

PROF LIPMAN: Okay. We will open the meeting. Good afternoon. Before we begin, I would like to acknowledge the traditional owners of the land and pay my respect to elders past and present. This is a request by Newton Denny Chapelle on behalf of Clarence Property, the applicant, to modify the concept plan and the project approval for the Casuarina town centre, MP06_0258 modification 10. The applicant is proposing to replace hotel use and medium density residential lots with low density residential development, increase the maximum building height in the main street from three to four storeys, change some of the road layout, supporting infrastructure, open space, and make changes to staging and the timing of the construction of the beach access.

My name is Zada Lipman, and I'm the chair of this panel, and I'm accompanied by my fellow commissioners. On my left, Russell Miller. On my right, Peter Duncan. And assisted by secretariat planning officers Alana Jelfs and David Koppers. The other attendees at the meeting today are from the Tweed Shire Council and I will ask them to introduce themselves in due course for the purposes of the record. In the interests of openness and transparency, and to ensure full capture of the information, today's meeting will be recorded and a full transcript will be produced and placed on the commission's website. The meeting is one part of the commission's decision-making processes. We've already met with the department, with the applicant.

We've had a site visit and a public meeting. And, of course, this is the last one of our meetings at this stage, unless we seek additional information. And it will form one of several sources of information on which the commission will base their decision. During the meeting, it's important for commissioners to ask questions of attendees if they want issues to be clarified or if they feel that explanations are appropriate. If you are asked a question and you don't have the answer immediately to hand, please feel free to take the question on notice and to come back to us later with a written information, and that will be placed on our website. So now we begin.

Before asking you to introduce yourselves, I would just like to outline, briefly, what we would like you to cover today, and this is a sort of taking all the issues that the department had and sort of distilling all the information. We will still have need for elaboration and one of the first issues is the four-storey development. The changes in the plan to the four-storey development and what the likely future height levels are likely to be. We would like to go through the open space provisions, and particularly the park – and the Civic Park, and the proposed sewer installation there and the size of the particular allotment which is required to support it. And the other aspect was the beach access, where they – when the construction of the beach access should take place and whether there should be another access, or whatever the position you consider to be appropriate. So I will hand over to you. Please introduce yourselves and then if you could kindly address the comments.

MR O'CONNELL: Okay. My name is David O'Connell, and I'm a town planner with Tweed Shire Council.

MR BURTON: Grahame Burton. I'm the open space officer with Recreation Services, Tweed Shire Council.

5 MR SCHWARZ: Brenden Schwarz, development engineer. Looking at the overall development engineering aspect of it.

MR ROSE: Danny Rose, manager Roads and Stormwater at Tweed Shire Council.

10 MR O'CONNELL: And Simone Gillespie is to come along in a few moments and, I guess, at that stage will introduce her, herself. Yes.

15 PROF LIPMAN: All right. Yes. That will be fine. Perfect. If you could start off at looking at the changes. You know, the changes made in the LEP; the height requirements and the four-storey development, and that sort of issue.

20 MR O'CONNELL: Okay. Yes. So the subject site has got a 13.6 metre building height limit on it, and that the application proposes a three-storey and a four-storey development, too. I think it's a four-storey development at three of the sites. So the council comment on that one previously.

PROF LIPMAN: That's correct, I think.

25 MR O'CONNELL: Wasn't essentially that the – there wasn't any specific issues raised to that from either the council officers that looked at the application, or the elected council who endorsed those comments at a council meeting in December of 2017. I think there was design merit to what was being proposed there and a different aspect, I supposed, that was raised during an earlier iteration of design was that, I suppose, the need to keep a higher density and street articulation and interaction in that area, and I suppose from that point of view, the officers raised no issue with the four-storey building height and the elected council didn't, at that point, 30 either, when the comments came before to make.

35 PROF LIPMAN: I suppose I just have two questions here. What prompted you to raise the height in 2014 and are there currently any plans to reduce it again?

40 MR O'CONNELL: On the LEP change, I will have to take that question back on notice and check with our strategic planning unit, who obviously went through a rigorous process in – well, I suppose bringing in that new look environmental plan. It's my understanding that the height – that the height transitions, I suppose, have also got to do with going from the old local environmental plan to a newer – the standard template and that's what those heights are supposed to – I suppose they were kind of considered to be equivalent. I don't think there was any rigorous design changes done at that point in time, but I can take that question back to our strategic planning unit and ask a question of them on that.

