MS BOUCHER: Thank you for your time.

40

MR LLOYD: Good. Thank you. Now, is anyone here from the applicant? Anyone here from the applicant? No.

MR HUSSEY: But can I just clarify with you – you said, how many car parking spaces to you understand is to be provided?

45

MS LYONS: 15.

MS BOUCHER: 15, yes. I wasn't sure.

MR LLOYD: Where's the report?

5 MR HUSSEY: Yes, that's it.

MS LYONS: 14 ..... There's a total of 15.

10 MR LLOYD: The report says that there is a shortfall of one car space. And the issue was resolved by allocating the nominated turning bay as a car space. Council's traffic engineer noted there was sufficient room in the basement for appropriate vehicle manoeuvring without the allocated turning bay area. So that would mean it would comply.

15 MR HUSSEY: Yes. And the other thing I wanted to query – the front setbacks, what front setback did you have?

MS LYONS: They're proposing a seven-metre setback.

20 MR THORPE: And you were suggesting 11 metres for the rest of the street?

MS LYONS: Yes. But it's actually 11 metres for everybody there at the moment.

25 MR HUSSEY: Well, the control on page 789 says front setback control five to seven metres, prevailing street setback, proposed seven metres. Which means it would comply.

MS LYONS: But the proposal is five metres setback.

30 MR HUSSEY: Well, it says on the assessment report, proposed setback seven metres.

MR LLOYD: Seven metres.

35 MR HUSSEY: So it does comply. It's just difficult if the application does comply with a numerical control.

MR LLOYD: Yes, we've got .....

40 MR THORPE: Yes, yes. And this one - - -

MR LLOYD: Yes.

MR THORPE: Yes.

45 MS LYONS: It's hard to interpret it when it's not you that's written it, you know. And the person's not here to - - -



MR HUSSEY: Well, that's what the report says. So that's what we've got to deal with.

MS LYONS: Yes, yes.

5

MS BOUCHER: And what about:

*The development does not comply within 12 spaces provided to children under 2 years of age.*

10

MR HUSSEY: Well, I don't know where that is.

MS STEPHENS: Sorry, did you have a reference to the DCP section that was from?

15 MS BOUCHER: What part of it – which one – which part are you?

MS STEPHENS: Yes. The 12, the children – did you have that?

20 MS BOUCHER: Yes. Plan 2011, part 5.2 and that's for the Maximum Number of Child Care spaces.

MS STEPHENS: Oh, okay. Yes, the 40 children? Is that what you're talking about?

25 MS LYONS: Yes.

MS STEPHENS: Yes. Unfortunately, the State Government regulations came in and Council can no longer apply that control.

30 MR LLOYD: The State - - -

MS STEPHENS: State Government - - -

MR LLOYD: - - - regulation trumps the Council's controls.

35

MS LYONS: That would be right.

MS STEPHENS: It specifically says we can't restrict the number of children in an R2 zone any more. So that's why that bit is there.

40

MR LLOYD: All right. Panel, decision? Go with the reg?

MR THORPE: Yes. Is there anything we can do with the traffic note?

45 MR LLOYD: Yes.

MR McLEAN: I go back to my comment in the bus.

MR LLOYD: Yes. Go with the reg?

MR HUSSEY: I was going to say .....

5 MR LLOYD: Well, that's not here.

MR HUSSEY: Can I ask the planning people - - -

MR LLOYD: Yes, yes.

10

MR HUSSEY: - - - whether it is? I was going to check with the applicant, but they're not here. When I look at the plan, one of the things is the application. The proposal should be reasonably compatible with the neighbourhood.

15 MS BOUCHER: Yes.

MR HUSSEY: One area, element that I don't think is all that great is at the front entrance where the ramp is to the car parking on the - - -

20 MR McLEAN: Eastern side.

MR HUSSEY: - - - Eastern side, is it?

MR McLEAN: Yes.

25

MR HUSSEY: It's just got a concrete path along the fence. And I was wondering whether some complimentary landscaping can be put in there to screen it and make it fit in a little bit better? So I ask the staff, then, is that a condition that might be reasonable to put a landscaping strip where that concrete path is? Given that the

30

MS LYONS: What type of landscaping are you suggesting?

MS STEPHENS: To the east, adjacent to the ramp.

35

MR HUSSEY: Whatever the appropriate – some screening.

MS LYONS: Screening - - -

40 MS STEPHENS: Yes, we could do that.

MR LLOYD: Yes.

MS LYONS: I mean, we appreciate the fact that that is what you're proposing. I

45

MR HUSSEY: I understand that.

MR LLOYD: Yes, we understand that.

MR HUSSEY: That's addressed.

5 MS LYONS: And that's why we need to have another independent - - -

MS BOUCHER: Traffic report.

10 MS LYONS: - - - traffic report done.

UNIDENTIFIED SPEAKER: May I speak? Or - - -

MR HUSSEY: The Chairman.

15 UNIDENTIFIED SPEAKER: May I speak, sir?

MR LLOYD: Sorry?

20 UNIDENTIFIED SPEAKER: And may I speak?

MR LLOYD: And what do you want to say?

25 UNIDENTIFIED SPEAKER: I just wanted to say I totally agree. It's the traffic, I think, that most of us are very, very concerned about. All of us had had near missed up there.

MS LYONS: Yes.

30 UNIDENTIFIED SPEAKER: It's three houses, it's right near the corner. You have no idea what that corner's like.

MS LYONS: It's right close to the bend.

35 UNIDENTIFIED SPEAKER: All of us have had near misses.

MR LLOYD: Well, I have to say, we have a report from the Council's traffic engineer, who gives it a tick. He says - - -

40 MS BOUCHER: Was he – has he physically been there?

UNIDENTIFIED SPEAKER: Well, I respectfully disagree, I'm sorry. He doesn't drive there.

45 MS LYONS: It's a really dangerous turn and you really have to come right out before you can see what's coming down the road. It's really bad.

UNIDENTIFIED SPEAKER: It's a one-car road.

UNIDENTIFIED SPEAKER: It's a one car road. It comes up – you've got cars parked over. So if you come up there, you want to make a swift turn - - -

5 MS LYONS: And currently cars parked on both sides of the road.

MR LLOYD: I mean, we visited the site earlier in the day.

MS LYONS: Okay.

10 MR LLOYD: So we're familiar with where it is.

UNIDENTIFIED SPEAKER: When there was no cars parked on either side of the road.

15 UNIDENTIFIED SPEAKER: It wasn't overly busy this morning.

UNIDENTIFIED SPEAKER: Yes. That's true.

20 UNIDENTIFIED SPEAKER: It would have been what time of day?

UNIDENTIFIED SPEAKER: This is before, though, you know?

MR LLOYD: Well - - -

25 UNIDENTIFIED SPEAKER: The problem is that – you know, it's not just the busy-ness of it. It's when you get cars situated on either side of Bennetts Road West. Cars are turning in, coming up, turning out, and if you're going to have all of these people coming in between 7 and 9 am of a morning or in the afternoon, there is going to be an accident. It's inevitable, and this is what we don't want to have happen.

30 UNIDENTIFIED SPEAKER: All the St Patrick's children, ..... adults - - -

MR THORPE: Can I just ask, the circumstance that you're concerned about is that people are coming in and out of the proposed childcare centre - - -

35 UNIDENTIFIED SPEAKER: Yes.

MR THORPE: - - - and you're saying the risk is people coming from - - -

40 UNIDENTIFIED SPEAKER: Park Road.

MR THORPE: Doing that turn?

45 UNIDENTIFIED SPEAKER: Yes. But also - - -

UNIDENTIFIED SPEAKER: And turning.

UNIDENTIFIED SPEAKER: - - - coming from here and going in as well.

MR THORPE: Going this way as well.

5 UNIDENTIFIED SPEAKER: Yes. As well. Towards Kissing Point Road.

UNIDENTIFIED SPEAKER: And that's the dangerous one I spoke about. So that's the - - -

10 UNIDENTIFIED SPEAKER: And the proposed childcare centre is literally the second – second?

UNIDENTIFIED SPEAKER: Third.

