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INDEPENDENT PLANNING COMMISSION

NORDS WHARF – APPLICANT MEETING

PANEL: **CHRIS WILSON (Chair)**
 WENDY LEWIN
 STEPHEN O’CONNOR

ASSISTING PANEL: **CASEY JOSHUA**

APPLICANTS: **MARK RANDON**
 BRETT STEIN
 JAMIE ARRATOON
 JOHN NIKOLOVSKI
 ALLAN McKELVEY

LOCATION: **27 MAWSON CLOSE, CAVES BEACH**

DATE: **2.59 PM, TUESDAY, 11 FEBRUARY 2020**

MR C. WILSON: Good morning – good afternoon and welcome – it was a mistake. Before we begin, I would like to acknowledge the traditional custodians of the land on which we meet. I would also like to pay my respects to their elders, present and present, and to the elders from other communities who may be here today. Welcome
5 to the meeting to discuss modification 1 to the Nords Wharf concept plans. My name is Chris Wilson and I am the Chair of this panel. Joining me are my fellow commissioners, Stephen O'Connor and Wendy Lewin. Casey Joshua is also here from the 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 part 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 on which the
15 commission will base its decision. It is important for the commissioners to ask questions of attendees and to clarify issues whenever we consider it appropriate.

If you are asked a question and are not in a position to answer, please feel free to take the question on notice and provide any additional information in writing, which we
20 will then put on our website. I request that all members 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 script. We will now begin. So, Mark, I think we're going to you. Who's going to speak first in relation to item 1 which is the Patrick statement – which is the brief overview of the
25 proposal, sorry. Are you going to do that, Alan?

MR A. McKELVEY: All right. Happy to. Um, sorry, Alan McKelvey, Sparke Helmore Lawyers, and ah, I act for the – ah, for the – for the company. Um, so the application that you're considering here today is a section 75W application, to
30 modify, um, an existing, ah, concept plan approval. So we're dealing with a concept plan, not a development consent. And, um, basically, the application seeks, ah, to – an alteration of the concept plan that allows for some additional lots – an additional six lots – 90 – up to 96, um, and the other material elements of the proposal, um, will need discussion today are, ah, issues associated with, um the signalisation of
35 intersections on the Pacific Highway, which is an issue that appears to be in contention, together with, ah, some issues associated with – um, contributions associated with the original approval, um, and commitments made by Coal & Allied, and there are a couple of other housekeeping matters, including the timing of, ah – of some – um, when subdivision certificates and the like can be, ah, obtained under the
40 approval.

So that broadly is the, ah, position this afternoon. Um, I'm happy to be guided by the commission as to what issues, in particular, they wish us to address. Um, with the contributions issue, I suggest that goes down the list - - -
45

MR WILSON: Ah, we'll – we'll just go – did – you got a copy of the agenda?

MR McKELVEY: Yes.

MR WILSON: Yeah. So – so following on from that brief overview, maybe if it's, ah – it's applicable for you guys to – well, talk to the department's recommendations, ah, and then – obviously that then flows from that and the contributions – the intersections and the contributions issues follow.

MR B STEIN: Okay. So Brett Stein from ADW Johnson. Um, specifically, I want to talk about condition – draft condition 1.25 and 1.25(a), um, which basically are concerned with the intersection construction. Um, the draft condition requires the upgrading of the Pacific Highway at Awabakal Drive intersection, and we'd like to make a submission which rather than upgrading that intersection, seeks to, um, upgrade the intersection of, ah, Nords Wharf Road, Pacific Highway. Um, in support of that, um, we'd submit that the existing Nords Wharf Village has about 317 homes in it at present, and that the proposed development will add 96 lots, which represents 24 per cent of the total post-development, ah, lot numbers.

The majority of the houses are concentrated close to the northern half of the, ah, Nords Wharf Village, which is closest to the Nords Wharf Road intersection rather than the Awabakal Drive intersection. That current settlement pattern, I believe, is reflected in the current intersection arrangements at Nords Wharf Drive, being a – a seagull intersection currently, whereas the Awabakal Drive intersection is – is a more simple channelized right-turn intersection. So currently, there's no signalised intersections, um, provided for the Nords Wharf Village onto the Pacific Highway, and one of the triggers, um, for the need to do the signalisation is the development, but certainly the – the main driver of the need to upgrade is potential growth in traffic along the Pacific Highway which has an influence in terms of when we may or may not need to do that – that upgrade, um, because the growth would take some time to occur.

