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O/N H-1383159

**INDEPENDENT PLANNING COMMISSION**

**MEETING WITH HORNSBY SHIRE COUNCIL**

**RE: BLUE GUM COMMUNITY SCHOOL PROJECT**

**PANEL:** **PETER DUNCAN (CHAIR)**  
**ADRIAN PILTON**

**OFFICE OF THE IPC:** **JANE ANDERSON**  
**CASEY JOSHUA**

**COUNCIL:** **RODNEY PICKLES**  
**BEN JONES**  
**ALISON BANGS**

**LOCATION:** **VIDEO CONFERENCE**

**DATE:** **11.05 AM, THURSDAY, 4 FEBRUARY 2021**

MR P. DUNCAN: Good morning, welcome. Before we begin today, I'd like to acknowledge the traditional owners of the lands on which we meet and pay my respects to their elders, past, present and emerging. Welcome to the meeting today for the Blue Gum Community School Project. Blue Gum Community School seeks  
5 approval for the adaptive reuse of a heritage-listed dwelling, Mount Errington, as a new preschool and primary school for up to 80 students and nine staff. My name is Peter Duncan. I am the chair of the commission panel. I'm joined by my fellow commissioner, Adrian Pilton. We are also joined by Jane Anderson and Casey Joshua from the Office of Independent Planning Commission.

10 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 on the commission website. This meeting is one part of the commission's consideration of this matter and will form one of several sources of  
15 information upon which the commission will base its determination. It's important for the commissioners to ask questions of attendees and to clarify any issues whenever it is considered appropriate. If you're asked a question and not in a position to answer, please free to take the question on notice and provide any additional information in writing, which we'll then also put on the website.

20 I request that all members here today introduce themselves before you speak for the first time, please, and, all members, if we please ensure that we don't speak over the top of each other, to ensure the accuracy of the transcript. Thank you, again, for attending and we will now begin. So Rodney or Ben or Alison, who is going to lead  
25 your side of the discussion today?

MR R. PICKLES: So, yeah, Peter – so, Rod Pickles. I'm the manager of the development assessment team. So I've got Ben Jones with me. He's – Ben's a senior town planner and Ben undertook a review of all the documentation that was  
30 submitted by the panel and has provided comments to the Department of Planning on the application. I have Alison Bangs with us as well. Alison is our heritage planner and Alison's undertaken a heritage review of the proposal as well. So for the most part, probably Ben and Alison will provide the – I guess, initial response, because they've undertaken the detailed assessment.

35 MR DUNCAN: Thank you. Thank you, Rodney. Well, we provided the agenda and there are five areas there that we'd like talk to, and they're obviously interrelated, but sites of suitability, to start with; traffic; heritage, as you've mentioned; and bushfire; and associated with heritage and bushfire, I guess, is tree  
40 removal; and any issues council wishes to raise with us. So, Rodney, I think if we work through those – we've got about 55 minutes for the meeting. We don't have to take up all that time, but – but feel free to take the time up as required.

45 MR PICKLES: Yes. Certainly.

MR B. JONES: Not a problem, Peter. Sorry. Go ahead, Rodney.

MR PICKLES: No, you're right. I think, Ben, you can probably go straight to site suitability. Sorry, no. Council's response to the assessment report and recommended conditions.

5 MR JONES: Good morning, Peter and the panel. My name is Ben Jones. I'm a town planner from Hornsby Shire Council. Council's had this application for – well, has been involved in this application since December 2019, so we've had a long history with it. The Department of Planning's asked us to respond on four different occasions to the application: the preparation of the EIS, the draft tiers, amended  
10 plans and the condition. So in response to the assessment report and recommended conditions, we have provided the Department with advice along the way. Our general overview is that we believe that counsel's concerns have been adequately addressed within the assessment report and the recommended conditions.

15 All the conditions that we recommended to the Department have been incorporated into the conditions. There's one condition that – under bushfire that we have some concern over, whether it goes far enough in outlining the responsibilities of the future site occupants. But in regards to heritage – and, Alison, feel free to jump in, if you require – the – my belief is that the heritage requirements have been adequately  
20 captured in one form or another. So in response to the DPIE assessment report and the recommended conditions, council doesn't raise any major issues beyond the bushfire that I can speak about now or later on during the key issues, Peter, whichever you prefer.