15 MR THORPE: Yes.

UNIDENTIFIED SPEAKER: Third house along. And with cars parked along both sides of the road currently, before this - - -

20 UNIDENTIFIED SPEAKER: And you can be turning into that street - - -

MR THORPE: And would it help, for example – I mean, I can't quite tell you how many - - -

25 UNIDENTIFIED SPEAKER: Yes. Go on.

MR THORPE: I think we're about here with ..... If there was no parking allowed here, would that help?

30 UNIDENTIFIED SPEAKER: It is a double line.

UNIDENTIFIED SPEAKER: It would have to go all the way along, you know? It would have to go all the way along.

35 MR THORPE: Well, I mean, to my mind, I appreciate what you're saying to some extent. I mean, the double lines extend, I think, to about there in the photograph. Okay. Thank you.

40 MS LYONS: My problem with the no-parking is that residents have to suffer, rather than – and the proposed development is supported, rather than the residents.

UNIDENTIFIED SPEAKER: And then who would monitor the no-parking rule along there? Because people will just stop, because they - - -

45 UNIDENTIFIED SPEAKER: It's convenience.

UNIDENTIFIED SPEAKER: For convenience. Exactly right. Because they won't be able to - - -

UNIDENTIFIED SPEAKER: It will happen.

5

UNIDENTIFIED SPEAKER: Or they won't have the time to go down into the car park. There won't be spaces available for the volume of people coming in all en masse when - - -

10 MS LYONS: It's human nature.

MR THORPE: No. What I meant was that normal parking would not be allowed there, so that it was free for people dropping off their children, to stop for 10 minutes or something. See, what often happens with the childcare centres, the parking spaces  
15 in the street in proximity to the childcare centre are taken by residents, let's say.

UNIDENTIFIED SPEAKER: Yes.

MR THORPE: And, therefore, you get precisely what you're concerned about – is  
20 that people are – there's nowhere to go - - -

UNIDENTIFIED SPEAKER: No. Exactly. Exactly.

MR THORPE: - - - and – I don't know, I guess I've had the privilege of looking at  
25 about, I don't know, 16 centres in the last 12 months, and every one of the childcare centres has the same problem. I mean - - -

UNIDENTIFIED SPEAKER: But it's the putting it in a residential area which is  
30 really difficult, because people wanting to park on this side, even to drop off their children, they're going to have to go down to the dead end, the cul-de-sac down the end of Bennetts Road West - - -

MR THORPE: Turn around.

35 UNIDENTIFIED SPEAKER: - - - or into the Weeroona Place as well. I mean, and just to come back around to stop there for 10 minutes, potentially, that if it is 10 minutes, and that's - - -

MS LYONS: People won't .....

40

UNIDENTIFIED SPEAKER: No. No. No.

UNIDENTIFIED SPEAKER: The double parking as well for the garbage trucks coming down is – it's almost impossible.

45

UNIDENTIFIED SPEAKER: Already for ..... - - -

UNIDENTIFIED SPEAKER: And council have sent us a letter about that asking us not to park.

MR THORPE: Yes.

5

UNIDENTIFIED SPEAKER: .....

UNIDENTIFIED SPEAKER: .....

10 MR THORPE: Okay. Okay. Thank you. Let's leave it there.

MR LLOYD: All right. Just a moment. Does the panel have any more questions of anyone?

15 MR HUSSEY: No. No.

MR LLOYD: Any more questions?

MR THORPE: No. I don't.

20

MR LLOYD: All right. Page 797 is the summary of the council's traffic engineer's report. We'll just read this report. Do you want to add that bit about the landscaping?

25 MR HUSSEY: Yes. I would, if that - - -

MR LLOYD: Yes.

MR HUSSEY: - - - doesn't cause any problems, the landscaping condition.

30

MS WANG: So the landscaping condition, I just realised – that section on the eastern side of the driveway is actually emergency egress. So on the emergency evacuation plan as nominated to the .....

35 MR HUSSEY: Okay.

MR McLEAN: Okay. Okay.

40 MR HUSSEY: The traffic report's that's there, the summary of that is that the intersection was modelled and Sidra is the modelling, and that can look at the level of service that a road can provide, and parking. It seems to come up that it's a reasonable level of service.

UNIDENTIFIED SPEAKER: It's general, not specific to our - - -

45

MR HUSSEY: No. This modelling - - -

MR LLOYD: It is. They did modelling right here.

MR HUSSEY: - - - was done on that particular intersection. There's turning movements going each way.

5

MR THORPE: Yes. But in all fairness, I think the difficulty with the Sidra modelling and the sort of reports that are done, they're talking about the general traffic. They're not talking about what is happening when people are dropping off at a childcare centre.

10

UNIDENTIFIED SPEAKER: Yes.

MR THORPE: I mean, the intention of those studies is not to do with the childcare centre. It's to do with the amount of increased traffic, perhaps, to do with the childcare centre - - -

15

MR LLOYD: Yes.

MR THORPE: - - - but it's not dealing with modelling how you get in and out of the childcare centre or where people park, and that's the problem with every one of these things that I've come across.

20

UNIDENTIFIED SPEAKER: Yes. Not to do with human nature.

25 MR HUSSEY: Yes.

MR THORPE: And it's not in the - - -

MR HUSSEY: But there's an underlying principle - - -

30

MR THORPE: It's not in the legislation, frankly, to do the sort of modelling that we are talking about, I think.

35

MR HUSSEY: And there's an underlying principle that's been drummed into me over the years that you do expect people to obey the laws. So there are traffic laws out there and double parking, these sort of infringements, in planning you have to assume that people obey the laws, and I take a deep breath.

UNIDENTIFIED SPEAKER: We understand. It's just the proximity of it. It's just too close to a corner that's just making it dangerous before anything else has even entered into the - - -

40

MS BOUCHER: It's not against pre-school, ..... per se.

45 UNIDENTIFIED SPEAKER: It's just the wrong location.

MR LLOYD: All right. So what do you want to do?



MR HUSSEY: Well, is it - - -

MS LYONS: And there's three others in the area.

5 UNIDENTIFIED SPEAKER: Four. Four, Anne Marie. Four.

MR McLEAN: Can we recommend something that's in relation to traffic?  
Parking?

10 MR LLOYD: We can refuse it on that ground, but it's not supported by the traffic expert.

MR McLEAN: I'm not suggesting that we refuse it. I'm suggesting we support it, but in terms of managing that traffic – we were there today. It's a tight street. It is a  
15 tight street.

MR HUSSEY: It is.

MR LLOYD: It is. It is.  
20

MR McLEAN: It is a very tight street, and that's what I said on the bus - - -

MR LLOYD: Yes.

25 MR McLEAN: - - - without even hearing the whole intersection drama.

MR LLOYD: Yes. What do you think?

MR HUSSEY: I have to support the recommendation because the options are that if  
30 the application was refused and there's a recommendation there, the applicant could appeal the refusal to the court. There could be a court case on the thing. I don't know what the outcome is, but there's quite a reasonable possibility with those recommendations and the method that they've done to assess it that it would be conditionally approved, and then there's a lot of extra expense for counsel, the  
35 ratepayers' money and for the applicant along the way.

UNIDENTIFIED SPEAKER: Isn't safety paramount though?

MR HUSSEY: I think that really if all we could do is make a recommendation that  
40 in the future that the strategic planners look at this problem to see if there's a more accurate way of assessing the capacity and safety of streets.

UNIDENTIFIED SPEAKER: That's fine for the future. It's not really helpful to us  
45 now.

MR HUSSEY: Yes. I know.

UNIDENTIFIED SPEAKER: Can we have another independent report?

MS LYONS: Because really and truly though, the maps that they've done are supporting the development, but they're not supporting the reality of the way .....

5

MR LLOYD: Well, what we could do is defer it and ask for a further updated traffic report?

MR THORPE: I would like that.

10

MR McLEAN: And to those people that are here, I think fundamentally the development meets the requirements. We acknowledge the traffic and we were there this morning, and we highlighted – there was a couple of us highlighted that issue was a – it's a very tight street.

15

UNIDENTIFIED SPEAKER: Yes.

MR McLEAN: So I think, you know, taking on board the comments in relation to the intersection particularly, that's obviously paramount, and if there's been actual incidents there before – yes. I think there needs to be some focus on that particular intersection, because again, in terms of peak drop-off and pick-up with parking on either side of that street, and I'm looking at the planners. You guys know what it's like in some of those tight streets around Dundas. Yes.

