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CITY OF PARRAMATTA COUNCIL

LOCAL PLANNING PANEL

RECORD OF COUNCIL MEETING

PANEL MEMBERS: **MARY-LYNNE TAYLOR**
 JANE FIELDING
 ROBERT HUSSEY
 ANNE SMITH

DATE: **3.36 PM, THURSDAY, 12 DECEMBER 2019**

MS M. L. TAYLOR: Good afternoon, ladies and gentlemen, and welcome to this meeting of the Parramatta – City of Parramatta Local Planning Panel. We've got a very full agenda this afternoon so I will just ask you to help us meet some time deadlines. The panel today are – on my right, is Jane Fielding, expert; Robert
5 Hussey on my left, expert; and Ann Smith is the local representative. My name is Mary Lyn Taylor and I'm the Chair for today. We'll take the matters in this order that I've been given; 85 Victoria Road, 26 Marion Street, 29 Jerome Avenue, 65 Moxhams Road, 21 Derby Street – Derby, Darby – and 33 Thomas Street, and then, finally, the planning proposal. If anyone's got a problem with that, put the hand up
10 and tell me now. Okay, thank you very much. 85 Victoria Road, do I have a list of people who are speaking?

UNIDENTIFIED FEMALE: Yes.

15 UNIDENTIFIED FEMALE: In front of you

UNIDENTIFIED FEMALE: It's on here with the red - - -

UNIDENTIFIED FEMALE: With the red writing.
20

MS TAYLOR: Rightio. Mr Israel, would you like to come forward.

MR ISRAEL: Thank you very much. So I guess – so I'm the architect representing the client for this - - -
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MS TAYLOR: Yes. Understood. Yes.

MR ISRAEL: Really, what - - -

30 MS TAYLOR: A modification application with a recommendation for approval.

MR ISRAEL: Yes. And so we're happy with everything.

MS TAYLOR: Good.
35

MR ISRAEL: One point. So on page 6 it says that the applicant has sought minor relocation of the substation.

MS TAYLOR: Yes.
40

MR ISRAEL: Now, there's a – there's one of those green boxes out in the front. What's happening is that we – in our application, we've shown the new one right next door, being that it's, at the moment, not serving just our site but other sites in the area. So we need to put the new one in, connect that up and then disconnect the
45 old one. Otherwise, the people who are currently benefiting from that substation won't have the power. So that's why we asked to move it slightly.

MS TAYLOR: So you want to move it but you're saying, in fact, you don't really want to move it, you just want to assist people in the interim.

MR ISRAEL: Correct.

5

MS TAYLOR: Right. Because we liked the position that it was in now.

MR ISRAEL: So – but we can't. There's a period of time for the new one to be installed so, otherwise, there's a few days where people are not going to be able to get power. So the normal approach is put the new one – it's almost right next door. So it's almost right next it.

10

MS TAYLOR: Okay.

15 MR ISRAEL: So we put the new one in, have that fully - - -

MS TAYLOR: Yes.

20

MR ISRAEL: - - - working and then we disconnect the old one. So - - -

MR R. HUSSEY: Can you expand the old one? Because it's in a less obtrusive position.

25

MR ISRAEL: So I can go back and we're happy to work the – we're happy to go back and ask for that. Our level 1 provider has suggested this is the best way to do it but we're happy to work with council, work with Endeavour Energy to achieve whatever objective. I'm just explaining why we did it. It makes sense to me.

30

MS TAYLOR: Thanks for the explanation.

MR ISRAEL: No problem.

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MS TAYLOR: We've got no problem with the application. The explanation is interesting and we will take that back and discuss it with the council afterwards and you'll get our result on the website.

MR ISRAEL: Okay. Cool.

40

MS TAYLOR: Thank you, Mr Israel.

MR ISRAEL: Thank you.

45

MS TAYLOR: We'll move on from that application which is a modification which has been recommended for approval by council. Just a little hiccup to do with the substation. I'm now addressing item 26 Marion Street, Parramatta. James Lien, are you here? Okay. If you're running late I'll move onto item number 3 which is a carport at Jerome Avenue, Winston Hills. It's been recommended for approval. Is

there anybody here to speak to that? Anybody here to speak against it? Well, are we in a position to make a decision, panel?

UNIDENTIFIED FEMALE: Yes.

5

MS TAYLOR: Thank you. This is an application for a carport which is found – has been found to be satisfactory in the council town planning report. We agree it should be approved and we so approve for the reasons given in the council report and subject to the conditions that the council has recommended. So now we are at item number 4 which is Moxhams Road, Northmead.

10

MS K. ROBINSON: May we ask your permission to speak in the order that we want to speak, rather than straight off the list? Because we've got – all got different things to say for our

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MS TAYLOR: By all means. Thank you. We've also received a letter in this matter from Mr and Mrs Nixon who are unable to come.

MS ROBINSON: Yes.

20

MS TAYLOR: Outlined – and we've all seen it and read it. And we've been to the site. So, by all means, if you would come on out - - -

MS ROBINSON: Yes.

25

MS TAYLOR: - - - in your own particular order and just tell us who you are as you come.

MR G. MYER: While she's can I ask what time of day you went to the site?

30

MS TAYLOR: Yes.

MR MYER: Morning or afternoon or

35

MS TAYLOR: Middle of the day.

MR MYER: Okay. So when there was no traffic. Okay. Just checking.

MS TAYLOR: Now, what are you giving us?

40

MS ROBINSON: These are the papers to which I'm talking to allow you to not have to open up the proposal.

MS TAYLOR: Is there a copy of what you've given us for the applicant?

45

MS ROBINSON: I think there is.

MS TAYLOR: Okay. Thank you.

MS ROBINSON: Okay. My name's Kimberley Robinson and I live at 20A Whitehaven Road, Northmead.

5

MS TAYLOR: Yes.

MS ROBINSON: Our principal concerns of the whole of Whitehaven are the safety aspects of the building proposed on the corner of 65 Moxham and Whitehaven Road, which is what this first document pertains to. Our safety concerns are to do with pedestrians, walkers, children, parents, etcetera, during our peak times in which you would not have seen if you're in the middle of the day but we have serious incident and accident possibilities. So we have – also have a high bushfire danger happening there at the moment.

15

In my second document I've actually referenced the page numbers within your business papers so I'll talk very quickly to that. First of all, page 161, acoustic and privacy impacts. We don't believe that the measures taken by the developer will reduce the amount of noise. Particularly, when some of the children will be playing on the first floor and the panelling is on two point one metres high. So we believe that there are privacy impacts and acoustic impacts. In page 161 and 187 we talk about the traffic and parking impacts on the proposal. Now, the report actually acknowledges that there will be increased traffic. But, currently, at the moment, one of the other people are going to speak to it, but the numbers are quite excessive. And the traffic congestion, we've got photos to show you, and the dropping off and picking up times are creating large dangers for children, parents, vehicles, we've got trucks going down the road and using it as a rat run. On page a hundred and - - -

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25

30

MS TAYLOR: Down which road?

MS ROBINSON: Mmm?

MS TAYLOR: Down which road?

35

MS ROBINSON: Down Whitehaven. Coming off Moxhams Road.

MS TAYLOR: Whitehaven.

40

MS ROBINSON: On page 161 they don't believe that bushfire risk is high but that survey done by the fire people was done quite some time ago and with the current bushfire crisis and the undergrowth in there, it is very dangerous at the moment. What would happen if it does catch on fire, the children would be at high risk on that corner because, basically, they haven't got a decent emergency evacuation procedure or a place to go to.

45

On page 165 and 179 they talk about the build form and that the architectural style is more contemporary. We are in an area called Sylvia Gardens character area and this

particular building just doesn't fit our area. It's very, very modern. Very sharp, angled lines. We're in weatherboard houses, fibro houses and red brick roof. Also, our big worry for the children under the SEPP on page 170 is the unencumbered indoor space and outdoor space for them to play at three point two-five metres per child. They don't talk about the fact that there's going to be furniture placed in there and it reduces the playing area down quite considerably. There's going to be storage cupboards, tables, chairs, outdoor activities. So they won't have their three point two-five clear space per child.

10 You'll see I've highlighted again emergency evacuation procedure. Now, we have actually approached the council about this because the risk assessment doesn't cover it. The actual business papers don't cover the full evacuation procedure and we're very worried about the children, evacuating them, where will they go to, the children that are three to five will have, maybe, a few staff to look after them. How do you get 20 children out of there when you've only got three people to evacuate them? How do you get outside onto two busy roads to evacuate? There are no plans in place. We're very concerned about – during the demolish - - -

20 MS TAYLOR: I understand that there is an emergency evacuation plan been given to the council?

MS ROBINSON: It has but it's not very detailed. It doesn't say where they're going to go to. They keep saying we'll supply that later. The air quality during demolition, construction and ongoing use, we're quite concerned because we live in the old Whitehaven Quarry area and that sandstone contains silica. When they dig the 16 car basement carpark, we are concerned about silicosis risk and dust going into the houses surrounding it.

30 On page 185, the social outcomes officer actually said in her notes the emergency evac plan, protection from children escaping, complaints, noise and meeting and events outside of the actual operational hours were not covered and it's not covered within the plan. We are not fully cognisant of what's going to happen. The driveway gradients is a six metre drive and only five of those meet the one in 20 gradient. One – the last one they don't seem to be worried about.

35 MS TAYLOR: That's your – is it three minutes?

MS ROBINSON: That is correct.

40 MS TAYLOR: That's your three minutes. Can you wind up now?

MS ROBINSON: Yes. And then we are also worried during the construction, where are they going park all the employees, tradespersons and construction vehicles and where are they going to place the materials because no materials are allowed on the footpaths or equipment on the footpath. That's my presentation.

MS TAYLOR: Thank you very much. Next speaker.

MR J. QUINN: That would be me. I'll just give you a copy of the - - -

MS TAYLOR: Look, I'm sorry, you are not meant receive last minute pieces of paper. If you're going to do that, there has to be one for the applicant because it's
5 not fair.

MR QUINN: Yes. There's plenty.

MS TAYLOR: Okay. Where's the applicant? Okay. And if you could give your
10 copy to the applicant too of what you said.

MS ROBINSON: I did. I just passed it.

MS TAYLOR: Good. Thank you very much. The whole point about you writing in
15 submissions is that they come to the council, the council assesses them and writes up the report. So three minutes, thank you.

MR QUINN: Okay. My names Jeff Quinn. I'm from 10 Whitehaven Road. My
20 primary concern is the child safety. Any proposal that increases the traffic flow also increases the potential for accidents. Parramatta Council is already aware that the intersection of Whitehaven and Moxhams Road is unsafe. Following on from our original transmission – original submission to council, I'd like to say that the traffic management report undertaken on the 20th of September is inadequate and failed to answer a lot of our questions. The report only covers periods – time periods, 7.30 to
25 9 and 2 to 4. There's reasons we know the traffic starts well before 7 am and although it's quiet during the middle of the day, it goes on well past 6 o'clock at night. The middle of the week is always busier and when it rains the traffic is – the numbers are enormous.

30 The proposal is for 63 children, which theoretically means there could be an additional 126 movements, both mornings and afternoons. This figure represents a significant increase in traffic and parking requirements. This figure doesn't include any movements for 13 staff members and an unknown number of delivery vehicles. The centre has a provision for a 16 carpark spaces, only eight of which are allocated
35 to the parents. Mention is made in the report of having carparking spaces opposite the centre. I'd like to point out that these are fully utilised and the council constructed these for the parents of the primary school, not for a commercial operation.

