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INDEPENDENT PLANNING COMMISSION

NORDS WHARF – COUNCIL MEETING

PANEL: **CHRIS WILSON (Chair)**
 WENDY LEWIN
 STEPHEN O’CONNOR
 CASEY JOSHUA

COUNCIL: **DAVID PAVITT**
 GEORGIA HALVORSEN

LOCATION: **27 MAWSON CLOSE, CAVES BEACH**

DATE: **10.57 AM, WEDNESDAY, 12 FEBRUARY 2020**

MR WILSON: Before we begin, I would like to acknowledge the traditional custodians of the land on which we meet. I would also like to pay my respects to their Elders past and present and to the Elders from other communities with whom
5 Nords Wharf Concept Plan. My name is Chris Wilson. I am the chair of this panel. Joining me are my fellow commissioners, Stephen O'Connor and Wendy Lewin. Casey Joshua is also here from the Commission secretariat. In the interests of openness and transparency and to ensure the full capture of information, today's meeting is being recorded and a full transcript will be produced and made available
10 on the Commission's website.

This meeting is one part of the Commission's decision-making process. It is taking place at the preliminary stage of this process and will form one of several sources of
15 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 appropriate. 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
20 members here today introduce themselves before speaking for the first time and for all members to ensure that they do not speak over the top of each other to ensure accuracy of the transcript. We will now begin.

I guess the first, ah, question or the first, ah, thing in relation to council is their position in relation to the department's recommendations, in particular, the
25 recommended conditions of approval.

MR PAVITT: Um, so I have – ah, sorry, David Pavitt from – um, Chief Development Engineer, Lake Macquarie Council. Um, so I've looked at the – the agenda items and – and I've – I've read the – the assessment report from the
30 department, um, and, um, generally happy with the – the – the report and the recommendations of that report. There's some – some detail in there that I – that I – you know, we – we can discuss later, um, but overall happy. I – I note that in – in terms of council and the – and the main impacts that - or – or main, um, items that we were interested in was, um, the report discusses the – well, not changing the – the
35 current intersection requirements as per the original concept plan.

Um, it discusses the \$1 million social benefits contributions. Um, it discusses increasing the – the yield. Um, it also goes on to talk about approving the indicative subdivision layout, um, the urban design guidelines, to have them revised, um, and it
40 touches on development contributions in accordance with our current plan instead of our previous contributions plan that covered the site, and it also, um, includes recommendations to changes to the – to the instrument. Um, there's – there's a couple of items that we can discuss later in the – in the subsequent agenda items, but there's probably just a couple that I'd like to discuss now, if that's okay.
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Um, in terms of the – the, um, intersection upgrades, the – the report recommends maintain the status quo as per the concept plan. Um, in terms of council, we have no objections to that. Um, we – we've issued a – a 90-lot subdivision – issues a 90-lot subdivision on the site now and, um, maintaining the – maintaining the intersection
5 upgrades as per the concept plan would – would have a – an – an insignificant impact on the local traffic. Um, having said that, I note that the application does propose to – to change the – the intersection configurations on the Pacific Highway, which I understand would definitely change the local traffic regime, um, and council's interest would lie in those changes. Um, it's also my understanding that – that – that,
10 with the proposed changes to the intersections, that those impacts on local traffic haven't properly assessed at this time.

Um, if we want to talk about the – as I – I said, social benefits, the \$1 million stays the same with some minor changes. I can discuss that later. The – increasing the
15 maximum yield, um, again, doesn't make much difference. The footprint's pretty much the same. We're just changing some lot sizes and – and, um – and a couple of road positions. You know, it's still – there's still a perimeter road around the site. In terms of the footprint, there's no real change in – no additional impact, so we don't have any objection to – to the increase in yield.

20 Um, the – the concept plan modification does propose to, um, approve an indicative subdivision layout which I'm unsure why, um, especially given that the original concept plan specifically doesn't approve the – the subdivision layout. Um, I'm not sure why there's a change in position there, um, but, regardless, I don't have a big
25 deal with it. The – as long as we're not too tied into that layout should in our detailed assessment, um, there's still scope to – to change things slightly which I think, within the bounds of a concept plan that normally says generally in accordance with, so I think there's – there's scope to do that, um, anyway.