25 MR DUNCAN: I don't mind, but it is – it is a clear issue, so address it when you wish, Ben. But the – there is a letter on record that we've received – we've only talked about it this morning – 29<sup>th</sup> of October, from the applicant's bushfire consultant, Wayne Tucker, I think, which goes to the – I think, particularly the tree issue. But your concern, I think you're saying, is there enough conditions there  
30 regarding emergency egress; is that right?

MR JONES: Not exactly. Our concern is that condition A26 stipulates that the entirety of the site has to be managed as an IPA, an inner protection area. An IPA requires 10 or 15 per cent coverage of vegetation. That includes both trees and  
35 shrubbery. Because this is a heritage-listed site, the entirety of the vegetation on the site contributes, in some way, to the heritage setting, to the garden. The mansion and the garden are listed together. And my belief is that the condition may not adequately have enough gravity for a future occupant to understand the nature of it and it may open the door for undesirable impacts on the heritage fabric if it were to  
40 be misinterpreted. The other thing council notes is that it is quite a large site and only a small portion of it is identified within the bushfire-prone buffer.

And because of that, the requirement for a whole of site IPA is questioned; why if the – only a small portion of the site is identified as bushfire prone does the entirety  
45 of the site need to be managed in an IPA? Now, this wouldn't be a massive issue in council's eyes, if it can be adequately explained to the current and future occupants of the site that the heritage – sorry – the bushfire requirements are already adequately

catered onsite, be that through the cleared areas, the management of the lawns. I believe Wayne Tucker did an amended report that stated that, in his opinion, a lot of the land was already being used as an IPA. However, I don't believe that his document has been captured in the conditions of consent. It just says no tree removal  
5 is to occur under this condition. That doesn't talk about the shrubbery or the grasses.

MR DUNCAN: Okay, okay. Well, we'll note council's position on that and the document I was talking to was attachment 5 of the response to submissions. But if you've seen that, that's good. Okay. Keep going.  
10

MR PICKLES: I think council would ask there that perhaps the Department in their assessment would correspond with the New South Wales Rural Fire Service and either seek to have that condition modified or whether or not it's even appropriate, given that, as Ben's pointed out, a very small portion of the site is actually within  
15 that bushfire-prone land buffer zone. And that – that's actually not part of the childcare centre use as such, so, yeah, it's questionable. And I think it's inconsistent with the – Wayne Tucker's bushfire report as well.

MR DUNCAN: Yes. So, Rodney, we did – we met with the Department this morning, and we did ask for clarity on that issue, and you'll see that in the transcript as well.  
20

MR PICKLES: Okay.

MR DUNCAN: So I think we're heading - - -  
25

MR PICKLES: Yep.

MR DUNCAN: - - - in that – in that direction, okay?  
30

MR JONES: Okay. So I can move on to site suitability, Peter, if that's appropriate. I think council's been quite consistent in all the written representation to the Department that we believe that this could be a suitable use of the site through the adaptive re-use. It could bring some benefits for conservation of the site as a whole.  
35 However, it would – our opinion is that we'd need to ensure that the significant heritage's fabric of the site is conserved adequately and, of course, that the amenity impacts on the surrounding landowners are minimised as much as possible for this land use. So in terms of site suitability, as long as these issues such as the IPA and any outstanding heritage issues can everybody adequately mitigated or conditioned  
40 through a plan of management, we would believe the site is suitable for this use.

MR DUNCAN: The – okay. In saying that, you – you're comfortable with traffic as well.

MR JONES: So I think that the applicant has gone through a number of designs for traffic and parking. And the Department's planning report outlined a further four options that they looked at through the assessment process. And the design that  
45

we've currently got before us with the 12 spaces onsite, pick-up/drop-off with a left-in/left-out, so the hard measures and the soft measures, including the plan of management staggered drop-off, pick-up times. Council isn't in any possession of any information to indicate that the traffic parking impact assessment report or the design is inappropriate. We have been involved in several different design iterations, including no stopping on Rosemead Road. And the result of all those design iterations, those discussions, was that the currently proposed parking arrangement is most suitable for the site.

