



New South Wales Government
Independent Planning Commission

TRANSCRIPT OF MEETING

RE: MUNDAMIA RESIDENTIAL SUBDIVISION MOD 3 (STORMWATER
BASIN, LAYOUT, STAGING AND CONDITIONS CHANGES)
(SSD-7169-Mod-3)

COUNCIL MEETING

PANEL:	SIMON SMITH (Chair)
OFFICE OF THE IPC:	BRAD JAMES CALLUM FIRTH
SHOALHAVEN CITY COUNCIL:	JUSTIN LAMERTON SCOTT HAYLETT
LOCATION:	ZOOM VIDEOCONFERENCE
DATE:	9:30AM – 10:15AM WEDNESDAY, 1 st APRIL 2026

<THE MEETING COMMENCED

MR SIMON SMITH: Good morning, Justin. Hi, Justin.

5 **MR JUSTIN LAMERTON:** Good morning, how are you going?

MR SMITH: Good. I'm Simon Smith, the Commissioner. Is there anyone else joining us from Council this morning?

10 **MR LAMERTON:** Yes, there should be Scott Haylett, who's our Development Engineering Lead. He may just be joining momentarily but he – I think he did have a meeting before this one.

15 **MR SMITH:** Okay. Well, maybe we should start because we're on a schedule, if that's okay.

MR LAMERTON: Okay.

20 **MR SMITH:** It's a formal meeting, so I have an opening statement to read, so I'll read that now. So, welcome. And before I begin, I would like to acknowledge that I'm speaking to you from Dharawal land, and I acknowledge the traditional owners of all the lands from which we virtually meet today and pay my respects to Elders past and present.

25 Welcome to the meeting to discuss the Mundamia Residential Subdivision Modification 3 currently before the Commission for determination. The modification seeks consent to expand the size of the site development area and the stormwater drainage basins, undertake additional vegetation clearing, reduce and reconfigure lots, consolidate public open spaces, amend road layouts, development staging, timing of
30 works and bushfire requirements and associated amendments to conditions.

35 My name is Simon Smith and I'm the Chair of this single-member Commission Panel. I'm also joined by Brad James and Callum Firth from the office of the Independent Planning Commission.

And in the interests of transparency and openness 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.

40 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 determination.

45 It's important for the Commission to ask questions of attendees and to clarify issues whenever it is considered appropriate. If you're asked a question and are not in a position to answer, you may take the question on notice. Following the meeting, the Commission will advise you in writing of any questions taken on notice that the Panel considers require a formal response. Any subsequent response or information provided to the Commission will then be published on our website.

And would you please introduce yourself before speaking, although Justin, if it's only you, that's not necessary. And for all members to ensure they do not speak over the top of each other, to ensure accuracy of the transcript.

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So, we'll now begin. Thank you. So, Justin, I believe you received an agenda which is the list, the sequence of issues that we'd like to cover. And we'd also just like to cover off on the issues that were in the letter from Council dated the 25th of March, because they appear to post-date some of that earlier work. And I guess I'd like to just

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acknowledge this is Mod 3 of a longstanding development and I'm new to the development, so apologies if I don't understand anything, and you can correct me.

But also, we'll all just have to take particular care to make sure that we're talking about the same thing, you know, we're relying on the same version of conditions and so forth. Because I think there has been a fair bit of to and fro, even recently between the Department and yourselves on what conditions seek to apply and so forth. So, we'll just, before we get too hot under the collar or anything, we'll make sure we're actually looking at the facts.

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Good. Okay. So, I just wanted to talk about stormwater first. Would it be better to talk about that when your colleague from engineering can join us?

MR LAMERTON: Yes, that's right, that was the intention of Scott joining was to talk to those matters. So, it might be best to wait for Scott to attend.

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MR SMITH: Okay.

MR LAMERTON: If not, I do have some comments that I can provide. But it probably will be better coming from Scott as the subject matter expert.

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MR SMITH: Okay. We'll come back to that one. So, the other issues, I just wanted to provide an opportunity for you to sort of crystallise Council's view on the sequencing. Clearly, the developer needs, or is seeking approval to re-sequence things in order to better manage the development process and pay for it. Are you satisfied with the sequencing arrangement that's embodied in the Department's recommended conditions?

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MR LAMERTON: Yes, I didn't have any issues with the sequencing as part that were raised from my perspective as part of the comments provided back to the Department.

