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O/N H-1006965

**INDEPENDENT PLANNING COMMISSION**

**MEETING WITH APPLICANT**

**RE: NARRAWALLEE RESIDENTIAL SUBDIVISION MODIFICATION 3**

**PANEL:** **SOO-TEE CHEONG**  
**STEPHEN O'CONNOR**

**ASSISTING PANEL:** **ALANA JELFS**

**APPLICANT:** **PETER LEAN**

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

**DATE:** **10.55 AM, WEDNESDAY, 20 MARCH 2019**

MR S. CHEONG: Before we begin, I would like to acknowledge the traditional owners of the land on which we meet. I would also like to pay my respects to their elders past and present. Welcome to the meeting today on the proposal whereby Hazcorp Proprietary Limited, the applicant, is seeking to modify the project approval  
5 for the Narrawallee residential subdivision to convert the southern open space reserve to six residential lots, increasing the total number of residential lots from 166 to 172, and to clarify the location of the second traffic management device required within Leo Drive, to delete the requirement to provide a sewage pumping station within stage 4 and undertake administrative modifications to the conditions of  
10 approval to reflect the changes outlined above. My name is Soo-Tee Cheong. I'm the chair of this IPC panel. Joining me is my fellow commissioner, Stephen O'Connor. The other attendees are Alana Jelfs, our senior planning officer from IPC Secretariat; and Peter Lean, director of Hazcorp Proprietary Limited.

15 In the interests of openness and transparency and to ensure the full capture of the information, today's meeting is being recorded and a full transcript will be produced and made available on the Commission's website. The meeting is one part of the Commission's decision-making process. It is taking place at the preliminary stage of  
20 this process and will form one of the several sources of information upon which the 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 will then put up on our website. We will now begin. You can begin to explain the  
25 objectives of your modification application and the justification of such modification.

MR P. LEAN: Thank you. Thank you, Mr Chair, and thank you for the opportunity to present to the Commission. I would like to go back into the history of this – I won't call it a mess, but – unless you and – we had as our consent for the  
30 development – and I refer to consent B8 of the original consent, which says we have to provide a child play facility in stage 2. We were developing stage 2, and stage 2 is this area here. And we put the plan to Council, and I think the plan is – I'm not sure whether you wish me to table these documents, but I will - - -

35 MR S. O'CONNOR: I think that would be useful, Peter, if you could.

MR LEAN: I'm happy to table that. It's the plan we submitted to Council. In response to that, we got a reply from Council, saying, in effect, they do not want the small pocket park. Not only that, but they don't want these two parks either, please.  
40 And what's more, what they would like is to have a croquet green, and you will find it in your documents.

MR CHEONG: Yes.

MR LEAN: You will probably wonder why they want a croquet green, but they would like a croquet green in there. They would also like Council – and I’m quoting from the document:

5            *Council would also want power and water to both the reserves and sewer to the large reserve for future connection.*

So that they could put a croquet court in here - - -

10          MR O’CONNOR: Clubhouse.

MR LEAN: - - - with a clubhouse. So we did that, because at that stage that seemed to be the way Council wanted it to go, and I might add that we had the sewer to this point here. There’s the proposed croquet green here. We had the sewer to point here  
15 to collect that block. We had to then rush this sewage line through here because we were in the middle of construction. If we didn’t do it then, we weren’t going to do it. And it was pretty expensive because we not only had to – we had to concrete encase the whole sewerage line.

20 In addition, we had – and there’s your pocket park up here. To get sewerage and drainage to this, we had to extend that sewer line to here – and I will show you that in a minute – and also to extend the common drainage line through to be able to service a small section of – to the future blocks there. These two blocks here. And  
25 you notice from the contours that those two blocks fall backwards down this way. So we had to make sure we had a common drainage line available for that. So these were all done in a gigantic rush to get it all through, because we were well under construction, as you would imagine, when this bombshell came back to us.

MR O’CONNOR: And what was the date of that, Peter?

30

MR LEAN: March the 1<sup>st</sup> two thousand – sorry. The original was February the 13<sup>th</sup> 2017.

MR O’CONNOR: 2017. Okay.

35

MS A. JELFS: Was that in an email to yourself?

MR LEAN: That is in an email to – in actual fact, it was to Graham Beasley, our consultant on the site at that time.

