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TRANSCRIPT OF PROCEEDINGS

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INDEPENDENT PLANNING COMMISSION

MEETING WITH DEPARTMENT OF PLANNING AND ENVIRONMENT

RE: NARRAWALLEE RESIDENTIAL SUBDIVISION MODIFICATION 3

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

ASSISTING PANEL: **ALANA JELFS**

**DEPARTMENT OF
PLANNING AND
ENVIRONMENT:** **ANTHONY WITHERDIN**
LAWREN DRUMMOND

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

DATE: **10.05 AM, WEDNESDAY, 20 MARCH 2019**

MR S. CHEONG: Good morning and welcome. 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
5 modify the project approval for the Narrawallee residential subdivision to convert the southern open space reserve to six residential lots, increasing the total number of the residential lots from 166 to 172, clarify the location of the second traffic management device required within Leo Drive and to delete the requirement to provide a sewage pumping station within stage 4 and to undertake administrative
10 modifications to the conditions of 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; and - - -

MS A. JELFS: Alana Jelfs.
15

MR CHEONG: - - - Alana Jelfs, our senior planning officer from the Secretariat; and Anthony Witherdin, director of Modification Assessment of the Department of Planning and Environment; Lawren Drummond, planning officer of Modification Assessment of the Department of Planning and Environment. In the interests of
20 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.

This meeting is one part of the Commission's decision-making process. It is taking
25 place at the preliminary stage of 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
30 information in writing, which we will then put up on our website. We will now begin. Perhaps it would be useful if you could take us through the brief history, background of your proposal and key issues that arose from the modification.

MR A. WITHERDIN: Sure. Thank you. So as a way of a background to this
35 proposal, as shown in figure 1 of the Department's assessment report, Narrawallee sits directly to the north of Mollymook, and that's about 50 kilometres south of Nowra. The site has an area of 21 hectares, and it adjoins the western side of the existing township of Narrawallee. Further to the west of the site is Garrad Reserve. Now, strategic planning for the expansion of Narrawallee commenced in the mid-
40 90s, and in 2003 the site was rezoned for residential development. As a part of that rezoning, a large portion of land further to the west of the site was rezoned to environmental protection, and that land was dedicated to Council to offset the impacts of developing the subject site for residential development.

45 Following that strategic planning process, in 2006, the then Minister for Planning approved a master plan for the redevelopment of that site, and that approved 163

residential lots, two bushland reserves and an open space. Following the master plan approval, in 2008, the then Minister for Planning approved a project application and it approved the subdivision of that site into 166 lots with two bushland reserves and an open space area and all the supporting infrastructure to support the redevelopment of this site. The proposal was modified two times. The first MOD changed the timing of construction certificates, and then the second modification approved some infrastructure to be counted as works in kind. Now, in terms of the original modification, the original proposal sought to increase the lots approved on this site from 166 to 188. That's 22 additional lots. It also sought to delete the southern open space reserve, reduce - - -

MR CHEONG: That's MOD 3 you're talking about.

MR WITHERDIN: This is the current MOD 3. Yes. Reduce the central open space essentially by halving that area and creating 12 additional lots across that side and converting the northern bushland reserve into open space and creating two additional lots across that. It also sought to remove, as you mentioned earlier, the traffic device along Leo Drive, delete the requirements for vegetation management plans and delete the requirement for a sewer pumping station. We notified that proposal, and it attracted around 40 public submissions in total. And key issues that were raised during that notification period was the reduction in open space and the reduction in the bushland reserves. Concerns were also raised about traffic and the removal of the traffic calming device from Leo Drive, and concerns were also raised about stormwater impacts and bushfire impacts.

In response to those concerns, the proponent reduced the number of additional lots to be created on that site from 22 down to six lots, and as a result of that modification, they reinstated the central bushland reserve as was originally approved and the northern bushland reserve. They also sought to reinstate the traffic calming device on Leo Drive but in an alternative location. And they also clarified the APZs and other bushfire management requirements for the site. In terms of the key issues, in summary, the key issues associated with this proposal are the additional lots and the loss of the southern open space reserve, traffic impacts, stormwater, bushfire impacts, Aboriginal heritage and the rehabilitation of the central open space – bushland reserve.