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MR SMITH: Right.

MR LAMERTON: I think one of the matters that was raised was the timing for commissioning and decommissioning of – and this is getting into stormwater a little bit – but of the temporary sediment basins. Just looking at the timing for ... The sediment basins come online in terms of the staging, obviously not in the earlier stages of the proposal, so there would be a need for – as part of the earlier stages, Stage 1A, 1B – for a temporary sediment basin to be in place for the earlier stages prior to those basins

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coming online as part of the latter stages. So, that was a comment that was raised by Scott in the engineering section.

MR SMITH: Okay.

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MR LAMERTON: But apart from that from a planning perspective, I didn't have any major concerns with the layout.

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MR SMITH: Okay. So, there wasn't – am I wrong or right – was there a request that the certain triggers in connection with stages you wanted to refer not only to construction certificates but also to the works certificates. Is that right? You wanted to broaden the trigger ...

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MR LAMERTON: That's right, yes, that was in my most recent response dated 25th March. I did just notice that a few of those conditions had been titled prior to construction certificate. Given obviously we're talking about a subdivision, I wanted to expand that to all subdivision work certificate.

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The implication of only referencing construction certificate could be that the Applicant deems that those conditions not to be applicable to a subdivision. And I just wanted to make sure that it covers ... Obviously, it's a ... The intention of the condition is that it applies to obviously the subdivision, so I just wanted to make sure that it covers those circumstances, yes.

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MR SMITH: That's good. Thank you. And then there's a minor point that's raised in Council's letter about biodiversity offsets. Has that been resolved subsequently? Are you, like, we're talking – there were figures of 152, 153, 154 in terms of numbers of credits that were required. And it was, I think the Applicant's response said something that this was about rounding of individual subtotals and the consolidation into the total. Do you know what – is everyone agreed what the number is now?

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MR LAMERTON: Yes, so the response there from biodiversity is the most up to date that I'm aware of, in terms of the number of credits required. So, I do note that they have obviously 154 rather than 153 for Stage 4. And then for stage ... 152 rather than 51. So, yes, that's the most recent update that I'm aware of. If the Applicant has provided a further response clarifying that, I'm not aware of that, from my side.

MR SMITH: Okay.

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MR LAMERTON: But yes, the information there in our letter dated 25th of March was the most up-to-date version that I'm aware of.

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MR SMITH: Okay. That's good. And I believe also there was, is there a resolved issue or an unresolved issue about the placement of the medium density lots? I think it was about whether their proximity was appropriate.

MR LAMERTON: Yes, yes, so that was one of the concerns that I had raised from, I guess, from the beginning, in terms of just separating them out from where the future hub would be located. I think the main justification on the Applicant's side of things is

that the hub is a notional location that is shown in the DCP. And I think the Applicant's advice was, "Okay, well that's not guaranteed to go ahead in that location." That said, obviously that's the position that it's being shown in the DCP. The Applicant was obviously looking to locate it around the communal open space areas.

I did have a chance to look at the Assessment Report from the Department. I've noted that they've taken our comments into consideration and that they've considered the location next to the, obviously the communal hub area, is a satisfactory outcome. My concern was just that obviously if the hub does go ahead in the location depicted in the DCP, and understanding that it is notional, that it could just be a bit disjointed from the hub in terms of where those medium density lots are located. But that was my only concern from that perspective. But it looks like it's been addressed by Michael and the Department in its Assessment Report.

MR SMITH: Okay. Thanks, Justin. The APZ boundary treatment issue. So, there seems to be a couple of dimensions to this. So, one is in your letter you say that some, the APZ for some lots incorporates the road out the front and indeed some land on the other side of the street. And there seems to be a longstanding issue about bollards and the cost of grass cutting around the bollards.

And then there's another issue which is raised in the letter, which is about some kind of legal framework that enables the landowner to participate in the maintenance of that. So, can I just clarify, on both those fronts, what Council wants?

MR LAMERTON: Yes, so what Council – Council's preference typically for subdivisions is that it mainly applies to, I guess, perimeter roads more than any other type of roads. Because verges out the front of properties are typically maintained by the property owner, however, perimeter roads that ... Typically, we expect the APZ to go up on to the curb on the other side of the road. Where the APZ continues beyond that curb, because it's a perimeter road there's not necessarily a property owner maintaining that portion of verge, if it's grass, for example. That does present a maintenance burden obviously to Council, which then falls back on us to maintain.