20

MR LLOYD: I mean, this proposal complies with the statutory requirements - - -

MR THORPE: Yes.

MR HUSSEY: Yes.

30

MR McLEAN: Yes.

MR LLOYD: - - - for a childcare centre, and as I said earlier, the state control trumps the council's control and it complies. The only issue you've raised that causes us to hesitate in approving this is what you've spoken about about the traffic and parking situation. And I'm inclined to defer it and have a further traffic study done to see whether the traffic and parking situation can be managed, particularly having regard to the narrow nature - - -

35

MR McLEAN: Yes.

40

MR LLOYD: - - - of Bennetts Road itself during pick-up and drop-off times.

MR McLEAN: Yes.

45

MR LLOYD: That's my suggestion.

MR HUSSEY: I'll support the deferral - - -

MR LLOYD: Yes.

5 MR HUSSEY: - - - to see if you can review the traffic information and see if there's something specific to this street that - - -

10 MR THORPE: Well, I think that the study that's required is directly related to exiting and entering the childcare centre at peak times of morning traffic, given the number of cars. I don't think there should be any more assessment of the intersection and the load and the consequence 3 kilometres away. That's irrelevant. It should be totally fixated on the safety aspects relative to the proposed childcare centre.

15 MS BOUCHER: Yes. The load of traffic coming in, turning in, coming out. Exactly.

MR LLOYD: Well, I think that's unanimous - - -

20 MR McLEAN: Yes.

MR THORPE: Yes.

25 MR LLOYD: - - - and that's the determination of the panel.

UNIDENTIFIED SPEAKER: Thank you. Thank you.

MS LYONS: Thank you very much for your time.

30 MR LLOYD: Thank you for your input. All right. Item 5.8, 61 Fennell Street, North Parramatta, a 19-room boarding house. It is recommended for approval. So we will hear those who wish to speak against it. Mr Chieu.

35 MS CHIEU: Ms.

MR LLOYD: Ms Chieu. Tyen is a female name, is it?

MS CHIEU: Sorry?

40 MR LLOYD: Tyen?

MS CHIEU: Tyen. Yes. It's a female.

45 MR LLOYD: It's a female name.

MS CHIEU: Well, apparently it's a male one too now, but that's my name.

MR LLOYD: Your name and address, please.

MS CHIEU: Yes, Tyen Chieu. Address is 2/59 Fennell Street, North Parramatta.

5 MR LLOYD: No.59.

MS CHIEU: Yes. So I am the – I live in the adjoining the property.

10 MR LLOYD: In those apartment block?

MS CHIEU: The townhouses.

MR LLOYD: Townhouses. Yes.

15 MS CHIEU: Yes.

MR LLOYD: You have three minutes.

20 MS CHIEU: Okay. So due to the time restriction, I guess I'd like to discuss the main point where I believe is the most significant personal impact to me as an occupant of the adjoining property, and that relates to overshadowing and solar access. So the requirements stipulate that there needs to be a minimum of three hours between the 9 am and 3 pm for the adjoining property, with a minimum of 50 per cent of natural light for the private open space. So that's what the requirements  
25 say. In the report prepared by the developers, it states that there are eight units. That's actually incorrect. In our block, there are four townhouses. So actually only four units, all double-storey, and the internal and external living areas are obviously on the ground floor. Shadow diagrams were submitted by the developers and they acknowledge that they overshadow our property between the hours of 9 am and 12  
30 pm, and that they generously still provide me with three hours of natural light between 12 pm and 3 pm.

This is actually incorrect, because in my property, there are only four windows, four  
35 small windows facing east, which is facing the proposed development. There are no windows facing – well, there is one window facing west and that's in the toilet. So it doesn't really do much. So for them to say that I still have three hours of natural light on the shortest day of the year, being the winter solstice, that's incorrect. I think the requirements also state that where existing developments currently receive less than this, the – less than the minimum requirements, that this should not be  
40 unreasonably reduced. I'd like to point out that it's not just unreasonably reduced. I think it's incompletely – sorry, it's completely reduced. So currently, if I'm lucky, the longer – in the longer days during the summer I have about three hours of natural light from 9 to 12 pm. In winter, lucky if I get two hours. That will be completely taken from me. And I think that it's a basic right, as an occupant of a property, that I  
45 get some natural light. I don't ask for much, but two hours is already very minimal, and for that to be taken away is just unreasonable.

The developers have said that they want to maximise their R4 development potential whilst maintaining reasonably amenity to the adjoining properties, and that it's an acceptable impact. As I pointed out, it is not acceptable for me to be – to – to not have any access to natural light whatsoever. I think it also needs to be pointed out  
5 that the setback requirements as well as the transition requirements are noncompliant, and that will exacerbate the issue of minimal – non-existent solar access to me, living in the adjoining property. They've – they've brought it as far forward as they can, as close to the perimeter to my side as they can. So the massive three-storey building, and taking up as much room as they can, will only block as  
10 much sunlight as – as available – that's already not available.

They've pointed out that it is not a result of poor design for their application, it is a result of the location of my open and – my internal and external open – sorry – living areas. I think it needs to be pointed out that I cannot change where my living area is.  
15 My property was built over 15 years ago. I can't physically reconfigure my house, whereas they can change their plans. They can change their design. At the last meeting in April they offered a conciliation meeting, and before I even finished my first sentence stating about – stating my – my issues about the overshadowing, the town planner for the developer pretty much butted in and said that, "Oh, how about if  
20 we knock off the third floor?" So they're obviously very much aware of the impact on solar access. The council's report also states that the key issue that still has not been addressed is the size and footprint on this site. They – they had previously advised the developers to decrease the number of units. And that approach, though, has not been adopted.

25 So I – I think – I guess, in summary, what I'd like to – to say is that the developers as well as the council is very much aware about this impact – this huge – you – you guys visited the site this morning. It's a narrow block. You know, I – we bought the place. I anticipated that it was going to be developed. Two-storey units,  
30 townhouses, whatever. But for a three-storey, 20-bedroom boarding house – there's 19 bedrooms with one for the manager – and then two basement-level car park – see, we're talking excavating six metres down on highly reactive clay soil. It is not – it is not appropriate for that site whatsoever.

35 There's a boarding house that has been proposed across the road, eight – eight rooms. It still looks like it fits in. It's fine. No one objected. But for some – a monster of a building like this to go up on the corner, that's just inappropriate. And for us to write several submissions to council and for several noncompliant areas and – to – to still be passed, and for the developers to be given so much concession –  
40 because it's a minor concession here about the roof. There's a minor concession over here about the setbacks. It all adds up to be a major concession that is being allowed to the developers. So what – what I would like to ask - - -

45 UNIDENTIFIED FEMALE: That's three minutes.

MS CHIEU: - - - is that the – sorry?

MR LLOYD: That's – that's your three minutes.

MS CHIEU: Yes. Well, what I – I would like to ask is that the panel considers this, because despite two submissions, that we're not being heard as the neighbours.

5

MR LLOYD: All right. Thank you.

MR THORPE: Could I ask a question?

10 MR LLOYD: Oh, yes. Just a moment.

MR THORPE: Yes.

MR THORPE: Ma'am – sorry. Just confirming, are you at 59 Fennell Street?

15

MS CHIEU: Yes.

MR THORPE: Are you at the street end or further back?

20 MS CHIEU: I'm the second from the front. Do you have the shadow diagrams there?

MR THORPE: Yes, yes.

25 MR LLOYD: Yes.

MS CHIEU: Can I point out to you which is mine?

MR LLOYD: Come forward, please.

30

MR THORPE: And this is - - -

MS CHIEU: So I submitted this to council with bright red circles on where my property is.

35

MR THORPE: Which one – are you – which - - -

MS CHIEU: So - - -

40 MR THORPE: ..... you want to do? Here – here – is this - - -

MS CHIEU: Yes. So – yes.

MR THORPE: Your property is here?

45

MS CHIEU: So the one from 9 am till 12 pm.

MR McLEAN: Yes.

MS CHIEU: Yes. So that's – that's our courtyard.

5 MR McLEAN: Right.

MS CHIEU: That's our living area.