30 Um, the recommendations of the – of the assessment report are also that, um, revised urban design guidelines be – be created and that, um, the guidelines be approved by council. Um, that – that – having the guidelines revised is – you know, council supports that. Um, having them be approved by council instead of by, ah, I think it was the Director-General, I think, is in the current concept plan, um, I think it would
35 be council's preference that they – that the approval of those still stay with the, um – with the department. Um, I think for council to be the approval body for those then adds another layer potentially to – to the planning regime in that I think we would – we would have to assess those guidelines as if they were a DCP.

40 MR WILSON: So there's overlap between the two.

MR PAVITT: And then exhibit them, council report, again have public submissions. Um, I think it's tidier if it's – if it's still held with the department. Um, having said that, there's one matter of – of these guidelines which I'd be prefer –
45 prefer to be removed altogether and – and we've done it in other guidelines, similarly in concept plans, whereby, um, the guidelines cover the subdivision aspect of the – of the development, but then they effectively cease to operate and then – and then, um,

people coming in, lodging their applications for dwellings, etcetera, or other permissible uses, it's – those are assessed in accordance with - - -

MR WILSON: DCP.

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MR PAVITT: With the council's citywide DCP and associated area plans. Um, it's just that – it's – it's tidier. Ah, the - - -

MR WILSON: Yeah.

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MR PAVITT: These lots are – you know, when they're on the ground, they're not dissimilar to other lots in the city, so why would they be subject to another – a different planning regime. It's – I think it's – if someone's buying here they – they should be subject to the same rules as everybody else. Um, it's also easier for us logistically to just cover it with our citywide DCP and not have another document that – that people need to, “Oh, you're – you're there. Well, you need to use these guidelines instead”, and plus the guidelines are as comprehensive as our DCP, so where they're not – where they don't cover something, you would then to fall to our citywide DCP regardless.

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MR WILSON: So the guidelines then – just correct me if I'm wrong. The guidelines then would inform the subdivision application but then the development of the – the lots would be guided by the DCP. Is that how it would work?

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MR PAVITT: So council's preference would be that, yes, the – the subdivision DA assessment - - -

MR WILSON: Yeah.

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MR PAVITT: - - - is – is guided by the guidelines. Um, once the subdivision's on the ground, those guidelines then don't have any weight because, you know, we just then defer to our – our - - -

MR WILSON: Okay.

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MR PAVITT: Our standard DCP. That would certainly be council's position. You know, we have – not that it's unusual, but we have Murray's Beach and a few other parts of the city that are covered by other guidelines and it is – logistically it's difficult to - - -

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MR WILSON: Yeah.

MR PAVITT: To, you know, keep everybody on the same page – “Oh, no, you're there. Well, you need these guidelines instead of these guidelines”, or – or, “They're special but they don't cover everything, and then you need to have these guidelines as well.” So I think it's tidier. It's certainly tidier for us. If – if the site had certain particular aspects about it that warranted specific guidelines to the development of

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each single block of land, I don't have a problem with it. I – I don't – I think the site is not dissimilar to your other residential subdivision sites in the city that – that our DCP deals with quite easily.

5 MR WILSON: That's okay. That's good.

MR PAVITT: So the other matters. We talked about the development contributions. The – the proposal is that – that – that they be paid in accordance with our current plan and we absolutely support that. Um, and the – the other item I had
10 generally which was not covered in – subsequently is that, um – that there's a recommended instrument. So the – we have the concept plan and then the recommended instrument changes it and says, "Well, delete this bit. Add this bit. Add this bit. Delete this bit." It – it then – with one amendment that's probably okay, but if you have – as you go forward, if there is other amendments, you – then
15 you have, "Well, this amendment has – will delete this, add this," but there's not a – there's not a consolidated document that says, "Well, just read this and that's – that's what the new concept plan is." So, logistically, that gets a bit tricky and it's not so much just with the first amendment but, going forward, you then have amendment after amendment after amendment and it becomes very difficult to - - -

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MR WILSON: So you are – you – you're suggesting there is a consolidated document – consolidated instrument?

MR PAVITT: Yes. And even if it had – and I don't know whether it can, it has
25 what's crossed out is this – and this is – this is what replaces it and it's in the one document, that – that would be our preference. I don't know whether that's achievable but that would be our preference.

MR WILSON: I think, from memory, the department's always used single – single
30 instruments – standalone instruments, but provided consolidated instruments procedurally. But we'll look into that.

MS JOSHUA: I don't know if they're published online.