Our advice from our Bushfire Mitigation Office is that they already have too much land to maintain, so they don't have necessarily the capacity to maintain that land to an APZ standard as expected. So, that's a concern, I guess, from Council's perspective.

MR SMITH: No, I wasn't clear what – I mean, you could either create an opportunity for the land holder to participate, which they don't really need, unless Council's going to penalise them in some way for mowing the grass across the road, which I would find unlikely.

MR LAMERTON: Definitely not, no.

MR SMITH: But then, I don't know, am not sure there's a mechanism to create a duty for them to do that. Is that what you're -

5 **MR LAMERTON:** Yes, I think it's a difficulty but it's still I think a valid concern from Council's perspective that ... I guess, from an insurance perspective, if we don't have the capacity to maintain that land, obviously if we did have the capacity to do that, then that would be fantastic. But it's just a concern that if we don't have the capacity to actually maintain the land to an APZ standard, the possible worst-case scenario could be that obviously that land is no longer performing as an APZ and that could potentially place the future lots at risk from a bushfire perspective.

10 **MR SMITH:** And the land in question would be vested in – Council would be owning the land?

MR LAMERTON: I guess that would ... If it's part of the verge, it would obviously be part of the road reserve which would be Council managed, yes, definitely.

15 **MR SMITH:** And so, earlier on the objection to having bollards to delineate the edge of the APZ was that the maintenance obligation conferred the ability -

20 **MR LAMERTON:** Probably Scott might be best to talk to that, I notice he's come online. I'm not sure if there was another concern from obviously an access perspective to that location.

25 **MR SCOTT HAYLETT:** Yes, I guess, oh sorry, I'll just put my camera on. Yes, I guess from a maintenance perspective is that bollards particularly requiring whipper-snipping around every one, and if you've hundreds of metres of APZ's, that's going to likely result in upwards of a hundred bollard required to be mown around as well. Given that it is the end of a boundary of a bushfire prone area, it is a concern for Council's maintenance staff. And we think there's probably different ways it could be delineated. Yes, there's no necessary means that it needs to be a bollard.

30 **MR SMITH:** Right. So, Scott, is the purpose of the bollard or its alternative simply a visual indicator of where the APZ ends?

MR HAYLETT: I think in this scenario, that's the case, yes, yes.

35 **MR SMITH:** Right, okay.

40 **MR HAYLETT:** So, that could be replaced with, like, a concrete edge strip or something, for example, rather than something that requires whipper-snipping all the way around it.

MR SMITH: Right. How important is it to have a visual marker of the edge of the APZ?

45 **MR HAYLETT:** Yes, well, I don't know whether it's actually prescribed under the Planning for Bushfire, but it's basically to prevent vegetation creep. So, if you don't have a visual indicator there, no one really knows where the edge of the APZ's meant to be and often the vegetation will just continue to grow out up until some point where there's actually a delineation.

MR SMITH: Yes.

5 **MR HAYLETT:** So, it might end up being out the back of the road or back of the footpath or something, for example. I think in most cases where, as Justin was talking about before, we would prefer to have a footpath that actually delineated the APZ. So, you know, where it was in the road reserve and you were going up until the edge of the APZ on the outer side of the road is that it would be delineated by a footpath.

10 **MR SMITH:** Right. Okay.

MR HAYLETT: Yes.

15 **MR SMITH:** All right. No, I see the challenge. Thank you. Scott, we decided in your absence to postpone talking about stormwater until you joined.

MR HAYLETT: Yes, sorry I was late, I just ran from another meeting, and I was trying to really wrap it up, so apologies for that, yes.

20 **MR SMITH:** Let's talk about stormwater now, because this is obviously one of the most significant parts of this mod.

MR HAYLETT: Yes.

25 **MR SMITH:** So, I just wondered if you could give me some background how it came to be that the consent previously granted proved unworkable.

30 **MR HAYLETT:** Yes, so the concern in the way that it was, I guess, reviewed and the plans that were submitted at the time to support that, they were very two-dimensional. So, when the SWC was applied for and that was reviewed by myself at the time, we realised that the basins required very vertical walls to be constructed to basically achieve the footprint that they needed for that water quality removal, like, the nutrient removal.

