



New South Wales Government
Independent Planning Commission

TRANSCRIPT OF PROCEEDINGS

**RE: WINSTON HILLS GATEWAY
DETERMINATION REVIEW (GR-2022-4)**

COUNCIL MEETING

COMMISSION PANEL: PROFESSOR HELEN LOCHHEAD
(Panel Chair)

OFFICE OF THE IPC: LINDSEY BLECHER

CITY OF PARRAMATTA COUNCIL: DARYA FATAH
SONIA JACENKO
ROY LARIA

LOCATION: VIA VIDEO CONFERENCE

DATE: 1.00PM, MONDAY, 11 APRIL 2022

TRANSCRIBED AND RECORDED BY APT TRANSCRIPTIONS

PROF. LOCHHEAD: Well, thanks for joining us today. My name is Helen Lochhead and I'm the Commissioner on this issue today. Before we begin I'd like to acknowledge the traditional owners of the land from which we meet and pay my respects to Elders past, present and emerging. Today's meeting is to discuss the Winston Hills Dual Occupancy Prohibition Gateway Determination Review currently before the Commission for advice. The planning proposal seeks to apply the dual occupancy prohibition map to the subjects sites.

10 As I've noted, I am Helen Lochhead and the Chair of this Commission Panel and I'm joined by Lindsey Blecher from the Office of the Independent Planning Commission. In the interests of openness and transparency and to ensure the full capture of information today's meeting is being recorded and a complete transcript will be produced and made available on the Commission's website. This meeting is one part of the Commission's consideration of this matter and will form one of several sources of information upon which the Commission will base its advice.

20 It's important for us to ask questions of attendees and to clarify issues whenever it is considered appropriate. If you're asked a question and not in a position to answer today please feel free to take the question on notice and you can provide any additional information in writing which we will then also put on your website. I request that all Members here today introduce themselves before speaking for the first time so we have it on the record and please do not speak over each other to ensure accuracy of the transcript. So if that's all clear we'll now begin and you have a copy of the agenda, I understand, so I would just like to clarify that the people that you named in the – looks like you've got three people as opposed to two people. We've got Darya Fatah, I don't who's in the room here.

MS FATAH: I'm Darya.

30 PROF. LOCHHEAD: Darya, yes. And then I also have noted Sonia.

MS JACENKO: Yes.

PROF. LOCHHEAD: And then the third person?

MR LARIA: It's Roy Laria.

PROF. LOCHHEAD: Roy Laria.

40 MR LARIA: I'm one of the Land Use Planning Managers here at City of Parramatta.

PROF. LOCHHEAD: Great. We just didn't have you on the list so thanks for noting that, Roy. What I'd like to do is give you the opportunity to make an opening statement. You've got a copy of the agenda and maybe the key issues that we've identified and you've also identified in your own proposal. So we have an understanding of where you're coming from and your rationale for your decision if you could just keep to about 20 minutes and while you're talking about it perhaps you might also address the timeline of the harmonisation that you underwent and any other options you included which you've disregarded including the harmonisation of the eastern area of Winston Hills. Is that okay? Then we'll go into some detailed
10 questions about the issues from what you say.

MR LARIA: Cool. Thanks, Helen. Look, I'll start off. So firstly in terms of the planning proposal that's before you today, as you stated, that planning proposal is about the extension of the dual occupancy prohibition area that currently is dual occupancy prohibition areas that apply under the existing LEP for the Winston Hills area as part of the work that was being done on the harmonisation planning proposal that you mentioned, so that's a much larger planning proposal across the wider LGA as a result of the amalgamation process. We were looking to expand prohibition areas under what we currently have.
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The planning proposal that's before you today though is about one small area, effectively two cul-de-sacs, three - if you count the entry point, cul-de-sacs which is a small part of the area that we're looking at. Council officers have undertaken a detailed site-specific assessment of this area which has identified, in our opinion, significant transport traffic and permeability constraints. The area, as I said, is effectively two cul-de-sacs, as I said, with a third if you count the entry point on that western end. Of those three cul-de-sacs two of them are unformed, so they're like road stubs, not a cul-de-sac bulb on those so it's difficult to turn vehicles on there.

