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TRANSCRIPT OF PROCEEDINGS

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INDEPENDENT PLANNING COMMISSION

DEPARTMENT OF PLANNING AND ENVIRONMENT MEETING

RE: CASUARINA TOWN CENTRE CONCEPT AND PROJECT APPROVAL

PANEL:

**PROF ZADA LIPMAN
RUSSELL MILLER AM
PETER DUNCAN AM**

ASSISTING PANEL:

**DAVID KOPPERS
ALANA JELFS**

**DEPARTMENT OF
PLANNING AND
ENVIRONMENT**

**ANTHONY WITHERDIN
NATASHA HARRIS**

LOCATION:

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

DATE:

10.09 AM, MONDAY, 15 OCTOBER 2018

PROF Z. LIPMAN: Okay. We will open the meeting. Good morning and welcome. Before we begin, I would like to acknowledge the traditional owners of the land on which we meet, the Gadigal People of the Eora Nation, and pay my respect to their elders past and present. This is a request by Clarence Property, the applicant, to modify the concept plan and project approval for the Casuarina Town Centre in the Tweed Local Government Area. It's MP06_0258 modification 10. The applicant is proposing to place a hotel and medium-density residential lots with low-density residential development, increase the maximum building height along the main street from three to four storeys, amend the road layout, open space and supporting infrastructure, as well as changes to staging and the timing of construction of the beach access path.

My name is Zada Lipman. I'm the chair of this IPC panel. With me are fellow commissioners Peter Duncan and Russell Miller and Commission officer David Koppers. The other attendees at the meeting are from the Department of Planning and Environment and I will ask them to introduce themselves, largely for the purpose of transcription. In the interests of openness and transparency and to ensure the full capture of information, today's meeting will be recorded and a full transcript will be produced and made available on the Commission's website.

This meeting is one part of the Commissioner's decision-making process. It's taking place at a preliminary stage of the process and will form one of several sources of information upon which the Commission will base its decision. During the meeting, it is appropriate for Commissioners to ask questions of attendees – to ask for an explanation and clarification of issues if they consider it necessary. As far as the attendees are concerned, if you're asked a question and you're not in a position to answer, then feel free to take the question on notice and provide information in writing at a later stage that we can put on our website.

So now we will begin. For the purpose of today's meeting, what we would like to do is first go briefly through some background to the proposal and have a look at the location plans and what exactly is proposed. We would then like to focus on some of the key issues and, on the agenda, you will see the key issues and the report are set out, but our specific interests are really in relation to the bulk and scale in the four-storey development and a particular focus on open space and the nature of the quality of the open space that has been provided. So what I will do now is I will hand over to the Department to introduce themselves and to take us through those issues. Thank you.

MR A. WITHERDIN: Thank you. My name is Anthony Witherdin. I'm the director of regional assessment at the Department of Planning and today I'm joined with Natasha Harris.

MS N. HARRIS: A consultant planner who has done some work on the assessment for the Department.

MR WITHERDIN: So as a way of a background, the site is in northern New South Wales in the Tweed Heads Local Government Area. It sits 15 kilometres south of Tweed Heads and it is located directly to the west of Casuarina Beach. Further to the west of the site runs the Tweed Coast Road and further to the west again is the
5 Cudgen Nature Reserve. To the north and south lies some existing medium-to-low residential development and the site, as you can see on figure 1 – it's relatively flat. It has already been cleared and parts of the site have already been developed.

10 In terms of the current approval, the original approval was granted in September 2009 by the then-Minister and it was for a concept and concurrent project application. The concept approved the broader land uses and the development parameters for the site and the project application approved the clearing of the site, bulk earthworks, subdivision of the site into 61 lots, all the infrastructure and supporting services, and the supermarket and retail component of the development.