35 So, we turned around and said at that time, well, you know, that doesn't comply with Council's engineering requirements. You can't just have vertical walls, they effectively just all look like swimming pools with vertical or close-to-vertical walls, and we said, you know, from a maintenance and safety perspective, it's just very unsuitable. So –

40 **MR SMITH:** Is that because it was flatter and so you'd have to dig deep to create the volume needed or ...

45 **MR HAYLETT:** Yes, and that's part of the issue. I don't know how familiar you are with the site, but there's a lot of bedrock out there as well. So, I guess that increases the impact of the development and all that sort of stuff as well. So, it's basically they're going to be hammering rock for months to basically put these basins in.

Yes, I guess there's been a lot of consultation between ourselves and the designer and the developer to get these basins to a point where we could potentially accept them. So,

yes, I do sort of thank them for doing that, but yes, we've come a long way from what they were previously. And that's sort of resulted in these changes to the lot layout and subdivision layout and all that sort of stuff along the way as well.

5 **MR SMITH:** Yes, because I guess I would just want to be very confident that this time it's going to work.

MR HAYLETT: Yes, yes. I think that there's enough reassurance that we're satisfied that it could work. They have provided fairly detailed plans at this stage to sort of support that, yes.

MR SMITH: Okay.

15 **MR HAYLETT:** And that's been reviewed by the relevant people at Council now, so it's not just a two-dimensional "this is where our basins are proposed to go," they've actually provided detailed designs of those.

MR SMITH: Right.

20 **MR HAYLETT:** Yes, yes. So, we came from, I guess, originally there was a consultant that did the integrated water cycle management Plan and then there was another consultant that did the engineering plans. They didn't really seem to talk to each other about what the implications were. The designer for the integrated water cycle management strategy just said that you need this much area to basically meet the requirements for nutrient removal. And the designer showed that on their plans just as an area.

30 And then we it actually came time to actually putting that to a three-dimensional design, that's obviously when they've come up with the issue that we have to maintain the area that we've got and not, you know, the sort of working within the constraints of the removal, if you know what I mean.

MR SMITH: Okay, no, that makes sense. And so, I think we're going to be talking with the Applicant later today. They've raised a concern about the connection between the handover dates for Council, like how the extent to which each new basin needs to be finished and shown to be working and stable before it's handed over to Council, and how that connects with the staging.

40 Because what they're worried about is that they might end up being responsible to look after all the whole system until all stages of the development area complete, which could be a decade before they hand it over to Council. And I think what they're seeking to say is, "As we do each stage, once we've built and established the success of the stormwater system that serves that stage, that we would hand over that piece to Council. And then when we do another stage, if there's more to do later, then they would repeat."

45 **MR HAYLETT:** I probably don't see it in the same way. I thought their concern was that they didn't want to provide all of the basins upfront. So, basically both the basins are along the eastern edge of the boundary, as you know. And they're sort of staging

occurs from George Evans Road, which is on the western side of their site, and works their way east. So, I think they wanted to have temporary measures in until such time is that they develop all the way to the eastern side.

5 I guess Council's concerns are, and it goes back to what I've said about there being so
much rock out there, is that they may get to a point where it's not feasible to deliver
these basins. They would say, well, these basins are going to cost us \$2 million to
develop and there's not \$2 million of profit left in the staging, and then therefore it
10 wouldn't occur. So, I guess that's more our concern, is that we'll be left with a
subdivision that doesn't have the proper assets provided.

If they wanted to come up with some sort of interim solution, and I'm not saying that
Council would just accept sediment basins, because I think that's what they were sort
15 of putting on the table as temporary measures. If they wanted to come up with some
sort of staging that would satisfy us, I think that could be something that could be
supported. But that's the concern at this stage, is that they're delaying all the works
until the later stages, so they're not actually ...

Yes, so I guess what you said earlier probably does make sense, and we're sort of
20 saying that they should be provided earlier or, I don't know, maybe they need to
provide a security or something like that to do that at some point to actually require it
to be done. So, I've just seen it many times before is that they delay a lot of things until
the later stages and then they don't proceed with the development. And conditions
aren't really normally tied up to enforce that. Because, you know, it'll be prior to
25 Stage 9 or something like that you've got to deliver this infrastructure, and then they
just get to Stage 8 and say, well, we're not going any further, so. That's a bit of the
concern, yes.

MR SMITH: Yes, no, I can see the risk – I can see the legitimate risk from both sides.
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MR HAYLETT: Yes, yes. So, if they – as I said, if they wanted to come up with a
strategy as an interim strategy, then we can certainly give that some thought.

