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O/N H-955900

**CITY OF PARRAMATTA COUNCIL**

**RECORD OF COUNCIL MEETING**

**PANEL MEMBERS:**

**DAVID LLOYD QC  
DAVID RYAN  
ROBERT HUSSEY  
ANNE SMITH**

**RYDALMERE OPERATIONS CENTRE**

**3.33 PM, TUESDAY, 16 OCTOBER 2018**

MR D. LLOYD QC: All right. I think we can begin. Good afternoon, everyone. I declare this meeting of the Parramatta Local Planning Panel open. In doing so, on behalf of the council, I acknowledge the Burrumattagal Clan of the ..... the traditional custodians of Parramatta and pay respects to the elders both past and present. Next, I should say that this public meeting will be recorded. The recording will be achieved and available on the council's website. All care is taken to maintain your privacy. However, if you are in attendance in the public gallery you should be aware that your presence may be recorded. Next is apologies. There are no apologies.

10 When commencing this meeting it's usual for panel members and ourselves to introduce ourselves so that you know who we are. I am David Lloyd. I'm a lawyer. I'm a QC. I'm a former judge of the Land and Environment Court. I'm a former acting judge of the Supreme Court. I am currently an adjunct professor of law at Western Sydney University.

15 MS A. SMITH: I'm Anne Smith and I'm the community representative on the panel.

MR LLOYD: Mr Ryan.

20 MR D. RYAN: David Ryan. I'm a qualified planner and lawyer and practise in plan and consultancy in the city. Former president of New South Wales Planning Institute New South Wales chapter and vice president. I sit on several other panels as well as an alternate member of the Parramatta City Council and the District Planning Panel.

25 MR B. HUSSEY: Bob Hussey. Engineer and planner. Former commissioner with the Land Environment Court. Other senior local government and private industry experience.

30 MR LLOYD: The next item is declarations of interest. There is one declaration of a potential interest by Mr Ryan in relation to the proposed development in Shirley Street, Carlingford and Mr Ryan has indicated that he intends to take no part in the determination of that application. I say it's not an actual conflict of interest. It's just a potential conflict of interest. So with that we can go straight on to the development applications that we have to consider. The first one, item 5.1, is the proposal for numbers 1-3 Howard Avenue, Northmead. This is an application to enclose existing private open spaces associated with units number 6, 7 and 8 at the roof level of that apartment building. I can advise that the panel inspected this site earlier in the day – in fact, we inspected every site earlier in the day – and I note that Mr Frank Cozzupoli wishes to speak. Is he here? It's not necessary. You are in favour of this proposal?

35 MR F. COZZUPOLI: That's correct.

45 MR LLOYD: Well, so is the panel.

MR COZZUPOLI: Thank you. Just really here – available to answer any questions if there was any questions.

5 MR LLOYD: Any questions from the panel? And you're happy with these conditions?

MR COZZUPOLI: No issue with that. Thank you.

10 MR LLOYD: All right. Well, then, the determination of the panel is to adopt the recommendation set out in the assessment report and that determination is unanimous.

MR COZZUPOLI: Thank you kindly.

15 MR LLOYD: Thank you very much. Next item is the proposed dual occupancy development at 44 Anderson Avenue, Dundas. I don't think anyone is here in respect of that matter. You are? You act for the applicant?

20 MR .....: Yes.

MR LLOYD: Yes. That was also inspected, as I indicated, earlier in the day by the panel and, again, the panel is unanimous in adopting the recommendation to approve that development and the panel does so. We have to give reasons in each of these cases. So in the first item the reason is – I will just go back to the first item – the panel's reason is the panel supports the findings contained in the assessment report and endorses the reasons for approval contained in that report. That should go into the record. Then the same with 44 Anderson Avenue, 4.2 – the reasons are there. Good. All right. Thank you.

30 Now, we move to item 5.3. This is the proposed demolition of a heritage item at number 3 Ada Street, Harris Park. Is anyone here that's interested in that matter? This is a heritage item that's in very delict condition. In fact, it's beyond repair. It has the support of the council's heritage officer and, again, the panel is unanimous in adopting the written recommendation to grant consent to the demolition of that heritage item. So if I can just find the recommendation. The recommendation is at page 113 of the assessment report and we adopt that recommendation together with the overall reason, namely, the panel supports the findings contained in the assessment report and endorses the reasons for approval contained in that report. So that's item 5.3.

40 We now come to item 5.4. This is the proposed subdivision of a residential lot at 116 Midson Road, Epping. Is anyone here that's involved in that matter? We have a written submission that we've received today from Mr Nigel White, town planning consultant. The recommendation is to refuse this application because the proposed lots will be below the minimum lot size prescribed by the local environmental plan. Mr White is – has made a submission opposing that recommendation for refusal. Mr Hussey has a point?

MR HUSSEY: Can we check something on that written submission that came in late with the staff? That says there's a mistake in the report in terms of the overall area of the block of land. It says that the block of land is 1226 square metres not 1126 square metres. But is that just a typo in the report? So that the other  
5 calculations are really right in the report.

MR LLOYD: Is the council officer here who dealt with that matter?

MS C. STEVENS: He's the one trekking in Nepal as well, sorry. So we're just  
10 going to look it up for you.

MR HUSSEY: I was just wondering whether that 100 square metres makes a difference in a deficiency in the areas because that's quite important.

15 MS STEVENS: Yes. I'm just looking that up. It is 1226.

MR S. CHONG: 1226?

MS STEVENS: 1226.  
20

MR CHONG: Based on?

MR LLOYD: So that's just a typo in - - -

25 MR CHONG: If that's – if it has been written as 1126 it should be 1226 by the looks of things, yes.

MR LLOYD: Yes.

30 MR CHONG: Correct.

MR LLOYD: And that doesn't make any difference, then, to the calculations of the two block sizes?

35 MR CHONG: Well, the meaning of the lot size being 500 square metres. I will just quickly track the report down, if that's okay.

MS STEVENS: The 1121 bit refers to the calculations without the access handle which is not included in the lot size, from what I – from what I'm getting of a quick  
40 calculation here. So if you exclude the access handle, which isn't included in the rear lot, it is the 1121. It is – but it is the 1226 when it's the whole lot size as it is.

MR LLOYD: Yes. So the proposed new battleaxe block is still about 97 metres deficient?  
45

MS STEVENS: Yes. Yes.

MR LLOYD: Okay. All right. Well, the decision of the panel is again unanimous. We accept the recommendation to refuse this application principally on both on ground – that the both new subdivided lots don't meet the minimum area requirements under the local environmental plan. So the – we adopt the  
5 recommendation and the reasons for the panel are the panel supports the findings contained in the assessment report and endorses the reasons for refusal contained in that report.

MR HUSSEY: Was there a clause 4.6 there that we have to address too that we're  
10 not satisfied of the - - -

MR LLOYD: It's there in – isn't it there in the recommendation? It's there. Paragraph 1 of the recommendation. The proposal does not comply. All right.

15 MR HUSSEY: Yes.

MR LLOYD: Okay. Good. Next is item 5.5. This is the proposed residential flat building at 37 South Street, Rydalmere. This was deferred from – at the applicant's request, from a previous meeting to enable the applicant to submit amended plans.  
20 No amended plans have come in. But I see that Mr Byrnes wishes to address us on that matter. Come forward, please, Mr Byrnes. You – it's said that, in the law, that the hardest cases are given to the best barristers. Well, the hardest cases ..... are given to you as the best town planner.

25 MR A. BYRNES: I think I know the outcome of this decision .....

MR LLOYD: How can you persuade us - - -

MR BYRNES: Yes. That's fine.  
30

MR LLOYD: I should say the recommendation is to refuse.

MR BYRNES: Yes.

35 MR LLOYD: You have got to persuade us otherwise.

MR BYRNES: Yes. Well, I may not choose to do that on this occasion. So let me just start – I will give you a little bit of background and I'm only looking for one slight amendment to the recommendation, not a reversal of the recommendation. So  
40 I would just like to thank the panel. I think, chair, you're the only member on the panel that was deferred last time. Thank you, panel, for ..... and you will remember it was deferred for two things: it was deferred for submission of amended plans and so too also we requested that amended plans, that we had submitted, would be presented to the design review panel at council.

45 We also had – we were coming very close to the end of our deemed ..... appeal opportunity. We spoke to council late in August and said, "Look, this comes up on 4

September. We will be lodging appeal. We would still like to keep working with you.” And, hence, the appeal was lodged on 1 September, as represented in your report. We did subsequently have a meeting with council. Finally, they arranged a meeting with the city architect and also the planner and we went through some  
5 amended plans that were put on the desk before ..... find a path forward. It’s fair to say that we remained, at the end of that meeting, apart on an amended scheme that would be acceptable to both the planners and the city architect, and there was even a little bit of balancing out, so the architect would accept some things and the planners would accept some other – would not accept those and vice versa.

10

So at the end of that meeting we did not land upon a path forward and so we will need to address ..... section 34 process moving forward. So that’s where we’re at. We do thank you for the opportunity that you gave us to speak with council and  
15 council, indeed, also for the opportunity to have a meeting with them. It’s a shame we didn’t get there. We will have to hopefully get there through 34. The only thing I would like to raise is the reasons for refusal: reason number 8 states that a clause 4.6 in relation to the height, and that is only in order to provide the height exceeding ..... only in the order to provide a rooftop terrace. It states that a clause 4.6 was not  
20 submitted. That’s actually factually incorrect. It was submitted to the council on 30 July. There has been adequate time to assess and report that to you. If that hasn’t occurred, if you don’t have the benefit of that 4.6, then, I don’t think you can rely upon that reason for refusal because I don’t think it’s factually correct, and we would ask you to remove that from the reasons for refusal. That’s all I have.

25

MR LLOYD: Does the panel have any questions?

MR HUSSEY: Well, we have the 4.6 now is that late report. We have the clause  
- - -

30

MR LLOYD: Yes.

MR HUSSEY: Has that later - - -

35 MR LLOYD: But Mr Byrnes is addressing ground of refusal number 8. Do we strike that or – we can’t rely on ground refusal number 8 because the – that – well, we can – we can, in part, the second sentence is wrong in ground – ground of refusal number 8.

40 MS STEVENS: From “however”, is that - - -

MR LLOYD: Yes.

MS STEVENS: From - - -

45

MR BYRNES: That’s correct, yes.

MR LLOYD: The second sentence - - -

MR BYRNES: Is – is - - -

5 MR LLOYD: - - - in ground review is wrong?

MR BYRNES: Yes. That's right. Thank you.

10 MS STEVENS: So do you want to just strike out from “however” onwards?

MR LLOYD: Yes. That should be strike. Thank you. All right. Is the panel happy with that?

MR HUSSEY: Yes.

15 MR LLOYD: Mr Hussey?

MR HUSSEY: Yes.

20 MR LLOYD: Yes. All right. So the formal decision of the panel is as – at – is to adopt the recommendation. The reasons are that the panel supports the findings contained in the assessment report and endorses the reasons for refusal contained in that report. That means you can now go forward in your section 34, Mr Byrnes. All right. Now, for the next item, 8-10 Shirley Street, Carlingford, Mr Ryan has a  
25 potential conflict of interest. So he is taking that apart in this – the determination of this matter. This is an application for an 11-storey residential flat building comprising 49 apartments at 8-10 Shirley Street, Carlingford. We have notice of two people who wish to speak against the recommendation, the recommendation being to approve, and two people who wish to speak in favour of the recommendation. Is  
30 Ron Knott here? You have the floor.

MR R. KNOTT: I will let our chairman go first, mister, and I will follow him, Mr Aspi Bulsara.

35 MR LLOYD: Mr Bulsara.

MR KNOTT: Yes.

40 MR A. BULSARA: Yes.

MR LLOYD: You will speak on both – on both of your behalf?

MR KNOTT: No. No. I've got a set of - - -

45 MR LLOYD: You've got a set of items? Well, all right. You can go first, then.

MR BULSARA: All right. Thank you.

MR LLOYD: For the record, you should tell us who you are and where do you live?

MR BULSARA: My name is Aspi Bulsara. I live in the joining lot on 2-6 Shirley Street.

5

MR LLOYD: 2?

