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TRANSCRIPT OF PROCEEDINGS

TRANSCRIPT IN CONFIDENCE

O/N H-1259153

INDEPENDENT PLANNING COMMISSION

MEETING WITH APPLICANT

RE: DURAL GATEWAY

PANEL: CHRIS WILSON (CHAIR)

SOO-TEE CHEONG

ASSISTING PANEL: STEPHEN BARRY

CALLUM FIRTH

APPLICANT: CLARE BROWN

ASHLEIGH RYAN

LOCATION: IPC OFFICES

LEVEL 3, 201 ELIZABETH STREET SYDNEY, NEW SOUTH WALES

DATE: WEDNESDAY, 12 AUGUST 2020

MR WILSON: ...here today introduce themselves before speaking for the first time, and for all members to ensure that they do not speak over the top of each other to ensure accuracy of the transcript. We will now begin. Clare, it might be useful, just before we go into the – I mean, I guess we're focusing on the five reasons for refusal,

for obvious reasons, but you might want to give a bit of an overview of the planning proposal. It has been around a little while, so it might be useful to give a bit of background.

MS BROWN: Certainly, Chris. We have actually prepared a PowerPoint presentation, which I can speak to and also leave forward to Callum, and so you have it for your records, if you wish.

MR WILSON: Can you share that, Clare? I mean, is it - - -

15 MS BROWN: Yes, I can, if - - -

MR WILSON: Excellent.

MS BROWN: I can - - -

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MR WILSON: On the screen.

MS BROWN: I can do share screen, so hopefully - - -

25 MR FIRTH: I'll just enable that now.

MS BROWN: Thank you very much, Callum.

MR WILSON: While you're doing that, I'll just let you know we went and had a look at the site yesterday - - -

MS BROWN: Great.

MR WILSON: --- and those – I guess the summary of our contextual look at the site will be on our website at some stage. Callum, is that right?

MR FIRTH: Yes, that's right.

MR WILSON: Yes.

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MS BROWN: I'm just having trouble.

MR FIRTH: It should

MS BROWN: Ash, could I get you to share the screen instead? I can't get it up on my machine.

MS RYAN: One moment.

MR WILSON: That's all right. Clare, while that's going on, how many landholders have interest in the planning proposal?

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MS BROWN: Well, the proponent is – the proponent for the planning proposal is Dural Landholding, so - - -

MR WILSON: Okay.

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MS BROWN: --- they have, I guess, options and ---

MR WILSON: Okay.

15 MS BROWN: - - - arrangements with the individual landholders.

MR WILSON: Okay. That's fine. Thanks.

MS BROWN: Thank you for that, Ash.

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MS RYAN: No problems.

MS BROWN: Chris, would it help if I just introduced myself and - - -

25 MR WILSON: Yes, excellent.

MS BROWN: --- the team? So ---

MR WILSON: Clare, it's a small number, so we don't have to expect you to reiterate your names every time, so yes, if you do that, it would be good.

MS BROWN: Yes, certainly. So my name's Clare Brown. I'm a director with Urbis. I'm joined here by Ashleigh Ryan, also from Urbis, and Kevin Sade from the Dural Landholding. So he's the proponent representative present on the call today, and he's here and available to answer any questions from a proponent side that the Commission may have that we're unable to provide to you. So as you suggested, Chris, I will actually give just a brief overview of the planning proposal itself, and Ashleigh will jump in and supplement anything I'm saying if I forget anything, and also we're happy to take any questions from the Commission members as we go along, so feel free to jump in, and we've structured this so that there's time at the end for question and answers that you may have that come up.

So in summary, the planning proposal is seeking to rezone the land, which we've identified as the northern site and the southern site from RU6 transition to R2 low density residential. Consistent with that, we're also seeking to reduce the height of building control, which is presently 10 metres, down to nine metres, so that you have low-scale residential development. We're seeking to amend the minimum lot size

from two hectares to 600 square metres for the northern site and 700 square metres for the southern site, and to also introduce a maximum residential yield on the northern site to 102 lots. Now, these controls have been discussed and arrived on through conversations with counsel, and these are mechanisms that we – that the proponent and the council have agreed to.

Part of that discussion with the council is also to introduce site-specific mechanisms to deliver a new regional road reserve through the northern site, and that will provide an access to Old Northern Road and would be part of a bypass coming down from the northwest growth sector to avoid Round Corner, where there is considerable traffic congestion at the moment. So this is a bypass road that would be delivered through the northern site.

The planning proposal also commits to delivering a variety of public benefits,
including local open space, road widening, the new regional road reserve, and part of
the subdivision layout that we've presented with the planning proposal shows the
delivery of a drop-off area and safe areas around the Dural Public School to address
key safety issues that are present in and around the school at the moment and
particularly its frontage to Old Northern Road. These, as well as the delivery of
sewer to the subdivision sites and the Dural Public School, will be delivered through
a VPA, and we have been in conversation with council in relation to the terms of the
public benefit offer. Next slide, Ash.

So the figure you can see before you is of the northern site. So you can see on this
figure where the Dural Public School is located, where there will be traffic lights
provided, proposed dedication of local open space, a general subdivision layout, and
on the – to the south of the Dural Public School is the proposed 32 metre wide
regional road reserve that would be delivered as part of this planning proposal, and
that will provide the bypass to Round Corner, as I said earlier. In February 2002, the
proponent advised the department that if the scale of the development was of a
concern in terms of achieving Gateway, that the proponent would be prepared to
focus only on the northern site and achieve a Gateway determination on the northern
site. So that is – that position - - -

35 MR CHEONG: Excuse me, can I jump in

MS BROWN: Certainly.

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MR CHEONG: With the road reserve, you said it will be delivered with the development of the site if it's approved. Do you – the road will be constructed to what standard?

MS BROWN: It will be constructed to a standard that involves footpaths on both sides. It will have angled parking for – parking adjacent to the school. So there will be angled parking adjacent to the school. It will be wide enough to carry buses in and around the site. So it's going to be capable of carrying traffic from the growth sector through to Old Northern Road, and there will be traffic lights available in the

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vicinity – in the locality as well. So it's to quite a sizeable standard, but providing for pedestrian and vehicle movement and parking as well.

MR CHEONG: Right. So you're saying that it will be a standard of a future arterial road? Would I be correct?

MS BROWN: Yes. And built to the relevant Austroads standards, as adopted by the council.