MR SMITH: Right. Okay. Thank you.
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MR HAYLETT: The other thing about if they just have sediment basins temporary on
the site and, you know, they typically would only have contractors on the site while the
works are being undertaken. So, between stages, for example, you're not going to have
a contractor on the site to actually maintain these temporary devices. So, we would
40 need some sort of satisfaction that they would have people available to step in and
maintain those devices in the interim, if that's what part of their strategy was.

MR SMITH: Yes.

MR HAYLETT: Yes.
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MR SMITH: Okay, that's fair enough. Thank you. I just wanted to go to another
point, another topic on the agenda, which is the arrangements for the central open
space and playground. So, I've seen there's been a bit of further development, you

mentioned in your letter, Justin, that Council is closer to adopting its policy and you've made a recommendation about that. So, is there anything you wanted to add to what's in the letter or should we just take it at face value?

5 **MR LAMERTON:** Yes, I think we can take it at face value. And you're correct. So, obviously Council has been developing its Community Infrastructure Strategic Plan for some time. I understand it's going on public exhibition April/May of this year. The previous advice might have been that a local classification is preferred, but as the draft strategic plan is developed, it's noted that a district classification is the correct
10 classification. So, yes, the comments in the letter stand, and the recommended modifications to that condition (C35), I guess, reflects those outcomes.

MR SMITH: And is there a specification for what the developer has to build that corresponds with regional, not local?

15 **MR LAMERTON:** Yes, so I note in the letter that our Parks and Open Space Team have recommended that a dialogue be established with them to discuss the embellishments and design solutions that would be required.

20 Looking at the draft consent condition 35A, I think that achieves that. It says, "Prior to the issue of the first construction certificate, or add in or subdivision works certificate, an open space provision report and plan must be submitted to and approved by Council." So, if that's been approved by Council, there would be that dialogue being established with our Parks Team as part of that to make sure the embellishments
25 actually reflect the requirements for a district classification.

MR SMITH: So, I guess I'm just a bit worried about having open-ended conditions that say you've got to make some future unarticulated plan. Because the developer's going, "Well, how do I budget for that?"

30 **MR LAMERTON:** Yes, yes.

MR SMITH: Is there any guidance that Council could provide about what extra cost might be involved?

35 **MR LAMERTON:** We do have ... So, our Parks and Open Space Team aren't available for today's meeting, but I'm sure they would be able to provide some further information as to what types of embellishments they would see fit for the district classification. So, that's information that we can provide.

40 **MR SMITH:** Right. So, there's an existing spec for local, like, so the developer would already know what – sorry, neighbourhood – is that district and neighbourhood, is that the two levels?

45 **MR LAMERTON:** It was district and the previous recommended one was local. But now that the plan's developed, they've identified it as district.

MR SMITH: Okay. So, is there an existing spec for local, like, the developer would know what would be required for local?

5 **MR LAMERTON:** I would have to double check. I would imagine there probably would be, but obviously with the plan being updated, it's likely that those things have been further considered as part of the new strategic plan. So, we'd have to have a look and see what the strategic plan sort of specifies in relation to embellishment requirements for those different classifications.

10 **MR SMITH:** Okay. So, could you take that on notice and just the particular question I've got is, I'm thinking about making sure that any conditions that are imposed are unambiguous and clearly linked to the specifications.

MR LAMERTON: Yes, yes.

15 **MR SMITH:** We can't really consider conditions that apply to future standards that haven't yet been developed, because that's -

20 **MR LAMERTON:** And I guess that's the only challenge for us at the moment is that the, obviously the plan has been developed now, we do understand that district classification. Obviously, it's not yet in place, so that's the only challenge at this stage is obviously conditioning a requirement for compliance with the plan that's not actually, I guess, finalised yet at this stage.

25 **MR SMITH:** Thanks, Justin. So, the question is, could you please tell us what is known about the specifications required for local and district facilities?

MR LAMERTON: Yes, absolutely, I can do.

30 **MR SMITH:** Okay. Thank you very much. And I'm not sure whether this might be you, Scott or ... The water sensitive urban design and on-site detention conditions. So, I noticed in the letter there was a request to impose a condition that said that future landowners had to have - future home builders had to have 10,000-litre tanks and half of it had to be kept empty for detention purposes. And I'm just wondering about the practicality of that kind of recommendation. Maybe that's not ...