It's our view that traffic safety should be the priority in determining which intersection would most appropriately be upgraded, and as the majority of traffic accessing the Nords Wharf Village comes from the north – ie, Swansea, then, um, we believe it's that intersection that would warrant, um, the immediate attention. Um, just to talk through the existing intersection treatments in a little bit more detail. As I said, Nords Wharf Road on the Pacific Highway has constructed a seagull intersection. As a result of that, there's substantial existing road pavement which accommodate the signalisation while maintaining traffic flows in a southbound direction along the Pacific Highway.

That intersection is similar to the constructed intersection that's been built at Pacific Highway and Montefiore Parkway that gives access from the Catherine Hill bay development. The Awabakal Drive intersection, it provides, as I said, a channelized right-hand turn only, and no provision is made for what I'll call a two-stage movement of right-turning traffic across the Pacific Highway. So the point of difference being that if you have to make a decision to cross two lanes of – two, um, different flows of traffic, that's a different operation to being able to have a staged

crossing that occurs through a signalised – sorry, through a seagull intersection, where you can make half the turn, and then wait in the acceleration bay, and then accelerate away.

5 Um, if the intersection of Awabakal Drive and the Pacific Highway are to be upgraded, um, at a standard signalised intersection rather than a seagull, that would involve less, um, roadworks than what would be required to do the seagull because you've got the additional, um, acceleration/deceleration and turn lanes which have a significant impact, um, on – on the amount of works that are required. It's probably
10 worthwhile noting that the existing acceleration lane out of, ah, Nords Wharf Drive is approximately 300 metres, and if we were to apply similar, um, quantum of roadworks at the Awabakal Drive intersection, it – it will be seen that it's – that it's – it's quite a lot of difference between upgrading one intersection as to the other.

15 Um, it's our preference, therefore, that signalised Nords Wharf Road, Pacific Highway, rather than upgrade the Awabakal Drive intersection. Um, I do note in the, um, the assessment report that clause 6.2.16, um, does have a comment that says require – which actually says:

20 *...require the upgrading of Nords Wharf Road, Pacific Highway, to signalise the seagull intersection, and no changes to the intersection of Awabakal Drive at the Pacific Highway.*

That's what we'd like to see.

25

MR WILSON: Well, we understand that's a mistake.

MR STEIN: But, um, the – um, the other additional comments that I would make is that, um, there's been some comments made about the impact on bus routes. Um, if
30 – while it was proposed to, ah, have Awabakal Drive as left-in, left-out, if Awabakal Drive was left in its current configuration, then right-turn movements out of Awabakal Drive for a bus going from south – sorry, from north to south would still be possible. Um, if that is deemed to be unsafe, then to do a loop between Marine Drive and Government Road and then back onto Nords Wharf Road, in our view, is
35 not a significant additional traffic distance for a bus, um, to undertake.

Um, there is correspondence from RMS, ah, which states that either option is considered to be a safe and efficient outcome. And we acknowledge that in terms of traffic generation solely from the subdivision, if Awabakal Drive was to be, um,
40 signalised, then, yes, all the – all the traffic from the subdivision could readily use that intersection because it's at the – the southern end of Nords Wharf. However, given the existing settlement pattern, we still believe that Nords Wharf, ah, Road, um, offers a preferred outcome. The – either way, if we did signalise Awabakal Drive or Nords Wharf, there would be changes to the traffic patterns within development.

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For example, the people living in the northern half of Nords Wharf wishing to travel south would likely travel south from Government Road and Marine Drive, and then

Awabakal, to use a signalised intersection to turn right. Um, people coming from the south, if we were to signalise Nords Wharf could still turn left in to access our subdivision and have no impact, and people going out to go to Swansea could turn left out to have no impact. So to say that all our traffic would use the signalised
5 intersection, I don't think is an accurate representation of what the traffic flows would be. And given that, um, we're only talking about 96 lots, um, of a total population of just over 400 lots, then I think the, um – if you like, the environmental capacity of the existing streets in Nords Wharf will be adequate to handle that traffic internally.

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Um, I think that's probably the comments that I'd like to make there. The other comment in – is in relation just to the timing of intersection works, um, which is in relation to condition 1.25(a). Um, and again, as I noted earlier, that the, um – the need for signalisation is largely driven by growth. And to require the intersection to
15 be built prior to even obtaining a construction certificate to construct the subdivision, we believe, is unreasonable, and that if it was linked to the subdivision certificate, um, that would be more reasonable on the basis that until you have a subdivision certificate, you can't actually generate any, um – any traffic from the development because it takes another 12 months for houses to be built, um, and also that any
20 construction, ah, impacts can be managed through traffic control, and the like. So I think to get that up-front, um, before you can even get a construction certificate and then have to wait to build the subdivision, um, get the plans registered, and everything, what that does, um, is bring that process out considerably, in that it has to be done as a two-stage process, but also has a significant cost impact, that upgrading
25 the intersection and then not being able to recoup any money, so you then went and built a subdivision, um, I think is, as I say, unreasonable.