40

MS JELFS: Because we’ve got a series of email that are online on the Department’s website, but I don’t think that that one is. So it might be useful for the commissioners to have a copy of that if you could send me one or - - -

45          MR LEAN: Do you want me to table - - -

MR O’CONNOR: Yes.

MR CHEONG: You want to table that? Yes.

MR LEAN: I'm happy to table all these.

5 MS JELFS: I guess it's just useful background, I guess.

MR LEAN: That's fine. We've - - -

MS JELFS: Great.

10 MR LEAN: We've got - - -

MS JELFS: Thank you.

15 MR LEAN: - - - copies of them. And the – at the same time, on March the 1<sup>st</sup> – on Wednesday, March the 1<sup>st</sup>, we got the second email from Council, saying that the southern reserve could be returned to residential lots, and they wanted the old quarry filled in. And that was okay. We did all that. So we did all that we were required to do under the – now, do you want to - - -

20 MS JELFS: Yes. That's okay. I've actually - - -

MR LEAN: - - - table that one as well?

25 MS JELFS: Yes. I've just located – that is on the inside for the – we do have the 13<sup>th</sup> of Feb. That is on - - -

MR LEAN: Okay.

30 MS JELFS: - - - the Department's website. So I apologise.

MR LEAN: Good. Good. Good. So - - -

MS JELFS: Yes.

35 MR LEAN: I'm not dreaming it. We then had a meeting with Council, and at that stage I understand that a few other members of the staff started to get involved, and they certainly were then starting to rubbish the idea of the – and I might add there's a copy of the plan for the croquet courts, which we knew we could do, and they also

40 wanted us to embellish the central – the northern reserve, and so we drew up some quick plans for that as well.

MR CHEONG: Yes.

45 MR LEAN: So all this was done in good faith. Anyway. It was then put to the Department. We put ..... application in to the Department of Planning - - -

MR O'CONNOR: And all hell broke loose.

MR LEAN: All hell broke loose. Well, we had – hell broke loose in the original development when we were going for the rezoning. So it was – to my mind, it was expected. But no. That's what Council was wanting. So we withdrew the application for two reserves. And Council was not wanting this reserve, the southern reserve, so we agreed to go along with that. And they didn't want the play equipment. I note that in the proposed consent you – well, you gave us a bit of latitude by saying that – yes – you still like the playing equipment but not necessarily there ..... within Council. And it's logical when you do visit the site – you can see why they're saying that. I presume because, quite frankly, the playing equipment down on the reserve that is a nice reserve – one little swing and it's – so I think we could do better than that.

MR CHEONG: Yes.

MR LEAN: And we're happy to do that because we've – to get this stage through to – subdivision through Council, we had to bond the playing equipment and bond the traffic calming device, which we will come to. Another drama. And that bond is still there. And Council also has stated that they will not sign any more stages to this development until this matter is resolved, which I found was a bit tough, because they were the ones that caused this in the first place. But anyway. We've now almost completed stage 4, so you can imagine we're getting rather anxious to get this matter resolved one way or the other. You've got, I think, all the plans. I might just – unless there's any questions on where we've got to on this issue, we do have – when you do visit the site, we do have a problem. This is the old quarry in here. It's an old silicon quarry.

MR CHEONG: So the quarry is here.

MR O'CONNOR: Yes. We were told it was somewhere else, and from the aerial photographs, we couldn't believe it was somewhere else. So I'm glad you've pointed it out, Peter.

MR LEAN: No. It's here. I used to go - - -

MR O'CONNOR: A silica quarry?

MR LEAN: A silicon quarry. When we developed this bit in here, we were getting silicon rocks probably the size of – well, it was the size of a dozer, because the dozer could only just push it out. And we eventually had to break all them up and cut them. They're so hard. They're an extremely hard rock. I don't know whether you've - - -

MR CHEONG: Yes. Yes.

MR LEAN: - - - ever struck silicon before, but it is a very hard rock. Anyway.  
That was the old silicon quarry. Unfortunately, there's a huge quarry across the –  
they used to have a tramway across the Narrawallee inlet which went across to a very  
large silicon quarry further north, and they used to bring the rock down on a tramway  
5 and take it out to Bannister Head and load it on to ships out at Bannister Head.

MR O'CONNOR: Right.

MR LEAN: And some of the old railway is still there. Anyway. That's silicon, just  
10 to give you a bit of history of this area.

