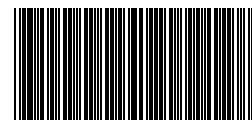




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Joint Expert Report

COURT DETAILS

Court	Land and Environment Court of NSW
Division	Class 1
Registry	Land and Environment Court Sydney
Case number	2022/00279591

TITLE OF PROCEEDINGS

First Applicant	Goldcoral Pty Ltd
First Respondent	Richmond Valley Council ABN 54145907009
Second Respondent	Simone Barker

FILING DETAILS

Filed for	Goldcoral Pty Ltd, Applicant 1
Legal representative	LOUISE KATHLEEN CAMENZULI
Legal representative reference	
Telephone	

ATTACHMENT DETAILS

In accordance with Part 3 of the UCPR, this coversheet confirms that both the Lodge Document, along with any other documents listed below, were filed by the Court.

Joint Expert Report (Joint Expert Report - Planning Urban Design - 240 Iron Gates Drive Evans Head - FINAL.pdf)

[attach.]

JOINT EXPERT REPORT OF THE TOWN PLANNING AND URBAN DESIGN EXPERTS

DETAILS OF PROCEEDINGS

Court	Land and Environment Court of New South Wales
Class	1
Case number	2022/00279591
Applicant	Goldcoral Pty Ltd
First Respondent	Richmond Valley Council
Second Respondent	Simone Barker

DETAILS OF JOINT EXPERT REPORT

Date report finalised	10 May 2024
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Joint expert report on town planning and urban design matters prepared by:

Applicant's Town Planning Expert	Michael Oliver
Applicant's Urban Design Expert	Nigel Dickson
First Respondent's Town Planning Expert	Clare Brown

SECTION 1: PRELIMINARIES

Introduction

- 1 This joint report has been prepared to address the Amended Statement of Facts and Contentions (SOFAC) prepared by the First Respondent and filed on 7 March 2024 in response to the Applicant's appeal of the refusal of development application (DA) DA2015/96.
- 2 The DA as amended (**amended DA**) seeks consent for:
 - Concept Proposal for:
 - Indicative land uses
 - Indicative layout of development, including development footprint.
 - Indicative dwelling typologies.
 - Protection of approximately 6 hectares of land for environmental conservation.
 - Key development principles and requirements for future development.
 - Detailed proposal for the subdivision and construction of the Stage 1 Subdivision, including:
 - Demolition of existing buildings, roads, stormwater and sewage infrastructure present on the site
 - Subdivision of the site into 129 Torrens Title lots, for the creation of 121 residential lots, future community refuge (1 lot), two (2) public open space lots, two (2) lots for future Stage 2 subdivision and one (1) residue lot.
 - Construction of internal roads, stormwater, sewage and other utility infrastructure.
 - Vegetation management works, including vegetation removal and retention, environmental protection works, and ongoing environmental management.
 - Bulk earthworks to establish site levels and residential lots.
 - Establishment of a site for a Community Refuge Building for community use during severe bushfire and flooding events.
 - Upgrades to Iron Gates Drive, including road widening and reconstruction, and vegetation trimming.

3 The amended DA is Integrated Development as the Applicant has sought approval under the:

- a) *Rural Fires Act 1997*
- b) *National Parks and Wildlife Act 1974*
- c) *Water Management Act 2000; and*
- d) *Roads Act 1993.*

Participants and qualifications

4 The following experts participated in the joint conference and prepared this joint report:

- a) Michael Oliver (**Oliver**) who is the applicant's Town Planning expert;
- b) Nigel Dickson (**Dickson**) who is the applicant's Urban Design expert; and
- c) Clare Brown (**Brown**) who is the applicant's Town Planning expert.

5 The qualifications of Oliver, Dickson and Brown are set out in the attached CVs (**Appendix A**).

Uniform Civil Procedure Rules and the Expert Witness Code of Conduct

6 This joint report has been prepared in accordance with Division 2 of Pt 31 of the Uniform Civil Procedure Rules (UCPR) and the Expert Witness Code of Conduct in Schedule 7 of the UCPR. We have read the Court's Conference of Expert Witness Policy and Joint Expert Report Policy (both commencing on 12 June 2015) and agree to be bound by them. We confirm that the experts' conference has been carried out in accordance with the Code of Conduct and the requirements of Division 2 of Part 31 of the UCPR.

Process

7 The experts attended the joint conference on 30 April 2024 via MS Teams, Oliver and Brown re-convened to discuss planning matters in-person at 123 Pitt Street, Sydney on 1 May 2024, and Oliver, Dickson and Brown re-convened again on 9 May 2024 via MS Teams.

8 To complete the report, the experts also communicated by email and telephone.

Documents Relied on and Attachments

9 In the preparation of this report the experts considered the following:

- a) Documents comprising the Amended Development Application dated November 2023.
- b) Joint expert report on Flooding, Essential Services, Stormwater, Ground Water and Earthworks prepared by Dr. Daniel Martens, Lachlan Prizeman and Brian Eggins.
- c) Joint expert report on Bushfire prepared by Lew Short and Stuart McMonnies.
- d) Joint expert report on ecological and arboriculture matters prepared by Adam MacArthur, Dr. John Thorogood, Jason-jay Naylor and Michael Hallinan.
- e) Aboriginal Cultural Heritage Assessment Report prepared by Roark Muhlen-Schulte
- f) Expert Report of Roark Muhlen-Schulte on Aboriginal Cultural Heritage and Native Title
- g) Expert Report of Dr Morgan Disspain on Aboriginal Cultural Heritage matters
- h) Affidavit of Simone Barker dated 12 April 2024
- i) Correspondence from NSW Department of Climate change, Energy, the Environment and Water to Richmond Valley Council dated 9 April 2024,

10 The following documents are attached to this joint report:

- a) Appendix A – CVs of Oliver, Dickson and Brown.

SECTION 2 – CONSIDERATION OF ISSUES AND CONTENTIONS

- 11 In accordance with the Court’s practice note, we have not repeated matters contained in Part A of the Amended SOFAC prepared by the First Respondent and dated 7 March 2024. Oliver and Dickson accept these to be correct but only to the extent that these matters are not inconsistent with or corrected by the Applicant’s SOFAC In Reply dated 12 April 2024.
- 12 In the discussion which follows, Brown and Oliver consider the contentions listed below. Dickson’s consideration is limited to matters in Contentions 9 and 11.
- a) Contention 1: Unauthorised Works
 - b) Contention 2 Designated Development
 - c) Contention 3: Flooding
 - d) Contention 4 Biodiversity and Vegetation Clearance
 - e) Contention 5 Essential Services
 - a. Particular (a) and (g)
 - b. Particular (e)
 - c. Particular (h)
 - f) Contention 6: Impact on Threatened Species
 - g) Contention 9: Requirements for a Development Control Plan
 - h) Contention 10 Loss of Biodiversity
 - i) Contention 11 Inadequate subdivision layout and design
 - j) Contention 12 Loss of Koala Habitat
 - k) Contention 13 Bushfire Hazard
 - a. Particulars (e) and (f)
 - l) Contention 15 Heritage Conservation
 - a. Particulars (b) and (e)
 - m) Contention 16 Mosquito Control
 - n) Contention 17 Coastal Environment and Coastal Use Area
 - o) Contention 18 Public Interest
 - p) Inadequate Information.

- 13 For those Particulars which are not addressed, we defer to the evidence of the applicable experts.
- 14 In this report, we set out what we agree on, and where we disagree the reasons for the disagreement.

CONTENTION 1: Unauthorised Works

Matters the experts agree on

- 15 Brown and Oliver agree that the amended DA proposes to remove all previous works within the site (excluding road and infrastructure works within Iron Gates Drive), with the exception of the open drainage channels.
- 16 Brown and Oliver agree that the ecological experts have agreed that the western open drainage line should be retained within the Littoral rainforest buffer. Brown notes the engineering plans prepared by Arcadis propose the construction of gabion walls in the eastern drainage line.

Matters that the experts disagree on and why

Brown

Contention 1(a)(ii) and (iii)

- 17 Brown notes that the SEE for the amended DA details the demolition of the existing dwelling, shed and ancillary structure located at the southern end of Lot 163 DP831052 and demolition and decommissioning of unauthorised works involved in the construction of roads, stormwater (excluding open drainage channels), and sewerage infrastructure within Lot 163 DP 831052 and Lots 276 and 277 in DP755624.
- 18 Brown notes that from the Joint Report of Martens, Prizeman and Eggins and appended engineering drawings that the proposal includes the provision of constructed drainage swales adjacent to Road 02 north of Iron Gates Drive, and within proposed Lot 143, within Lot 141 and within Lot 140. The constructed drainage swale on the eastern edge of Road 2 replaces a previously constructed open channel. The channels constructed within the Littoral Rainforest Lots (Lots 140 and Lot 141) are to be retained. It is unclear from the engineering plans and joint report why the open drainage channels are being retained and their role. As these works exist and are unauthorised it is my understanding that development consent cannot be granted for these works.