So I guess in summary, what we would request is that, ah, condition 1.25 be amended to require the upgrading of Nords Wharf Road by signalisation as a seagull,
30 um, and rather than Awabakal Drive, and the timing be amended to allow it to occur prior to subdivision certificate. Um, I might just add too, that in considering Awabakal Drive, because, um, the current configuration only as a standard intersection, the widening of those turn lanes and acceleration lanes, ah, it is quite a significant cost difference. The acceleration lanes would have to be - - -

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MR WILSON: That was my next question. Have you costed both intersection upgrades?

MR STEIN: Haven't costed it, but one basically requires minimal roadworks
40 because the intersection and the pavement is there. The need to do acceleration lanes which will be in the order of 300 metres because it's going uphill, coming out of Awabakal Drive, plus when you do the site inspection, you'll note that there's existing, um, road batter edges that are quite steep. I've actually got a plan with contours, and everything, at that intersection that I can table. Um, but I have talked
45 to our engineers about it, and I'd suggest that the – um, the cost difference is something like two-and-a-half times more probably to build the – um, the Awabakal Drive intersection than the Nords Wharf intersection.

MR WILSON: So I have an estimate here of 612,000. Is that - - -

MR STEIN: For – for which intersection?

5 MR WILSON: I think it's Nords Wharf.

MR STEIN: Um - - -

MR WILSON: This is a letter from Justin O'Brien, senior quantity surveyor.

10 MR STEIN: Can you comment on that, mate?

MR WILSON: No. It's in our package of information.

15 MR STEIN: Okay. We've not sighted that before.

MR WILSON: Okay.

MR STEIN: That may be reasonable.

20 MR WILSON: Okay. It would be useful for us if we had some indication - - -

MR STEIN: Yeah.

25 MR WILSON: - - - of what the costing

MR STEIN: Well, we would take that on notice. I – I think we're talking millions when we talk about the Awabakal Drive intersection.

30 MR WILSON: Okay. Do you want to move on to the, ah, contributions then, in general, that – do you have any questions in relation to that?

MR STEIN: Um, in the – yes. In the context, um, of the million dollar contribution which was to come from the Coal & Allied community fund – and I accept that the

35 um current owners of the land purchased the, ah, site with the knowledge of that condition. Um, we're not pursuing that further in terms of a reduction in the quantum, and we note that it's open to negotiate with council. Um, I note the article in yesterday's paper where some residents were concerned about pedestrian amenity as much as traffic amenity. And we would submit that, um, there is a requirement to

40 build some pathways as part of that contribution, and – but we would be more than happy to fully upgrade the, um, – the pathways in the local area from that part of the contribution, as a priority in – in those negotiations with council, in – maybe in preference to doing some of the other works that were there.

45 MR WILSON: Sorry. So what you're saying, just for the record, is that you're no longer seeking a reduction in the \$1 million?

MR STEIN: Correct.

MR WILSON: If it were obtained. So the offer of 415 is no longer on the table?
It's a million dollars?

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MR STEIN: That's correct.

MR McKELVEY: Yeah. The treatment of that in the assessment report is acceptable to the applicant, so it – I think that leaves some flexibility in the use of that money, ah, in dialogue with the council – there's a note in the – in condition 1.25(a) about, ah, making sure that money is put to its best use, as negotiated with the council. And provided there's some flexibility around that, there's no - - -

MR STEIN: Yeah. Look, the idea of the contribution – my understanding is that it's to be spent in the local community, and that needs to be negotiated with council.

MR WILSON: Yep.

MR McKELVEY: Yeah. So to the extent that there's amenity impacts arising from changed traffic arrangements, um, there is a – a pool of money over and above what would ordinarily be available in a conventional section 7(11), um, type environment for, um, amenity issues, to the extent that they are – arise to be addressed using, um, funds from that, um, from that, ah, contribution.

MR WILSON: Okay. So the next item on the agenda – well, I guess it pertains to a similar – similar theme, is the overlap between the – what – what was identified in the \$1million and what might be in now in section 9 – the Belmont Catchment section 94 plan, so is there overlap in that?