10 MR CHEONG: Right.

MR WILSON: And the lights will be on the intersection up there somewhere, Clare. Is that what you're saying? Up there with Old Northern Road.

15 MS BROWN: Yes, there will be traffic lights provided as well, Chris.

MR WILSON: Did you – any discussion with the RMS over that or not? Too early?

20 MS BROWN: There have been some preliminary discussions, yes - - -

MR WILSON: Yes, okay.

MS BROWN: --- by our traffic engineers.

MR WILSON: Okay. Thanks.

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MR CHEONG: Thank you.

- MS BROWN: Thank you. So if the planning proposal was limited to only the northern site, the key public benefits would still be delivered as part of the northern site rezoning. Thanks, Ash. So the public benefits that we're proposing would include the drop-off and pick-up zone for the Dural Public School, which would improve the safety for children and parents, and I'm not sure if when you did your
- 35 site visit, if you were up there during - -

MR WILSON: We did.

- MS BROWN: --- drop-off and pick-up time, it's quite dangerous where the the cars pull up and children crossing the road, etcetera. So we see that the road layout that we've prepared as part of the subdivision plan would actually provide great safety for the school, and the school and the P&C have been consulted quite extensively on the proposal and support the project as well.
- 45 MR WILSON: Just in - -

MS RYAN: Clare, if I may - - -

MR WILSON: Sorry. Just in terms of that, they – so they – but they use the overpass, I presume.

- MS BROWN: They do use the overpass, but part of the rationale for the road layout is to actually provide the ability for parents to drop off the children not on Old Northern Road and to actually be able to get off Old Northern Road and then do a left-hand turn or a right-hand turn onto Old Northern Road, rather than the very convoluted traffic movements that they do at the moment, and where they have to travel further to the north in order to do a U-turn to travel back to the south. And also the areas on both sides of Old Northern Road, where that pedestrian overpass is, gets quite full, and therefore, the traffic gets congested in and around Northern Road, particularly during the drop-off and pick-up times, and when you've got buses as well as cars parking there.
- 15 MR WILSON: Okay. Excellent. Thank you.

MS RYAN: Clare, if I may – this is Ashleigh Ryan speaking from Urbis. Jut to add to that, I understand that school terms may not have been in effect when you were on the site. We have provided videos of that traffic that is existing on Old Northern

20 Road when buses are saying over and, you know, when they're queueing over and potentially sticking out into the roadway, you know, cars are going around them and crossing over to the opposite side of the road at a quite critical intersection. So it's pedestrian safety, but it's also vehicle safety by alleviating some of those stopping and drop-off movements from Old Northern Road. Thank you, Clare.

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MR WILSON: Okay. How many students at the school?

MS BROWN: I think there's around 450.

30 MR WILSON: Okay.

MS BROWN: And there's – so it's quite a sizeable school. And the school presently does not have sewer to it, and there is also just a very limited playing field to the west of the main school buildings. The planning proposal includes the dedication of local open space adjacent to the school which could be available to the benefit of the school as well. Other public benefits include the traffic lights, as we've discussed; the dedication of approximately 9900 square metres of land for the future regional road, which, in discussion with council, has been termed the Annangrove Road bypass; the dedication of 4000 square metres of local open space to the council; and then the upgrades to provide sewage to the Dural Public School so that they don't have onsite disposal systems as a result of

MR WILSON: Hang on, Clare. Something happened there. Can everyone - - -

45 MR FIRTH: I think – yes, we just had an issue with your audio. Just try again.

MS BROWN:

MR WILSON: No, you're dropping out, Clare.

MS BROWN: can you hear me now?

5 MR FIRTH: That's better.

MR WILSON: That's better.

MS BROWN: Okay. I'll speak louder. Did you hear – do you want me to repeat 10 that there will be the Annangrove Road bypass, a dedication of 9900 square metres; new public open space to be dedicated to the council as local open space, approximately 4000 square metres; upgrades to the sewage system to the Dural Public School; and these public benefits will all be delivered via a VPA. If the southern site is also included in the Gateway determination, there will be additional 15 public benefits delivered as part of the planning proposal, and that will include improved public access to the Soldiers' Memorial Hall, which is located adjacent to the southern site, and also the dedication of additional open space and car parking for that memorial hall, because at the moment, the access and parking is, again, adjacent to Old Northern Road, and it's quite a constrained site. So the objective there is to provide open space adjacent to that hall so as to improve the functionality, usability 20 and amenity of that space through the additional local open space.

So in terms of timeline, as you've said, Chris, the proposal has been around a long time. It was submitted to council in May 2016, and between then and July 2019, we have undertaken quite detailed consultation with the council, we have refined the planning proposal, and council has also resolved to undertake a strategic study of the broader Dural area to consider the merits of the proposal. Following that Dural urban capacity and capability assessment that was completed in March 2019, the council by 2019 resolved that the planning proposal should be submitted to the Gateway for assessment.

Since the planning proposal was submitted for assessment, the proponent has submitted additional information, clarifying matters with the department, and that material should be – is all part of the material presented to the IPC as part of this discussion today and part of our application. I'd just like to put on record that there were two matters that were not sent to the Commission as part of the referral from the department, and that included correspondence from Gary White, the - - -

MR WILSON: Which we have.

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MS BROWN: You've received that?

MR WILSON: Yes, we have.

45 MS BROWN: Okay. And also the video of the traffic which Ashleigh referred to earlier. So you should've received access to those as well. So there has been quite a deal of information provided to the department following the submission of the

planning proposal back in 2016. And the only point I would like to make – Chris, in your opening, you identified that it was the council who lodged the request for - - -

MR WILSON: Sorry.

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MS BROWN: It was actually - - -

MR WILSON: It was you. No, I know it wasn't council. The council submitted information in support of the request.

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MS BROWN: That's correct.

MR WILSON: Yes. Sorry. That's - we - I - this opening was hastily developed by me last night. Sorry for that mistake.

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MS BROWN: No, the - - -

MR WILSON: But we understand the situation.

20 MS BROWN: same statement is actually made in the department's assessment report, so - - -

MR WILSON: Okay.