MR BULSARA: 2-6 Shirley Street.

10 MR LLOYD: That's – as you look at the site that's on the right, is it?

MR BULSARA: That's the – that's the south of 8-10 Shirley Street.

MR LLOYD: Yes. On the right?

15

MR BULSARA: Yes.

MR LLOYD: You're on the right?

20 MR BULSARA: Yes.

MR LLOYD: I follow. All right. You can proceed.

MR BULSARA: Okay. I thank the panel for giving me the opportunity.

25

MR LLOYD: You've got three minutes.

MR BULSARA: That's all right.

30 MR LLOYD: Yes.

MR BULSARA: It seems that the planner has bent over backwards to approve this application even exceeding the development standards by more than 10 per cent. The submissions come from the other residents have only been for cosmetic purposes and not a single submissions has been heeded by the plan. I come to the specific points: building height. As per the planner's report, the height is over the prescribed standard by 4.2 per cent. The prescribed standard is ..... too height, in my opinion, and it overshadows the residents of 2-6 Shirley Street and will deny them sunshine. The shading report clearly indicates this.

40

We have installed a solar system five years ago and the excessive height will also impact the operation of this system. No offer has been made by the developer or by the council to compensate us for the solar system being ineffectuated. We, therefore, do not approve of any extension to the height of this building and would like an independent survey to be conducted on the sunshine availability to residents of 2-6 Shirley Street.

45



Building separation is my second point. As per the visual privacy building separation guidelines there should be a 24 metre distance between the buildings. This building has only eight or nine metres separation and I ask why the planner has deemed this to be acceptable. We reserve our legal rights in both these matters and  
5 will not hesitate to use this right against both the developer and the council if the proper steps are not taken. Parking. The building has 45 units. The parking space is only for 50 cars. It is common knowledge that households today have two cars. Even allowing for 1.6 cars per household, which is the Sydney average, the number of spaces provided should have been 72. This means 27 cars have to park on Shirley  
10 Street every night.

The reason for the reduced number of spaces by ..... is not practical. In spite of ..... coming to Carlingford, the residents will not own a fewer number of cars. Cars are a very essential mode of transport in Sydney and I ask which of you planners and  
15 councillors do not own your own cars or have not more than one car? If the planner visits Shirley Street in the night he will find that most of the spaces are already taken. I would not like to own a unit which does not give me adequate parking. Neither is it sensible to allow only 45 spaces for the residents. This is highly responsive of the council to approve the limited parking spaces. The provision of five visitor spots is  
20 also unreasonable. The council is no doubt aware that there will be two further developments of similar size on Shirley Street, as well as on the ..... five towers coming up. We urge the planner to increase the car parking spaces to at least 72.

I come to the last point: trees. The developer should plant trees of a suitable height  
25 at the boundary wall of 2-6 Shirley Street to give privacy to the residents of 2-6 Shirley Street. This is of utmost importance to the residents. I urge the panel to look seriously at all these matters. There is a backlash all over Australia about overdevelopment going on by greedy councils and developers who do not get about the aesthetics of the area. This proposal is another example of this. We have already  
30 seen property prices by 12 to 15 per cent in the Carlingford area because of overbuilding. We can only see this trend continuing to accelerate. Thank you.

MR LLOYD: Thank you. Now, Mr Knott.

35 MR KNOTT: ..... speaking as one of the original people who moved – my name is Ron Knott. I live at 2/6 Shirley Street, Carlingford, in the same block of units that Mr Bulsara lives at .....

MR LLOYD: All right. You have three minutes.

40

MR KNOTT: Yes. Okay.

MR LLOYD: Yes.

45 MR KNOTT: Yes. My first complaint, sir, is that immediately ..... was put out I sent out a – I sent a letter to the planning officer at City of Parramatta asking for shade, asking about solar generation, and I clearly highlighted the desperate need that

we have in the – in our area, for better planning of the streets, there is no room in the streets, it's a two-lane road, a narrow two-lane road, and to think that we're going to – it's not only those, there's another 900 cars will be coming in from the development of the back. And it is ridiculous. And I support that further by saying  
5 to you, sir, there is a letter that was ..... paper that the local traffic council has called the Hillshire Council Developer Strategy Shirley Street Carlingford to accommodate index parking and – what's required - - -

MR LLOYD: Indented.

10

MR KNOTT: Indented, I mean.

MR LLOYD: Indented.

15

MR KNOTT: I'm trying to read it upside down.

MR LLOYD: Yes. I can read this.

20

MR KNOTT: Now, my comment is very simple, sir: it's no good building all these buildings and then have a look at the infrastructure afterwards. You've got to look at your infrastructure now and correct that before you start doing the buildings because, otherwise, Shirley Street is going to be an absolute mess. The problem with Shirley Street is not only our people use it all the areas at the back who want to get Midson Road and up that – I think it's - - -

25

MR .....: Pennant Hills.

30

MR KNOTT: Pennant Hills ..... into Pennant Hills Road and turn right, it's Marsden Road. They will come up through Shirley Street – and I've seen in the morning now, without all this traffic, queues of six or 10 cars trying to get into Pennant Hills Road with no lights, and you can imagine what a mess that is, right opposite the ..... so, sir, what I'm saying to you is there needs to be a lot more thought about this. From my own personal view I left a lovely home I had in Eastwood because they built up a high block next door and the next thing our grass died, we had mould in the house, it was cold, we had to get out. An 11-storey stuck right up there in front of us is a joke. Particularly when you consider, on the other side, there's a 12-storey going up as well on the eastern side. Now, what sunshine are we going to get? So I'm asking, please, for commonsense.

35

40

MR LLOYD: All right. Now, Mr Wilson, Andrew Wilson and Mr C Wilson, who wants to go first?

MR A. WILSON: I will, thank you.

45

MR LLOYD: Yes. First of all tell us your name and who you are.

MR WILSON: My name is Andrew Wilson. I'm a planning and development manager with the applicant, Cox Park Project Proprietary Limited. Thanks for taking the time to listen. I just wanted to address the panel briefly just to let you know that we've been through a number of design iterations with this proposal with the council design panel with the council planning staff and with the council engineers and particularly refinements and revisions to the streetscape with increasing and maximising the amount of street front landscaping and ..... street front there with setting back the upper levels from the northern boundary with design revisions of the southern elevation to address privacy issues and increasing setbacks, removing balconies from that southern elevation and revising the stormwater ..... council's engineers.

So after all that we've landed in a place that we're pleased with going forward. We're pleased with the recommendation in the council report. We think we've ended up with a scheme that's consistent with what the zone objectives are with the planning of the Carlingford precinct, to be higher density around the train station, consistent with contemporary planning principles for the planning of the city, and we – we generally comply with the intended outcome for this site, this site is identified in the DCP as a development site itself.

We're consistent with the provision for 11 storeys on this site. The height reach is really limited to a limited amount of up on the left ..... on the roof element. It doesn't have any increased – the additional height doesn't have any increased ..... in terms of solar access on its surrounds and we're – we're – also worked with council ..... the public park ..... through the northern part of the site dedicating it to council at no cost as part of this application. So after many iterations they are – and negotiations with council, on those aspects that I've mentioned, we're pleased with the result. We think it's a good design and outcome consistent with the zone objectives and we commend the recommendations ..... our architects are Steve Zappia ..... Marchese Partners. He has printed off our final ..... for the final scheme ..... for you if you would like to see those, and they're both here to answer any questions that ..... thank you very much.

MR S. ZAPPIA: If it's okay I would like to address a couple of the points that the objector, Mr Balsara, raised.

MR LLOYD: Yes.

MR ZAPPIA: Certainly in terms of - - -

MR LLOYD: So your name is Steve Zappia?

MR ZAPPIA: Steve Zappia. I'm the architect.

MR LLOYD: Yes.

MR ZAPPIA: Yes. Firstly on building height, as Mr Wilson said, the exceedance of the height is only to a small area on the roof which is in relation to the – a roof feature, which is part of that lift overrun. We do have a rooftop terrace which is, obviously, a communal space and we need to provide lift access to that part of the building. So if you actually refer to the sections in the set of drawings you will see that the whole building is underneath the ..... of 33 metres and it's only a small portion that is actually ..... slightly over the height limit.

MR LLOYD: Yes.

MR ZAPPIA: And this part is actually set back into the middle of the building. So the vast majority of the building is all in compliance with the height control of 33 metres. In terms of overshadowing, obviously, a 33 metre building of that height, which is the land is zoned for, will create some overshadowing impact. But the majority of the apartments will still receive, we believe, three hours sunlight to 6 Shirley Street. The shadowing diagrams do show, in the mornings until around 12, they do get good solar access because north is actually – up the page there you can see this is winter, 9 am, this part of the adjoining building is all getting full sun, and through to 12 this part is still getting full sun, and in the afternoon the apartment in the front is getting sun. So sure there is some impact but there's still – actually, the majority of apartments still achieves three hours solar access, I believe. So the impact is within the guidelines of the ADG.

In terms of building separation, likewise, we do comply with the requirements of the ADG. We have a nine metre separation on the southern part of the site. The refinement is only for a three-story building which, I believe, number 6 Shirley Street is only a three or four-story building, so within the ADG we're only required to provide a 12 metre separation of which six metres should be on our side of the boundary. We're actually providing nine. So we believe, again, we're in compliance with the ADG requirements there. In relation to parking we're complying with the RMS guide, which we're entitled to do, which, again, I think is adequate parking provision for a site located such as this. So any other questions happy to respond.

MR LLOYD: You didn't address us about the exceedance of the floor space ratio.

MR ZAPPIA: No. Are we at the floor space ratio?

MR LLOYD: You are. You are. It's – the floor space ratio of a development standard is 2.3 to one. You've got 2.68 to one.

MR ZAPPIA: Well, I believe the – Andrew, do you want to respond to that?

MR WILSON: Yes. So a clause 4.6 report was submitted with the DA, as allowed under the LEP, to justify a departure from the FSR. That – clause 4.6 was comprehensive, consistent with core principles, and addressed the requirements of clause 4.6 principally on the grounds that the proposal is consistent with the intended outcome of an 11-storey flat building on this site, that the exceedance of the FSR – if

you count the whole site, including the area that's dedicated to council ..... open space it's actually a – complies with the FSR in that regard. So in terms of the actual site area rather than the technical site area, it actually meets those standards. We meet the deep soil landscaping and common open space requirements of the other  
5 numerical controls and, essentially, meet the height ..... of the roof .....

There's also no significant additional impact and we make the – we meet the setback requirements. So on those – on those terms, in clause 4.6, we conclude – the council planner concludes that the ..... of an FSR is justified on environmental planning  
10 grounds. It also – it's necessary to comply with the control in this case because we complied with all the other controls and we're consistent with the objectives of the zone and of the objectives for development on this site .....

MR LLOYD: I have to tell you that the panel is concerned about a number of  
15 aspects of this development. In particular, the infringement of the floor space ratio and control.

MR WILSON: Could I just add to – and another important component of that  
20 clause 4.6 is the public benefit generated by the dedication of the public open space.

MR ZAPPIA: Is the panel clear on that? Can I just describe that on a diagram? Because it seems we probably do. The overall site area, if you were to take the whole site, we actually comply with the FSR. But because we're dedicating this piece of land council, as a through site link, automatically our site area reduces. And  
25 that triggers the noncompliance. But if you've got to develop a building on the other side area, which we're doing, in effect, we do comply. So it's a bit of a technicality there that we're being caught with.

MR LLOYD: Well, it's not really a technicality. I mean, if the site that you end up  
30 with makes your building noncompliant, then, isn't that what we've got to look at?

MR ZAPPIA: Well, at the moment, that land is in ownership of this property.

MR LLOYD: Ye.  
35

MR ZAPPIA: So it's – so part of the development - - -

MR LLOYD: But it's - - -

40 MR ZAPPIA: - - - is a requirement.

MR LLOYD: - - - not going to be.

MR ZAPPIA: Sure.  
45

MR HUSSEY: It hasn't got the right zoning. It's RE1. You can't build on it.