- 19 While the unauthorised works constructed within Iron Gates Drive may not have been the subject of the Court Orders dated 4 July 1997 the works were and remain unauthorised and are not proposed to be removed under the amended DA. Section 5.2 of the Engineering Services and Civil Infrastructure Report of Arcadis dated 14 November 2023 identifies that “...*Iron Gates Drive has been constructed approximately 20 years ago and the original design information is not easily available, the road has been assessed via a topographic survey to determine the original design intent.*” Section 5.2.6 of the Arcadis Report identifies that the amended DA proposes the to upgrade the existing road to widen the pavement to an 8m full width carriageway and 0.5 shoulders from the existing profile as shown on engineering plans K212 – K219 – AA00794. A 300m section of the existing Iron Gates Drive profile is to be retained adjacent to the site and Wattle Street. The amended DA is relying on the unauthorised works for access to the site, this includes the bridge that has been constructed forming part of Iron Gates Drive.
- 20 The engineering plans show road reserve with assumed levels but do not show the location of the water and sewer infrastructure located beneath or adjacent to the road pavement.
- 21 The Arcadis Engineering Services and Civil Infrastructure Report dated 14 November 2023 address the provision of water supply and sewerage infrastructure. Section 7.1.2 of the report states that... *Connection for the proposed development to the RVC water supply network will be provided via a connection to the existing Ø300mm main located south-east of the project site within the Iron Gates Drive reserve.* The amended DA is relying on the unauthorised water supply and sewerage infrastructure to service the future subdivision. In relation to sewerage infrastructure the Arcadis report at section 7.2.1 advises that:
- All existing infrastructure within the site’s development boundary will be demolished and removed prior to the new development works commencing, inclusive of the old sewer pump station wet well. A new sewer pump station lot with an appropriate size has been located in the south-east corner of the site, with the intention to connect to the existing rising main within Iron Gates Drive.*
- The rising main located within the Iron Gates Drive, road reserve follows Iron Gates Drive through Wattle Street and Mangrove Street to an existing Ø150mm gravity main.*
- The amended DA is relying on the unauthorised water and sewerage infrastructure to service the future subdivision. The proposed sewer pump station is to be located

in the southeastern corner of proposed Lot 140, one of the two littoral rainforest lots.

- 22 The Arcadis Report advises at section 7.2.4 that a brief assessment of the 150mm diameter sewer gravity main in Mangrove Street had been undertaken and that the gravity pipe will have some capacity to accept flows from the Iron Gates estate and that *A detailed assessment of this pipe's capacity will be undertaken during Construction Certificate stage*. This suggests that there may not be adequate capacity and that augmentation may be required.

Contention 1(b)

- 23 As agreed earlier the amended DA proposes to demolish and remove all works within the site excluding the open drainage channels. The removal of the works and revegetation of the site were the subject of Orders from the Court dated 4 July 1997 which were not complied with. Had the Orders been complied with, and the revegetation taken place then the starting point for the assessment of the amended DA would be the revegetated site, not the site as it is today.
- 24 Brown considers that while the amended DA is not seeking approval for the previous works including vegetation removal the starting point for many of the assessments and the urban design is predicated on the nature of the site as it exists today and not as it would have been had the revegetation been undertaken.

Oliver

Contention 1(a)

- 25 Oliver says that the DA does not seek consent for any unauthorised works, as clearly set out in the Statement of Environmental Effects dated 22 November 2023.
- 26 Oliver says that as set out in Section 4.2.1 of the Statement of Environmental Effects dated 22 November 2023 (**SEE**), the DA proposed to demolish all existing road, stormwater drainage and sewage infrastructure within the subject site (excluding Iron Gates Drive), except for the open drainage channels.
- 27 In response to Brown at Paragraph 18, Oliver notes that the amended DA does not seek consent for the drainage channels, which have already been constructed, but rather prospectively seeks development consent for physical changes to these existing channels to achieve water quality and erosion prevention objectives that are supported by the Joint Report of Martens, Prizeman and Eggins, and the use of these channels to convey stormwater as part of the overall stormwater drainage network for the

proposed development. Oliver notes the observation of Eggins on Page 16 of that report that the drainage channel has now established ecological significance and should be retained and protected. Oliver notes the agreement of the ecologists that the drainage channel should be retained, although noting that there are differences in opinion between the ecological experts on the nature of the ecological value of the channels.

- 28 Oliver says that it remains unclear what outcome Brown or the First Respondent's contentions are seeking with respect to Contention 1(a)(ii). The amended DA does not seek retrospective approval for any already-completed works.
- 29 Oliver is instructed that the Court Orders dated 4 July 1997 did not make any orders in relation to 'Iron Gates Drive and associated works'. Oliver says that the DA does not seek retrospective approval for Iron Gates Drive, but rather accepts the factual position that there is an existing road present that provides access to the site located within a public road reserve on land that is owned by Council, and proposes works required to ensure that the road achieves the requisite road standards upon which Prizeman and Eggins have agreed.
- 30 Oliver notes that Iron Gates Drive is a public road vested in the First Respondent under the *Roads Act 1993*, on land that is owned by Council, and for which Council has provided its landowner's consent for the inclusion within this development application. The existing roadway has been in existence, whether approved or not, for approximately two decades. It has been open to Council at any point during this time to remove or physically alter the road or seek to remove the designation of the road as a public road. Oliver notes that Prizeman and Eggins have resolved the contentions regarding the engineering matters related to the proposed upgrades to this road. Oliver says that it is unclear what outcome Brown, or the First Respondent are seeking with respect to Contention 1(a)(iii) with respect to Iron Gates Drive.

Contention 1(b)

- 31 Oliver says that the ecological assessment which accompanies the amended DA has considered the underlying ecological properties of the land, including the effects of previous clearing and disturbance including by any unauthorised works as required. Oliver reproduces the following excerpt from the Supplementary Terrestrial Ecological Assessment prepared by JWA Ecological Consultants dated 16 November 2023 which outlines how this issue has been satisfactorily addressed:

"It is important that this assessment considers these unlawful works in reaching conclusions with regards to the current ecological values of the site. For the purposes

of this contemporary ecological assessment, as far as practicable, the ecological conditions of the site have been assessed on the basis that those unlawful works had not been undertaken. This includes any regrowth paperbarks and hydrophytes/wetland plants that have colonised the constructed drainage channels after the unlawful clearing”.

CONTENTION 2: Designated Development

Matters the experts agree on

32 If the Court finds that the proposed development is Designated Development, Brown and Oliver agree that the environmental assessment requirements of Schedule 2 of the *Environmental Planning and Assessment Regulation 2000* have not been met, specifically that environmental assessment requirements have not been obtained from the Planning Secretary and an Environmental Impact Statement (**EIS**) has not been prepared.

Matters that the experts disagree on and why

Oliver

33 Oliver says that he is instructed, and agrees, that the DA is not Designated Development for the reasons set out in Table 2 of his Statement of Environmental Effects dated 22 November 2023, and reproduced again below.

34 No development of the kind described in:

a) Section 2.7 of State Environmental Planning Policy (Resilience and Hazards) 2021 (**SEPP RHA**) is proposed within land mapped as ‘coastal wetlands’ under that SEPP; or

b) Section 7 of the former SEPP 14, which continues to apply to the Amended DA, is proposed within land mapped as ‘coastal wetlands’ under that SEPP.

35 Part of the site is affected by land mapped as ‘proximity area for coastal wetlands’ but:

a) a proximity area does not trigger a requirement for development to be assessed as designated development; and

b) for the reasons set out below, SEPP 14 continues to apply to the Amended DA and provisions in the SEPP (RHA) related to coastal wetlands do not apply.

36 DA 2015/96 was lodged on 27 October 2014. At that time, *State Environmental Planning Policy No 71—Coastal Protection* (SEPP 71) applied to the DA in respect

of coastal protection matters. SEPP 71 did not contain any provisions prescribing certain development as designated development. *State Environmental Planning Policy No 14—Coastal Wetlands* did not apply to the DA because the development was not sited within the land to which that policy applied (see page 60 of Tab 16 of the Class 1 Application).

37 SEPP 71 was repealed and replaced by the *State Environmental Planning Policy (Coastal Management) 2018* (Coastal Management SEPP) on 3 April 2018. Clause 21(1) of the Coastal Management SEPP stated:

The former planning provisions continue to apply (and this Policy does not apply) to a development application lodged, but not finally determined, immediately before the commencement of this Policy in relation to land to which this Policy applies.

38 “Former planning provisions” includes reference to SEPP 71. Further, the word “finally” indicates that the applicant’s rights in a merit appeal in the Land and Environment Court are unaffected by a decision by the Panel to refuse the DA. In *CK Design Pty Ltd v Penrith City Council (No 2)* [2022] NSWLEC 97, Robson J held that, in the context of a savings provision, a matter is not “determined” until the finalisation of any Court appeal: see [34]-[50]. At [50], Robson J summarised his reasoning:

In summary, while I accept that the plain meaning of a word is an important consideration, the question of construction cannot be resolved merely by resorting to the literal meaning of words because words always exist and take meaning from their statutory context (Sydney Seaplanes at [41]); and I consider that adopting a strictly literal approach (construing “determined” as confined to the determination of the consent authority) would not conform to the intent of the legislature and would, in my view, likely result in capricious outcomes (possibly similar to the matters considered by Talbot J in Bardetta at [22]), and, moreover, simply does not reflect the context that a decision of a consent authority, when an appeal is lodged, is not, in reality, the end of the matter.

39 The Coastal Management SEPP was repealed, and its provisions largely transferred into Chapter 2 of the Resilience and Hazards SEPP) on 1 March 2022. As part of that transfer, the savings provision in cl 21(1) of the Coastal Management SEPP was repealed (by cl 1 of Sch 3 of the Resilience and Hazards SEPP).

40 Despite this, the savings provision in the Coastal Management SEPP is still in effect by virtue of s 5(6) and s 30(2)(d) of the *Interpretation Act 1987*. In broad terms, these

provisions generally preserve the operation of savings provisions even when they are repealed or amended.