- MS BROWN: --- you've picked it up from there. So what I'd like to do now is just move into some of the issues that you have raised in your correspondence that you would like to hear from us on. One of those issues was consistency with the central city district plan, and priority 1 of the plan is to plan for a city supported by infrastructure. It's the proponent's position that the planning proposal will actually
- deliver infrastructure not only to the site the subject of the planning proposal, but to the local area and also the broader Dural area. And we are doing this in a number of ways: firstly, through the provision of local open space, through the augmentation of water and sewerage services, which will be at the cost of the proponent, and also the delivery of the Annangrove Road bypass as well as other local traffic upgrades, to
- make the Dural Round Corner area more accessible and, in the long term, the Annangrove Road bypass will alleviate the congestion within at the Round Corner centre. And the roadworks that we're proposing in and around the Dural Public School will also alleviate the local traffic snails associated with the school and provide improved safety for parents and children attending the school.

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The planning proposal will also draw on and provide, I guess, support to the local retail and business premises and improve their local viability, being the centres located to the north and the south of the site.

MS RYAN: And if I may – this is Ashleigh Ryan speaking again – throughout the four years that we've been working on the proposal, we've had a lot of support from the local community for the initiatives that we've been proposing, and there's been

letters of support sent to the department, I understand, from representative groups in the community recognising the benefits that have been – that are proposed to be delivered to the road infrastructure, to providing additional residence in the locality around the retail and business centres, and also, naturally, the improvements to the local public school. Thank you, Clare.

MS BROWN: Thanks, Ash. So in terms of priority 5, which is housing supply – sorry, is there a question?

10 MR CHEONG: No, sorry. I think it's just some warning bell.

MS BROWN: A warning bell. Okay. No trouble. So priority 5 is to provide housing supply, choice and affordability with access to jobs and services. As we've just mentioned a moment ago, the sites – the northern and southern sites are located very close to the Round Corner and Dural centres. They are provided with a whole range of services within those local centres, and the objective of the planning proposal is to provide low density scale residential development in what we believe and have demonstrated is a peri-urban locality that is transitioning from adjacent higher density zones to the rural areas to the north of the Dural neighbourhood centre. So the land the subject of the planning proposal is not productive agricultural land. The productive agricultural land is generally to the north of the Dural local neighbourhood centre.

So the planning proposal represents a genuine supply of missing middle housing in The Hills Shire Local Government area, and it is meeting a demand that is not presently met by the rural residential subdivision, which is characteristic of the Derriwong Road locality, and the apartment, which are the primary new form of residential development within The Hills LGA. So the proposal seeks to deliver a more affordable residential allotments within the Dural locality, while maintaining the peri-urban character of the area and delivering on the desire for low density housing as an alternative to the large-acre rural residential lots which are generally between two and five hectares in that locality. Thanks, Ash.

MR WILSON: So, Clare, just on that, just in terms of the – within the context of – I mean, you make some fairly strong arguments in relation to why this land, in particular, the subject land – the land subject to this planning proposal warrants rezoning, particularly as what you call a logical extension to those two neighbourhoods. How does it fit with the other RU6 land in the area that may also be logical or continuous for those two neighbourhoods?

MS BROWN: Okay.

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MR WILSON: What makes this land so much more rezonable than other RU6 land in the area? I know it's a poor question, Clare, but, you know, I know you've gone for pretty extensive arguments, but I guess that's what we have to get our heads around, and that's a good map, actually.

MS BROWN: Yes. Thanks for that, Ash. I think this is a great map to demonstrate why this is a logical extension to the area, and that is because the majority of the land zoned RU6 to the west of the site has quite considerable environmental constraints. It's riparian land, it contains a lot of native vegetation, and it has quite a steep slope as well. So you can see on the figure before you that a lot of that land to the west is constrained, that the landholdings are generally two to five hectares, and so it's not suitable – it's not only not suitable for agricultural purposes, so there's no intensive agricultural happening in that area; it's also not suitable for low-scale residential. You have large lots which incorporate a lot of that environmentally sensitive land with a house on them. So they are large lots, rural, residential blocks, lifestyle blocks, with large houses and some open land.

You may ask for why isn't, I guess, the piece of land between the northern lot and the southern lot part of this planning proposal, and that is because the proponent was unable to, I guess, reach agreement with those landowners. So we were not able to proceed with that land. But as you can see from the plan before you, you've got the neighbourhood centre to the north of the northern lot, which includes the Cascade Neighbourhood Centre, there's some seniors living there, there's commercial premises there, there's other residential development, and adjacent to the southern site you've got the Dural Business Park, you've got Round Corner, a shopping centre and other urban uses. So this is the logical extension of that area.

On the eastern side of Old Northern Road, you have a series of quite large-scale secondary colleges, educational establishments. You've got a rural village with commercial areas as well. So this area can't really be described as productive agricultural land. It's not productive agricultural land, and the last agricultural use for the site was back in, I think, 2008, where it was the last orchard that was present. And there are environmental constraints, as you can see from the aerial, that would prevent other land adjacent to it from being rezoned in the way that we're proposing today.

MR WILSON: Okay.

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MR CHEONG: on that map, the southern parcel of land, south of your southern site, is a triangular piece. I think in your planning proposal, you didn't – there was some mention of it being approved for medium density. Can you tell us what is the status of that development.

MS BROWN: That is correct. The land – triangular parcel to the south of us was the subject of a planning proposal which has been gazetted and has zoned that land for medium density housing. This planning proposal does not seek a medium density zoning. This seeks to provide low density as a transition to that medium density zone.

45 MR CHEONG: It has been approved quite some time ago. Why isn't that development gone ahead yet?

MS BROWN: I don't know. We are not in contact with the landowners.

MR WILSON: I think council is probably best placed to try and answer that one,

Soo-Tee.

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site.

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5 MR CHEONG: Yes. Okay.

MS BROWN: Thanks, Ash. So - - -

MS RYAN: In the interest of time, I believe we've spoken to a few of these points, but sorry, Clare, I'll - - -

MR WILSON: That's okay. Don't rush. We're here and we want to hear this, so - - -

MS RYAN: Excellent. Okay.