35 **MR HAYLETT:** Yes, I can probably comment on that, Simon. It's a pretty standard requirement in our LGA, that they, I guess, are offsetting the detention volume of a public asset, you know, through that revision of having rain and water tanks on each site. So, it's definitely a requirement of the RDCP is that that's the way that can be done, you know, through a subdivision, that it's designed at subdivision stage but provided at the building stage. So, I guess, you know, you can be assured that it is something that's under our DCP. You've got that guidance there.

40 **MR SMITH:** I don't - I'm not challenging that homes should have a rainwater tank.

45 **MR HAYLETT:** Yes.

MR SMITH: I'm still struggling to understand in what way that's the developer's responsibility, because they're not in control of people building homes and the DAs they lodge etc.

MR HAYLETT: Yes, normally it's just through an 88B instrument. And I guess, as, yes, I guess once they sort of design their documentation under the SWC is in regards to the tanks, that's all they have to do.

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MR SMITH: Okay.

MR HAYLETT: I guess they don't have any other responsibility from that way forward, you know, they just put it on the 88B instrument and whoever's the certifier for the future development needs to ensure that it's provided.

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MR SMITH: Okay. So, you'd rather do it that way rather than just rely on your DCP itself and the consent conditions for the construction of the house?

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MR HAYLETT: Yes, that's right, that's the way we normally do it. So, through the 88B instrument and then it gets delivered later on. Yes.

MR SMITH: Okay.

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MR HAYLETT: Yes. It's too hard for the developer to provide at the subdivision stage, so ...

MR SMITH: That's what I worried about, that you thought it couldn't happen and I couldn't imagine how it might.

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MR HAYLETT: And that was part of the negotiations on this site, because for them to have more detention within the wetlands, it would have meant the devices were several metres deeper than they already currently are, and you know how big they are already. So, that was part of those negotiations is that we actually pushed some of that detention requirement onto the lots. Yes, so.

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MR SMITH: Okay. So, what you're saying is that the capacity of those tanks to be constructed is part of the calculation of the adequacy of the stormwater management system.

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MR HAYLETT: Yes, for the overall site, yes.

MR SMITH: Yes.

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MR HAYLETT: It's addressed through their water cycle management strategy. Yes.

MR SMITH: Okay. And I see it appears that Council's reached agreement with the developer on a voluntary planning agreement and you've proposed a condition that would require – that references a version of a particular date originated by the developer. Just that sounds good, making sure that that's, if we were to consider a condition like that, that would be satisfactory to Council?

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MR LAMERTON: Yes, that's right, yes, that'll be satisfactory. So, yes, that's being partly drafted by our Strategic Planning Team who usually – they're the ones that

usually go through and look at the letters of offer. And it's been through the ... The Council's process is that it needs a resolution of the ordinary council, so that's been – that's taken place, and they've reviewed the letter of offer dated 19th of December and found that it accords with the resolution, so yes.

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MR SMITH: Okay, that's very good. Okay. Now, I just wanted to go to your letter. Sorry, I'm just scrolling through your letter to make sure we've covered everything that was in it. Oh, back on the APZ issue. Would you mind confirming to us what rule or standard or whatever calls up the requirement for the delineation of the APZ?

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I mean, I can see the practical value of it because I understand about vegetation creep and how you might end up with the veg reaching onto the road surface and no one pruning it back, and then you don't have an APZ anymore. So, I can see that could happen in practice. Just for our purposes, it's important to understand the source of any rule that might require that, because then that gives us an insight into what the options might be.

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MR LAMERTON: Yes, that's fine. I'll have a chat with Scott about that and we'll confirm that as part of your response to you – I'll respond to that matter as well as the open space specifications.

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MR SMITH: Thank you. And then there's another point which is about the buildings that are proposed for demolition, and the potential for them to be habitat for microbats which were observed on site. And the letter asks that we change the condition that requires the preparation of the management plan that oversees the vegetation impacts to be done early enough that it incorporates measures that could help relocate the bats in that process. So, has this been discussed with the Applicant before, and do we actually -

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MR LAMERTON: I'm not aware that it's been discussed with the Applicant. I mean, obviously for DAs that are local DAs assessed by Council, we do have those discussions.

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MR SMITH: Yes.

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MR LAMERTON: Obviously, we're a little bit further separated from the process when it's an SSD application. So, I'm not aware that those discussions have necessarily taken place.