MR STEIN: That's probably a matter that doesn't arise on the, um, determination of the concept plan. So the council – and this particular council has an approach to, um, modification which may or may not be open to it, where – where – you know, the concept of a development contribution condition is something that happens when you grant a development consent. It's not a – you don't have power to impose section 7(11) contributions on the determination of a modification application which would be the logical step for the – for council consent after this process has been gone through, so that will be dealt with at that stage. Um, and plainly, if there's an increase in the number of lots, there's an entitlement for the council to impose, um, conditions, including conditions around contributions which show that – which reflect the change to the subdivision. But the – the question of what contributions are ultimately payable under the future consent is a – is a matter for the development consent process, and so far as the, um, concept plan is concerned, it – that can be sort of kicked down the road, as it were, to, um, the council - - -

MR WILSON: Yep.

MR STEIN: For the council, ah, determination.

MR McKELVEY: There's no double-dipping, however, in that what's in the section 94 plan and what's in the contribution - - -

MR WILSON: That - - -

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MR McKELVEY: They're not overlapping.

MR WILSON: That's – that's the nature of the question.

10 MR McKELVEY: That's what I figured, yes. So there are – no. So there's not – there's – there's provision for a boat ramp - - -

MR WILSON: So you're comfortable that one is aimed purely at section 94, which is the contributions, and – and what's in the \$1 million is - - -

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MR McKELVEY: Yes. The only element of contention I guess there is is that it was coming out of the Coal & Allied community fund which – and the availability of that is not open to this developer.

20 MR WILSON: That's – that's another matter.

MR McKELVEY: It is.

MR WILSON: Do you have any questions?

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MS LEWIN: No. I think we've covered most of the things, but you will come back to us with, ah, some sort of assessment of the economics around the - - -

MR STEIN: Yes. We can do that, yes.

30

MS LEWIN: - - - intersection. That's important.

MR WILSON: I think – I think it's important for the commission to understand what we're talking about. Um, we understand – we appreciate your arguments in relation to why you think it's necessary to do the, ah, multiple off-road intersection. Ah, it would help us in our deliberations if we understood - - -

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MR STEIN: Yes.

40 MR WILSON: Had some understanding of the costing of this.

MR STEIN: We can provide that. And on the presumption that we're correct in saying that there's a significant cost difference, I guess the point of debate between one or the other is fairly much a 50/50 call. You will impact some people in different ways, and there's – um, some people – and that's typically what happens, um, but if all things being equal, that it's close – as you're signalling one or the other, then – then to – for the relatively small number of lots we're talking about, to

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have a significant cost impost from the Awabakal Drive intersection, as opposed to the other, we just think is – is very difficult. The upgrading of the Montefiore Parkway Pacific Highway intersection, for example, that was serving something like 1000 lots, where we're talking about 100 lots.

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MR WILSON: Yes. No, I appreciate that. We're just - - -

MR STEIN: Yes.

10 MR WILSON: You know, there's a number of matters that we need to consider - - -

MR STEIN: Yes.

MR McKELVEY: Yes.

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MR WILSON: And that would help us.

MR STEIN: Yes.

20 MR McKELVEY: If it helps at all, it's – it's obvious from the assessment report that, um, either – you know, the upgrading of either intersection from a traffic – purely from a traffic point of view is satisfactory in either case. So when – when you're approaching, you know, the consideration of, um, imposing conditions, you know, they're – it's the – um, planning purpose must fairly and reasonably relate and
25 must be reasonable. If there are two, um, competing options, both of which do the trick in terms of, um, addressing the traffic safety issue, and in terms of, um, you know, amenity within the – within the, um, Nords Wharf community, the – the intersect report deals with, um, that issue in accordance with the Traffic Generating Developments Guide that the RMS put out, and the – and in terms of what – from an
30 amenity point of view which is – you know, which is traffic numbers, pedestrian safety, noise, um, and general – general amenity, it sort of sets criteria at which – you know, what the environmental goal is and what the maximum is, and according to the traffic counts, the subdivision is likely to produce well under those environmental goals.

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Now, I think you can – I think you can take it on notice, without having to necessarily have a detailed costing of each of the options, that when you look at the topography that, um – that Brett alluded to a moment ago – and that can be provided, it's a much more difficult traffic environment, um, to build a full seagull signalised
40 intersection in the Awabakal, um, Drive intersection because of – just simply because of the road conditions and the topography, whereas the, um – whereas the Nords Warf Road intersection is sitting there as a seagull. It's a – on any view of it, without having to – even a lawyer can understand that that's a – that looks like a simpler job than the Awabakal – the Awabakal Drive one.