40 You can argue the semantics of how many increased traffic movements there's going to be but the fact remains, Whitehaven Road is only seven point one metres wide outside the proposed centre. It quickly narrows down to six point seven metres. Whitehaven was never designed to be a major thoroughfare. It's made up of three long sweeping bends. It's impossible to see oncoming traffic unless you actually
45 enter those bends. There isn't enough room to allow three vehicles to pass, i.e two vehicles in either direction or one car parked at the side of the road. We've already

had several serious accidents in the street and I propose this proposal will only increase that number

5 Any increases to the traffic flow in Whitehaven will pass onto Moxham which has already experienced its own problems. Moxhams is a main arterial road and at peak school times is a constant stream of parents wanting to stop and drop off and pick up their children. Any changes to the traffic flow or availability of carparking spaces is going to greatly impact on the children's safety. I've also been advised that the primary school, which currently has 830 pupils, is projecting an increase to 1000
10 children within the next two to three years. This proposal introduces an entry point of 30 metres from the centre. This is already an unsafe intersection. The current proposal is unsafe and really needs to be revised to accommodate the growth and traffic. None of us want to be responsible for a child in an accident.

15 MS TAYLOR: Thank you very much. Next speaker.

MR D. LEE: David Lee of 44 Whitehaven Road, Northmead, to talk about the driveway and footpath safety issues near Whitehaven Road near Moxhams Road. As a resident of the property adjoining the proposed development, I have observed and
20 heard the marked increase in traffic in Whitehaven Road over the past 24 months, particularly from 6.30 to 9.30. This is mainly due to the rat run from Cumberland Highway. The vehicles usually cut the corner at Moxhams Road into Whitehaven Road and often drive down the middle of Whitehaven Road at speed to Windsor Road. Especially parents during school drop off and pick up times. A further
25 increase in traffic will add to this already dangerous situation.

The traffic impact assessment, which is on pages 264 of business papers, shows that between 7.30 and 9.30 on Friday the 20th of September 2019 there are 1952 vehicles using Moxhams Road and Whitehaven at that intersection. Whitehaven Road has
30 523 of those vehicles during that two hour period. 474 turn in from Moxhams Road and head into Windsor Road. Residents have observed that Fridays have less traffic, probably due to rostered days off. The vehicles turning into the proposed driveway and underground carpark of the childcare centre will be at risk of collision with these vehicles as the driveway is in close proximity to Moxhams Road. While the
35 driveway is apparently allowed to be this close to the corner, it does not take into account the behaviour of drivers, as mentioned, or the fact that some are endeavouring to angle park or do a u-turn to get a parking spot only adding to the congestion danger on this corner, and I have photographs supplied

40 The distance from the curb of the driveway to the footpath is only three point nine metres, which is not enough for vehicles to safely turn into the underground carpark and wait before the footpath pedestrians without still blocking the street and disrupting the traffic flow, and that's pages 254 and 255 of the business papers. It is not only the many school children and their families that use the footpath on
45 Whitehaven Road who will be at risk when vehicles turn into and out of the carpark, but also the numerous walkers, runners and people taking their dogs for walks. It is a very popular street and for these activities, especially because of the adjacent

bushland, and many people can be seen each day from early hours of the morning through to late afternoon and evening as well.

5 The excavation of the proposed underground carpark will be of industrial proportions and have – made worse by the site being on sandstone and probably ironstone as well. This is unacceptable in a residential area. Further investigation of these matters needs to be undertaken. Thank you.

10 MS TAYLOR: Thank you very much. And the next speaker?

MS D. LEE: Can we present some photos that have been taken at the peak times? If you have been to that location in the day - - -

15 MS TAYLOR: Yes, you can. Yes, you can.

MS LEE: - - - you will not understand what we're talking about.

MS TAYLOR: Righto. So your name is?

20 MS LEE: My name's Dorothy Lee.

MS TAYLOR: Yes.

25 MS LEE: And I live at 44 Whitehaven Road. My first point is about noise. The neighbourhood of the proposed development site is already affected by aeroplane noise. Today, that started at 6 am heading to and from the airport.

MS TAYLOR: Which airport?

30 MS LEE: The main airport.

MR HUSSEY: Kingsford Smith.

35 MS TAYLOR: Kingsford Smith.

UNIDENTIFIED FEMALE: Mascot.

40 MS LEE: Mascot. Flights will still be heading out around 10.30 pm tonight. Also, helicopters to both Westmead and Westmead Children's Hospital as well as the increasing traffic noise. There's noise from the local public school opposite this proposed development site. Not only at pick up and drop off times but during play times and when the PA announcements are made. Also noise from the before and after school care at the corner of Moxham Road and Whitehaven Road, including school holidays. To add the noise of 63 children and 10 staff to the mix from before
45 7 am to after 6 pm, five days per week for 50 weeks per year, as proposed for this two storey childcare centre, is unacceptable. This noise will not only affect the adjacent properties but will extend throughout the neighbourhood.

We all know what just a few children playing in a backyard sounds like. Add to this the noise from crying babies and upset children separated from their mothers, also noise from incursions and other events like graduations, after hour meetings, cleaners coming and going, etcetera. The outdoor shaded play areas near neighbouring
5 properties living areas is unacceptable. The current trend in childcare centres is to allow children to play as they choose whether inside or out to aid their development. So saying that the outside noise will be limited during the day is out of date and will not be adhered to.

10 Dangers. Moxham Park and the Water Dragon Walk is adjacent to the proposed development. If you've been to the site you would have realised that is an extensive bush area. According to the Rural Fire Service New South Wales website the proposed development site, and I quote,

15 *"It's not identified as bushfire prone, however, it could still be affected by bushfires."*

Our current bushfire threats have meant that residents at Whitehaven Road have needed to have their fireplans in place for some weeks now. The catastrophic fire
20 danger ratings have added to the threat, as has the ongoing drought conditions. We are told that these events will become more commonplace as the years go by.

It is a concern to the residents that some parents smoke when parking to drop off and pick up their children and drop the butts by the road. Also, the many people who
25 park by the bush at all hours to eat, usually McDonalds, or have a coffee or on their mobile phones, they also smoke. We know this because we continually clean up the rubbish that they leave behind. Therefore, we consider this proposed site adjacent to the bush is not a safe place for a childcare centre development and feel that any evacuation procedures would prove totally inadquate and there is no safe evacuation
30 area available. Thank you.

MS TAYLOR: Mrs Lee, before you go - - -

MS LEE: Yes.
35

MS TAYLOR: - - - I'd like to ask a question.

MS LEE: Yes.

40 MS TAYLOR: You say you've got an evacuation plan because of the fire risk of Moxham Park?

MS LEE: Yes.

45 MS TAYLOR: Is that what it's called?

MS LEE: Yes.

MS TAYLOR: Right. How did you know you had to do that?

MS LEE: We've had threats of fires in the past. My husband and I have only lived
5 there nine years but speaking to the residents that have been there some time there
have been fires there. There's – we had a fire about three years ago coming from
Constitution Hill and down the bush that way.

MS TAYLOR: Yes.

10 MS LEE: Because of the size of the bush, because of the location - - -

MS TAYLOR: So is it – yes.

MS LEE: - - - we have to be prepared in case it - - -
15

UNIDENTIFIED FEMALE: Jumps the road.

MS LEE: If it jumps the road and the burning embers and things that come.

20 UNIDENTIFIED FEMALE: So the RFS didn't approach you?

MS LEE: Pardon?

UNIDENTIFIED FEMALE: Did the RFS approach to put in place this - - -
25

MS LEE: No.

UNIDENTIFIED FEMALE: No.

30 MS LEE: It's just something that we have to consider.

UNIDENTIFIED FEMALE: Yes.

MS TAYLOR: Right.
35

MS LEE: We have a high colourbond fence at the back of us. We would not be
able to escape out the back if something happened in the front. We need to be
prepared ahead of time.

40 MS TAYLOR: Thank you very much.

MS LEE: And this site was next to us – and, yes.

MS TAYLOR: Okay. Thank you.
45

MS LEE: It's been a real concern, actually, these last weeks.

MS TAYLOR: I'm sure.

MS LEE: Yes.

5 MS TAYLOR: Okay. Thank you. Next speaker.

MS V. MYER: Good afternoon. My name is Vera Myer. I live at number 30
Whitehaven Road, Northmead. I'm here to point out some of the indiscrepancies as
they show up in the proposal and in the responses to our particular concerns. Some –
10 most of them seem to relate around the meaning of the word amenity as used by the
planning department. It's supposed to be a positive element or elements that
contribute to the overall character or enjoyment of an area. For example, open land,
trees, historic buildings and the interrelationship between them or less tangible
factors such as tranquility.

15 I've noted several points, and I won't be listing all of them, but they will be there for
the person putting the proposal forward. But there are several attacks on this term
amenity and they use it very flippantly throughout. Particular, in terms of it is
not – the information given is not sufficient to propose a threat to the amenity of the
20 immediate neighbours, and I really question that. They use the words not significant
without any really statistical reference. If you are talking statistically then an amount
five per cent is significant. And some of the things that we've come up with, in
terms of traffic, point to differences definitely higher than five per cent and yet the
council has approved them saying these are not significant. There you go.

25 MS TAYLOR: Exuse me, Mrs Myer, just tell me where – what property you're
from?

MS MYER: We are from 30 Whitehaven Road.

30 MS TAYLOR: 30 Whitehaven Road.

MS MYER: Yes.

35 MS TAYLOR: Thank you very much.

MS MYER: The first point, quickly, page 64, building orientation site and design
layout to ensure visual privacy and minimum potential noise and overlooking
impacts of neighbours. The proposal concedes that number 44 – at number 44 the
40 children's play area is adjacent to shared boundary line, garage, driveway and front
yard. So basically what they've said is we've left you, at number 44, with your
backyard and privacy but we will be looking over your front yard and anything that
happens in the driveway. How is this not an impact of visual privacy?

45 The proposal suggests building a two point one wall or fence on the boundary and we
question the reality of a two point one wall or fence keeping out noise and blocking
visuals from the top floor of a two storey building. How is that not going to produce

the effect of a prison wall? There is reference being a low residential area. Where else in a low residential are residents confined in a two point one high boundary?

5 On page 65 you say – it states,

“While the building does result in some overshadowing, adjoining residential properties are able to achieve the minimum solar access requirements.”

10 If as stated elsewhere the minimum is 30 per cent, and that’s what they’re giving us, then this proposal admits effectively eliminating 70 per cent of solar access to private dwelling at number 63 Moxhams Road. The fact that any planning authority, and Parramatta Council in particular, thinks that this is acceptable and it demonstrates tremendous arrogance and lack of concern for all care for the welfare and quiet
15 enjoyment of its rate paying constituents. It’s one of the many points only slightly availed in this proposal that it is in the interest of council and developers. It is not interested in its constituents. It is more interested in public interest. And I would like to advise them that – advise the people putting this forward that they look up the term quiet enjoyment. It is a requirement of any person who, for instance, has
20 tenants in their responsibility to assure the quiet enjoyment of their property. And I’d like to think that council has the same restriction and same suggestion and lives by that for their constituents as well. Their rate paying constituents.

25 MS TAYLOR: Thank you, Mrs Myer.

MS MYER: There are many points. I realise I have to stop but I would like to submit this to the people who are putting the proposal forward.

30 MS TAYLOR: Well, you can do that. Thank you.

MS MYER: Thank you.

MS TAYLOR: Next speaker.