MR CHEONG: When you said the loss of central – of southern, you mean it's actually the central - - -

MR WITHERDIN: No. So it's the one right on the southern boundary.

MR CHEONG: This one?

MR WITHERDIN: Yes.

45

MR CHEONG: Yes.

MR WITHERDIN: If you go - - -

MR CHEONG: Because you mentioned earlier that the earlier application only had two reserves. Isn't it three, in fact?

5 MR WITHERDIN: So, look, it's two bushland reserves and an open space.

MR CHEONG: And an open space.

10 MR WITHERDIN: Yes.

MR CHEONG: Okay.

MR WITHERDIN: Yes. I think figure 6 probably shows the areas that we're

15 talking about most clearly. And we've labelled it up, so you can see along that southern boundary. And this was the original proposal that sought to convert that area into six lots. And then there's the central open space which they originally sought to halve. And then there's the northern bushland reserve that they sought to

20 change it from a bushland reserve to open space.

MS JELFS: So can I just check that the creation of – it says creation of two residential lots. Is that supposed to be four in terms of - - -

MR CHEONG: To make up the number.

25 MS JELFS: - - - what they were previously proposing? Just because the 12 plus six plus - - -

MR WITHERDIN: It looks like four. I would have to double-check, because I

30 know in the - - -

MR CHEONG: If it's only two, it doesn't add up.

MS JELFS: Doesn't add up to the 22. But – yes. We can check that. We will

35 check it later. I just - - -

MR WITHERDIN: It's just that I note that there's very large residential lots that were approved beside that bushland open space. So it might just be two overall, but we can double-check that - - -

40 MS JELFS: Okay. Yes.

MR WITHERDIN: - - - because it does look like four. But I think in the overall number it might be just an increase in two, but we can check.

45 MS JELFS: All right. Thanks.

MR WITHERDIN: So that, in summary, was the key issues associated with the proposal. In terms of the Department's assessment of those issues, the Department considers the addition of six lots for this site is relatively minor, and we assessed the potential impacts associated with those six lots, and we found that there would be no significant impacts in terms of stormwater, traffic generation or biodiversity impacts.

One of the key issues associated with those six lots is the loss of open space along that southern boundary to the site. The Department considered the conversion of that open space to six additional residential lots was acceptable in this instance because it was, firstly, supported by Council and it was consistent with Council's strategic plan, which suggests that there's an oversupply of public open space in this area. And to balance the loss of the open space – and the Department always considers open space is very important for new residential developments – we've sought to impose a condition which would require the upgrade of the existing pocket park directly adjacent to that southern boundary of the site to provide for additional play equipment to compensate for the loss of that open space.

MR S. O'CONNOR: Do you know how well-embellished that open space is at the moment?

MR WITHERDIN: Not in too much detail, but the original approval had a condition which sought to integrate the open space - - -

MR O'CONNOR: Yes. Yes. I've seen those plans.

MR WITHERDIN: - - - on the subject site with the one next door.

MR O'CONNOR: Yes.

MR WITHERDIN: And so we think it would be a good outcome to basically update all the play equipment in that area. But just in case it was the fact that Council was satisfied with the level of play equipment in that open space area, we've provided some flexibility in the condition that would allow for Council to require the upgrade of an alternative open space within that local area.

MR CHEONG: Just to clarify that the condition 7 – no – I mean the condition whereby you refer to stage 2 and stage 7, stage 2 you have put the condition to embellishment, including provision of child play area and landscaping of the southern open space reserve, to be dedicated to Council. That is the open space which is now deleted because they're converting that into six lots. Right?

MR WITHERDIN: Yes.

MR CHEONG: And in stage 7, it says here "completion" – down towards the bottom of the bullet point "completion of southern vegetated reserve and dedicate it to Council". Does that mean central, not southern?

MR WITHERDIN: Look, I think we will – we can – we will take that on notice, but that might be an oversight and it might need to be deleted because that southern reserve is no longer going to be dedicated to Council for open space. That might be redundant.