MR McLEAN: Yes

10

MR THORPE: Right.

MS CHIEU: Because number 1 is there, and we're number 2, so we're the second half here.

15

MR THORPE: Okay.

MR McLEAN: Yes.

20

MR THORPE: Okay.

MS CHIEU: Yes.

MR THORPE: So you're in – in this bit here.

25

MS CHIEU: Sorry. I'm just going to do this bit.

MR McLEAN: Yes.

30

MS CHIEU: Yes. So that's our courtyard.

MR THORPE: Yes.

MS CHIEU: Living area is here.

35

MR THORPE: Yes.

MS CHIEU: So no – and then the windows face this way.

40

MR McLEAN: Yes.

MS CHIEU: The only window facing west is the toilet at the back there.

MR McLEAN: And that's down here? Right.

45

MS CHIEU: And that's west, and that's the only time we'll get sunlight once this three – three-storey building goes up.

MR THORPE: And what – what level are you on?

MR McLEAN: 1 and 2.

5 MS CHIEU: Level 1 and 2.

MR McLEAN: Yes. It's a townhouse.

MS CHIEU: It's a two-storey townhouse.

10 MR McLEAN: Yes. Two - - -

MS CHIEU: Living area is downstairs.

15 MR THORPE: Right. So that's 9 am. This is - - -

MS CHIEU: That's the only time we get natural light in our unit, from 9 am till about 11, 11.30 am. And so this is the afternoon.

20 MR THORPE: And then, 11 am – then the sun – at 12 noon - - -

MS CHIEU: Moves back there.

MR THORPE: - - - the sun is there, and then it's come around - - -

25 MS CHIEU: Yes. And then - - -

MR THORPE: But the sun's not getting this way for you at all, then.

30 MS CHIEU: No. No windows, except for the toilet. So I think it's a basic right that I'm asking for, some natural light. What I was expecting was that they were going to downgrade it to a two-storey building, fair enough. One – one basement-level car park, fair enough. But three levels and then two basement levels, that's not appropriate for that - - -

35 MR McLEAN: Okay.

MS CHIEU: - - - for that site.

40 MR THORPE: Okay.

MR LLOYD: Thank you.

MR THORPE: Thank you.

45 MR LLOYD: All right. Who's next? Yes, Mr - - -



MR B. McCLELLAND: Bruce McClelland.

MR LLOYD: Bruce McClelland. All right. For the record, your name and address.

5 MR McCLELLAND: My name is Bruce McClelland. I live in number 2 Short Street, North Parramatta.

MR LLOYD: 2 Short Street.

10 MR McCLELLAND: Yes. Which is just across from the cemetery, yes.

MR LLOYD: I'll just get my bearings.

MR McLEAN: On the eastern side of the cemetery.

15

MR LLOYD: 2 Short Street. I see. Yes. I know where you are. Okay. Three minutes.

20 MR McCLELLAND: Thank you. Thank you to the chairman and the panel. I'd like to raise a concern that the proposed development is of a scale – a size and scale out of keeping of the provision of the City of Parramatta DCP 2011 Special Character Areas, in particular, section 4.2.2, one, North Parramatta, All Saints Cemetery. The proposed development is a poor attempt to address provisions of this piece to preserve the heritage elements of the cemetery area, in particular that the  
25 development be of a scale to – of a – which is termed as a low scale in keeping with the village atmosphere of the area. Particularly, there are a number of design controls that I perceive that the – the proposed development does not comply with, particularly C4, C5, C13, C17, C33 and C35 along Fennell Street and Brickfield Street. In particular, too, as mentioned before, setbacks, and also raise concern  
30 around the garaging – the garage provisions of this. It's also, frankly, a – a pretty poorly-designed building, and it's not very attractive. Three – three storeys, as has been mentioned before, with two of basement parking is a fairly significant building envelope outside of the character of the area. You visited today. You'll see  
35 predominantly it's two storey. Most – and this is a very large development, a very narrow block that the – that has been proposed to put this on. The building sits in the southwest corner of the All Saints significance area. It's a key corner of that. The main piece I'd like to talk about would be that in the provisions that were put forward for Brickfield Street under the special significance area was that redevelopment, where it does comply – “strictly complies” is the language used – a  
40 two-metre setback.

*Any other form of development require a 12-metre setback.*

45 Obviously alluding to the fact that they'd expect the amalgamation of other sites, and a larger-scale development, perhaps of this size, would be set back further away from Brickfield Street. Also in C35 of the special character area:

*Garages and carports must be established to the rear of the property and accessed from side streets and not be visible from the street.*

UNIDENTIFIED MALE: Yes.

5

MR McCLELLAND: The proposed development, frankly, is of a scale – and is – is not particularly an attractive development, and just really appears to be to try and maximise the – the buildable land and not leave a particularly piece on the very edge of a significance area.

10

MR LLOYD: Thank you.

MR McCLELLAND: Cool. Thank you.

15

MR LLOYD: Is Mr Lai here? Yes.

MR H.K. LAI: Yes. Yes.

MR LLOYD: Again, name and address.

20

MR LAI: Yes. My name is Heng Keong Lai. I'm from unit number 4, 59 Fennell Street.

MR LLOYD: Thank you. Proceed.

25

MR LAI: Yes. I would like to express the interest of the council. To have two basement level, which is about – around six to eight metres below the ground level of the proposed development, and also it will be about two – few metres below the flood channel just behind the property. And I would like to know that – will there be a geotechnical report provided with and assessed prior to the DA approval? Or will the DA approve, then you look and assess on the geotechnical report? What happen if the geotechnical report says that it's not in favour to – to excavate such a deep – deep level of excavation after the development approval has been approved? And what will happen to that process later?

30

What we are most afraid of is the structural damage that will be incurred during the construction ..... be after the – or even though after the construction, and there'll be some damage to our adjacent properties, and who will be responsible for the damage repairs? Yes. And one more thing is the – the zone is prone to be highly acid sulfate soil, and one of the complaints in the submission, they says that acid sulfate soil is below – not in the – one of the ..... I don't know what's the regulation of that, but if that is not recommended to be assessed for the acid sulfate soil for that zone. And for that area, it's really known – is a – previously history – known as the natural creek where water is flowing underneath the ground and very highly ..... oil. So I will ask the council to reassess that proposed two level basement, rather to have a joint technical report assess prior to the DA approval and I will strongly – the

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building for the three storey high and two level basement is too big for that piece of land. If it's for the two storeys and one level basement I'm okay with that.

5 MR LLOYD: All right. Thank you. That's your three minutes.

MR LAI: Thank you. Thank you.

MR McLEAN: And sorry, Mr Lai, for clarification, are you at the back of your - - -

10 MR LAI: Yes. I'm from unit 4 and - - -

MR McLEAN: Yes. So you're the closest to the canal?

15 MR LAI: Canal. Yes.

MR McLEAN: Yes.

MR LLOYD: All right.

20 MR LAI: Okay.

MR LLOYD: Thank you. Ms Hudson. Again, for the record, your name and address, please?

25 MS HUDSON: Thank you. My name is Glenda Hudson. I live at 49 Moffatts Drive, Dundas Valley.

MR LLOYD: Where?

30 MS HUDSON: 49 Moffatts Drive, Dundas Valley.

MR LLOYD: Yes.

35 MS HUDSON: And I'm quite familiar with Fennell Street, so I was very concerned about the proposed development and I just wanted to – the previous speakers have already mentioned some of the problems with the development. I would just like to also add the building height. It exceeds the PLEP controls. At 11.69, it sets a precedence for other boarding houses to possibly exceed the building height limits, as well. And, also, the excuse that the developer uses is that the area that it's on is flood prone. I would just like to question why a boarding house is being built on a flood prone area. If it has got to exceed the building height limit because of that reason, it seems to be very – sort of a bit reckless to put a boarding house on there.

45 And the other point I would just like to make is the other speakers have already mentioned about the overshadowing, the setbacks, which I also had. But I was concerned about the removal of trees and the landscaped area falls very short at 40 per cent – sorry, only 23.3 per cent of the 40 per cent that's normally allocated. This

seems to be very short. Even if it doesn't have to comply to the DCP, it seems very short. There's also the deep zone is only at 12.4 per cent, when there's 30 per cent required by the DCP. That seems very short for a four storey – for a storey building like that.