35 MR G. MYER: I am Greg Myer from 30 Whitehaven Road. I just want to play out for you the scenario of going in and out of a driveway. There is supposedly 65 kids allowed to go into that place, 15 staff. In a normal street where there wasn’t a lot of traffic you could go in and out of the driveway probably pretty easily. This particular area is the turning point, the parking area and near the corner of a – two
40 very busy streets and so all you need is one person waiting to turn right and if the driveway’s blocked or someone else is already in there coming out or there’s a traffic moving back, they’re just going to stop that lane. And, in fact, they’ll wind up stopping both lanes so now Whitehaven Road is stopped. The people trying to turn off Moxhams Road don’t have an access. Now, Moxhams Road’s stopped. The
45 people coming down from Kleins Road to Moxham can’t get into the turn there. It’s just in – that period of time, those three or four hours, there’s going to be multiple times where the road will just stop and

Now, people are being people so they're going to try shortcuts and they're going to go down the road and park in front of houses way down Whitehaven if they're smart, just to get away from that thing. There's no place on Moxhams. There's no place on Kleins so Whitehaven's going to cop it. And what you've got is, we envision, a mess
5 every morning and every night where we almost can't leave our property to get onto the street. We can try and go around the other way to Windsor Road. So it's just that if this is the only place in the world you could make a childcare centre, well, you know, maybe we build a bridge. But there must be a better place with more flow, less danger, less possibility of fire, less congestion and much less damage to the
10 neighbours and people can come and go into that child centre really smooth. This won't be smooth. It won't be pretty and we're worried that someone's going to get killed.

15 MS TAYLOR: Thank you very much.

MR HUSSEY: I can hear from people that there's a safety issue there with the traffic. Is there any documented history of that being a black spot with a number of accidents? The - - -

20 MR MYER: We haven't lost a life yet.

MR HUSSEY: Has there been a - - -

25 MR MYER: We've had cars smashed and - - -

MR HUSSEY: Has there been an accident record that the council has - - -

MR MYER: I don't know if the council keeps a record of it.

30 MR HUSSEY: - - - where these things are being recorded because it doesn't come up as a black spot and we have a report here by an independent consultant that concludes that they've done traffic modelling and their conclusion is it's apparent that the proposed development will maintain existing levels of service and have no undue traffic impact on the existing intersections within the immediate vicinity.
35 So what's the other evidence that - - -

MR MYER: So that's probably done in the middle of the day and I would really want to know the data they used for that.

40 UNIDENTIFIED FEMALE: They always do it in the peak times.

MR MYER: Well, we would have anyone in that corner and the street and the school and anyone's who's travelled that to absolutely say that that's nonsense. So I'm not sure what your expert - - -

45 MR HUSSEY: It says the surveys were done at morning peak, at afternoon peak.

MR MYER: Yes. Well, it's - - -

UNIDENTIFIED MALE: We will pursue that

5 MR MYER: - - - counter to all the evidence that we have.

MR HUSSEY: Okay.

10 MR MYER: We're talking about seeing it when we try to go every morning. So we're on - over the whole year, see this happening and we know when it's a wonderful time because it's school holidays and everything's just flowing. So we're only telling you what we see. We don't mind having a childcare centre, it's just not there.

15 MS TAYLOR: Thank you. Next speaker.

UNIDENTIFIED MALE:

20 MR T. WATTEN: Yes. Hi. Tim Watten. Number 8 Whitehaven Road opposite the Scout Hall. So I think the first thing that the council may or may not realise is that there are many childcare facilities already in the local area. And just for all the reasons that have been put forward by our neighbours, we don't believe that there needs to be another one, certainly in that area. There can be childcare centres, like was mentioned, where there's more room, more traffic flow, etcetera. To the point
25 that was raised about is there any documented fact, now, I know for a fact that Jeff's daughter was in an accident and the police may have a record of that. But what you won't have is the amount of times that we avoid accidents as residents of that street, which we don't report. Okay.

30 But because the street's not wide enough, we get run off the road at least once a week. All right. Because cars are parked on one side, two cars trying to come up the street, if you don't pull in behind a car to allow that traffic to go by, and that's courtesy, then you get pushed off the road. And let me tell you, it's only the residents that show the courtesy, not the people that are running along those streets.
35 Now, I can also tell you that, factually, Google Maps is pushing traffic from Parramatta down Church Street onto Boundary Road, down Kleins Road, onto Moxhams and up Whitehaven to get out onto Windsor Road to get onto the M2. If they're coming from Rouse Hill on Old Windsor Road, it either sends them up Oaks Road, Barnetts Road, Riley Road, Moxham and either up Kleins Road or
40 Whitehaven to get out. Shortcuts. Now, when we built - when we bought in that area, we bought in a beautiful, quiet green place. And now it's been turned into a rat run because of what Google Maps is doing, pushing people into least-timed routes and, I guess, development that's going on with more people coming into the area.

45 The other point that I just wanted to make was the incompatibility of the building in the area. When we bought, we renovated. We're in a special precinct called Sylvia Gardens. It was meant to be kept in the World War II post style housing where we

were forced to put a red ceramic roof on our house so that it was in keeping with that. Now, I understand that there are terms and conditions within the special precinct that allow a brand new building to be built in that precinct, and you can have a tin roof and you may be able to open up a business within that area, like the chiropractor that's at the end of Moxham and Kleins. But that's still in a house. That's still in a residential sized building. It's not in a two-storey building. It's not in a flashy coloured building where we're trying to come up with, you know, new models, etcetera.

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10 So, you know, last point, I think there is better places for this childcare facility to go and, certainly, from a safety perspective, from an incompatibility of a special precinct perspective and from the traffic perspective that puts us in danger in our cars every single day, this is not the right place for it. Thank you.

15 MS TAYLOR: Thank you very much. Next speaker.

UNIDENTIFIED FEMALE: That's it.

MR WATTEN: That's it.

20 MS TAYLOR: No further speakers? Mr Zood Zeadbumelem not here or George Getchra? Not here.

UNIDENTIFIED FEMALE:

25 MS TAYLOR: You're the applicant. Sorry.

UNIDENTIFIED FEMALE: For the applicants. Yes.

30 MS TAYLOR: Thank you. Is Mr Zeadbumelem with you?

MR G. GERAGE: Absent. He's absent today.

MS TAYLOR: Okay. So you're it. You're George - - -

35 MR GERAGE: I am the architect and the applicant.

MS TAYLOR: Okay. How do you pronounce your name?

40 MR GERAGE: Gerage. George Gerage.

MS TAYLOR: Gerage. Thank you very much. Onto you, sir.

MR GERAGE: Firstly, I'd like to start by describing the existing dwelling as a two storey development that is already of brick construction. Second of all, I'd like to say that there is no – in my opinion, it's a prime site for a childcare on a corner with the orientation of having south to the street across the road. Just as a response to one

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of the previous speakers in relation to shadows, there's a clear diagram showing that only a very small portion of two to three o'clock will the next door neighbour of shadow, which is very minimal in comparison to the existing dwelling.

- 5 I'd like to add that the building is – under the current DCP and the LEP, it's fully compliant. There's actually no – it's not in a bushfire prone land at the moment so the LEP maps don't actually show that. In relation to emergency evacuation plan, traffic and acoustic specialist consultants have been engaged to address all these matters as well as a town planner. In relation to traffic, 15.75 cars are required.
- 10 We've proposed 16, more than the minimum, all within the site. The site's oriented in a way where the driver access is from the lowest point to minimise excavation. The safety of the children, everyone's - can access the level 1 lobby from the carpark through a lift so there's no parking across the road – crossing the road or any of that.
- 15 Acoustically, we've provided the required – and more than the required recommended by the acoustic engineer on level 1. I'd like to add that the level 1 playing area is more than 15 metres away from the neighbouring property to the rear and the house next door is already set back a lot more than the required, so there's more than sufficient separation between the two. Also, the property next door on
- 20 Moxhams Road, there are – we have blank wall on the second level so there's no internal, external interface between the internal playing area from upstairs to the neighbour. There's a planter box separating – or adding to the already sufficient acoustic report that only required one point – I think it was one point two metres.
- 25 I'd like to add that – to address some of the issues that were explained earlier. Any storage is actually not calculated and we are meeting the minimum required spaces for indoor as well as outdoor spaces for the number of students. In terms of the special character area, we think – it's in our opinion that a brick construction might address some of these bushfire issues that people are mentioning, rather than having
- 30 light weight weatherboard, something that could be potentially destroyed by a fire.

MS TAYLOR: Excuse me, I'd like you to continue answering these matters put up by the neighbours. There's – was there a question?

- 35 UNIDENTIFIED FEMALE: I'll follow up when he finishes.

MS TAYLOR: Yes. Thank you very much.

- 40 MR GERAGE: Do you feel like there is any particular one that I haven't addressed at this stage?

MS TAYLOR: No. We're going come back to the bushfire. But is there anything else you wanted to say?

- 45 MR GERAGE: No. I'd just like to add that the school across the road helps making this site a potentially good location for a childcare. Especially the fact that the

school is increasing in numbers. You know, there's no better place for a childcare, in our opinion.

MS TAYLOR: On the matter of bushfire, did you want to speak to that?

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UNIDENTIFIED FEMALE: Yes. Sure. So I am aware that the site currently is not designated as bushfire prone. Although, I am very concerned about the site being next to a potential fire source, being bushland. And in questioning council further, I understand that council recently endorsed what would be potentially a bush – a new bushfire prone land map which has been forwarded to the RFS so it's not yet gazetted, as such - - -

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MR GERAGE: Yes.

15

UNIDENTIFIED FEMALE: - - - and finalised but council have agreed to it from their end. And it does indicate the site as bushfire prone so our has to go through their motions, and all the rest of it, but – so that does concern me being – childcare being a sensitive use. So did you want to talk a bit more about that? But, I mean, usually, you know, when you have, you know, as you would know as an architect, if it's a bushfire prone land and you put a building on there, particularly a more sensitive use than one that might have to be built certain construction standards that's greater than, you know, if it was outside. The landscaping would – might need to change a little bit. The evacuation methods, etcetera, would have to be really - - -

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25

MR GERAGE: Yes.

THE REGISTRAR: - - - thought through and formalised, I suppose, and an evacuation management plan and other such management documents. So - - -

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MR GERAGE: Could I just ask, from a separate matter - - -

UNIDENTIFIED FEMALE: Yes.

35

MR GERAGE: - - - how does that fit inline with the existing Sylvia Gardens? You know, light weight construction, more fire prone materials, in relation to – I feel like it's two contradicting - - -

UNIDENTIFIED FEMALE: Yes. Well - - -

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MR GERAGE: - - - potentially contradicting - - -

UNIDENTIFIED FEMALE: - - - it's not really - - -

45

MR GERAGE: Not exactly but, potentially.

UNIDENTIFIED FEMALE: We - - -

MS TAYLOR: Let me answer that.

UNIDENTIFIED FEMALE: Sure.

5 MS TAYLOR: I don't think we're here to answer questions, unfortunately.

MR GERAGE: No, no. I – no.

10 MS TAYLOR: Nevertheless, I think the panel is agreement that something needs to be done about bushfire in this area - - -

MR GERAGE: Agreed.

15 MS TAYLOR: - - - and - - -

UNIDENTIFIED FEMALE: But dealing in light of recent, you know - - -

20 MS TAYLOR: - - - I think that we would be considering that requiring some report to be carried out - - -

MR GERAGE: Happy to do that. Yes.

25 MS TAYLOR: - - - so that everyone would know, particularly the people running application – the childcare centre, should this be approved, know exactly what to do in terms of bushfire, in terms of materials, landscaping, building specifications, etcetera. So we would be having some concerns about that. I'm sorry?

30 MR HUSSEY: Could I check a couple of other things. The panel's got to concern – consider the matters raised with the traffic there and the suggestion is that the traffic studied – that we're relying on, is unreliable, it hasn't been done properly because it doesn't take into account local conditions. Have you got any response to that?

35 MR GERAGE: No. I believe that council had requested from the traffic engineer to go back and – I'm not sure if the same study was redone at a different time or the study was extended but I do believe that council did request further information which was provided by the traffic engineer at a later stage.

MR HUSSEY: Okay.