MR O'CONNOR: So it's years since this old quarry has been worked or whatever?

MR LEAN: Years and years.  
15

MR O'CONNOR: Yes.

MR LEAN: I think they stopped before the war. And certainly the army blew up  
the little bridge across the Narrawallee inlet just after the war. I'm coming to the –  
20 unless there's questions?

MR O'CONNOR: No. Keep going.

MR CHEONG: Keep going. Yes.  
25

MR LEAN: Just one matter before we go. This area was all cleared, but this area in  
here, as you can see from the aerials, is overgrown. It's pretty hard to find, but there  
is a dam in here, and until we actually clear stage 7, we're not really going to be able  
to find it and work out exactly how we can solve the issues, but we will.  
30

MR O'CONNOR: Yes.

MR LEAN: This area in here is just all – is cleared. There's a lovely, lovely  
walkway through here, and I'm hoping that Council will let us let that be kept,  
35 because it is quite good. We come to the LATM device. We've got no – the original  
request from Council was that it was to be near – between – where was it? I can't  
remember now. And I haven't got an overall map.

MR CHEONG: ..... between - - -  
40

MR LEAN: But it was just past the regional spot, and we asked Council to come up  
with a location for it, because it was just a vague request that it had to be between  
two streets. They went out there and I think ..... sent one of the boys out and couldn't  
find a suitable spot. So they said the best spot for it is further to the north near Blake  
45 Place. Lots 128 to 130, Blake Place. And we said, well, that's not in accordance  
with the consent. So if that's the case, we will have to amend the consent, which is  
why we put that amendment in.

MR O'CONNOR: It's part of it. Yes.

MR LEAN: They then came back and said, "All right. We've come out again and we've had another look and we want it to go down in a spot back in" – and we will  
5 show you that when we get on-site, but it's back in about there, I think.

MR O'CONNOR: Okay.

MR LEAN: And, once again, we bonded that and on 25 May we put the plans to  
10 Council. There's our plan that we had put to Council. Have heard nothing since, despite trying to chase it up. So I don't know what the score is going to be there. So that's my spiel.

MR CHEONG: Right. With the play equipment or the playground, if you have the  
15 six lots being built here, that pocket park is going to be very closed in. So just a couple of questions I have. Do you see there's a possibility of actually opening up a larger – a wider access to give it - - -

MR LEAN: You would lose a lot.  
20

MR CHEONG: - - - more exposure and - - -

MR LEAN: You would lose a lot. That would be the - - -

MR CHEONG: You would lose a lot.  
25

MR LEAN: Yes.

MR CHEONG: Yes.  
30

MR LEAN: Yes.

MR CHEONG: Or – and also being a small area, if you put play equipment there,  
35 it's probably not as safe as if you can probably put play equipment more – in the more exposed location.

MR LEAN: Yes. That's – that would be another alternative.

MR CHEONG: Has the Council already given you a location for the - - -  
40

MR LEAN: No idea.

MR CHEONG: No - - -

MR LEAN: None whatsoever. And I might add that although this is maintained,  
45 it's maintained by all the owners.

MR O'CONNOR: By residents.

MR CHEONG: Yes.

5 MR LEAN: They love it in here. They were very happy when there was bush here.

MR CHEONG: Yes. That's - - -

10 MR LEAN: That was great for them. They – you will find there's – they used to have their little barbecues down there. They're lovely people. I talk to them regularly. And I'm not sure that they were mad keen on the idea of the play equipment there, because the children are going to be - - -

15 MR CHEONG: So would you be able to consider putting the play equipment here at this stage – you're at stage 4 already, and all this ..... have been all subdivided or - - -

MR LEAN: That's all finished.

20 MR CHEONG: All finished.

MR LEAN: We've finished all of that down to here.

MR CHEONG: All that.

25

MR LEAN: And that is all finished now.

MR CHEONG: Right.

30 MR LEAN: So we've got stage 6 and stage 7 to go.

MR CHEONG: Right. So you can immediately put the upgrade and put the – you're happy to take that there and put the play equipment in that area?

35 MR LEAN: That is a possibility. Yes.

MR CHEONG: Yes.

40 MS JELFS: Well, condition B8 allows for that flexibility because it says:

*...plans detailing upgrades to the children's play facilities in the open space reserve adjacent to the southern boundary, ie, the pocket park, or in an alternate location as agreed by Council.*

45 So it would just have to be something that would have to be agreed in terms of, you know, relocating from - - -



MR LEAN: I think that's - - -

MS JELFS: - - - the pocket park into the reserve.

