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O/N H-1085271

**INDEPENDENT PLANNING COMMISSION**

**MEETING WITH KU-RING-GAI COUNCIL**

**RE:           MP07\_0166 MOD 8**  
**WAHROONGA ESTATE CONCEPT PLAN**

**PANEL:                           JOHN HANN**  
**RUSSELL MILLER**  
**WENDY LEWIN**

**ASSISTING PANEL:            CASEY JOSHUA**  
**CALLUM FIRTH**  
**MICHAEL WOODLAND**  
**BRENT DEVINE**

**COUNCIL:                       CRAIG WYSE**  
**SCOTT McINNES**  
**JOSEPH PICCOLI**

**LOCATION:                       IPC OFFICES**  
**LEVEL 3, 201 ELIZABETH STREET**  
**SYDNEY, NEW SOUTH WALES**

**DATE:                           1.02 PM, TUESDAY, 22 OCTOBER 2019**

MR J. HANN: Ah, welcome and good afternoon. Look, I – we’ve got a procedure here with the Independent Planning Commission, just in terms of some process.

MR C. WYSE: Right.

5

MR HANN: Ah, and we do, ah – ah, record the meeting just - - -

MR WYSE: Okay.

10 MR HANN: And so anything you table, we’ll upload to the website and so on. But, ah, I’ll just go through it now. It’s pretty straightforward. So, look, before we begin, I – I’d like to acknowledge the traditional custodians of the land on which we meet, and I would also like to pay my respects to their elders past and present and to the elders from other communities who may be here today. Welcome to the meeting  
15 today on the proposal seeking approval for modification 8 to the Wahroonga Estate Concept Plan to amend building envelopes, delete Building D, amend car parking rates and change internal roadway configuration.

20 My name’s John Hann. I’m the chair of this IPC Panel. And joining me are my fellow commissioners: Russell Miller, Wendy Lewin. And we’ve also got here Casey Joshua and Callum Firth on my left. And, also, we’ve got consultants, Brent Devine and Michael Woodland from Keylan, that are assisting the Commission Secretariat in our process. So in the interest of openness and transparency and to ensure full capture of the information, today’s meeting is being recorded and a full  
25 transcript will be produced and made available on the commission’s website - - -

UNIDENTIFIED MALE: Yep.

30 MR HANN: - - - ah, as I mentioned earlier. So, look, this meeting’s one part of the commission’s decision-making process. It is taking place at the preliminary stage of our – of our process and will form one of the several sources of information on which the commission will base its decision. It is important for commissioners to ask questions along the way and look to clarify issues, so whenever we consider it appropriate we’ll do that. But also, look, if – if what we’re asking you, you – you  
35 just don’t have that information, then take that on notice and if you could provide the - - -

MR WYSE: Right.

40 MR HANN: - - - information to us subsequently, that’d be appreciated – and in writing.

MR WYSE: Yes.

45 MR HANN: And then we’ll upload that to our website as well. So, look, finally, just in terms of the way the recording goes, if you could just avoid talking over each

other and if you could introduce yourselves, initially at least, so that, ah, we've got the recording of who's – who's saying what. And on that basis, we'll – we'll kick off.

5 MR WYSE: Okay.

MR HANN: So thank you very much for coming into the commission's office, ah, representing council. Look, we've – we've looked at the various submissions from council and obviously the assessment report from the Department of, um, Planning,  
10 Industry and Environment, and what would be most helpful for us is if you could just take us through the key aspects that are, if you like – well, there's obviously been some changes. There's been a lot of consultation between yourself and the applicant and – and no doubt probably the department as well. We're interested in where you started and particularly where you finished in terms of your residual concerns.

15 MR WYSE: Right.

MR HANN: If you could, um, take us through those.

20 MR WYSE: Sure, um - - -

MR HANN: Okay.

MR WYSE: So I'm Craig Wyse. I'm the team leader of Building and Planning,  
25 um, so the strategic arm of council's planning team. Um, I'll open by saying that a – many of the concerns that we had originally have been addressed and the department's report noted those and has recommended amend – amendments, so where we've come from to where we've got we're, you know, pleased with, it's come that far.