40 MR GERAGE: And addressed.

45 MR HUSSEY: The second one is that having had a look at the property today, there's some established plants along the rear boundary – the side boundary with number 44, and they're pretty close to the fence. I know there's retaining walls up there but they'd be in the order of two and a half, three metres tall. Are they going to be retained? Can they be retained to help with the privacy issues if the application's going to be approved?

MR GERAGE: You're talking about the trees on the number 44?

MR HUSSEY: On your property.

5 MR GERAGE: On our property?

MR HUSSEY: They look like Lilly Pilly's or something.

MS TAYLOR: Thank you.

10

MR GERAGE: I believe it's the neighbouring property.

MR HUSSEY: No. I think that it's inside – there's some on the orange fence and there's some along the green colourbond fence inside your property.

15

MR GERAGE: Working on the existing survey provided by the surveyor, we cannot see any trees on our property.

MS TAYLOR: Not trees.

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UNIDENTIFIED FEMALE: Must be the neighbouring property.

MR HUSSEY: Sorry.

25 MS TAYLOR: I think we might be saying that something – shrubs or plants, not necessarily trees.

MR HUSSEY: Yes. Well, he does. They're three metres tall.

30 UNIDENTIFIED FEMALE: Lilly Pilly's do grow very fast.

MS TAYLOR: Can you tell us what you're proposing then? I believe, we've got a landscape plan here somewhere, but what are you proposing in planting between yourselves and, for example, the Whitehaven property next door to you?

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MR GERAGE: We are providing – I would say, at the maximum, five metres and of the minimum two metres of deep soil planting which, we believe, is adequate separation between the two properties. And this does not take into consideration the deep soil that's not accessible towards the front addressing this rescape of the property.

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MS TAYLOR: Thank you. Any questions, Ann?

MS SMITH: No.

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MS TAYLOR: Any further questions? No.

MS MYER: Excuse me, Ann, do – we just point out, with regard to the traffic management survey, the initial document that we received was very bland and very light so he was correct in that they went back and rehashed it and reproduced it but it didn't answer our questions and it didn't address the traffic or the times or anything
5

MS TAYLOR: Thank you very much. I've heard from you. It's his turn now. Anything further?

10 MR GERAGE: Not from me.

MS TAYLOR: Thank you very much. Is there somebody here from the council that we can ask a question of?

15 UNIDENTIFIED FEMALE:

MS TAYLOR: Who is to speak?

UNIDENTIFIED FEMALE: Well, it depends on the questions
20

MS TAYLOR: Is there – well, the traffic engineer?

UNIDENTIFIED FEMALE: I explained to you before, I didn't have a traffic engineer.
25

MS TAYLOR: No traffic engineer. Is there a planner here?

MS SAHINI: Yes.

30 MS TAYLOR: Right. Sahini?

MS SAHINI: Yes.

MS TAYLOR: Right. Any questions of Sahini?
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MR HUSSEY: Do we have an aerial view of the site, just to check

UNIDENTIFIED FEMALE: Unfortunately, our internet's down at the moment. We just, literally, got an email from, like, a insta message from our IT problem. We have no internet at the moment so I can't produce one for you, I'm sorry
40

MR HUSSEY: Okay.

MS TAYLOR: Sahini, there's been concern expressed by residents about bushfire and we've asked some question of the applicant. Would the council consider that there should be, perhaps, some further bushfire study done in relation to this
45

application? In view of the closeness of bushland immediately opposite, the experiences we've all had in the last six months here in Australia?

5 MS SAHINI: Yes, I agree that there should be something.

MS TAYLOR: Should be some further bushfire – if there was to be an approval.

MS SAHINI: Yes.

10 MS TAYLOR: Right. Thank you very much. Any other questions of council? Thank you very much, ladies and gentlemen. We've got a - - -

UNIDENTIFIED FEMALE: Can I just present a – this is a diagram actually off Parramatta Council's site showing the bush and the location of the property.

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MS TAYLOR: By all means. Thank you very much. If you give it to the council staff, that'd be fine.

UNIDENTIFIED FEMALE: It's not a Google map. It's

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MS TAYLOR: Ladies and gentlemen, we've got a full day today so we are going to move on to the next application and we now may be able to make a decision today. We'll just see how we go. Thank you very much to everybody.

25 UNIDENTIFIED FEMALE: Mary Lyn, I can let you know that the applicants for the Marion Street one have arrived.

MS TAYLOR: Good. Okay.

30 UNIDENTIFIED FEMALE: So item number 2 have arrived.

MS TAYLOR: Thank you very much.

MS MYER: Thank you for your time.

35

MS TAYLOR: Thank you very much to the residents. Thank you for your preparation. Thank you. Right. We'll move on – back to Marion Street which was item - - -

40 UNIDENTIFIED FEMALE: Item number 2.

MS TAYLOR: Marion Street. Is there somebody here for the Marion – 26 Marion Street, Parramatta?

45 UNIDENTIFIED FEMALE: Yes. I'm here.

MS TAYLOR: Is that a yes?

UNIDENTIFIED FEMALE: Yes. Over here to the right.

MS TAYLOR: Okay. Would you like to come forward? Are you going to speak?

5 MR J. LIEN: Yes. Just very briefly.

MS TAYLOR: Okay. Sit in that chair.

MR LIEN: Yes.

10

MS TAYLOR: What would you like to say? Who are you, first of all?

MR LIEN: First of all, hi, my name is James and the architect.

15 MS TAYLOR: And your surname?

MR LIEN: Lien. L-i-e-n.

20 MS TAYLOR: Your name's Lien. Okay. So you're the one who put your name down to speak?

MR LIEN: Yes.

25 MS TAYLOR: Mr Lien, we note that this is a modification application and the council has recommended approval subject to conditions. Are the conditions satisfactory to you?

30 MR LIEN: Yes. I got the corrections on the conditions that were recommended by the councils. There is – on page – on my page, it is page 81. It's regarding with the bicycle parking. I think there is a misunderstanding when the council planning – of the officer reading the plan. You say – it's stated here the proposal required a minimum of 11 bicycle spaces. The standard plan under the parent's consent show 11 spaces. However, the modified architectural plans show five spaces within the modified bicycle storage. Now, our plan actually show 11. Each of the parking rack
35 is actually two bicycles side by side. So you got two, four, six, eight, ten and one is on the side so there is 11 bicycles. So, basically, what I am trying to say, we comply with the condition.

40 MS TAYLOR: You comply, sir.

MR LIEN: Yes.

MS TAYLOR: Right. Okay.

45 MR LIEN: That's all we have to say.

MS TAYLOR: That's the bicycle parking. Anything else?

MR LIEN: Yes. We are here, basically, to answer any queries that you have.

MS TAYLOR: Any queries from members of the panel?

5 UNIDENTIFIED FEMALE: Not from me.

MS TAYLOR: Is the planner here?

UNIDENTIFIED FEMALE: Yes.

10

MS TAYLOR: Right. Have you heard this explanation about the bicycle?

UNIDENTIFIED MALE: No. No, I haven't. But that condition was imposed just
..... to ensure that

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MS TAYLOR: So you'll be able to comply with the condition?

MR LIEN: Yes. We will be able to comply - - -

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MS TAYLOR: Thank you very much.

MR LIEN:

MS TAYLOR: Okay. As a result, are we in a position to make a decision?

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UNIDENTIFIED FEMALE: Yes.

MR HUSSEY: Yes.

30

UNIDENTIFIED FEMALE: Yes.

MS TAYLOR: Okay. There's been no objection to this application. This
application for modification is approved subject to the conditions in the council town
planning report and for the reasons given in that report. Thank you very much.
35 That's a unanimous decision of the panel.

MR LIEN: Thank you very much.

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MS TAYLOR: This is item 5.2, 26 Marion Street, Parramatta. Thank you.

MR LIEN: Thank you very much.

MS TAYLOR: We'll now move on to - - -

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UNIDENTIFIED FEMALE: 5.5.

MS TAYLOR: - - - item number 5.

UNIDENTIFIED FEMALE: Page 366.

MS TAYLOR: Who's coming here for this?

5 UNIDENTIFIED FEMALE: Mary Lyn, I was informed that there's one extra speaker against and one speaker on behalf of the applicant also available to speak on this matter.

10 MS TAYLOR: Thank you. Margaret McCartney and Mike Moffat are going to speak against this matter?

UNIDENTIFIED FEMALE: Yes. And - - -

15 MS TAYLOR: And there's an additional person?

UNIDENTIFIED FEMALE: Yes is also going to speak against.

MS TAYLOR: Okay.

20 UNIDENTIFIED FEMALE: And then there will be Mick Master available on behalf of the applicant.

MS TAYLOR: Okay. Thank you. Ms McCartney, would you like to come first? Now, this is item 5 which is 21 Derby Street? Am I right? Is it Derby or Darby?

25 MS McCARTNEY: Derby, we say.

UNIDENTIFIED FEMALE: We say Derby.

30 MS TAYLOR: Okay.

UNIDENTIFIED FEMALE: We decided Derby.

35 MS TAYLOR: Derby Street, Epping and it's a residential – three storey residential flat building. We've been to the site. We thank you very much.

40 MS McCARTNEY: Okay. Good afternoon. I'm Margaret McCartney. I live in 5/12 Forest Road, Epping but I show an interest in developments in Epping. I just wanted to say with regards to the communal space, the statement of environmental effects for the DA for the site which was approved by Hornsby Council documents at least four times that on purchasing the adjacent crowned land, the land would be dedicated towards open space. And, accordingly, the private open space is considered compliant. The community feels very betrayed that this land isn't being dedicated to open space and it's a concern to local residents that the council is now pushing rooftop gardens in lieu of communal open space at the ground level because this is

45 the third DA I've seen this happen for.

This trend is allowing the DAs to be non compliant with the setback and proper landscaping requirements. The Hornsby DCP requires the front setback of nine metres and this should be provided instead of the three or six metres setback which is offered. Because of the bulk and scale of the building it needs a bigger setback. I
5 also wanted to mention things to do with the draft conditions of consent. The draft conditions seem to be irrelevant in a lot of cases because it talks about the demolition which has already happened a long time ago. The site is noted to have lead contamination but the conditions do not appear to record the need for the remediation action plan or the related site audit statement, as noted in the council report for this
10 meeting.

MS TAYLOR: In that regard, there is a requirement to carry out a RAP, that's a Remediation Action Plan, all that documentation, and - - -

15 UNIDENTIFIED FEMALE: We've requested some draft conditions from council yes.

MS TAYLOR: Yes.

20 MS McCARTNEY: Okay. I know it's in the report for the meeting - - -

UNIDENTIFIED FEMALE: Yes.

MS McCARTNEY: - - - but I couldn't see it in the actual conditions.
25

UNIDENTIFIED FEMALE: They were additional conditions

MS TAYLOR: They were additional conditions.

30 UNIDENTIFIED FEMALE:

MS TAYLOR: They weren't in the report. We've asked about them. There they are. They will be there - - -

35 MS McCARTNEY: Fantastic.

MS TAYLOR: - - - and we've looked carefully at that issue.

MS McCARTNEY: And also, during - - -

40 MS TAYLOR: Thank you.

MS McCARTNEY: - - - the demolition I observed asbestos being removed. And I might say I wasn't impressed with the process of it. And I note the preliminary site
45 investigation from June 2018 recommends an asbestos clearance certificate so is that going to be taken care of as well? Because, again, I can't see any reference to that in the documentation. And I have observed that earthworks have been undertaken on

the site since that asbestos removal and there's now a large pile of dirt on the site on top of the rock outcrop and I'm concerned that the earthworks have covered up the loose asbestos on the ground surface of the site.