15 Since that time, there has been 10 modifications to that approval. Key modifications include the reducing of the overall density on the site by about 20 per cent, changes to the staging of the development and changes to the timing of various requirements. All those modifications are outlined in the appendices of the report in detail. So the
20 proposed modification seeks to reduce the density of the overall development and that's done principally by replacing medium-density residential flat buildings with single dwelling lots, basically, and that will reduce the overall density of the development by about 47 per cent compared to the original approval.

25 It also seeks to delete the hotel, increase the height of some buildings from three to four storeys, reduce the height of other buildings from three to two storeys, modify the layout of the development, reduce the width of the northern green corridor from 20 metres to 10 metres, reduce the open space and make changes to the staging of the development. The proposal was notified and we received 116 public submissions.
30 They key concerns raised by the public submissions, in summary, were around the density. A lot of the public were of the impression that the density was increasing and the other key issues were around the reduction of the width of the northern buffer and the increase in height of the buildings from three to four storeys.

35 Council didn't object to the proposal but they raised some detailed concerns around the design of the supporting infrastructure and the roads and the layout, and they also raised concern about the reduction in the width of the northern corridor. The proponent then submitted a response to submissions addressing the issues that were raised by the public and council and other agencies. They clarified that the density
40 was, in fact, going down. They increased the width of the northern corridor from 10 back to the original width of 20 metres and they worked with council to resolve all the technical and design issues associated with the supporting infrastructure.

45 The department then renotified that response to submissions to everyone who made a submission on the original proposal and most of the submissions that we received were in support of the changes that were made in the responsive submissions and about 25 per cent or so continued to object to the proposal, principally around density

still and increasing the height. Council were satisfied that all their detailed issues were addressed, however they raised some residual concerns and the key one was around – they requested the department to do further assessment on the impact of reducing the density of the town centre on the viability of the retail offering within the town centre. So that's it as a background. Is everyone comfortable? Is - - -

PROF LIPMAN: Yes. That's very good. Thank you.

MR WITHERDIN: Okay. So the key issues coming from the assessment really revolved around density, built form, open space and the staging of the development. In terms of density, it was a real key issue raised by the public through the submissions, as I mentioned, but the RTS clarified that the actual density was going down. As I mentioned before, it's going down by 47 per cent, so the department is very comfortable that the amenity impacts and the potential traffic and car park impacts will be less than what was previously approved.

As I mentioned earlier, council did raise some concerns about the impact of that change and the viability of the town centre. The proponent submitted an assessment of the potential economic impacts of that change and the department accepts the findings of that report and the – we feel that the trade area that will support the retail offering in this town centre will be drawn from a larger precinct and we note that there's some larger developments in and around that area, including Kings Forest, which has got approval for 4500 lots, and we feel that this town centre will be a bit of a destination in its own right, so it will attract a lot of people from a broader catchment visiting the beach and so on. So we feel that the impact on the viability of the town centre will be minimal.

The proposal also seeks to delete the hotel from the proposal. The proponent asserted that there's a lack of demand for hotel accommodation within this area given the amount of other options or alternative for accommodation in the area, and the department notes that the zoning – the underlying zoning of this site no longer encourages tourism related uses. So the department is comfortable with the deletion of the hotel.

The next key issue was around built form. As mentioned earlier, it seeks to increase the height from three to four storeys. The department is satisfied that the increased height is acceptable as it's consistent with the LEP height control, and the taller buildings are centred along the main street. They're set back from the beach, and they're behind other three-storey buildings on the site. So it will basically signify the – and delineate the town centre area, and the impact of viewing those buildings will be acceptable because they are further set back from the beach and they're already behind the approved three-storey building envelopes.

PROF LIPMAN: We just had one question here.

MR WITHERDIN: Yes.

PROF LIPMAN: There – just looking at this diagram here we have the provision for the three 4-storey buildings, two at the back and front of the retail centre and the one that’s over here in Grand Parade in the centre of the retail area.