30 The streets are very thin to the point where, you know, if you have two cars parked on either side of the road it's very difficult to basically - room there for one car to get through the middle so it has very thin streets, cul-de-sac bulbs. It's effectively one way in and out of the precinct as well and in terms of permeability it's not - I mean, it's a cul-de-sac arrangement from an urban design perspective, not a grid layer, it's cul-de-sac neighbourhood so it doesn't have ideal pedestrian permeability and for those reasons we feel that the precinct is not suited to dual occupancies, not ideally suited to dual occupancies bearing in mind those particular constraints for this precinct.

40 In terms of your question around the previous work done on the harmonisation planning proposal, just to explain that at a very high level, council, as a result of the

amalgamation process, inherited five LEPs so our amalgamation was a bit different to other councils. We picked up parts of other council areas and we lost part so as a result of the amalgamation process we ended up with five LEPs. We went out on consultation on a non-statutory consultation, I had discussion paper which looked at, you know, number of options and different ways forward to deal with the various amalgamation issues that we were facing with the work moving forward to amalgamate the LEPs and what we heard during the consultation process, during that non-statutory consultation process was significant concerns around dual occupancy permissible in the City of Parramatta and there were both sides of the argument, there are residents who felt very strongly about dual occupancy prohibition, there were also residents who felt very strongly about dual occupancy permissibility and realised as officers that we needed to undertake further work in order to justify what was in the harmonisation planning proposal or what would be part of that statutory work.

It wasn't sufficient to simply say, well, you were prohibited yesterday so you'll be prohibited tomorrow or vice versa, you're permissible today and you'll be permissible tomorrow. We had to basically undertake a body of work to look at the issues. So we undertook what we call our dual occupancy constraints analysis. It looked at a number of issues, the traffic and transport, tree coverage, character areas and so forth and it was undertaken at a high level, a strategic analysis across the wider LGA, the entire LGA and it was like a GIS-type analysis which picked up a number of different constraints for various blocks and effectively layered those constraints by applying a weighting and then that informed the recommendations to the council around dual occupancy prohibition areas.

So rather than saying, well, you know, as I said, you were prohibited yesterday so you'll be prohibited tomorrow which wasn't seen as a sufficient way of dealing with it or an adequate way of dealing with the particularly sensitive issue. We were able to fall back on the analysis and what it had said around constraints with particular areas. Now, part of our process obviously was community consultation. So we knew that dual occupancies were a very sensitive issue so we were very keen to hear what the community had to say about dual occupancies and obviously in this particular precinct there was significant issues raised from the local residents around concerns about dual occupancies in this area because the initial analysis, the high level, the strategic analysis hadn't identified this precinct as a prohibition area.

When the matter was referred to the local planning panel for comment the local planning panel identified the issue and specifically resolved that council undertake further investigations in this area, you know, hearing from the residents and then council resolved that accordingly, they resolved as to prepare a planning proposal. Sorry, Helen.

PROF. LOCHHEAD: When you said it was referred to the local planning panel, which I wasn't quite aware that that had happened, but they identified this issue, the issue that it hadn't gone to community consultation, is that the issue that they - - -

MR LARIA: No, no. Just to clarify. So when we reported the harmonisation planning proposal, so that's the big one, to the local planning panel post-exhibition this issue was one of the issues that was identified. So the local planning panel specifically resolved in their advice to council regarding the harmonisation planning proposal that we should undertake further investigations of this area. Does that make sense

PROF. LOCHHEAD: But you said this issue. I mean, further investigation of this area they identified that this area have site-specific characteristics which needed further investigation or was it because of the community consultation or the community response?

MR LARIA: Well, we can provide the panel with a – if you haven't already been given it we can provide you with a copy of their specific advice, what they said, but my recollection is they asked us to undertake further investigation of this area. So they were very specific about this area, wasn't just generally, it was this area. So the harmonisation planning proposal was referred to council and the council resolved to prepare a planning proposal which is now the one that we're talking about today to prohibit this area. Following that resolution council officers undertook more detailed site-specific analysis of this precinct. So it was a different type of analysis.

The original dual occupancy constraints analysis was an LGA-wide strategic GIS-type analysis. The later analysis that was undertaken by council officers was a site-specific analysis. So we went out to the precinct and looked at it in detail and following that analysis officers' views were that the precinct had sufficient constraints to warrant it being included in the prohibition area.

PROF. LOCHHEAD: I'll just still trying to clarify the order of events. So you went to community consultation, there were concerns across the LGA about dual occupancy, both for and against.