5 And then, also, there's a pipe networks report from the DA which states no work is commenced within the area until you've received the appraised – the Telstra – and appraise the Telstra duct plans for the area. I can't see any record of that having been completed. Again, it may be there but I can't see it. While the conditions of consent for demolition report the need for tree protection zones to be installed during
10 demolition, this was not undertaken. That's why the remaining six trees aren't in the best condition because they weren't protected during the tree clearance of the site and the demolition.

15 With regards to tree removal, it's disappointing that the council has decided that it was only one tree removed without consent, the jacaranda, when the community saw many other trees being removed. However, it is more disappointing to now read council's report to justify further tree removal when it states the trees that could be retained within the site would lean towards the proposed development and it's likely the tree application would be lodged shortly after development approval seeking to
20 remove the trees and - - -

MS TAYLOR: We have read that in the report.

25 MS McCARTNEY: Yes. And I just wanted to say, I think it's very speculative and I don't think it should be condoned by the panel and I'd like to be just as speculative and say that I don't think there will space for the 16 trees to be planted - - -

MS TAYLOR: Thank you.

30 MS McCARTNEY: - - - given the landscaping is non compliant.

MS TAYLOR: Thank you very much.

35 MR HUSSEY: Do you have a spare copy of your notes, specifically, the details of those aggrevance that the ex-railway land would be kept as open space?

40 MS McCARTNEY: It's on the Hornsby Council website. I didn't bring it with me but it's on the Hornsby Council website. It's the statement of environmental effects for the previous DA that was approved. I think it's 282.

MR HUSSEY: Thank you.

MS TAYLOR: Thank you very much. Mr Moffat?

45 MR MOFFAT: Madam Chair and the panel, my name is Mike Moffat and I live in Victoria Street, Epping and I represent the Epping Civic Trust which has a membership of some 450 people. The Trust thinks that this building is another one

which seeks to cram as many dwellings on the site as it possibly can with no regard for loss of trees and, consequently, birds and other wildlife in the area, and also with scant regard for the provision of communal open space for people who will ultimately live in the building.

5

The application contravenes a very specific requirement of Hornsby DCP 2013 for the Epping precinct. This DCP requires that the minimum setback for residential flat buildings is nine metres put to designated roads. Derby Street is a designated road as can be seen on page 3/53 of the DCP. The front setback provided in this application is stated as being six metres but the actual setback is in place as little as four and a half metres. The DCP goes on to explain reason for this required broad setback along the street frontage is to locate communal open spaces and to retain existing trees that are prominent streetscape features. That is precisely what this development does not do.

15

The applicant argues the site provides a constraint which limits the setback but it is not the site providing the constraint, merely the bulk and scale of the proposed development. There is effectively no usable communal open space at ground level where residents can congregate and socialise. Any open space is very close to the building or to one of the apartment terraces or is covered in plantings and the DCP requires such open space. The statement of the environmental effects states that there is 241 square metres of open space at ground level and what is required 381 square metres. To compensate for this lack of communal open space at ground level, the developer has provided a rooftop garden but as opposed to ground level open space, a rooftop garden will rarely and reluctantly be visited by residents. So it is not since, it is not part of the pathways used in their daily lives. Further, such gardens are very exposed to the elements, are difficult to maintain and are expensive with the scarce resources of water to keep green.

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In our view, they are not a substitute or an equivalent for ground level communal open space. Epping Civic Trust is of the view that this development should not be approved in its current form. The site would suit a smaller development which allows a retention of the most valuable of the existing trees on the property and which provides the setback required by the development control plan. A new design should be – should also provide for reasonable communal open space on the development site.

35

MS TAYLOR: Before you go, Mr Moffat, I'd like to ask you why you think the roof space won't be used?

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MR MOFFAT: Basically, because most people who – I live in an apartment, a high rise apartment, and most people don't go up onto the roof. If they're going out they go downstairs and out through the front door and out on the pathway. So the communal open space, which is seen and available as you walk out the door, will be used. The other thing is that, as you're probably aware, at height winds are much more prevalent than they are on ground level I agree of three storey buildings but they'll be above tree level and the winds will be quite severe and, of course, in

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summertime you're going to have the sun beating down and – yes. It will not be used, in my view.

5 MS TAYLOR: The studies have shown, from universities, that this is a social benefit to have this space on the roof and many Western councils – Western Sydney councils are approving or requiring the space to be on the roof. And requiring, as a result, that there be facilities on the roof that will attract people to go there and that it is meeting space for the people in the building. Have you not found that?

10 MR MOFFAT: We don't have a – in my apartment, we don't have a garden on the roof - - -

MS TAYLOR: Right.

15 MR MOFFAT: - - - but we do have one at ground level and it is widely used at ground level. But I honestly do not believe that a rooftop one will be equivalent or used to anything like the same extent as one on the ground.

20 UNIDENTIFIED FEMALE: If there are good facilities provided, it could work very well and you get views from the top that – you know, into the tree canopies. That type of thing. So - - -

MR MOFFAT: I'm sure people will go up there and see the view.

25 MS FIELDING: There are.

MR MOFFAT: Sorry. I didn't mean to interrupt.

30 MS FIELDING: No, no, no. That was it. Yeah.

MR MOFFAT: The other issue is I noticed there's a sandpit. And – you know, a children's play area scheduled for the roof. And, frankly, I think you'd be a brave mother to have left your children on the third floor with a 1.2 metre high edge. You would certainly need to watch the child all the time.

35 MR HUSSEY: Mr Moffat, would you accept that you've got to take into account the context of the particular site so that if you did have more round open space, it would be adjacent to the railway line, which is very busy, probably fairly noisy and have a fairly low attractiveness and amenity in this particular circumstance?

40 MR MOFFAT: No. I think I would rather have the railway line nearby than a drop from the top of a building. But, you know, maybe I'm biased.

45 MS TAYLOR: Well, very many roof gardens are now being approved in all the councils in the western suburbs.

MR MOFFAT: I will study the research on it, Madam Chair. But, you know, I don't like them.

MS TAYLOR: No. I understand.

5

MR MOFFAT: Amongst other things, just as a matter of interest, we have – in our particular apartment we had gardens and I noticed this particular plan has, what do you call them, boxes, if you like, planter boxes around the top. And all – nearly all of them have been replaced because they simply leak. And the fact is that most of them are sealed with, you know, plastic of some kind and they last for a limited period of time. In fact, in our block, they didn't last for 10 years. But – and so I think you may well find that whilst it is a new development which is, you know, making up for the fact that buildings are occupying the full ground level, I don't know that – I think, in time, people will turn against them. But that's my view.

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MS TAYLOR: Thank you very much.

MR MOFFAT: Thank you.

MS TAYLOR: And then our final speaker, Vandana Buhushan. Are you here, Vandana?

MS V. BUHUSHAN: Yes.

MS TAYLOR: Thanks.

MS BUHUSHAN: I speak on behalf of the other residents of the street as well. I am in number 16 on the street and I speak on behalf of some of the other residents, one of the residents is present here, for 16A, 12, 18 and number 22 of Derby Street. The reason that I'm here on behalf of everyone else is because they feel that we have constantly given feedback about – repeatedly given feedback about our concerns with this development but it hasn't been taken onboard by the council. In terms of streetscaping, the first thing. There are townhouses on either side of this block. And we repeatedly said that we're not opposed to development, we just want the streetscape to be maintained because that will affect everything with respect to parking, garbage removal. And most of the times, with our experience in staying in Epping and seeing the overdevelopment, which we all seem to now call unplanned overdevelopment of Epping without any regard for infrastructure or parking spaces. The units that are built close to the station, there's a commuter car park. Even though the builders will provide for parking within the unit blocks, no one - - -

30

MS TAYLOR: Excuse me, we're not doing Epping. We're doing a residential street. Can you keep to that?

MS BUHUSHAN: Sorry, it's – that's what I'm trying to say. The overflow from there comes to this street.

45

MS TAYLOR: So you're saying it's parking in the street?

MS BUHUSHAN: There's no parking in the street for residents because - - -

5 MS TAYLOR: Right.

MS BUHUSHAN: And it's a typical thing. And the point I'm trying to make over here, and that's why I'm trying to draw an analogy with the other unit block near the station, is that even in this building parking may be provided for but no one parks in the buildings. It's all on the kerbside. Most of the times, on an average, there are three cars per unit and there's not enough parking in the building. The units that have been built in Epping near the station, we have come to know that the garages and spaces are leased out to other places. So which - - -

15 MS TAYLOR: Okay. Just leave it to your street. This application, please.

MS BUHUSHAN: Okay. So the overflow from there comes to - - -

MS TAYLOR: What do you want from the streetscape?

20

MS BUHUSHAN: Streetscape, parking is going to be a nuisance because - - -

MS TAYLOR: No, no. Forget parking. Come back to streetscape. You've said, "We want a better streetscape." What is it that you want?

25

MS BUHUSHAN: There are townhouses on either side of this block.

MS TAYLOR: Yes. And?

30 MS BUHUSHAN: So this could be townhouses instead of units.

MS TAYLOR: But it's not townhouses. It's an applicant for building.

MS BUHUSHAN: Correct. But - - -

35

MS TAYLOR: What is it you want in the streetscape that they're not providing?

MS BUHUSHAN: One, there are too many units provided for in this block. Two, the way it's being planned with the street – you should come and see the state of the street, that there is no place to park. Garbage removal will be constantly a problem with the streets parked – with the cars parked by the kerbside. And the other thing, of course, is the nature and trees, which has been emphasised by my – by Epping Civic Trust members over here. So this is the point, we have houses on this side of the street, there are townhouses on the other side of the street and the middle of two sets of townhouses on either side there will be this block of units. So it doesn't match the streetscape at all. On all – on the other side where this unit block is, they're all townhouses. And then what we find also with the trees that have been

45

taken down over there, I live right opposite the block. And the trees that have been taken down were some natives. That's affected the natural habitat of the wildlife over there. Brush turkeys now are getting run over on the streets in Epping because
- - -

5

MS TAYLOR: Is that a bad thing?

MS BUHUSHAN: Sorry?

10 MS TAYLOR: Is that a bad thing? Bush turkeys.

MS BUHUSHAN: Well, would you call wildlife being destroyed because of their habitat being taken away a good thing? I don't think so. So those are my points that we need to make. Parking becomes an issue, streetscape is an issue, nature is an
15 issue and, at the moment, without these unit blocks coming up, there's already litter on the streets because of the nature of development over there.

MS TAYLOR: Thank you. Applicant, please. Who was speaking on behalf of the applicants?

20

MR G. KHOURI: George Khoury from GM Architects and Nick Nasser can jump in if you need.

MS TAYLOR: George?

25

MR KHOURI: George Khouri.

MS TAYLOR: Right.

30 MR KHOURI: On behalf of GM. Look, this site has an existing DA approval for a building that is actually higher. And with greater – less set backs than the application before us. So the front set back is less and the side set backs are less than what we are applying for now. The original application was approved by Hornsby Council. During the approval process, Hornsby Council virtually requested us to
35 acquire the – requested that we get our client to acquire the site behind us because if we didn't acquire it, it would become a maintenance problem for everybody. Access to that site to maintain it and look after it would become an absolute nightmare.

40 And it was for that purpose that we then approached our client, advised them that council was looking for a view to buy the site and increase the development. And we've worked long and hard with council staff to get this – I think it's been over two years we've been working on this application to get it to a stage where the Design Excellence Panel accepted it, council staff have accepted it. The rooftop garden was a request or a suggestion by the Design Excellence Panel which we adhered by and
45 provided. There is some communal open space to the rear of the site as well which gives the occupants two options two options. There's quite a large area at the rear and the rooftop. The rooftop has got a lot of amenities to it.

