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TRANSCRIPT OF PROCEEDINGS

TRANSCRIPT IN CONFIDENCE

O/N H-969965

INDEPENDENT PLANNING COMMISSION

MEETING WITH PROPONENT

RE: MAGENTA SHORES INTEGRATED TOURIST FACILITY MOD 5

PANEL:

**CHRIS WILSON
CATHERINE HIRD
RUSSELL MILLER**

ASSISTING PANEL:

MATTHEW TODD-JONES

PROPONENT:

**PAUL SEISUMS
MATT BROWN**

LOCATION:

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

DATE:

1.30 PM, MONDAY, 3 DECEMBER 2018

THIS PROCEEDING WAS CONDUCTED BY TELEPHONE CONFERENCE

- MR P. SEISUMS: Hello. Paul speaking.
- 5 MR M. TODD-JONES: Hi, Paul. It's Matthew from the Independent Planning Commission. How are you?
- MR SEISUMS: Hello?
- 10 MR TODD-JONES: Can you hear me?
- MR SEISUMS: Hello? I might not get a signal in here. Hello, Paul speaking.
- 15 MR TODD-JONES: Hi, Paul. It's Matthew from the Independent Planning Commission.
- MR SEISUMS: I'm with Telstra. Hello?
- 20 MR TODD-JONES: Hi, Paul. It's Matthew from the Independent Planning Commission. How are you?
- MR SEISUMS: There we go. Got you. Yeah. Good. Sorry. What was your name?
- 25 MR TODD-JONES: Matthew. Matthew Todd-Jones.
- MR SEISUMS: Hi, Matthew. How are you going?
- 30 MR TODD-JONES: Yeah, good, thanks. So I've got the other Commissioners here – the Commissioners here, and we'll just start the meeting, if that's okay.
- MR SEISUMS: Yeah, sure, Matthew. Just to let you know, I've got obviously my town planner here, Matt, from Perception Planning, and you're obviously on
- 35 loudspeaker.
- MR TODD-JONES: That's good.
- MR M. BROWN: Hey, how are you going?
- 40 MR C. WILSON: Okay. Just some formalities first, gentlemen.
- MR SEISUMS: Sure.
- 45 MR WILSON: I would like to acknowledge the traditional owners of the land on which we meet and pay my respects to the elders past and present. Welcome to the

meeting today on request to modify the development approval for Magenta Shores Integrated Residential and Tourist Development at 300 Wilfred Barrett Avenue, The Entrance North. The modification seeks approval to amend State RO7 of the development including an increase of four residential lots, amended lot and road
5 layouts, and deletion of a pocket park. My name is Chris Wilson. I am the chair of the IPC panel. Joining me on the panel is Catherine Hird and Russell Miller. The other attendee of the meeting is Matthew Todd-Jones from the IPC Secretariat.

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's website. This meeting is one of the Commission's decision-making process. It is taking place at the preliminary stage of this process and will form one of several sources of information upon which the Commission will base its decision. It's important for the Commissioners to ask
15 questions of attendees and to clarify issues whenever we consider it appropriate. If you're asked a question and are not in a position to answer it, please feel free to take the question on notice and provide additional information writing, which we will then put on our website. We will now begin. Chris Wilson, Paul. So we'd just like to understand a bit of, I guess, history in relation to how we've got to this stage,
20 maybe going back a bit in terms of particularly the – particularly the development or the modifications and the approvals that have set up the numbers so for today in terms of lots produced, and how that relates to this application.

25 MR SEISUMS: Sure. Look, I've got – if you want to go back to – because obviously this was a Mirvac – it was a listed, you know, developer's original master plan. There's some fundamental flaws with it for many reasons, but how far back did you want to go?

30 MR WILSON: Look, we don't necessarily need to go right back to concept. If you want to give a quick appraisal about what the – what the concept plan or master plan consent offered you, that's fine, in that context. I guess what we're trying to understand – because there's been a number of modifications. Some of those modifications didn't necessarily relate to the lot numbers and so forth. I guess we're
35 just trying to work out what are the drivers in terms of the changes you sort for this process, and if that means referring to some fundamental problems with the concept plan, by all means.