MR LARIA: Yes.

PROF. LOCHHEAD: I mean, what was the sort of percentage of concerns about dual occupancies in this particular area, can you identify that?

MR LARIA: Look, there were a lot of – in this particular precinct there were concerns raised about permissibility of dual occupancies generally, right, and that these residents continue to raise those issues with council around dual occupancy. So there's already two in the precinct and my understanding is there's potentially three no the way and they've raised issues around dual occupancies and as I said, when you go out there and have a look it is very clear that this precinct has significant traffic and transport permeability-type constraints and make it unsuitable, in our view, for dual occupancies. If you imagine all this area transitioning into dual occupancies doubling the capacity of that precinct it would be a big problem for that precinct, in our view, in
10 terms of its appropriateness for dual occupancies.

In terms of the consultation question, just to be clear, there were two lots of consultation, if you like, two rounds of consultation. So there was a harmonisation discussion paper which was a non-statutory exhibition so that was done a few years ago as we kicked off the process. It looked at a number of different issues that had different options and so forth. So it was a non-statutory consultation process. Now, during that consultation dual occupancies were raised as an issue with the wider community, as I said, both for and against.

20 We then undertook the dual occupancy constraints analysis, right, to respond to those issues that were raised because we felt that we couldn't just simply rely on what was there yesterday to inform what should be there tomorrow. So we undertook the dual occupancy constraints analysis which was a city-wide – the LGA-wide analysis around where dual occupancies would be suited and as I said, that was a GIS-based analysis, it looked at a number of different constraints and applied weightings to those constraints.

Now, that document formed one of the supporting documents to the then exhibition of the harmonisation planning proposal. So that's the statutory exhibition of a draft LEP
30 document. That went on exhibit and then we also got submissions in response to the exhibition of that planning proposal, right, that raised concerns around dual occupancies. Then that planning proposal was referred to the local planning panel, right, and the local planning panel they also were given opportunity for persons who made submissions to make their representations to the local planning panel and at that local planning panel meeting the local planning panel asked us to undertake further investigations of this area in light of the issues that were raised during the exhibition period and council resolved to do that and here we are.

40 PROF. LOCHHEAD: So just we've got the non-statutory harmonisation paper, we've got the statutory exhibition of the GIS constraints analysis and then the presentation to

the local planning panel provided the opportunity for members of the community to also have their say?

MR LARIA: Yes.

PROF. LOCHHEAD: So in a way there's three opportunities where community consultation took place, is that - - -

10 MR LARIA: The second two are kind of related, I guess, because you have the actual exhibition of the planning proposal, the statutory exhibition and then the planning proposal is then reported to the local planning panel post-exhibition and person who made submissions are able to then address the panel at that particular panel meeting. So I guess it's another opportunity for residents to put forward but that's really part and parcel of the same process, part of that exhibition process. Does that make sense?

PROF. LOCHHEAD: So in terms of the LPP recommending more detailed site investigation it was on the back of the constraints analysis but also informed by the community's submissions?

20 MR LARIA: Correct. That's correct. So the community, you know, had a chance to have their say which at the end of the day is the whole point of community consultation and just I've got a copy of – and we can provide this to you, it may be in your documents already but the local planning panel recommended that council consider the area outlined in yellow and identified with a star on figure 3, page 15 of the report to be included in a future study under the orange pathway. When we say orange pathway that means future investigation, that was just the terminology used in the report, and then it had under its reasons for decision, “The panel acknowledges that submitters from Winston Hills identified possible errors in the constraints mapping informing the decision in the technical report and on this basis the panel recommends
30 that the area identified in recommendation B1 above be moved into the orange pathway.” The orange pathway is further investigation.

So when council then considered the matter council resolved to prepare a planning proposal to prohibit dual occupancies in the area and then we undertook further analysis which is the site-specific analysis that is now the subject of this hearing in terms of the merits or otherwise of what you think as an independent panel of that analysis.

40 PROF. LOCHHEAD: So in terms of the harmonisation process – I'm just stepping back here, were there any other areas because you're trying to harmonise quite a few LEPs, were there any other areas identified in the LGA-wide strategic analysis that got

pulled out by the LPP or at the LPP review like Winston Hills or was this the only place?

MS JACENKO: I don't believe so.