It's got the barbeque areas, it's got toilets, it's got the seating areas, it's got vegetation planting boxes where people can go up there and plant their vegetables, their cucumbers and carrots and tomatoes and the like. It is an R3 zone. It's an area in transition. Granted, there are, at the moment, townhouses on either side of us.
5 But, you know, who knows what's going to happen tomorrow. The site is zoned for this type of development. And, undoubtedly, it will take place. So somebody has got to start. Where to start? So it is an area in transition. As I just said, we've worked very long and very hard with counsel staff on numerous issues on this application to try and get it over the line. And we believe we've now achieved the
10 desired outcome that council and the Design Excellence Panel require.

MS TAYLOR: Questions from the panel?

MR KHOURI: If there's any questions, I - - -
15

MS TAYLOR: Questions from the panel?

MS FIELDING: No questions. I was just looking at the draft conditions.

20 MS TAYLOR: Right. This is for Derby Street. Right. Thank you. Derby Street. Concern about the remediation works. So council, if there is to be an approval, has recommended some additional conditions that:

25 *Prior to the construction certificate, a site ordered statement reviewing the phase 2 detailed investigation has to be prepared by an independent EPA accredited auditor for contaminated land and submitted to council. A remediation action plan should be prepared by a suitably qualified consultant and submitted to council approval prior to the issue of a construction certificate. And remediation works shall be carried out in accordance with the*
30 *remediation action plan.*

The council report says that if those things are done, that the site will then be suitable for the residential use. You are in agreement with those conditions?

35 MR KHOURI: We're in agreement with those conditions.

MS TAYLOR: Thank you very much.

MR KHOURI: Thank you.
40

MS TAYLOR: Nothing further from – thank you very much.

MR KHOURI: Thank you.

45 MS TAYLOR: Any questions of the council? Thank you. No. It's the – yes. Right. Okay. Thank you very much. We'll move on to the next one so that we can get through these today. And so the next – that's Derby Street, Epping. In relation

to 33 Thomas Street, Parramatta, I see we have four people speaking against the application. Is there anybody here on behalf of the applicant? Okay. All right. Thank you. Can we please hear from Avril Flint? Yes. Thank you.

5 MS A. FLINT: Good afternoon, Panel. I live across the road at 66 Thomas Street and I have three childcare centres that are across the road from the development. And we're all on a corner. The childcare centres that I own were passed 30 and 20 years ago. So back in those days there was no off-street parking. There was no turning circle, no drop-off area whatsoever. So we don't have any off-street parking
10 at all. So if this childcare centre is built directly across the road from us, you're looking at about 114 cars and 22 staff descending on the same space at the same time with morning drop off and afternoon drop off. I can't change my current parking situation. It's just – it's always been like that. So - - -

15 MS FIELDING: Sorry. So you're saying you have a childcare centre across - - -

MS FLINT: I've got three across the road from this one.

MS FIELDING: We didn't even see – where are they on the map?
20

MS FLINT: So I'm 68 Thomas Street, I am 2A Wandsworth Street and I am 1 Gore Street. So we're the whole corner opposite 33. So you're going to have four childcare centres on the same corner, on a T-section of Wandsworth and Thomas.

25 MS TAYLOR: Okay.

MS FLINT: Yeah.

MS TAYLOR: Okay.
30

MS FLINT: Yeah. So I - - -

MS TAYLOR: Understood.

35 MS FLINT: Yeah. So I've got – I mean, we had 167 names on the second petition and 95 names on the first petition because my - - -

MS TAYLOR: Excuse me. I'm going to ask you to slow down and speak a little louder. I'm having trouble hearing you.
40

MS FLINT: Sorry. So we have 167 parents on the second petition and 95 names on the first petition because my families are really concerned with where they're going to park. If you've got families and people trying to get into this new childcare centre driveway and you've got cars stopping, turning, I've got children on the street. So
45 I've got families that are going to be only in one little tiny space outside the childcare. When we had the construction going for Morton Street, when you had the big development down the road, a lot of the workers were parking in our zone. So

council probably has a long record of us calling the rangers because people kept blocking our zones. So then I had parents crossing the road with young babies. So I suppose our main concern is to speak on behalf of the families with young children. We're really disadvantaged if you have something like that that's going to be directly
5 across the road from us.

MS FIELDING: Can you show on this – is it on this map where the centres are that you're talking about?

10 MS FLINT: Sure.

MS TAYLOR: First of all, show us where you live.

MS FLINT: I can't see. Is that Thomas Street there?
15

MS FIELDING: Yeah. This is the subject site here.

MS FLINT: Okay. So if this is the corner. I am here, here, here and here.

20 MS FIELDING: Right.

MS FLINT: So that one, that one and that one. So we are across the road. It's three childcare centres.

25 MS FIELDING: Okay. So we noticed that place when that was a – something else, wasn't it.

MS FLINT: Yeah. No. So these three are approved childcare centres.

30 MS FIELDING: Okay. Yep. Okay. So - - -

MS TAYLOR: I'll just remind you, the microphone only records. It doesn't broadcast.

35 MS FLINT: Oh. So I'm talking to you.

MS TAYLOR: So it's me you've got to persuade.

MS FLINT: Sorry. I'm talking into that. I'm so sorry. Look, we've got vacancies.
40 We've had vacancies for a while. There's lots and lots of childcare centres being built in Parramatta. Most of them are – have got big car parking, they've got big space. This is only a 700 square metre block and you're trying to put 56 children stacked in a double building. So it's quite bulky to the scale of the land. We had a town planner put something together, which council may have seen. But they were
45 saying that, you know, with the bulk and scale, council's recommendation was that it should be, you know, at least 900 for 25 children. But you've got 700 square metres
- - -

MS TAYLOR: So, Ms Flint - - -

MS FLINT: Yeah.

5 MS TAYLOR: - - - you've seen the report from the council which doesn't agree with the application that talked about overdevelopment.

MS FLINT: Yes. Correct. Yes.

10 MS TAYLOR: And - - -

MS FLINT: And the deep soil issues.

15 MS TAYLOR: So I take it you're in agreement with the refusal recommended by the council.

MS FLINT: Yes.

MS TAYLOR: Yes.

20

MS FLINT: Strongly. Now, I've got quite a few neighbours – there's 31 neighbours objecting.

MS TAYLOR: Yes.

25

MS FLINT: There's quite a few of them here today. They're a little bit nervous to speak. But - - -

30 MS TAYLOR: Well, they mightn't need to speak, bearing in mind that the recommendation is for refusal.

35 MS FLINT: Yes. I know. I think we're all just concerned. It's just – you've got to consider that the development on the bottom of Morton Street on the river, there's 1200 apartments. And the only way you can get out of there is to come up Morton Street, Thomas, past where we are and then stop at the traffic lights at the end of Thomas. You can go right and then you go across the Gasworks bridge. That traffic, now, is starting to get longer, and longer, and longer. And it actually comes in front of the childcare centres. So I've been saying to my families, be really mindful at the mornings and the afternoons when you've got that traffic congestion, if you're going
40 to be getting out of the car with young children outside, you could potentially be in that line of traffic. And I can't change our current situation with what we have. Although I'm not against childcare centres opening, there's plenty opening in Parramatta, it's just it can't be directly opposite us. We've also got an aged care facility that's across the road. So I've got ambulances going in there, I've got
45 visitors going in there, I've got people working in that building as well. So just the congestion on that one corner that I showed you is unbelievable, which is what you've probably read from the neighbours as well.

MS TAYLOR: Thank you very much. Yes.

MS FLINT: Thank you.

5 MS TAYLOR: Diane Wakim. Bearing in mind this is a recommendation for refusal from the council.

MS D. WAKIM: So – sorry. I work at Angels Childcare. I work with Ms Flint across the road to the proposed address. Building this place, childcare, with already
10 the three centres which have been operated for the last 20 years down the road and the aged care centre which is just a few houses to the proposed building, this will just cause congestion and waiting for an accident to happen in peak hour traffic. The parents that work with us are always complaining with parking, as it's already busy. There's no parking to drop their kids off. We even have a 15 minute parking
15 available in front of our centres. But many people use the surrounding streets as parking who walk to work in Parramatta CBD to avoid parking payments. Rangers have been called many times, which they help us. Adding another 56 placements, another 56 cars need to park to drop off and cause more chaos.

20 Too many childcare centres have been – too many childcare centres are being built. Many have been shut down, as you are aware, the three just in an amount of one week due to compliance issues. Why build more when there's spots available at Angels Childcare, with three centres located in Thomas Street and there's one in Prospect Street, Rose Hill. We were able to take most of the children from North
25 Parramatta Centre which was one of the centres that was shut down. No demand needed for more childcare centres to be built in Parramatta. Also, I've been working in childcare for 13 years, did so many evacuation procedures and the most difficult part of this practice was wheeling out the babies in the cot. I just can't imagine how you can wheel out 12 babies, many probably not walking yet, just to get out of a
30 burning building from the proposed two storey building.

MS TAYLOR: Have you read the report on this application?

MS WAKIM: Yes.

35

MS TAYLOR: You have?

MS WAKIM: Yes.

40 MS TAYLOR: So I take it you're in agreement with it?

MS WAKIM: Yes.

MS TAYLOR: Thank you very much. Any questions? Thank you. John Boreland.
45 Are you here?

- MR J. BORLAND: My name is John Borland. I have a child at 68 Thomas Street in Parramatta, one of the childcare centres. Probably firstly the reason that you didn't notice the other four childcare centres opposite is due to the sheer bulk and scale of that stop there. It actually fits in with the village aspect and the community.
- 5 So you drive up the street and you literally don't know there's any there, and it's – yes, and it doesn't affect any other neighbours quite currently. I'm not sure if I'd have the opportunity, but I've actually videotaped that section in the middle of peak – the peak period - - -
- 10 MS TAYLOR: Thank you.
- MR BORLAND: The traffic report that you were given was actually before the units were built across the road, so it's – so I have a video of exactly what happens in that area - - -
- 15 MS TAYLOR: No, thank you.
- MR BORLAND: Okay.
- 20 MS TAYLOR: We didn't go to your street. That's the main reason why we didn't see them.
- MR BORLAND: Okay. So I think even off Google Earth, you still wouldn't have seen it because it just meshes in with every house in the street.
- 25 MS TAYLOR: Okay.
- MR BORLAND: So I speak on behalf of also 31, 35, 37 and 39 Thomas Street.
- 30 MS TAYLOR: Are they all owners of childcare centres too?
- MR BORLAND: They're all – not only parents – they're not parents. They're actually residents.
- 35 MS TAYLOR: Residents?
- MR BORLAND: Yes.
- MS TAYLOR: Okay. And what do they want to say?
- 40 MR BORLAND: The first thing that – well, one of it was a video, to show that he couldn't get out of his driveway, and it's – he's – and the line of traffic that goes past at 8 o'clock in the morning and in the afternoon.
- 45 MS TAYLOR: Okay.

MR BORLAND: So that was where he stuck in there, and he's saying if there is a childcare centre built beside – if the sheer scale, with – they are proposing nine staff parking in tandem, four visitor parking and one disabled parking spot, the number of cars going in and out of that driveway, once you have a tandem – someone parking in
5 tandem, someone parking behind, another person turning in, cars banking up at the traffic lights, a person coming out, a parent with a child that's of school age that they're bringing in to pick up their second child that's under-age, removing that child from the car, taking them – like, it's just an absolute shemozzle with – with what they've proposed. On the New South Wales Government Childcare Best Planning
10 Practice, for 40-place centre, the recommended is 1400 square metres. This childcare centre is – has 703 square metres.

MS TAYLOR: You've read the report of the council?

15 MR BORLAND: Yes, I have.

MS TAYLOR: And do you disagree with it?

MR BORLAND: No.
20

MS TAYLOR: Thank you. Thank you very much. Mr Wood. Just jump in if you want to ask any questions.