35 MR WILSON: They're not published.

MS JOSHUA: But they – it's – it's different to the way local government prepares their informations.

40 MR PAVITT: I – I know – I know that what we've – we have done on other ones is then create our own consolidated instrument - - -

MR WILSON: Yeah.

45 MR PAVITT: - - - to – to give us a working document, which, ideally, you don't do, but - - -

MR WILSON: Yeah.

MR PAVITT: Yeah, we have done that.

5 MR WILSON: Noted.

MR PAVITT: Noted. So, um, would you like to move on to agenda item 3?

MR WILSON: Yes, please.

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MR PAVITT: So agenda item 3 covers, um, contributions, um, and it talks about section 94. I know that it's not section 94 anymore. It's 7.11, with the changes to the Planning Act.

15 MR WILSON: It takes time.

MR PAVITT: Yeah, and, um – and in the assessment report there is some mentions of section 94 which probably should be changed to 7.11 or – or a more generic term, development contributions or something like that. Um, as I mentioned we – we support having the – the developer pay in accordance with our current plan. You know, our current plan's been – it's obviously the current plan. We've done the appropriate research behind that and we've identified those works and upgrades, etcetera, that we were – that – you know, where we want to spend, you know, those moneys that are collected under that plan. Um, we have also looked at those items that are in the social benefits contribution, the \$1 million and – and none of those items are doubled up.

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MR WILSON: So there's no double-dipping?

30 MR PAVITT: There's no double-dipping. Um, the only one, I guess, that potentially there could've been some grey was an upgrade to Gaffa Coal Reserve as a general reserve upgrade, but we haven't identified Gaffa Coal Reserve as one of those reserves that we were going to upgrade anyway.

35 MR WILSON: The original approval mentioned a figure of \$1,185,000 but, through the paperwork and through the process, it seems to have dropped to a million yuans. Do – are you – do you understand why that might be? I should've asked the department.

40 MR PAVITT: I know – I have to say this has been going for a long time so I can't quite recall, but it was five million for the Southern Estates.

MR WILSON: Yeah.

45 MR PAVITT: And I don't know how that was demarcated to so much for Middle Camp, so much for Gwandalan, so much for Catherine Hill - - -

MR WILSON: Well, if you go back to the original, ah, assessment for the concept plan for Nords Wharf, it stipulates – ah, there’s a table in here which says 1.185 and the department’s assessment says one million. So I – I just need to get to the bottom of that. It’s – it’s obviously not a question for you, I’m sorry, but - - -

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MR PAVITT: That’s oaky. I – I have to say - - -

MR WILSON: - - - I’ll probably go back to the department but - - -

10 MR PAVITT: - - - I haven’t done that writeups and takeaways, um - - -

MR WILSON: Yeah. So – so, ah, I just need to find out why that’s dropped, if something’s been taken out or - - -

15 MR PAVITT: And – and I guess that’s not really a position for council anyway.

MR WILSON: Yeah. No. That’s right.

20 MR PAVITT: They’re – they’re – they’re not items that council would normally - - -

MR WILSON: Yeah.

25 MR PAVITT: - - - ask for as part of a – a DA assessment. You know, we may ask for – oh, yeah, it depends on the size of the job.

MR WILSON: But you’re being asked to manage this now, aren’t you, so - - -

30 MR PAVITT: Sorry?

MR WILSON: You’re being asked to manage the – the distribution of these funds, aren’t you?

35 MR PAVITT: Um, yes, and we will talk about that, um, in the next item, in item 4.

MR WILSON: Okay.

40 MR PAVITT: Um, so if we can – want to move on to item 4 now, um, it’s interesting the – the – the assessment report talks about some particular modifications in terms of the wording of – of clause – clause 1.14 in the concept approval. Um, but then, in the note – in the note – in the note it – it then discussed the schedule of contributions outlined in the statement of commitments is subject to final approval by Lake Macquarie City Council and the initiative’s funding and staging may be altered. Um, yeah, I think that’s – it’s a little bit problematic for
45 council. Well, there’s two things there. I’m not sure why we mentioned the – the change in one point – in 1.14(b):

Upgrade the schedule to note the upgrade of parking could be used at Branch Road or Cams Wharf.

And then we go on to say, “Well, do what you want.”

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MR WILSON: Yes.