5 MR WITHERDIN: Yes.

PROF LIPMAN: Now, these two buildings here, we can understand that they’re right at the back and will have no visual impact at all, and we were just wondering what you thought about the bulk and scale of this particular building because,
10 effectively, it will be surrounded by three-storey development on each side and on the other side the north will have the low-density residential development. So we’re wondering what the impact of that would be on these particular low-density allotments in particular and whether it wouldn’t stand out as being inconsistent with surrounding development.

15

MR WITHERDIN: So in terms of the bulk of that particular building envelope, it would be taller than the surrounding buildings to the north of that site.

PROF LIPMAN: Yes.

20

MR WITHERDIN: But the difference will be two storeys, and we think that would be acceptable in terms of a height transition, particularly given that it’s separated by a road around the west and to the north of the site. And because it’s so closely aligned with the main street and the town centre, we think it’s an appropriate height
25 for that location. In terms of its broader visual impact, because it’s set so far back from the beach, I think it’s acceptable.

30

PROF LIPMAN: So from the beach, it – what sort of visual impact would it have from the beach?

MR WITHERDIN: Look - - -

35

MS HARRIS: Given that these are – these will be three – this will be three storeys
- - -

PROF LIPMAN: Yes, that will be four.

MS HARRIS: - - - when you’re standing at the beach looking up - - -

40

PROF LIPMAN: Yes.

MS HARRIS: - - - it’s going to be behind. You’re not going to see.

45

MR R. MILLER AM: Sorry. Could you - - -

MS HARRIS: Well, you would be unlikely to see.

MR MILLER: Sorry. Could you just – I wasn't looking at what you were doing then.

PROF LIPMAN: What we're looking at here - - -

5

MR MILLER: I got that bit. What's - - -

PROF LIPMAN: Yes.

10 MR MILLER: - - - the three storey, sorry?

MS HARRIS: These will be three storeys.

PROF LIPMAN: These are three storeys.

15

MR MILLER: Right. Got you.

PROF LIPMAN: Yes, because - - -

20 MR MILLER: Right.

PROF LIPMAN: - - - this is going to be changed to

MS HARRIS: So you will – as you look from - - -

25

MR MILLER: I see.

MS HARRIS: - - - from this direction, you will read the third storeys.

30 PROF LIPMAN: Yes.

MS HARRIS: If you see any building structure beyond that, it's - - -

PROF LIPMAN: So it will be stepped up.

35

MS HARRIS: - - - in the distance behind it.

PROF LIPMAN: This will be the four-storey.

40 MS HARRIS: That's right.

PROF LIPMAN: And then you will see the four-storey in the background.

MR WITHERDIN: That's right.

45

PROF LIPMAN: So you don't anticipate that the bulk of that building is out of context.

MR WITHERDIN: And, as I mentioned earlier, it's consistent with council's new LEP height controls as well.

PROF LIPMAN: Yes.

5

MR WITHERDIN: Yes.

PROF LIPMAN: All right. Any other questions on this?

10 MR P. DUNCAN AM: No.

MR WITHERDIN: But, look, to further pick up on that point, in terms of the actual bulk of those buildings, the department did raise some concerns about the bulk that was illustrated in the concept plan diagrams just in terms of how they occupy a large majority of the site coverage. So the department hasn't approved the actual built form - - -

15

PROF LIPMAN: Yes.

20 MR WITHERDIN: - - - as shown in the concept plan. So what we've approved is the location of the height in those areas, but we haven't approved the GFA that has been nominated for those particular sites or the building envelope itself. We will feel that will be better resolved through the next DA council process, and so they will need to be further refined.

25

PROF LIPMAN: Yes, I saw that, and there was one condition that we're interested in in relation, in particular, to one of the buildings. Could you identify that building and just take us through to your objections in relation to bulk on that one.

30 MR WITHERDIN: The site that I was most - we were most concerned with was with this building here. The bulk - - -

PROF LIPMAN: So that is the building in front of the Coles Retail Centre - - -

35 MR WITHERDIN: To the north.

PROF LIPMAN: - - - on the north estuary, yes.