MR LARIA: Yes. Look, we can take that one on notice. I don't believe so is my recollection but, yes, we will need to take that one on notice but I don't believe so, we can check that one for you.

10 PROF. LOCHHEAD: Okay. It's just that I'm just trying to identify whether the process which seems quite systematic ended up in sort of a kind of cathartic review or whether this was just an anomalous condition that fell out of the process? It sounds like it was an anomalous condition.

MS JACENKO: Sonia Jacenko just for the purpose of the transcript. So just to clarify, the consultation as part of the harmonisation LEP the community feedback or concerns that were considered for this particular area were from two written submissions and then an 11-person petition from residents from within this area. So just for your reference I just thought I'd raise that.

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PROF. LOCHHEAD: Two written submissions and an 11 - - -

MS JACENKO: Person petition, yes.

PROF. LOCHHEAD: And do we have copies of those submissions made?

MR LARIA: We're not sure if you do but we're happy to put that one on notice and provide you with those submissions and the petition.

30 PROF. LOCHHEAD: All right. So that's where we got to and then the conclusion was what you started with, Roy, which was that it's obviously a fairly underserviced area with two to three cul-de-sacs as you've noted, a couple of road stubs in narrow roads, one way in and out. It's got poor planning ability and so from your conclusion it was not ideal for dual occupancy, is that correct? Is that a fair summary?

MR LARIA: That's a fair summary, correct.

40 PROF. LOCHHEAD: So when we ran through the issues in your paper you talk about traffic and parking and so would you say this is the main issue, the ability of the road network and the infrastructure to support additional traffic and parking?

MR LARIA: Yes. Look, the main issue is the traffic and parking issue together with the pedestrian permeability.

PROF. LOCHHEAD: We'll come to pedestrian permeability in a minute.

MR LARIA: Yes.

PROF. LOCHHEAD: So can you confirm the road width? I don't mean the right of way but the actual trafficable road area.

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MR LARIA: We can confirm that number. We know it's definitely under 7.5 metres but we can confirm the specific road width. So the constraints comes up when you're under seven and a half metres wide, we know it's definitely under seven and a half metres wide but we can confirm the specific road width.

PROF. LOCHHEAD: If you could confirm that, that would be appreciated. I mean, just from like a near map sort of measure it looks like about 7.3 but, I mean, it could be 7.1 or it could be 7.3 or it could be something else. So it would be good to actually have the actual survey dimensions.

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MR LARIA: Yes.

PROF. LOCHHEAD: And so there are 27 lots in that area which if it was all converted to dual occupancy it would land us in 54 lots.

MR LARIA: Correct.

PROF. LOCHHEAD: But I also understand you can have a granny flat already on all of these properties because they're over 600 metres, is that correct?

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MR LARIA: Yes. So under the relevant SEPP, the relevant Codes SEPP there's a possibility there for secondary dwelling but obviously secondary dwellings are a lot smaller and can't be subdivided which acts as a constraint. So, yes, theoretically there is possibility there for secondary dwellings under the Codes SEPP.

PROF. LOCHHEAD: And there would be potential for one of those lots to actually have dual occupancy and have a secondary dwelling based on its - - -

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MR LARIA: I think based on its 900 – I think it was 900 square metre site so there is one.

PROF. LOCHHEAD: So one. So potentially there could be a maximum of 55.

MR LARIA: Potentially, yes.

MS JACENKO: And just to flag too, of those 27 lots highlighted within the planning proposal four of those already have a dual occupancy development on them and from our research as well three others currently have approvals just in terms of the current status of the particular precinct.

10 PROF. LOCHHEAD: You mean, subdivided dual occupancies as opposed to - - -

MS JACENKO: That's correct, yes.

PROF. LOCHHEAD: But was like two lots which have now been converted into four lots?

MR LARIA: Correct, yes.

MS JACENKO: On that number of 27.

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MR LARIA: There are two dual occupancies there at the moment.

PROF. LOCHHEAD: Yes. And so did you say there's live applications for three more?

MS JACENKO: Yes. So there's two that have DA approval and one that's got a CDC approval.

PROF. LOCHHEAD: So basically three in the pipeline.

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MS JACENKO: Correct, yes.

PROF. LOCHHEAD: So you don't think the horse has already bolted in this area? Seems like there's a sort of a bit of momentum in this regard or demand in this area for this kind of development?