MR PAVITT: “Change whatever you want.” I don’t know that you need to do both. I have to say that I’m uncomfortable – sorry. I think it’s good to have that level of flexibility. No question about that, because a – a couple of the items that were in the current schedule, ah, council doesn’t support anyway. Council doesn’t support the – the upgrade of the – the Branter Road boat – boat ramp and its parking facilities. That facility there is a historic facility that is very much used, um, by those local – local people. Um, the – the site generally where the boat ramp is and the parking area is informal. It’s quite steep and council is – doesn’t want to actively encourage more people to use that facility. Um, so weren’t supportive of the Branter Road upgrade in the first place and – and would be quite happy to not – to spend our normal maintenance money there to retain the facility. IT’s very – it’s very difficult to remove a facility once the community’s got a facility but we would much prefer the ability to – to upgrade our – our more regional facility at Cams Wharf, which is not that far away anyway.

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MR WILSON: It’s accessible from all these, ah, villages, isn’t it?

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MR PAVITT: Yes.

MR WILSON: Yeah.

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MR PAVITT: And it – and it is – it’s – um, the space available there and the topography, um, lends itself to – to servicing a much larger number of users with upgrades. The – the Branter Road site is very, very constrained, um, and, you know, I – I – you know, if – if council did their assessment of putting a new facility at Branter Road, you know, if there was none there, I’m pretty sure we wouldn’t choose that site.

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MR WILSON: Okay.

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MR O’CONNOR: So it’s Steve O’Connor, Commissioner. Um, so you’re saying to us council doesn’t agree with some of those, um, allocations that are tentatively identified there and it would be good to have the flexibility, but at the same time you’re saying you don’t feel that comfortable having the flexibility?

MR PAVITT: Well, yes.

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MR O’CONNOR: I’m a bit - - -

MR PAVITT: If I - - -

MR O'CONNOR: - - - lost.

MR PAVITT: If I go further to that, um, there's a – there's a number of – of items that, you know, I understand. I – I was part of the original charette process at
5 Raffety's Resort all those years ago where these – these items were developed, and it was developed without council involvement and – but it was developed with – with the – the developers and their consultants and the local – the local community, and so these items were developed out of – I understand out of that process. Um, and so some of those items, like, contribute to the local playgroup or establish scholarship
10 for, um, archaeology students from the local Aboriginal community. I think – I think council, um, would be very hesitant to – to delete those items and replace them with something else. So I think they're items that the local community – there's a level of expectation that they're going to be delivered and – and they were basically promised that they would be delivered and I don't think council would object to – to those
15 particular items.

There's – there is four – four items, I think, in the list which talk about the contribute to the upgrade of the boat ramp facilities at Cams Wharf, contribute to upgrade of
20 Gaffa Coal Park, um, footpath extension, so footpath to be provided from the bus stop in Government Road, and provide additional trailer parking for Branter Road launching ramp and contribute to the upgrade of Branter Road boat launching ramp. I think those items would be the only items that council would like the ability to be flexible on, um, and – and, to be honest, we're – we would probably be happy if we left the Cams Wharf and the Gaffa Coal Park and the foot paving, um, item in there,
25 ah, and only looked at the additional trailer parking at Branter Road and the upgrade of the Branter Road launching facility, um, and had – and had that money available to be spent on boat ramp facilities in the area.

MR O'CONNOR: But as per the department's recommendation, that's exactly what
30 would happen. You – you have the final say on how that money's allocated.

MR PAVITT: Yes. Yes.

MR O'CONNOR: So are you comfortable with that or not comfortable with that?
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MR PAVITT: Well, it's just that I am – well, I guess there's – there's two parts of it, I think, as I – as I've discussed. I think there will be a – there's a level of community expectation on a – on a – on a – on a number of these items. The – the – the local Aboriginal community was – was very heavily involved in those
40 negotiations all those years ago. Um, so I think we will be very hesitant to – to – to change those items. Um, the other items, I would have to get my head around how we would deal with that, whether we would then need to go out to the community and advertise and have it ratified through, you know, council meetings, those sort of things. Like it's not as simple as, "Oh, we'll change it." I – I would be confident
45 that if we just changed a couple of things that we could get some – some pushback from the – from the community and from – and politically as well.

MR O'CONNOR: You must need – you must need some flexibility. If you're going down and doing community consultation, you need flexibility.

MR PAVITT: Yes.

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MR O'CONNOR: And I agree with you, a number of these things probably have to be delivered.

MR PAVITT: Yes.

