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TRANSCRIPT OF PROCEEDINGS

TRANSCRIPT IN CONFIDENCE

O/N H-1006966

INDEPENDENT PLANNING COMMISSION

MEETING WITH SHOALHAVEN COUNCIL

RE: NARRAWALLEE RESIDENTIAL SUBDIVISION MODIFICATION 3

PANEL: **SOO-TEE CHEONG**
STEPHEN O'CONNOR

ASSISTING PANEL: **ALANA JELFS**

COUNCIL: **CATHY BERN**
ELIZABETH DOWNING
SIMON HEUNG

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

DATE: **1.13 PM, WEDNESDAY, 20 MARCH 2019**

THIS PROCEEDING WAS CONDUCTED BY TELEPHONE CONFERENCE

5 MR S. CHEONG: Good afternoon, and welcome to the - - -

MS E. DOWNING: Good afternoon.

10 MR CHEONG: - - - to the teleconference on the proposal whereby Hazcorp
Proprietary Limited, the applicant, is seeking to modify the project approval for the
Narrawallee residential subdivision to convert the southern open space reserve to six
residential lots, increasing the total number of residential lots from 166 to 172, to
clarify the location of the second traffic management device required within Leo
Drive, to delete the requirement to provide a sewage pumping station within stage 4
and to undertake administrative modifications to the conditions of approval to reflect
15 the changes outlined above.

20 My name is Soo-Tee Cheong. I'm the chair of this IPC panel. Joining me here is my
fellow commissioner, Stephen O'Connor, and Alana Jelfs, a senior planner of the
Commission Secretariat. The other attendees of the teleconference are Cathy Bern,
development manager, Elizabeth Downing, development coordinator, subdivisions,
and Simon Heung, development coordinator, engineers of Shoalhaven Council.

25 In the interests of openness and transparency and to ensure the full capture of
information, today's teleconference is being recorded and a full transcript will be
produced and made available on the Commission's website. The meeting is one part
of the Commission's decision-making process. It is taking place at a preliminary
stage of this process and will form one of the several sources of information upon
which the Commission will base its decision. It is important for the commissioners
to ask questions of attendees and to clarify issues whenever we consider it
30 appropriate.

35 If you are asked a question and are not in a position to answer, please feel free to take
the question on notice and provide any additional information in writing, which we
will then put up on our website. I request that all members here today introduce
themselves before speaking each time and for all members to ensure that they do not
speak over the top of each other to accuracy of the transcript. We will now begin.
Now, if you could begin by taking us through the issues of the project which are of
concern to Council.

40 MS A. JELFS: Hello?

MR CHEONG: Are you all right? Hello?

45 MS DOWNING: Yes. Sorry. We were looking at the agenda. We thought we
were here to – sorry. This is Elizabeth Downing speaking. My apologies.

MR CHEONG: Yes.

5 MS DOWNING: We have the agenda, and we understand that from your introduction we would answer questions or clarify issues for you. So we were waiting for your lead.

MS JELFS: So what we might do is just go through each of the Department's assessment report key assessment issues, if that suits you, commissioners.

10 MR CHEONG: Yes.

MS JELFS: And then - - -

15 MR CHEONG: Well, for your information, the Commission had met with the Department of Planning and Environment and the proponent separately earlier today. And while – we can begin by asking questions, if you feel that you don't need to take us through the issues that are of concern to you.

20 MS C. BERN: Cathy Bern speaking, the development manager, Shoalhaven City Council. We are happy to step through the Department's assessment report and talk about the key issues that we have before us as listed in the agenda. And perhaps if Alana could commence that. That's probably a good way forward, I think. Do you agree?

25 MR CHEONG: I think the commissioners will ask you some questions in that case.

MS BERN: That's fine.

30 MR CHEONG: Okay. Right. So what is the view of Council regarding to the subdivision changes to the subdivision layout?

35 MS BERN: As advised in various pieces of correspondence – apologies again. This is Cathy Bern, development manager, speaking. In essence, we have no overwhelming objection to the development and the increase in number of lots. We have no objection to the removal of what we call a pocket park and the additional six lots. I think one of the issues that is of concern – and I might ask Elizabeth to talk about this a little bit further – is a potential issues between the Rural Fire Service's comments and the environmental assessment as it relates to the proposed bushland reserves.

40

MR CHEONG: Okay.

45 MS DOWNING: Okay. This is Elizabeth Downing speaking. What I did was have another closer look in particular with respect to the bushfire report that was submitted and the recommendation therein. I'm just trying to get the exact page, because it's also – the comments that have come back from Martha Dotter from the Rural Fire Service support the recommendations. And one of those

recommendations from the bushfire report – the report is by Travers Bushfire & Ecology dated May 2018.

5 I'm just finding the correct points. Just bear with me, please. There are recommendations in that report that are located within section 4 of the report, which is on page 9, and recommendation 2 specifically talks about temporary APZs to be provided to the proposed development, and it's recommended that the entire property within the broader approved subdivision area is managed by the developer as an APZ in a protection standard.