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MR SMITH: Okay, all right. A really important one is the community hall or the neighbourhood safer place facility. So, can you just tell me, to your knowledge, so the way that you imagine this would work is that the developer's got to get like a construction certificate or development consent for the physical form of that building post this approval being granted. And you say that they would also need to obtain consent for the use of that building as a neighbourhood safer place.

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MR LAMERTON: Correct.

5 **MR SMITH:** I guess what concerns me a bit is the suggestion that – because your letter says that Council’s not obliged to grant that consent. And what concerns me is if Council were to decline to grant the consent under the proposal from Council, that would terminate the whole development, no homes could be occupied. That seems to be leaving things hanging a bit loose in terms of the completeness of the consent for the development that the developer sought for the estate.

10 **MR LAMERTON:** Yes, I can understand that. Obviously, that’s a separate assessment process. You’re quite right, we’d have to look at in accordance with the requirements under Section 4.15 of the Act to ensure that it meets those requirements. I think it does say in the letter that the application would be for like a community hall, and the requirement for a neighbourhood safer place can be a requirement of any such consent. So, the application that we would foresee would be something like a community hall.

15 Obviously, if we were to refuse the application, we would have to have valid grounds to do such. But our assessment would take place obviously as per normal against the requirements of the Act. I can see what you’re speaking to there, but we obviously want to ... I guess the intention is to make sure that that will be in place at the time those first lots come online. So, we want to make sure that at the time when there’s people occupying those future lots that they will have that neighbourhood safer place available at that time.

20 **MR SMITH:** Yes. I’m just a bit concerned about a scenario where that consent is taking longer to get than anyone expected. Meanwhile, people have received consent and constructed homes, and they’ve got all their chattels loaded in the truck and they’re ready to move in, and then you say, “Well, no, sorry, you haven’t got the consent for the neighbourhood safer place, you have to – you can’t move in.” Like, I don’t think that would be fair on those people.

25 **MR HAYLETT:** Sorry, I’m not a planner at all, Simon, but I think that’s always been a risk of the development, that RFS have never been willing to sign off on any approval for it to be a NSP until such time as, you know, I guess there’s residents there effectively. Isn’t that the case, Justin, like ...?

30 **MR LAMERTON:** Well, I guess that’s the intention is that it’s prior to the subdivision certificate being released. So, theoretically, there shouldn’t be any residents moving in at that time.

35 **MR HAYLETT:** But there needs to be a demand for an NSP, I think is the sort of thing, yes.

40 **MR SMITH:** So, does making it an NSP, does that trigger duties for the RFS? I mean, do they impose costs on them to be involved in it after it’s approved? Like, I don’t understand what RFS would, you know, looking at the situation which is the developer is trying to build several hundred homes and they’ve been required to create an NSP under the condition of consent, why they would say, “No, you can’t have it until people are there.” I mean, it’s just a building, isn’t it?

MR LAMERTON: Yes, it's just a building. Obviously, it needs to be – it needs to accord with the requirements for a neighbourhood safer place, so I would imagine that would need to be considered at the time of lodgement of the application to make sure it can achieve those requirements.

5

MR SMITH: Yes. I mean, it's got to be built safe to fulfil its duty, yes.

MR LAMERTON: Yes, that's right.

10

MR SMITH: Okay. Well, I might just – we might ask the Applicant about their level of comfort with the proposal that you've put, because it does look ... I just worry about, you know, I think our principle should be if you've got consent for something, you can do it. That's what we're trying to do. Okay.

15

MR HAYLETT: Yes, I think we all understand the hesitation there, or the concern, Simon, yes.

MR SMITH: Okay. I'm just going ...

20

MR HAYLETT: So, Justin, I just don't know whether they are aware, but we have basically approved that building, haven't we, under a DA already?

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MR LAMERTON: Yes, there was a DA number here that I think was referenced in the advice back to the Department. I think it was DA 20/1652. And it –

MR HAYLETT: So, it can't be an NSP yet, but I guess the DA for the building which will ultimately become the NSP has already been approved.

30

MR SMITH: Right. And does that mean it has not yet been assessed in terms of its engineering and construction for the NSP purpose? Or is ... Because, I mean, it's no good building something that's not going to meet the Bushfire Standards.

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MR LAMERTON: I'm just looking at the advice that we provided back. Condition 2 of DA 20/1652 notes that a separate approval is required before the hall can operate as an NSP. At this stage, approval for this use has not been sought and cannot be guaranteed. So, that was the advice provided back in the letter.