MS BROWN: Okay. Yes. So the only points I would like to make in relation to priority 18 is that the district plan notes that planning for local centres within the metropolitan/rural area is required to be design-led, place-based planning. Now, 20 that's been achieved, we believe, through both the work undertaken – the sitespecific and broader work undertaken to support the planning proposal as well as the Cardno report prepared on behalf of the council, which looked at the broader Dural locality. The planning proposal seeks to deliver a scale of development that will 25 deliver both public benefits to the community, but not in seeking a density that is inconsistent with the surrounding local areas. The densities are not greater than that provided for in the Dural – sorry, the Round Corner precinct, and so there's no conflict in our mind between the – no conflict in this land providing a transition from Round Corner through to the productive rural land up in Glenorie and to the north of 30 the Dural local centre. And as we've discussed previously, there's natural boundaries adjacent to the site by geographic and environmental features that will prevent any largescale or more detailed residential development to the west of the

- 35 So in terms of consistency with the LSPS, The Hills Shire LSPS identifies the need to promote and limit the expansion of rural villages, but it also does not seek to promote the unreasonable restriction of any future development within the rural zones, such that they're treated as a conservation area. So the LSPS is quite clear in that point, that it's not to treat rural zones as a conservation area, but to consider the opportunity to investigate limited residential expansion in the rural villages in line with criteria established in the rural strategy. So that is something that the LSPS does, and through the planning proposal and the Cardno report, we believe that a case is demonstrated for the limited residential expansion between the Dural centre and Round Corner, and to link those rural villages together. Thanks, Ash.
 - So you also asked us to address the section 9.1 directions and some of the specific directions that were raised in the department's assessment report. So in terms of the

direction for rural zones, I think it's worth noting that the objective of that direction is to protect agricultural – the agricultural productive value of rural land, and that the direction requires that a planning proposal must not rezone land from rural to residential as a result. But it's also important to note that the land the subject of the planning proposal does not have any demonstrated agricultural productive value, and the productive nature of the land was examined and the commercial viability of that land was examined and subject to the couple of reports submitted with the original planning proposal, including appendix C to that planning proposal, which looked at the commercial viability of that land.

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The last time part of the northern site was used for agricultural purposes was back in 2008, where it was a – there were some active orchards. A lot of the southern portion of the site has never been used for productive agricultural purposes at all, and it's only been very limited recent agricultural use of the northern site that has been present.

MR WILSON: Clare, just – the open space dedication to the north of the school.

MS BROWN: Yes.

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MR WILSON: What was that? Was that an old – looked like an old agricultural pursuit. Was it? What was that structure? It's an abandoned structure onsite.

MS BROWN: It was - - -

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MR WILSON: Is it part of an old – sorry?

MS BROWN: It was used, I believe, for part of a – not necessarily with the owner's consent, but for the storage of landscape materials.

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MR WILSON: Okay.

MS BROWN: And so they were just, yes, walls and bunding for walls, and more recently it's been used for informal carparking by parents visiting the Dural Public School.

MR WILSON: Yes, sure. Just on what you're talking about now in terms of agricultural viability, the objectives of the RU6 are a little bit different, though, aren't they, in terms of – have you got the objectives there somewhere?

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MS BROWN: I can drag them up. Well done, Ash.

MR WILSON: Well done.

45 MS RYAN: Here is something I prepared earlier. Sorry. I've got the circular open here, but I'll

MS BROWN: Do you mean the objectives for – of the - - -

MR WILSON: That's it. That's what I was after.

5 MS BROWN: Yes.

MR WILSON: Sorry, I will turn this stupid thing off.

MS RYAN: For the benefit of the transcript, the objectives of the RU6 transitions are to protect and maintain land that provides a transition between rural and other land uses of varying intensities or environmental sensitivities; second, to minimise conflict between land uses within this zone and land uses within adjoining zones; and, thirdly, to encourage innovative and sustainable tourist development, sustainable agriculture and the provision of farm produce directly to the public.

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MR WILSON: Okay. They're different objectives, aren't they, to what the normal rural zone would be.

MS RYAN: Indeed.

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MS BROWN: It's also interesting, I think, Chris – and Ashleigh had the page up earlier, which we'd like to share, is this is the circular release by the department as to the general purpose of the zones, and I think it's relevant to note that the transition zone is to be used in special circumstances only in order to provide a transition

between rural land uses, including intensive agriculture, landfill, mining and extractive industries - - -

MR WILSON: Like a buffer zone.

30 MS BROWN: Sorry?

MR WILSON: Like a buffer zone.

MS BROWN: Like a buffer zone, but between quite intensive agricultural activities and other – and areas supporting intensive settlement or environment sensitivities. Now, the land isn't used for agricultural productive purposes, nor is it used for any of those other rural uses identified in the department's circular, so it seems that it's – when you have a look at the plan that Ashleigh's showing now, that the RU6 zone within The Hills is not used in special circumstances. It's actually quite broadly

40 applied as just a general zone. So it seems to – its use seems - - -

MR WILSON: Is that it? Is that the extent of the RU6 zone?

MS BROWN: In the

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MS RYAN: I think sorry. This is Ashleigh speaking. It is at the full extent. It does continue further to the north. This was as broad as I could extract from the New

South Wales Planning Portal. The purpose of us extracting this map was to illustrate to the Commission that it isn't used as a buffer zone; it is quite a substantial buffer, if you could call it that, to the genuine agricultural and intensive rural uses that you might see north of Glenorie, further – I don't know the kilometres from the site, but a number of kilometres from the site. Where we are is far closer to the urban uses of existing communities, and the proposition by the department or in the Gateway determination that this is an essential buffer to protect those agricultural uses, in our view, is mischaracterising the zone in this particular site and in this particular locality.

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MR WILSON: Okay. That's interesting. Thanks.

MS BROWN: And, Chris, just in response to your earlier question also, the – that structure that you can see on the land proposed to be dedicated to council north of the school, that was an old shop that many, many years ago – and was then used informally for the storage of landscaping material.

MR WILSON: Okay. Thanks.

MS BROWN: So I think in terms of the section 9.1 directions on heritage conservation, the planning proposal was supported by a heritage impact statement, and it recommended as part of the – its assessment that any residential development should have a lower scale of one to two storeys in the vicinity of the heritage items located adjacent to the southern site, and that has been incorporated as part of the controls proposed under the planning proposal. Okay. No, other way, Ash. No.

MS RYAN: Slide from the heritage – section 9.1 direction?

MS BROWN: So you're on the residential zone direction.

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MS RYAN: Yes.