45 PROF LIPMAN: Can I just – the second part of my question was; are there any proposals at the moment to reduce those height levels or - - -

MR O'CONNELL: There was just height – there is some plans to reduce heights in Kingscliff but not in Casuarina town centre area that I'm aware of. Again, I would take that back to our strategic planning unit and check that out with them as well.

5 PROF LIPMAN: Right. Thank you.

MR MILLER: Can I ask a couple of questions about that?

PROF LIPMAN: Yes, sure.

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MR MILLER: So what prompted the view that there should be a change in Kingscliff?

MR O'CONNELL: I think it was around the election. It was the most recent
15 council elections. I think one of the councillors who was subsequently elected, they lobbied hard, I suppose, on that basis and obviously as you would have seen today, there was a – I suppose there is a public expectation there to keep the height down in Kingscliff in particular. I think there was a slight fear, maybe, of overdevelopment in the area, but I couldn't – I couldn't speak, I suppose, as an officer of council in
20 any of those things, I suppose, from a - - -

MR MILLER: So there seems to be a fairly strong element within the community down there that thinks the four storeys is a problem. I'm not saying it is or it isn't. I'm just – so there is anywhere else where four storeys are actually being built in the
25 council area?

MR O'CONNELL: Yes, well, obviously there's height limits, I suppose, all throughout, I mean not in the Tweed, for example, there's mainly buildings that would be four storeys and higher.

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MR MILLER: Here.

MR O'CONNELL: Yes. Yes, exactly. And yes, the height issue is probably at its strongest in Kingscliff itself and I suppose just the site that we're looking at, well,
35 Kingscliff has also attracted some of the similar attention, I suppose, on it.

PROF LIPMAN: So would you make an exception just for the Kingscliff area or would you be considering changing it across the board or extending it to other areas.

40 MR O'CONNELL: I think it – my understanding is that it needed to be changed. Like wider than just Kingscliff. I think there has been a couple of different ways in which it has been looked at, changing the height limit and with draft locality plans, for example, and like I said, I'm not sure where that is currently up to.

45 PROF LIPMAN: So you're not sure whether it is intended for Casuarina eventually?

MR O'CONNELL: Correct. That's correct.

PROF LIPMAN: Thank you. More questions?

5 MR DUNCAN: Nothing from me.

PROF LIPMAN: We have just had an additional council attendee enter the meeting. Could you please introduce yourself for the record.

10 MS GILLESPIE: My name is Simone Gillespie. I'm here on behalf of Water and Waste Water for Council. My apologies for being late.

PROF LIPMAN: Thank you. Well, if there are no more questions on the height and four storey limits, we might move on to the question of open space. Perhaps if you
15 could take us through that and your feelings on the open space that has been provided by the developer.

MR BURTON: Okay. Well, maybe I will take the lead on this one. I've got to be up front and say I've just returned from two weeks leave this morning to find this
20 meeting on. So I've gone over my old notes and I hope I can be reasonably detailed. I'm not sure where to start with this one. We've got the park. Essentially the open space that you've got is mainly that park. There's what you might consider a linear park, although we don't consider it a dedication in terms of public open space, but you've got that northern corridor. There's a number of other areas on this plan that
25 I'm looking at, which proposes or indicates open space has been dedicated. But in fact they're all infiltration or drainage reserves. So there's really only one large central park, that north/south easement – east/west easement, sorry – and one or two small areas along the eastern cycleway that have been dedicated.

30 One interesting thing – I actually don't have a final population, and I think it's moved – bit of a moving feast, isn't it, the final population for this area. Normally we do a calculation based on a strict population. You know, if you've got 1000 people, then you've got to dedicate 1.13 hectares of public open space. This area hasn't been assessed in this way, because it has been approved for so long with that
35 area of open space approved. I haven't gone back and done a recount and seen how – actually how many people are going to be living in this little area. As for the park itself, it's a good size. Sadly, it has been eroded in terms of its useability by other requirements. I don't see it as being dysfunctional at the moment and Simone, we might – you might be able to flesh out a bit more about – the disadvantages to this
40 park are really the fact that - - -

PROF LIPMAN: This is the civic park?

MR BURTON: The civic park. The only – when I refer to a park at this stage, I
45 think it will be the main civic park, because that's really the only one that we've got. The infiltration basin or drainage reserve to the east of that certainly eats into the size and the accessibility of that park. Probably the other awkward thing is the decision

to put the sewer pump station into the park. Simone maybe can tell us a bit more about its dimensions above ground, but it certainly does impinge on the usability of that area and its – as it sits, it’s right at the front of the park, which is – we would always prefer to have parks sort of accessible and open with generous visibility for a
5 number of reasons. It does put a bit of extra infrastructure in an area that we’re not so keen on.