40 MR SEISUMS: Sure. Okay. Look, I guess I possibly should start with RO7B, which was the MOD 4 that you guys – that had already had approval. It was a yield increase I believe from approximately 38 lots to 49 lots. We received approval outgoing through the IPC process some time ago. The reason for the increase in yield on that one was simple, and that's because it – the location of it is at the 18th green, and generally, you know, an increase in yields or in the residential golfing, you know, model – community model – I guess a – you know, you always look at
45 increase in yield – the two places to be, I guess, are around a green and around a tee, so you see people either begin or end their game of golf, and so in their areas, it's

generally acceptable to sort of increase yield. So we – we looked at putting townhouses on the golf side and then beach homes on the other side of the road.

MR WILSON: Right.

5

MR SEISUMS: That – we didn't have any problems with that, and had that approved, and had support from Central Coast Council, and since then, obviously we've obtained approval and we're currently building that out and closing that stage out, and - - -

10

MR WILSON: So can I just – can I just confirm, on the map – on our map, that's RO8, yeah?

MR SEISUMS: That's right. Yeah.

15

MR WILSON: Okay. And you're – and so the modification went through in 2016. Is that right?

MR SEISUMS: That would be right. Yeah.

20

MR WILSON: In our documentation, it says an increase of 15 permanent residential lots. That's 15 above and beyond what was sort of indicated in the master plan, yeah?

25

MR SEISUMS: That's right.

MR WILSON: Okay. And they also accepted pocket parks – the removal of pocket parks. Is that right?

30

MR SEISUMS: That's right.

MR BROWN: Correct.

MR WILSON: Okay. All right. Thank you. Sorry to interrupt. Just trying to - - -

35

MR SEISUMS: No problem.

MR WILSON: Yeah.

40

MR SEISUMS: Thank you.

MR WILSON: Sorry. Keep going.

45

MR SEISUMS: Yeah. So then we go – did you want to skip to RO7A now, gentlemen, or – and ladies?

MR WILSON: So – okay. So I understand that. So – and that was accepted and the DA issued by counsel for the number of lots, which I think was 51 all up. Is that right?

5 MR SEISUMS: That's right. Yes.

MR WILSON: Is it 51 or 49? 51?

10 MR SEISUMS: Well, 51, and then we did – a gentleman bought three and we did a section 96 and did a lot amalgamation of the other 49.

MR WILSON: Consolidated. Okay.

15 MR SEISUMS: That's right. Yeah.

MR WILSON: Okay. Well, that – no, that's good. That clears that up.

20 MR SEISUMS: And that's what the total was too, by the time the original approval and the updated master plan approval modified by number MOD 1 and 4 brought us to the 530 number in the – in the assessment report.

MR WILSON: Right. Okay.

25 MS C. HIRD: RO8, we haven't got a clear plan. Does that have curved roads or is the road straight?

MR SEISUMS: It's straight. We deleted pocket parks and we used traffic calming devices in that stage.

30 MR WILSON: Okay. So there's no pocket parks in there whatsoever?

MR SEISUMS: No.

35 MR WILSON: Okay. Is there - - -

MR SEISUMS: In fact, right along the beach from Sandbar Terrace to the south all the way to the north, there are no existing pocket parks even in the brownfield back in the Mirvac days.

40 MR WILSON: Right. Okay.

MS HIRD: But they were described in the original concept plan, were they?

45 MR SEISUMS: That's right.

MR WILSON: Yeah. And deleted as part of the MOD 4. Okay.

MR SEISUMS: Yes. That's correct.

MR WILSON: I think we're right now for RO8. Okay. Yeah. That – we'll move
on to the next one, the current one, I guess. So – but does – so that's the only
5 change, to my – is that the only change to numbers – lot numbers since the
development began?

MR SEISUMS: I believe so.

10 MR WILSON: All right. And then there's this one, which is now RO7 or whatever
it's called.

MR SEISUMS: That's right.