41 The application of these two provisions is reinforced by the note that appeared at the end of cl 5 of Sch 3 of the Resilience and Hazards SEPP. This note expressly refers to the repeal of the Coastal Management SEPP and says:

Savings and transitional provisions in the instruments repealed by this section are not transferred to this Policy. They continue to have effect because of the Interpretation Act 1987, sections 5(6) and 30(2)(d).

Brown

42 Brown notes the opinion of Oliver above in relation to Contention 2 and disagrees with that opinion.

43 Brown understands that SEPP RHA applies to the amended DA. Clause 2.7(2) of SEPP RAH states that *Development for which consent is required by subsection (1), other than development for the purpose of environmental protection works, is declared to be designated development for the purposes of the Act.*

44 Subsection 1 permits with development consent on land identified as “coastal wetlands” or “littoral rainforest” on the *Coastal Wetlands and Littoral Rainforests Area Map* of SEPP RHA the following works:

(a) the clearing of native vegetation within the meaning of Part 5A of the Local Land Services Act 2013,

(b) the harm of marine vegetation within the meaning of Division 4 of Part 7 of the Fisheries Management Act 1994,

(c) the carrying out of any of the following—

(i) earthworks (including the depositing of material on land),

(ii) constructing a levee,

(iii) draining the land,

(iv) environmental protection works,

(d) any other development.

45 SEPP RHA commenced on 1 March 2022 and does not contain and savings and transitional provisions that apply to the amended DA. The amended DA the subject of this joint report was not determined as at 1 March 2022.

- 46 Parts of the site are mapped as coastal wetlands, proximity area for coastal wetland and Coastal Use Area under the SEPP RHA mapping. The amended DA proposes works in each of these mapped areas. The work on the land mapped coastal wetlands will include the undertaking of earthworks to fill an open channel and the construction of stormwater infrastructure including gabion walls to drain the site, the undertaking of earthworks for the stormwater infrastructure and road construction and the clearing of vegetation. These works while permitted under SEPP RAH are required to be the subject of an environmental assessment under an EIS.

CONTENTION 3: Flooding

Matters the experts agree on

- 47 Brown and Oliver agree that the joint report of the engineers has sought to resolve this contention through the amended engineering plans referenced in the report and through the future drafting of conditions that are to be consistent with their recommendations.
- 48 Brown and Oliver note that the amended DA relies on the raising of finished ground levels within the site and the provision of a community building to provide shelter during a flood event should residents not be able to evacuate the site.

Matters that the experts disagree on and why

NIL

CONTENTION 4: Biodiversity and Vegetation Clearance

Matters the experts agree on

- 49 Brown and Oliver agree that clauses 6.6(4), 6.8(4) and 6.10(4) of RVLEP require the consent authority to be satisfied to be satisfied in relation to the matters listed in the provisions before development consent can be granted.
- 50 Brown and Oliver agree that the ecological and aboriginal experts disagree across a wide range of matters in relation to this contention.

Matters that the experts disagree on and why

Brown

- 51 Brown considers that should the court accept the opinion of Michael Hallinan in the joint report of ecology and aboriginal experts that the proposed development will adversely impact on threatened species habitat and threatened ecological communities, that inadequate assessment has been undertaken to understand the

nature of the environment and impact from development, and that a Koala Plan of Management is required to be prepared prior to any consent then there are many matters requiring resolution before consent can be granted.

52 Brown notes the advice and recommendations of the Biodiversity, Conservation and Science (BCS) Group of the NSW Department of Climate Change, Energy, the Environment and Water. If the court was to accept the recommendations of the BCS Group that further flora and fauna surveys are required to gather contemporary information about the study area, then Brown considers that these matters must be addressed prior to the determination of the amended DA.

53 Brown notes the comments of the aboricultural experts at paragraph 4.5(a)(iii) of the joint report that ... *additional information is required to enable an Aboricultural Impact Assessment and Tree Constraints Management Plan (AIA & TCMP) to be undertaken for the various areas such as the property boundary along Iron Gates Drive and in the areas of Mangrove Street and Teak Street.*

Oliver

54 Oliver notes the areas of disagreement outlined in the Joint Expert Report of the Ecology and Arboriculture experts.

55 Oliver says that the NSW Department of Climate Change, Energy, the Environment and Water does not have any referral or approval role in respect of this Development Application, and it is for the consent authority to satisfy itself that the effects of the proposed development have been properly assessed by the ecologists in accordance with the applicable legislation and guidelines.

CONTENTION 5: Essential Services

Matters the experts agree on

56 Brown and Oliver agree that the joint report of the engineers has sought to resolve this contention through the amended engineering plans referenced in the report and through the drafting of future conditions that are consistent with their recommendations.

57 Brown and Oliver agree that in relation to particular (d) that additional information has been provided in the joint report of the engineers to resolve this matter.

58 Brown and Oliver agree that under the amended DA that the existing services located within the site (excluding Iron Gates Drive) are proposed to be removed and are not relied on.

59 Brown and Oliver agree that the proposed subdivision under the amended DA can be provided electrical and communications infrastructure connecting to services east of the site (particular (c)). The electrical connection will require the provision of pad mounted substations within the site, the location of which will not be known until after a development consent has been granted.

Matters that the experts disagree on and why

Brown

Contention 5(a), (g) and (h)

60 Brown notes the comments in the engineering Joint Expert Report that:

The experts agree that the condition and quality of sewer and water infrastructure in Iron Gates Drive for which the development proposes to connect is unknown, given the infrastructure has laid dormant for the past 30 years. It is also not clear based on available data the exact connection locations and details of the infrastructure in Iron Gates Drive to Council's network.

and

The experts agree that the infrastructure in Iron Gates Drive may be suitable for connection and servicing of the proposed development, provided an Asset Condition Assessment Report is prepared (including pressure testing) and the connection points into Council's active sewer and water networks are re-examined. Subject to further investigation, modification/rectification of the infrastructure in Iron Gates Drive, Wattle Street, and Mangrove Street may be necessary to service the development. These are matters that can be appropriately conditioned.

61 Brown considers that the proposed reliance on 30-year-old unauthorised infrastructure, the condition of which is unknown, to supply the essential services of water supply and disposal and management of sewage may not provide the certainty that is necessary to demonstrate that the proposed development is currently serviced or that adequate arrangements have been made that the services will be available when required.

62 The nature of works required to deliver the water and sewage infrastructure to service the development external to the site and any potential environmental impact of undertaking that work is at this time unknown.

63 Brown notes the agreement of the engineers at page 10 of the Joint Expert Report that *...historical allowances were made in the sewer network planning for connections of development flows from the subject site and that augmentations may be required to be undertaken downstream of the EHPS-02 pump station to facilitate servicing of the development upon finalisation of the development yield & resultant outflows.* The nature if such works and potential environmental impacts are not known at this time.

Contention 5(e)

64 Brown notes that the updated set of civil drawings referenced in the joint report of engineering experts details the location (in plan view) and width of widening works (in cross sectional details) of Iron Gates Drive. As noted above the amended DA relies on the existing road infrastructure and the unauthorised works within Iron Gates Drive to provide access to the development site. The adequacy of the existing road works to accommodate the widening and upgrade works is unknown at this time.

Oliver

Contention 5(a), (g) and (h)

65 Oliver notes that the requirement of Clause 6.2 of the *Richmond Valley Local Environmental Plan 2012 (RVLEP)* is that *“Development consent must not be granted for development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available **or that adequate arrangements have been made to make them available when required**”* (Oliver’s emphasis added).

66 Oliver notes that the engineering experts are satisfied that, subject to the arrangements they have outlined in their joint report (which is able to be enacted through suitably drafted conditions of consent), the site will be able to be serviced when required, taking into account matters such as the age and condition of previous services provided within Iron Gates Drive.

67 Oliver notes that Section 7 of the Engineering Services and Civil Infrastructure Report prepared by Arcadis dated 14 November 2023 sets out further details of essential services infrastructure capacity that demonstrate the arrangements to make these services available to the development.

68 Oliver says that he defers to the expertise of the engineering experts who have outlined the arrangements by which essential services will be provided and says that

based on the agreement of these experts the consent authority may be satisfied that this meets the requirements of Clause 6.2 of the RVLEP.

Contention 5(e)

69 Oliver refers to his previous comments in respect of Contention 1 in respect of Iron Gates Drive at Paragraph 30, and the agreement of the engineering experts with respect to this matter.

CONTENTION 6: Impact on Threatened Species

Matters the experts agree on

70 Brown and Oliver agree that the objectives of clause 6.6 of RVLEP seek to maintain terrestrial biodiversity on land mapped as “Biodiversity” on the Terrestrial Biodiversity Map of RVLEP.

71 Brown and Oliver agree that the site is identified as “Biodiversity” on the relevant map and as such the consent authority must consider the matters under subclause (3) and be satisfied as to the matters in subclause (4) before development consent can be granted.

72 Brown and Oliver agree that the consent authority must have regard to the objectives for development in a zone when determining a development application.

73 Brown and Oliver agree that the Ecological and Aboricultural experts disagree across a wide range of matters in relation to this contention.

Matters that the experts disagree on and why

Brown

Contention 6(a)

74 Brown relies on her comments in relation to Contention 4(a)

Contention 6(b)

75 Brown considers that should the court accept the opinion of Michael Hallinan in the joint report of ecology and aboricultural experts that the proposed development will adversely impact on threatened species habitat and threatened ecological

communities, that inadequate assessment has been undertaken to understand the nature of the environment and impact from development and that a Koala Plan of Management is required to be prepared prior to any consent then there are many matters requiring resolution before development consent can be granted to the amended DA..