10 PROF LIPMAN: Is that – that’s on a separate allotment, isn’t it? It has to be on a separate allotment?

MR BURTON: No. Well, it’s not showing here. It’s going to be – is it?

MS GILLESPIE: It’s a requirement in the conditions.

15 MR BURTON: Okay. It’s going to be in a separate lot, in the middle of the park?

MS GILLESPIE: Yes.

20 MR BURTON: Okay. So does - - -

PROF LIPMAN: Has it been determined what the size of that allotment will be?

25 MS GILLESPIE: At this stage, we haven’t received enough information from the developer on the actual design of the pump station, so that will help drive it. However, we do have minimum size requirements in what – the turning circles for vehicles accessing it, for the switchboard and for our guys to get to the asset. So we do have standard drawings outline the minimum expectations on the design.

30 PROF LIPMAN: So what would that be, roughly?

MS GILLESPIE: I can’t recall off the top of my head what the actual size is, but I can get back to you on that and have a look at our standard drawing.

35 PROF LIPMAN: Thank you.

MR DUNCAN: Could I ask a question? It’s Peter Duncan.

PROF LIPMAN: Sure.

40 MR DUNCAN: We’re willing to believe that the majority of the pump station will be underground. There will be a stand pipe and there’s obviously, by the sound of it, some sort of switchboard on the surface.

45 MS GILLESPIE: Yes. So there’s a – the main part of it is a large wet well, so that’s underground assets with the pump.

MR DUNCAN: Yes.

MS GILLESPIE: There will be a switchboard. There will also be another underground asset which is the valves.

MR DUNCAN: Yes.

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MS GILLESPIE: And there will be a vent, an odour vent.

MR DUNCAN: A vent.

10 MS GILLESPIE: And potentially also there will be some sort of cleansing device attached to that vent. So there won't be a lot of infrastructure above the ground. However, there will still also need to be the access, the vehicle access and things like that.

15 MR DUNCAN: Yes. Yes.

MS GILLESPIE: So visually there won't be a lot for the local residents to see. However, it still will be an operational site for water and waste water.

20 MR DUNCAN: Okay.

PROF LIPMAN: How high is the stack?

25 MS GILLESPIE: It's going to be 10 metres. We need to go into detail. Our minimum is 10 metres. The developers produced an odour report where – that suggested they may also consider making it higher. And so that's yet to be determined but our minimum height is 10 metres.

30 PROF LIPMAN: Right. And you have a requirement that it should be located 50 metres from the nearest residential property. Looking at your trials, I noticed also that it should be approximately 10 metres from a playground or anything like that. Is that correct?

35 MS GILLESPIE: I can't comment on the playground. I might respond to - - -

MR BURTON: No, I'm saying I haven't heard that either.

40 MS GILLESPIE: Right. Okay. We put in a – it has been in our standards for a long time that the minimum expectation that we have is 50 metres.

PROF LIPMAN: Yes.

45 MS GILLESPIE: Now, the reason that we say that is that we – if a developer wants to make that amount smaller, they need to do some odour assessment to determine whether or not what the real impact would be. So that 50 is the minimum based on no studies. From that, we take the odour as the assessment that has been done. Now, that's also desktop at the level we're at here, so obviously it's not using any actual

physical information, because it's not built. So we can only take that with, you know, certain limitations. On top of that, we've got what we call a bit of a risk matrix, based on a whole lot of other asset information such as how many people upstream, how many pumping stations are upstream.

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All the different things that will create greater odours, to determine what the reasonable distance from residences should be. In this case, because there's going to be, as you said before, development that's going to be approximately four metres high, that's going to be higher than our vent stack so we need to take that into account because odours can come above – higher than that. Typically, council has a 10 metre vent stack because most residential houses are 9.5 metres and less, so we take that into account. So I can provide you with a copy of our risk matrix if you like, but we've used that to sort of come up with why we think 30 metres would be the minimum that we would expect, to protect the local residences from any potential odours and also nuisance noises potentially too, because obviously our guys have got to go out and do weekly maintenance on the site and all those sorts of things too, so.

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PROF LIPMAN: And you have to – I understand you have some sort of hazard risk for playgrounds as well?

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MR BURTON: The location of playgrounds and distance from areas that would be considered a hazard, yes, we have guidelines.

PROF LIPMAN: So would that come within that or?