MS BROWN: Okay. So in terms of the residential zone direction, the Gateway assessment claims that the planning proposal is inconsistent with the direction, as it 35 increases the consumption of land for housing associated with urban development on the urban fringe. I think the planning proposal demonstrates that it is a well considered and logical approach to the extension of the urban fringe between Round Corner and the Dural centre, and the characteristics of that area, as you can see from the aerial we discussed previously, is that that locality on both the eastern and western side of Old Northern Road is already transitioning to an urban character. But 40 notwithstanding the direction and the department's assessment, the direction states that a proposal can be inconsistent with this direction, provided the inconsistency is justified by a strategy or by the district plan. And this is, we believe, evidenced in the planning proposal and the supporting documentation, and it's also supported by the Cardno report prepared by the council – or prepared on behalf of the council. So 45 we've spoken to that plan in terms of the 9.1 directions, but I think, as - - -

MR WILSON: It's worthwhile talking on this a bit, Clare, because I think this is a key issue. I mean, that Cardno report recommended – well, it did identify that local environmental constraints weren't significant. They could probably be overcome. Local infrastructure wasn't necessarily a major issue and it could be overcome, but the regional infrastructure was obviously an issue. But my understanding is that Cardno report was instigated by council for the very reason to understand what the impediments might be for the planning proposal and a number of other planning proposals. What's happened to those other planning proposals? Or maybe that's a question we should ask the council.

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MS BROWN: I'm not aware that there were – at the time when council resolved to prepare that study, I'm not aware that there were other planning proposals, Chris.

MR WILSON: So you thought it was specifically for your planning proposal.

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MS BROWN: Yes.

MR CHEONG: It was my understanding that they actually commissioned that because of those planning proposal. That idea was five or six already.

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MS BROWN: Okay.

MR WILSON: Okay. so just in terms of the Cardno report - - -

25 MS BROWN: Yes.

MR WILSON: --- just trying to understand – I mean, council support initially was predicated on regional – local and regional infrastructure being delivered to the site, no cost to council. That support seems to have changed somewhat over time, but I'll ask that of council. But – so just in terms – it would be useful for you to talk to the delivery of that regional infrastructure - - -

MS BROWN: Certainly.

MR WILSON: --- and your views on the progression of the planning proposal in that respect.

MS BROWN: Certainly. In terms of regional infrastructure, the – well, sorry, I will start – in terms of local infrastructure, the planning proposal will deliver water and sewer to the site, but also to the local area. So that is local infrastructure that will be provided to the - - -

MR WILSON: Yes.

45 MS BROWN: --- northern and southern sites at no cost to council and at no cost to government. It will also include local road upgrades, and it's – in terms of regional infrastructure, it will provide the Annangrove Road bypass through the site. Now,

that is a program that the council has in train and is working towards, and this planning proposal will deliver that regional road upgrade, being the Annangrove Road bypass, and road widenings on Old Northern Road at the frontages of the site to improve traffic manoeuvrability, to decrease the conflict between pedestrians/vehicles in and around the school, and to also improve the general congestion in that locality which is present today.

Now, the planning proposal will deliver between 101 and 181 – or between 99 and 181 dwellings. The traffic report that's been submitted with the planning proposal 10 demonstrates that that would represent less than one per cent of the traffic on the Old Northern Road area. It also demonstrates that the Annangrove Road bypass will greatly improve the traffic through Round Corner and that there will be no significant impact as a result of this development on the traffic flows within Old Northern Road or New Line Road. So the proponent has always maintained that it would provide its reasonable and proportionate share of contribution towards any regional road 15 upgrades, but in terms of regional infrastructure, if the only regional infrastructure we're discussing is the widening of New Line Road and Old Northern Road, then we would argue that we're actually – we are actually delivering regional road upgrades through the works associated with the frontages to the site, the traffic lights, the local 20 road network, and also the Annangrove Road bypass. So we are not adding to any burden on the regional road network and, in fact, we are providing a solution to a traffic problem on the regional road network.

MR WILSON: Okay. Soo-Tee, do you have any questions on that matter?

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MR CHEONG: Sorry. Just turning my microphone on. The – in the department determination – Gateway determination report, it cited that local planning panel, which resolved that issue not proceed to Gateway determination for six reasons. I just try to understand is there any change in that attitude from the council?

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MS BROWN: The local planning panel made a recommendation to the council, and the role of the local planning panel is to make recommendations. It's not to make a resolution. The council considered the recommendation of the planning panel. It considered the Cardno report. It considered a report of its officers, and the council resolved to support the planning proposal because of the merits of the planning proposal, both site-specific and strategic merits of the planning proposal that the council believed it would deliver.

MR WILSON: Yes. Well, we will ask that of council, because that's not my understanding, but I think their interpretation – or in their documentation – my interpretation of documentation suggests that council support was predicated – and you've discussed what you've considered to be regional infrastructure. My understanding, I thought – well, from the documentation – I will ask council – is that their support was predicated on the addressing of the more substantial regional – or the State Government addressing those regional infrastructure issues associated with not just this site, but the broader context.

MS BROWN: And I think one thing that has changed is that there has been \$20 million of funds allocated to the study for the New Line Road and Old Northern Road upgrades, and that was from both federal and state budgets in the recent budgets in 2019. And I understand that that work for those initial studies is underway.

MR WILSON: Okay. so the documentation we have only suggested the Federal Government. So the state has matched the \$10 million?

10 MS BROWN: Yes.

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MR WILSON: Okay.

MS BROWN: So there is a commitment. It would appear there is a commitment to that, but I think, importantly, as demonstrated in our traffic analysis, is we are not going to impact the traffic flows and, in fact, we will improve - - -

MR WILSON: Yes. No, Clare, we note that and we acknowledge that. Sorry, Clare, to interrupt.

MS BROWN: No trouble, Chris. Okay. I know we're getting pushed for time, so I'll just - - -

MR WILSON: No, it's okay. Look, I don't know about other people, but we just need to hear the full story, so - - -

MS BROWN: Okay. Certainly, then. So in terms of the section 9.1 direction on bushfire protection, the original planning proposal identified that there were small portions of the land that were impacted by a vegetation buffer, and the planning proposal demonstrated that the land could be developed with appropriate asset protection zones. It's relevant to note that the Gateway assessment states the planning proposal may only be inconsistent with a direction if council has obtained written advice from the Commissioner of the Rural Fire Services that it doesn't object to the proposal. The – I guess to counter that statement, the planning proposal as submitted demonstrated the 2006 bushfire assessment guidelines - - -

MR WILSON: Yes.