Contention 6(c)

76 Brown considers that should the court accept the evidence of Michael Hallinan in relation to the impact on the C2 Environmental Conservations zoned land that the proposed development will have an adverse impact on the values of the land zoned C2 Environmental Conservation then the proposed development is contrary to the objectives of the zone.

Oliver

Contention 6(a)

77 Oliver refers to his comments in respect of Contention 4.

Contention 6(b)

78 Oliver notes the areas of disagreement between the ecological experts.

Contention 6(c)

79 Oliver notes the areas of disagreement between the ecologists with respect to the ecological conditions of the land zoned E2 Environmental Conservation, and that resolution of these areas of disagreement would resolve the question of consistency with the zone objectives.

CONTENTION 9: Requirements for a Development Control Plan

Matters the experts agree on

80 Brown and Oliver agree that the following contentions are resolved through the expert evidence of the engineers and bushfire experts, subject to the drafting of appropriate conditions of consent (where applicable):

- a) 9(h) – Brown and Oliver agree that the site will require remediation as set out in the Detailed Site Investigation by Martens. This works should be overseen by an appropriately qualified professional and a site audit statement prepared demonstrating that the works have been completed and the site is suitable for the proposed development.

b) 9(j) – Brown and Oliver note the material in the joint report of the engineers regarding the protection of water quality. This matter is resolved.

c) 9(k) – Brown and Oliver note that the ecologists are in disagreement regarding a range of ecological matters, and the resolution of these areas of disagreement would be required in order to resolve this particular.

81 In relation to particular (d) Brown, Oliver and Dickson agree that the engineering plans prepared by Arcadis show the location of potential pedestrian pathways within the site of a width between 1.5 - 2 metres. This width of pathway would not accommodate cycle access and pedestrian access together, and cyclists would be required to travel on the road. A diagrammatic detail of the footpath, verge carparking and road width is shown in the Proof of Concept at page 18, Indicative Typical Street Typologies.

82 Brown, Oliver and Dickson agree that with respect to Contention 9(i), the proposed open space within Proposed Lot 147 is capable of meeting the open space needs of the community. Details of the functionality of this space have not been included in the amended DA. We note that Section 4.2.6 of the Statement of Environmental Effects dated 22 November 2023 proposes that detailed landscape drawings are to be submitted to Council prior to the issue of a Construction Certificate. We also agree that it would be appropriate for any future embellishment proposal include a Landscape Maintenance Schedule setting out how this open space would be maintained on an ongoing basis by the proposed community association.

Matters that the experts disagree on and why

Brown

Contention 9(a)

83 Brown considers that the amended DA proposes a low-density residential development however it has not been demonstrated that the proposed subdivision layout minimises impact on the sensitive environmental areas and areas of cultural significance within the site and Iron Gates Drive. In relation to Oliver's comment in paragraph 84 Brown acknowledges that the site was historically rezoned to permit residential development, is identified in the North Coast Regional Plan 2041 as an Urban Growth Area and the Iron Gates subdivision is identified as one of several potentially large development in Evans Head. Brown considers that parts of the site are suitable and able to accommodate residential development. The issue that remains is what level of development can be undertaken without adversely impacting sensitive areas of ecological value and areas of cultural significance.

Contention 9(b) and (c)

- 84 Brown considers that the design and footprint of the development has not had regard to the natural features of the site as they exist today and as they would have been had the Court Orders for the rehabilitation of the site had been undertaken. The landscape of the site is modified and reflective of the unauthorised works previously undertaken. Brown considers that had the rehabilitation works been undertaken as directed that the scale of development would not integrate with the existing landscape. Further, the Engineering Service Report of Arcadis identifies (prior to preparation of amended plans) that there would be a total cut of 32,762 cubic metres, total filling of 111,031 cubic metres of fill requiring an importation of some 78,269 cubic metres of fill. More fill will be required in order to raise the site further to protect from flooding impacts as identified in the Joint Engineering Report. Based on the volume of earth works alone the proposal does not integrate with the existing landscape or natural features.
- 85 To make the site safe from flooding and bushfire hazards filling of the site is required together with the provision of a centre for residents to shelter in place for both bush fire and flood shelter purposes.
- 86 Asset protection zones are to be in place and vegetation to be cleared from the site and within Iron Gates drive in order to accommodate the proposed development.

Particular (e)

- 87 Brown relies on the comments in relation to Contention 5.

Particular (f)

- 88 Brown understands that while the DA was supported by a “Proof of Concept” Report prepared by Dickson Rothchild in June 2023 which includes a building typology study featuring five dwelling typologies these relate to a previous allotment layout and orientation. It is understood that these were provided to demonstrate that a dwelling could be constructed on typical lot types proposed at that time. It is understood that the amended DA does not seek consent for these designs. Given the sensitive nature of the locality Brown considers that built form controls should be developed for the site to guide future development to achieve outcomes suitable for the location.
- 89 Brown has reviewed the indicative Building Design Guidelines in Appendix B to the Proof of Concept report and considers that while they are positive concepts further guidance is required to deliver residential development suitable to the site.

Particular (g)

90 Brown relies on her comments in Contention 15 in relation to heritage considerations.

Particular (i)

91 Brown notes that the embellishment of the proposed Lot 147 for open space purposes will require a future development application unless the details are included in the amended DA.

Oliver and Dickson

Contention 9(a)

92 Oliver says that the Aboriginal Cultural Heritage Assessment Report (**ACHAR**) prepared by Mr Roark Muhlen-Schulte of ALICH Group Pty Ltd and dated 29 April 2024 demonstrates that there are no cultural heritage constraints to development.

93 Oliver also notes that the amended DA is entirely consistent with the desired future locality character, noting that the proposed development footprint within the site has been identified for residential subdivision since at least December 1983, and subsequently re-identified and/or reconfirmed on a number of occasions in the following period including over a number of iterations of the applicable environmental planning instruments, and across a long series of strategic planning documents including the North Coast Regional Plan 2041 (Department of Planning and Environment 2022) and the Richmond Valley Local Strategic Planning Statement (Richmond Valley Shire Council 2020).

Contention 9(b) and (c)

94 Oliver and Dickson say that the footprint of the development is consistent with the zoning of the land and the identification of the general development footprint across a series of environmental planning instruments and strategic planning documents since the early 1980s as outlined in the Paragraph 93.

95 Oliver and Dickson note that the engineering and bushfire experts are in agreement that the proposed development has satisfactorily responded to all site considerations relevant to their areas of expertise. The ACHAR demonstrates that there are no cultural heritage constraints to the proposed development. The ecological assessments submitted with the development application are based on extensive fieldwork and assessment of the site and take into consideration the effects of previous clearing and the ecological conditions of the site which would have occurred but for these activities.

96 Oliver and Dickson say that the act of filling at the scale proposed does not give rise to any adverse environmental effects that would make the proposed development incompatible with the surrounding landscape. The proposed filling will not have any adverse effect on the integration of the proposed development with the existing landscape. Due to the mitigation of environmental impacts as outlined in the development application and the limited visual catchment of the site, there would not be any incompatibility with the surrounding landscape arising from the proposed filling or overall development.

Contention 9(e)

97 Oliver refers to his comments in respect of Contention 5.

Contention 9(f)

98 Oliver and Dickson say that each of the proposed residential lots comply with the minimum lot size prescribed by the RVLEP and are regular in shape and dimensions. These lots are plainly capable of accommodating a range of dwelling typologies that are permitted under the RVLEP and consistent with the RVDCP 2021.

99 Oliver says that a future Development Application(s) for construction of a dwelling would be subject to the provisions of the Richmond Valley Development Control Plan 2021 (RVDCP 2021), which commenced on 1 August 2021. The DCP includes provisions that contemplate and deal with the management of earthworks and retaining walls (A-1.14) and buildings on sloping sites (A-11.1.3). Oliver and Dickson say that these controls are capable of being complied with in respect of each proposed lot, and that Council is capable of appropriately assessing development that is proposed on the created lots in accordance with the RVDCP 2021 as and when required.

100 Oliver and Dickson do not believe that design guidelines are required to address any relevant planning considerations in respect of the proposed development. However, we note that design guidelines are often used by developers to require a higher level of design quality (beyond those required by any planning controls) for commercial reasons.

101 Oliver says that, to the extent that the Court might find that there is some particular sensitivity that is unique to future development of residential dwellings on the proposed lots within this site, which is not adequately addressed by Council's planning provisions contained within the RVLEP and RVDCP 2021, then these could be dealt with by suitably crafted conditions of development consent in respect of the Concept

Development Application identifying the specific design matters that need to be addressed in future DAs.

- 102 Oliver and Dickson are unclear of the nature of the 'further guidance' requested by Brown in Paragraph 89.

Contention 9(g)

- 103 Oliver refers to his comments in respect of Aboriginal cultural heritage commencing from Paragraph 138.

Contention 9(i)

- 104 Oliver says that the submission of these details for Council approval could occur as a condition of development consent. Notwithstanding this, Oliver agrees that the approach proposed by Brown is equally consistent with achieving the intended outcomes of the proposed development.

CONTENTION 10: Loss of Biodiversity

Matters the experts agree on

- 105 Brown and Oliver agree that the experts disagree across a wide range of matters in relation to this contention and the requirements for the provision of a Koala Plan of Management.
- 106 Brown and Oliver agree that this contention remains unresolved.