40 MR WITHERDIN: Yes. On figure 10 of our assessment report, it shows some indicative built form images, and, as you can see, the built form that's shown in figure 10 shows that that building would occupy most of the site.

PROF LIPMAN: Yes.

45 MR WITHERDIN: And it's in a circular configuration, and it has very minimal setback and building separation. It has got an L-shaped sort of - - -

MR MILLER: Just for the record, I've called that building 1, the one to the south of the building – the complex to the south building 2, and the square one in the middle building 3. It might just be easier to identify if we continue to refer to it that way.

5 MR WITHERDIN: Yes.

PROF LIPMAN: I think 3 would be the one on the main street in-between - - -

MR MILLER: The one on the main street correct, yes.

10

PROF LIPMAN: Yes. All right. That's fine.

MR MILLER: But you were talking about building 1.

15 MR WITHERDIN: Building 1, yes.

PROF LIPMAN: To the north. Yes.

MR MILLER: Yes. Yes.

20

MR WITHERDIN: So building 1 shows a good example of the proposed envelope occupying too much of that site. So we haven't approved that building envelope in that configuration, which has approved the location of that site being able to accommodate a four-storey building. As I mentioned earlier, I feel that that – the setbacks of that building and the building separation should be further considered by council at the next EA stage.

25

PROF LIPMAN: Right. Thank you.

30 MR WITHERDIN: The only other comment that I would make in terms of the overall – the form was that while there are some buildings that have increased in height from three to four storeys, there are other buildings that were reduced from three storeys to two storeys. So some of that height will be offset, and the overall built form of the town centre will be reduced in some locations.

35

PROF LIPMAN: Yes, yes.

MR WITHERDIN: The only other key recommendation that we made in terms of built form – it's more of an activation issue. We recommended that some additional retail development be provided on the main street, just to make sure that it had a main street feel, and it had an – provided a sense of activation all the way across the main street leading to the beach.

40

PROF LIPMAN: Yes. While we're on this, I wonder if it would be appropriate, at this stage, to ask why condition B1 was deleted. That was:

45

Provide building setbacks to the lots on the southern boundary of 20 metres wide east-west at the space corridor.

5 MS HARRIS: So, previously, there was no road running around here.

PROF LIPMAN: Right.

10 MS HARRIS: So these lots – or the lots that were proposed previously ran right to the boundary. So there was a condition in place to make sure that any building developed on the lots would be set back from that boundary, but the road now effectively creates that setback.

15 MR MILLER: You're talking about the road from the – for the purposes of the record, you're talking about the road that runs along the northern boundary and comes around the – to the western boundary.

MR WITHERDIN: Yes.

20 PROF LIPMAN: Correct, yes. That's correct. Now, in-between the road – is there a buffer in-between the road and the allotments, or – I see there's a green strip, you know, indicated on the plan. Or does it – do they border on the road? I suppose it's a footpath, is it?

25 MR DUNCAN: I don't know, but it looks like that's the road reserve. That would be the verge, then that's the actual pavement of the road there, the grey. Yes.

MR WITHERDIN: That's how I see it as well.

30 PROF LIPMAN: Right. Yes, yes. Okay. Right, thanks. That clarifies that.

MR DUNCAN: So there would be seven – I assume that's tree planting there – identified there.

35 MS HARRIS: Yes.

MR WITHERDIN: Yes.

PROF LIPMAN: On the verge? Yes. Okay.

40 MR DUNCAN: Yes.

PROF LIPMAN: thank you.

45 MR WITHERDIN: The other key issue related to open space – and we note there's an overall reduction in the amount of open space offered for development. We paid some particular attention about the merits of reducing some of the open space, particular the Civic Park. And the department concluded that given the overall

reduction in density by around 50 per cent, and the access to the beach, in particular, would mean that there is very good access to public open space for the residents and visitors to this site.

5 PROF LIPMAN: So that, the playing fields that you refer to in your assessment report – are they are the – on this site, or at the back of the site?