10 MR DUNCAN: Thank you. Is there anything more than that you wish to add? You've pretty well covered all of them. Tree removal in itself is really a subset of the bushfire issue, isn't it? So tree - - -

15 MR JONES: So tree removal, I think, for the site's really in, I would say, three main categories. We've got a lot of trees being removed for the carparking area for the tennis court area. So – sorry. Excuse me. The old tennis court area. There's tree removal for the amended accessway and some tree removal on the eastern side of the building. I believe one of the trees is for bushfire requirements, because it overhands the building. And the other few are for the drainage infrastructure. So  
20 council's opinion of the – of the tree removal on the site, a – a lot of it is concentrated within that tennis court area. I believe, Alison, you can jump in here if you like, but we don't have too many concerns about tree removal. Is that correct?

25 MS A. BANGS: This is Alison Bangs, the heritage planner for Hornsby Council. From a heritage point of view, the trees on the former tennis court site ..... to be used should an owner wish to reconstruct the tennis courts. So we've ..... comments through the applicant ..... provide ..... drawings to keep the boundaries of the tennis court reasonable in the carparking area and therefore it would permit future uses and the tree removal would have a minimal impact on the actual heritage significance of  
30 the site.

MR DUNCAN: Thank you.

35 MS BANGS: Of why it's heritage listed.

MR DUNCAN: Thank you.

40 MR JONES: So, Peter, I'll also add that although there is 40 trees to be removed, there are a significant number of trees that are being retained on the site. It's due to the heavily-vegetated nature of the site and its surrounds. I note that there's three trees proposed to be replanted and a number of shrub species. Given the fact that there is IPA requirements on this development at this point in time, it obviously wouldn't be a great idea to plant 40 additional trees, if we're trying to have the site as an – in a protection area. So the proposed replant is considered to be adequate, given  
45 the current restriction on bushfire.

MR DUNCAN: And the number of trees that are going to be remaining anyway, by the look of it, would meet council's requirements for trees onsite as well, I assume.

5 MR JONES: Well, there's two requirements. Council, obviously, would like to conserve all trees through our planning documentation. Most trees, unless they're a noxious weed, are protected in the shire. However, the heritage requirements, I would say, would overrule those tree requirements in terms of this site only, because of the listed nature of the gardens and I don't believe that we have any ongoing heritage concern with regard to the removal of the trees on this listed garden.

10 MR DUNCAN: Okay. All right. Other issues?

MR JONES: So, Peter, I believe we've spoken about the – the bushfire, tree removal and traffic. Quickly, Alison, is there anything that you wanted add for the heritage, both for the mansion and for the gardens as a whole?

MS BANGS: Thank you, Ben. In terms of heritage for the site, yes, it is ..... and a suitable adaptive reuse. There's some – we did have major concerns with some of the elements, but they have worked with the – the applicant has provided revised and amended drawings and plans to address most of our concerns. For example, the tennis court was amended to keep the dimensions and the front balcony. That was – had to be a compromise. It did have to be changed in the end. The interior works of – they've modified that to make the most minimal amount of amendments to preserve the original intact fabric, as well as the floor plan, as much as possible, whilst meeting the BCA requirements.

In terms of fencing, they worked hard to revise that and provide more of a sympathetic timber fencing, to suit the design and style of the house and there are conditions of consent that have been provided – address the outstanding concerns to make sure that they're provided – constructed in a suitable material. In terms of the other aspects to changing to the house and garden, they – they have generally all been either satisfied or there's been a few that the applicant provided – so there were – there was outstanding 15 issues and 10 of them were successfully resolved. And only five of them they provided further investigation and suitable justification why we have to make allowances in those circumstances.

And so overall we've deemed it to be a minimal adverse impact, and most of the items can be restored, should a future use of the dwelling be proposed. So we – council has no further issues in terms of heritage and any outstanding issues have been covered in the conditions of consent provided.

MR DUNCAN: Thanks, Alison. Thank you. Ben, do you have further to add or should we – we might open it up to questions if there's nothing further.

45 MR JONES: On the agenda items, Peter, I think we've covered off all those agenda items now. In terms of other aspects and amenity impacts, such as acoustics and traffic and parking, we've provided information to the panel – sorry – the Department on our views regarding those aspects and we didn't raise any ongoing objections to acoustics. And we've spoken about traffic and parking, so I think that's a summary of council's thoughts on the project on those key areas.