15 MR WILSON: Yeah.

MR SEISUMS: An increase of four lots.

MR WILSON: Okay.
20

MS HIRD: There was some deletion of the original concept which was supposed to
have 398 permanent residential dwellings, and somewhere early in the piece they
were removed. Is that right?

25 MR SEISUMS: I couldn't be sure. Just looking – I would have to check that.

MS HIRD: Yeah.

MR SEISUMS: I couldn't answer yes or no, to be honest. But yeah, there were a
30 number of modifications that Mirvac did. I'd have to check the Mirvac data room.

MS HIRD: Yes.

MR WILSON: Yeah. There was a change of I think the mix. Anyway - - -
35

MS HIRD: Yeah. Okay. That's – we're just trying to understand the process, I
suppose.

MR WILSON: Okay. So if we could move on to the current application.
40

MR SEISUMS: For the current application, we sought to initially – we wanted to
continue the townhouses but on the opposite side, so coming across to the beach side
rather than the golf side, and – which, you know, obviously constituted an increase in
yield again. We went through the processes and facilitation with Department of
45 Planning, and I guess as part of that, we out and decided not to go ahead with
those townhouses. Interestingly, I guess, the Department of Planning said that they
wouldn't support the townhouses on the dune side or the beach side, and for – which

would then have forced us to put the townhouses over onto the golf hole side on the 18th.

MR WILSON: Yeah.

5

MR SEISUMS: When I looked at that, I think, you know, sooner or later, you know, developers do have to have a conscience, and I know that's probably an oxymoron in itself, but – and, I mean, we just looked at it, and I looked at the – if we were to have – and I'm sure we would've got approval, but I just looked at it and I
10 looked at the bulk – bulk and scale and the built form, and it was really going to crowd out that 18th hole, you know, having townhouses right down the entirety of the length.

MR WILSON: Yeah.

15

MR SEISUMS: And so I made a decision based on, I guess, you know, people, planet, profit, and we made a big decision to decide to, you know, not continue or pursue townhouses in that stage.

20 MR WILSON: Okay. So the townhouses have gone completely. So it's now just detached houses?

MR SEISUMS: Just a straight out – yeah. Just a straight out resi subdivision in an SP3 zone.

25

MR WILSON: Right.

MR SEISUMS: With the lots adjacent to the beach larger to – to reduce that impact.

30 MR WILSON: Okay. So just from the documentation, so we end up with 44 lots now, don't we? Is that right? Confirmed 44 lots?

MR SEISUMS: Yeah, that's correct.

35 MR WILSON: So I understand it was originally 38 to 58.

MR SEISUMS: That's right.

MR WILSON: And all through this documentation now it says an additional four.

40

MR SEISUMS: Yes.

MR WILSON: That – so that's 42. Where did the other two come from?

45 MR SEISUMS: I'm not sure. I would have to check. So the question was specifically you're saying that two lots have - - -

MR WILSON: No, no. I just – yeah. There’s – two lots have either – have materialised. My understanding was the original request was 38 – an increase from 38 to 58 lots. Is that right?

5 MR SEISUMS: I believe so, yes.

MR BROWN: Yeah.

10 MR WILSON: And then there was a reduction down to 44, so – hang on a tic. Four additional permanent residential lots within stage RO7.

MR BROWN: Correct. The mixture in the permanent and the tourist.

15 MR WILSON: Okay.

MR BROWN: So it was – yeah. 14 – 44 to 58.

MR WILSON: Yeah.

20 MR BROWN: That’s where the numbers go. And then 10 were deleted, hence that’s the four.

MR WILSON: Okay. I got you. All right. Thank you for clearing that up. Sorry to interrupt again.
25

MR BROWN: No worries.

30 MR SEISUMS: So – yeah. I guess from there, you know, we sort of facilitated and worked with the Department of Planning, and I think we’ve done everything possible to appease all, and we’re very comfortable with the – with the modification as it sits at the moment. I did speak to my lead surveyor and we’ve decided to, as per the recommendations from Department of Planning, we decided to put a pocket park in there to break up that streetscape, and I’ve done a subdivision plan in that regard.