5

MR CHEONG: If that is redundant and if it's not meant to be central, there is no reference to when the completion of central reserve is to be dedicated to Council in the staging plan.

10 MR WITHERDIN: I will take that on notice. I think there's another condition potentially that deals with the timing of that, but I will take that on notice and confirm the timing of that dedication of that central open space to Council.

15 MR CHEONG: In consideration of the upgrading of the existing public reserve, have you taken account of the safety factors, you know, the lack of exposure to open public road? Because by the time when this subdivision is effected, you have a very closed in or fenced in area which could be potentially very unsafe. There's a lack of surveillance.

20 MR WITHERDIN: Yes. We did consider that. A couple of things there. So the pocket park further to the south, it's an existing play space. And in some instances, not being next to a road provides some level of safety. The kids can't easily wander onto the road and things like that. So it provides that sort of protected area. You do raise an important point about surveillance.

25

MR CHEONG: Yes. Because the access into that pocket park is via a fairly narrow, long passage – corridor, and from the Seaspray Street and also from the new road – or proposed road, the pathway is also a very long and narrow corridor into the area. It seems to me quite unsafe to get to that park besides being – the park itself being closed in.

30

MS JELFS: The potential for concealment I think is what you're – if there's - - -

35 MR CHEONG: Yes. Because originally having an open space in that proposed six lot area, you would have fairly open exposure to the road, which would make it a lot more attractive, safer - - -

40 MR WITHERDIN: Yes. Yes. Yes. So, look, I would expect younger kids would be accompanied by adults. I think there's three accesses into the site in total.

40

MR CHEONG: Where's the - - -

MR O'CONNOR: Down here, you've got figure 11.

45 MR CHEONG: Yes.

MR O'CONNOR: It shows another two access points. But always convoluted - - -

MR CHEONG: a long way. Yes.

MR O'CONNOR: Yes.

5 MR WITHERDIN: And it is currently a bit compromised in terms of surveillance.

MR CHEONG: Yes.

10 MR WITHERDIN: But, look, in terms of the overall picture of where Council is going with their open space in consideration that they've got a surplus at the moment, we think that retaining that space as is and the conversion of those six lots will be acceptable in this instance.

15 MR CHEONG: What is your opinion if you were to actually open up the accessway to the existing pocket park by, say, taking away one of the lots and creating a better accessible corridor into that park?

MR WITHERDIN: Yes. I think it would improve the access into that site.

20 MR CHEONG: And also the exposure.

MR WITHERDIN: Yes. I'm not sure how much it would improve the surveillance of that open space area, though. But it would have some benefits in terms of access.

25 MR CHEONG: Yes.

MR WITHERDIN: Yes.

MR CHEONG: It would give a better visual connection to the road.

30

MR WITHERDIN: To the street. Yes.

MR CHEONG: Yes.

35 MS JELFS: But you've still got – it's still set back from that roadway anyway. So – yes. I think I see what you're saying there.

MR CHEONG: How wide would that lot be? That's, for example, 803.

40 MR WITHERDIN: 803.

MR CHEONG: It looks like probably about 20 metres.

45 MR WITHERDIN: I would – I think you would be correct. It does – I can't actually - - -

MR CHEONG: There's a scale roughly.

MR WITHERDIN: The plans haven't come out that well.

MR CHEONG: Yes.

5 MR WITHERDIN: We could confirm that with you, though.

MR CHEONG: If you look at the scale, it probably - - -

MR WITHERDIN: Yes. Can I just grab that?

10 MR CHEONG: Probably 20, 25 metres, which is quite substantial.

MR WITHERDIN: It's 16 metres.

15 MS L. DRUMMOND: 16.

MR CHEONG: Yes.

MR WITHERDIN: Yes. So 804 is 16, and 803 I think it varies but it would be

20 around 16 metres.

MS DRUMMOND: 16.

MR WITHERDIN: And the pathway - - -

25 MR CHEONG: So 16 plus the path or the - - -

MR WITHERDIN: - - - is four metres.

30 MR CHEONG: Three metres. So you get about 20 metres.

MR WITHERDIN: The next key issue that the Department assessed was traffic.