5 MR LEAN: That's something we really need to chase Council on. But having had  
the experience that I've been going through over the last couple of years, goodness  
knows when we will get a decision on where that may go. But honestly my  
preference would be to put it back with the other play equipment and make it a  
10 decent area of play equipment back on Leo Drive. But, you know, that's - I've got  
nothing to do with it. I'm happy to do whatever Council or the Department wants or  
the Commission wants.

MR O'CONNOR: So when you say your preference, can you just point to where  
you would like to see it go.

15

MR LEAN: Have we got it - no. No. No. I think I might need to go to your  
overall map here - - -

MR O'CONNOR: Larger map. Okay.

20

MR LEAN: - - - if I could. I haven't got a map of the - - -

MS JELFS: We've got this one, which is - it sort of shows - it's a bit blurry, but  
you might be able to just point out where that is in a roundabout location.

25

MR LEAN: There's a playground. This is Leo Drive here, and there's a playground  
there. That playground there.

MR O'CONNOR: Really? Okay.

30

MR LEAN: And that's a large playground that Council likes because they can  
maintain it - - -

MR O'CONNOR: Yes.

35

MR LEAN: - - - which has one swing on it.

MR O'CONNOR: Right.

40

MS JELFS: Right.

MR LEAN: One only.

MR O'CONNOR: That's the one you're referring to.

45

MR LEAN: Yes.

MR O'CONNOR: Okay.

MR LEAN: And you will see that when you drive down Leo Drive. It's a very, very bare, poor playing area, in my opinion.

5 MS JELFS: How far is that from the site? What sort of - - -

MR LEAN: You can see that it's probably only - - -

10 MS JELFS: In metres.

MR LEAN: Probably - - -

MS JELFS: Kilometre.

15 MR LEAN: - - - about 400 metres.

MS JELFS: Okay. And currently - - -

20 MR LEAN: I don't think it would be that - - -

MS JELFS: - - - what is this – what's in here? What's that used for?

MR LEAN: That's purely reserve.

25 MS JELFS: It's just reserve. Right.

MR LEAN: They just maintained it.

30 MS JELFS: Okay.

MR LEAN: It's a maintained reserve.

MR CHEONG: And you've got one swing as well. Yes.

35 MR LEAN: This has got nothing in it.

MS JELFS: No. That has got nothing.

40 MR LEAN: I'm sorry. There is. A lovely little swing on a tree, a rope swing. Yes. It's great. The kids have put it up obviously, and they - - -

MS JELFS: But is that area quite concealed? Because when you look at how you would actually access that, it would end up being quite a concealed space.

45 MR O'CONNOR: It's just treated as a bit of - - -

MR LEAN: Well, it is.

MR O'CONNOR: - - - private open space for all the neighbours, I think.

5 MS JELFS: ..... yes.

MR LEAN: There's an access here. There's another access down in here.

MR O'CONNOR: Yes.

10 MR LEAN: And we – the Council asked that we put an access in there. But it's not really the good spot for playing equipment. I agree with you. If you're going to have play equipment in here, you would certainly want to open it up a bit more and make sure it's accessible. But it wouldn't be – as I said, it wouldn't be my choice.

15 MR CHEONG: What are the fencing around here?

MR LEAN: It's all fenced.

20 MR CHEONG: It's all fenced.

MR LEAN: Yes. And - - -

MR CHEONG: 1500? Five feet?

25 MR O'CONNOR: Timber fences or - - -

MR LEAN: Just timber fences.

30 MR O'CONNOR: Yes. Normal.

MR LEAN: Metal deck.

MR CHEONG: So not very attractive sort of - - -

35 MR LEAN: No. No.

MR CHEONG: Okay.

40 MR LEAN: And they're all different types of fences, too. There's some that are metal and some timber and some not at all. So it's a real mixture.

MR O'CONNOR: Yes.

45 MR CHEONG: So I will put a question to you again. Would you be happy to actually open that up - - -

MR LEAN: That's up to the Commission. Remembering we didn't have this in the first place. This is – Council brought this back. So - - -

5 MR CHEONG: Yes.

MS JELFS: The original modification was proposing quite a number of additional lots.