35 MR WILSON: So where would that be, that pocket park?

40 MR SEISUMS: So as you’re looking at – so there’ll be two pocket parks. We had one. If you’re looking at the original consent on – you would notice that in RO7, where it says 44 lots, there is one – I don’t know – say, roughly eight or nine lots along. I don’t have measurements, unfortunately.

MR WILSON: Yes.

45 MR SEISUMS: There’s a pocket park there, and then there’s a pocket park where another feeder road starts to adjoin the northern end and there’s - - -

MR WILSON: Yeah, got that one.

MR SEISUMS: Yeah. And there's a pocket park up there as well. So we looked at it and we thought, look, at the end of the day, we understand the community's concerns, and it – we felt that it was, you know, the right thing to do, and we've included that pocket park. So really as far as the developer's concerned, I – you
5 know, I think we've ticked every box we possibly can.

MR WILSON: Okay.

MR SEISUMS: We've been more than - - -
10

MR WILSON: So - - -

MR SEISUMS: - - - willing to come to the - - -

15 MR WILSON: Yeah. No. That's fine. Just – so where would the second – I'm just trying to work out where the second pocket park would be. Is it to the – obviously to the south?

MR SEISUMS: So could you tell me what plan you're looking at?
20

MR WILSON: I'm looking at the department's assessment report, so - - -

MR R. MILLER: Original proposal page - - -

25 MR TODD-JONES: Page 9 of the pack.

MS HIRD: Yeah.

MR MILLER: Yeah. RO7, original proposed subdivision.
30

MR SEISUMS: Yeah. On page 7. Yeah.

MR WILSON: Yeah.

35 MS HIRD: On page 9.

MR SEISUMS: Okay. So - - -

MR MILLER: Page 8 or 9.
40

MR SEISUMS: Page 8 or 9 in the assessment report? No worries.

MS HIRD: Yeah.

45 MR SEISUMS: Yeah. Okay. All right. So you can see the – obviously, yeah, you've identified the one to the north. Now, the second pocket park will be where the – the furthest to the south, that traffic calming device that's illustrated.

MR BROWN: Near where it says stage 1.

MR WILSON: Okay.

5 MR SEISUMS: Near where it says stage 1 to the left.

MR BROWN: In red writing.

MS HIRD: Yeah.

10 MR SEISUMS: It's – give or take, in that area, you know, give or take sort of 10 metres.

MR MILLER: And on the beach side or the golf course side?

15 MR SEISUMS: Well, it's sort of - - -

MR WILSON: In the middle.

20 MR SEISUMS: It's in the middle because it's on the road, but it'll split the road
- - -

MR MILLER: I see.

25 MR SEISUMS: - - - around the pocket park, so you'll drive either side.

MS HIRD: Okay.

MR MILLER: Got you.

30 MS HIRD: And will that result in a curved driveway, or will it still be straight?

MR SEISUMS: Curved.

35 MR WILSON: Okay.

MS HIRD: Okay.

MR WILSON: And the speed humps go?

40 MR SEISUMS: Yeah. The traffic calming devices are a deletion.

MR WILSON: Okay.

45 MR BROWN: Yeah. We're hopeful with the integration of the – obviously the bigger pocket park and the curved nature of the road will be a traffic calming device in its own right.

MR WILSON: Yes. No. I appreciate that. Thank you. Okay.

MR SEISUMS: I think it's also worthy of noting, just very briefly, that, you know, my client, the developer, is not the normal developer. He's emotionally attached to
5 Magenta. We actually run golf and we've been, you know, heavily invested in golf to – as you're probably aware, golf is literally a dying sport and, you know, lots of golf courses nationally have problems, so we have been a great support of Magenta Shores Golf and Country Club and, you know, this is sort of a little bit of the reason to where there's been a little bit of a clawback on yield to be able to sort of offset the
10 investment that we've made into the golf club, which we don't own – the members own.

MR WILSON: Okay. Just on that point. So I think some of the submissions raised the point about the uncertainty about the yields and the outcomes and so forth. And
15 is there - - -

MR SEISUMS: Yes.