MR CHEONG: Yes.

35 MR WITHERDIN: And, essentially, the Department's assessment found that the traffic generated by a minor increase in lots, six additional lots, it wouldn't result in any significant increase in traffic generation. And we also note that the original proposal considered – original traffic reports submitted considered a 192 lot

40 subdivision in this space, and it also found that traffic impacts would be acceptable for 192 lots. So in that regard, we were satisfied that the increase in six lots would be acceptable from a traffic perspective. And the reinstatement of the traffic calming device to an alternative location in Leo Drive was considered to be acceptable as well. And Council agreed with the relocated traffic calming device.

45 MR CHEONG: Just for our information, where is the second traffic calming – I think you've got it on the very small plan somewhere.

MR WITHERDIN: Yes. What we can do is we can send another plan and we will clearly indicate exactly on that plan where the original was required - - -

MR CHEONG: Yes. Okay.

5 MR WITHERDIN: - - - and where it was proposed.

MR CHEONG: Page 34.

10 MR WITHERDIN: Page 34.

MR CHEONG: I think it's simply asserted to be in between Blake Place and - - -

MR WITHERDIN: Yes.

15 MR CHEONG: - - - Aries Place. Sorry.

MR O'CONNOR: You're right.

20 MR WITHERDIN: Yes. So we've got it there in that figure 12.

MR CHEONG: Okay. I think that should - - -

MR WITHERDIN: So the next issue that people raised a concern about was stormwater and in particular the capacity of the existing system. And we inquired with the proponent whether or not upgrade works had been done to the existing stormwater – to the stormwater system, and they had confirmed that it was upgraded in accordance with the approval. We referred this matter to Council as well, and Council advised that the system had capacity for the six additional lots. However,

25 30 we recognised the concerns that the community raised around stormwater and some potential localised flooding that was potentially occurring in and around that area.

So, as a result, we've imposed a condition requiring the proponent to verify that the system is working adequately and can accommodate the six additional lots. If it's found that the system has got any deficiencies, the condition would require upgrade works to be done to rectify those issues. In terms of bushfire impacts, the Department worked with RFS to develop a suite of conditions to manage potential bushfire impacts associated with the proposal, and importantly we retained the requirement for a fire trail to be provided through lots 715 and 712 just to provide further and improved access in case there was an emergency until the loop road, which was Seaspray Street, is extended all the way through.

35 40

MR O'CONNOR: Could you just explain how that works? So there's going to be presumably lots developed stages 1, 2. This is stage 8, though, and then this is stage 45 7. And I'm just not quite sure what's intended to be achieved by having that as a super lot. Does it provide a better means of egress in case of fire or just - - -

MR WITHERDIN: Yes. So retaining it as a super lot means that it can be retained in one ownership and that fire trail can be created across that lot until such time as that loop road of Seaspray Street is fully connected across.

5 MR O'CONNOR: And so the fire trail is protecting these lots, is it?

MR WITHERDIN: Yes. So it's all to do with how the development is staged - - -

MR O'CONNOR: Yes. Yes. I understand.

10 MR WITHERDIN: - - - and how clearing is - - -

MR O'CONNOR: That's the purpose.

15 MR WITHERDIN: - - - undertaken across the site. And so as that happens, you will need temporary APZs and improved access whilst that development rolls out. And that fire trail will just provide access until those – certain staging is met and that full infrastructure is provided. And so once that road is connected, those two lots, 715 and 712, can be subdivided in accordance with the lots shown on those plans, and then they can be developed later.

20 MR O'CONNOR: So - - -

MR WITHERDIN: But it's to provide for that access.

25 MR O'CONNOR: What stage does this – is it this road access we're talking about that needs to be in - - -

MR WITHERDIN: Connected. Yes.

30 MR O'CONNOR: - - - to do away with the super lot?

MR WITHERDIN: Yes.

35 MR O'CONNOR: And the temporary fire trail. And that's taking – or that's due to be constructed as part of stage 7, is it?

MR WITHERDIN: I believe so. Yes. We can double-check on that, though.