Matters that the experts disagree on and why

NIL

CONTENTION 11: Inadequate Subdivision Layout and Design

Matters the experts agree on

- 107 Brown, Oliver and Dickson agree that under the amended DA that the areas of proposed open space and conservation areas within proposed Lots 140, 141, 143, 144, 145, 146 and 147 are to be owned and managed by a proposed Incorporated Association established under the *Incorporated Associations Act 2009*.
- 108 Brown, Oliver and Dickson agree that the proposed subdivision includes sufficiently sized and dimensioned lots to cater to different households, building form and dwelling variety and that Contention 11(b) is therefore resolved.

- 109 Brown, Oliver and Dickson agree that Contention 11(d) is subject to the resolution of ecological and Aboriginal cultural heritage matters by the respective experts and/or the Court.
- 110 In relation to contention 11(e) Brown Olliver and Dickson agree that proposed Lot 147 has sufficient land area on which to deliver open space to meet the requirements of the residents of the future community in terms of passive open space and children's playground
- 111 Brown Oliver and Dickson agree that the proposed open space within Lot 147 is sufficiently sized to achieve a functional open space outcome. We note that Section 4.2.6 of the Statement of Environmental Effects dated 22 November 2023 proposes that detailed landscape drawings are to be submitted to Council prior to the issue of a Construction Certificate.
- 112 Contention 11(g) is resolved. Brown, Oliver and Dickson agree that the Civil Infrastructure Drawings detail the location of a footpath within the proposed works in Iron Gates Drive.
- 113 Brown, Oliver and Dickson consider that if Proposed Lots 143, 144, 145 and 146 contain areas of Aboriginal cultural sensitivity then they should not be utilised for active or passive open space purposes by the future residents if such activity would adversely impact the cultural integrity of that land. Brown, Oliver and Dickson agree that subject to detailed site investigation (ecology), pump station design and odour assessment, that it may be possible in a future development application to demonstrate the suitability of a local park within Lot 140 adjacent to the sewer pump station for open space/recreation purposes, but that this should not occur until the aforementioned studies are conducted.

Matters that the experts disagree on and why

Brown

Contention 11(a)

- 114 Brown relies on the response to Contention 9.
- 115 Further Brown notes that embellishment/construction works to provide a functional areas of open space would need to be the subject of a separate development application as the details are not provided in the amended DA. Brown considers that while the current engineering plans do not show any earthworks to make the lot suitable for opens space purposes that it would be possible in a future development application to demonstrate a functional open space outcome. This would require

earthworks to manage the crossfall across Lot 147 and change the natural characteristics of this part of the site.

116 Brown notes that other than the use of part of proposed lot 143 for a bio retention basin that the amended DA does not identify proposed uses of Lots 143, 144, 145 and 146. Brown understands that this land which includes asset protection zones and that the boundaries to these lots are indicative and final design of Stage 2 Subdivision including these lots will be subject of a future detailed design.

Contention 11 (c)

117 Brown relies on the comments made in relation to Contention 9.

Contention (f)

118 The embellishment of the proposed open space on Lot 147 is to be the subject of a separate DA. Brown considers it preferable for the information formed part of the amended DA so that the functionality of the space can be considered as part of the overall subdivision proposal.

Oliver and Dickson

Contention 11(a)

119 Oliver and Dickson refer to their prior comments in respect of Contention 9.

Contention 11(c)

120 Oliver and Dickson refer to their comments in respect of Contention 9.

Contention 11(e)

121 Oliver notes that the ACHAR does not raise any of the concerns regarding cultural sensitivity and says that notwithstanding this, the design principles outlined in Section 4.1.4 of the SEE provide suitable measures to ensure that these matters are appropriately managed as part of the future Stage 2.

Contention 11(f)

122 Oliver refers to his comments at Paragraph 104.

CONTENTION 12: Loss of Koala Habitat

Matters the experts agree on

123 Brown and Oliver agree that the experts disagree across a wide range of matters in relation to this contention and the requirements for the provision of a Koala Plan of Management.

124 Brown and Oliver agree that this contention is not resolved.

Matters that the experts disagree on and why

NIL

CONTENTION 13: Bushfire Hazard

Matters the experts agree on

125 Brown and Oliver agree that the joint report of the Bushfire experts has sought to resolve this contention through the drafting of conditions that seek to achieve some design changes and compliance with Planning for Bushfire Protection 2019.

126 Brown and Oliver understand that the design changes to accommodate the required turning areas and Strategic fire-fighting platform will require amendments to the subdivision layout, stormwater infrastructure and roads.

Matters that the experts disagree on and why

Brown

Contention 13(e) and (f)

127 Brown notes the commentary of the bushfire experts at page 9 that:

As outlined above the proposal includes an upgrade of the existing Iron Gates Drive, which is considered reasonable by the experts and responds to item 1. In the event of a bushfire impacting or being likely to impact Iron Gates Drive, the experts agree that it is unsafe for residents or emergency services to be exposed to uncontrolled fire along the road. It is possible that vehicles could be overrun by fire if Iron Gates Drive is used during the impact and passage of a fire.

128 The requirement to clear vegetation within Iron Gates Drive will need to be carefully managed from a Cultural Heritage perspective. As noted in the Aboriginal Cultural Heritage Assessment Report (ACHAR) prepared by Alich Group at page 83 that Traditional Owners and RAPs had identified the location of a scarred tree within Iron Gates Drive. The preference of the informant was that alternate access to the proposed development be provided to avoid works within Iron Gates Drive. Recommendation 7 of the ACHAR is that ...*The proponent and Richmond Valley Council engage with the RAPs and Bandjalang to ensure no identified culturally scarred (by Aboriginal people)*

trees (excluding contemporary scarring which may be caused by machinery) are removed during the works on Iron Gates Drive.

129 Brown also notes the statements of Simone Baker at paragraph 5 of her affidavit dated 12 April 2024 that

...For the Bandjalang People, the site is home to the winter camp, special caves, river crossing, midden, warrior and scar trees and the pathway of the Goanna and Snake

and at paragraph 13d that *...there are trees located on either side of the boundary of Iron Gates Drive towards the entrance of the Site, that represent warriors of the Bandjalang Peoples...*

and at paragraph 15 that *...Many of the scar trees that previously existed on the site have already been destroyed. It is important that the remaining sites and area need to be preserved to support the retention of traditional connection to lands for future generations of the Bandjalang peoples.*

Brown considers that the clearing of vegetation within Iron Gates Drive has the potential to result in adverse impact on the cultural heritage of the land.

Oliver

130 With respect to the changes identified in Paragraph 126, Oliver says that these changes can be readily dealt with through a suitably worded condition of development consent to be satisfied prior to the commencement of works or issue of a Subdivision Certificate.

131 Oliver notes that compliance with the recommendations of the ACHAR are capable of being required as a condition of development consent.

132 Oliver notes that Mr Muhlen-Schulte has addressed in detail the matters raised by the Second Respondent in his expert evidence.

CONTENTION 15: Heritage Conservation

Matters the experts agree on

133 Brown and Oliver agree that an ACHAR has been prepared for the amended DA by Mr Roark Muhlen-Schulte of ALICH Group Pty Ltd.

Matters that the experts disagree on and why

Brown

Contention 15(b) and (e)

134 Brown notes the limitation of the ACHAR which at section 8.2 states *...not all previously engaged and interested parties participated in field visits or meetings and access to "restricted" site cards was not granted by the informants.*

135 Brown also notes from the Affidavit of Simone Baker at paragraph 13 that *...The Site has many aspects of Aboriginal cultural heritage value, both to myself and the Bandjalang Peoples. ...the cultural heritage value of the Site to myself and the Bandjalang Peoples stems from my knowledge that has been passed down to me that:*

(a) the Site has traditionally been used to conduct weddings...

(b) there are salt water middens

(c) ancestors of the Bandjalang Peoples are buried on the Site

(d) ...

(e) a massacre of my ancestors took place on the Site.

136 In terms of burial sites Baker at paragraph 14 states *...One of those sites is located on the "hill" in the western portion of the site. The remaining sites are situated on the right-hand side of Iron Gates drive approaching the site.*

137 Brown considers that there is a disconnect between the ACHAR 's Overall Significance Assessment in Table 2 that in relation to the burial area that it is *... Not Located or reasonably suspected to be in the Project Area, based on all available evidence...* and the material in the affidavit of Simone Baker. Brown considers that if there is a burial site on the western portion of the Site and that a massacre of Bandjalang peoples took place on the site then there is a real potential for the proposed development to impact on Aboriginal objects and places of heritage significance contrary to the provisions of clause 5(10) of RVLEP 2012.

Oliver

138 Oliver has reviewed the ACHAR and understands that it has been prepared in accordance with the applicable requirements of the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010), Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011), Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW 2010), and all relevant legislation.

139 Oliver notes that Mr Muhlen-Schulte has addressed the matters raised by the Second Respondent in his expert evidence.

140 Oliver notes that, in order to directly respond to the matters raised by the Second Respondent, Section 4.1.4 of the SEE outlines further measures relating to Aboriginal cultural heritage in respect of the future Stage 2 of the proposed development, and that these measures are sufficient to ensure that the relevant stakeholders have further opportunities for consultation and input on Aboriginal cultural heritage matters in respect of these areas of the development prior to the submission of a development application in respect of Stage 2.

CONTENTION 16: Mosquito Control

Matters the experts agree on

141 Brown and Oliver agree that this contention has been addressed by the amended stormwater and drainage design and compliance (via a conditions of consent) with the recommendations of the Biting Insect Management Plan prepared by FRC Environmental dated November 2023, and submitted with the amended DA.