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MR BURTON: I wouldn't have thought so.

PROF LIPMAN: No?

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MR BURTON: It's normally about things like falls or pools of water.

PROF LIPMAN: Right.

MR BURTON: They're the real issues.

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PROF LIPMAN: Right.

MR BURTON: That sort of example hasn't been – hasn't come up.

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PROF LIPMAN: And do you – what would the impact, from the point of view of odour and nuisance and noise generally be on a playground in the vicinity?

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MR BURTON: That's an interesting question again. Impact. I would have thought that a playground – if we got service technicians working on a sewer pump station, I wouldn't see an issue with noise. It's just general background noise. I don't really know how much noise you generate. Odour again, I suspect that would have an

impact on people's wish to go to a playground. Whether it's genuine health impact or just its tractability.

PROF LIPMAN: Amenity.

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MR BURTON: Yes, amenity, thank you. It would definitely reduce it. I can't put a figure on or a percentage. It certainly would affect it. Yes.

10 MS GILLESPIE: The council has a lot of – we have approximately 80 sewerage pumping stations. Most of them are located in parkland or we prefer it to be located in parkland and away from residences rather than nearby residences or in median strips and things like that. Unfortunately, in a lot of new developments, the public open spaces is limited so often, to be able to meet these guidelines for the buffer zones, they typically would prefer to put the pumping station in that location rather than lose a lot to be developed on where, you know, there's – making money, so we do have a lot of our sewerage pumping stations around public open space.

15 PROF LIPMAN: And were any alternatives sort of gathered for a pumping station site or is this the only spot that it could be located in?

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MS GILLESPIE: Council – I don't know if I'm going to be going into public open space now and talking a little bit sewerage infrastructure but if I can give you a little bit of background on why this has occurred. There is an existing trunk sewer that runs through this lot now. It was built there initially as part of the development. Part of this modification was, as you know, to change the layout and, as such, they also wanted to therefore change where the sewerage reticulation and trunk main was going to run. Council wasn't really keen on that idea and it has been one of the bigger problems, I guess, with our assessment of this. Stormwater and sewerage infrastructure have been, I guess, the two larger limiting factors on what has been proposed to date. The only way that we could see the developer being able to meet Council's design specifications – because we have limitations on how deep we will allow them to build the trunk sewer infrastructure – is that they would need to put in a pumping station. Otherwise, what they had proposed previously was going to meet our depth requirements. Hence why there's a pumping station at all. At the moment, there isn't one in that location. We discussed locations with them where it could be positioned initially. Our preference was that it would be closer to, I guess, where the sewerage was coming out of the existing development and before it went into this development, but that raised concerns for the developer with respect - - -

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40 PROF LIPMAN: Where was that? Where was that line?

MS GILLESPIE: A new lot, Lot 91. So sort of at the – the sewerage runs from the north to the south.

45 MR DUNCAN: The most northerly one.

PROF LIPMAN: Yes.

MS GILLESPIE: So it was our preference that it would be located sort of more along that area. However, obviously, that impacts the amount of saleable lots which was why it was the developer's preference to put it in closer to where the park was going to be. The other limiting factor for them is even with what they've proposed
5 now, they're still going to be very close to not meeting the requirements for depths so design is also a limiting factor in terms of where they could locate it. So at the moment, they're still having problems meeting Council's specifications for the depth of the wet well. We have, in our design specifications, a maximum depth of six metres and they may have to go just over that to be able to meet the requirements and
10 I think they will just come in on the five-metre requirement for the trunk sewer so there's quite a few things that they had to take into account. Also, that stormwater basin, which is located next to the open space, that made it quite difficult for their design in trying to find a location for the sewer pump station. One of the other problems that they had was that we didn't want to have a long-term asset like a
15 sewerage pumping station located in our 2100-maximum flood zone which – I don't know if anyone has touched on that as part of the meeting yet - - -

MR ROSE: Erosion zone, rather.

20 MS GILLESPIE: Erosion zone, sorry.

MR ROSE: Yes, coastal erosion.

MS GILLESPIE: And so we needed it – the sewerage pumping station to be located
25 inside of that zone rather than where it potentially could be impacted by erosion floods in the future – climate change. So there's quite a few reasons why they decide, in the end, to put it in that location.

PROF LIPMAN: I see, yes. Thank you. And we received an amended condition.
30 One of the conditions that the Department had imposed was in relation to the trunk sewer that that should be removed prior to any work commencing. We understand that you're amenable to a new condition giving you sort of discretion as to whether to allow it at an earlier stage. Is that correct?