40 MR O'CONNOR: Yes. I understand the concept of temporary APZs while subdivisions are being staged. I just couldn't quite work out how it effectively achieves that goal.

MR WITHERDIN: That's okay. I will take that on notice.

45 MR O'CONNOR: Okay.

MR WITHERDIN: And we can expand on - - -

MR O'CONNOR: Thanks.

5 MR WITHERDIN: On that. And then the next issue we looked at was Aboriginal heritage. And OEH raised a few points in terms of Aboriginal heritage. There was a few administrative matters that OEH raised regarding some of the existing conditions in the consent. And OEH asked the Department to clarify whether the Ulladulla
10 Local Aboriginal Land Council representatives may collect or rebury Aboriginal objects on part of the site. And the Department has corrected one of the administrative issues in one of the conditions, but on review of the conditions that are already imposed on the approval, the Department considers that the existing conditions are satisfactory and appropriately address all the Aboriginal heritage issues on the site.

15 And in terms of a question OEH raised about the collection of Aboriginal objects from the site, the Department notes that the existing condition term D18 of the approval requires – it required a – it basically requires a separate approval to be gained to salvage and collect Aboriginal heritage objects, and that was per a
20 recommendation of the archaeological assessment prepared to support that original approval, and the Department thinks that that would be an acceptable arrangement in its current form.

25 And then the final issue was just clarifying the rehabilitation of the old quarry works within the central bushland reserve. The Department is satisfied that that bushland reserve needs to be rehabilitated before Council would accept the dedication of that land. But to make it more clear or abundantly clear that that rehabilitation works needs to be done before it's dedicated to Council, we've imposed a new condition, and it essentially requires a rehabilitation plan to be prepared and that the
30 rehabilitation work is to be undertaken in accordance with that plan.

MR O'CONNOR: Can you point out where the quarry is? Because when we look at the aerial photograph, we fail to really identify where that quarry is.

35 MR WITHERDIN: I will just have a look at the figures in the report.

MR O'CONNOR: Yes.

40 MR WITHERDIN: My understanding is in this portion of the site but what we can do is we can clarify that with you and show you exactly where that is. So I will take that on notice, and we will clarify exactly where that is.

MR O'CONNOR: And it's still an operating quarry, is it?

45 MR WITHERDIN: It's a disused quarry. Yes.

MR O'CONNOR: Disused.

MR WITHERDIN: Yes.

MR CHEONG: So it is the northern part - - -

5 MR WITHERDIN: I believe it's in the northern part but we will double-check and we will confirm. Yes. So in summary, the Department's assessment found that six additional lots can be supported on this site. We think it's important that the open space on the adjoining site be upgrading to compensate for the loss of the open space within the subject site. The proposal won't generate any significant additional
10 impacts with regards to biodiversity impacts or stormwater impacts or bushfire. The retention of the central and the northern bushland reserves is a good outcome. And overall the Department considers the proposal to be acceptable.

MR CHEONG: One other question I have regarding the sewer pump. I think in an
15 email on May 2018, the Council commented on condition B23, which is to be deleted because it's no longer required, but it says:

The final stage 4 plan sewer construction plans have not yet been approved and are under review.

20 So we just want to clarify, since then, it has been satisfied that the sewer capacity is capable of supporting the subdivision without - - -

MR WITHERDIN: Yes.

25 MR CHEONG: - - - the pumping station?

MR WITHERDIN: I would have to double-check the dates of the advice, but the latest advice we got from Council in the RtS was that the deletion of that condition
30 B23 was supported from their perspective as it was no longer required. So that was the latest advice that I got from Council on that matter. Yes. Sorry. What was the date of that email?

MR CHEONG: 22 May 2018.

35 MR O'CONNOR: And I've just got a couple of questions. One is whether a VPA exists. I note the condition talks about the contributions or a VPA. So you're not aware of any VPA that's in place?

40 MS JELFS: With condition E27.

MR O'CONNOR: Yes. There's no mention of it in your report, so I assumed there wasn't, but - - -

45 MR WITHERDIN: I will take that on notice and - - -

MR O'CONNOR: Okay.