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And if there are – if it's obviously simpler at Nords Wharf – Nords Wharf Road, then you know, the question of what is reasonable in those circumstances probably – it

may not – it may not matter too much whether there's a difference between them, where it's sort of obvious, on its face, that one is going to be materially more expensive than the other and doesn't deliver any materially better outcome overall for the community. So the information can be provided, but it's – it's – you know

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MR WILSON: So what you're saying is – is your decision – you're not driven by cost?

10 MR McKELVEY: Well, it's – it's what's reasonable in the circumstances essentially. And, you know, there's an overriding requirement for a condition of development consent to be reasonable. You wouldn't – it wouldn't be reasonable to impose on a developer an intersection or a condition that required something that was extremely expensive that did no more than deliver something that – that cost a lot
15 less because it's just – that would be an unreasonable set of circumstances, and it would be money being spent for no particular benefit, and would be, I think, unreasonable in the – in those circumstances.

MR STEIN: I still believe from a traffic point of view, signalisation of Nords Wharf
20 intersection is preferable on the premise that the majority of traffic is directed to and from Swansea, as opposed to and from Lake Munmorah, and that why wouldn't you signalise the intersection that had the most traffic through it. I also accept that our subdivision is located on the southern end of the development, and to have the minimal impact on anybody, signalising the Awabakal Drive intersection would
25 maintain that – um, that situation for those streets, but it would also be impacted by the fact that – the mere fact that you've put the signals in. Um, the only – if there's a strong compulsion, I guess, to signalise the Awabakal Drive intersection instead of the Nords Wharf Road intersection, what I would, um, ask that consideration be given to making it a standardised intersection and not a seagull because that would
30 have a substantial impact because you don't need to build the, um, acceleration lane southbound because they come through the signals, and they're not trying to merge with traffic that's moving at 90 kilometres an hour.

But the – the inference of the design speed there is why that – those acceleration
35 lanes need to be, as I say, up to 300 metres long - - -

MR WILSON: The fundamental difference between standardised and seagull is the acceleration lane?

40 MR STEIN: Correct, yeah. And then what that means to road widening and in the context of the topography in the - - -

MR WILSON: Is that where the cost is?

45 MR STEIN: Yes. Yes.

MR S. O'CONNOR: Steve O'Connor, commissioner. Brett, I was interested in your comment about whether there's a need for signalisation at all, and it depends – or it's driven largely by the traffic along the Pacific Highway and its growth. Can you tell us more about what those triggers are and where it sits at the moment? Um
5 - - -

MR STEIN: Um - - -

MR O'CONNOR: - - - is it just a few years away, or is it, um, well off?
10

MR STEIN: The growth goes through to – um, I think it's 10 years of growth, um – that, um, is typically required to be considered in these sorts of decisions.

MR O'CONNOR: That's correct, yep.
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MR STEIN: Um, so it's when that growth comes on, and what we know what's happening at Catherine Hill Bay and developments down at Lake Munmorah. So that would drive some of that – that growth. Um, the – there was a traffic report that was submitted, um, previously, um, which did actually submit that it wasn't needed
20 for the development. Um, that hasn't been accepted by the department, so I guess we've – we've moved on from that, to accept that, you know, this subdivision is going to be there for perpetuity, and that allowing for the growth means that one of the intersections needs to be signalised. Our – certainly the preference would be to suggest that, you know, the current intersections, um, could operate for some time,
25 um without being signalised, but there's not an adverse accident history at the moment on those intersections.

MR O'CONNOR: So if I understand your position then, it's that, um, signalisation isn't required now, that there's no thresholds that are exceeded, however ultimately
30 with traffic flows along the Pacific Highway, it probably will be, and your client would accept that one of these intersections needs to be signalised, but has a preference for the Nords Wharf - - -

MR STEIN: That's the summary, yes.
35

MR O'CONNOR: - - - Pacific Highway intersection - - -

MR STEIN: Yes.

MR O'CONNOR: - - - to be the one that's signalised for cost reasons. So earlier, Wendy mentioned about you providing us with some cost information. Can you include in that – the cost information, for the standardised intersection you've just referred to - - -
40

MR STEIN: Yes.
45

MR O'CONNOR: - - - as well, so we've got a full range to – to be able to consider and assess?

MR STEIN: Yes. Yes.

5

MR O'CONNOR: Thank you.