Matters that the experts disagree on and why

NIL

CONTENTION 17: Coastal Environment and Coastal Use Area

Matters the experts agree on

142 In the event that the Court finds that the provisions of Sections 2.10 and 2.11 of SEPP RAH do apply to the DA, Brown and Oliver agree that the following contentions are resolved:

- a) Contention 17(a)(ii) is resolved as a result of the agreement of the engineers as with respect to flooding.
- b) Contention 17(a)(iii) is resolved as a result of the agreement of the engineers with respect to water quality.
- c) The matters raised in contention 17(b)(i) have been considered in section 5.1 of the SEE submitted with the amended DA.

Matters that the experts disagree on and why

Brown

143 Brown says that for the reasons set out in Paragraphs 43 to 47 that the provisions of sections 2.10 and 2.11 of SEPP RAH apply to the amended DA.

144 In relation to Contention 17(b)(i) the impact of the amended DA on the visual amenity and scenic quality of the coast has not been assessed.

145 In relation to Contention 17(b)(ii) and (iii) for the reasons set out in relation to Contention 15 Brown does not consider that the proposal (Stage 1 and Stage 2) has been sited and designed to manage and avoid adverse impacts in relation to Aboriginal Cultural heritage.

Oliver

146 Oliver says that for the reasons set out in Paragraphs 33 to 41, the provisions of Sections 2.10 and 2.11 of SEPP RAH do not apply to the DA.

147 In the event that these provisions do apply, the proposed development is consistent with the requirements of Sections 2.10 and 2.11 of SEPP RAH.

148 In response to Brown's Paragraph 145, Oliver refers to his comments in respect of Contention 15 at Paragraphs 138 to 140.

CONTENTION 18: Public Interest

Matters the experts agree on

149 Brown and Oliver agree that all matters relating to the public interest have been dealt with in respect of the previous contentions.

Matters that the experts disagree on and why

Oliver

150 Oliver says that the proposed development is in the public interest for the reasons set out in Section 5.12 of the SEE.

Brown

151 Brown says that a residential subdivision of the site is possible and would provide housing supply in the region however there remains unresolved issues in relation to the potential impact on Cultural Heritage and ecology which would preclude development consent being granted to the amended DA at this time.

CONTENTION B3: Insufficient Information

Matters the experts agree on

- 152 Brown and Oliver agree that the matters raised in relation to insufficient Information relate primarily to ecological considerations.
- 153 Brown and Oliver agree that there is disagreement between the ecological experts in relation to the need for or the timing for submission of the identified information and as such this contention remains largely unresolved.

Matters that the experts disagree on and why

NIL



Clare Brown

Michael Oliver

Nigel Dickson

Director

Director

Managing Director

Urbis

Ethos Urban

Dickson Rothschild



CLARE BROWN

DIRECTOR

“The success of any project requires thorough planning and preparation. I work closely with clients to drive positive, sustainable outcomes and adapt to the ever-changing regulatory landscape”

SERVICES

Statutory and Strategic Planning
Smart Cities and Environmental Planning

SECTORS

Renewable Energy
Residential and affordable housing
Infrastructure
Social impact assessment
Commercial
Industrial
Mixed Use

QUALIFICATIONS

Bachelor of Town Planning (Hons) UNSW
Bachelor of Law UNSW
Cambridge Judge Business School Executive Education - Circular Economy and Sustainability Strategies

AFFILIATIONS

- Planning Institute of Australia
- NSW Environmental Planning Law Association
- Urban Development Institute of Australia
- Smart Cities Council
- Clean Energy Council

CONTACT

T +61 8233 7678
M +61 425 284 398

URBIS.COM.AU

Clare Brown is an accomplished planner and lawyer.

Working across both the public and private sectors, Clare has more than 30 years' experience – including rural and regional planning, residential and mixed use development; retail, renewable energy, infrastructure, strategic advisory, extractive industry (coal, hard rock and mineral sands), remediation and rehabilitation, and waste management projects. She is also a trained mediator and lawyer and has advised and represented clients on planning, environment and construction issues. Clare has experience in undertaking community consultation and social impact and community needs assessments.

Clare is well positioned to unravel the complex planning system to provide clear, practical advice to her clients. She is a skilled strategic planner, with expertise in preparing planning instruments, feasibility studies, due diligence investigations, drafting and review of contributions plans and statutory drafting of environmental planning instruments and subordinate legislation. Clare's career highlights include drafting planning, environment and development legislation and

regulations for Mauritius and reviewing seven regional plans to guide long-term development and infrastructure delivery.

Clare also appears as an expert witness in merit appeals and resumption matters in the NSW Land and Environment Court working with both private and government clients.

Clare's work experience is summarised as follows:

2014 - Present – Director in the NSW Planning team, National lead of the Smart Cities and Environmental Planning Group. Executive Board member 2019 to present. Current chair of Board Audit Committee. Member of client conflict Committee.

2019-2020 – Sessional Lecturer UNSW Bachelor of Planning.

2016 – Present Alternate member of Sydney and Regional Planning Panels.

2010 – 2014 – Principal Planner with APP NSW establishing and leading the Planning Business.

2006 – 2010 Director with JBA Planning Consultants

2008 – Secondment to DPE working on Planning Reform

1997 – 2005 Lawyer with Wilshire Webb, Corrs Chambers Westgarth and Allens

1995-1997 - Living overseas

1985-1995 – Town Planning in local government and consulting



PROJECT EXPERIENCE

- Project Director on City West Housing Project in southern Sydney.
- Appearing as an expert witness for applicants and respondents (local and State government) in merit appeals for large scale urban release subdivisions, mixed use infill developments, waste recycling and land fill proposal, and compulsory acquisition advice and evidence relating to linear infrastructure projects.
- Planning lead on the Strategic Visioning Project Reimagining Campbelltown prepared for Campbelltown Council.
- Strategic advice to Urban Growth NSW on options for the Bays Precinct Planning Framework.
- Urban Design and Planning master plan to inform the rezoning of an industrial site to deliver a mixed-use precinct and urban renewal in Western Sydney.
- Technical lead on applications for major modifications to the Star Entertainment and Casino precinct including design competition and extensive community consultation.
- Strategic advisory and future development options for Kurnell sand extraction site including SEPP amendment.
- Technical lead on The Next Generation Energy from Waste project.
- Strategic advisory, site selection and environmental impact assessment for renewable energy proposals
- Specialist advisor to Tweed Shire Council in relation to the Cobaki Lakes and Kings Forest Urban Development Projects/ Release Areas.
- Development of the planning framework for Sydney Science Park including the finalisation of the planning proposal, development control plan and precinct plan to guide the development of a regionally significant integrated business park, employment residential and recreation precinct.
- Advising clients on smart city technology and integration with master planning proposals.
- Planning lead and author of EIS for Industrial, Education, Waste, Renewable Energy, Intensive Agriculture, Tourism & Hotel projects.
- Camden Places and Spaces Strategy for Camden Council.
- Social Infrastructure Needs Assessment Edmondson Park Town Centre.
- Rezoning of rural land to deliver an integrated golf course residential precinct in the Illawarra region.
- Planning consultant preparing the structure plans for Alex Avenue and Riverstone Precincts.
- Undertaking planning reviews behind the *Corridor Protection: Planning and Investing for the long-term Report* by Infrastructure Australia
- Advising on statutory planning matters and a peer review of the EIS prepared in support of the REF for the Richmond Road upgrade.
- Strategic direction – Project lead advising on structures to support Better Placed and the draft Greener Places including consultation with NSW Smart Places team.
- Preparing REFs for housing, infrastructure, cultural heritage, education and road projects.
- Project Director for DPE Agile Planning Program and Regional Housing Program.

PUBLICATIONS/PRESENTATIONS

- **Planning Institute of Australia**
 - 2019 National Congress – Planning for Renewable Energy
 - NSW Planning Conference – Renewable Energy – NSW Focus
 - 2019 – PIA Article Renewable Energy
 - 2021 – PIA Article – Circular Economy
 - 2018 – PIA Emerge Series – Expert Evidence
 - 2022 – NSW Dr Helen Proudfoot Women in Planning Award
- **EPLA NSW**
 - 2016-Present – Presenter at Annual Conferences and Twilight Seminars

Nigel Dickson



Nigel Dickson Managing Director

Qualifications

Master of Architecture 1983
Master of City Planning 1983
University of Pennsylvania

Bachelor of Architecture 1979
(Hons), University of Adelaide

Harvard Kennedy School
Leadership for the 21st
Century Delegate

Registered Architect
Registration No. 5364

AIA, MPIA, CPP

Awards

- Winner Tuanbo Lake Master Plan Competition, Tianjin China, 2004
- Winner Mafeng Mountain Sports Centre (Ping Pong) Masterplan Competition, China 2004
- Winner Xi Gu Park Master Plan Competition, China 2004
- Prize for South Sydney CBD Urban Design Competition, in Australia, 1988
- Winner of Battery Park City, NY USA - Marine & Waterfront Design Limited Competition, 1986
- University of Pennsylvania Travelling Award, 1983
- George Murray Scholarship, University of Adelaide, 1981
- Kenneth and Hazel Milne Scholarship, University of Adelaide, 1981
- The Clive Boyce Fellowship, 1981
- Royal Institute of Architects Scholarship Award, 1978

Nigel is Managing Director of Dickson Rothschild and has over thirty years experience in Australia, Asia and the United States. Nigel acted as project architect on the Chifley Tower from 1988 to 1993 from inception to completion and from 1993-1995 he was the Urban Design Manager for the Homebush Olympic Site. He has served on numerous Urban Design Panels and has offered peer design reviews of important projects in the Sydney region.