MS HARRIS: Outside of the site.

10 PROF LIPMAN: They're outside of the site?

MS HARRIS: These playing fields.

PROF LIPMAN: So those are the ones, yes. And they're to the - - -

15

MR DUNCAN: To the south – southwest.

MS HARRIS: To the west. Yes.

20 PROF LIPMAN: Looks like southwest. Southwest, yes.

MR DUNCAN: Yes.

25 PROF LIPMAN: So they're not on the actual site; they're just outside the site on the southwest?

MS HARRIS: Yes, that's right.

PROF LIPMAN: Right. Thank you.

30

MR WITHERDIN: And so, yes, you're right. There's alternative playing space available as well.

PROF LIPMAN: Right.

35

MR WITHERDIN: So that combined – as I mentioned, the excellent access to the beach. I feel that the open space provided for development is acceptable. And we also know that council don't object to the provision of open space that has been offered.

40

MS HARRIS: In addition, the change – I don't know if you mentioned this – the change to low-density residential backyards.

MR WITHERDIN: Yes. Yes.

45

MS HARRIS: So everyone will have, now, a lot more private open space compared to the – what was previously more high-density residential

MR WITHERDIN: That's correct.

PROF LIPMAN: And the nature and quality of the open space? Have you got any comments on that?

5

MR WITHERDIN: The – in terms of the open space – in particular, the public – the Civic Part, council and the proponent have been working tighter in terms of the specific design of that, and council has also recommended a very detailed condition in terms of the provision of services and facilities, and the specific design requirements that they require to be met for the delivery of the park. And so in terms of the quality of the open space being provided, we're comfortable that will meet council's requirements, and council will be ultimately responsible for the upkeep of that public park.

10

15 PROF LIPMAN: Right. Can I just get some more clarification on the Civic Park, because I notice in the conditions there's provision made for an allotment – a separate allotment which contains the sewerage pumping station. Am I correct in assuming that that is within the Civic Park?

20 MS HARRIS: Yes. That's right.

PROF LIPMAN: So it's not quite clear here that this is a specific allotment. I'm not quite clear from landscape plans. I think you had a plan which had a slight proposed allotment. Do we have it in the larger plans there?

25

MS HARRIS: I'm not familiar - - -

MR DUNCAN: It's actually marked on – that – on the services plan. But it's hard to – you're right to say, though. It's hard to - - -

30

PROF LIPMAN: It's hard to work it out, yes.

MR DUNCAN: Yes. Plan – drawing 50C0050.

35 PROF LIPMAN: I see there's – on page 6 there's an indication, but it doesn't really make it clear – so I would be interested in knowing how far this this allotment is from the children's – proposed children's playground area, and how it fits into the park, and where the sewer road to the sewer is – whether it's actually in the park or in the allotment, and how the configuration of the park operates within that context.

40

MR WITHERDIN: That was an issue that was raised through the assessment process. I will have to take that question on notice, though, and look into the details and the specifics of that and come back to you.

45 PROF LIPMAN: Thank you. It would be very useful if we could get a detailed plan showing the allotment and the dimensions of the Civic Park. And the other question I would like to come to – I notice that the – as far as the sewerage pumping station is

concerned, there's a specific requirement that it should be at least 30 metres from the nearest residential building. When I look at the plans, it's actually 20 metres, and I think you might have picked up that in your assessment report as well. It's – the dimensions written on the plans is 20 metres, although you say it is feasible that it could be a 30 metre playing – but that's not, in fact, provided on the plans we have.
5 Is that something – we will take that up with the applicant.

MR WITHERDIN: Yes, and we can look into that specifically as well.

10 PROF LIPMAN: If you could look at that. And I was just wondering whether those requirements in relation to the buffer zone of 30 metres in fact also relate to the playground, or whether that doesn't apply in that context. Is it only residential properties?

15 MS HARRIS: It's only – my understanding is it's only residential properties, but, again, this is something I think we need to check. These are requirements under the – my understanding is they're requirements under the local government act as – they're requirements of the council.