5

Also, in the plan the internal communal living area is on the first floor with no connection to the communal outdoor space. It does not have additional communal living area required of class 3 boarding house. It seems to be a failure in the design that that can't be supplied, a communal – a second communal living area. And, also, I would like to express a bit of concern about the special character area of All Saints Cemetery with - - -

10

MR LLOYD: That's your three minutes.

15 MS HUDSON: Okay. Thank you very much for your time.

MR LLOYD: Thank you.

MS HUDSON: Thank you.

20

MR LLOYD: Is anyone here from the applicant?

MR MORSON: Yes. We're acting for them.

25 MR LLOYD: Who have we got here?

MR MORSON: We've taken the view that the council supports – so I'm the architect.

30 MR MARTIN: Architect Peter Morson, town planner Andrew Martin, and the owner, Mr .....

MR LLOYD: Right. Well, the panel may have some questions of the applicant. We do.

35

MR MARTIN: Yes. Certainly.

MR LLOYD: So who – these are technical questions.

40 MR MARTIN: Yes.

MR LLOYD: Who wants to answer them?

MR MARTIN: I will answer them, but I may refer to the architect for support.

45

MR LLOYD: Well, someone has to be recorded.

MR MORSON: We could both sit at the mic. We don't mind and this - - -

MR LLOYD: All right. Okay.

5 MR MORSON: Yes. Because we're just here to answer the questions, basically.

MR LLOYD: All right.

10 MR MORSON: If they arise. Are we ready to go?

MR LLOYD: Well, pull up a chair next to the mic. For the record, tell us your names and who you are.

15 MR MARTIN: Andrew Martin, town planner.

MR MORSON: Peter Morson, architect.

MR LLOYD: Right. Mr Hussey, you have some questions?

20 MR HUSSEY: Yes, I do have some questions. The first one, the site is in a high hazard area and there's lower hazard towards the front street. We've got to be satisfied that any development that's approved is consistent with the flood hazard. It's in a high hazard area. You propose a fairly unique, innovative solution with a pocket underneath the building above two storeys of car parking. Can you give us a  
25 rundown how that works?

MR MORSON: Sure. It's called a flood void. It allows overland flows to pass through the development without blocking any flows and pushing them onto other sites. And, basically, it has been designed by a company called Cardno, who council  
30 have used and a lot – many other councils in Sydney used to develop the flood models and they're, basically, satisfied with the design response. You mentioned that it is a unique response. However, in Parramatta are many examples of a double slab with flood voids. That's a very common practice in this LGA, in particular. The – all ground levels, or, as you say, all natural – the ground floor – proposed  
35 ground level is above the flood level. So the proposed development isn't inundated with water, and the same with the basement car park. There's a crest for the driveway.

40 MR HUSSEY: The back of the development is subject to flooding, isn't it?

MR MORSON: Correct.

MR HUSSEY: Yes.

45 MR MORSON: Yes. So that – the back of the development is not issued – like, habitable. It's a landscaped area. So it's, essentially, a garden bed. It's not intended for the residents to – the occupants of the boarding house to use that area as such.

MR HUSSEY: But how does it work? Does water go through the tunnel in one end and out the other?

5 MR MORSON: Correct. It passes through the building, as it would normally.

MR HUSSEY: Have you got a print there you can draw on where the inlet is and where the outlet is? Have you got a plan?

10 MR MORSON: If you've – yes, if anyone has got a plan, I can show you. Pass me that there, yes. And there is a floor plan of the flood void, so I will just show this to you here. I will just orient myself. This is Fennell Street. That's ..... Water doesn't pass through where the driveway entry is. It goes through underneath behind the lift, and then around the lift in that direction to the rear.

15 MR HUSSEY: So the inlet is in Fennell Street?

MR MORSON: It's just – there's sheet flow through the LGA. This runs through like this.

20 MR HUSSEY: But the flood water goes that way.

MR MORSON: Well, in the general – well, the way it's designed is it goes in this way. The flood level is going this way. It's all cleared up .....

25 MR HUSSEY: Has this been flood modelled?

MR MORSON: 100 per cent, yes. That is - - -

30 MR HUSSEY: Well, does the flood modelling say that makes any different at all?

MR MORSON: As far as I'm aware, the flood modelling has been done and council have supported it. Our flood engineer, Cardo ..... engineer in Sydney, supports the flood engineering.

35 MR HUSSEY: Have you got the flood study there because we haven't been provided with it?

MR MORSON: I don't have it handy to me, no.

40 MR MARTIN: Wouldn't you have it there in that set of documents? Maybe we can call it up on the screen, perhaps.

45 MR HUSSEY: So that has no real effect on the flood levels, the high hazard area at the back along the creek line.

MR MORSON: The building does not provide an impediment to the flood flows. So it allows the flood to run through the site as it normally would. So in terms of its  
- - -

5 MR THORPE: As if nothing was there?

MR MORSON: Correct. But in terms of how you deem a site hazardous, you know  
- - -

10 MR HUSSEY: It seems like a fairly heavy expensive engineering solution for very little benefit.

MR MORSON: But you incorrectly pointed out that it's a unique solution. It isn't. And I'm not sure if the architect in the room could - - -

15 MR HUSSEY: Well, it's not a common solution.

MR MORSON: It's very common Parramatta, extremely common.

20 MR HUSSEY: Okay.

MR MORSON: If you look around – you just walk around the streets of the CBD in Parramatta. Quite a few of them have a double slab and a flood void underneath for that very reason. I'm not sure council - - -

25 MR HUSSEY: All right. Okay. Well, I did make some inquiries, but that's the information I got.

30 MS CHIU: Sorry, can I just speak? We live in the adjoining property. On 8 February this year due to the freak storm, our property flooded completely up to my knees due to a 15 minute storm. The water has to go somewhere and, if it's not on their property, it's going to flow somewhere.

35 MR HUSSEY: It's a particular concern because reference is made to clause 6.3 of the ..... of the LEP and it says:

*Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*

40 (a) *the development is compatible with the flood hazard of the area.*

Now, I haven't seen any statement that confirms that.

45 MR MORSON: But the council support it in their approval, their recommended for approval.

MR HUSSEY: Yes. But the words don't say how it can satisfy us of clause 6.3.

MR MORSON: I'm not sure where it says it in the council report. Maybe we can bring it up. But I believe it has been – it says they – we satisfy it. I mean, this has been an extensive process. So I know you're looking at it for the first time, but - - -

5 MR HUSSEY: But just objectively as independent - - -

MR MORSON: Yes, for the first time, however, but there has been an ongoing issue for - - -

10 MR HUSSEY: Well, if there's still an ongoing issue, the flooding - - -

MR MORSON: There is not an ongoing issue. We've dealt with it, I meant to say. But it has been something we've worked with council together and got – and arrived at a solution that everybody is happy with. So – and council in the room could tell  
15 you they're happy with it. So we're - - -

MR HUSSEY: Okay. So then if it is in a high hazard flood area, there's an old principle that, well, you don't sterilise the land. You use it to its maximum capacity. Is it a good idea to intensify the development significantly, put more people at risk on  
20 that flood liable land?

MR MORSON: But they're not at risk. We've – all the mitigation measures are in place. All habitable areas are above flood plain. Parking is above – all the property is above flood plain. There is no – the report doesn't say there is any risk to life or  
25 injury at all. I mean, and if you think there is - - -

MR LLOYD: I think – I mean, it - - -

MS CHIU: The two basements lowers the parking below ground. That's not above  
30 the flood plain.

MR LLOYD: No, don't – please don't interrupt.

MS CHIU: Sorry.  
35

MR LLOYD: We're questioning the applicant.

MR MORSON: So the driveway – the entry into the driveway has a – what they call a crest. That crest level is above the maximum flood level that any flood could  
40 ever have on that site. The driveway entry is higher than that. So the flood level will – the flood waters will never, ever get into that basement, never.

MR LLOYD: Except with waves.

45 MR MORSON: Correct.

MR HUSSEY: But in order - - -



MR MORSON: Maybe a big wind.