30 MR HANN: Yep.

MR WYSE: Um, and we're really grateful of that assessment. Um, you know, the key issues we had was ..... of those residential buildings with the school and also  
35 with the, um, the bushland behind – the biodiversity – biodiversity areas behind, um, and that link – having, you know, the school and the playground, you know, um, having a building basically in-between and not having a visual connection and – and ease of movement between the – the school and playground. So removing building d was, um, quite significant and – and I think that's a – a much better outcome. Um,  
40 and also the other issue, the – the level of detail that was in – in the concept plan that they were seeking to have actually embedded in the concept plan ..... would assess an application and a lot of thing – lot of elements would have been predetermined by that and would have limited our ability to apply not only the ADG, but also our development control plan on any future buildings.

45 Um, having said that, there's probably a few other elements we ..... go a little bit further – um, are remaining that we – we'd like to see some further modification, um,

in terms of the – the plans themselves. Um, one thing is the nomination of the basements. I noticed in the proposed, um, approving instrument they – it discusses about how the lines on the drawings of the basements and the road layout and the car parking aren't binding, um, and they – they can be negotiated through, um, the  
5 development application process. Um, having said that, we'd rather them removed from the – the diagrams completely. Um, we would normally have a basement sitting directly under the building. Um, one of our key things in Ku-ring-gai is our deep soil landscaping, and all our other, um, RFBs of this scale have basements sitting entirely under – under the buildings. Um, the building ..... the – the – the tall  
10 sort of canopy trees around them.

MR HANN: So you want removed - - -

MR WYSE: The - - -  
15

MR HANN: - - - ah, any delineation that – that demonstrates in – in a – in a concept plan where – where the - - -

MR WYSE: Where the basement - - -  
20

MR HANN: - - - footprint of the basement - - -

MR WYSE: Yeah.

MR HANN: - - - would be, you – you'd prefer that to be removed from a - - -  
25

MR WYSE: Correct.

MR HANN: Okay.  
30

MS W. LEWIN: Your concern being that it's shown as contiguous - - -

MR WYSE: And it sits – it sits well - - -

MS LEWIN: - - - underneath the three buildings?  
35

MR WYSE: Yeah.

MS LEWIN: Yes.  
40

MR WYSE: And it sits well beyond the - - -

MS LEWIN: And - - -

MR WYSE: The actual footprint of the building.  
45

MS LEWIN: - - - beyond the – yes.

MR WYSE: So the building actually get deep-soil landscaping and tall canopy trees  
- - -

MS LEWIN: Yep.

5

MR WYSE: - - - as we require for every other, um, residential flat building in Kuring-gai. Um, that – that - - -

MR HANN: Right.

10

MR WYSE: - - - seems to be a conflict or - - -

MS LEWIN: Understood.

15 MR WYSE: - - - certainly a potentially conflict in future. Um, and the other one, particularly so with building e, where you have the basement almost coming to the – the front boundary. Um, you know, elsewhere we require a – a 10 metre set – deep soil setback. You know, once again, the - - -

20 MR HANN: Yep.

MR WYSE: The landscaping on the street is really important to us. Um, and similarly, the nomination of particular car parking entrance points, um, again, limits ability to negotiate that through the – the detailed design and development  
25 application process.

MR HANN: Okay.

30 MR WYSE: Um, the other aspects, as, ah, I mentioned to, um, Casey this morning in an email, that, um, the question about the ..... to the bushfire requirements and the APZ.

MR HANN: Yeah.

35 MR WYSE: Um, we have to take that on notice. Um, we're not in a position to actually give you details today - - -

MR HANN: That's okay.

40 MR WYSE: - - - on that, but we'll endeavour to get that to you by the end of the week.

MR HANN: We – we passed on – you would have received then a – a binder, I think, or the – the additional material – Casey, I think you - - -

45

MR WYSE: Yeah. We haven't had - - -

MS C. JOSHUA: Yep. That's what you're talking about?

MR HANN: That's what – that's what you're referring to? Yeah.

5 MR WYSE: We haven't had a chance to review that.

MS JOSHUA: .....

MR HANN: No.

10

MR WYSE: Um, our bushfire, um, expert just isn't available at the moment to spend time on that.

MR HANN: That's all right.

15

MR WYSE: But, um, we'll – certainly by the end of the week we'll endeavour to have response to that.

MR HANN: Aside from that new material that was received last week, ah, obviously the department's assessment report covers in some detail the – the bushfire protection, ah, measures that – that, ah – as part of the application, but also their approach. Do – do you have any particular comment on – on that?

20

MR WYSE: Um, personally, I – I can't respond to that today.

25

MR HANN: Okay.

MR WYSE: I'll have to rely on our, um, other internal experts.