MR WILSON: - - - is there likely to be a sort of more holistic reconsideration of the
20 yield or, you know, in terms of maybe a review of the master plan DA consent as opposed to sort of doing - - -

MR SEISUMS: Look - - -

25 MR WILSON: - - - it on a sort of – how many sections are there left to develop?

MR SEISUMS: There would be about three to four stages. I mean, we won't do them as per the DA, given that it would sort of flood the marketplace and, you know, oversupply the marketplace, but so, yes, there's three and a half-odd stages there. It
30 will probably be over six, but it's firmly the developer's intent – and I think we mentioned to the Department of Planning that we were happy to make it a condition, indeed, a condition of consent that there wouldn't be such an ad hoc approach to amendments in the future and that they would be happy to look at the entirety of the residual development lots as a whole, as a masterplan equivalent to make any further
35 amendments.

MS HIRD: So how would – what would that condition of consent look like?

MR SEISUMS: I'm not – we've just made – we've provided an undertaking, but
40 I'm not sure whether it required us to do that. Yes, part of our response to the further information request, we just acknowledged that we accept the fact that obviously a high number of modifications are not ideal and it's ad hoc. And so, as a result, yes, we said that if the department was of a mind to recommend such the priority would be that the masterplan be looked at as part of and prior to any further works.

45 MR WILSON: Okay. Well, they haven't recommended a condition of that - - -

MS HIRD: Yes.

MR WILSON: Like that, as such, as you're aware.

5 MS HIRD: Yes.

MR SEISUMS: No, I think, given obviously the mechanics behind it from a planning point of view, it would be hard - - -

10 MR WILSON: Yes.

MR SEISUMS: It would be hard to apply, but they could be our goodwill in suggesting such.

15 MR WILSON: Yes. No, that's exactly right. It would have to come from you in that respect.

MR SEISUMS: Yes.

20 MR WILSON: I don't have any more. Do you have any more?

MS HIRD: No, no.

25 MR WILSON: So, look, I think, unless you've got anything else to add, we don't have any further questions at this stage. Obviously, something might come up over the next week, but – and following on from our discussions with council and the department. Having said that, we don't have any further questions at the moment. So - - -

30 MR SEISUMS: Okay. Just quickly, if you wouldn't mind, because I haven't been through this process before, once we go to public meetings, can you give me a timeline that sort of, given that we've sort of been going through this process for a year, a year and a half and some commercial sort of rationalities are coming to the forefront, could you give us some sort of indication as what the process and the
35 timeline might be for, you know, approval or refusal?

MR TODD-JONES: So – it's Matthew here. What we have to do is we give people the opportunity to submit to written comments a week after the public meeting, so seven days after the public meeting, so we have to sort of wait for that period to
40 expire and then, you know, then we can – the commissioner will consider any further submissions and then – then in a position to make a determination and it sort of takes as long as it takes after that then.

45 MR SEISUMS: So you're not able to give me a timeframe on determination?

MR TODD-JONES: I couldn't give you an actual one, but I couldn't tell you if it was before Christmas or after Christmas, sorry. It's just a case of whether, you

know, obviously, the public meeting, if it brings up any further issues, then the commissioners might need to have some further information. You know, these things can happen and have happened, and so I can't really give you an indication, sorry.

5

MR SEISUMS: Okay.

MR WILSON: Look, I can add to that - - -

10 MR SEISUMS: I will - - -

MR WILSON: - - - basically, if no further issues come up from the public meeting, then it's likely we will be able to make our recommendations by the end of the year.

15 MR SEISUMS: Thank you, Chris; that's what I wanted to hear. I appreciate that.

MR WILSON: And I think there's a target date on our website, as well, so you can take those into consideration.

20 MR SEISUMS: Okay, thank you.

MR BROWN: All right.

MR WILSON: Thanks.

25

MR SEISUMS: Thank you gents and lady. I appreciate your time. Thank you.

MR TODD-JONES: Thank you.

30 MS HIRD: Thank you.

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[1.53 pm]