MS BROWN: --- but also the additional matters that we submitted was a strategic bushfire study, which was annexed to the Gateway review request, and that actually demonstrated compliance with the bushfire protection guidelines of 2019. So we don't believe that we are inconsistent with that direction, and we believe that the land is not going to be restricted by bushfire constraints.

45 MR WILSON: No, that's fine. I acknowledge that one.

MS BROWN: Yes. So impact on the surrounding road network. As I mentioned previously, the planning proposal or the residential development that would arise from the planning proposal in its own right would not generate the need for any additional road upgrades of Old Northern Road and New Line Road, and the

proposal will deliver upgrades to both the local and regional road network. So I don't see the need to repeat everything that I've said previously, but I think it's worth pointing out that if the planning proposal was delivered to – was restricted to only the northern site, then that would result in only 85 additional vehicle trips during the peak hour. So it's approximately – would represent one per cent of traffic in 2026.

10 So it's quite a small impact on the local and regional road network.

MS RYAN: It would be within the typical daily fluctuations.

MS BROWN: Being the 85 vehicles, yes.

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MR WILSON: But together – so together, the northern and southern sites generate – sorry, that's the – is it the previous – no, it's this slide.

MS BROWN: Previous slide.

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MR WILSON: So - - -

MS RYAN: I can pull up the original.

25 MS BROWN: So ---

MR WILSON: So it's 181 dwellings would generate, what - - -

MS BROWN: That would generate approximately – probably about 160 - - -

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MS RYAN: if you don't mind, I have the original - - -

MS BROWN: Okay.

MS RYAN: --- BIA for 181 dwellings. The peak period is the PM peak, which would be 161 vehicle movements.

MR WILSON: Okay.

40 MS RYAN: It was a reduction by 45 per cent of traffic generation when we suggested that the proposal be proceeding with only the northern site.

MR WILSON: Okay. Thank you.

45 MR CHEONG: I got a question regarding council recommendation that the site – the lot size could be increased to 1000 – to 2000 in some cases. How does that affect the numbers in the northern and southern site development?

MS BROWN: I think the council resolution – or the council comment was in relation to the northern site.

MR CHEONG: Yes.

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MS BROWN: And the – can you blow that up a bit more, Ash, to focus in on the diagram?

MR WILSON: I see. Because it doesn't really – there's not a lot of lots fronting the Old Northern Road, is there?

MS BROWN: No. So in terms of lots fronting Old Northern Road, you have - - -

MR WILSON: From the south. Yes.

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MS BROWN: You have the open space portion there.

MR WILSON: Yes.

- MS BROWN: You've then got the public school, and then to the south of the school, you actually have those large lots already, where they are adjacent to Old Northern Road. But you've also got land between that southern part of the subdivision that's not part of this planning proposal.
- MR CHEONG: Can you show me which are the lots that the council would be refer to? I think the reason for the their recommendation is to open up the vista towards the Blue Mountains, basically.
- MS BROWN: The council wasn't referring specifically to any particular lots, but as you can see here, to the east of the southern portion adjacent to Dural Public yes. So to the east of that southern portion, you've got existing large lot rural residential dwellings, and then adjacent to that you have allotments in the order of 1000 square metres adjacent to that. So the land slopes down towards away from Old Northern Road, so it slopes westerly away from Old Northern Road, and you have that
- residential buffer between that southern portion and Old Northern Road.
- MS RYAN: So if there were to be other two storey houses proposed, due to the slope of the land from Old Northern Road, I believe that it could be reasonably designed such that they are only perceived to be one storey from that location. As Clare mentioned, the subdivision that is quite clearly indicative at this early stage does include lots of 1000 square metres on the periphery and on the corners. As far as I understand, when the council resolved to increase on the periphery some of the lot sizes, there wasn't a discussion about which specific lots. There was no plan pulled up to comment on that. So I believe that would be a matter for resolution
- through the DA stage or through a draft DCP, if required by the council. I'll just scroll up briefly for the sake of completeness. You can see where there are

additional 1000 square metre allotments considered in the corner locations. You can see the majority of lots are within, you know, the 700 square metre range.

MR CHEONG: Yes.

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MS BROWN: So

MR CHEONG: What about the site west of the open space?

10 MS RYAN: The site to the west of the open space? Here?

MR CHEONG: Yes.

MS BROWN: They're generally 700 square metre allotments. But if there was thought given that there needs – they need to be 1000 square metres, then it would be possible to redesign that portion there to increase the allotment sizes with probably a reduction of a couple of lots as a result.

MR CHEONG: Yes.

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MR WILSON: It's primarily to try and retain a rural view scape. Is that right?

MS BROWN: As we understand it, yes.

25 MR WILSON: Yes.

MS BROWN: The greater impact would be to the southern site, which is adjacent to the medium density housing, so there would be the ability to incorporate 1000 square metre lots on that southern site, and the objective is to have the majority of the access from Derriwong Road to the west, and so it would – it's possible to accommodate larger lots on that southern site.

MS RYAN: If I may, when we were undertaking, of course, substantial site context analysis, it's worth noting that the Dural neighbourhood centre immediately to the north and east of the site, there is RU5 village zoned land here and R2 zoned land here, which influence the LGA has a minimum lot size of 500 square metres. So the larger lots of the 700 proposed immediately to the west of the open space, in our view, is not inconsistent with the surrounding character. In fact, it is larger than what you would find immediately to the north and northeast, notwithstanding we understand that that was controls at a point in time, and so we have therefore provided that transition for those larger allotments. But I just wanted to note that immediately to the north there is that precedent of smaller lot sizes.

MR WILSON: What's the – is that Cascades neighbourhood centre, is it, that blue

MS RYAN: It is. It is.

MR WILSON: Is that B2 or something? Is it – what's it zoned?

MS RYAN: It is zoned B1, from memory.

5 MR WILSON: B1. Okay.

MS RYAN: I'll pull open the - - -

MR WILSON: And - - -

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MR CHEONG: I think it is.

MR WILSON: B1. And the zone in between the B1 and the proposed planning proposal, is that RU2 – RU6, sorry?

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MS RYAN: It is.

MR WILSON: Okay.

20 MS RYAN: I can pull up

MR WILSON: That's okay. We can look at - - -

MS RYAN: just – here it is. I'll share with you now.

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MR WILSON: Okay.