20 PROF LIPMAN: Yes.

MS HARRIS: So it's something we will need to look into.

25 PROF LIPMAN: So I think that's something for you – I know that the Tweed Council has some sort of hazard plan for playgrounds in which they sort of allocate hazard levels and points for, you know, situations, and I'm not quite sure how this all fits into that.

30 MR WITHERDIN: Yes.

PROF LIPMAN: But the impact on the playground, and the dimensions, and – would be interesting. This new pumping station – why has that become necessary? Is that because of the volume of the – increasing density and development of the site?

35 MR WITHERDIN: I think it's just a necessary part of infrastructure to support the development.

PROF LIPMAN: Has it always been in the Civic Park, or is this a new development? I would like to work that out.

40 MR WITHERDIN: I will have to come back to you on the details of that.

PROF LIPMAN: And I'm just wondering if there's anywhere else that it could be located in this area without being in the – you know, the – in Civic Park.

45 MR WITHERDIN: And we will have to talk to council about some of that detail as well.

PROF LIPMAN: Yes. All right. Thank – do you have any questions on that open space?

MR DUNCAN: Nothing further. Nothing further.

5

MS HARRIS: Because council is ultimately responsible, and is the authority responsible for it, we basically follow their guidance on it.

PROF LIPMAN: Yes.

10

MR WITHERDIN: And the proponent and council have been through a lot of negotiation on those details.

MS HARRIS: They've worked together.

15

MR MILLER: And I think the point, effectively, is that there's a setback for residential purposes. Presumably putting a playground right in the middle of an area where there's a requirement for setback for residential purposes doesn't seem to be as protective of the children who play in the playground as it might be. That's the question.

20

MR WITHERDIN: Yes. Yes.

PROF LIPMAN: Is it?

25

MR WITHERDIN: Yes, no worries. So we will look into it.

MS HARRIS: Yes, we're happy to look into it. Yes.

30

MR MILLER: Yes. Yes.

PROF LIPMAN: Right.

35

MR DUNCAN: One minor thing is if you are looking at it, what is the nature of the pumping station? You know - - -

MR MILLER: Yes.

40

MR DUNCAN: - - - is it, do you suggest, something very small or is it, you know – potential for overflow and all that sort of thing. So I guess that's part of the question as to your point.

PROF LIPMAN: That's right. I mean, there would have to be some reason for there being a 30-metre buffer - - -

45

MR DUNCAN: Yes.

PROF LIPMAN: - - - to the residential buildings. So you wonder what the reason is and whether that would - - -

MS HARRIS: That's right.

5

PROF LIPMAN: - - - apply to - - -

MR: That was our assumption.

10 MS HARRIS: That's what we need to find out, yes.

PROF LIPMAN: - - -

MR: Yes. Yes.

15

MR: Yes.

PROF LIPMAN: All right. I think that covers that aspect. Has anyone got any further questions on that? Russell?

20

MR MILLER: No, thank you.

MR WITHERDIN: And the final key issue that the department assessed was around the staging – proposed changes to the staging requirements. Essentially, the
25 proponent sought to delay the provision of infrastructure and open space, access to the beach and the surf lifesaving facilities that were required – that are currently required with the development. The department looked at that in detail, and we also – this issue has come up in previous modification applications, and we didn't feel that there was sufficient reasoning to delay, though, the provision of that
30 infrastructure because it provides important amenity for future residents. So we've maintained a majority of those – the staging that is currently applied to the development. So that's a summary of the key issues. There's a number of other issues that the department also addressed, and I'm happy to take any questions or comments on those as well.

35

PROF LIPMAN: Yes, before you move off that, I just wanted to clarify again whether these two areas – I think it's an infiltration plant marked 11 on the plan here. Are they, in fact, part of the open space available to the residents?

40 MS HARRIS: Yes, in that – that's council land, in fact.

PROF LIPMAN: Yes.