As Visiting Professor at the University of New South Wales, Nigel ran the advanced urban design studio component of the Master of Urban Design and Development. Nigel's teaching duties have benefited his growing reputation in providing expert witness advice on local government, planning and environmental matters before the NSW Land and Environment Court.

Major Project Experience

- Delhi International Airport Terminal 3, India 2006-2009
- Tuanbo Lake Master Plan, 170sqkm site, Tianjin China 2004-2010
- Najmat Master Plan, Abu Dhabi, 2007-2009
- Maya Island Master Plan, Abu Dhabi 2005-2007
- Al Khobar Gate Master Plan, Saudi Arabia 2007-2008
- International Broadcast Centre Sydney Olympic Park, NSW 1998-2000
- Homebush Bay Urban Design Plan and Structure Plan, NSW 1993-1995
- Chifley Tower, Sydney NSW 1988-1993
- Newport and Port Liberte, New York USA 1986-1988

Dickson Rothschild Project Experience

Urban Design and Master Planning

- Bowline Street, Wickham, 29 storey mixed use development
- Westfield City Centre Development, Sydney CBD, urban design advisors for major redevelopment of shopping centre.
- Legible Sydney, Wayfinding Strategy for City of Sydney
- Heart of Willoughby, Seniors Housing and RSL redevelopment, North Willoughby
- Peach Tree Road, Macquarie Park, mixed use development
- Pacific Dunes Master Plan and Subdivision, Pacific Dunes, NSW
- Carlingford Precinct Master Plan, Carlingford, NSW
- Tuanbo Islands Masterplan, residential precinct with 1800 units
- South Deebling Creek Residential Community Master Plan and Subdivision, Deebling Creek, Qld.
- Hurstville City Centre Urban Form Study, Hurstville NSW
- 89 George Street, Parramatta, Urban Design advice for Part 3(a) major project

- The Entrance Peninsula Planning Strategy, Central Coast NSW
- Glendale/Cardiff Town Centre and Urban Structure Plan, Lake Macquarie NSW
- Sandon Point Commission of Enquiry Report, Wollongong NSW
- Rouse Hill Regional Centre, NSW
- Orange Central Business District Strategic Action Plan, Orange NSW
- Morriset Town Centre Master Plan and Urban Design Strategy, Morriset NSW
- Toronto Town Centre Master Plan & Urban Design Strategy, Lake Macquarie NSW
- Rhodes Peninsula Residential Master Plan, Rhodes NSW
- Wollongong Railway Station Precinct Planning, Wollongong NSW
- Dee Why Town Centre, Dee Why NSW
- Hunter Street Mall Revitalisation, Newcastle
- Randwick Defence Site Master Plan for 1000 Houses, Randwick NSW
- Wolong Lake Residential Master Plan, China
- Shandong Teachers' University Master Plan, China
- University of New South Wales Sports Facilities Masterplan & Development Strategy
- Rouse Hill Golf Course Residential Master Plan, NSW

Architecture

- The Archibald, 110-118, Mann St & Donnison St, Gosford, 28 storeys mixed use, 342 units and 167 hotel rooms.
- The Capitol, 20 storey mixed use, Bondi Junction, Sydney
- Brick Lane, St. Peters, mixed use, 58 units
- The One, Hurstville, mixed use, 75 units
- Burwood Hotel, 8000 sqm retail, 20 storeys, 124 units
- Bodalla Green, Bodalla, NSW, subdivision and 18 dwellings
- Maynard Gardens, Bowral NSW, 40 units
- 227-231 Victoria Road, Drummoyne, NSW, infill mixed use development
- The Phoenix, Rhodes, NSW, 18-storey

Nigel Dickson

- mixed use, 201 units
- The Regent, , Kogarah NSW, 11-storey residential flat building, 113 units
- Sussex Street, Sydney, adaptive reuse for hotel
- Eastwood Central, Eastwood, NSW, mixed use development
- 176 Victoria Road, Potts Point, mixed use
- Port Vila Harbour Centre, Vanuatu, mixed use and retail
- Bayview 360, Bexley, NSW, Infill mixed use development, 20 units
- The Pinnacle, Miranda NSW, residential flat buildings, 79 units
- 635 New South Head Road, Rose Bay, infill boutique residential flat building, 5 units
- Hôtel du Gouvernement, Nouméa, New Caledonia, 18,000 sqm commercial tower.
- 211-223 Pacific Highway, North Sydney, mixed use urban infill, 144 units
- Akiriki Resort, 120 units, Port Vila, Vanuatu
- 3 Rawson Street, Wollongong, 5,500 sqm retail/commercial, 65 units, FSR of 5:1
- V601, 10,000 m² retail, 300 units, Abbotsford, Victoria
- 82-84 Belmore Street, 267-unit residential waterfront development, Meadowbank
- 12 Shirley Street, Carlingford, 10-storey residential tower, 72 apartments
- Artiste, Gymea, NSW, mixed use
- Cliff Road, Epping, NSW, residential flat buildings
- Gardeners Road, Mascot, 13-storey mixed use development, 242 units
- 120 James Ruse Drive, 6-storey, 27-unit residential development, Rosehill NSW
- Belmont Christian College Library, Belmont
- 144 Glenmore Road, Paddington, NSW, alternations and additions, heritage
- 25 George Street, Paddington, NSW, alterations and additions, heritage
- 159 King Street, Newtown, Mixed use infill including shop and affordable housing
- 5 Pacific Street, Wamberal, 5-bedroom beach-side holiday dwelling
- Prouds Jewelers Corporate Headquarters, Sydney NSW
- Killara Scout Hall, Killara NSW
- Cnr King & Howard Street, Warners Bay, NSW
- Crown Street, Wollongong NSW, 620 sqm retail space, 29 units
- Liverpool Road Ashfield NSW
- 2-12 James Street 44 units, Baulkham Hills
- Seaman Ave 26 units and 7 townhouses, Warners Bay NSW
- Benaara Gardens, Castle Hill NSW, 105 units
- Janell Crescent, Carlingford NSW, 236 units
- Avoca Palms, Avoca Beach NSW
- Middleton Terrace Residential Neighbourhood for 400 units, Auckland New Zealand
- 65 Avoca Drive, Townhouses, Avoca Beach
- International Broadcast Centre 70,000 sqm,

Homebush Bay NSW

Infrastructure

- St. Marys Advance Water Treatment Plant, Western Sydney.
- Great Western Highway Detailed Design, Woodford to Hazelbrook NSW
- Windsor Road Upgrade, Boundary Road to Henry, Vineyard NSW
- Windsor Road Upgrade, Mile End Road to Boundary Road, Box Hill NSW
- Windsor Road Upgrade, Acres Road to Old Windsor Road, Kellyville NSW
- Bangor Bypass East West Link and North South Link, Bangor NSW
- Great Western Highway, Widening & Reconstruction, Warrimoo NSW
- Urban Design Evaluation of the Realignment of Castlereagh Highway, Lidsdale NSW
- Urban design Study, Donnybrook Reconstruction, Great Western Highway, Lithgow NSW

Olympics and Sports Facilities Experience

- New Doha Stadium, Doha, Qatar
- OmniSports, Multi-Sport Recreational Facility (architecture and landscape design), Port Vila, New Caledonia
- Paita Recreation Area Master Plan, New Caledonia
- Operational Planning for Homebush Bay, Darling Harbour, Main Press Centre, Sponsor Hospitality and Paralympics, Sydney 2000 Olympics NSW
- International Broadcast Centre Sydney Olympic Park 1998-2000
- Homebush Bay Urban Design Plan and Structure Plan 1993-1995
- Operational Planning for Homebush Bay, Darling Harbour, Press Centre, Sponsor Hospitality and Paralympics Sydney
- Generic Venue Operational Planning Model, Sydney Olympics, Sydney
- University of New South Wales Sports Facilities Masterplan and Development Strategy.

Urban Planning

- Crane Road DCP, Castle Hill Town Centre
- Westfield Sydney City Stage 1 and 2 DA, Sydney NSW Westfield Sydney City Stage 1 and 2 DA, Sydney NSW
- Carlingford Precinct DCP and s94 Contributions Plan, Carlingford NSW
- North Willoughby Town Centre Precinct Plan, Chatswood NSW
- Kuringai Council, Provision of Site Specific Development Controls, Ku-ring-gai NSW
- Baulkham Hills Multi Unit Residential DCP, Baulkham Hills NSW
- Botany Bay Multi Unit DCP, Botany NSW
- Excelsior Avenue DCP, Castle Hill NSW
- Affordable Housing Study, Waverley NSW

Nigel Dickson

- Kogarah Better Home Design Guidelines, Kogarah NSW
- Gosford Multi Unit Residential Code 100, Gosford NSW
- Holroyd Gardens DCP, Holroyd NSW.
- Sandon Point 'Enquiry by Design' DCP, Wollongong NSW

Urban Design Panel and Advice

- City of Ryde Council 2004-2005
- Lake Macquarie City Council 2003-2004
- Wollongong City Council 2001-2002
- Kogarah Municipal Council 2000-2001
- Baulkham Hills Shire Council 2000-2001
- Olympic Coordination Authority 1993 -1995

Expert Witness

Nigel Dickson has extensive experience as an expert witness in the NSW Land & Environment Court.