MR LARIA: Look, it gives us cause for concern because of the constraints that we've been talking about that if this area continues to flip over to dual occupancy it's going to result in a very undesirable urban design outcome. It certainly gives us cause for concern. Wouldn't say the horse has bolted but it is certainly giving us cause for concern that we're getting dual occupancies here. The Codes SEPP obviously now

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allows dual occupancies as complying development which gives is more concern because we lose control of the DA process. So it just gives us cause for concern.

PROF. LOCHHEAD: So when you say that, I mean, it already was permissible or it is permissible still. What would you – I mean, there are always mitigating impacts. Have you thought about the alternative of mitigating impacts of increased density in this area or do you think that's not possible?

10 MR LARIA: I don't think it's possible. It's very difficult when you're dealing with such thin streets and cul-de-sac bulbs and one way in and out to manage these sorts of impacts and I know the department suggested they could be dealt with through the DA process but the concern is that these impacts are cumulative, the more you get the more the impacts start to be felt and the DA process becomes irrelevant when you can do them as CDCs. So they'll be dealt with by private certifiers which makes it even more difficult for council to manage these impacts and we know we're hearing from residents in this area that are raising concerns with us about the impacts. That's why I say when it gives us cause for concern we're worried that these issues can't be managed through a DA process just given the constraints of the area in question.

20 PROF. LOCHHEAD: So let's just keep on going then.

MR LARIA: Sure.

PROF. LOCHHEAD: So at the moment the lot size constraints for dual occupancy across the LGA, as I understand it, are 600 square metres, is that correct? The road width, minimum road width is 7.5 metres, is that correct? Okay. And in real terms it's actually quite a small cul-de-sac subdivision. I mean, having read your planning proposal before I went out on site I actually could appreciate what you're saying from an urban design point of view. Actually when I went out on site it's actually a very,
30 very small neighbourhood and even with the current dual occupancies that are in place, one's on the corner, there's only like a couple of houses which actually have corner conditions where the streets are quite short.

I mean, many streets probably would have way more than 50 – you know, like thinking about a street with two ends, most streets are much, much longer than that. So it's not a huge increase in terms of movement and I just wondered whether once we went out there it was much smaller than I thought and I just wondered whether it was problematic. I mean, in principal I don't disagree with the idea of a grid of streets and connectivity is more supportive of higher densities but in this particular case because it
40 was not like 100 dwellings or 200 dwellings or something which is actually of a

significant increase I was wondering whether – and then it's so close to major road network – whether it was a critical issue.

I mean, I thought it was an issue but I thought there were ways that you could mitigate against it and especially when the lot sizes are in the order of what you say is deemed to comply but the road width is fairly close to what you have identified as deemed to comply and there is pedestrian connectivity with a main road through the pedestrian walkway which we took and well as the main street network. So I wasn't quite sure about the pedestrian connectivity there and then the other issues that were identified
10 included tree cover. There's only about three sites which have significant canopy trees in the whole neighbourhood and if that was a kind of a key concern that there's, you know, public domain improvements or DA conditions, as you say, that can be used to require tree planting in the public domain as well as on the private properties.

So I'm just wondering how – you know, it just seems a very fine line degree of difficulty in terms of it's not clear-cut to me that the actual neighbourhood is quite clearly anomalous in a way that there's, yes, this definitely should not be a dual occupancy area when, in fact, the road network is close enough probably. The lots sizes are all of the right size. There's two different means of pedestrian permeability
20 which you define a normal street. So I'm just – yes, the criticality of it is not clear-cut to me.

So I understand you've met your housing targets but there's also this identification of one area in a very big local government area with detailed consideration and I completely understand that and I think the process that you followed is very clear and methodical but I'm not sure whether the conclusion is completely clear-cut. So is there anything else that you think you need to add to actually make it clear to me in terms of our evaluation?

30 MR LARIA: Look, I just make the point, I guess, in terms of the area with the narrow streets and the cul-de-sacs and the road stubs these types of areas are very difficult for dual occupancies generally because you tend to get the wider driveways. Like you tend to have move people in terms of visitors, people living in these things so parking becomes a constraint because you have to park in these streets, there's no alternative parking available. You tend to get more people driving in cul-de-sac arrangements and we note your point about the pedestrian connection there at the top of the cul-de-sac bolt on Windsor Road but, you know, that takes you up to a four-lane Windsor Road and the bus stop is on the other side of the road.