MR M. RANDON: Just on that – Mark Randon. Steve, on that – the – we didn't explore the, ah – the cost, um, for Awabakal Drive based on an engineering design for a seagull, and it didn't fit with – the seagull intersection didn't fit within the constraints of the current intersection. All the, um, indicators that were provided to us was from our civil – civil team, that it – basically because of the topography of the road going out three metres, it just – it doesn't work within a acceleration lane, and the acceleration lane in that position actually is ah – is in an incline, so where at Nords Wharf, it's, um, slightly in a decline, hence 300 metres in the opposite, in Awabakal Drive – we actually are increasing, and therefore the length of that, ah , seagull is significantly larger or longer, and therefore the cost, it just kept on growing. So at that point of looking at, um, our options, it really wasn't an option because we don't, um, own the land across the – crossroad, to acquire that land. It just kept on adding length to the development in timeframes and cost.

The other part of Awabakal Drive is there is no infrastructure there. There's no power, there's no telecommunications. Ah, Nords Wharf has all that. The road design is there. There is power, there is telecommunications, and therefore, that was also another indicator that, um, the cost of signalling, um, Nords Wharf was always going to be cheaper – a cost-effective way versus Awabakal Drive. In regards to the triggers – and you were asked previously, um, it was noted from the RMS presentation some ah 18 months ago in a community environment, that the trigger was 2028 when a possible increase in flow of 5 per cent in – on Pacific Highway would, in their modelling, suggest that a signalisation is required. I also noted that both Nords Wharf and Awabakal Drive were not black – no black spots, no accidents, and there was no funding for any upgrades from an RMS perspective. Therefore, they were – they were some indicators to us, to look at why Awabakal Drive – why should Awabakal Drive be signalised?

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MR O'CONNOR: Okay. And in that explanation, you referred to the need for acquisition of adjoining property if the Awabakal Road – Awabakal Drive, um Road, was upgraded – the intersection was upgraded. Um, that could be an expensive proposition, I assume? Do you know who owns the land, or - - -

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MR RANDON: Well, I don't, but - - -

MR McKELVEY: It's expensive and slow - - -

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MR RANDON: Yes.

MR McKELVEY: - - - so it would happen one of two ways. You either have to go and buy it, which may or may not be cost-effective, um, or it has to be acquired, ah, probably by the RMS, which could take, you know, a very, very long period of time, once acquisition happens. You know, these days, you've got a six-month negotiation
5 period before you can even issue a proposed acquisition notice, so it's a very slow and, um, potentially quite expensive process. It – it becomes contentious – for no particular material benefit, it would appear, in this particular case.

MR WILSON: So you're arguing you don't need to acquire that land up here – up
10 at Nords Wharf?

MR McKELVEY: That's correct.

MR STEIN: If I – if I could table this plan here, which shows just the cadastre over
15 the top of the air photo? The yellow lines are the cadastral lines. This is Awabakal Drive here which is quite constrained in terms of where the boundaries are. The main works associated with signalling Nords Wharf is that the pavement is already there, and we do have a design plan for Nords Wharf, which most of the work is just on the approach from Nords Wharf, in the mediums and stuff, and we've got rather
20 splays in that section of the roadway - - -

MR McKELVEY: Yep.

MR STEIN: The other thing is, if we've got to – do long acceleration land and spill
25 – um, batters down slopes, they're quite steep, and you'd be chasing your way down, which probably means retaining walls and of batters and just quite a lot of – of works.

MR McKELVEY: If you could table that plan, I think the commissioners would
30 find that very useful, Brett.

MR STEIN: So I will table that, plus the plan that shows the contours, together.

MR McKELVEY: Okay. Thank you.
35

MS LEWIN: Are there also any issues in relation to visibility, um sight – sight - - -

MR STEIN: No. Site distance at both intersections is more than adequate.

40 MS LEWIN: Yes.

MR STEIN: It's probably why they work reasonably well at the moment - - -

MS LEWIN: Yes.
45

MR STEIN: - - - other than poor judgment, um, on a road with a 90 k speed limit
- - -

MS LEWIN: Yes.

MR STEIN: Um, but yes, both – there's no – there's no geometric reason why you would favour one intersection over the other from that point of view.

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MS LEWIN: So it's simply topography and – and width of the shoulders, the - - -

MR STEIN: Correct. Yes.