30

MR HANN: Okay. All right. So you'll come back to us on - - -

MR WYSE: Yep.

MR HANN: Yep. All right.

35

MR WYSE: Um, and I suppose the other element is the – the car parking and the – the – the seeking to apply different car parking rates. And - - -

MR J. PICCOLI: Yep.

40

MR WYSE: - - - I'll leave that to Joseph to respond to.

MR PICCOLI: So I'm Joseph Piccoli. Council's strategic traffic engineer/transport planner. Um, so we, you know, through the various, ah, modifications, I guess, it's come to car parking now, um – so in the original concept plan approval, um, there was quite, I guess, an innovative approach to car parking where, um, you know, the car parking, in a sense, was constrained onsite, and through the provision of car share

45

vehicles that would, basically, kind of encourage or send a signal, ah, in terms of trip choices, um, so that, you know, residents of this area, you know, I guess, need to make careful consideration about, ah, how they make their trips.

5 And, ah, yes, you know, there's a provision of generally at least one space per dwelling, um, but then with a relatively high provision of, ah, car share parking, as per the concept plan, um, the ability to take additional trips is there, but, you know, because, ah, they come at a cost then, you know, the residents can actually make that sort of value judgment as to, you know, whether they'd, um, use other modes or, um,  
10 or, you know, defer trips or, um – um, yeah, just, I guess – I guess, taking consideration, you know, how they need to travel.

Um, through the, ah, application, um, where – or the MOD where, ah, the proponent is seeking to – oh, in a sense, substantially increase the parking provision, um, and  
15 then the department's assessment of, um, are – are those, ah, against council's comments. Ah, the department has come to the view that, ah, council's DCP rates should be applied, um, which, ah, I guess, in a sense, reasonably addresses council's concern about the overprovision of parking on the site. Um, we just felt that, um, the original concept plan approved rates, um, were basically kind of sending the right  
20 messages and signals, ah, and were an ideal point where, um, ah, parking provisions should be made.

Um, just sort of stepping back a bit strategically, um, ah, the Ku-ring-gai area, um, the San is considered to be one of the, um, ah, the key employers in the area, um, and  
25 it is growing, um, even though it's not a, um, an identified, you know, health and education, ah, precinct, um, in the north district plan. Um, so, um, with growth in this precinct, you know, there is, ah, I guess, the opportunity to improve transport connections, um, and provision of parking in accordance with the approved concept plan would've actually been aligned with, um, I guess, growth - - -  
30

MR HANN: Yep.

MR PICCOLI: - - - and, I guess, containing, ah, private vehicle trips and then congestion. So, I mean, while the department's, ah, assessment and  
35 recommendation, ah, do moderate, ah, what was proposed by the applicant, ah, we just felt that there could have been a little bit more, um, I guess, innovation and a bit more, um, I guess, drive and leadership in actually, you know, retaining those, um, original concept plan rates. Yeah.

40 So residents would still have access to additional vehicles if they need to make additional trips, but just the fact that they're, um, got a minimum provision plus a fallback, um, you know, really gets people thinking. And I think, you know, um, I guess, in – in the broader, ah, context of Sydney and, you know, travel demand and congestion, um, it would've been, ah, a – a good model. Um, so, you know, our  
45 feeling was that the department's gone some way, but it could've gone probably a bit further still. Um, part of the department's justification was that, um, due – ah, public

submissions raised concerns it was a shortfall parking across the Wahroonga Estate site.

5 Um, and we think this is largely because of, ah, I guess, staff parking issues, which have been around, ah, I guess, forever and day, since the, um, San Hospital has been operating in that area. Um, well, it's probably worth noting that a lot of the, um, the residents that live around the area, you know, would have their own onsite parking and so, um, they're not relying necessarily on street parking for their own needs. Um, so, um, I don't know whether the shortfall parking across the Wahroonga Estate  
10 site is necessarily, ah, a motivator for being too generous with onsite parking here. Um, that's probably all I have to say at this point.

MR HANN: So the key difference in parking, in – in essence, between yourselves and the – the department's assessment really is the car sharing, isn't it, otherwise the  
15 ratios, ah, are largely similar?

MR PICCOLI: Yes. So, um, basically - - -

MR HANN: If we say for two-people units, ah, you know, the council's, ah, DCP  
20 and, ah, and what the department are recommending is 1.25, for – for an example.

MR PICCOLI: Yes.

MR HANN: Ah, the proponent's wanting 1.5 or, you know, so in other words - - -  
25

MR PICCOLI: Yep.