MS GILLESPIE: The way we've worded it is we still need to hear, really, what
35 they're proposing. There has been no proposal on how they will be able to achieve that. At the end of the day, as I mentioned, there's 400 residences upstream of this location going through that existing trunk sewerage. It needs to be operable and maintainable during the construction so we wanted to have something in the
40 conditions that outlined that they couldn't go and put bulk earthworks – which is what they're proposing, of two to three metres on top of that trunk main while we still needed to be able to access that.

PROF LIPMAN: Yes.
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MS GILLESPIE: So the agreement they would have in that is so that if they can come up with an option, that we're definitely all-ears on that so we will be able to do that underneath the construction certificate side of things.

5 PROF LIPMAN: So this is the amendment in the alternative sequencing to that described in this condition is to be agreed to and approved by three shire councils, Water and Waste Water Manager or his delegate, by an application for a certificate of compliance made under section 305 of the Water Management Act 2000 prior to commencement of earthworks, so that's your - - -

10 MS GILLESPIE: Yes.

PROF LIPMAN: But that's only going to make – be permitted on the understanding that they come up with an acceptable solution?

15 MS GILLESPIE: Exactly. Exactly.

PROF LIPMAN: Right. Thank you.

20 MR DUNCAN: Just in summary, then, is it the position, or the location now of the pump station, it appears to be the optimal location given all of the constraints. Is that what you're saying, in summary?

MS GILLESPIE: It depends who you ask.

25 MR DUNCAN: I'm not trying to put words in your mouth.

MS GILLESPIE: If you ask Graham, the answer is “no”.

30 MR DUNCAN: I understand the open space issue, but I'm trying - - -

MS GILLESPIE: Sure. They've still got some design constraints.

MR DUNCAN: The easement there.

35 MS GILLESPIE: They still haven't been able to demonstrate that they will be able to meet all of those requirements but we still haven't seen a construction design that can meet the six metres. So we have been talking to them about that. There may still need to be some small changes based on the design.

40 MR DUNCAN: Generally, location-wise, it appears to be there near the road, near the playground, not the other end of the site or anything like that.

MS GILLESPIE: Correct. Yes.

45 PROF LIPMAN: So initially, I thought you said that the allotment – 91, I think it was – was your preferred site. Is that - - -

MS GILLESPIE: When we first came to the table, we were talking to the developer over – on these for about two years. We talked to two different engineering companies to come up with an outcome that suited everybody. Initially, when we first started discussing pumping stations with them we were trying to lead them
5 towards being closer to the existing development, mainly because we knew that they would have limiting factors with respect to that six-metre depth well which they've since consequently found out themselves. I guess the main reason that we pushed them towards that was because we understand the constraints, we understand the issues and – but they've been able to come up with a compromise that they feel
10 would be suitable.

PROF LIPMAN: All right. Thank you. Any questions?

MR MILLER: And from a recreation and parks point of view?
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MR BURTON: Well, yes, you're right. Simone and I are probably in a sort of a different opinion. In terms of an ideal park design, it's not in a great place because it's right at the front, right where general access and visibility starts.

20 MR MILLER: When you say it's not in the right place, what you're pointing to is that the sewerage outlet pumping station is right at the front?

MR BURTON: Yes.

25 MR MILLER: It's not that the park is right at the front.

MR BURTON: No. The sewer pumping station is right at the front where most people will want to access it.

30 MR MILLER: Yes.

MR BURTON: So it also restricts – you know, there's some wide driveways that go in there as well which hardens up the site and restricts other things that we can do. I realise these have got to be a compromise. I know there were some discussions last
35 year about this location and I think, generally, our Parks Department said, "That's unfortunate but okay. If we have to live with it we have to live with it".

MS GILLESPIE: Which you will agree that - - -

40 MR BURTON: So I'm not about to change that position now. I'm just noting or saying that there's arguments for why the store pump station has to be there. It doesn't benefit the park at all. It is detrimental to it. But everything is a compromise.

45 PROF LIPMAN: If it's a separate allotment, will it be cordoned off, or will it be just part of the park, just open?

MS GILLESPIE: It's still part of the park. Yes.

MR BURTON: Yes.

5 PROF LIPMAN: I see.

MS GILLESPIE: It's more of – the – having a separate allotment is more in terms of council assets, so that allotment would become a water and wastewater asset. The park would be an asset, so it's more around asset management than visual for
10 customers.

PROF LIPMAN: Any questions Russell?