MR ZAPPIA: But it's still part of the land area that we - - -

MR LLOYD: It's reserved - - -

5 MR ZAPPIA: Yes.

MR LLOYD: It's reserved for a public purpose. It can't be counted in your floor space calculations, in our view. I can tell you that similar issues arose in relation to the proposed development next to you where there's a tennis court and some  
10 townhouses. Similar application was made to this, 11 storeys, exceedance of the height control, exceedance of the floor space ratio control of 11 storeys. The panel said no. You have to reduce it by one story, make it compliant with the height control and make it compliant with the floor space ratio control. The applicant came back with an amended plan for a 10-storey building. That's what happened there.  
15 Why shouldn't we adopt the same approach here?

MR WILSON: On that site that was raised by the planner – planning council and we revised our scheme. Essentially on that scheme at number 12 the height was being breached by ..... floor space.

20

MR LLOYD: Yes.

MR WILSON: We don't have a floor space breaching the height limit. On that particular site they don't have the additional land that can act as an environmental  
25 amenity as ..... can, as it can on our site. And also we did amend our scheme, as was amended on that number 12 scheme, to set back the upper levels from the northern boundary facing that development just as they have ..... set back the upper levels on the southern elevation to address that 24 metre separation between our two buildings of similar height. So I hope that answers your question - - -

30

MR LLOYD: Well, you didn't deal with the floor space ratio component.

MR WILSON: Well, I think the floor space ratio – the difference in this case is we have the amenity of the of the RE1 zone that helps the amenity of our building.  
35 Whilst it's a technical exclusion from site area the land is still there. It's still providing separation - - -

MR LLOYD: It's not – it's reserved - - -

40 MR WILSON: - - - and .....

MR LLOYD: It's reserved for public purposes. It can't be counted as part of your development.

45 MR WILSON: No. But also I'm saying that whilst I might understand your concern if we were breaching the FSR as well as all the other controls but we're meeting the other controls and the FSR breach is not resulting in any greater

environmental ..... if we're meeting common open space we're meeting the landscape there and we're meeting deep soil, all those requirements are being met by this proposal.

5 MR ZAPPIA: And this was discussed at length with the council officers over a number of meetings and so there was a position taken that ..... any form of the development was acceptable and the ..... breaches were acceptable in the circumstances.

10 MR LLOYD: I mean, let me tell that – in relation to the property next door, and council officers recommended that approval ..... and we said no. You have to comply with the floor space ratio control. We said no.

MR ZAPPIA: Yes.

15

MR LLOYD: Why shouldn't we adopt the same approach here?

MR ZAPPIA: Well, I think it's a – I mean, obviously, there's a reality of the final thought form. I think it has generally complied with what's envisaged. We're within  
20 the 33 metre height control albeit a small portion of the roof, which is not unusual.

MR LLOYD: I accept that. I'm concerned about the floor space ratio.

MR ZAPPIA: Well, the floor space is an outcome of, obviously, this land that has  
25 been zoned – technically, I mean, obviously, the land is in the ownership of our client. His discussions with council were that he needs a certain outcome to make this thing viable and, I guess, there was a bit of a discussion around what would be acceptable to achieve an acceptable outcome for the client. And those discussions were held over several meetings with the council officers and we believe we've come  
30 to a point which is an acceptable outcome. We don't believe it's in our development – we're pretty much within the height limit under that small roof feature and the floor space is an outcome of the – of the ..... that's allowable on the site.

MR WILSON: And I think we don't have ..... floor space over the height limit.  
35

MR LLOYD: No - - -

MR WILSON: ..... don't have GFA over the height - - -

40 MR LLOYD: No, I accept that. I accept that. But it's the overall floor space that, for my part, I'm concerned about. Does the panel have any other questions?

MR HUSSEY: Yes. I'm of – well, you might answer them all, I'm a little bit concerned that having read the detailed report, and not being part of the background  
45 investigation, I think it's just a little bit big for this particular site. There's an exceedance of the height. There's an exceedance of the floor area. And the cumulative effect is I think it impacts on the parking. I share the concerns of the

couple of neighbouring residents about the parking. You comply, I think, with the ADG requirements, however, there are four units that will not have a car parking space but compliance with the ADG also requires 10 visitor spaces. You're only supplying half those spaces.

5

I think just practical experience, going back to areas where there has been a rapid development of high rise buildings, shows a problem and a rising problem of on street parking and traffic matters. I just don't think a good external design warrants the dispensation of the five extra visitor car parking spaces. If further consideration was given to a bit smaller, a bit lower building, that would take some floor space away and maybe then relating a more acceptable provision of resident parking spaces and visitor car parking spaces. I don't know if I can get clarification from the council officers but in that report on page 278, which is the planning assessment - - -

15 MR WILSON: Can I just respond to that?

MR HUSSEY: Well, can I just finish this? That – I need to get clarification because it might alter what I'm thinking. But table 2 referrals was referred to the traffic people and it's not supported by - - -

20

MS STEVENS: No, we're different 278. I need to work out which bit you're in.

MR HUSSEY: Sorry.

25 MS STEVENS: Sorry.

MR HUSSEY: 278 traffic:

*Not supported as discussed below.*

30

MS STEVENS: Yes.

MR HUSSEY: But there are other things that says the traffic engineer is satisfied with the thing. I can't see where his disagreement is or her disagreement.

35

MS SMITH: It's just the .....

MR HUSSEY: But I have a disagreement - - -

40 MS SMITH: On the next page about the parking. Page – on page 279 .....

MR HUSSEY: Well, it – I – I - - -

MS SMITH: That was the only reason.

45

MR HUSSEY: There are other things in there that says the traffic engineer is satisfied with it.



MS STEVENS: Okay. So the parking provision is deficient by - - -

MR HUSSEY: Yes.

5 MS STEVENS: So - - -

MR HUSSEY: The sole reason for that dissatisfaction because of the deficiency of five visitor spaces.

10 MS STEVENS: So the ones in italics are the bits that they were deficient – they were – didn’t – weren’t happy with. So it was the parking provision is the – parking provision is deficient by five spaces, the – something – there was a – they were – had an issue with the ramp, which could be, I guess, conditioned, the gradient and the roller shutter which could be conditioned. But the main one was one, which is the  
15 parking provision is deficient by five spaces, provision of 50 spaces is not acceptable on traffic and parking grounds.

MR HUSSEY: Just by way of contrast, I – there is an assessment in there of what the development control plan says. And I realise that the ADG overrides that. But  
20 development control plans can be prepared for local requirements. So the parking provision requirements might vary from LGA to LGA. If you applied the DCP controls in there it says the local requirements would be 92 residential spaces and 20 visitor spaces, which is way over the top there. But there’s a big reduction in this proposal. And if those number of visitor spaces was dispensed with here that sets a  
25 precedent for these other high rise buildings going along and maybe the outcome the neighbours are talking about, with problems on the street, might be realised. So I think it’s – the site is not suitable for this scale of development in - - -

MR WILSON: Can I just respond to that issue of the car parking? We did comply  
30 with the RMS guide and the designer panel asked us to remove five spaces to provide additional deep soil. So the planner agreed with those comments and asked us to make those changes. And so that was undertaken. So that – there’s a much larger setback with deep soil in the street front and, I think - - -

35 MR HUSSEY: But does the ADG require 10 spaces?

MR WILSON: 10 visitor.

MR ZAPPIA: Yes.

40

MR HUSSEY: Yes.

MR ZAPPIA: Yes.

45 MR HUSSEY: Yes. Okay. So you don’t comply with that.

MR WILSON: Well, the design panel said to remove them in ..... deep soil.

MR ZAPPIA: We could comply - - -

MR WILSON: We can put them back.

5 MR ZAPPIA: If you want to condition it we can probably comply with that.

MR HUSSEY: All right.

MR WILSON: ..... we can put it back.

10

MR HUSSEY: Well, I think the AGD is the minimum parking requirements and I don't see any other extenuating circumstances why they should be deleted. The proposition to put them back in, however they go, has not been - - -

15 MR ZAPPIA: No - - -

MR HUSSEY: - - - but to this panel - - -

MR ZAPPIA: No.

20

MR HUSSEY: - - - and also, apparently, there was some concern about the gradient of the basement car park that had to be clarified because it looks a little bit tight, and I can't see anywhere here where that has been clarified. Has that been clarified? That the gradient and ceiling height is satisfactory?

25

MR ZAPPIA: I'm not aware of that but, obviously, we would design it to meet ..... requirements in terms of gradients and .....

MR HUSSEY: All right. Well - - -

30

MR LLOYD: Any questions?

MS STEVENS: No.

35 MR LLOYD: No?

MR WILSON: I think just one final point ..... providing the public benefit of that ..... is an important part of this proposal and, really, the - that's reliant on this proposal being approved. I think - you know, going back to a much reduced scheme would not afford us the ability to be ..... land council .....

40

MR LLOYD: Well, then - well, we are concerned about the ..... form. I can tell you that the panel is inclined to refuse this application for the reasons sought - the sort of reasons we've been discussing. But what we did with the adjoining property was we allowed the applicant an adjournment to come back with amended plans to meet our concerns. Now, we can either refuse it now or - the sort of reasons we've been discussing ..... adjournment, defer it and allow you to come back with amended plans

45

which will effectively mean that you have to reduce it to 10 storeys to meet our concerns. That would also reduce the parking demand. But it would certainly reduce the floor space ratio even make you height compliant. That's our – that's our view at the moment. So we can either refuse it or you can come back with amended plans which meets those concerns.

5  
MR T. MERHI: ..... managing director ..... but we're happy to address it. However, council were looking at dedication of the reserved land and our wish is to keep it, we don't want to dedicate it, because this is going to reduce the price of these apartments by ..... so our intention is to keep this land. Council ..... where council were hoping that we can dedicate this land to council. And that's - - -

MR LLOYD: Well, that - - -

15 MR MERHI: That's where it all .....

MR LLOYD: Well, that's a matter for you.

MR MERHI: Yes.

20 MR LLOYD: I mean – but we are concerned about this particular building and how it sits on the site. And it doesn't sit on the site to our satisfaction.

MR MERHI: So we can reduce it to 10 level – we can come up with a far ..... car park. The design review panel asked us to reduce it. We could meet – we can actually add them back on and still meet the deep soil .....

MR LLOYD: Well, I mean, what we're looking at is the reduced height, compliance with the floor space ratio, five additional car spaces; correct?

30 MR .....: .....

MR LLOYD: That's what we're looking for.

35 MR MERHI: Then we will not be dedicating any land council - - -

MR LLOYD: Well – and - - -

MR MERHI: Because, at the moment, the – it's – this will devalue our units by dedicating this land to the council and allowing the .....

MR LLOYD: It's reserved – it's reserved for public purposes. So it will end up in the public hands one way or another eventually. So we cannot take that into consideration.

45

MR HUSSEY: Could I just check, then, this perspective or this montage you have, the couple of units along there – the second unit along there, will that have a sunken courtyard?

5 MR ZAPPIA: Well, the land does rise from this street towards the ..... and so as it rises towards the – yes, they do have a semi-sunken courtyard and, obviously, the .....

MR HUSSEY: But the deepest part, how deep is that courtyard?

10 MR ZAPPIA: It's probably just over two metres. Something like that.

MR HUSSEY: So that will be - - -

15 MR ZAPPIA: But we will be banking it back so it – it obviously gets sunlight, etcetera, in certain spaces.

MR HUSSEY: Yes. But you've got to then make sure the amenity of the footpath, that goes through that reserve area, is safe and convenient.

20 MR ZAPPIA: Of course. Yes. I mean, it's quite a wide reservation. It's six – I think it's five metres wide. So it's a decent area of land that's taken from the site which is giving us this issue. Otherwise it's a fantastic two blocks of land that should be developable. But - - -

25 MR HUSSEY: So that last unit that has got the two metre sunken courtyard would it have lower amenity?

MR ZAPPIA: No. It's still getting solar access. Actually, an excellent access. 90 per cent on this project. There's only two apartments that are not getting solar.

30 MR .....: They face north.

MR ZAPPIA: Yes.

35 MR HUSSEY: Yes. I realise that.

MR ZAPPIA: So - - -

40 MR LLOYD: All right. That's the choice you have. What do you – what is your wish? If you come back with amended plans, which satisfy our requirements that we've outlined, then you're okay. If you don't want to do that then we will refuse it now for the reasons we've stated. So this is what happened with the South Street, the applicant asked for a deferment, and you're in the same position as Mr Byrnes back there. You don't have to tell us now. We've got other matters to go on with if you  
45 want to think about it and just talk about it.