MR HANN: Ah, so you're comfortable with – with those. It's the car sharing that's  
30 the – the – the dramatic difference. One space per 90 versus, um, 1 space per six.

MR PICCOLI: Yes. And I – and I've had discussions with, um, one of the, I guess, the main operators in Sydney of car sharing schemes, and their view was that, um, in  
35 a, um, in an area that's relatively highly provisioned with its own car parking, um, there is a lower ratio of car share vehicles than if it was an area that was, ah – had its own parking highly constrained, then you provide more car share vehicles to take up that sort of extra demand, if it's there. And so it's kind of a – a balancing effect. Um, so I – I mean, it is good that, ah, the department is recommending that, yeah, particularly for the, um, the two-bedroom units that the rate be reduced from 1.5 as  
40 proposed by the applicant to 1.25, um – um, but nonetheless, ah, for three-bedroom apartments two parking spaces, um, as opposed to the original concept plan, which just - - -

MR HANN: Had one.

45 MR PICCOLI: - - - considered one.

MR HANN: Yep.

MR PICCOLI: That's right.

MR HANN: Yep.

5 MR PICCOLI: Um, and I realise it's not, ah, not an area with a huge, um, transport accessibility. Like, it's got some, you know, 30-minute, ah, catchments by public transport, which I ..... which are not that large at the moment, but, um, I - - -

MR HANN: So how do we read this? I'm - I'm sorry.

10

MR PICCOLI: Sorry. That's - that's just basically, um - - -

MR HANN: .....

15 MR PICCOLI: - - - the catchment, ah, or the distance you can travel in 30 minutes by public transport.

MR HANN: Ah, okay. All right.

20 MR PICCOLI: Which is an indication of - - -

MR HANN: .....

MR PICCOLI: - - - accessibility to the site.

25

MR HANN: And this is bus - this is the bus system?

MR PICCOLI: Yes. Bus/train.

30 MR HANN: Yeah. Okay.

MR PICCOLI: A combination, I guess.

MR HANN: Bus to the train. Yeah. Okay.

35

MR PICCOLI: Um - - -

MR HANN: Right.

40 MR PICCOLI: But, ah, bus operators, I guess, are aware that, you know - and Transport for NSW that the San is growing and the demand is increasing.

MR HANN: Mmhmm.

45 MR PICCOLI: So, yep, future improvements to services that, you know, connect this site to, ah, nearby railway stations - - -

MR HANN: Yeah.

MR PICCOLI: Turrumurra and Thornleigh I think are the - - -

5 MR HANN: Mmhmm.

MR PICCOLI: The key ones. Then intend to improve accessibility, can reduce  
reliance on public vehicles and so – oh, private vehicles, um, so there's an  
opportunity, ah, to take a bit of leadership, ah, rather than kind of embedding, you  
10 know, car ..... you know, into the proposal, um - - -

MR WYSE: Yeah. Just, ah, on – on that point Joe's making, um, Joe mentioned  
that the north district plan doesn't acknowledge the presence of the San or the role it  
plays, but, however, in our draft local strategic planning statement we have  
15 particularly called that as – as a, ah, health and education precinct, which it is, being  
a teaching hospital, um, a K-12 schooling site, um, plus additional residential, that –  
that it is an important hub, um, and the need to actually improve accessibility, um –  
transport – public transport accessibility to the site.

20 Um, we also have commenced a retail and commercial centres study, which will  
further inform our, um, local plan. Um, and we've – part of that brief is to  
investigate what is the future role of this site in the – in the broader context of Ku-  
ring-gai, but also that – that part of the north district. Um, so we are – are pushing  
and obviously promoting, you know, greater public transport in that area.

25

MR HANN: Okay.

MS LEWIN: Okay. Ah, yes. So in terms of condition b9, um, does the term  
maximum provide the council with flexibility to determine the appropriate parking  
30 rates during the DA assessment .....

MR PICCOLI: I think that wording helps, um, because, ah, from what I can recall  
in that DCP, um – there are just, ah, some figures, whereas, you know, setting a cap  
would at least ensure that there's, ah, provision beyond, ah, what their conditions  
35 specify.

MS LEWIN: Mmhmm.

MR PICCOLI: Um, so that wording, yes, definitely is useful.  
40

MS LEWIN: Assists you.

MR HANN: Yep.