MS HARRIS: That area there. And, yes, residents are able to – or the public is able
45 to walk over that part of land, and so it's - - -

PROF LIPMAN: So this - - -

MS HARRIS: - - - open to be walked over.

PROF LIPMAN: - - - is not part of the development these ones on the foreshore site.

5

MS HARRIS: Well, it isn't so far as it provides infrastructure to support the development on that site.

PROF LIPMAN: Right.

10

MS HARRIS: Yes, on the - - -

PROF LIPMAN: So - - -

15 MR MILLER: For the record - - -

MS HARRIS: - - - council land.

20 MR MILLER: For record, we're talking about the areas adjacent to the beach and the playground to the north.

PROF LIPMAN: Yes.

25 MR MILLER: Yes.

PROF LIPMAN: So they would be available to the public but not part of the – this development and therefore not part of the open space they've been allocated under the - - -

30 MS HARRIS: That's right.

PROF LIPMAN:

35 MS HARRIS: It's not part of the open space provision by the developer.

PROF LIPMAN: Yes.

MS HARRIS: It's already council land.

40 PROF LIPMAN: Okay. Thank you. All right. Let's move on to the other - - -

MR MILLER: The attractive landscaping that surrounds it is someone's concept of what the council might do or is that - - -

45 MS HARRIS: The council have in February this year approved a plan of management for the site. How consistent that is with the plan of management I couldn't be certain because the plan of management was approved well and truly

after this – these plans were lodged, but they certainly do have plans for landscaping and for maintenance of the site and management of the site having regard to the proposed infrastructure under this application.

5 PROF LIPMAN: Thank you. While we're about it, I might just ask about the – I noticed you had a very comprehensive condition on landscaping and the addition of larger trees to the swale area. I just wondered about the landscaping on the roundabout that's provided here. That hasn't really been mentioned, I think, in the landscaping plan, but I think it's an interesting feature. Is that, in fact, part of the
10 proposal?

MR WITHERDIN: So the landscaping shown on the plans would be the landscaping that's – would be approved by the development.

15 PROF LIPMAN: Right. Right. That's good to know.

MR WITHERDIN: Other issues the department considered were the layout – the lot layout and the size of the lots, and the department considered that against council's development control plan. And the department considers that the lot layout and the
20 sizes are in keeping with the original approval that provide adequate spaces for residential development and the size of the lots are consistent with the town centre area. We also considered parking, and we note that the proposal provides some additional on-street car parking for visitors. We also considered the design of the green buffer area that was a key concern. As I've mentioned earlier, the key issue
25 around the width of that buffer has been addressed by the response to submissions, increasing it from 10 back to the original 20 metres.

We've just included a condition about the landscaping and the provision of trees along that area. So it presents as a nice attractive setting and a buffer between this
30 site and the adjoining residential development, also looked at stormwater infrastructure, and we looked at – and we took a lot of advice from council in that regard. And we feel that the stormwater infrastructure proposed will be sufficient or appropriate to accommodate stormwater draining from the development and will meet council's requirements. And that's the same for all water and wastewater
35 infrastructure. Bushfire was a – an issue for this development as it's surrounded by some natural vegetation particularly to the east that fronts of the beach, and we've applied the Rural Fire Service's recommendations for APZs and the design of the landscaping to comply with the Planning for Bushfire Requirements. We've also looked at Aboriginal heritage.

40

PROF LIPMAN: Yes, before you go off that, where are those two asset protection zones that are being added in for the bushfire – where are they located on the plan? I was just trying to identify them on the plan.

45 MS HARRIS: Actually, all of the - - -

MR WITHERDIN: Yes.

MS HARRIS: - - - new lots that are being proposed have to be - - -

PROF LIPMAN: But there were two specific asset protection zones, I think, that were discussed with the RFS that were going to be - - -

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MS HARRIS: I'm looking at condition B56 which requires all of lots 1 to 92, which is all of the new lots excluding the public park, to be maintained as a inner protection area.