MR WILSON: Yes. We might do that. So we come back to you after the meeting?

MR LLOYD: We will deal with the other matters. We've got other matters to deal with. And you can let us know what you want to do.

MR WILSON: Okay. Thank you.

5

MR LLOYD: All right.

MR BULSARA: Excuse me, can I speak for a moment?

10 MR LLOYD: No. You've had your say.

MR BULSARA: No. But we – we – you – you haven't discussed about the – about the building separation at all. The point that, you know, I raised about it which they are in breach of.

15

MR LLOYD: Well, we may well include that in our grounds of refusal.

MR BULSARA: Thank you.

20 MR LLOYD: We will see what they want to do.

MR BULSARA: Thank you.

MR LLOYD: Yes. Okay. Good.

25

MR KNOTT: Mr Chair, could I see a copy of that document? The shade plan that .....

MR .....: Yes. You would like to see the shade plan?

30

MR KNOTT: I would love to see the shade plan.

MR LLOYD: I will if I've got it here.

35 MR KNOTT: Have they taken into account that .....

MR LLOYD: I will see if I can find it.

MR KNOTT: .....

40

MR LLOYD: I hope it's here somewhere.

MR HUSSEY: ..... the one here.

45 MR LLOYD: Have you found it?

MR HUSSEY: Well, solar access view – P2 – I don't know – DA721.

MR LLOYD: I don't have it.

MR HUSSEY: No. It's not there.

5 MR LLOYD: I don't have it.

MR HUSSEY: It's not there. DA73. It's – see, solar access DA720 to 722.

10 MS .....: No. The panel only has what we've given them. So if they don't – if they don't have it you will need to come and speak to the ..... council.

MR KNOTT: .....

15 MS .....: They don't have any printed. I've only got what's on the screen. I don't have any printed. I don't have a - - -

MR LLOYD: That's the - - -

20 MS .....: - - - printer here, I don't have anything to - - -

MR LLOYD: No, we haven't got that. We haven't got that at all.

MR KNOTT: No, no ..... print one and send it to me because I asked you originally.

25 MS .....: Yes. Have you looked online to see if there's one online? Because most of our stuff is online.

MR LLOYD: So someone - - -

30 MS .....: Yes. That's fine. If I just grab - - -

MR LLOYD: - - - of the council's staff could make a photocopy of that and give it to that gentleman - - -

35 MS .....: Which one are you again? You're Mr Knott?

MR KNOTT: Yes.

40 MS .....: Yes. That's fine. Okay. I can send one out to you.

MR LLOYD: Yes.

MR KNOTT: Yes. Okay. Thank you. Thank you for that.

45 MR LLOYD: He has got it?

MR KNOTT: I've got it.

MS .....: There you go.

MR .....: Am I able to get a copy of that or - - -

5 MS .....: I don't have a card or anything, sorry.

MR LLOYD: Mr Bills, what are you doing here?

MR BILLS: .....

10 MR LLOYD: The planning proposal?

MR BILLS: .....

15 MS .....: Yes. 6.1.

MR LLOYD: It was 6.1?

MS .....: Yes.

20 MR LLOYD: We might be able to deal with 6.1. The East Street one. Are you happy with that?

MR HUSSEY: Yes.

25 MR LLOYD: East Street?

MS .....: Happy is not the word. Satisfied - - -

30 MR LLOYD: Well, we adopt the recommendation.

MR .....: Will you guys get in - - -

MR LLOYD: We're doing the next matter.

35 MS .....: No, no, they're on – moved on to another item.

MR .....: Apologies.

40 MS .....: They will come back to the other item afterwards.

MR LLOYD: We're happy to adopt the recommendation.

MS S. FORTU: Thank you. We're just here to answer any questions in case you

45 have them.

MR LLOYD: No. We have none.

MS FORTU: Great. Thank you.

MR LLOYD: So the – we adopt the recommendation.

5 MS FORTU: Thank you.

MR HUSSEY: Don't beg any more questions.

10 MR LLOYD: No, no, no.

MR .....: .....

MR LLOYD: So that's 6.1. All right. Now, 6.2.

15 MS .....: We cannot actually consider 6.2 until after 5 pm.

MR LLOYD: Right.

20 MS .....: Good.

MR LLOYD: 5 pm. We will come back at 5 pm and deal with 6.2.

25 **ADJOURNED** **[4.28 pm]**

**RESUMED** **[5.00 pm]**

30 MR LLOYD: Yes. What's the answer?

MR WILSON: Well, thanks for letting us contemplate it. So we've decided we would like to take up the offer of the deferral ..... you know, we've ..... this on the basis of - - -

35 MR LLOYD: Yes. I've just got something on the screen here, Jackie. I will ring you back if I need.

40 MR WILSON: - - - the negotiations of the council over a dedication to public ..... which is, from our perspective, a, sort of, standard arrangement with council for – to use – to be able to use the FSR attributable to the land that's dedicated and then to dedicate that free of cost to the council.

45 MR LLOYD: The only trouble is that it's in a different zone, so it can't be regarded as part of this development. It's in a completely different zone. That's our difficulty with that. That's why we were confining it to the land that's coloured pink, not the land that's coloured pink and green. Yes.



MR ZAPPIA: You referred to the other development in joining, but they didn't have a land dedication issue, so - - -

MR LLOYD: No.

5

MR ZAPPIA: - - - in this scenario it's a bit different, we think.

MR LLOYD: Yes. Well – so you're going to amend?

10 MR WILSON: Yes. We will take up the referral.

MR LLOYD: All right. Because that will mean you will get a consent when you come back with your amended plan.

15 MR WILSON: Yes.

MR LLOYD: Yes.

20 MR WILSON: Well, we will discuss with the council about this dedication, etcetera.

MR LLOYD: Yes.

25 MR WILSON: And – and we will get an amended plan and come back. That's our preferred - - -

MR LLOYD: All right. So - - -

30 MR HUSSEY: And the option with the additional party for visitors, can that comply with the ADG too, which is an extra five spaces? You said that that could be incorporated. Does that work?

35 MR ZAPPIA: Well, it's all – it's part of the mix, but, yes, we will look at that as well. If it's achievable, we will certainly try and incorporate that.

MR WILSON: Yes. I mean, we complied initially, but the design panel said to take the five spaces away .....

40 MR HUSSEY: I think that's important for our – the panel's consistency where you drop off minimal carparking under the ADG. There has got to be a good reason for that.

45 MR LLOYD: Well, the formal – the formal determination of the panel will be this: application is deferred to allow the applicant to come forward with amended plans to meet the concerns expressed by the panel members, full stop. That's the formal determination. Got it?

MR MERHI: The dedication here was addressed by council, and - - -

MR LLOYD: Yes. We know this. Yes. Yes. We know this.

5 MR MERHI: So the issue for us is, at the moment, we won't be dedicating the .....  
the council.

MR LLOYD: That's all right, but because it's coloured – as I said, because it's  
coloured green on the map, we can't regard it as being part of this site.

10

MR MERHI: The issue for us is we cannot dedicate that council, because the – that  
was a ..... of the council, and for once we would rather not.

MR LLOYD: No. Well, I mean, that's - - -

15

MS .....: That's a conversation for you with council.

MR LLOYD: That's a matter – that's not a matter for us.

20

MS .....: Not with – not with the panel.

MR MERHI: Sure.

MR LLOYD: All right. So that's the formal determination. All right.

25

MR MERHI: Thank you.

MR LLOYD: Thank you.

30

MS .....: I will need to swipe you guys out .....

MR LLOYD: Where's Mr David Ryan? Can you - - -

MS .....: I will grab David.

35

MS .....: I will get him, because I've got to get my book.

MR LLOYD: Okay. Good. We will wait for the other member. All right. We can  
now move on to the final item on the agenda, item number 6.2. This is the planning  
proposal for the block bound by Parramatta Road, Victoria Street, Albert Street and  
the Western Railway Line at Granville. We – is Mr Chin here?

40

MS .....: No. He ended up doing a submission as well.

45

MR LLOYD: He wrote a submission. And we have Kerry Poiner, not here. We've  
got another submission, Kerry Poiner. And we've got a submission from a person  
who hasn't - - -

MS .....: Helen Paterson.

MS H. PATERSON: That's me.

5 MR LLOYD: That's you. This is your submission.

MS PATERSON: I was too busy putting my name on it. That looks like that .....

10 MR LLOYD: What is your name?

MS PATERSON: I'm Helen Paterson.

MR LLOYD: And where do you live?

15 MS PATERSON: I live on the north side of Victoria Street, opposite the triangle corner of the development block.

MR LLOYD: What number in Victoria Street?

20 MS PATERSON: 69.

MR LLOYD: 69. I will just date this. Do you want to speak to that submission, or do you – or are you happy for us to read it?

25 MS PATERSON: If you're happy to read it, that's fine.

MR LLOYD: Yes.

30 MS PATERSON: I'm not a great public speaker.

MR LLOYD: All right. And could I have your name spelt out, please?

MS PATERSON: Paterson, P-a-t-e-r-s-o-n.

35 MR LLOYD: Paterson. Ms Paterson. Well, we have three written submissions, including that of Ms Paterson, opposing the recommendation for the rezoning of this land, which we have, and we have noticed that there are a number of people who wish to speak in favour of the application.

40 MR J. DOYLE: Yes. There is. We're ..... in a pack, your Honour, so we can speak together. If I can just introduce myself to the panel. I'm Justin Doyle. I'm a lawyer. The reason I've been asked to address is that there are some issues arising in relation to the statutory consideration of the difference between the two options that are before you, which I wanted to outline, and then there is – we have – is it a good idea  
45 if we swap the .....

MR LLOYD: Yes. Which option are you - - -

MR DOYLE: We're proposing - - -

MR LLOYD: - - - promoting?

5 MR DOYLE: Option 1 is our preference.

MR LLOYD: The 6.1.

10 MR DOYLE: Yes. The essential difference, which I will come to if – to our benefit is that there is an increased density with option 1. They both have the same height, but there is a greater density with option 1, that that has got an ..... benefit, which is the reason I'm here. I wanted to explain how you would consider that. That relates from the 3000 square metre park that is included with option 1.

15 MR LLOYD: Aren't we bound by the Minister's direction to apply the 4.1 ratio?

MR DOYLE: No. That's what I'm here to explain.

20 MR LLOYD: Well, how can you - - -

MR DOYLE: It's not explained, I don't accurately, in the council report, so there is - - -

25 MR LLOYD: Do you have a copy of the Minister's direction?

MR DOYLE: There are two directions. That's the issue. There's – there is a direction in relation to – well, there is the strategy in which the – which specifically ..... there is a express direction that a development ..... is not – does not comply with the control of ..... certain things are met and certain considerations ..... we have addressed those. We don't think they're addressed in the council report, and that's why we're here, that it's important that I bring those to your attention. And we do - - -

35 MR LLOYD: It would be useful to us if we had a copy of the Minister's direction.

MR DOYLE: I'm sure we do have a copy of the direction. I have exactly the same query. We have the relevant portion of it – is actually reproduced in our document. Do you have a copy of .....

40 MR DANIELS: This is a chronology document. There's the relevant - - -

MR LLOYD: This is the Minister's direction?

45 MR DANIELS: There's the relevant 117 .....

MS .....: There is a direction that gives effect to the Parramatta Road ..... Urban Transformation Strategy ..... same direction.

MR DOYLE: ..... October and then .....

MS .....: There's two directions. There's .....

5 MR DOYLE: All right. There is one direction. I can say, judge, that I made the same query which I've been wrestling with since 11 am when I was frantically trying to come up to speed with this matter in the absence of the actual direction. That's the reason. I'm giving a confusing answer.

10 MR .....: I mean, we have been floundering around without the actual direction ourselves.

MR DOYLE: Yes.

15 MR .....: And this is the first time we've seen it.

MR DOYLE: Yes. That's exactly why I'm here. You can see that – you can see our concern that - - -

20 MR LLOYD: And we're only reading paragraph 5 of the direction, so - - -

MR DOYLE: Luckily ..... came armed with a solicitor with very good technological skills who's about to provide you with a copy of the entire direction, albeit on his computer screen.