40 In our view, you know, the area is not well suited to dual occupancies and our numbers show that we – as you mentioned, we clearly – Parramatta doesn't have a

problem with meeting its housing targets, we're smashing our housing targets and our analysis in our housing strategy showed that even with the areas that remain permissible for dual occupancy – so we didn't want to have a situation where we were prohibiting dual occupancies across the board. We do feel like there's a need for, you know, medium density development and dual occupancy has been part of that but in the right locations and the areas that we've identified through our harmonisation process are two zones, in our view, are more suited – better suited to dual occupancies and even when you look at that from a capacity perspective and we articulate this in our housing strategy there's still over 50 years of supply left in those areas even with the dual occupancy prohibition areas under our harmonisation planning proposal. Still over 50 years of supply for dual occupancies, in our view, in areas that are much better suited to dual occupancies in this particular area.

This area here, the constraints, as we've articulated, we just feel are problematic for dual occupancies. It doesn't make it an ideally-suited area for dual occupancies from an urban design perspective and there are other areas in our LGA that will remain permissible under the harmonisation planning proposal that are much better suited and not as constrained as this particular area. As you said, it's not a very big precinct, you're right, it isn't a very big precinct, it's not going to, you know, cause any dent on our housing numbers whether this one is in or out. So from a strategic point of view, you know, we can still argue consistency with those higher level strategic documents.

So it boils down to having a closer look at this precinct, hearing from the community during the community consultation process that raised significant concerns about dual occupancies in this area and the adverse impacts and as officers, us having a look at it and undertaking an assessment and forming a view that we think this area is constrained, it isn't ideally suited to dual occupancies for those reasons you said. Our predominant reasons are the traffic and transport and pedestrian permeability. I mean, you mentioned tree coverage and whatnot, they weren't identified by officers, they were just part of the discussion so as to ensure consistency with the higher level analysis.

If you look at it on a points basis we applied two points to the traffic and transport, one point to pedestrian permeability and that tips it over the three points which identifies it's significantly constrained. That's where we stand with it. So we're not going to argue about tree coverage because we agree tree coverage is not an issue in this precinct but we feel traffic and transport issues and permeability issues are critical in this precinct and would be difficult to manage particularly given that dual occupancies are now permissible through a CDC process.

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The CDC process doesn't even have proper community consultation, it's just a notification to the neighbours to let you know the development's happening next door. It's not the DA process where the community can provide feedback and help influence and manage adverse outcomes, this is a precinct where you would be very likely to see CDCs which would minimise the opportunities for residents to raise these issues and even for council to manage and mitigate those issues. So that's the reason why we have concerns about dual occs in this area.

10 PROF. LOCHHEAD: So the ones that have just been approved are they CDC?

MR LARIA: I think the most recent two, is it?

MS JACENKO: I think there's two DAs and one CDC.

MR LARIA: Yes. So just to make the point about CDCs and DAs, the CDC regime has only in recent times changed for dual occupancies so the two that are there, my understanding is they were DA processes and there is one CDC but I would expect if dual occupancies remain permissible in this area that you will continue to get more CDCs in this area which will minimise the opportunity for community input and for
20 council to manage those processes.

PROF. LOCHHEAD: I'm just writing my notes. So, Lindsey, do you have anything else to add that I have missed that you'd like to - - -

MR BLECHER: Yes. Thanks, Helen. Yes, I've got a few small points of clarification if that's okay. So just in the council's gateway determination review report, table 1 says that the subject plan is also constrained by site availability with limited sites being able to comply with the minimum lot size requirements. Can I just confirm that, in fact, all of the sites are above the 600 metre minimum lot size with the
30 exception of those two that have been subdivided to accommodate dual occupancies?

MR LARIA: That's right. That's correct. I think the way that statement is worded in that isn't ideally worded. I think what we're concerned about there is that because of the prevalence of these sites being of the right size you're more than likely going to get a number of dual occupancies in this area and, therefore, that would deliver adverse constraints rather than the lot size itself being the constraint. So to answer your question, yes, the lot size in this precinct for an average size of about 640 square metres is my recollection.