10 My question with that is with respect to – when our threatened species officer looked at the flora and fauna reports that were submitted with the documentation also by Travers Bushfire & Ecology but dated May 2017, there was concerns about the survey duration, the timing of the survey, the invasive methods that were listed on
15 page 34, which included chainsaw hole. So I'm a bit concerned with respect to how creating those asset protection zones over the whole of the site applies with respect to (a) the existing consent but more specifically (b) is that actually going above and beyond what was approved in terms of clearing compared to the original.

20 MR CHEONG: So you had a question to the Department. Is that right?

MS BERN: Correct.

25 MS JELFS: Okay. The Department are not in the room. So, look, the idea of the meeting is for you to let us know – or let the Commission panel know if there's anything that in your review of things, you know, that you've got concerns with, and they will take that onboard in their assessment determination.

30 MR S. O'CONNOR: So it's Steve O'Connor here. Thanks for that item. We've noted that, and we will follow up and make sure there's no inconsistency in relation to that issue of clearing of the land and the bushfire risk and the biodiversity values of the two proposed bushland reserves. Thank you for that. Is there anything else that you want to bring to our attention?

35 MS BERN: This is Cathy Bern speaking, development manager. I don't believe there are any other significant issues or issues that are overwhelming or problematic. I believe that – we were discussing the traffic calming measures earlier, the inclusion of an additional speedbump in one of the roads, but the location of that particular speedbump has become problematic with the location of constructed driveways. I
40 guess the question is then do we really need that speedhump to calm traffic in that particular location. So that issue just needs to be covered off. I might ask our engineer to comment on that if he has any particular issues.

45 MR S. HEUNG: Yes. Simon Heung here.

MR CHEONG: Yes.

MR HEUNG: Yes. We have a few comments. I would say there's objections received by the local resident. The developer has – the applicant has sent a letter to the affecting property owner in regarding of the proposed speedhump locations and the project in there. We commonly receive – majority are negative. They don't
5 support with the installation of that traffic calming control device. The main reason for that is the noise impact in there and also for the for the – Council has installed another speedhump after that consent release. So the proposed speedhump location is pretty close to the existing speedhump, but they are the best of the locations we can select, because we restrict on the constructed driveway.

10

MR CHEONG: Soo-Tee Cheong here. So you are saying that you are not concerned with the second speedhump or second calming device or you are looking at a more suitable location for it?

15 MR HEUNG: Simon Heung here.

MR CHEONG: Yes.

MR HEUNG: From – based on our assessment, we believe we don't need that
20 second speedhump for the locations – for the – for this project and by a speedhump being installed, and also for the existing geometry for the – for the road layout, it appears in our one the speedhump – the second speedhump required by the conditions is probably no longer required.

25 MR O'CONNOR: Thank you. I understand.

MR CHEONG: Right. I have a question for you on open space. Now, what is your view on the open – the pocket park? When the subdivision is completed, you will have a triangular pocket park which is totally enclosed, and to me it looks rather
30 unsafe and in which there's totally a lack of surveillance. What is your Council view on that issues?

MS DOWNING: This is Elizabeth Downing speaking. I'm just clarifying this for Cathy's sake. The triangular piece of land that you're referring to is existing to the
35 south of the subject site?

MR CHEONG: Yes.

40 MR O'CONNOR: Correct.

MS DOWNING: Yes. It is existing. And Council's attitude towards pocket parks has changed dramatically, and Council would prefer to see funding in accordance with adopted overall plans rather than having just small one-off pocket parks provided in isolation and directing those funds to the larger, more regional size parks.
45 In this particular instance, our strategic infrastructure has been consulted, and they don't want t the pocket park provided within the current application. There's nothing we can do about the - - -

MR CHEONG: Can I correct you there.

MS DOWNING: Sure.

5 MR CHEONG: The pocket park is actually existing. It's not part of the subdivision site.

MS DOWNING: Yes. Yes.

10 MR CHEONG: Right.

MS DOWNING: Yes. I'm just – sorry. This is Elizabeth again. I'm just trying to explain that if the land to the south was on the table right now, our Council would not want that park today.

15

MR O'CONNOR: Yes.

MR CHEONG: Yes.

20 MR O'CONNOR: I understand.

MR CHEONG: Yes.

25 MS BERN: This is Cathy Bern speaking, development manager. With respect to the existing reserve, it's existing and we are accepting that scenario, and there's nothing we can do about it with this particular application. The position with the current application where that proposed reserve adjoined that existing park, we've consulted with the relevant section of Council and they see no need for the creation of that particular reserve.

30

MR CHEONG: Yes.

MS BERN: They believe that it is another park, a small reserve which they will have to maintain and is unnecessary with regard to the circumstances.

35

MR CHEONG: Yes.

40 MS DOWNING: This is Elizabeth again. I wanted to just touch on the fact that you were talking about it being isolated. There are multiple lots further to the south that adjoin that piece of land, and in particular I do know that the park is very well – well, it's observed or they are very much aware of who goes on and who doesn't go on that land, because there was – at one stage, the developer was trying to gain access via a small handle, and there was a wattle tree that was disturbed, and we knew about that wattle tree that day because the residents that live in there are very much
45 protective of that reserve. So there's a lot of surveillance that's occurring from the residents in that location already.