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MR WILSON: So I – I hear what you're saying.

MR PAVITT: Yes.

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MR WILSON: So, um - - -

MR PAVITT: I guess that's our – that's our position, is, um - - -

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MR WILSON: And – and, you know, this – this has been in place now, ah, since 2012. I mean the relevance of these would need to be reconsidered, I presume.

MR PAVITT: Yes. Yes.

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MR WILSON: Um, so, look, I – I appreciate what you're saying. But, ah, are you – are you asking us to, say, set in stone a number of these but provide flexibility to the rest or do we just - - -

MR PAVITT: I – look - - -

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MR WILSON: Or do we just provide blanket flexibility? Are you asking us to provide blanket flexibility?

MR O'CONNOR: That's the question I wanted answered, yeah.

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MR PAVITT: Yeah. It's hard to – I think – I think we would be happy with the blanket flexibility, noting that we're really not going to be that flexible.

MR WILSON: I mean, it's difficult for us to say what should - - -

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MR PAVITT: Yeah.

MR WILSON: - - - and should be delivered - - -

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MR PAVITT: Yeah.

MR WILSON: - - - on the ground and we – I'm – I'm comfortable obviously, and the council's been given that responsibility so - - -

MR PAVITT: Yeah.

MR WILSON: And that's where it should be retained. Um, okay. I – I think we've – if you move on to 5 now.

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MR PAVITT: Okay. So 5, um, discusses the, um, Branter Road landscape buffer. Um, this is an item that was – this is an item that was – that was brought up at the – at the original – at the original, um, you know, workshops. The – the – you know, from – from memory, the – the – the – the people in those four or five – several
10 residents in – in Branter Road, they were, um - - -

MR O'CONNOR: Does it help, David, to have a - - -

MR PAVITT: Yeah.

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MR O'CONNOR: - - - plan to refer to?

MR PAVITT: They – they were – they were concerned over the – you know, their aspect had always been out to this bushland and they were concerned about the loss
20 of that aspect to – you know, that they had enjoyed, you know, and the – the – the site had a scout camp on it and it was pretty much just bush. So – so they – you know, they were concerned about that and as – as part of the – as part of the – the mitigation of – to – for – for those concerns was to incorporate, um, a requirement for a landscape buffer along Branter Road and I believe it was 10 metres wide.

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MR WILSON: Yeah, that might help.

MR PAVITT: Yeah, within the – within those – within those lots along Branter Road, um - - -

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MR WILSON: Well, in fact, that plan shows the landscape buffer in the road reserve. Doesn't show it on the lots at all.

MR PAVITT: No. I don't think either – I don't think either of these plans show the
35 landscape buffer. The – I believe that the – the proposed change is to have it – instead of 10 meters into the lots, to have it six metres into the lots. Um, from council's experience with these sort of things, I would suggest that, if it was two metres, or six metres, or 10 metres or 20 metres, it won't make any difference. That landscape buffer will be temporary and will disappear entirely from those lots over
40 time. Um, we've had - - -

MR WILSON: What, because of maintenance issues?

MR PAVITT: We've had several – we've had several, um – or have several
45 circumstances around the city where we've – where we've looked at similar sort of landscape buffers, fauna corridors, etcetera, and – and almost without exception they've failed, um, in that the – the people who own those blocks of land over time

selectively clear the – clear the vegetation. You know, it's their land, why can't they do – you know, and – and for us to police that is – is very difficult. Um, so to reduce it from 10 to six, look, I don't have – you know, council doesn't have an issue with that. Um, I – I think ultimately, over time, it'll effectively be zero anyway, um, and
5 that the only landscape buffering that will – will be there, you know, looking forward would just be that that's in the road reserve.

MR WILSON: Which is what that plan shows.

10 MR PAVITT: Yes. Yes. So – and – and the – the – that landscaping within – within the road reserve will be – you know, it's – it'll be there whilst it's ever not maintained. You know, council won't maintain it as part of their normal – normal practices. It – it'll just be effectively a nature - - -

15 MR WILSON: Just a natural screen, while ever - - -

MR PAVITT: A nature - - -

MR WILSON: While ever it's there.
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MR PAVITT: Yeah, a nature strip that's got trees on it. Um, you know, personally, from an urban design point – you know, viewpoint, um,, council's preference would be that those – that those blocks address Branter Road and this just becomes seamlessly part of the Nords Wharf community, you know. That would be our – our
25 normal position in these matters, um, so like is aid, you know, I don't object for the proposal to – to make that landscape buffer smaller.