MR WITHERDIN: - - - have a look.

MR O'CONNOR: And the second question is about the statement of commitments. The original approval talked about a statement of commitments dated 2008. Is that
5 still the current statement of commitments or was there any offer to upgrade or amend those as part of this modification?

MR WITHERDIN: I will also confirm that with you as well.

10 MR O'CONNOR: Thanks. Yes. Thank you. The condition number – let me see if we can find it. It relates to the bushfire - - -

MR CHEONG: Attack levels.

15 MR O'CONNOR: - - - attack levels.

MS JELFS: B21A. B21A.

MR O'CONNOR: B. Thanks.
20

MR CHEONG: Yes.

MR O'CONNOR: Yes. That condition talks about these future six lots potentially in stage 8, the dwellings having to achieve a maximum BAL of 29. My
25 understanding of the way the Bushfire Attack Levels are rated, that should be minimum BAL, because it's indicating it can't be any higher than that. I would have thought the word should be "minimum", because that's the minimum that has to be achieved, because you could achieve – yes – you could – and further down the page – thanks, Alana – demonstrating that no greater than 29 BAL is achieved. Well, you
30 could do nothing and demonstrate you haven't achieved any greater than 29.

MR CHEONG: On page 9. Page 9.

MS JELFS: It's on page 9. Yes.
35

MR WITHERDIN: Page 9. And so - - -

MR O'CONNOR: Yes. So normally you would expect conditions to satisfy the minimum bushfire standards that have to be achieved.
40

MR WITHERDIN: Yes.

MR O'CONNOR: And this is specifying maximum.

45 MR WITHERDIN: Yes. So in that regard, the best practice for bushfire protection, we don't typically want to see new dwellings on sites exceed BAL 29. So there's – the next step on BAL 29 is BAL 40 and then it goes to flame zone. And I think –

and I can get some further advice on this, but we want those houses to achieve at least – or no more than a BAL 29. So if we set it as a minimum - - -

MR CHEONG: So you have to do it to BAL 29.

5

MR WITHERDIN: So we don't want them - - -

MR O'CONNOR: I presume you don't want them to achieve less than BAL 29.

10 MR WITHERDIN: Yes. Yes. So we want them to achieve BAL 29 and less. We don't want them to go over.

MS JELFS: So it's expressed as a maximum rather than a - - -

15 MR WITHERDIN: That's right.

MR O'CONNOR: And why is that?

MR WITHERDIN: Because we – the preference - - -

20

MR O'CONNOR: As you go up, presumably, you provide greater fire protection.

MR WITHERDIN: That's right.

25 MR O'CONNOR: So you're stopping them providing greater protection.

MR WITHERDIN: No. So what it is – it's saying that you must locate your house and have the APZs - - -

30 MR O'CONNOR: APZs.

MR WITHERDIN: - - - and everything like that. So they all work in combination so that you can build a house at BAL 29 rather than in an area where you would have to construct to a higher standard of BAL 40. So it's trying to minimise the exposure to the bushfire risk. And so by setting it at BAL 29 you're essentially saying that, you know, the location of the house and what have you has to be – and the APZs all have to work together so that you can build a house at BAL 29 rather than at a higher level.

35

40 MR O'CONNOR: Right. So wouldn't you just delete the word "maximum" then? If that's the intention that the structures that are built, the dwellings, have to achieve BAL 29, you would just say they must achieve BAL 29 full stop. You wouldn't say a maximum, because it implies you can build to a lower standard than BAL 29 and provide less bushfire protection.

45

MR WITHERDIN: Yes. So it's – the condition works with regards to the APZs. So the APZs have to be sufficient to allow the building to be built to BAL 29 and

lower. So if they can achieve lower through that APZ, that's a better outcome. So if you were to – you wouldn't want to specify that it has to achieve BAL 29 exactly. So if they can go lower, it would be acceptable.

5 MS JELFS: So does that make it - - -

MR WITHERDIN: But we don't want the APZs to work - - -

MS JELFS: - - - a minimum of BAL 29, though?