MR MILLER: No.
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PROF LIPMAN: Right. Well, thank you very much. Can we move on now to the question – unless you have any further comments on other open-space areas or the drainage of the culvert or anything like that? Can we move on to the beach access because there was obviously provision made for an additional construction of an
20 additional beach access. What are your feelings about that, and how is that progressing, and what has happened there?

MR O'CONNELL: Yes, look, I can say from, obviously, the original approval had a condition on there that there was to be a beach access provided at a future time.
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MR MILLER: I'm sorry to interrupt you, but could we talk about this in two stages. There's access to the pathway and access to the beach, and we just need to identify which you're talking about when you're talking about it.

30 MR O'CONNELL: Well, the beach access I've been taking to mean the access down to the actual – to close to the foreshore, to the actual beach, to water.

MR MILLER: So that's from the walkway to the water.

35 MR O'CONNELL: Correct.

MR MILLER: Yes.

MR O'CONNELL: Correct, yes. Yes, so in that area, obviously, there's been a
40 condition on the approval going back to the original approval, basically saying that there has to be a separate approval got at some point in future for it. Through that, it's never, I suppose, exactly been clear as to whether or not that was a separate development application or anything like that to, I suppose, any – at any point that I've been asked the question on it from Newton Denny Chapelle, we've gone and
45 we've spoken with our natural resource management unit. And we're – always informally, I would have to add, but it's always been indicated to me that, "Well, look, we don't really – our preference would not be for another beach access to be

put there.” But beyond that, it’s – I understand from speaking with the proponent that they’ve tried to, I think, get landowners’ consent to go about making an application. They’ve maybe struggled to do that so far. It’s something I tried to clarify with the Department of Planning going back, I think, it was in 2012 or 2013,
5 to see, well, look, what’s the intention of this condition, given that they’re the consent holders on the application. And we’ve never, I suppose, got a full resolution, as in a pathway forward of how to – how that would proceed.

10 PROF LIPMAN: What are your views on it, though? What’s council’s views? What would you like?

MR BURTON: The way the NRM unit manages those – are we in a position to answer that, David? I’m not.

15 MR O’CONNELL: No, I don’t think there’s anybody here at the moment and – I suppose there’s also, I think, it must be noted that the result source was the elected council who might have views on it as well, and then also there’s – in terms of the Tweed Reserves Trust there would be a landowners’ opinion on that as well. From an officer perspective, I can only, I suppose, reiterate what I said, which is just
20 a couple of informal discussions I had.

MR MILLER: I’m a little bit confused about this because there are three beach accesses there: one to the north that is also a wider emergency access, one almost just a few metres beyond to the north of where the Grand Parade would come out,
25 and one to the south. And the reason I was suggesting we draw a distinction between access to the walkway, beach walkway and access to the beach is that there seem to be three there already. So I’m just interested to know what the – you know, where is the difficulty here?

30 MR O’CONNELL: The concern. As far as I know, it was with flora and fauna being damaged, I suppose, by cutting through another access down to the beach, is my understanding of what the concerns were with that in terms of providing another one, and I think it was considered - - -

35 MR MILLER: But it’s never proposed that there be four, is there? Am I correct on that?

MR O’CONNELL: I think the - - -

40 PROF LIPMAN: No, certainly not. No.

MR MILLER:

45 MR O’CONNELL: I think the condition has always called up for it to the east of the Icon building.

PROF LIPMAN: There was a condition for another access, but it says one of the others might be closed. So it would have ended up with three in any event. When we inspected the site yesterday, we found there was already an access fairly close to where Grand Parade, the main street, would come out. We were just thinking about
5 the potential of that access to be used or, perhaps, expanded or a boardwalk rather than constructing another access.

MR O'CONNELL: Yes. Again, I'm not sure if that's a viable offer.

10 PROF LIPMAN: You haven't explored that?

MR O'CONNELL: We haven't explored the beach access from an opposite perspective really at all. It's not something that has ever been put in front of us and said, "Well, this is something that we want to do." Our knowledge of it is from, I
15 suppose, the conversation we had with the proponent. Around this was the difficulty that maybe they were having with, ultimately, securing that beach access there, but we've never done an assessment, I guess.

MR DUNCAN: Okay. Just a quick question on that. The land owner consent is the
20 Crown Reserve Trust, which is the Kingscliff Trust?

MR O'CONNELL: I believe so. I believe the - - -

MR DUNCAN: So it's Crown land. So they need to get the approval of Crown
25 Lands or the Reserve Trust to get the landowner's consent. Is that true?