MR WOOD: My name is Jonathon Wood, planner, on behalf of the applicant. I
25 don't know if you want me to touch briefly on some of those prior submissions, and I can understand why the residents are concerned about another childcare centre operating. Obviously being in the childcare business and not having parking as part of their centres would obviously be problematic. We've obviously made sure that we do comply with the amount of parking that we're required to provide. We had a
30 traffic report. It basically said that the impact would be acceptable, but I don't want to spend too much time on that, unless you'd like me to elaborate further. The recommendation before you is obviously for refusal.

35 Reading the report, going through what council says are the remaining issues – they're sort of inter-related to a few elements. What they perceive is a lack of deep soil at the rear of the site. Basically, some concerns around the height of some acoustic barriers. At the 1st floor, you have a 1.8 high solid barrier, around the upper play area for the zero to twos. We have 12 kids up there. At the ground floor, half of the site has a 1.8 high normal fence. The other half has a two metre fence with a 45
40 degree angle extension, to deal with noise impacts.

MS TAYLOR: I think we're aware of the development.

MR WOOD: That's good. So in terms of the issues raised, I mean, we – we haven't
45 really had the opportunity to respond to these issues in the last few months. The first we sort of knew that these were residual concerns was when we read the report. In the intervening period, we've come up with a revised scheme that reduces the

number of children by four, deletes a parking space and increases the deep soil significantly, to around 23 per cent, in order to address that concern around the perceived lack of deep soil. So we think there are ready solutions to these concerns. We don't see - - -

5

MS TAYLOR: A reduction by four?

MR WOOD: Correct, a reduction by four. So I'll explain to you why there's such a big increase - so we get to 23 per cent. The reason the council says we have 3 per cent at the moment is because they only count areas that are four metres by four metres. Our basement reset back at the moment is three and a half metres, so therefore the entirety of that reset back at present doesn't count on the council's calculations. So our actual deep soil that we have now is around 13 per cent, if you count those areas that are able to be used for planting. The amendments we're proposing deletes the car space, pulls the basement back to about six metres, which obviously increase the amount of back. And we're also proposing to increase the front setback by around one and a half to two metres, to get more - more deep soil at the front of the site as well. So we think we can solve these issues. There's nothing in the council report to suggest that the size of the centre, the look of the centre is objectionable in terms of - - -

MS TAYLOR: Well, except they say it's an over-development as a whole.

MR WOOD: Correct. I mean, which I - I sort of - we obviously disagree with you. It's an R4 site with an 11 metre height limit, a three-storey height control, of .8521 at SR. All of those things point to the fact that there will be a significant uplift in what will be on the site. If you look at what would be there otherwise if there wasn't a childcare centre - the site was amalgamated, it would be a three-storey block of flats, which in terms of development, potential scale, bulk, the way it reads in the street, it would be much bigger than what we're proposing today.

MS TAYLOR: And if there was a three-storey block of flats, wouldn't it be on a larger site?

MR WOOD: It would be on a larger site. It'd be on two sites. So our site is 700 square metres. A residential flat building would sit on a double site, effectively, because you need a wider frontage. I know in terms of the childcare planning guideline, the council's DCP doesn't specify a minimum site area control for a childcare centre, so therefore it has to be considered on merit. Our view is we have a centre that effectively complies with all the setback controls, all those things. There's concerns around the amount of deep soil we have, which we're saying we can - we can readily increase by quite a substantial amount, concerns around what the acoustic barriers look like, which we don't necessarily agree is really a fundamental issue when you have a fence that's at two metres on the boundary and a clear element at 45 degrees that spans out over that.

We don't see that as an issue. There's some commentary around the fact that there's some additional canopy trees that the council's landscape officer would like to see, which we can do. We have a blueberry ash in the rear, we have a crepe myrtle in the rear, two crepe myrtles at the front. The additional areas we can provide and give it
5 some more space for some larger plantings, so we can readily address those issues. So in our view, there's some fairly easy solutions to some of these concerns the council has raised, and we've been able to work those up in a matter of a couple of days from seeing what these issues are. So, in effect, we obviously don't support the recommendation for refusal. We'd like the opportunity to actually produce these
10 plans for the council and the panel to consider, to actually look at what our design response is, so that the panel can make a decision on those amendments that we've been able to come up with in the last few days.

MS FIELDING: Can I ask – one of the objectors raised this, and just came up, and
15 the other childcare centre, just about – you know, evacuation - - -

MR WOOD: Yes. Yes.

MS FIELDING: - - - and having the youngest children – like, the babies on the top
20 floor and - - -

MR WOOD: Yes. Yes.

MS FIELDING: - - - how you actually physically would evacuate them from that
25 top floor.

MR WOOD: Yes. All right. So we've - - -

MS FIELDING: And you've put them – why did you put them on the top floor
30 rather than the bottom floor, but - - -

MR WOOD: Yes. So the reason we put them at the top floor was just to segregate
35 them all from the other age groups. Obviously there's a need for additional cot rooms and those elements. And generally you don't have zero to twos sort of mixing with – with the older kids, particularly in terms of outdoor play, given you've got babies - - -

MS TAYLOR: This is talking about the top floor as opposed to bottom floor?

MR WOOD: Correct. So the reason we put it at the top floor was to segregate the
40 zero to twos from the older children - - -

MS FIELDING: But you couldn't put the zero to twos on the ground floor,
45 reversing the others - - -

MR WOOD: We would. We would reverse that, if that was – if that was a
fundamental concern, we could actually rearrange it because obviously the internal

space planning will change a little bit, so there's no fundamental issue with doing that.

5 MS TAYLOR: I think we were asking why – well, more – more – how would you evacuate them from the top floor?

10 MR WOOD: Yes. So obviously if they're evacuated, there's a fire stair and a lift in the corner. Obviously if you're going to have a fire, the lift may not work, so there's a fire stair that's obviously – achieves a fire resistance level so that that's basically an isolated area. We've got an evacuation plan. The way that we would see it occurring is obviously we have a childcare ratio of one per four, so upstairs we're likely to have three staff evacuating the 12 kids. It – what we'd suggest is that one of the staff would effectively round up the kids, and the other two were taken downstairs, and basically get them out as quickly as we can, so - - -

15 MS TAYLOR: But they're babies.

MR WOOD: They are babies, so you'd only be able to take two at a time.

20 MS: That's incorrect because regulations state you have - - -

MS TAYLOR: Thank you.

25 MS: - - - to have five cots - - -

MS TAYLOR: Thank you. Thank you. We don't want to hear from you now.

30 MR WOOD: Yes. So that – that's how we'd anticipate we'd do it. Having said that, there's the ability to put the zero to twos downstairs if that's a fundamental concern about evacuation. But it doesn't seem to be an issue that the council has raised, and I just wanted to address those issues the council has raised.

MS TAYLOR: What about the traffic situation?

35 MR WOOD: So the traffic situation. Obviously it is a fairly busy – not – when I say busy, not busy in terms of through traffic, but there is a lot of traffic that doesn't go anywhere. In the peak periods in the morning and the afternoon, which is a function of the amount of development happening, which is a function of just how that development will occur. But the traffic report we have says our increase is negligible in terms of what that will do to the facility. And I don't think our development can fix the fact that there's a traffic congestion issue in the area, other than to say that we've got compliant levels of parking, a traffic engineer who's looked at it and said that the impact is acceptable. And I think the council has taken the same view as well, in terms of the traffic impacts.

45 MS TAYLOR: Thank you. Anything further?

MR WOOD: No. No.

MS TAYLOR: Any questions from the panel, or comments?

5 MR HUSSEY: No. No.

MS SMITH: This was refused in February by the previous panel. So there has been a long time since February to our December meeting.

10 MR WOOD: It has. There has been a long time and we've been hoping that this meeting would have occurred quite some time earlier in the year. We provided amended plans to the council sort of January of this year, and that's hence we requested the deferral. There's some commentary in the council report that says the reason it was reported to the panel was because we didn't provide information in
15 enough time previously. We then provided the information a month prior to that meeting, and then the panel, sensibly, said, "Well, look, have time to assess it." To be honest, if we had – if we were aware of these issues three, four months ago – our last interaction with council was back in July. We could have dealt with it. We've got the ability to make changes to address the concerns and our frustration is that we
20 haven't been able to do that.

MS TAYLOR: It's hard to get anything from the council planning report other than this might be not the right site for 56 children.

25 MR WOOD: There was a broad comment around overdevelopment. Reading into that, and the reason it says that it's overdevelopment, to me, seems to read from what they say is a lack of deep soil, concerns around what the acoustic barriers look like. So it's difficult because it doesn't give us a direct roadmap, other than to say there's a few key issues which we think we can address.
30

MS TAYLOR: I think they're not saying there's a few – merely a few key issues. I think they're saying the whole development – and I don't suspect that four – reduction of four children, is going to reduce their concern about overdevelopment of the whole site.
35

MR WOOD: It may not. All we've been able to do is look at what the specific comments in the report have to say and try to respond to those. So a term like "what is overdevelopment" in the context of high FSR, off the scale? What is the nexus between why you say something is overdeveloped compared to something that is
40 acceptable, and that's where we're struggling. We can address they say are at issue. "Overdevelopment" is a broad term that needs to be considered and I've had a view on what a suitable number of children may be on this site. In their deliberations, we would be willing to hear what that may be, if there was a view on that, to assist us moving forward, but, otherwise, that's about all I have.
45

MS TAYLOR: Thank you very much. Anything further, Panel?

MR HUSSEY: No.

MS FIELDING: No. Thank you.

5 MS TAYLOR: Thank you, Mr Wood.

MR WOOD: Thank you.

10 MS TAYLOR: All right. Panel, do you wish to retire now and decide those matters and come back later on the sixth matter?

MS SMITH: Yes.

15 MS TAYLOR: Yes. Is that what you would like?

MS FIELDING: That's fine. Yes.

20 MS TAYLOR: Okay. Ladies and gentlemen, we will take a break now and come back a little later with some of these decisions, and then there's a final matter that we have to discuss in public, and that is the planning proposal in relation to a CBD property and we will hear from the council when we bring back the decision for these other matters. We invite you to stay or to go, and, if you do go, then this will be on our website approximately when?

25 MS: Probably early next week.

MS TAYLOR: Early next week. Thank you very much for your attention to us today.

30

ADJOURNED

[5.09 pm]

35

RESUMED

[6.26 pm]

40 MS TAYLOR: Thank you, ladies and gentlemen. We're sorry to keep you waiting. We will deal now with Moxhams Road, Northmead. The panel will approve the application unanimously. The panel agrees with the council assessment that this site is suitable for the proposed 63-place childcare centre for the reasons outlined in the council assessment report. The panel is, however, concerned at the possibility of bushfire from the council's bushland reserve and will require conditions, and impose conditions, regarding a bushfire risk assessment report and any necessary amendments to the application which may arise therefrom. We note the applicant
45 agreed that this could be an additional condition. This will be a deferred commencement condition that this matter comes before the council with not only the

report, but any proposed amendments to the evacuation plan, or to the plan of management or any building specifications that might be required.

5 The panel received many submissions from local residents from the surrounding streets that the existing traffic conditions were so unsatisfactory the development should be refused. The council's traffic engineer found that the increased traffic from this development would not cause unacceptable impact on the operation of Whitehaven Road and the surrounding road network compared to the present situation. However, the report notes the council proposes to monitor the traffic in the area in terms of pedestrian safety and, as a result, the panel expects that consideration will then be given to the need for a traffic management plan for the precinct prepared by the council

15 The panel accepts the application is acceptable in the Sylvia Gardens Special Character Area as assessed in the council report, as the built form of the proposal involves pitched roof, terracotta tiles, characteristics of a two-storey brick residence and the childcare centre has been designed to appear as a dwelling from the street. The panel adopts the conditions in the council town planning report. It's a unanimous decision. It's an approval subject to the extra conditions by deferred commencement condition.