45 MS LEWIN: Yep. Okay. Thank you.

MR HANN: All right. Do you have any comment to make about the traffic overall in term - - -

5 MR PICCOLI: There – there was an assessment done and, um, I guess I'm reasonably satisfied that, um, that that assessment, you know, covers the issues. Um – um, and I – I – I don't have any more to add on that. Um, yeah.

10 MR HANN: That's okay. I – I raised it simply because in – in looking at the submissions, the public submissions, it's been a – a consistent major concern.

UNIDENTIFIED MALE: Yep.

MR PICCOLI: Yep.

15 MR HANN: It's right up there and, ah - - -

MR PICCOLI: Yep.

20 MR HANN: Concerns about the – the, ah, the assessment most recently has been based on old surveys, 2012 and so on. I just wondered, you know, whether that's - - -

MR PICCOLI: Well, I guess, as - - -

25 MR HANN: You're satisfied in terms of the intersection level of service and those sort of things or not.

30 MR PICCOLI: As part of the concept approval there is a, ah, package of roadworks, ah, that - - -

MR HANN: Yep.

35 MR PICCOLI: - - - the applicant's required to complete. Um, and the assessment undertaken by the applicant, ah, does show a slight increase in traffic generation, ah, although in the scheme of, you know, the whole estate and the whole rollout it's probably very minor. Um, and I think that the – the package of works that are – have been, ah – ah, included in the conditions would be able to satisfy, yeah, the future traffic generation of, ah, of – of the Wahroonga Estate Concept Plan.

40 MR HANN: Okay.

45 MR PICCOLI: Um, yeah. I've just been doing some, I guess, some indirect, ah, um, monitoring of, um, ah, some of the, ah, traffic movements in the area and how it might compare to, um, ah, the – the stage rollout of Wahroonga Estate. And from what I could tell, it seemed to be roughly in line with where they were expecting to be, in terms of traffic generation.

MR HANN: Okay.

MR PICCOLI: So I didn't notice anything too anomalous.

5 MR HANN: Okay. Ah, anything else on your list in terms of - - -

MR PICCOLI: Ah, that – that was basically my – in terms of, ah, transport plan. There was the, ah, the comment that Craig made about the location of the road, and I guess there's - - -

10

MR HANN: Yeah.

MR WYSE: Yep.

15 MR PICCOLI: Within that road there's also parking bays shown that we think that, um - - -

MR HANN: Are you talking about a realignment of the, um – of the – the access roads on the – in the precinct itself?

20

MR WYSE: Yeah. The - - -

MR HANN: Mmm.

25 MR WYSE: ..... show the road. It's just the inclusion of the, um, the additional parking bays - - -

MR HANN: Right. Okay.

30 MR WYSE: - - - separately and - - -

MR HANN: Yep.

MR WYSE: And now that encroaches - - -

35

MR PICCOLI: And I guess it's – because in our DCP all the parking is supposed to be contained, you know, within the basements - - -

MR HANN: Yeah.

40

MR PICCOLI: - - - and so is that, ah, generally, um, in excess of, ah, what's already been planned? I mean, there would be, I guess, the need, um, particularly for car share, um, that, um, ah, and this can be in the – in the development application stage.

45 MR HANN: Mmm.

MR PICCOLI: We would consider, um, locating the car share vehicles somewhere at-grade because the operators are ..... they tend to work better because they're visible by a large number of people instead of buried in a basement.

5 MR HANN: Yeah. Yep.

MR PICCOLI: Um, and then maybe some consideration for, um, last mile freight deliveries, ah, at-grade as well too, so for removalists or, you know, um, ah - - -

10 MR HANN: Home - - -

MR PICCOLI: - - - home delivery type vehicles - - -

MR HANN: Yeah. Yeah.

15

MR PICCOLI: - - - that may not be able to enter basements. But that would be, um, you know, an exception rather than, ah, the quantity shown there. So we don't - we don't know necessarily what that additional at-grade parking is for, um, but, yeah, if it's for the residential use, then it should be limited to contained within basements.

20

MR HANN: Yep.

MR WYSE: Once again - - -

25 MR HANN: Okay.

MR WYSE: - - - this is the balance between, um, hardstand and landscaping.

MS LEWIN: Yes.

30

MR WYSE: You know, our - - -

MR HANN: Yep.

35 MR WYSE: Our landscaping is very important to us.

MR HANN: Yep. Okay.

MR S. McINNES: I've got a couple - - -

40

MR HANN: Yep.

MR McINNES: Yep. I'm Scott McInnes.