MR BURTON: Just a tiny technicality under the new Crown Lands Act. There aren't - there isn't a trust any more. Council is likely to be the administrator of that land rather than the trust that's changing over the current months.
30

MR DUNCAN: So, under those circumstances, Council would have to give the consent to the land.

MR BURTON: I think we would still need to liaise with the Crown. I'm not
35 exactly sure. It really is fluid, this new Act coming in and all the new changes that are happening.

MR MILLER: So just to be - just for me to be clear and maybe you want to take this on board and come back. If there was an access to the walkway from the end of
40 Grand Parade and no change to the current beach access, my question would be whether Council would have any issue with that? Do you want to take that on board and come back to us?

MR O'CONNELL: Yes, I think we would have to. Yes, from an opposite
45 perspective do that. Yes, it's - - -

MR MILLER: That would - I would find that helpful.

MR O'CONNELL: Yes.

PROF LIPMAN: Yes. If you could come back to us, perhaps, within the week because we usually have a week off to be in public meetings for submissions to be
5 made and we need to, you know, process the report. So it would be useful if you could let us have information on that and any other aspects as soon as you can.

MR O'CONNELL: Okay. We can certainly provide a comment from an opposite
10 perspective on it. If we need, I suppose, input from, for example, the elected Council or any other bodies who have, I suppose, ownership stakes in it, I suppose that might – I'm not sure if that time constraint would be an issue or not but we can come back after the meeting on that in any case.

MR MILLER: Thank you.
15

PROF LIPMAN: Right. Thank you. Are there any other issues we – is there anything else that you are unhappy about with this proposal or you would like to comment on or draw our attention to?

MR ROSE: I guess, from my perspective, as Manager Roads and Stormwater, there was a lot of iterations with the developer on the road and drainage layout and particularly along the northern corridor where the existing open swale was replaced by a piped service and there was a lot of angst from the community expressed about the need for that northern buffer and what was an appropriate width and arrangement
20 for that. I believe, in the end, we've come to a solution that Council and the developer are comfortable with, certainly, at least, from the engineering point of view that I'm involved in and, similarly, with the basins on the foreshore.
25

Like the sewer pump stations and some of those things, there could have been
30 alternate arrangements which didn't impact on public open space as much but would have resulted in the loss of saleable land for the developer and, in the end, they were able to satisfy that the basins were of an appropriate standard and they were accessible and maintainable so it's a similar question to those other aspects that, yes, they meet the standards. Whether it's an optimal location or not, I guess, is
35 questionable but, in the end, Council, from an engineering perspective, was – were comfortable with the final results for stormwater and the road system and the associated pathway system.

PROF LIPMAN: Thank you. Peter?
40

MR DUNCAN: I just have a quick question on the laneways and the set up – if Council is comfortable with what's proposed with the laneways and - - -

MR ROSE: We are. Initially, the four-way intersections didn't have roundabouts
45 which the developer amended at our request. The laneway is required because those lots otherwise wouldn't have a formal road frontage. For a small number of lots,

that's acceptable under our specifications. Do you have anything to add there, Brenden?

5 MR SCHWARZ: They increased the parking on the foreshore horizon. Initially, it was parallel parking but then we've seen an increase in the number of car parks on the foreshore there; provided a better layout. There's only one lot – I'm just trying to remember which lot it was – that had issues with access, whether it was private or public road. I think we conditioned that one up with the Department Planning. I can't remember which lot it was. But it was one of the conditions that we added in
10 there to extend the property boundaries, so it was clearly a private road rather than a public.

MR ROSE: Possibly some of these ones.

15 MR SCHWARZ: Yes, it was those three lots. I'm not too sure what - - -

MR ROSE: South of the Icon building car park, where there's a little stub.

MR SCHWARZ: Little stub there with three – they're provided as if it was a public
20 road - - -

MR DUNCAN: Yes.

MR SCHWARZ: - - - rather than a private road. We prefer those light boundaries
25 to be extended so it's a private driveway - - -

MR ROSE: Private access.

MR SCHWARZ: - - - and just provide an easement over it for access. Otherwise,
30 as soon as you get to the public standard, you're looking at turnarounds and all that sort of - - -

PROF LIPMAN: I think there's a condition that takes care of that aspect, yes.

35 MR SCHWARZ: Other than that, the first submission had multiple retaining walls that were fairly high. They've reduced all – the number of retaining walls and the heights throughout the subdivision, and it's definitely a lot better than previously.