40 MR BLECHER: Thank you. And also in the council's documents there was reference to concern that above 600 metres the negative impacts of dual occupancy start to be

felt with the example given of above 900 square metres there's the opportunity for dual occupancy and then an additional secondary dwelling. Now, that would apply on the one side that is above 900 square metres; however, can I just confirm the council's view on that the ideal or reasonable area would be for a site that could accommodate dual occupancies?

MR LARIA: So under the harmonisation planning proposal we're proposing a minimum 600 square metre site area for dual occupancy but as we said, we don't have any issue with the lot size with this particular matter, it's not our concern and, in fact, the reason why we have concern about that is that it means that this area would likely become a magnet for dual occupancies under the complying development pathway which would minimise opportunity for community input and council assessment of those applications and mitigating impacts. So from the perspective of the work done on the harmonisation PP it was a minimum 600 square metres for dual occupancy.

MS JACENKO: And I think as well that links directly back to the concern around traffic and movement and permeability within the cul-de-sac. So obviously it's concern that, as Roy's already stated, that given they all meet that size the likelihood of them going through a CDC process, the whole – you know, all of those lots being redeveloped for the purpose of the dual lot would then exacerbate the parking and traffic issues and particularly with dual occupancies there would be either additional driveways or wider driveways which then would again be reducing the on-street parking and again sort of it's a connected consequence, so to speak. So I hope that answers the question.

MR BLECHER: Yes. That's great. Thank you. Just a couple more small points. Just on the permeability issue which contributed to your assessment of the area that's significantly constrained, was that exclusively pedestrian permeability or does that include other permeability as well such as vehicle movement or is that point exclusively allocated on the basis of the area having poor pedestrian permeability in the council's view?

MR LARIA: I think we'll check that with you but my understanding of it is that it related to pedestrian permeability and then traffic related to the other one but we can double-check that one for you, we just needed to look at the original scope of the original constraints.

MR BLECHER: Thanks.

PROF. LOCHHEAD: Just on that point, you did note (not transcribable) traffic so you haven't mentioned it but like was public transport an issue? You didn't mention access to public transport.

MR LARIA: No. Public transport – because you've got Windsor Road, as you pointed out, Helen, earlier the – because you've got Windsor Road and you have the bus stop, public transport along that corridor wasn't identified as one of our issues in the site-specific assessment. Although I note, as I said, to get to the bus stop you've got to cross the four-lane Windsor Road which is not ideal was a safety perspective.

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PROF. LOCHHEAD: We noticed that too, yes.

MR BLECHER: One more question is that's okay, Helen. Just the department's gateway determination review report mentioned that the council didn't refer the planning proposal to – or the officers didn't refer it to the council for their view. Can you just confirm if that's the case and why that didn't happen?

MR LARIA: Look, just to clarify. I touched on this point earlier but just to clarify. So just given the history of this one, the harmonisation planning proposal was referred to the local planning panel where, amongst other things, this specific issue arose and, you know, we've been very transparent about that. The local planning panel then, as I said earlier, recommended that council undertake further investigations of this particular area after hearing from the community and then council resolved to then send this off to the department. So we did hear from the panel but we acknowledge that was about a different planning proposal, although a directly related matter.

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So from a process point of view you are correct, this particular planning proposal wasn't referred to the panel just given its history which I've explained. Our view is though in terms of your advice and from a process point of view if you say, well, this planning proposal is not okay but you didn't refer it to the panel that's just a process issue, we can easily solve that by referring it to the panel. So our preference is that you focus more on the merits of the case, I guess, in terms of what you think from an independent perspective because referring it to the panel is a process issue that we can easily solve if we need to but acknowledging, as I said, there was a history for this one in that the panel did consider the harmonisation planning proposal where this issue was raised and discussed. Does that all make sense? Is that clear?

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MR BLECHER: Yes, thank you. And no further questions from me, Helen.

PROF. LOCHHEAD: Well, if there's no more that you would like to add or to clarify I think I'll draw this meeting to a close.

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MR LARIA: Thanks, Helen. No, that's been great and look, we've taken some notes of things that we need to follow up on so we'll organise an email with all that information in writing and we'll organise for that to be sent through to Lindsey who can then provide that to you. So we'll follow up on those points and if there's anything that we've missed please let us know. Happy to provide any information and help assist the panel in its deliberations on the matter.

10 PROF. LOCHHEAD: Thanks very much, Roy. So thank you for your time today and we'll be in touch.

MEETING CONCLUDED