10 MS LEWIN: Yes. Okay.

MR O'CONNOR: If we've, um, finished with the road, um, issues, can I ask a question about bushfire? Um - - -

15 MR STEIN: Yes.

MR O'CONNOR: - - - I've – I've looked at the reports, and your assessments have been done in relation to planning for bushfire protection 2006 which, um, in a few months' time will be superseded. Um, have you had any assessment done using the
20 new guidelines, planning for bushfire protection 2019, which are due to come into effect in March? I'd just like to know whether that has any material implications or not.

MR STEIN: My – not specifically, but my experience says that for the vegetation
25 type that we have, that there's not a significant difference in the – with the asset protection zones, um, required. What I will note – if you look at the concept approval versus the plan that we have now, that there's significantly more provision made within the amended layout to accommodate the APZs. So that the lots that
30 front the perimeter road, um, have all been, um, elongated, and there are some lots in the concept approval which could not be built on with the bushfire guidelines, so um, the – in my view, the amended subdivision layout is superior to the concept approval from a bushfire perspective.

MR O'CONNOR: So would you have any objection – going back to the author of
35 your bushfire threat assessment – just to ask that question. Is there any material difference if you apply the lens of bushfire protection – plan for bushfire protection 2019, as opposed to the assessment he's already done - - -

MR STEIN: That's a simple question. That's fine.

40

MR O'CONNOR: I'm not – I'm not asking him to do the whole assessment again
- - -

MR STEIN: No, no. That's - - -
45

MR O'CONNOR: Just say whether there would be – if – if he comes back and says, “No”, you know, “it’s – it can be accommodated, and with no significant changes”, that gives us a level of comfort, that’s all.

5 MR STEIN: Sure. Yep.

MR WILSON: Just in terms of the, um, application before council for the subdivision – a modification. Is the modification for 96 lots?

10 MR STEIN: Modification to the concept plan is for 96 - - -

MR WILSON: No, no. Isn’t there a modification afoot in relation to the DA?

15 MR STEIN: There’s an existing – there’s an existing modification before council. It’s not consistent with this plan - - -

MR WILSON: Okay.

20 MR STEIN: It’s - - -

MR WILSON: So my understanding is that there will be – need to be another modification - - -

25 MR STEIN: Correct.

MR WILSON: Is that right?

MR STEIN: Yes.

30 MR WILSON: To council - - -

MR McKELVEY: Or an amendment, yes.

35 MR WILSON: - - - to accommodate whatever approvals - - -

MR McKELVEY: Actually you are correct in saying that there’s a existing consent - - -

40 MR WILSON: Yep.

MR McKELVEY: For, I think, 86 lots?

MR STEIN: Correct.

45 MR McKELVEY: And, um, while – and that was done in the context of the concept rule being for 90 lots. We’re seeking to increase to 96, and then we’d do an amendment, um, consistent with this plan.

MR WILSON: Okay. So what was the reason for 90 – 86 lots as opposed to 90-odd? I'm just interested.

MR STEIN: I can't answer that. I wasn't - - -

5 MR WILSON: That's okay.

MR STEIN: - - - party to the preparation of that plan.

10 MR WILSON: Could you ask - - -

MR WILSON: Sorry. The question was, ah, the original consent was for 86 lots - - -

15 MR RANDON: 84 lots.

MR WILSON: 84, was it – in the concept plan. And they were 90 at that stage?

MR RANDON: Correct.

20 MR WILSON: 90.

MR RANDON: So – so - - -

25 MR WILSON: What was the fundamental difference – what was the – why was there only 84 approved?

MR RANDON: Ah, well, unfortunately I can't - - -

30 MR WILSON: That's okay.

MR RANDON: - - - specifically answer the question simply because the – that's how it was purchased, um - - -

35 MR WILSON: Oh, okay - - -

MR RANDON: - - - earlier - - -

MR WILSON: Yes, that's okay – oh, I see.

40 MR RANDON: Okay? And that was - - -

MR WILSON: And you were party to that application?

45 MR RANDON: Yeah.

MR WILSON: I know it – sorry - - -

MR RANDON: There was three further designs - - -

MR STEIN: I can note some differences between the - - -

5 MR WILSON: We can ask that of council. That's fine.

MR STEIN: Yeah.

10 MR WILSON: Sorry.

MR STEIN: I can note some differences between the approved plan and the current concept plan - - -

15 MR RANDON: Yep.

MR STEIN: And some of the lot – roads have been reorientated - - -

MR RANDON: Yep.

20 MR STEIN: And there were a number of like fan-shaped lots, and things like that, so I believe the layout that we now have is more efficient - - -

MR RANDON: Okay.