MR HUSSEY: In order to achieve that clearance from the flood level, the building is higher than the height standard. You need a clause 4.6 to do – to achieve that.

5 And then there's concerns that the extra height of the building doesn't improve the solar access next door. It probably makes it marginally worse. So, therefore, the justification to approve the height and intensify the population comes out a poor balance than maybe if the top level was taken off – you're raising the building to put that flood plenum underneath the building, but you're causing adverse impacts on the  
10 adjoining property. So, you know, it could be regarded as an overdevelopment of the site. It's too high in the context.

MR MORSON: Well, in terms of what you might call an overdevelopment, there's – that's usually density control. If you look at the FSR applicable for the site – we're  
15 not talking about height at the moment. It's point 8 to 1. The boarding house controls allow for the bonus of a - - -

MR MARTIN: .5

20 MR MORSON: - - - .5.

MR MARTIN: But, also - - -

MR MORSON: Now, the proposed FSR is less than 1.3 to 1. It's 1.22 to 1. So that  
25 - - -

MR MARTIN: So I think what we're saying is it's less than a theoretical maximum, theoretical maximum. But the part that you're concerned about of the popping up of the height, if you look at the shadow diagrams that wouldn't be the part that  
30 manifests the additional shadow that the neighbour is talking about. The site has got a north-south orientation. A two-storey building, a dwelling under complying development set 900 millimetres off the boundary would cast a shadow on the neighbour's property as well.

35 So the extra height at the back, yes, it does breach the height control, but the shadows which result from that element would not be unreasonable, and those shadows have been looked at and tested as part of the report, particularly considering the north-south orientation of this site. So, yes, the flooding does cause that void design solution. But when you look at where the extra height occurs, our submission to the  
40 council was that that does not cause the building to be out of context with its R4 zoning and, as you put, the intent of the zoning controls is not to sterilise land. If there's a bona fide, justified engineering solution that has been put by Cardno – this is not a small firm of engineers.

45 This is a very, we believe, well respected firm of engineers that modelled the site and have worked with us for the last 12 months to design that solution. So I think we regard it as not an overdevelopment because it provides the intensity of development

that would – is contemplated by the R4 zone and, at the end of the day, it is a three-storey building and a three-storey building generally fits within the 11 metre height control. And it's not – we're not contemplating a two-storey building in an R4 zone.

5 MR HUSSEY: You're talking about the R4 zone, but if you develop that block alone to its potential, what would you get? Four townhouses? Like .....

MR MARTIN: I haven't tested the typology.

10 MR HUSSEY: So four townhouses. And if the number of people in that would be 12 people exposed to this level of risk.

MR MARTIN: Certainly. I'm not disputing that. We - - -

15 MR HUSSEY: So the intensity is much greater.

MR MARTIN: There's more people on the site, granted. There's 35 vis-à-vis a townhouse – three-bedroom townhouse – four – call it four occupants per dwelling. There's 16. It could be 20. But it's certainly not 35. But at the same time, in the  
20 report it's actually stated that it's not – and it's not us, so it's not a sensitive use. It's not a nursing home. So it's a residential use, a boarding house use, that's a permissible use in the R4. In the report, they say it's not a sensitive use.

MR HUSSEY: But - - -  
25

MR MARTIN: I'm not a drainage engineer. I'm only trying to digest what we have done as applicants and put it to the panel that there has been modelling. It's – the report – I don't know how many pages. It's a proper modelled Cardno response and design. So what we're saying is that that has offered us an opportunity to present it  
30 to the council. It has been scrutinised by council's engineers and has been given the green light to proceed at this point.

MR HUSSEY: Are you familiar – are you aware of where it addresses clause 6.3, what we must be satisfied of?  
35

MR MARTIN: I understand. I understand.

MR HUSSEY: Do you know if that report does that because I've not been provided with it? The panel hasn't been provided it.  
40

MR MARTIN: Well, you don't have the drainage report in front of you and it says council must not consent.

MR HUSSEY: Mmm.  
45

MR MARTIN: Yes. So I totally agree. But, at the end of the day, we have presented all that information to the council for the assessment of this DA. That's the only point we're making as applicants.

5 MR MORSON: And we would not, you know, finished the engineering of it unless council were satisfied, and which we got to that – achieved that milestone. Council were okay with it.

10 MR LLOYD: See, if this were a residential flat building, this building would not comply. You don't have the required side setback control, the required distances which - - -

MR MORSON: On which side are you referring to?

15 MR LLOYD: The side setback under the - - -

MR MORSON: To the – to number 59?

20 MR LLOYD: - - - DCP would be six metres. You can't achieve that if it was a residential flat building.

MR MARTIN: That's the ADG.

25 MR LLOYD: Yes.

MR MORSON: You mean the ADG. So, no.

MR LLOYD: Yes, that's the ADG, I'm sorry.

30 MR MORSON: If it's a three-story building, then, you – it's only for four-storeys that it's six metres in that sense if it were a flat building. We might point out that the neighbouring building is also more akin to a flat building and it's 1.5 metres setback from the boundary in itself, in any event.

35 MR MARTIN: The other point to make is - - -

MR MORSON: Number 59, that is.

40 MR MARTIN: - - - I guess with the pre DA submissions and the site setback was an agreed launching point for these design developments. So we always knew that that side setback is an important thing to consider, and we came up with a 3.2 setback for a boarding house.

45 MR LLOYD: 3.24, you are.

MR MARTIN: 3.24 setback - - -

MR LLOYD: But you - - -

MR MARTIN: - - - for a boarding house typology.

5 MR LLOYD: Yes. But if you were to comply with the six metre required setback  
- - -

MR MARTIN: But that's for a flat building. If - - -

10 MR LLOYD: - - - then the solar access to the adjoining property wouldn't be a  
problem.

MR MARTIN: Well, that would be something that Peter would need to model. But  
at the end of the day, you're talking about the height point, a six metre height point.  
15 Six metres off the boundary at 11 metres may well still impact on the neighbour  
because it's the height point – it's the length of the shadow that is reduced because  
the length of the shadow is dictated by the height pole as the height of the building.  
As you move that further away, the length of the shadow is reduced, but also the  
angle upon which it crosses the boundary is actually cascading back as you move the  
20 height further away from the boundary line. So it's possible we would have to model  
a six metre side setback with 11 metre height control. But I don't know if Peter  
wants to say anything to that.

MR MORSON: Yes. We do find it unreasonable that a setback requirement of –  
25 applying to a four-storey building is applied to a three-storey building, which is what  
you're referring to in the ADG with tower separation.

MR MARTIN: And it doesn't have the – it has – it's a boarding house use, so it  
doesn't have the ADG crossflow ventilation. It's common for boarding houses to be  
30 set closer to the boundary throughout Sydney. You will see it – there's numerous  
applications throughout the Sydney metropolitan area where boarding houses don't  
have the six or eight – 12 metre separations that are required under the ADG.

MR LLOYD: Well, you know, my feeling is that this is an overdevelopment. It  
35 doesn't meet the minimum front setback control. It doesn't meet the minimum side  
setback control. It doesn't meet the minimum rear setback control. It doesn't meet  
the minimum deep soil and landscaped area control. And the other concern for me is  
you're putting 35 people plus a manager on this site. It's just too much, to me.  
That's why – that's only my personal view.

40

MR MARTIN: Sure.

MR LLOYD: I don't know what the views of the other panel members are.

45 MR HUSSEY: I'm inclined on the information I've got at this stage to think it's an  
overdevelopment of the site.

MR MORSON: I think when you're looking at those – some of those elements you've just raised, the Brickfield setback aligns with the neighbouring properties on Brickfield. So it's a consistent street setback state, similar to the setback to Fennell Street and, in fact, we have aligned our terrace building line with the building line of  
5 number 59. However, they – number 59 has a protruding veranda element in that front setback zone, which we've allowed for deep soil and significant landscaping. The side setback to, you know, Brickfield Street also has the allowance for landscaping. The rear – the building to the rear is – it fronts a – sorry, to the rear setback, there's the creek, as we know, and there's the generous landscape setback  
10 there. Arguably, no impacts on other developments. All these things have been said.