10 MR O'CONNOR: It was all Council's suggestion by the sound of it.

MR LEAN: Yes. Yes.

MR CHEONG: Yes. You will make this a lot safer and more attractive .....

15 MR O'CONNOR: And, Peter, you said earlier that the Council said you can't do any more stages until this current modification is resolved, but it sounds like you've almost completed it, have you? You've only got stages 7 and 8 to go.

MR LEAN: This is all completely cleared. That's not cleared yet.

20 MR O'CONNOR: Okay.

MR CHEONG: So this is - - -

25 MR LEAN: I'm sorry. It's cleared up to about there because we have to have a 40 metre buffer for - - -

MR O'CONNOR: Yes. For APZs.

30 MR LEAN: - - - bushfire. And we will have to if this goes – it's stage 8 anyhow. So we will have cleared this before - - -

MR O'CONNOR: Yes.

35 MR LEAN: - - - we do that.

MR O'CONNOR: So all this is done.

MR LEAN: Yes. We will be able to drive you right around it.

40 MR O'CONNOR: Yes. Yes. No.

MR LEAN: We're building the ponds down in here at the moment, because this being Garrad's – I might add we gave all this land, 60 hectares - - -

45 MR O'CONNOR: I know. And I've read all the history of that.

- MR LEAN: Yes ..... I tell you. Anyway. That's past history. We're happy with what we got. But we've put in ponds down in here with walls four metres high, and you can imagine against the reserve. And the whole idea is on the bottom side there's just a gabion wall to let the water seep through.
- 5 MR O'CONNOR: Flow out.
- MR LEAN: And then there's another huge one they're about to construction. You will see it when you get on-site. And there's another 170 metre long one through there which is taking all the drainage, and that's seeping out back again once into Garrad's - - -
- 10 MR O'CONNOR: Good.
- 15 MR LEAN: Garrad's Reserve. Garrad's Reserve is a lovely spot. It's - - -
- MR O'CONNOR: And what about houses? There has been an uptake in terms of building houses or - - -
- 20 MR LEAN: Yes. Houses are probably about 60 per cent finished - - -
- MR O'CONNOR: Okay.
- MR CHEONG: All right.
- 25 MR LEAN: - - - in here.
- MR O'CONNOR: Yes.
- 30 MR CHEONG: There was some question about a stormwater problem.
- MR LEAN: Yes. I wondered about that, because when you look at your contours, we had to take that into account when we developed this, because that's all falling that way. So this area all falls into the street and so it's taken into account anyhow.
- 35 So the only extra stormwater – well, it's not stormwater – it's house water has had to be picked up and we had to make sure we picked it up for this corner in here, these two lots.
- MR O'CONNOR: So it's to get the inter-allotment drainage going.
- 40 MR LEAN: Yes. Yes. That's all.
- MR O'CONNOR: Yes.
- 45 MR LEAN: We had to – another one of the issues, because the grade wasn't right through here, so we had rip them all up and put them down again. So it has been a very expensive little exercise sorting this out.

MR O'CONNOR: Have the lots been selling well when you do bring them to the market?

5 MR LEAN: They have – they've sold very well up until June last year, and then with the Banking Royal Commission, it's as though someone has turned the tap off.

MR O'CONNOR: Right.

10 MR LEAN: That's not quite fair, because we really haven't had lots on the market either.

MR O'CONNOR: Yes.

15 MR LEAN: We're only just putting stage 5 on the market I think Saturday. So – this coming Saturday.

MR O'CONNOR: Okay.

20 MR LEAN: I wanted it to be after the election.

MR CHEONG: Yes.

MR LEAN: I presume that's recorded, too. I better be careful what I say.

25 MR O'CONNOR: No. You didn't mention any political party. That's fine.

MR CHEONG: So we have clarified the quarry location. That's good. Any other question you had?

30 MR O'CONNOR: No. No. I think Peter has been very good at explaining how we got into this mess and - - -

MR LEAN: I'm glad you said that.

35 MR O'CONNOR: - - - some of the ways we can see to get out of it.

MR CHEONG: No other questions?

40 MR O'CONNOR: No. Thank you for your time, Peter.

MR CHEONG: Thank you.

MR LEAN: Absolutely.

45 MR CHEONG: I declare the meeting closed.

**RECORDING CONCLUDED**

**[11.20 am]**