25 MR STEIN: - - - which allows us to get the additional lots.

MR WILSON: No. Thank you. Any more?

30 MR O'CONNOR: Yeah. Just one last question. Um, you would have noted the department's, um, recommended modification. They've listed, um, a number of changes to conditions, and one of them, ah, specifically – I think it's 1.1, refers to the amended concept plan indicative layout dated 5 June 2019, ah, which is a plan that you've submitted - - -

35 MR STEIN: Yep.

40 MR O'CONNOR: And so that plan would be part of the, ah, approval if the commission were inclined to go along with that. Um, can you tell me whether you might prefer to have a plan that doesn't actually show individual lots, so you show the road layout and the – basically the environmental footprint, or the development footprint, um, because I don't see any need to have individual lots shown on the concept plan that we might approve.

45 MR STEIN: I accept the point. I guess, taking from the bushfire, ah, question, I guess we're needing to prove - - -

MR O'CONNOR: Well, you're – you've already demonstrated that.

MR STEIN: Yes. I guess in – oh – sorry, what your question is is, just in terms of the concept of plan that's approved, as opposed to the – so we still have the principles of the APZs – the road is in the same spot, but not necessarily the individual detail of individual lots.

5

MR O'CONNOR: Yeah. So at the moment, the concept plan approval doesn't actually specify the number of lots that can be developed. There's been reference to 90 lots - - -

10 MR STEIN: Yes.

MR O'CONNOR: - - - approving. That's derived by looking at a plan that actually shows 90 lots on it. Um, it's got a residential R2 zoning on the land which will, you know, determine when council assesses a DA or modification, how many, you know, lots can be derived from that – that footprint. Um, and I just wondered, rather than have a plan approved that's got a specific number of lots, ah, it would just allow a bit more flexibility and maybe future modifications to the concept approval, you know. If you come up with an extra lot or two that you want, and council says, "Well, that's not part of the plan, you know, that the Independent Planning Commission has approved", then you're back here again, seeking another modification.

20

MR STEIN: I would certainly support that as a principle on all these subdivisions. I mean – yeah. The argument about then what's consistent or not consistent with the concept plan is somewhat easier to resolve if you're not talking about individual lots.

25

MR O'CONNOR: It just allows everyone a bit more flexibility.

MR STEIN: Yes. I accept that, yes.

MR O'CONNOR: So if you were inclined to agree to that, you could submit a plan to us. I can't say whether we – we'd agree to accept – to incorporate in a condition, etcetera. We haven't made a determination yet. We've got to have the public meeting, but it just seemed like something that would be sensible.

30 MR STEIN: No, we could do that.

MR WILSON: I think that's all we have at the moment, so thank you very much for coming in.

40 MR STEIN: Thank you.

MR WILSON: Um, there's a number of questions, I think, ah we've asked in relation to – we – will we send a copy of those questions to the applicant?

45 MS C. JOSHUA: Yes.

MR WILSON: Okay. And when will we do that, Casey?

MS JOSHUA: Sorry?

MR WILSON: When – when will that occur?

5 MS JOSHUA: I can do that, um - - -

MR WILSON: Later in the week?

MS JOSHUA: Yep.

10 MR WILSON: Okay.

MR McKELVEY: So, yeah – so – but we’ll need – when do we need all our responses by?

15 MS JOSHUA: - - -

MR STEIN: I’m thinking about two weeks – three – two weeks to three weeks. Is that too long – one week - - -

20 MR WILSON: Yeah, yeah.

MR STEIN: You tell – give us some guidance - - -

25 MR WILSON: We can go seven days probably - - -

MR STEIN: Seven – yeah, to do – the concept, design and costing is a reasonably large task for that intersection - - -

30 MR WILSON: Ah, just – just – yeah. I’d turn your attention to, um, appendix F of your own application. There’s some costings in there, um – so in relation to the – I’m not quite sure I understand them - - -

MR STEIN: Yes.

35 MR WILSON: - - - but you might want to revisit those - - -

MR RANDON: Do you mind if I have a look at that?

40 MR WILSON: Yeah, sure. I may have got it wrong, but from RPS – it’s detailed QS of the intersection - - -

MR ARRATOO: That’s an enlarged road, um - - -

45 MR WILSON: Ah, yeah, we’d love those - - -

MR ARRATOO: want to see them?

MR WILSON: Yeah, that would be – thank you.

MR ARRATOO: Right.

5 MR WILSON: Okay. That's it. Thank you very much for coming - - -

MEETING ADJOURNED

[3.41 pm]