MR MARTIN: The other thing, obviously, through the design process we had to sit through a few design panel meetings, I think two. And the last design panel meeting, which has got a number of architects on that panel, landscape architects, they  
15 actually – it's in the minutes. They commended us for the type of, you know, built form response that we've come up with and - - -

MR MORSON: That is true.

20 MR MARTIN: - - - we've very happy with that sort of – the way we've handled a boarding house design and tried to activate the street, the materiality, the brickwork, the detailing. So, yes, it – you know, in terms of landscaped area, there's – you know, the set which controls that which trumps the council's DCP and the landscape character test which we - - -

25 MR HUSSEY: Well, yes.

MR MORSON: And then there's the boarding house a provision for a - - -

30 MR MARTIN: Anyway, it seems like - - -

MR MORSON: - - - bonus – let's look at the legislation. What's the intent of a boarding house? There's a provision for an FSR bonus. I mean - - -

35 MR MARTIN: It's the strategic imperative of the - - -

MR MORSON: It's – that's what it's there for. We're not saying it's overdeveloped, but they're saying there's an FSR bonus applicable which cannot be used to refuse the development, and that's the important point to make.  
40

MR HUSSEY: The FSR is not an issue.

MR LLOYD: It's not an issue.

45 MR HUSSEY: It's not an issue.

MR MARTIN: But it provides the force – the FSR provides you with GFA.

MR MORSON: The floor space is - - -

MR HUSSEY: It's the form of the building. It's the form. It's the building envelope.

5 MR MORSON: - - - the development.

MR HUSSEY: Where is the plan that shows me the front elevation with that plenum? What plan? Which sheet?

10 MR MORSON: The plenum?

MR HUSSEY: The plan.

15 MR MARTIN: What's – in the front elevation.

MR MORSON: It's the Fennell Street north elevation, yes.

MR MARTIN: You can pick it up just - - -

20 MR HUSSEY: What page is it?

MR MARTIN: 959.

25 MR MORSON: 959.

MR LLOYD: What page?

MR MORSON: 959.

30 MS STEPHENS: Well, your pages are different numbers - - -

MR LLOYD: Okay.

35 MS STEPHENS: - - - because they've got more plans.

MR LLOYD: Where – is it there somewhere?

MR MORSON: Sorry. It looks like that. So it's just a little grille.

40 MR MARTIN: I think – and just to say again about the landscaping and the deep soil, again, it's a merit base. So it's the front and street rear elevations are filled with deep soil area and, again, that's another provision that cannot be used to refuse the application.

45 MR LLOYD: I think we're going to have to adjourn to discuss this amongst ourselves.

MR MARTIN: Okay.

MR LLOYD: I think that's what we will have to do.

5 MR HUSSEY: Yes.

MR LLOYD: Yes.

MR MARTIN: Okay.

10

MR LLOYD: All right. Sorry to keep the rest of you waiting, but this is a knotty problem we're going to have to sort out. Just let me look here.

MS STEPHENS: We've got - - -

15

MR LLOYD: We can deal with 65 Harris Street. 65 Harris Street is for a radiographer's practice. We've got no problem with that and we can adopt the recommendation to approve.

20 UNIDENTIFIED SPEAKER: There's just a couple of conditions, I think you ..... aspect of this one condition which is repeated. And so it's just we're mindful if you could just make a very quick comment possibly.

MR LLOYD: Well, we will come back to that. We will deal – look at Hazelwood  
25 Place, Epping, 510. Anyone here with that? And we can adopt that recommendation to approve. It's an internal alteration to a strata unit. So that is unanimous.

UNIDENTIFIED SPEAKER: Yes.

30 MR LLOYD: You've got a query over a couple of conditions, have you?

UNIDENTIFIED SPEAKER: Yes. We would like just to request to amend a few of the conditions ....., if possible.

35 MR LLOYD: Well, look, we will stand you down.

MR MARTIN: Okay.

MR LLOYD: We will hear them, and then we will adjourn and consider this matter.

40

MR HUSSEY: And we've given you the okay on this.

MR LLOYD: This is – we've given the okay on 510.

45 MR HUSSEY: Yes.

MR LLOYD: Then we're going back to 59.

MR HUSSEY: Okay.

MR LLOYD: This is item 5.9. This is a proposed change of use to a radiology practice at 65 Harris Street. Who have we got?

5

UNIDENTIFIED SPEAKER: My name is Renata. I am the architectural representative of the applicant.

MR LLOYD: Yes.

10

UNIDENTIFIED SPEAKER: And so thank you for the opportunity. We believe we have addressed all the reasons for refusal of the original DA approved in section 8.3 review. We would just like to request a few small amendments regarding the conditions of consent. They are on page 1054.

15

MR LLOYD: All right. Condition number?

UNIDENTIFIED SPEAKER: Condition number 7.

20

MR LLOYD: Okay. We have different page numbers.

UNIDENTIFIED SPEAKER: Sorry.

MR LLOYD: Just a moment.

25

UNIDENTIFIED SPEAKER: Okay.

MR LLOYD: Condition 7 is MR page 1080. 1080.

30

UNIDENTIFIED SPEAKER: The one regarding signage?

MR LLOYD: Number 7, yes.

35

UNIDENTIFIED SPEAKER: Yes. Correct. So condition number 7 requests to remove the signage from the drawings, but we have already removed the signage for this application. So we would just like to request for this condition to be removed.

UNIDENTIFIED SPEAKER: Yes, so that's fine.

40

UNIDENTIFIED SPEAKER: Yes.

MR LLOYD: That's okay. All right. Condition 7 deleted. Next.

45

UNIDENTIFIED SPEAKER: Condition number 8 is just a small amendment. We believe that we have already shown the plans compliance with the recommendations of the statement of the heritage impacts. So we just believe that they don't need to



be revised. So we would just like to request to remove the word “revised” so we can submit the same set of drawings to the PCA.

MR LLOYD: Council?

5

UNIDENTIFIED SPEAKER: There’s a condition from our heritage adviser requesting that the condenser units be located on the ground. So those would, I guess, have to be referred to on the revised plans. I don’t know if that - - -

10 UNIDENTIFIED SPEAKER: Okay.

UNIDENTIFIED SPEAKER: If that’s okay.

UNIDENTIFIED SPEAKER: Yes.

15

MR LLOYD: Is that agreed? All right. That’s noted.

UNIDENTIFIED SPEAKER: It should stay as it is.

20 UNIDENTIFIED SPEAKER: We saying it should stay as it is because we need those – the condensing units changed.

UNIDENTIFIED SPEAKER: Okay.

25 MR LLOYD: All right. Are you okay with that?

UNIDENTIFIED SPEAKER: Yes. Yes.

MR LLOYD: Right. Next.

30

UNIDENTIFIED SPEAKER: And just condition number 10 seems to be the same as condition number 9.

UNIDENTIFIED SPEAKER: Okay. Yes, that is. So condition - - -

35

MR LLOYD: Delete.

UNIDENTIFIED SPEAKER: Condition 10 can be deleted.

40 UNIDENTIFIED SPEAKER: So delete condition 10.

MR LLOYD: Yes.

UNIDENTIFIED SPEAKER: And that’s it.

45

MR LLOYD: All right. Well, with those changes, the recommendation is adopted. You can go ahead.

UNIDENTIFIED SPEAKER: Thank you.

MR LLOYD: And we will take a short break.

5

**RECORDING SUSPENDED**

**[4.53 pm]**

**RECORDING RESUMED**

**[5.08 pm]**

10

MR LLOYD: All right. I can now indicate what the decision of the panel is and briefly indicate the reasons.

15 UNIDENTIFIED SPEAKER: Pardon? Sorry what was - - -

MS STEPHENS: They'd like you to speak up, David. The back can't hear you. No. It's not that kind of microphone. It's so she can hear, not so the room can hear.

20 MR LLOYD: All right. Well, then, as I said, the panel can indicate the decision we have reached and briefly indicate our reasons. The decision is to refuse the application.

UNIDENTIFIED SPEAKER: Yes.

25

MS STEPHENS: Yes.