10 PROF LIPMAN: Okay. Somehow, I got the impression that there was going to be two specific zones. Yes:

APZs will be provided for lots immediately adjoining the council reserve.

15 MS HARRIS: Right.

PROF LIPMAN: So - - -

MR MILLER: Yes.

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PROF LIPMAN: Yes. So that clarifies that there.

MR WITHERDIN: So that was a particular issue that council and RFS looked into quite carefully, and the result of that was that because the park will be designed to meet the requirements – the landscaping requirements set out in the Planning for Bushfire Protection area – Requirements, sorry, that the – that a specific APZ wouldn't be required across the public park.

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PROF LIPMAN: Right. Thank you. That's - - -

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MR WITHERDIN: And we took RFSs recommendation on that particular aspect.

PROF LIPMAN: Thank you. I think you were talking about Aboriginal heritage.

35 MR WITHERDIN: Yes. Aboriginal heritage. So the department was comfortable that there's existing conditions covering Aboriginal heritage issues. Some concern was raised about the increase in the height of the buildings and its impact on the landscape values of the site. As mentioned earlier, when we were discussing built form, the department is satisfied that the height increase of the development is acceptable and it won't have an unacceptable impact on the landscape features of that site.

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45 So we were satisfied that Aboriginal heritage impacts would be acceptable. And then, finally, in terms of biodiversity, the department – overall, the department is satisfied that because of the footprint remaining the same, that overall biodiversity impact will not increase. We've also looked at any potential changes associated with

the development in terms of land contamination, and we're satisfied that existing conditions of approval would make sure that the site is suitable for the development.

5 PROF LIPMAN: There has been a study done on that previously, hasn't it?

MR WITHERDIN: Yes.

PROF LIPMAN: So it's just an update that has - - -

10 MR WITHERDIN: Yes.

PROF LIPMAN: - - - been requested.

15 MS HARRIS: That's right.

MR WITHERDIN: That's right.

MS HARRIS: Exactly.

20 MR WITHERDIN: We reviewed the proposal against the new Coastal SEPP, and we're satisfied that it meets the requirements and the objectives of the Coastal SEPP. And developer contributions will be updated accordingly with the change in density.

25 PROF LIPMAN: Right. Well, I think that covers all the issues. Have you got - - -

MR DUNCAN: Yes, I've - - -

PROF LIPMAN: - - - any questions?

30 MR DUNCAN: I've got no further questions.

MR MILLER: questions.

35 PROF LIPMAN: Russell? Peter? No.

MR MILLER: Thank you. Very helpful.

MR WITHERDIN: No worries.

40 PROF LIPMAN: Thank you very much. That has been extremely helpful, and it has given us a far better perspective. So we look forward to getting that information back from you.

45 MS HARRIS: You're meeting with council?

PROF LIPMAN: Yes, we're – from here, we will be meeting with the applicant. Then we will be going down for a site inspection and public meeting. We will be meeting with council in the course of the procedure.

5 MR WITHERDIN: Correct.

MS HARRIS: I think they will also give you very – some very clear information
- - -

10 PROF LIPMAN: Yes, they - - -

MS HARRIS: - - - in relation to this issue as well.

PROF LIPMAN: - - - seem to have done - - -

15 MS HARRIS: Yes.

PROF LIPMAN: - - - quite a comprehensive - - -

20 MR WITHERDIN: Yes. Yes.

PROF LIPMAN: - - - report on that. Have you any further - - -

MR WITHERDIN: We will come back - - -

25 PROF LIPMAN: - - - things to add?

MR WITHERDIN: - - - to you on the details on the sewer pumping station and the buffer shortly.

30 MS HARRIS: Yes.

PROF LIPMAN: Well, thank you very much. That has been very helpful.

35 MR WITHERDIN: Thank you.

MR MILLER: Thank you.

PROF LIPMAN: We will close the meeting.

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[10.49 am]