45 MR HANN: Yeah, Scott.

MR McINNES: Um, executive assessment officer at Ku-ring-gai ..... assessment officer for the DAs when they – when they come to council.

MR HANN: Right.

5

MR McINNES: Um, in line with – with Craig’s comments, um, I think we need to be abundantly cautious and remove those elements from the plans, um, in addition to the – the consent conditions. Um, it’s just to – to remove, yeah, any – any issue in the future with how you interpret the – the modification, um - - -

10

MR HANN: This is to give greater flexibility in terms of assessing the DAs - - -

MR McINNES: Yeah. Exactly.

15

MR HANN: - - - when they come through for – yeah.

MR McINNES: There’s – you’re locking in one option when there’s – there’s ultimately other ways to do things. Ah, DCP’s all about consolidating ..... on top of each other, so putting the basement under the buildings. As – at present we’d end up with a – quite a large podium.

20

MR HANN: Mmm.

MR McINNES: And with a three metre – approximately three-metre, four at the rear, you’d end up with projections – basement projections and you can avoid it. And also you’ll ..... the ability to provide any deep soil planting across buildings a to c and – and forward of building e, and that’s a big element of our – of our DCP, about establishing a landscape setting.

25

30

MR HANN: Scott, do we have - - -

MR McINNES: Mmm.

MR HANN: - - - all of the material that would help us be clear on what your - - -

35

MR McINNES: Yeah.

MR HANN: Your – your requirements are in terms of the detail that you’d prefer not to be in the concept?

40

MR McINNES: Mmm.

MR HANN: In other words - - -

45

MR McINNES: Just - - -

MR HANN: - - - we’ve got your submissions.

MR WYSE: Yep.

MR McINNES: Yep.

5 MR HANN: Is it – is it – is it as detailed in – in those or is there additional material?

MR McINNES: Well, this basement addition's post our submission, this large - - -

10 MR HANN: Yeah. Okay.

MR McINNES: - - - basement, so we haven't commented on it.

MR WYSE: We – we can - - -

15

MR McINNES: Yeah.

MR WYSE: - - - provide a consolidated list of these final comments for you in writing.

20

MR HANN: I think that would be, ah, helpful for us - - -

MR WYSE: Yeah.

25 MS LEWIN: Yes. Very helpful.

MR HANN: ..... so – so we're crystal clear on - - -

MR McINNES: Yeah.

30

MR WYSE: Yeah.

MR HANN: On the items that you believe need to - - -

35 MR WYSE: On this – on these - - -

MR HANN: Need to be - - -

MR WYSE: Changed on these diagrams, which are referenced in the - - -

40

MR HANN: Yeah. That – that would be - - -

MR WYSE: The current instrument. Yep.

45 MR HANN: That would be helpful for us.

MR WYSE: Yeah.

MR HANN: Ah, thank you.

MR McINNES: The other thing that I've noticed in the assessment report itself, it's predicated off the applicant has lodged an – or a MOD stating that slope is an issue,  
5 um, and that's the reason why the buildings will ultimately – they – they contravene council's height of building controls - - -

MR HANN: Yeah.

10 MR McINNES: The development standards.

MR HANN: Yep.

MR McINNES: Um, they haven't – no document provided by the applicant or  
15 addressed in this assessment report actually quantifies the slope. Ah, my – council's submission to – to the department – we said it's approximately a three-metre cross, ah – ah, fall, change in level between buildings a to c.

MR HANN: Yep.

20 MR McINNES: I'd encourage you to look into what that actual slope is. It's a car park at the moment and it's pretty flat. In Ku-ring-gai we're used to acute topography, and that's a fairly flat pad. Um, they're stating that – in the report, page 19 - - -

25

MR HANN: Mmhmm.

MR McINNES: - - - paragraph 3, the proponent advises the variation from the LEP height controls is due to the sloping nature of the site and uneven topography. I'm  
30 not sure - - -

MR HANN: Okay.

MR McINNES: - - - that's the case.  
35

MR HANN: Okay.

MR McINNES: You could step buildings to avoid projections. Um, we see it done commonly. So that's just an issue I'd like to flag. And in the submission – and that  
40 has a flow-on effect because they're ultimately – the report's suggesting that we're going to have a height contravention of council's LEP.

MR HANN: Mmhmm.

45 MR McINNES: What that means is, well, we have a condition in the consent or in the – in the – the project approval, condition 8a (2), which is effectively – you're all probably aware of the clause 4.6 provisions when you - - -

MR HANN: Sorry, which - - -

MR McINNES: Yep.