MR DUNCAN: Thanks. Thanks for that. That's been helpful. Adrian, do you have any questions at this point?

5 MR A. PILTON: Just the council probably hasn't seen the applicant's comments to  
the commission about the proposed conditions at – you might like to have a look at  
those – they're on the commission's website – and give some comments later. But  
there's one or two that I would just like to raise one of them is about rubbish  
collection. There is a condition that talks about timing and so on. And they said –  
10 the applicant said it's because the council would collect the garbage. And someone  
has suggested that perhaps, because this is a commercial operation, it might have to  
be private garbage collection. Do you know anything that issue?

MR JONES: I can speak generally on that point, Adrian. Council has no objection  
15 to the use of private contractors for commercial sites. It's widespread in the shire. If  
they wanted to use council's existing waste collection system, it would be on  
specified dates for the street. However, I do agree with you that it may not be a  
solution that is workable, given the fact that there may be varying rubbish loads, I  
guess you would say.

20 MR PILTON: It's all a question of just the timing – the time of day, because it says  
not to coincide with peak pick-up/drop-off times. And that .....

MR JONES: I don't think that that would be a condition that the applicant would  
25 have any control over. I'm not sure how they would adequately ensure that the  
council trucks came at the time that suited that condition and I don't think our  
operations would be significantly altered for one commercial building in that regard.

30 MR PILTON: Okay. Thank you.

MR DUNCAN: So it sounds like, Adrian, the applicant's sort of comments  
probably – that probably needs some clarification.

35 MR PILTON: Yes, exactly.

MR PICKLES: Yes, so I think if there's an issue there, then, around – at what time  
that the waste be collected, I – as Ben's pointed out, we can't compel our own  
contractors to be in a certain area at a certain time, because, as you know, picking up  
waste, all sorts of things can go wrong or whatever and the trucks – trucks break  
40 down, not available, whatever. So I think we would then – probably should specify  
that the – that they provide their own commercial waste collection.

MR PILTON: Okay, thank you.

MR PICKLES: Yes.

MR DUNCAN: That's helpful .....

5 MR PILTON: There was another one which Alison might like to address. The – the conditions – I've asked for the – where is it – the colour scheme of the metal ..... balustrade to the new fire stairs has got to match existing building, whereas the applicant says that it's purposely in a darker colour, so that it appears recessive. Do you have any opinion on that, Alison?

10 MS BANGS: Well, yes, the – it was in the – in the heritage impact statement and response to providing that revised fire stair, it was identified that a recessive colour would minimise the visual impact of the stairs. So that was supported by council.

15 MR PILTON: Thank you .....

I don't have any more questions, Peter.

MR DUNCAN: No, I don't have any at this stage either, but I was just wanting to check in with Casey or Jane. Is there anything that you wish to raise, Casey or Jane?

20 MS C. JOSHUA: Nothing from me. Thanks, Peter.

MR DUNCAN: Jane?

25 MS J. ANDERSON: Yes, I don't think so for me either. Thanks, Peter.

MR DUNCAN: Okay. Look, I think, Rodney, Ben and Alison, that's been really helpful. And I'll give you an opportunity, if there's anything else you want to add at this stage. But I think we have enough information at the moment and, of course, reserve the right to come back if we need to.

30 MR JONES: Thanks, Peter. I've got nothing further I wish to add.

MR DUNCAN: Thanks, Ben.

35 MR PICKLES: Thanks again, everyone. That's great. Yes.

MR DUNCAN: Yes. Alison.

40 MS BANGS: I have nothing further to add and thank you for the opportunity.

MR DUNCAN: Okay. Thank you all. All right. And thanks for being available. Really appreciate it, particularly when you're all over the municipality or Sydney, I assume, given the conditions you're working in. But thanks again for attending.

45 MR JONES: Thanks, Peter .....

MR PICKLES: .....

MR PILTON: Thank you.

MR JONES: ..... thank you.

5 MR DUNCAN: I'll close the meeting at that point.

MR JONES: Bye.

10 MR PICKLES: Bye bye.

**MATTER ADJOURNED at 11.26 am INDEFINITELY**