40

MR SMITH: Okay, all right, well, that's good. Well, I'm glad that the building is approved. So, we'll just check with the Applicant about why they haven't sought approval for the NSP or if they foresee any difficulties. Yes, okay.

45

MR HAYLETT: Yes, sorry, I just thought I'd add that because I think it's relevant, yes, because I guess it may be a change of use rather than a whole new building or something like that which may be problematic.

MR SMITH: Yes. We'll find out from the Applicant.

MR HAYLETT: Mm.

MR SMITH: Okay.

5 **MR HAYLETT:** I assume that they took that all into account, you know, all the requirements for an NSP. We just couldn't assess it as such. And I don't think it was ever referred to RFS in a way that it was going to be an NSP, so, yes.

MR SMITH: Okay. All right. So, were there any other matters that you wanted to raise with us that we haven't covered?

10 **MR LAMERTON:** Not on my end. Everything else is covered in the letters that we've covered. Scott, was there anything else on your end?

15 **MR HAYLETT:** No, I don't think so. I was just going to add that I haven't had a chance to fully go through the conditions yet. But I think we're going to provide further advice on that, are we, Justin?

MR LAMERTON: Simon, is there an opportunity for Scott to provide further advice in relation to the engineering conditions?

20 **MR SMITH:** Yes, and we would really value it. But we are on a strict timeline, and I'll let Brad or Callum tell you how much time we've got. But I am – what I'm hearing about the stormwater thing with the new design and the need for interim stormwater basins and the risk of it becoming prohibitively costly at the end, and that those things not being finished, that sounds a bit problematic to me. So, I think, Scott, your
25 comments on practical strategies that protect the Council and the community as well as make it workable for the development would be very welcome.

MR HAYLETT: Yes.

30 **MR SMITH:** So, how much time have we got, Brad or Callum, to get that information?

MR BRAD JAMES: Simon, if you're okay, I might take a look at our timeframe and then we can write to Justin and Scott separately after this meeting.
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MR SMITH: Yes. So, we think out of the three matters that we would like to hear back on, this being the third one.

40 **MR JAMES:** Sure.

MR SMITH: Okay. I mean, Council's input is very important and we want to set this up for success.

45 **MR HAYLETT:** Just on that matter, I think condition 23 which is proposed to be inserted called a stormwater management sub-plan. I think that could be embellished in a way to potentially address our concerns. I think that was what was proposed to sort of address that requirement from Council, that yes, whether we just have a bit of a play with that to sort of embellish that a bit more. I think that's potentially a way forward.

MR SMITH: Okay. That would be good.

MR HAYLETT: So, they've got to submit one of them with each stage of the development.

5

MR SMITH: Each stage, yes. Good, all right, well, that further input would be very helpful.

MR HAYLETT: Thank you.

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MR SMITH: Brad and Callum, were there any matters that we haven't covered?

MR JAMES: Nothing from me, Simon. Oh, just one thing, Simon, Justin, Scott, sorry if my internet's cutting out, just the consent that we've been given by the Department, I think just going through it, there's no reference to 35A in the version we have around the open space plan or provisions. I might set this out in an email following this meeting, but it looks like the most recent version of the recommended consent doesn't have a reference to that condition. So, I suspect the Department may have taken it out since their last engagement with you.

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MR LAMERTON: That's quite possibly the case, yes. Yes, obviously we provide our comments back to the Department and since then they've obviously finalised it. And potentially that's the case that that's been removed, yes.

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MR JAMES: Sure. I'll set this out, Justin, if there's anything – in an email.

MR SMITH: Yes, so Brad, you'll send the most recent version of the Department's recommended conditions to Council straight after today?

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MR JAMES: Yes. Will do. Yes, I'll send it today, will do.

MR SMITH: That's good, yes, that's what I guess I was getting at, early on, was to make sure we want to work off the same source of truth. Yes. Anything from you, Callum?

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MR CALLUM FIRTH: No thanks, Simon, I think that's everything.

MR SMITH: Great. All right, well, I'd like to thank you Justin and Scott, you've been very helpful. And we look forward to receiving that further information as quickly as you can.

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MR LAMERTON: Thanks very much, thanks for your time.

MR HAYLETT: Thanks very much. Thank you.

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MR SMITH: Thank you very much. Goodbye.

>THE MEETING CONCLUDED