Expert Witness for Applicant

- Maxida International Alexandria Property Australia Pty Ltd v City of Sydney (mixed use)
- Whitehall Property Services P/L v Randwick City Council (Signage)
- Perpetual Corporate Trust Limited v Randwick City Council (Mixed use and student housing)
- Perpetual Trustee Company Limited v Randwick City Council (Mixed use and student housing)
- Sinn v Waverley Municipal Council (Infill Affordable Housing)
- Miriam Ibrahim v Georges River Council (centre-based childcare)
- Haiek v Parramatta City Council (Residential flat building)
- Vortex Property Group (NSW) PL v Georges River Council (Mixed use tower, Kogarah)
- Palmerston Dragon No 1 v Georges River Council (Mixed use tower, Kogarah)
- No 1 Victoria Dragons v Georges River Council (Residential tower, Kogarah)
- Regent Land v Georges River Council (Residential tower, Kogarah)
- Benmill Pty Ltd v The Council of the City of Sydney (mixed use infill in heritage context, Surry Hills)
- Bligh Street Pty Ltd v Blacktown City Council (subdivision and housing, Marsden Park)
- Kingsland Developments Australia v City of Parramatta Council (mixed use infill development, Epping town centre)
- Council (subdivision and housing)
- Landco v Camden Council (subdivision and housing, Manooka Valley)
- George Antoniou v Georges River Council (childcare centre, Lugarno)
- DL Newport Pty Ltd v Pittwater Council (Mixed Use development, Newport)

- Australian Catholic University Limited v Minister for Planning and Infrastructure
- Cash Warwick Pty Ltd v Georges River Council (Residential flat building)
- Cloverland International Pty Ltd v Inner West Council (Mixed Use Development)
- Strathfield Municipal Council v ACU (education, acting on behalf of Council)
- Woolloomooloo Nominees v City of Sydney (hotel development)
- Remo West Ryde Pty Ltd v City of Ryde Council (mixed use development)
- Tradelink v Holyroyd Council
- MST Architects & Planners P/L v Gosford Council (multi-unit residential development)
- Gelder Architecture v Ku-Ring-Gai Council (multi-unit residential development)
- Cavcorp Australia Pty Limited v Hunters Hill Council (detached dwelling)
- Andrew and Giselle Kaunitz v Mosman Municipal Council (Multi-unit dwelling)
- Emily II Investments Pty Ltd v Rockdale City Council (mixed use shopping centre)
- Deaton v Pittwater Council (disable/seniors housing)
- Maygood Australia Pty Ltd v Willoughby City Council (residential flat building)
- Progress and Securities Building Pty Ltd v Burwood Council and Anor (mixed-use)
- ABC Planning v Randwick Council (two residential flat buildings, Coogee)
- Manawar Pty Ltd v City of Sydney Council (mixed-use corner building, Kings Cross)
- Urban Peninsula v Kur-ring-gai Council (residential flat building)
- Crone Nation Architects v City of Sydney (mixed-use retail and commercial, Haymarket)
- Kinidimindi Investments Pty Limited v Land Cove Council and Fabcot Pty Limited (objection to mixed-use shopping centre and residential development, Lane Cove village)
- Finpac Investments 88 v Ku-ring-gai Municipal Council (multi-unit residential development, Turramurra)
- Lexinghouse 88 Pty Limited v Ku-ring-gai Municipal Council (multi-unit residential, Turramurra)
- Symcorp Pty Limited v Leichhardt Municipal Council (mixed-use, Rozelle)
- Tradelink Constructions v Holroyd City Council (mixed-use, Merrylands)
- Architectus v Randwick City Council (mixed-use commercial/residential, La Perouse)
- Hyde Park Road Pty Limited v Auburn City Council (multi-unit residential development, Berala)

Nigel Dickson

Expert Witness for Respondent

- GFM Investment Group Pty Ltd in its capacity as Trustee for GFM Home Trust Subtrust No. 7 v Inner West Council (mixed-use development)
- Juego Holdings Pty Ltd v Hurstville City Council (mixed-use development)
- Stanton Dahl v Penrith City Council (development within high value landscape)
- Restifa & Partners Pty Limited v Sutherland Shire Council (multi-unit residential)
- Everest Project Developments Pty Ltd v RTA and Anor (Masterplan for mixed use, Waterloo)
- Gavin v Ashfield Municipal Council (urban design merits of new development on civic square)
- The Council of Trinity Grammar School v Ashfield Council (school)
- The Presbyterian Church (NSW) Property Trust v Ashfield Municipal Council
- Suters Architects v Hornsby Shire Council (residential flat building)
- Roads and Traffic Authority v Blue Mountains City Council (development potential of site with significant environmental constraints)
- Rosecorp Management Services v City of Canada Bay (master planned community, Breakfast Point)
- Meriton Properties v City of Sydney (multi-unit residential development, Sydney City)
- Anglican Church Property Trust v City of Sydney (mixed-use commercial/residential, Darlinghurst)

Court-Appointed Expert

- Pyramid Pacific Pty Ltd v Ku-ring-gai Council (residential flat building)
- Alpall P/L v Blue Mountains City Council (aged care facility)
- Ebsworth v Sutherland Shire Council (mixed use development)
- Frykberg & Scott v Waverley Council (alterations to private residence)
- PW Waters v Leichhardt Municipal Council (private residence, Balmain)
- Clear Ridge Developments Pty Limited v Hornsby Shire Council (child care centre)
- Sammut Developments Pty Limited v Sutherland Shire Council (medium density residential apartment building, Cronulla)
- Fodor Investments v Hornsby City Council (multi-unit residential development, Epping)
- Wigington v Leichhardt Municipal Council (duplex residential development, Rozelle)
- Seaside Developments v Wyong Council (multi-unit residential development)
- Onodi and Qian v City of Canada Bay (mixed-use commercial/residential development, Drummoyne)

Previous Experience

- Yulara, Northern Territory Concept Design.
- North Cove Marina, Battery Park City, New York USA
- Arcorp Properties, New Jersey USA
- Seton Hall University Sports Complex, New Jersey USA
- Brooklyn Port Authority Pier, Brooklyn, New York USA

Michael Oliver

Director, Planning

BPlan (Hons1) MEL RPIA REAP



Michael is a Director with more than 13 years' experience in the NSW planning system, holding qualifications in both urban planning and environmental law. Michael brings together expertise in statutory and strategic planning, specialising in guiding complex and contentious projects of regional and state-significance from inception through to approval.

He holds a Bachelor of Planning with Honours Class 1 from the University of New South Wales and a Master of Environmental Law from the University of Sydney, where he was awarded the Alan Ayling Prize for Environmental Law.

Michael is a Full Member (Registered Planner) of the Planning Institute of Australia and a Registered Environmental Assessment Practitioner (REAP).

Michael provides high-quality strategic and statutory planning advice to clients, and has significant experience in leading a broad range of projects through the relevant planning approval pathways.

Michael is a trusted advisor to private, non-profit and public sector clients alike. Michael has experience acting as an expert witness in the NSW Land and Environment Court in Class 1 and Class 3 proceedings.

Michael has broad experience across a range of sectors including residential, employment, retail, health, education, transport and sport/cultural infrastructure, and brings a unique perspective to projects by drawing upon this cross-sector background.

Qualifications:

- Bachelor of Planning (Hon1) – UNSW
- Master of Environmental Law – USYD
- Registered Planner – PIA
- NSW Registered Environmental Assessment Practitioner

Some of Michael's project experience includes:

- **Sydney Football Stadium:** Project Director for the redevelopment of the Sydney Football Stadium at Moore Park to deliver a world-class rectangular stadium with up to 45,000 seats, incorporating a two-stage planning approval pathway for a Concept Proposal and Detailed State Significant Development Application. Client: Infrastructure NSW and Venues NSW
- **Powerhouse Parramatta:** Project Director for State Significant Development Application for the delivery of a new world-class museum and creative industries hub within the heart of Parramatta. Client: Infrastructure NSW
- **Cockle Bay Wharf:** Project Director for State Significant Development Application and Design Competition Planning Advisor for the delivery of a 90,000m² office tower, retail and leisure podium, and a new 6,500m² public park spanning the Western Distributor. Client: GPT & AMP
- **Woolooware Bay Town Centre:** Planning Lead for a new town centre 900 apartments, new Leagues Club, Centre of Excellence and stadium upgrades, 15,000m² retail centre, a hotel, offices and new foreshore parklands. Client: Capital Bluestone/Aoyuan and Cronulla Sutherland Leagues Club
- **Former Channel Nine Site, Willoughby:** Planning Lead for a Part 3A Concept Plan and multiple modifications, design competition and multiple DAs to facilitate the delivery of 460 apartments, business uses and open space within a highly-contested planning environment. Clients: Nine Network Australia, LEPC9 and Mirvac
- **Sydney Metro Over Station Development:** Planning Lead for preparation of EISs to accompany two State Significant Development (SSD) Concept Proposal DAs for mixed use OSD buildings at Pitt North and Pitt South as part of the Sydney CBD Metro Project. Client: Transport for NSW
- **Castle Hill Town Centre:** Project Director for several major Development Applications and Planning Proposals, comprising up to 250,000m² of retail floorspace, 2,500 dwellings and commercial/office for over 10,000 jobs. Client: Queensland Investment Corporation
- **Powerhouse Ultimo Renewal:** Project Director for planning advice to inform the Final Business Case and the preparation of a Concept State Significant Development Application for the renewal of the Powerhouse Museum with new exhibition and gallery spaces. Client: Create NSW
- **Victoria Road Precinct, Marrickville:** Preparation of a Planning Proposal and Employment Lands Strategy to support the rezoning of an industrial precinct in Marrickville precinct for mixed business and residential uses including approximately 1,500 dwellings and 170,000m² of floor space for employment uses. Client: Danias Holdings