Item number 4. Thank you very much to the people who spoke to us on that behalf.

25 Item number 5 is Derby Street, Epping. The panel supports the variation of the clause 4.3 height of building standard in the Hornsby LEP and the written submission for variation of the standard under clause 4.6. The site is suitable for the proposal and the panel adopts the council reasons of approval in the assessment report. The panel accepts the site can be made suitable for the contamination – sorry, let me say that again. We accept the site can be made suitable for the continuation of residential use and notes the conditions proposed for remediation of the land. The use is permissible within the R3 zoning and the application satisfies the objectives of that zone. It will add to the stock of residential development and comply with the objectives of the zone in proximity to the train station. There are additional conditions regarding a site audit statement requiring reviewing of a phase 2 detailed investigation, a remediation action plan to be prepared for the site and remediation works to be carried out in accordance with the remediation action plan. The panel notes that the council has found that, upon those works being done, the site will be suitable for the use. Consequently, once again, that is an approval subject to the conditions in the council report, the additional conditions, and it is a unanimous approval.

45 Moving to number 6. The council does not find the site to be suitable for the development for the reasons given in the council town planning report and will refuse the application, and the reasons for that will be on the website in 14 days – about four days time. Is that correct?

MS: Early next week, say, Monday or Tuesday.

MS TAYLOR: Monday or Tuesday of next week. The reason for the refusal and that will be that we support all of the reasons for refusal in the council town planning report, and you will see the complete statement in due course. We're now moving – ladies and gentlemen, that completes all the matters for today, except for - - -

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MS STEPHENS: No. 85 Victoria.

MS TAYLOR: Sorry?

10 MS STEPHENS: 85 Victoria, the first item.

MS TAYLOR: Number 1.

MS STEPHENS: You didn't actually cover - - -

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MS TAYLOR: We didn't actually say that.

MS STEPHENS: No.

20 MS TAYLOR: 85 Victoria is an application for modification to a shop-top housing development that council found the modification to be satisfactory, and the council – sorry, the application is considered satisfactory by the panel subject to the conditions in the council report and for the reasons given in the council report. Modification application to the 85 Victoria Road, Parramatta, unanimous decision of the panel.

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The panel will now hear from anybody who wishes to speak about the planning proposal for Macquarie Street, Parramatta – 189 Macquarie Street, Parramatta – and the panel would be assisted by having the council planner come and speak to us in this regard. So you're going to speak. Right.

30

MS BRENNAN: Yes. Thank you, Madam Chair. My name is Larissa Brennan. I'm the town planning consultant on this project. This has been a long process. We've been working very closely with the council. We support the recommendation in the report for the planning proposal to be forwarded to the department for gazettal. It has been delayed because of the overshadowing analysis of the CBD planning proposal, but that has all now been completed and you will note that there was no changes required to our planning proposal. So I'm happy to answer any questions you may have, and, otherwise, I would ask that you endorse the recommendation and the council planner and the independent consultant planner that also undertook an assessment. Thank you.

40

MS TAYLOR: Questions of the planner for the applicant from the panel?

MS SMITH: Not from me.

45

MR HUSSEY: Well, just to clarify. You, independently, recommended that the maximum height be the maximum height and have no further provision or allowance

for design excellence increases. Is that covered specifically in the recommendations so that height is the height?

5 MR FIELDING: This is the applicant's town planner.

MS BRENNAN: I'm for the applicant but I answer that.

MR FIELDING: Not the council.

10 MR HUSSEY: Can you answer it?

MS FIELDING: Well, probably, rather than - - -

15 MS TAYLOR: Well, it might be a question for the council, but we've got Larissa here, so did we want a question of her?

MR HUSSEY: Well, no. Sorry. I'm out of order.

20 MR CARLE: Yes. So, sorry, can you just repeat the question about – about the height?

MR HUSSEY: Yes. The maximum height of the building is the maximum height and there will be no - - -

25 MS FIELDING: Inclusive of design excellence.

MR HUSSEY: - - - design excellence bonus.

30 MR CARLE: Correct. So the – the maximum height includes the design excellence bonus, yes, which is 15 per cent.

35 MR HUSSEY: So where is that in the recommendation? Is that covered in the recommendation? It's in the text of the report, but where is it clear in the recommendation?

MR CARLE: So the planning proposal – so the recommendation is to endorse the planning proposal and, when you got to table 2, which provides a summary of the planning proposal controls, so - - -

40 MR HUSSEY: Well, where is table 2? Is that - - -

MR CARLE: Table 2 on page 6 of the report.

45 MS SMITH: 6, yes.

MS FIELDING: This was basically updated to include the recommendation, wasn't it?

MR CARLE: Yes.

MR HUSSEY: Table 2.

5 MR: The reason – the reason for the maximum height is overshadowing.

MR CARLE: Yes.

10 MR: no shadowing in the plan and if we go any higher, it overshadows, it's spread far. So that's why the height rules.

MR HUSSEY: So that table - - -

15 MS TAYLOR: Is it intended to demolish the building that has been built there already?

MS BRENNAN: No. It's not. And we also almost completed a design competition – a second design competition for that site and the – that proposal is a tower sitting above the existing podium levels.

20

MR HUSSEY: So it's subject to flooding and it has got the shelter in place in - - -

MS BRENNAN: Yes.

25 MR HUSSEY: - - - the PMF.

MS BRENNAN: Yes.

30 MR HUSSEY: What does that incorporate in the building? How do you do that?

MS BRENNAN: Okay. That's a good question. It's something that I've – I've looked at in terms of the planning proposal. It's essentially a shelter in place that all of the residential levels are well above the PMF, so it enables the occupants to remain in their unit if there is a flood to wait that out.

35

MS TAYLOR: In their unit or in the shelter in place?

MR CARLE: Can I provide some comment?

40 MS TAYLOR: Yes, please.

45 MR CARLE: So through the chair. So I spoke to my colleague, Rob Colonia, and his advice was that, typically in a residential development, majority of residents will just stay in their – in their units. However, there may be some people in the car park and so forth that, for whatever reason, don't go to their unit. So there needs to be an additional communal space which is – which is a shelter in place space. That needs to be above the flood level and, typically, it might be – you know, you might have a

gymnasium, for example, which is above the flood level. So in that case, what – what would be required is that, you know, there be some sort of provisions in there, some food, medical supplies, so people, if they're unable to go to their units, they can go to their communal area and they can stay there until they can be safely evacuated.

5 So that approach which has been proposed as part of the CBD planning proposal, so that has been endorsed by the department for public exhibition. It has been implemented in various site-specific planning proposals which have been finalised. So that approach has been supported by the department in site-specific planning proposals.

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MR HUSSEY: Considering that the one in 100 or the PMF might have a flood level of an extra metre of water in the streets, whatever, does the strategic plan allow for traffic control management for vehicles that are in the street or when those people can get out after the peak of the flood has gone or something. It will take some time for the flood to clear. So is there any exclusion zones to stop people from up the hill coming in?

15

MR CARLE: Yes.

20 MR HUSSEY: Or is there traffic chaos?

MR CARLE: I don't – to be honest, I mean, it's a CBD planning proposal. It's because it has been proposed as part of that. I don't have that – that sort of, I guess, intimate knowledge about it. So I can't – I can't answer the question. I don't know if - - -

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MR HUSSEY: Would that be a consideration, a concern, that you've got people blocked in their units, whatever, but there's going to be a heck of a lot of people still dependent on the increased traffic and, if that's not controlled in an exclusion zone, should we make a comment on that, or is that out of order?

30

MS BRENNAN: May I, maybe? I would think it's – it's not something that's specific to this planning proposal but, as part of council's sort of overall management in a flood situation, especially a larger PMF-type flood, that a lot of that would form part of their emergency response, which we see when – when we have flooding in – in the streets as it is and the police block off the streets and have alternative routes around the various parts of where the flood-affected areas are. So I would expect that that would be the same sort of arrangement that would happen in the CBD under council's emergency management plan.

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MS TAYLOR: Also, details of what happens in the site will be part of the DA and assessed at that point.

MS BRENNAN: Any of those requirements in terms of the shelter in place will be looked at as part of the development application and there's definitely opportunity to – to allow for that within the – within the site. Not an issue. It's not something that I

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think should form part of the LEP amendment, but it's definitely a DA consideration that we would look at.

MS TAYLOR: Are we in a position, Panel, to make a decision?

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MS SMITH: Yes, I think so.

MS TAYLOR: The panel will adopt the recommendation at page 561 of the council town planning report that we endorse that council should consider the independent
10 planning assessment reports on the submissions in relation to the public expectation, that the council endorse the planning proposal at attaching 2, noting that the planning proposal includes all the changes recommended by the independent reviewer except the inclusion of a satisfactory arrangements clause and requirement in relation to
15 state infrastructure. Pausing there, can you explain to me why we are not including the satisfactory arrangements clause?

MR CARLE: So there's some information in the report about that. I guess the – the sort answer is we consider it to be a – or a couple of reasons. We consider it to be a
20 strategic question which should be addressed through the CBD planning proposal, and it's also a consistency issue. So we haven't – we haven't imposed it - - -

MS TAYLOR: Well, will it be addressed in the CBD planning proposal?

MR CARLE: My – yes. So my understanding is, yes, it is proposed as part of CBD
25 planning proposal. So that it doesn't - - -

MS TAYLOR: Do you want to comment on this?

MS BRENNAN: Yes. So what my understanding is, that council is not sure if there
30 is going to additional contributions required for the CBD planning proposal and so they've added an extra condition on our planning proposal that they think it's likely that those contributions will come through as your section 94 or section 7.1, whatever it's called now. So there's an additional allowance within our planning proposal that if the section 94 contribution has changed to take account of the state
35 infrastructure, that that will also apply to our site. So it's actually covered by the next recommendation, and we have no objection to that.

MS TAYLOR: Well, this is one which says if the contributions go down, they will allow them to go down.

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MR CARLE: Yes. I think we're talking about - - -

MS TAYLOR: We're talking about satisfactory arrangements to pay state infrastructure.

45

MR CARLE: Yes.

MS BRENNAN: Yes.

MR CARLE: So I think there was a submission from R&S and they – they’ve made
5 a similar submission in relation to previous site-specific planning proposals where
they’ve asked for a satisfactory arrangement clause to be imposed. But as I said,
we’ve not done that in site-specific planning proposals. However, the CBD plan
proposal, my understanding that - - -

MS TAYLOR: Okay. Not a site-specific.
10

MR CARLE: No.

MS TAYLOR: Understood. Thank you. Further - and we endorse the suggestion
15 that council forward the planning proposal to the department for finalisation but
request that it’s not finalised until the new planning agreement is signed by both the
council and the landowner. The council enter into a planning agreement: we agree
with the recommendation that they enter into a planning agreement, particularly the
one at attachment 3, subject – being a standard a review clause that allows a review
20 to go – for the money to go downwards if that was what happens in the council’s
own documents. Upon signing the planning agreement, the agreement should be
forwarded to the DPIE. And further that we suggest the council authorises CNO to
correct any minor inconsistencies. So we adopt and recommend the adoption and
endorsement of the matters contained in your report, Johnathon. And that’s
25 unanimous decision of the panel.

MR HUSSEY: Yes.

MS BRENNAN: Great. Thank you.

MS TAYLOR: And, therefore, we will – sorry to keep you so long.
30

MR CARLE: That’s okay.

MS BRENNAN: That’s okay.
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MS TAYLOR: We didn’t quite realise there were so many people coming today.

MS BRENNAN: I know. I know. That was a busy one.

MS TAYLOR: Yes.
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MS BRENNAN: Thank you. We appreciate your consideration.

MS TAYLOR: Okay. And I declare the meeting closed.
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MATTER ADJOURNED at 6.44 pm INDEFINITELY