MS RYAN: Yes. You can see here the site to the immediate north on The Hills Shire area is B1 located, and then when you refer to - - -

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MR WILSON: Okay.

MS RYAN: Sorry. There we are. And then when you refer to - - -

35 MR WILSON: All right. So there's just the two lots between – yes.

MS RYAN: Indeed. And then when you refer to the Hornsby side of the road, you can see there the cemetery site, the RU5, and then the R2 at that corner surrounding – if you were to superimpose the B1 - - -

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MR WILSON: Yes.

MS RYAN: approximately in this location. And if I were to call over the minimum lot size, you can see that the 500 square metre lot sizes - - -

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MR WILSON: I wonder why the rationale between Hornsby adopting RU2 and Hills adopting RU6. I mean, the land is very similar - - -

MS RYAN: Very similar.

MR WILSON: --- in terms of subdivision patterns.

5 MS RYAN: Indeed. Indeed.

MR WILSON: Anyway, we can ask council that.

MS BROWN: Arguably, the Hornsby land is potentially more constrained due to slope.

MR WILSON: Yes. I did drive back through Galston Gorge yesterday. It's somewhat different.

15 MS BROWN: Yes.

MS RYAN: I'll return to the PowerPoint now.

MR CHEONG: Thanks.

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MS BROWN: I'm glad you're driving this, Ash.

MS RYAN: Apologies if I'm jumping around a little, but I'm glad

25 MR WILSON: That's all right. No, this is good. Thank you.

MS BROWN: So in terms of impact on surrounding – the surrounding road network, if we were to focus on the northern site, where there would be approximately 99 dwellings delivered, the proposal offers substantial public benefit, including the delivery of the traffic and transport benefits, being the local road widenings, the new road reserves, the Annangrove Road bypass, and the work around the Dural Public School, which will alleviate the congestion and safety hazards that are present on Old Northern Road, as you will have seen. The Gateway assessment suggests that the additional development traffic is expected to cause

- minimum impacts on the study area intersections during the future years to 2026, and we find it quite confusing that traffic congestion is being used as a justification as to why the planning proposal should not proceed. So there appears to be an inconsistency in logic in the assessment and the conclusion there.
- MR WILSON: So just on that note, a fundamental difference I mean, you've put forward your strong arguments for the proposal. The department has put its strong arguments for and against the proposal, yet you've put forward, I guess, a compromise. Is that purely based on the department's concerns over traffic generation, or yes. I'm just trying to work out the rationale of I understand the public benefits. Most of the public benefits are associated with the northern site.

MS BROWN: Yes.

MR WILSON: is that the fundamental reason? What's the difference between – why couldn't we say that one should proceed and one shouldn't?

MS BROWN: The preference, Chris, clearly would be - - -

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MR WILSON: I understand your preference.

MS BROWN: Would be for both to proceed. But I guess if you're looking at the site-specific merit and the strategic merit, the northern site offers greater benefits and has a closer relationship to the Cascade centre and the R2 and village centre adjacent, and it also is capable of providing actual greater public benefit, particularly in relation to the Dural Public School. The easy way would've been to just say, "Okay, we'll go for the southern site", because there's limited infrastructure, limited — limited infrastructure upgrades, the upgrades there are easier, there's a stronger argument for transition from the medium density zone adjacent to it, and we could still develop that land quite easily. It's arguably less constrained.

MR WILSON: Yes.

20 MS BROWN: But the merits of the northern site delivering the public benefits which - - -

MR WILSON: package.

MS BROWN: --- are needed far outweigh that that would be delivered by the southern site. So clearly, the preference is to proceed with ---

MR WILSON: Obviously, yes.

- MS BROWN: --- both, but if there was a concern in relation to traffic and impact on Old Northern Road, we believe that the northern site can stand on its own two feet, it can actually deliver the regional benefits, road upgrades, local road upgrades, and also the broader community benefits to the school and address the safety issues there, as well as delivering the local open space to the benefit of the broader
- 35 community as well as the school.

MR WILSON: Is council prepared to – I presume it would be subject to a VPA. Would council be prepared to obviously accept dedication of that open space?

40 MS BROWN: That's subject to discussion at the moment.

MR WILSON: Okay.

MS BROWN: But yes, it's been tabled with them, so - - -

MR WILSON: Okay. Okay.

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MS BROWN: --- it's subject to discussion. And so that's

MR CHEONG: On the subject of the VPA, is that contained in your submission of Gateway review?

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MS BROWN: The terms of the - - -

MS RYAN: The terms of the proposed VPA were documented in a public benefit offer, which was submitted to the council and was subsequently forwarded to the department, and it does form part of the package that has been sent to the IPC, which establishes our position on the terms of a future VPA, the staging and, you know, more detailed provisions, the content of which would then evolve to a draft VPA that could proceed should Gateway determination be issued.

MS BROWN: And council has indicated a willingness to the proponent to enter into a VPA for the delivery of these benefits.

MR CHEONG: Okay. Thank you.

- MS BROWN: And I think in terms of impact on the surrounding road network, I think it's just important to note that the department's assessment report conclusion doesn't does not consider the benefits of the that the proposal will deliver on the local and regional road network by removing the traffic movements off Old Northern Road for the school drop-off and putting them adjacent to the school in addition to providing the regional road reserve for the future Annangrove Road bypass. We believe that the planning proposal has demonstrated that it can deliver both immediate and long-term benefits to the local road network.
- MR WILSON: So just on that, just in terms of the through the extension to the road, that would mean the buses and school traffic would come from Derriwong Road, would it?

MS BROWN: It could come from Derriwong Road, but it also can – the traffic can actually turn into – it would turn into future subdivision roads to get the - - -

MR WILSON: Okay.

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MS BROWN: --- school traffic off Old Northern Road. It would also enable the vehicles travelling from the north to the site to be able to turn into one of the subdivision roads to drop the children off and then to, I guess, travel around the school site and then turn left back onto Old Northern Road to travel back north, rather than having to do very unsafe U-turns across Old Northern Road or to travel down to Round Corner or elsewhere. So it facilitates the return trips for those coming from north and south. It also means that vehicles can, as you say, Chris, travel into the school or access the school from Derriwong Road.

MR WILSON: Yes. So there would be lights there so they can turn right, and so

forth. Yes.

MS BROWN: Correct.

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MR WILSON: Okay. All right. Thank you.