10

MR WITHERDIN: We don't want the APZs to work in the scenario that you would have to build to BAL 40 or a flame zone, because then we would say the APZs aren't sufficient.

15 MR O'CONNOR: Yes. I understand they work together. The construction materials and the APZs are all in sync to provide a certain level of protection.

MR WITHERDIN: So that condition as worded with the word maximum, it just does allow people to build below BAL 29 where the APZs can accommodate
20 buildings at a lower BAL. But we can have a look at that, if you want. I mean, I would have to get some advice from RFS on that - - -

MR O'CONNOR: Yes. Okay.

25 MR WITHERDIN: - - - point, though, because I know they're very – this is a standard requirement pretty much. So I can get some further advice from the - - -

MR O'CONNOR: Okay. Thank you.

30 MR WITHERDIN: - - - RFS on that. Can we just go back to that earlier question about E27 about the VPA. I just wanted to double-check I understood that question.

MR O'CONNOR: Yes. So that condition spells out the contributions that have to be paid. I thought – I can't find it now, but I thought there was a reference to unless
35 a VPA had been negotiated.

MR WITHERDIN: Okay.

MR O'CONNOR: So that's what I was – I had previously seen.
40

MR WITHERDIN: Right. Right. Right. So I was just going to say – yes. So the contributions have been updated to account for the additional lots.

MR O'CONNOR: Yes. Yes. I understand that.
45

MR WITHERDIN: And then – yes. I will double-check for you about the – if there was any VPA entered into for those other infrastructure works and things that may have required a VPA further down in that condition.

5 MR O’CONNOR: Yes.

MS JELFS: I don’t know if we’ve got the previous MOD. This one is the – this is the development notice - - -

10 MR O’CONNOR: The current one.

MS JELFS: - - - for the VPA.

MR O’CONNOR: Right. Okay.

15

MS JELFS: Yes. And that might have been MOD 2 yes.

MR O’CONNOR: Yes. So it’s right at the – towards the bottom of – must be – yes – E27. Top of page 14, it talks about the proponent:

20

...provided that the proponent has entered into a VPA with Council to carry out works in Bishop Drive.

So it gives a certain amount of concessions - - -

25

MR WITHERDIN: Yes.

MR O’CONNOR: - - - provided certain things happen, but its dependent on a VPA, and I just thought if that VPA existed, we could reword that condition so that it makes it clear that that’s available rather than potentially available.

30

MR WITHERDIN: Yes. We will confirm that.

MR O’CONNOR: Okay.

35

MR WITHERDIN: I don’t think there’s a VPA in place with council. I think that those works for Bishop Drive were done as works in kind instead.

MR O’CONNOR: Yes. Yes.

40

MR WITHERDIN: But we can confirm that for you.

MR O’CONNOR: Okay.

45 MR WITHERDIN: Okay.

MS JELFS: Just in terms of access to that open space, the pocket park, so you were talking about three accesses. Is there three or is there two? So I just wanted - - -

5 MR O'CONNOR: There's three.

MS JELFS: So I just wanted to be really clear about it.

MR O'CONNOR: Yes.

10 MS JELFS: So there's that one here.

MR O'CONNOR: Yes.

MS JELFS: And - - -

15 MR O'CONNOR: But I can guess you can come from this way or this way.

MS JELFS: Right. Okay. From that road. Okay. So there is - - -

20 MR O'CONNOR: Yes. So you can come that road, that road. You can come down through this access through from that road. So this will be a fourth access into that pocket park.

MS JELFS: Right. Okay. So this is a new road.

25 MR O'CONNOR: Yes.

MS JELFS: Okay.

30 MR O'CONNOR: I'm assuming all that exists, all that dotted area.

MS JELFS: Yes. Yes. I will have to have a look at the aerial. Okay.

MR O'CONNOR: Yes.

35 MR CHEONG: Any more questions from - - -

MR O'CONNOR: Not from me. No. Thank you.

40 MR CHEONG: No.

MR WITHERDIN: Okay.

MR CHEONG: No further questions. The meeting is closed.

45 MR WITHERDIN: Thank you.

RECORDING CONCLUDED

[10.49 am]