5 MR HANN: So I'm clear, which condition's that?

MR McINNES: Condition 8a (2).

MR HANN: Okay. Thank you.

10

MR McINNES: Which is a condition that the council ultimately have to step through when the DAs are lodged. And it's about whether or not you could justify the height contraventions that this - - -

15 MR HANN: Okay.

MR McINNES: - - - MOD has ultimately .....

MR HANN: Okay. And - - -

20

MR McINNES: And these tests are going through the Land and Environment Court and they're very onerous. Um, there's no guarantee you'll get through them, particularly when it – one of them is asking – in section B, that there are sufficient environmental planning grounds to justify exceeding the maximum building height. One of those reasons would be there would be acute topography on the site, and at the moment I'm not convinced that there is acute topography to – to warrant a – to justify the contravention of - - -

25

MR HANN: Okay.

30

MR McINNES: - - - a building height development standard.

MR HANN: All right.

35 MR McINNES: I'm just flagging that with you now. When these applications come through there's a – you need to consider that you could actually implement the modification, and at the moment there – there's a – there's a big risk element there.

MR HANN: In other words, you question whether it would pass the justification  
40 - - -

MR McINNES: Absolutely.

MR HANN: - - - test as - - -

45

MR McINNES: Absolutely.

MR HANN: - - - applied by the Land and Environment Court?

MR McINNES: Yep.

5 MR HANN: Um - - -

MR McINNES: And their recent judgments.

MR HANN: Okay.

10

MR McINNES: Yep.

MR HANN: Because we're talking – translating what's in the LEP of, say, the, ah –  
15 ah, Buildings A through C, I think, ah, we're talking 20.45, which translates to 180-  
something or rather, and it's about a – is it a two – two and a half metre – something  
like two - - -

MR McINNES: Yeah.

20 MS LEWIN: Height difference.

MR HANN: 2.7 metre height difference - - -

MR McINNES: Mmm.

25

MR WYSE: Yep.

MR HANN: Roughly that across those buildings.

30 MR McINNES: Mmm.

MR HANN: And that's what we're talking about. That's in exceedance of your - - -

MR McINNES: Exactly.

35

MR HANN: - - - DCP or your LEP controls.

MR McINNES: Mmm.

40 MR HANN: Is that right?

MR McINNES: That's right. And our – our submission went into detail to explain  
– in an ordinary DA for an ordinary residential flat building we'd encourage these  
45 elements that are on the top storey that are causing the height projection to be in the  
basement, like your utilities. They're putting private open space on the – communal  
open space on the roof. I mean, that's encouraged as well by our – our development  
control plan, but you can put it elsewhere, and there's plenty of space for it on the

site. But that's just a – more – I'm reflecting on the justification in the report, and I don't see it being incredibly strong.

5 MR HANN: Okay. And you question whether it can be, if you like, approved, ah  
- - -

MR McINNES: Yep.

10 MR HANN: - - - with those – with those, um, RLs - - -

MR McINNES: Yep. That's right.

MR HANN: - - - for the height limits. Okay.

15 MR McINNES: Yep.

MR HANN: All right.

20 MR McINNES: That's, um – I'm finished.

MR HANN: Anything else, ah - - -

MR WYSE: That's - - -

25 MR HANN: ..... Craig?

MR WYSE: I think that covers - - -

30 MR HANN: Yep.

MR WYSE: - - - most of our remaining issues.

35 MR HANN: We did, ah, we did, ah, ask the applicant – one of the issues we, um, in the commission raised was the safety of pedestrian traffic with a school, and obviously already they're travelling across to the playing fields or whatever – to the north east, I think.

MR WYSE: Yep.

40 MR HANN: Ah, and with the removal of building d then – and obviously with, you know, all the traffic that ultimately is gonna be – that's gonna be generated then we wanted to know what – what provisions there would be for safe crossing to get to that new recreational area as well. Now, they've spoken to us about having an underpass there. Now, I presume that's been – you – they've been in discussion with  
45 you about that.

MR WYSE: Um, I - - -

MR PICCOLI: I haven't heard anything about an underpass.

MR WYSE: ..... underpass.

5 MR HANN: Okay. All right.

MR PICCOLI: So underpass under the internal access road?

UNIDENTIFIED MALE: Yes.

10 MR HANN: Yes. That's right.

MR PICCOLI: Okay.