- MR CHEONG: All right. Just another observation with the stormwater issues. Has there been any problem with the flooding in that area?
- 5 MR HEUNG: Simon Heung here. Yes. I will take that onboard and get back to you guys for the flooding issues.
- MS JELFS: A lot of the – Alana here. A lot of the submissions point to – yes – flooding issues in local streets, etcetera.
- 10 MR CHEONG: Yes.
- MS JELFS: And then there's, you know, increased concern around what an additional, you know, number of lots will do to flooding impacts.
- 15 MR CHEONG: Yes. Soo-Tee Cheong here again. I just notice on May the 22nd 2018 you sent an email to Anthony Witherdin of – and others in the Department. In that email, you comment on condition B23, final stage 4:
- 20 *Final stage 4 plan, civil construction plans have not yet been approved and are under review.*
- Has that been completed, that review? Has that completed already? And you are satisfied that B23 be – I think being deleted?
- 25 MR O'CONNOR: It relates to the sewer pumping station, B23.
- MR CHEONG: Sewer pumping station.
- MR O'CONNOR: Yes.
- 30 MR CHEONG: Yes.
- MR HEUNG: Okay. Simon Heung here. Again, to just give you update, we have the part CC issues for this subdivision construction certificate for the stage 4 and 6.
- 35 We issues the part CC late last year, and we got amended CC for the last – in early this year. So I've got the checklist in front of me. I can double-check with the – can you repeat that, which conditions you questioned about the flood issues?
- MR CHEONG: Not flood issues. It's a sewer – the sewage pump station. B23.
- 40 MS JELFS: Which is proposed to be removed from this
- MR CHEONG: Yes. Which is supposed to be deleted and no longer required.
- 45 MS DOWNING: This is Elizabeth – yes. This is Elizabeth Downing. I refer to correspondence that I sent to the Department of Planning on the 25th of October 2017. My understanding was that a copy of a signed agreement between the

landowner and the developer needed to be provided prior to the deletion of that condition, but I understood that that – because it was relating to a sewer pumping station that the applicant had been in negotiations with Shoalhaven Water.

5 MR CHEONG: So you are saying if the – Soo-Tee Cheong here. If Shoalhaven Water is satisfied, that B23 could be deleted. That means – which means the pumping station is no longer required. Is - - -

MS DOWNING: This is Elizabeth. That’s exactly right.

10

MR O’CONNOR: It’s Steven O’Connor here. Just to go back to a question in relation to that pocket park, is there any improvements currently in the existing pocket park in the way of playground equipment or landscaping or seating or whatever?

15

MS DOWNING: This is Elizabeth Downing. The last time I went to that pocket park was probably about four or five years ago on my way to another site. I do know that Council maintain it by moving. What their exact regime is or scheme is or improvements are I would have to check with our parks section, and I can get back to you with the exact details.

20

MR O’CONNOR: Thank you. That would be good. Could you also check and see if they have plans to upgrade or embellish that are?

25 MS DOWNING: This is Elizabeth. Yes, I can check that. I do understand from the correspondence relating to this application that the developer has proposed further embellishment of that pocket park.

MR O’CONNOR: Yes. And the current – it’s Steve O’Connor again. And the current recommended condition says either that pocket park gets embellished or other parks in the vicinity get embellished, and we would like to know if Council has a preference for that pocket park to be embellished or whether you have another park in mind that you would like to see the funds expended in to create some improvements.

35

MS DOWNING: It’s Elizabeth again. And certainly I will check with our parks section to see if they have a wish list for you.

MR O’CONNOR: Great. Thank you.

40

MR CHEONG: Any more questions from you?

MR O’CONNOR: Yes. Steve O’Connor again. Just a question around whether any VPA has been entered into in relation to this particular subdivision.

45

MS BERN: Cathy Bern here, development manager. I understand that there is a VPA.

MR O'CONNOR: So do you think, Cathy – Steve O'Connor again – you might be able to get hold of that for us so we're just aware of what that VPA says?

5 MS BERN: Cathy Bern here. Yes. We will have a look at that document and send it through. My understanding is that it relates to a road, however. But we will provide those details.

10 MR O'CONNOR: Thank you very much. My only other question – Steve O'Connor again – relates to whether or not the original statement of commitments, which is a 2008 document which relates, you know, to the original project approval – whether that has ever been updated, or is it still the 2008 statement of commitments which goes with that approval?

15 MS DOWNING: Elizabeth Downing here. My understanding from the documents that were on exhibition on the Department of Planning's website is that there was no revised statement of commitment document.

20 MR O'CONNOR: Yes. That's consistent with our understanding, too. We just wanted to check that that was your understanding as well.

MR CHEONG: Any further questions?

MR O'CONNOR: No.

25 MR CHEONG: Thank you very much. There's no more questions from us, in which case I will declare the teleconference closed.

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[1.35 pm]