25 MR .....: Once I get you turned on.

MR .....: Mr Chair, I've found on the website – on the Department of Planning website the copy of the direction, and they're up here on the screen.

30 MR LLOYD: All right. Let's read it. Okay.

MS SMITH: Okay. It's in here on page 58, which is 260 – 620, sorry. Page 620 of the large document, and .....

35 MR LLOYD: 620.

MS SMITH: No. 622.

40 MR .....: I don't think that gives us all of it.

MR LLOYD: No. That's the strategy itself. No. Let's have a look. Keep - - -

45 MR .....: So that's the first part, the objectives and where this direction applies.

MR LLOYD: Yes.

MR .....: When this direction applies:

*This direction applies when a relevant planning authority prepares a planning proposal for land within the area.*

5

MR LLOYD: Yes.

MR .....: What a relevant ..... authority must do:

10 *Must give effect to the objectives of this decision, a direction would be consistent with the strategic ..... of the ..... transport strategy, be consistent with the Parramatta guidelines, be consistent with staging and other identified thresholds for land use changes identified in the strategy, contain a requirement that the government is not permitted ..... serviced, be consistent*  
15 *with relevant – be consistent with relevant district plan.*

The issue that I think is of relevance in this instance is the paragraph on consistency.

MR DOYLE: Yes.

20

MR .....:

25 *(5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can be satisfied, with the secretary of the Department of Planning and Environment or an officer of the department nominated by the secretary, that the planning proposal is consistent with the out-of-sequence checklist.*

And we believe that this – in this case, it is:

30

*Justified by a study that clearly demonstrates better outcomes that are delivered than identified in the Parramatta Road Strategy and the Parramatta Road Implementation Plan, having regard to the vision and objectives, or (c) are of minor significance.*

35

And the report before you considers that (a) – it is consistent with (a), that (c), it is not of minor significance, and so the majority report deals with testing part (b):

40 *Whether the proposal clearly demonstrate that better outcomes are delivered than identified in the Parramatta Road Corowa Strategy and Implementation Plan, having regard to the vision and objectives.*

MR DOYLE: And then if one turns to 984 in your bundle, you will find the submission described as a justification of inconsistency, which is aimed to get the applicant – or the complainant up on (5)(d).

45

MS .....: Your page number – the page numbers may be different because we've had all members of staff ..... additional each ..... plans.

5 MS .....: Have you got another – have you got another minor number on that page?

MS .....: No.

10 MR DOYLE: It's item 6.2, caption 5, which is at the top line.

MS .....: Yes.

MR LLOYD: What paragraph number or heading number?

15 MR DOYLE: You will find the document ..... see the first page ..... and there's a big heading that says Section 117 Direction, 7.3, etcetera, which quotes what you were just read ..... there's the justification .....

20 MR LLOYD: Where do I find it now?

MR DOYLE: Have you found this page?

MR LLOYD: Attachment 5.

25 MR DOYLE: ..... come forward. This document is in our copy of that material that maybe you're not ..... another attachment. What's the beginning of this attachment look like?

30 MR LLOYD: Attachment 5 is a very long - - -

MR DOYLE: Well, I hate to – it was attached to ..... which sometimes happens.

MR RYAN: What is the name of that document?

35 MR LLOYD: Attachment 5 starts on 563.

MR DOYLE: Is that part of the planning proposal?

40 MS SMITH: I've got the heading here ..... okay. So it's on 1008.

MR DOYLE: Right.

MR LLOYD: 1008.

45 MR DOYLE: Sorry. This is the publicly available version.

MR LLOYD: There we go.

MR DOYLE: So - - -

MR LLOYD: We've found it.

5 MR DOYLE: We've found it. Now, the reason - I'm glad we're here, you see,  
because otherwise this whole assessment process would have miscarried, because  
what we have here is to the part 5 of the Ministerial directions the equivalent of what  
a 4.6 objection might be to a LEP. It is our reasons why we think that we should  
10 depart three from the strict controls because of the allowance to do so expressly  
under section 5 of the direction under certain circumstances, and this document  
explains why we think those certain circumstances are met.

MR RYAN: Can I just check and – maybe you and Mr ..... you're talking about the  
15 six to one, so there's consistency with the direction in terms of the 4.5.

MR DOYLE: Yes.

MR RYAN: Except insofar as it's out of sequence?

20 MR DOYLE: Yes.

MR RYAN: Is that right? So even for the 4.5?

MR .....: No. So could you bring that back up?  
25

MR DOYLE: In fact – in fact - - -

MR RYAN: Or is it the 4.5 - - -

30 MR DOYLE: - - - this is against ..... get things right.

MR LLOYD: That's it.

MR DOYLE: The 82 metres is also - - -  
35

MR RYAN: So the 82 .....

MR DOYLE: - - - a variation on the controls.

40 MR LLOYD: Yes.

MR DOYLE: But one supported by the council staff, but they haven't really  
explained very well why that's okay and – and the six to one isn't - - -

45 MR LLOYD: I understand the reasoning why that's okay, but I – we remain to be  
persuaded by option 1 .....



MR DOYLE: Yes. But the same – I'm saying the pathway that is available is through the same doorway.

MR LLOYD: Yes. All right.

5

MR DOYLE: And whether you're reading it from up there or – I'm just going to turn to my marked up version. Indeed, what I did not say at the outset is subject to everything the public has to say. At least our difference with the council officer's recommendation is a choice between option 1 and 2.

10

MR LLOYD: Yes.

MR DOYLE: And this assessment lies at the heart of it, and what I wanted to make good before I finish my submission is that the council assessment of this issue, we would say, is wholly inadequate and doesn't actually inform you of the relevant matters in any way that is – that reveals an objective assessment of those matters on our reading of the documents. We think that, essentially, the argument in its simplest form is that this proposal advances some additional density within a height that is already supported by the council based on a 3000-square-metre – 3200-square-metre area of vacant space of which we are prepared to dedicate, at no cost to the council, to open up this area of Granville, and immediately upon the construction of this development, to provide the – the sort of rejuvenation, green spaces, sustainable outcomes, etcetera, etcetera, that the objectives of the relevant part of the strategy encourages and are specifically picked up in that paragraph 5, which has unfortunately disappeared, but you have it there.

15  
20  
25

So just returning – my original plan was just to start with the chronology – a brief chronology of how we've ended up here so that you could understand why you have two options before you, and why we, in fact, were surprised by the nature of the council's report, which is why I have suddenly been called in today. Is – I don't know how acquainted you are with that background .....

30

MR LLOYD: Well, we have read the council officer's report - - -

MR DOYLE: Yes.

35

MR LLOYD: - - - which summarises what happened to date.

MR DOYLE: Yes. That's it. Could that be made available? I don't know if we've got three copies. That's the document I'm reading from.

40

MR LLOYD: I mean, the council officer's report quite fairly outlines everything that has happened up until now.

MR DOYLE: Well, we would just like – we're not entirely – we would just like to present it to you because we think that the salient parts we would just like to draw out. It won't take me very long, so - - -

45

MR LLOYD: No. You do what you've got to do.

MR DOYLE: - - - if I can have that opportunity. So I just wanted to note that this process started with the site that is owned by the person – I'm not sure if the  
5 proponent is the owner or is ..... some consultant. The proponent is the owner. That particular site is quite distinct from the block within breach of (6), which is why, I think, council supports a higher building ..... site, mainly because in its existing form ..... this site has got to be (6) risk of why ..... zone at present. Given development in the area and the progress of the strategy, the applicant decided to proceed with a – a  
10 proposal to rezone to B4 with a particular – not going to go through all the numbers, but a proposal to increase the ..... for ..... between, essentially, I think it's 5.25 to 1 maximum, and certain parts of the site, but designing someone's bonus has always been part of the various proposals that has been advanced by these proponents signing the petitions, etcetera, included.

15 That was – that – that was lodged. It was considered by the council in 2014/2015, so some four years ago. The council – I'm just reminded that that predates the strategy. The council endorsed – they resolved – council endorses the planning proposal, allowing for a maximum FSR of 6 to 1 and a building height of 105 metres at that  
20 time. We then move forward to a further consideration by the council over the page at 23 December 2015, where the planning proposal was considered at a council meeting where it was endorsed, with – instead of nominating an FSR, it was – the FSR was to be determined by the lodgement of a reference design that had been provided, and – but, at that time, what the proponent was advancing was the 6.1  
25 proposal, that was, it was disclosed in the stamp. And I'm more than happy to do – the draft strategy at that time supported 6 to 1.

We then had a gateway determination. The planning proposal was, at that time, with the gateway determination to be amended to include all of the land within the lot, so  
30 the Department said that it wanted – it was important to the Department to have the whole block dealt with, and that's why we ended up with an amended scheme again that allowed specifically for a building height of 82 metres, so it was in 2015 at the – James. James is the town planner, so .....

35 MR J. MATTHEWS: Yes. Sorry. Yes ..... just catching up a little today, but there's a couple of key – key things that did happen, I guess ..... so ..... town planner ..... jump in as well. But one of the critical things that happened - - -

MR LLOYD: Well, for the record, we got to record who's speaking, so you are?  
40

MR MATTHEWS: James Matthews.

MR LLOYD: James Matthews.

45 MR DOYLE: James Matthews, the - - -

MR LLOYD: Got you.

MR DOYLE: - - - project planner. He also comes with a background – he worked at a very senior level within the Department, so he’s quite well acquainted with the part 3 process, was involved, actually, in developing the process under which a lot of this application has been lodged.

5

MR LLOYD: Yes.

MR DOYLE: So he’s definitely a better person to talk than me.

10 MR M. DANIELS: And Matthew Daniels, my name, and development manager. I also happened to sit on the gateway panel for a number of years as the Director-General support team. This project was lodged in 2014 some time ago, well before this ..... was done. At that stage, as Justin has explained to you, it was at a much greater height, and a similar density that is done. At that stage, a gateway was put –  
15 a gateway request was put forward to the Department back in early 2015. The Department wrote back in the knowledge that they were doing this strategy work, and they – they said, “Look, we won’t proceed with the gateway at this stage, and we would only accept something at a maximum of 25 levels,” at that stage, so the proposal then came back. A new ..... was put forward to the council, and it came in  
20 at 6 to 1, and, at that stage, the strategy draft was released, and it showed 25 storeys or 82 metres on this site, from the Department, and that was done, and that - again, the council endorsed that same – that same density of 6 to 1 on our client’s land, and then that – that then went forward to the Department. The Department then issued a gateway but made reference to the strategy that it has had to be consistent with it as it  
25 emerged, and later on in 2016 the – when we were getting our studies together, the Department then endorsed the strategy, or the Minister did at that stage. We went and asked to - - -

MR MATTHEWS: Can I just jump in there?

30

MR DANIELS: Yes.

MR MATTHEWS: Because when the gateway said to include the entire block, we were asked then to study and look in terms of ..... how the entire block could be .....  
35 so we’re removing the boundary when we’re planning, so there’s lot of commentary around setbacks and building distances and separation. We’ve planned the site as one block, not necessarily, you know - with certain ..... in mind in the amalgamation patterns. We’ve looked at it from, you know, entire blocks, so that’s why – where a lot of that commentary has been led, you know, with maybe subtle, slight  
40 differences. But we ..... then, and the strategy was released in the ..... and the controls were slightly different. We were assured by the Department that there was a 117 at the time direction to be released.

We wait until the 117 was released, which is what we see here today before taking  
45 the next step towards a ..... exhibition or producing ..... now, importantly, this led to a meeting with the council administration, the administrator and the former director of council and with the senior executive of the Department. We sat in a room with

controls that are identified in the strategy, and our – as proponents for the controls that we have applied for, with, obviously, the council's endorsed position at the time, and we came to a – we were advised by the Department that 117 and a 9.1 direction allows for variations or inconsistencies with strategy and identified those three  
5 things, so we were challenged that if you think that there is still merit here, 82 metres and 6 to 1, which is what we're proposing, then go away and study the site and look at how you can come up with a better planning outcome or ..... planning significance.