40 PROF LIPMAN: Good. Any more questions?

MR MILLER: I'd like to – not on that point.

PROF LIPMAN: Please go ahead.

45 MR MILLER: I'd just like to go back to the height issue. I'm getting the sort of sense that it's a rather fluid issue at the moment. So what has it changed to in Kingscliff?

MR O'CONNELL: It hasn't changed as of yet. It's still the same height limit that it was before. Are you talking about the actual - - -

MR MILLER: Yes.

5

MR O'CONNELL: - - - building height control?

MR MILLER: Yes.

10 MR O'CONNELL: It hasn't changed in terms of the Local Environmental Plan control as of yet.

MR MILLER: I'm sorry. I thought you said - - -

15 PROF LIPMAN: They're thinking about it.

MR MILLER: Thinking about it, perhaps.

20 MR ROSE: There's a Kingscliff locality plan in draft form that initially, I think, proposed some step change in building height, but the - I guess the message loud and clear from sections of the community and some of our elected body is that the three-storey remain.

25 MR MILLER: And you've seen the submissions and the objections. No one was in favour of four storeys, therefore, the 13.6 level. So is it - if it's fluid as far as Kingscliff is concerned, how should we deal with that fluidity in the way in which we condition this development?

30 MR ROSE: In compliance with existing zoning, wouldn't it?

MR O'CONNELL: Well, I understand that - - -

MR MILLER: It complies with the existing zone. There's no doubt about that.

35 MR O'CONNELL: Well, I understand that if this concept approval is approved in its current form, it'll be those three sites, I believe, that are, I suppose, open to the four-storey height limit, that the controls within the concept approval will, I suppose, supersede any LEP controls or anything, and I guess that'll be then what's indicated as being the intention for the site. I suppose the - as council officers, we - one of the
40 difficulties you have on a project like this is that we're not consent holders of it and we're not the consent authority on it either, that we haven't - I suppose we're not the one who makes the ultimate call on it.

45 So we - all we can do is put council's position, and that includes, I suppose, the elected council, and we try to take all the officer views on board as well to come up with a - I suppose, as consistent of an overall response as we can to a development, and if a proposal comes before us as an - at an officer level and it's compliant in

terms of the height level, which this is, we – I suppose there was no reason, at an officer level, to raise objection to it.

5 And then when that went before the elected councillors, which was obviously – that was most recently in December 2017 – there wasn't an issue raised with it at that particular point either. Beyond that, I suppose, we – in assessing or providing comment on one-off applications, I guess it's quite difficult to look at different areas and, I guess, read into things that are going on politically at a given time, because there's always a lot of things going on politically, and so we have to stick to
10 whatever controls that we have as best we can.

PROF LIPMAN: I suppose the key thing is there's no draft locality plans or anything else that indicates that there may be different height levels required - - -

15 MR O'CONNELL: That's correct.

PROF LIPMAN: - - - at this stage.

MR O'CONNELL: That's correct.
20

PROF LIPMAN: Thank you.

MR MILLER: That's it from me.

25 PROF LIPMAN: Is there anything else that you'd like to discuss with us today, or is that – does that cover your issues on the development?

MR O'CONNELL: No. There was a recent issue with respect to asset protection zones and, I suppose, any council allotments being included or burdened as asset
30 protection zones. I guess in particular the management site to the east or with any land, I suppose, the council were going to be taking in hand, we – there's a – I suppose a very definite position that we did not want to be burdened as an actual asset protection zone. I think the conditions – the most recent set of conditions that I've seen have taken that on board, and, you know, I think there's basically that the
35 landscaping will be done, which is quite consistent with an asset protection zone, but it wouldn't actually be a burdened-in-perpetuity asset protection zone on behalf of council, and I guess we'd ask that any – that that be kept in any final conditions in the event that this has been - - -

40 PROF LIPMAN: I - - -

MR O'CONNELL: This has been approved.

PROF LIPMAN: I think it is currently a condition right.
45

MR O'CONNELL: Yes, correct.

PROF LIPMAN: All right. Well, thank you very much. That has been helpful. So we look forward to getting the additional information that we requested in due course, in writing - - -

5 MR O'CONNELL: Yes.

PROF LIPMAN: - - - and then that will go up on our website as well.

MR O'CONNELL: Sure.

10

PROF LIPMAN: If there's any further information you want to include, please do so.

MR O'CONNELL: Thank you very much.

15

PROF LIPMAN: Thank you.

MR BURTON: Thank you.

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[1.55 pm]