Item 7 on the agenda discusses – it's noted that there are some new roads in the proposed modification 1 layout – sorry, sorry, item 6, is the approved DA, which is
30 DA640 of 2013. It's still valid and then the agenda item goes on to discuss what response council had to the – I assume that means the modification application, yes, to that approved DA.

So council confirmed with the then developer – I'm not sure if it's the same
35 developer and it's – doesn't – it's not important – that the – that they had had lawful commencement on the site and so the current consent will not lapse. As part of the amendment, we notified to 77 adjacent properties – now, I might be lying there, it might be 76 and Nords Wharf Progress Association but we notified to 77 different parties and we received five responses but one of them was a consolidated response
40 from the Nords Wharf Progress Association.

And overall I think that the community understood that they weren't putting a submission as to the development per se. They were putting in a submission to the amendment, to the additional lots and the changes to the traffic regime and – which
45 was refreshing. Normally you get, you know, a whole bunch of responses that object fundamentally to the application. And we got that originally but on the amendment we didn't get that. And I went through the responses again just the other day, to

refresh my memory, and they really did only focus on traffic related matters. And the community were concerned that the proposed changes to the intersection works on the Pacific Highway would increase the level of local traffic. That was the number one concern. All of the submissions raised that as a concern and that was
5 very much the mood of the room at the public meeting at the Nords Wharf community hall where we – where the - - -

MR WILSON: Which was held during the exhibition, yes.

10 MR PAVITT: It was probably just after it.

MR WILSON: Just after.

MR PAVITT: Just after it. That was very much the mood of the room was traffic.
15 It was all traffic. Now, whether that's valid or not, certainly the community is concerned. And if you've been out to Nords Wharf, there is generally so few houses out there that there is – any increase in traffic is a lot of traffic because there's almost no traffic on those roads now. Changing the intersection configuration, as the developers proposed, would alter the way traffic moves Nords Wharf and, you know,
20 that would have to be – would have to be looked at carefully and I'm not aware that that has been done at this time. So for the department to recommend to leave the intersections as they are or re-support that recommendation.

It, you know, it pretty much doesn't make any difference to us. If an alternate
25 configuration of those intersections on the Pacific Highway was proposed, then we would very carefully need to have those impacts on the local traffic regime assessed and those intersections that it impacts. There's one particular intersection, Government – I would need to have a look, it's Government Road and – it might be Government Road and Nords Wharf Road.

30 MR WILSON: Up the top of the hill there. It was mentioned this morning.

MS LEWIN: That was identified in the public meeting. Yes.

35 MR PAVITT: Yes. It's not amazing in terms of site distance etcetera.

MR WILSON: That was made clear this morning.

40 MR PAVITT: Yes.

MS LEWIN: Yes.

MR PAVITT: Yes. And it really isn't amazing. You would argue that there is probably a bit of an existing situation there but it's tempered somewhat by the fact
45 that there's not a lot of traffic using that intersection. I think, as a result of any development on this site, this development site, council's traffic people will monitor that current intersection. I think the proposals that the developer put forward in

terms of the intersection configurations would definitely put more traffic through that intersection, notwithstanding that they're doing lots. It would actually put more traffic again through that intersection. And I note that the community raised some concerns about putting more traffic past the child care centre, I think - - -

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MR WILSON: And the school.

MR PAVITT: - - - or the pre-school. Yes. So that would – you know, like I said, the department is recommending no changes so council is comfortable with that. If changes were actually potentially supported, we would really look for carefully at those local road issues. And it may be that they can be resolved. I don't know that a lot of work has been put to that, though, to see whether they can. Certainly that intersection at Government and Nords Wharf is definitely a concern. There's not a lot of room to do a lot of improvements there either.

15

Okay. So item 7 on the agenda spoke to – it is noted that some new roads proposed to – there's some new roads proposed within modification 1. Is council satisfied with the amended layout. Now, subject detailed DA assessment, there's nothing that jumps out particularly with us with the revised layout. You know, it's fundamentally a very similar residential subdivision with a perimeter road. Some of the internal roads have just had the orientation changed on them a bit. Like I said, subject to detailed assessment, you know, nothing is jumping out at us so we don't have any particular objection to those.