So we studied the site in great detail and came up with the relay 3200-square-metre  
10 ..... park community, and this is bearing in mind at ..... so, effectively, you know, commercial ..... across the site, and that came about because we identified in the strategy that there is a shortage of green space in Granville. There is a park to the east of us, and there is also another 4200-square-metre park just identified in the strategies which doesn't exist anymore – at the moment, which council were due to  
15 acquire to make that happen, and, therefore we felt that this was a really good opportunity, and I don't think anyone disagreed, that no matter what urban planning ..... open space.

MR DOYLE: Yeah.  
20

MR MATTHEWS: So that's why we felt that this was a – really a – a good solution for – for the site - - -

MR LLOYD: How - - -  
25

MR MATTHEWS: - - - at that stage.

MR LLOYD: How many apartments would be on this site – by "this site", I mean the whole block – under your proposal?  
30

MR MATTHEWS: Yes. So – well, can I just say, the – the – the history then comes into this, because we've - - -

MR DANIELS: Yeah.  
35

MR MATTHEWS: We've worked with council, and we've come up with many different valuations to answer that question, but I don't want to dwell on that too much, because what's in front of you today is, basically, two – two options. But what was exhibited was a six to one across the entire block, with the open space to the  
40 north - - -

MR LLOYD: Yeah.

MR MATTHEWS: - - - and four-to-one across the entire block with the – the 52  
45 metres and - - -

MR LLOYD: So how many – how many apartments are we talking about?

MR MATTHEWS: So in front of you today you've got the split zone into six to one and 4.5 to one - - -

MR LLOYD: Yeah. Yeah.

5

MR MATTHEWS: - - - which - - -

MR DANIELS: 845.

10 MR MATTHEWS: 845.

MR DANIELS: You have - - -

MR LLOYD: How much?

15

MR DANIELS: - - - 845 over the investment - - -

MR DOYLE: That's - - -

20 MR DANIELS: - - - and this is the entire block.

MR DOYLE: That's the six to one.

MR DANIELS: That's at six to one and 4.5 to one. That's of a split – split control of what we're suggesting.

25

MR DOYLE: Yes.

MR DANIELS: And – but it has a – a total commercial gross floor area, which is contained in our land, because our clients are very keen to – and – and the – the – the council and the strategy encourages that commercial space of 4675 square metres of commercial floor space as well.

30

MR DOYLE: Yeah. I think the question is how – what is the extra number of apartments.

35

MR DANIELS: Yeah. And the additional – the – this is important to the – for the – for the panel to understand – the additional gross floor area that you can equate into additional commercial, or additional apartments, whatever you want, is approximately – our site is 8239 square metres. If you times by that 1.5, which is the difference, you get approximately 12,000 square metres, or 12,300 square metres. If you apply an efficiency rate of 75 per cent to that, you get about 120 apartments or about 9800 square metres of net saleable area. That is the difference we're talking about and with - - -

45

MR MATTHEWS: With the park.

MR DANIELS: With the park. And what we are finding it very hard to understand is no one will argue with us that a massive park, with all the benefits we're proposing, and – and the department were very, very keen to us to challenge that, and this is the part of the history.

5

The reason why the park moved from one area, where you have it today, to the north – north/south orientation, is because when we were dealing with the 117 direction and discussing it with the department, they said, "Look, we're very happy with open space and what you're trying to do. We think that's – that's the idea of the 117 direction – administrative direction, however, you now have this problem that originally that land was controlled by a developer who was keen to dedicate half of their land in – in a park, and we would dedicate half of it." They said, "That person's now fallen away, so you can't really do that now, and so you now need to consider how you can do that."

15

So we went back again, reconsidered that. Council's open space team gave us advice they prefer a two-street frontage park. We then readjusted that. Alex did a whole lot of design. We got our landscape engineers – architects involved as well, and it came up with a park that was 3200 square metres solely contained in our client's land. So we were – so - - -

20

MR DOYLE: And this is - - -

MR DANIELS: So then we were - - -

25

MR DOYLE: This was in a picture in the - - -

MR DANIELS: Yeah.

30

MR DOYLE: This is in your material somewhere, but it's just - - -

MR LLOYD: Yeah. We've – I think there's - - -

MR DOYLE: - - - a larger copy of it, if it helps.

35

MR DANIELS: Yeah. We extend - - -

MR RYAN: Can I just – sorry – clarify - - -

40

MR DANIELS: Yeah.

MR RYAN: - - - those numbers then. So - - -

MR DANIELS: Yeah.

45

MR RYAN: - - - for the – for your option ones, six to one and 4.5 to one - - -

MR DANIELS: Yeah.

MR RYAN: - - - you said eight hundred and - - -

5 MR DANIELS: Forty-five.

MR RYAN: - - - forty-five units, and the 4675 square metres of - - -

MR DANIELS: Yes.

10

MR RYAN: - - - commercial GFA. Is there a calculation on the number of units and commercial GFA for the - - -

MR DANIELS: Yes.

15

MR RYAN: For that 450?

MR DANIELS: Yeah. I'll – I'll give you that too in a moment.

20 MR RYAN: So what – what was that number?

MR DANIELS: So there's – there's the – the six-to-one scheme and 4.5-to-one scheme.

25 MR RYAN: Yeah.

MR DANIELS: And I'll just get you the other one, which is here. Yeah. It's out there. Sorry.

30 MR DOYLE: Option 2.

MR DANIELS: Here it is here. Right. So – and there's the other one there.

MR DOYLE: This is option 2.

35

MR DANIELS: Yeah. This is the option 2.

MR RYAN: How many units.

40 MR DANIELS: 4.5 to one.

MR RYAN: Yeah.

MR DANIELS: Can I just pinch that?

45

MR MATTHEWS: Yeah.

MR DOYLE: Yeah.

MR RYAN: Yeah. There's too many figures here.

5 MR DANIELS: And that's – so that's about 675 there, double for - - -

MR LLOYD: 675 units, did you say?

10 MR DANIELS: About 675. It's got more commercial GFA consistent we've done for – based on Parramatta Road which was - - -

MR LLOYD: Plus commercial. How much?

15 MR DANIELS: 5540.

MR RYAN: 5540?

20 MR DANIELS: Zero. Yeah. I know it's just a point, but there's more buildings along ..... Parramatta Road ..... There's just ..... There's also in terms of ..... And there's – we had the land economist just do a quick comparison of the two schemes and the different monetary benefit and commercial and – and the different yield in apartments. So he's – so we – he's an economist and mathematician, and he's gone through all of that and provided a very brief report on that.

25 MR DOYLE: Since.

MR DANIELS: That since as well.

30 MR HUSSEY: Is that in all this stuff?

MR DANIELS: No.

MR DOYLE: Well – well, what I want to say, like - - -

35 MR DANIELS: It is, but we – we put it into - - -

MR DOYLE: - - - this is - - -

40 MR DANIELS: - - - a concise .....

45 MR DOYLE: It's just a start for me. If you go to the actual assessment you're meant to undertake, it actually directs you to have regard to – like, the actual – what you're measuring this exercise against is the principles in the Parramatta Road Corridor Urban Transformation Strategy. I couldn't find that in the material, unless you've got it supplied to you in some other medium. I've got – I did bring a copy myself, and one for – only – just time allowing, I've only brought one extra copy of it, but that sets out a number of – which are the principles that – that you will assess



this against, and that's what we – I was going to take to you what the council report actually says about all of this, and it's – it – I think the – that the – the comment extends to saying that we are not providing an oversupply of open space by this park.

5 And we say that – just say we had a proposal that had the park, and we decided to get rid of it, the council would write 50 pages about how vital this was to the neighbourhood, and there's no parks in the area, and this is part of the emerging Granville, etcetera, but when all of a sudden they like option 2 better than option 1, there's just nothing. We just think that that is not a genuine and fair and objective  
10 assessment of the key issue according to a 117 Ministerial direction of what you've got to consider. So we – that's why we're here to try and fill in that gap.

MR LLOYD: Well, I'll tell you what's troubling me – and this is why I was asking about the number of units – that's a lot of units which equals a lot of cars.  
15

MR DOYLE: Yes. And - - -

MR MATTHEWS: We agree.

20 MR LLOYD: I'm now quoting from the traffic report.

MR DOYLE: Yes.

MR LLOYD:  
25

*Council's manager traffic and parking has noted there is a real risk that, as a result of the precinct-wide traffic modelling, the densities proposed may need to be reviewed and potentially decreased across the precinct if that study shows the local road network cannot cope. The analysis provided by the applicant  
30 that shows all of the intersections at LOSF –*

which is the worst case scenario - - -

MR DOYLE: Yes.  
35

MR LLOYD:

*...reinforces the concern.*

40 That is a concern - - -

MR DOYLE: That is why Mr Lewis is here.

MR LLOYD: That is the concern that's troubling me.  
45

MR DANIELS: Yes.

MR MATTHEWS: Yeah.

MR LLOYD: Well, that's why - - -

5 MR MATTHEWS: Yeah.

MR LLOYD: - - - Mr Lewis is here, to discuss whether that is also a fair and objective assessment of the impact of this development. So traffic is definitely an important matter.

10

MR LLOYD: I'm just counting the number of units that were given to us. Where's all this traffic going to fit?

MR DANIELS: Yeah.

15

MR DOYLE: That's – that's - - -

MR DANIELS: And we've had extensive discussion with RMS in consultation over the years, but Mr Lewis can bring that.

20

MR DOYLE: I – I – I can answer that, but I tend to let traffic engineers answer that sort of question. So you - - -

MR T. LEWIS: Tim Lewis, Ason Group, traffic consultant.

25

MR DOYLE: Does the – does the panel ..... discussion separately. He's addressing his response to that issue about that.

MR LEWIS: No. They wouldn't have that. No.

30

MR LLOYD: And that – that's dated today, so the answer to that question is found in ..... response document which I assume you've copies of that.

MS SMITH: I've got a traffic impact from this company.

35

MR DOYLE: From Mr Lewis's company. So while we're addressing that, that will become clear if Mr Lewis can address that issue of concern.

MR LLOYD: So you're Tim Lewis.

40

MR LEWIS: Correct. ....

MR LLOYD: Traffic engineer.

45 MR LEWIS: Yeah. From Ason Group.

MR LLOYD: All right. Well, you've heard what I've said. What do you say?

MR LEWIS: So I guess there's two – there's – you kind of raise just a slightly different question in terms of the 4.5 to one and that sort of being central, and, I guess, coming to that point, I'm with this 117 and all the other planning ..... If it was at 4.5 to one, would be pretty much particular, going through, I would imagine. So I  
5 don't – I think it's reasonable for us, under the 117 direction, to consider that the 4.5 to one across the site is the baseline, I guess, and from that, the increased – whilst there's an increase in units based on the scenarios that we're looking at, there's also a decrease in the commercial side.

10 So on balance there's actually – the resultant increase in traffic would be in the order of about 40 vehicles an hour. That's two way, in and out, so once you start factoring that down to consider what's in, what's out, where they're going, numbers there at that intersection are going to come down even further, and then we contend that that – impact of that – what – it will be a minor increase in any one location is offset by  
15 these other benefits being - - -

MR DOYLE: Essentially what Mr Lewis's document does is to quantify the differences between the two schemes, and there is an additional impact in traffic that he sees as minor, and – and this is not an issue of precedent, because the only way  
20 that we're getting this additional density, or proposing this additional density, is by dedicating a 3000 square metre park. So the - - -

MR LLOYD: Well, the question I asked - - -

25 MR LLOYD: Yes.

MR DOYLE: - - - how will the roads cope with the extra 120 units?

30 MR DOYLE: Well, that's what is answered by Mr – is – Mr Lewis, is that it is not a significant burden from the additional – when one works out the additional burden arising from those units, then one can see the development, for the reasons he sets out in that document, which having had it since written, I'm not going to talk to, but he – he is here to talk to.

35 He says there will be an additional impact, because there will be additional vehicles, but that – that is not a substantial significant additional burden, and that the consequence is, as we see again, how would Granville cope without this 3000 square metre open space? That's the only space within 800 metres, and that is a balancing –  
40 a main exercise that you need to undertake. But the reason I'm here is I don't think you – you've been given that, but you haven't been given that. So doing the weighing exercises, very difficult for you unless you have a proper presentation of the advantages of the – of the benefit.