MR LLOYD: The reasons are briefly as follows. Firstly, we are not satisfied that clause 6.3 of the LEP relating to flood planning has been adequately addressed.  
30 Secondly, the building height control is infringed and we are not prepared to utilise clause 4.6 to vary the height control. We think that the height control should be observed and the height exceedance has an adverse effect on the adjoining property. Thirdly, we believe that this is an overdevelopment of the site, as evidenced by the non-compliance with the building envelope controls in the LEP. And fourthly, we  
35 believe that this particular application is not in the public interest, particularly having regard to the introduction of a large number of people onto a site that is subject to flooding. They are, briefly, the reasons. They will be spelled out in more detail in the formal decision. So that's the determination of the panel. It is a refusal. All  
40 right. So with that we can move onto the final matter, Weston Street, Rosehill.

MS STEPHENS: People for Fennell Street, you can leave if you want to. You don't have to stay.

45 MR LLOYD: Yes. We have two speakers: Mr Issa and Mr Byrnes. Who wants to go first?

UNIDENTIFIED SPEAKER: Thank you very much.

UNIDENTIFIED SPEAKER: Thank you.

MR LLOYD: The recommendation is for approval. We are concerned about the height infringement. You can turn your mind to that.

5

MR BYRNES: So I guess it's been a question we've wrestled with throughout the DA assessment. The DA has been in for a couple of years. We've worked through this question. We started a little higher and we worked through this with both council staff and the design panel.

10

MR LLOYD: It is a quite significant infringement. It's a 4.5 metre infringement of the height control, a 34.6 per cent variation. Why should we allow that?

MR BYRNES: Sure. Yes. So if I could just – yes. I'll just - - -

15

MR LLOYD: Yes.

MR BYRNES: - - - expand upon that. So yes. We've spent some time working through that. Clearly, there's an issue here around how do we have a built-form response that provides a transition across this street block. At one end of the street block, we've got some very tall buildings at James Ruse Drive and at the western end of the street block, at Arthur Street, we come down to a four-storey form. We've had to wrestle with this on a number of applications. We looked at the site next door. We were involved on that site to our east and, at that time, a transition was agreed in relation to the north-south transition: so seven storeys on Weston Street to the south of the block next door, stepping down to five storeys at the north of that next-door block; does that make sense?

20

25

MR LLOYD: Yes.

30

MR BYRNES: So there's a transition built in next door in a north-south direction, and what we're seeking to achieve, and what we believe council and the design panel have agreed to is how do we provide a transition between, on Weston Street, seven storeys to our east, and four storeys to our west. One option is to go six, five, four, and we haven't sought that option. What we've sought is an option where – what we've sought and what you see before you is a transition that is five storeys, then stepping down to four storeys within our site to comfortably allow for the four-storey development of the site to our west. So I can sort of show that diagrammatically, if you're happy for me to just come and show you that. I'm sure you understand it anyway, but to our - - -

35

40

MR THORPE: This is what we like to see.

MR BYRNES: So to our east, we've got a seven-storey built form.

45

MR HUSSEY: With that one, has that got an extra storey on, compared to reading the controls? Is that a reliable benchmark?

MR ISSA: So that was the same zoning as our site.

MR HUSSEY: Yes. But if you look at the development standard, did that gain an extra floor?

5

MR BYRNES: It gained more than an extra floor.

MR HUSSEY: Okay. So it bypassed the development standard.

10 MR BYRNES: There was a variation to the control on that adjoining site.

MR HUSSEY: So if you're comparing it for the transition to get the ultimate outcome, wouldn't you be looking at what the planning control envisaged in terms of the heights?

15

MR BYRNES: Of course we turned our mind to the planning control, but we also turned our mind to what is the reality of the built-form out there and how do we address that through the street. So I've got two diagrams to just quickly show you. So we've got seven storeys to our east and then the four storey height control to our west. Our height control is the same on this site as this site. And so what we've sought to do is rather than six, five, four, this proposal drops it to five and then a transition to four here. What's important to note, this five-storey element only relates to this southeastern corner. The element of the building behind this drops down to four storeys. So I'll just show you that in a different form. So looking again at that same view, we're five in only that southeastern corner, dropping to four at the rear, and then this whole western side of the building is four storeys front and back. So - - -

30

MR HUSSEY: Yes.

MR BYRNES: - - - does that make sense?

MR HUSSEY: Yes.

35

MR McLEAN: Yes.

MR THORPE: Yes.

40

MR BYRNES: That makes sense. Okay. The other, I think, helpful diagram is this one, because that - it shows the thing what we've been wrestling with.

MR McLEAN: Sorry, Adam, just before you go into that - - -

45

MR BYRNES: Yes. Sure. Yes.

MR McLEAN: - - - was that included in submission to council?

MR BYRNES: Which diagram?

MR McLEAN: That third one you just brought up.

5 MR BYRNES: This one has - - -

MR McLEAN: No. No. No. The third one.

MR BYRNES: The third one? No.

10 MR McLEAN: You were just about to bring up?

MR BYRNES: No. It's not. It's actually part of the – because we were on the site next door, it's part of the drawings from the site next door and it's what we've all

15 been wrestling with along Weston Street.

MR McLEAN: So for future reference, we've spent about half an hour discussing this. If we had that in the pack - - -

20 MR BYRNES: It would have been nice. Sorry. I - - -

MR McLEAN: Sorry.

MR BYRNES: Yes. Yes. Give me a call. No. Sorry. So what we've been

25 wrestling with is up on James Ruse Drive these heights - - -

MR McLEAN: Yes.

MR BYRNES: - - - and then nine storeys, and then our site adjoining is seven

30 storeys. What's the right answer here when there's a four storey here?

MR THORPE: Okay. So there is – see the white one - - -

MR BYRNES: Yes.

35 MR THORPE: - - - that's not the subject property.

MR BYRNES: No.

40 MR THORPE: That is to the - - -

MR BYRNES: East.

MR THORPE: - - - east.

45 MR BYRNES: And it's seven - - -

MR THORPE: Okay.

MR BYRNES: - - - at Weston Street - - -

5 MR THORPE: Yes.

MR BYRNES: - - - and five at the rear.

UNIDENTIFIED SPEAKER: Is that okay?

10 MR THORPE: Yes. It's good.

MS STEPHENS: It has a height of 23 metres that was approved - - -

15 MR THORPE: Yes.

MS STEPHENS: - - - for one of those ones.

MR LLOYD: Is that okay with you?

20 MR THORPE: Yes.

MS STEPHENS: With a height limit of 13 metres.

25 MR THORPE: If that information had been in this submission - - -

MR McLEAN: We just needed that one diagram - - -

MR BYRNES: Sorry. Don't shoot the messenger.

30 MR LLOYD: Are you happy with it?

MR THORPE: Happy. Happy.

35 MR McLEAN: Yes.

MR BYRNES: Sorry.

MR HUSSEY: Can I just check those conditions there somewhere?

40 MS STEPHENS: I said that in the room.

MR LLOYD: As Mr McLean has said, if we had that plan in front of us - - -

45 MR BYRNES: It would have been helpful. So I apologise.

MR LLOYD: No problem.

MR HUSSEY: Could I just check the conditions on p.1219?

MS STEPHENS: You need to give us condition numbers, remember? We don't have the same page numbers as you?

5

MR HUSSEY: Well, the first part, recommendation. It's a recommendation. It says, "Recommend deferred commencement approval".

MS STEPHENS: Yes.

10

MR HUSSEY: What's the deferred commencement?

MR BYRNES: Yes. You've got to scroll a little bit, and then you'll find a number 1. I had that same issue, and you'll find a number 1 which is about an inter-allotment drainage easement.

15

MS STEPHENS: It's drainage easement.

MR LLOYD: I see. Okay.

20

MR BYRNES: Yes. Look, I'm quite comfortable with that deferred commencement.

MR HUSSEY: Okay. I just wanted clarification. Thank you.

25

MR LLOYD: Okay?

MR HUSSEY: Yes.

30

MR LLOYD: You're okay with it? Unanimous?

MR THORPE: Yes.

MR McLEAN: Yes.

35

MR LLOYD: Recommendation adopted.

MR BYRNES: Thank you.

40

MR ISSA: Thank you.

MR BYRNES: Gee, I had sweaty palms for the last hour. Thanks, guys.

MR McLEAN: Just that one diagram.

45

MR LLOYD: Meeting concluded at 5.16. Thank you all.

**RECORDING STOPPED**

**[5.17 pm]**