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We did have some concerns initially with bushfire and the extent that asset protection zones extended into those lots. It would appear that - and some changes to the – small changes to the proposed lot layout, that there does appear to be adequate building areas within those lots available now.

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MR WILSON: What we asked the applicant yesterday, we raised the issue of the 2018 bushfire protection guidelines being – come into force next March. We've asked them to do – not another analysis, but just to understand whether or not that has any implications for the current layout.

30

MR PAVITT: Yes. It will certainly – it would certainly have implications for future dwellings on the site because, notwithstanding that we approve any subdivision layout, and we approve asset protection zones etcetera, those individual dwellings that are bushfire prone are subject to an assessment under whatever the current regime is.

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MR WILSON: That's right.

MR PAVITT: So that's - - -

MR WILSON: Currently the consent says 2006 and it hasn't been changed. We're - - -

45

MR PAVITT: Yes.

MR WILSON: We're looking at that.

5 MR PAVITT: But – yes. Notwithstanding that, anybody lodging an application for a dwelling - - -

MR WILSON: Yes.

10 MR PAVITT: - - - if it was next year or – would go under whatever the guidelines were of that date.

MR WILSON: Yes.

15 MR PAVITT: And I have to say I'm not familiar with how much the Rural Fire Service guidelines have changed or propose to change.

MR WILSON: That will be made available to you once we get that information.

20 MR PAVITT: Sure.

MR O'CONNOR: Just one question, and it will be resolved at the DA stage, at the MOD stage - - -

25 MR PAVITT: Yes.

MR O'CONNOR: - - - but just to get your initial feedback. There's – as you see in the plan in front of you, there's a proposal in Branter Road for a cul-de-sac so that - - -

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MR PAVITT: Yes.

MR O'CONNOR: - - - that intersection of Branter Road and Government is not a four way intersection.

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MR PAVITT: Yes.

MR O'CONNOR: The RMS have said they want that to be an exit because of the bushfire issue.

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MR PAVITT: Sorry, the Rural - - -

MR O'CONNOR: Rural Fire Services.

45 MR PAVITT: Yes.

MR O'CONNOR: Yes. But then you see the proximity of - - -

MR PAVITT: Yes.

MR O'CONNOR: - - - Awabakal and council - - -

5 MR PAVITT: Council - - -

MR O'CONNOR: - - - has got concerns about the traffic.

10 MR PAVITT: Council has concerns -yes, with – and we've always had concerns with that and the, you know, any of the proposals that have come to us in terms of lot layouts etcetera. We've raised that and the current approval on the site doesn't include that road linking through – in other words, turning Branter Road and Government Road into a cross-intersection. Certainly council doesn't support that at all. The proximity of Branter Road to Awabakal Road is - - -

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MR WILSON: So you would have two significant intersections right nearby.

MR PAVITT: It's certainly problematic.

20 MR WILSON: Yes.

MR PAVITT: You know, there's not a lot of traffic but that – it's too close.

MR WILSON: Yes.

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MR PAVITT: It's too close. You know, obviously the Rural Fire Service needs to be satisfied. And, as part of the DA – any DA assessment, we would need to – we wouldn't issue any consent until they were satisfied. But – look, I think the solution there is to have the road there, not have it connected, but have a fire trail or a road that is – that is emergency access only we have – we have a gate there. So generally there's no access. In terms of – in emergency situations, the access is available. You know, obviously pedestrian-wise, you can access there anyway but, in terms of vehicles, we could make it available. I think that's a reasonable solution. You know, the RFS would have to think it's a reasonable solution as well. And it would surprise that they wouldn't, to be perfectly honest. We do lots and lots of subdivisions and that would be an outcome that they would normally accept.

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MR WILSON: Okay.

40 MR O'CONNOR: Thank you.

MS LEWIN: Thanks.

MR WILSON: I think that's it.

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MS LEWIN: I think that's it for us. Yes.

MR WILSON: Thank you very much - - -

MS LEWIN: That was well covered.

5 MR WILSON: - - - for coming and well covered.

MR PAVITT: That's okay. Thank you for giving me the time.

10 MR WILSON: If you have any additional information that you would like to provide us, if you could give that to us in seven days, we would appreciate it.

MR PAVITT: Okay.

15 MR WILSON: Thank you very much for coming. Thank you for your attendance. Finish.

MATTER ADJOURNED at 11.39 am ACCORDINGLY