45 MR LLOYD: Well, I understand what you're saying, but we don't have a precinct-wide traffic study.

MR MATTHEWS: So - - -

MR LLOYD: We do?

MR MATTHEWS: So – no. Can I just say, and I'd ..... talk about the traffic generation impact that has on all the networks. We've done all – we've done our own  
5 study on this, but important to this – this plan can't be made by the State Government until a precinct-wide traffic study has been undertaken, and that's due early next year.

MR LLOYD: That's why - - -

10 MR MATTHEWS: So – so - - -

MR LLOYD: - - - I think this – this is my preliminary thought – that this application may be somewhat premature, and we should await that study.

15 MR DANIELS: On one point you could think that, but there's a whole lot of process that this planned proposal needs to go through, and the department has encouraged us to keep proceeding this now. That's why they've issued gateways. That's why they've encouraged the study, the open space, and do these designs, so as that  
20 precinct study is being done, project managed by them, and they're going through that, and working with the RMS.

And from the senior executive in the department, they've told us, "Once it gets through this process of assessment with council, we will then do our own assessment, and look at that on a balancing arrangement with a traffic study, and do that work,  
25 and see what public benefits you're offering, what traffic upgrades you're providing." And we are doing some significant ones in relation to providing RMS additional lay bits on Parramatta Road, all those sort of things, and then at that sort of senior government level, then they will decide on making the plan. Hence why they didn't give council the delegation to make this plan. They needed to go back to them so  
30 they can consider all these things.

So this is just a – a step in the process to move towards that – that sort of a way. But the key thing that we were very keen on was making sure that we produced a  
35 development with only a marginally – marginal increment of density, this incredible public – potential public asset of this open space that we're quite – we're – we're – we're – we're quite – finding it quite strange it hasn't been considered properly, although everybody else that we talk to, the community and stuff, in that sort of sense, think it's a fantastic idea.

40 So we think an – in urban design sense, which we'd like Alex to talk to you about, that it actually is a good – good outcome in sort of a way. So they're the items that we're just dealing with at this stage. Those latter traffic issues, which you do point out, and then the RMS has said that we need to get into agreements and work with the council and then – and the department with future traffic upgrades to the network,  
45 but they're – the voracity of those is not, you know, as completest until that traffic study is done, but we can respond to those.

MR RYAN: Sorry. Can I ask – I – I just need clarification of this. So you're saying that it can't be made – or that – you're – you're saying that the – the LEP won't be made until such time as the – the - - -

5 MR DANIELS: The strategy says – talks to that.

MR RYAN: So the traffic – the council's traffic study will be done – complete.

MR MATTHEWS: No. It's the department's. Yeah.

10

MR RYAN: The department's.

MR MATTHEWS: The – the department are leading us in conjunction with this in mind.

15

MR RYAN: Okay. So - - -

MR MATTHEWS: It's due early '19.

20

MR RYAN: Early '19. So you're – you're saying that that – so this LEP won't be made. If that – if that study comes up and says four – four to one, six to one, is not sustainable in a traffic sense, and it needs to be three to one – I'm just plucking figures out of the air – will this PP – this LEP be adjusted accordingly to three to one? Or you're saying you want council to lock in the six to one is what you've –

25

you're putting to us – six to one, four – four and a half to one, and that will stay regardless of the outcome of the traffic study? What's – I'm just wanting to understand, in allowing this to progress, if – if that was - - -

MR DANIELS: Yeah.

30

MR RYAN: If the panel was so minded, how can we be confident of the things that the chairman is concerned about, traffic, even – and I think – I think it's not just the six to one, I think it's a 4.5 to one concern that's been expressed, because that's consistent with the PRCUTS. So how – how does it all work together in terms of the final outcome for the – for the LEP amendment?

35

MR MATTHEWS: I think one important thing is – to remember is the secretary is – of the department's the – the approval maker for the 117 direction. So any variation has to be approved by – by her, or her government in the State, so there's some confidence there. I guess it's up to council at this stage to weigh up whether the benefit of the – of the park - - -

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MR RYAN: Now, can I just say, I'm convinced about the park.

45

MR MATTHEWS: Yes.

MR RYAN: Look, the park's – I – yeah.

MR LLOYD: We get it.

MR RYAN: I can see - - -

5 MR LLOYD: Yeah. We get it.

MR RYAN: - - - the benefit in a park.

MR MATTHEWS: Well, it won't settle down.

10

MR RYAN: Whether we think that that's appropriate - - -

MR MATTHEWS: Yeah.

15 MR RYAN: - - - grounds to – to allow a floor space increase is something we need to think about, but I – I – I think you can sort of rest that argument there, unless others want to hear more about the park, I think you can rest that.

MR MATTHEWS: Yeah.

20

MR RYAN: I think the concern you're hearing - - -

MR MATTHEWS: Yeah.

25 MR RYAN: - - - is about traffic - - -

MR MATTHEWS: Yeah.

30 MR RYAN: - - - and how we can be – in allowing it to proceed, if we – if that's the way we're minded to do it, at either 4.5 fully or what you're putting - - -

MR MATTHEWS: Six to one.

35 MR RYAN: - - - which is six to one, and four – four and a half to one, if those studies indicate that the road system can't sustain those entities, how are we protected in – in – or how are we protecting council in terms of a - - -

MR MATTHEWS: Yeah.

40 MR RYAN: - - - recommendation to be put into that?

45 MR DANIELS: I guess from our professional experience in being involved on the other side of the table for the State with dealing with significant urban renewal processes, the key thing that this strategy has is – is the State's moving to have a State infrastructure contribution, and that's probably why they're leading that traffic study, because they are now coming forward and indicating to us that each apartment that we develop here, and the other floor spaces, are going to have to – has a cost at

around about 20-odd thousand dollars, which is quite significant, and – and it – it will equate to multi, multi millions of dollars and, of course, that's in that economics report there.

5 The State will, in their wisdom, take that money and allocate it to the various traffic works and upgrades that are required throughout that network system in that in their consideration of what's going on. And I think that, then, they will – so it's not only the density. It's the money that they will get from ..... approval, those State infrastructure roads and local roads and that sort of thing.

10 MR DOYLE: And – and as – as dealt with in Tim's report, there's an advantage of option 1 over option 2 in terms of traffic, is that it allows for an additional setback to Parramatta Road which allows for traffic improvements. I'm not going to pretend to understand fully, but that is another reason why the fact that, yes, there will be  
15 additional cars, there would also be some – some prospect of a better traffic outcome. In some way this equation is - - -

MR LEWIS: Yeah. It allows delivery of that road widening with less issues, I guess, than might otherwise be the case. If – if RMS had to then go and acquire that  
20 land as part of these upgrades, that's something that they're then going to have to negotiate with the landowners, which is now being, I guess, put up front for – for a big portion of what would be ultimately required.

I guess coming back to the initial comment about the 4.5 to one, if we look at the  
25 2015 studies that predated the – the latest release, which sort of cutback the FSRs, that was actually supported by a traffic study that – and it was based on the 82 metre height. So that's where a lot of these discussions about infrastructure upgrades have already come from. So it's not like we're walking into this big unknown picture. There has been some consideration of what the precinct-wide outcome is. That's  
30 looking at, you know, duplication of right turn bays at Bold Street. We're providing dedication of land to enable that to be provided, and getting that up and running early would be the benefit, I guess, to the precinct. And, I guess, there's gateway things and all those sort of things that lead onto other planning considerations.

35 But in terms of the four and a half and its general acceptability, I guess there's a question about whether – this close to Parramatta, this close to rail – whether you really need to be prioritising road network capacity over general movement, and I think that's something that, when this study finally gets finalised, will probably bear itself out a bit more as well, because it's probably going to focus more on travel than  
40 land management, rather than necessary hard infrastructure upgrades.

MR HUSSEY: Well, what are the consequences of delaying this for three, six months, because that's when they say this traffic precinct study will be out, early next year, three or four months? What's - - -

45 MR DANIELS: Well, one – one of our clients has been working on this proposal since 2014.

MR HUSSEY: Yeah.

MR DANIELS: So that's been a very long time, and dare I say, it's been a financially burdensome for them quite considerably. They've had to – they beared  
5 the burden of actually paying for all this report, all of these studies on – not only for their land, but for the other blocks of land, because the delegate, in their wisdom, said to study the whole area. So it will be a considerable commercial risk for our clients. Any further delays are just – without overstating that too much.

10 MR DOYLE: The council - - -

MR DANIELS: Plus - - -

MR DOYLE: - - - changing its mind is the big risk.  
15

MR DANIELS: Yeah. Plus – plus also - - -

MR DOYLE: Another – another voice to come in and answer stuff.

20 MR DANIELS: That's right. Which – that – yeah. And – and also I think it's really important for the public benefit side of this is to get to a gateway now where we can offer this to the council. The planning system requires us in the future we lodge a DA, and we've produced a draft DCP that can be considered, but when we start lodging DAs, we're going to have to go through the rigours of merit under a part 4  
25 process that the park will be locked in there. And when – and then it may be – it may be decided that at that stage, during those part 4 processes, that we may have to adjust our – our traffic impact, and we may have to really consider strongly green travel programs, those sort of things, maximums of cars on our site, and those sort of things, which can address some of the – so the finer grain detail of the site in relation  
30 to this specific issue of traffic impact, which I think's important, but the park and all that will be set in stone, and we'll have to navigate around that.

MR HUSSEY: All right.

35 MR DANIELS: Thank you.

MR HUSSEY: I feel a little swamped with all this extra information and plans and options that's come in at fairly short notice. Maybe it was around but – but it's not clear. Look, remind me, on – on that ..... or whatever it is, do you control all that  
40 land?

MR DANIELS: If I could - - -

MR HUSSEY: What do you control?  
45



MR DANIELS: Yeah. That's it. So this is the original application by – I think if – this picture here may help you, sir. It was – you see the red line there, that's – with – with the minus of that little site there, but that's just a - - -

5 MR HUSSEY: Yeah.

MR DANIELS: That's what the original application was, and the department added that. So this is 8250 square metres and – and this is your open space that we're offering.

10

MR HUSSEY: So where – where's your ownership? Where – where's that green space there? Is that – is that the line there?

MR DANIELS: Correct. Yeah. Entirely on – it's entirely on our - - -

15

MR HUSSEY: So it's there.

MR DANIELS: There. That's right, sir. And that equates to, what, 39 per cent of our client's land, did I say? If you compare other urban projects which are of repute, such as Central Park, for example, which I've been involved in from inside, that only had a requirement of 14 per cent of land in relation to its giving, and that's considered not only – you know, it's considered an excellent urban development in that sense. These – we really encouraged our client to really consider this open space with the requirement of this to make it a great – a great place to really try to have some strength and character against what the Minister's direction was for providing green open space in Granville.

25

MR HUSSEY: You make a big point about that - - -

30 MR DANIELS: Yeah.

MR HUSSEY: - - - location, that amount of open space. If we could just step backwards - - -

35 MR DANIELS: Certainly.

MR HUSSEY: - - - and look at old-fashioned standards. What – what does that amount of space equate to for the projected population there?

40 MR LLOYD: How many acres per – how many hectares per thousand does it work out?

MR HUSSEY: Not that far back. Just the hectares.

45 MR DANIELS: Yeah. I – I think – off the top of my head I can't – I can't answer the question, I'm very sorry, but it's – it's – it's significant in relation to the density of this related land.

MR HUSSEY: I'm trying to compare with modern standard.

MR DANIELS: Yeah.

5 MR HUSSEY: And – and we look at some of the areas that have been recently developed - - -

MR DANIELS: Yeah. Well, if you - - -

10 MR HUSSEY: - - - and they're overwhelming, and – and the lack of - - -

MR DANIELS: Are you aware of the Central Park development in – on Broadway?

MR LLOYD: Yes. I am.

15

MR DANIELS: That has 14 per cent of offering. Our site has 39 per cent of its offering in open space. So there's a good comparison. And that is considered world standard excellent development, and the way that it works, it's got similar densities in that sort of sense. Probably a bit taller in some respects. It's got floor plates in at that scheme of 1300 square metres, which I note is critiqued there, but they've been able to provide world best standards in their built forms because of it and trade it off, that open space, in a similar way. So we've – we tried to go beyond that and more in Granville. And dare I say, the economics of it are a little bit more challenging in Granville than they are in – in Broadway, but we're trying to do better.