MS BROWN: So – and just to conclude on that point, we believe that the road corridor through the site is a timely offering to government, both local and State 10 Government, to facilitate longer term solutions for the capacity and provide capacity increases in the regional road network. So there's just one more matter I'd like to touch on now, and that's the metropolitan rural area, and the assessment report suggests that the proposal would have an adverse impact on agricultural uses and, as such, the department did not support the expansion of the existing urban centre, as 15 the sites – northern and southern sites are technically within the metropolitan rural area. But as we've discussed previously, we don't believe that the assessment report appropriately characterises the land between Dural and Round Corner, the two commercial centres, because the land between those centres is a mix of R2 low level density, R3 medium density zoned land, environmentally sensitive land, and the land 20 isn't used for productive agricultural purposes.

It may be within the boundaries of a mapped rural – metropolitan rural area, but it's not actually used for productive agricultural purposes. And it's important to note that the site is not actually suitable for agricultural purposes due to its proximity to existing residential development and the primary school, and there are a series of buffers required between agricultural uses and sensitive land uses, such as the school and existing residential development and the approved R3 development. And so it's important to note that if those buffer zones were to be provided on the sites – northern and southern sites, there would actually not be any residential land left for – or there would not be any land left for agricultural production.

So the land simply is not suitable for agricultural uses. If it were, it would actually present a conflict with the existing school and with the existing residential development. The types of uses that you could accommodate on the site, as identified in the report submitted with the planning proposal, are of such a low scale and low intensity as to make any agricultural pursuit economically unviable. So the land is not suitable for residential purposes. And the – any uses - - -

MR WILSON: Agricultural purposes.

MS BROWN: Sorry?

MR WILSON: Agricultural purposes.

45 MS BROWN: Thank you.

MR CHEONG: On that point, do you have any report or study to support the unviability of this agricultural land?

MS BROWN: There is an appendix C to the original planning proposal addresses the economic viability of available uses of that land, because you have to consider the buffer zones to sensitive receptors from agricultural use on the northern and southern site. And so the appendix addresses what could be agricultural uses having regard to those buffers and addresses the commercial viability of those land uses.

10 MR WILSON: Okay.

MR CHEONG: Thank you.

- MS BROWN: And as noted at the bottom of that page, the advice from Gary White identified that a small residential subdivision proposed in this peri-urban locality, which, being at sorry, I'll start that again. A small residential subdivision proposed at this peri-urban locality, which is impacted upon by a complicated mix of other urban and non-rural uses, would not equate to a collapse or a major shift of the urban growth boundary or, in fact, a major shift of the metropolitan rural area boundary, in our opinion. So we've just got a few concluding statements on the final slide there, which is a summary of the arguments that we have presented earlier. Ash, is there anything else that you would like to add to the presentation at this point or to emphasise at this point?
- MS RYAN: Only very briefly that the proposal seeks to improve or enhance amenity and services and infrastructure to the existing community, and it's not to the detriment of the local character of the area or to agricultural economically viable agricultural or rural lands. We see this as a logical part of the piece of the puzzle to this peri-urban area, and we believe that the future development facilitated by this planning proposal can facilitate a desirable character and improved infrastructure and services to the community that provides that consistent pattern subdivision pattern and form of development that you would find in the residential areas immediately to the north and to the south of the site. We've really looked at the place, we've really considered the specific place, and we were concerned through the department's findings that it appeared to be looking at this planning proposal from a very macro
- findings that it appeared to be looking at this planning proposal from a very macro view, without understanding the real site locality and the character of this particular location and why it was really appropriate in the circumstances that this site is used for efficient and productive uses. At the moment, it's not suitable for agricultural uses. That would potentially cause conflicts with the school and surrounding uses.
- What is this land appropriate for? And we believe that the planning proposal facilitates the most suitable, desirable, beneficial to the community and most appropriate form and scale of development.

MR WILSON: Okay.

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MS RYAN: And finally, the only other point was that we – I just included at the end of the slide – I liked Gary White's – in his review of the planning proposal, his

conclusion was that, you know, again, given the low impact of the planning proposal, the public benefits sought by the council and the strategic planning that has been undertaken by the council, in my opinion, the proposal demonstrates site-specific and strategic merit. I think those key points, that it's low impact, delivers public benefits, and it is not inconsistent with strategic planning undertaken for this locality, that it is appropriate to support in this instance.

MR WILSON: Okay. Soo-Tee, do you have any further questions?

10 MR CHEONG: Not any more.

MR WILSON: Okay.

MR CHEONG: That's all the question I wanted to ask.

MR WILSON: Okay. Clare, would you like to close up? I don't have any more questions.

MS BROWN: I think Ashleigh did a great closing, so I thank her for that. But Chris, what we will do is we will provide a copy of this slide pack - - -20

MR WILSON: I appreciate it.

MS BROWN: --- to Callum later this morning.

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MR WILSON: Also, Callum, have we – sorry, Clare. Have we received a link to the video?

MR FIRTH: Yes, that was in that email I forwarded you, Chris.

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MR WILSON: Thanks. Okay.

MR CHEONG:

35 MS BROWN:

MR WILSON: When did that email come in, sorry?

MR FIRTH: It was the Gary White one.

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MR WILSON: Yes, okay. Sorry. Okay. I didn't look further enough. Okay. Thanks.

MS BROWN: Are there any questions that you have of us, Chris, that you would like us to respond to following this session? 45

MR WILSON: There may be. We'll have a discussion after the fact – after the meeting, Clare. At this stage, I've asked the questions I thought were relevant, but as I said, I haven't read the Gary White paper, and we haven't heard from the department or council, so there may be questions after we've had those meetings.

5 But at this stage, I'll say no, subject to what may come out of those two meetings.

MS BROWN: Okay. And I guess the only concluding statement I guess I'd like to make, Chris, is that the planning proposal has been around a long time. We have undertaken quite detailed consultation with the council, and the – we believe both the proponent – and I'm sure the council will say this when you meet with them as well – that the planning proposal and, in particular, the northern site will actually deliver infrastructure upgrades to the community, to the benefit of the broader community and, therefore, does demonstrate both site-specific and strategic merit.

15 MR WILSON: Yes. Excellent. Thanks. Thank you, everybody.

MS BROWN: Thank you. Thank you for your time today.

MR WILSON: No problems. Bye.

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MS BROWN: Bye.

MR CHEONG: Bye.

25 MR WILSON: Okay.

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