15 MR HANN: In order to address the, ah, the safety issue of – of school children being able to quickly and efficiently get from the main school grounds over to the recreational areas.

MR WYSE: Um, probably something we wouldn't normally encourage. Um,  
20 there's all the - - -

MR PICCOLI: Mmm.

MR HANN: Okay.  
25

MR WYSE: You know, there's all the safety by design issues with underpasses. Um, and particularly given the space that's available as a way to design the public domain and the footpaths and the crossings, um, I think there's sufficient space there.

30 MR HANN: So what – what would you suggest is the – is the best, ah, safety management plan, if you like, for – for crossing a road?

MR PICCOLI: I – I think the – the type of crossing facility would be determined by, I guess, the level of traffic using the road when the children are wanting to cross.  
35 Now, I imagine they wouldn't be necessarily crossing, um, at drop off and pick up time when they're, obviously, arriving or leaving, but it might be somewhere in between, and traffic levels on that access road may be lower at, um, 10 am and 2 pm if they're moving back and forwards.

40 MR HANN: Yeah.

MR PICCOLI: So I guess it's like a merit assessment of, you know, what the - - -

UNIDENTIFIED MALE: Yep. Okay.  
45

MR PICCOLI: ..... facilities would be.

MR HANN: All right.

MR PICCOLI: Um, oh, there might be a bit of vehicle movement associated with,  
um, the resident access to buildings a, b and c, um, but that wouldn't be very high  
5 during the middle hours of the day.

MR HANN: Mmm.

MR PICCOLI: That'd be morning and evening peak type thing. Um, so, yeah, it'd  
10 be a – pretty much a merit assessment on .....

MR HANN: Okay.

UNIDENTIFIED MALE: Yep. All right.  
15

MR HANN: But, look, it'll be in the transcript that'll be on our website, so you can  
– you can check that. I just - - -

MR WYSE: Sure.  
20

MR PICCOLI: Sure.

MR HANN: We were interested in - - -

25 MR WYSE: Yep.

MR HANN: In what your thinking is in terms of, you know, the safe – safe access.

MR McINNES: And they – they have a SSD approval for the school and – and I  
30 imagine there's some kind of arrangement to get to the playing fields in – in the  
north east. That's always been part of their approval. I believe it's stage 4.

MR HANN: Yeah.

35 MR McINNES: Um, there may be some answers there on how they get over,  
because that access road is – has been known for some time.

MR HANN: Okay.

40 MR McINNES: Yeah.

MR HANN: Yeah. Look, I – I don't know - - -

MR PICCOLI: Mmm.  
45

MR HANN: - - - the answer to that.

MR McINNES: Yeah. Yeah.

MR HANN: It was just in our discussions where we posed - - -

5 MR WYSE: Right.

MR HANN: - - - the question - - -

MR PICCOLI: Mmm.

10

MR McINNES: Yep.

MR HANN: - - - how do they contemplate providing, um - - -

15

MR McINNES: Mmm.

MR HANN: - - - safe access across that - - -

UNIDENTIFIED MALE: Yep.

20

MR HANN: Pedestrian access - - -

MR PICCOLI: Mmm.

25

MR HANN: - - - ah, that was their response.

MR McINNES: Okay.

30

MR HANN: Yeah. All right. Wendy, is there anything else outstanding that we – look, the - - -

MS LEWIN: Nah.

35

MR HANN: The bushfire protection, ah, Asset Protection Zone one is an important - - -

MR WYSE: Yes.

40

MR HANN: - - - issue for us.

MR WYSE: Yeah.

45

MR HANN: As you can understand. So, ah, you know, we'd be looking forward to getting your, you know, sort of - - -

MR WYSE: Sure.

MR HANN: - - - detailed response on that, ah - - -

MR WYSE: Yes. Yeah.

5 MR HANN: - - - when you – when you, ah – when you can.

MR WYSE: Yeah. Just a bit difficult on short notice - - -

10 MR HANN: No. That's fine.

MR WYSE: ..... yep.

MR HANN: Nah. I totally understand .....

15 MR WYSE: Yeah.

MR HANN: All right. Um, Michael, any - - -

20 MR M. WOODLAND: No. No questions from me.

MR HANN: Okay.

MR WYSE: Okay .....

25 MR HANN: Thank you very much, gentleman.

MS LEWIN: Thank you.

30 MR PICCOLI: Thank you.

MR HANN: Ah, meeting closed.

MR PICCOLI: Thank you very much.

35

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**[1.33 pm]**