20

25 MR DOYLE: Yes.

MR LLOYD: I know someone that lives in that development, renting an apartment.

30 MR DANIELS: Yes.

MR LLOYD: They can hardly wait to get out.

MR DANIELS: Quite.

35

MR LLOYD: Because she says that she can hear everything – absolutely everything that's going on in the next apartment.

40 MR DANIELS: That's more of a trouble with their BCA consultant rather than their open space requirements.

MR LLOYD: Yeah. But - - -

MR DANIELS: Yeah.

45

MR LLOYD: - - - that's what can happen.

MR DANIELS: Yeah. No. I agree. And – and – and the quality of design is very important, that sort of thing, but I agree with you.

MS SMITH: Okay.

5

MR LLOYD: No. But the thing that troubles me - - -

MR DANIELS: Yes.

10 MR LLOYD: - - - is the thing that I raised earlier, and it's this – this sentence in the traffic report prepared by the council:

*PRCUTS states that a precinct-wide traffic study and supporting modelling is required prior to any rezoning commencing.*

15

MR DANIELS: But – but yet again we've been given a gateway approval and asked to proceed, and so I can only say that the department has - - -

MR DOYLE: There is a - - -

20

MR DANIELS: - - - allowed that to continue.

MR LLOYD: This is PRCUTS. This is what they say.

25 MR DANIELS: Right.

MR LLOYD: And - - -

MR DANIELS: I don't understand.

30

MR LLOYD: - - - the traffic - - -

MR DANIELS: ..... was only going ahead with .....

35 MR LLOYD: The traffic generation component worries me. I take the point about the park and the offset.

MR DOYLE: Well – but I think the ultimate picture has two – two aspects to it. The first comes from Mr Lewis's document where he says that the actual additional impact of those 102 dwellings went across the relevant catchment - - -

40

MR LLOYD: 120 we were told.

45 MR DOYLE: I'm – I'm sorry. 120 spread across the relevant catchment, it's the subject of the comments by council is negligible. If that was reproduced across the precinct, we'd agree it would be significant, but it won't be, because we are not proposing a – a general allowance of increased density is appropriate for the whole

area. We're saying that this site is going to get a one-off approval in very special circumstances that are not going to be reproduced unless everyone one starts giving up .....

5 MR LLOYD: Well, you – you – you say that, Mr Doyle, but other developers will look at this and say, "Ha-ha. Here's a precedent. They got six to one."

MR DOYLE: Yes.

10 MR LLOYD: "We want six to one."

MR DOYLE: Well, if – if – if they can dedicate a 20,000 square metre park.

15 MR DANIELS: Yeah. It's actually a benchmark we're providing. If – if I can say, Mr Lloyd, you're – you're – you're quite so right, what will other developers do, and what's happened, and what is the precedent in that sort of sense? Now, there is another site that's near us called collectively as the Barnes' site.

20 MR LLOYD: Yes. We - - -

MR DANIELS: And that was rezoned. And, of course - - -

MR LLOYD: Yeah.

25 MR DANIELS: - - - that was allowed to go ahead under the strategy - - -

MR LLOYD: Yeah.

30 MR DANIELS: - - - because it's a – it – and it – because it future proofed their site in relation to traffic impact. And – and – and along those lines we had discussions with the – with the RMS, and – and that's where they were very keen on this lane setback, and us doing those things, and – and Tim did a whole lot of work on that. So I think that there is all this – I mean, people – we're not just going to be able to go forward carte blanche here. We're going to be contained with the planning system  
35 and the requirements of negotiating with the transport agencies to make sure that we are providing the appropriate public and the appropriate traffic management issues before we can even move past first base. And if I – do you – do you want to look at the Barnes' site - - -

40 MR DOYLE: Well, that's – that's – that's the second limb of what I was going to mention. So the first – we say that the impact from this site is one off and it is counterbalanced by a fairly dramatic development. I guess the thing that you'd need to take into account is what would happen if every development of this scale dedicated 3000 square metres of public open space. There would be a little bit –  
45 there would be traffic problems, but it would turn into a – a civil wonderland, the likes of which simply are not known before. It'd be like everyone gets to live in Queens Park. That's to say – and we say that the directive specifically allows you to

take these principles, or it requires you to take them into account in considering restrictions within the strategy of which the traffic controllers and directives are one. That's the first side of it.

5 The second side of it is – Mr Daniel and Mr Matthews referred to in terms of process is this will not be approved until the Secretary informed by the RMS, the people that have created the – that have undertaken the modelling and the studies, all the stuff that is said, “Well, why can’t we wait until this is done in January?” This cannot be exhibited – sorry – cannot be gazetted until the secretary is satisfied that that is the  
10 case and I have no doubt if your - - -

MR LLOYD: Can we make that a condition of our recommendation?

MR MATTHEWS: Of course.  
15

MR DOYLE: Well, that’s where I’m heading towards - - -

MR MATTHEWS: Absolutely.

20 MR LLOYD: Yes.

MR DOYLE: - - - is I would imagine that your recommendation ought to – I heard what you said and it’s clearly a matter of – and should be a matter of great concern to the panel that the panel, apart from anything else and if nothing else today, we think  
25 that a decision would simply turn this out because – well, we think a vote for option 2 rather than option 1 would be a bad outcome and we’re hoping that we’ve moved past that, assuming that the traffic can be sorted out. That - - -

MR LLOYD: So you say, if we go for option 1, we can make it a condition that it  
30 only proceed to gazettal provided the precinct-wide traffic study and supporting modelling supports this density on this site?

MR DOYLE: Well - - -

35 MR LLOYD: Are you prepared to agree to that sort of condition?

MR DOYLE: Well, we are. Yes. And, indeed, we must remember that the stage we are in the statutory process is that, ultimately, the Council reports back to the Department in any event and the Department makes the final decision. It’s obviously  
40 informed by the Council’s views. The Council, under the current process, the way this is moving forward, decided to refer this for Gateway, but, once the Gateway step happens, the process then moves forward. There is exhibition. The Council is not the ultimate decision-maker here and I would imagine that, if the terms of Council referral were accompanied by a clear statement that the Council finds the rezoning  
45 acceptable only if the Department is satisfied about those matters, then the Department is clearly informed what the Council’s position is. Ultimately, even if the Council said, “We don’t like this because of traffic,” it would be open to the

Minister still to gazette this and disregard the Council's position. So the Council's role here is to communicate to the Department the results of its assessment and that assessment, it seems to me, is to say that, "We find this acceptable, but only if it's traffic" - - -

5

MR LLOYD: If the traffic study supports it.

MR DOYLE: And that seems to be – this is not a DA. The - - -

10 MR LLOYD: No. I appreciate that.

MR MATTHEWS: Can I just ..... the importance again ..... Correct me if I'm wrong, but the ..... is allowed to proceed back to the Department, but it's at the – that six to one, which is, as I've said, control identified in the strategy. We're looking at  
15 the difference here between the control identified in the strategy and the offset of the public park which is 20 to 40 vehicles per hour in the a.m. and the p.m. peak. That's the difference. And the offset of that is a 3200 square metre park and if that can't be accommodated in some kind of future study, the sacrifice, therefore, would be the park. Our traffic analysis so far finds that that's minor when it's usually through the  
20 network and, again subject to the 2019 study as well.

MR HUSSEY: Well, what do those blue shadings represent?

MR DANIELS: .....  
25

MR JELICIC: ..... author of the document. So the colour of these plans – the colour of – the colour on the plans basically represents the different heights of the buildings in the plan. So this – the light blue represents the podium of the buildings and the darker the colour is, the taller the building is.  
30

MR HUSSEY: Okay.

MR JELICIC: Because .....

35 MR HUSSEY: So they're the footprints, more or less.

MR JELICIC: That is correct. Yes. So they ..... footprints as to – it's obviously ..... footprints walking forward, obviously at the time is the best possible outcome in relation to the building separation on this ..... block and they're obviously ..... those  
40 footprints we can describe the height of those buildings, the floor space ratio and ..... floor area for each building.

MR HUSSEY: Where – if I understand that and I quickly look at that - - -

45 MR JELICIC: Yes.

MR HUSSEY: - - - does it seem as if there's a reasonable share area setbacks from the boundary?

5 MR JELICIC: Well, some – there was, like - - -

MR HUSSEY: Yes. .... that are not in your ownership take more of the setback than what your buildings do ....

10 MR JELICIC: Well, it was both ways. Can I approach and explain?

MR HUSSEY: Yes.

15 MR JELICIC: So what Council report has flagged is the interface between the buildings basically on our side and the northern buildings or the .... northern neighbours. Obviously, this is our portion of the land which is outlined in red. Now, what we did in this particular instance is obviously taken a liberty to reduce the .... on the northern boundary.

20 MR HUSSEY: Yes. .... That's the setback there.

MR JELICIC: That is correct. And, obviously, increase setback ....

MR HUSSEY: Yes.

25 MR JELICIC: That is correct. Because, .... the way the buildings – we – we think the buildings will be laid out is obviously following the street setback and then the way the buildings are planned in regards to the ADG building depth and, obviously performance from the soil and cross-ventilation point of view, we have locked in this building .... a particular depth of being not more than 18 metres from glass to glass.  
30 So what we did on – obviously on the rest of the block is provide that ADG required suppression. So, in this particular instance, we have come closer. In this instance here, we've actually taken our buildings further away in order to allow this neighbouring property to come closer to our boundary so they can actually utilise an appropriate build form in this particular instance.

35 That's something that hasn't been flagged in the Council report, but actually it works both ways and this is something that was done from what James Matthews has said earlier to the panel. That, when this was designed, we designed it as the whole block being developed at the same time and this is, in our opinion, the best approach for  
40 this particular block because, ultimately, if we start sharing the setbacks as .... from this – obviously, boundary line, then potentially these – some of these blocks will not be ....

45 MR HUSSEY: Yes. There's about, what, eight or nine blocks here that would have to sort that out.

MR JELICIC: Well, no. These blocks obviously are designed in such a way you're not – we demonstrated how these particular blocks can achieve their density of 4.5 to one. So the idea is obviously to say they obviously can achieve with their heights which are basically between the ..... of the building ..... and then this is 18 storey  
5 building because, under the 4.5 density, the height limit is only up to 18 levels. In our instance, because we're seeking option 1, which is a six to one plus ..... ratio, some of the buildings obviously have 25 storeys which is a different height. But what's really important is that this particular ..... the ADG between building suppression complies with.

10 MR LLOYD: This would be done in a DCP, I presume.

MR JELICIC: That's size specific. Yes.

15 MR LLOYD: It would be - size specific DCP would have to incorporate all this stuff.

MR JELICIC: To assure that everyone has got a development potential.

20 MR LLOYD: Any other questions?

MR DOYLE: I'm just trying to find the actual ..... scheme of the Act ..... making the decision now that ..... can't say and, apart from .....

25 MR .....: Just – you know, and they're 3.36 ..... to consider.

MR DOYLE: Yes.

MR LLOYD: Well, we need to talk about this. Yes.

30 MR HUSSEY: We're just an advisory body. So .....

MR DOYLE: Now, ultimately – I understand that and, ultimately, if your decision is in substance – and you're advising the Council which is advising, ultimately, the  
35 ..... and the – and it seems to me that, if your decision, in substance, is that option 1 is preferable, provided that the concerns of the Council officers in relation to traffic can be resolved prior to the gazettal of ....., I think that that ..... that is the heart of the position to be reached, that it seems to me that it is available to the Council to make –  
40 to refer the matter back to the – to Parliament in those terms. I was trying to find a specific subsection so I could give confident advice on that subject. But it did seem to me that that is available. I can't see any restriction on it from what I've been able to see so far in section 3.3(6) which I think is where we're up to which probably means is that the Act doesn't always direct its rules to all its ..... issues with people like us finding ourselves ..... It doesn't seem to deal with this which would seem to  
45 me to indicate that a council does not have that restriction on it and - - -

MR .....: .....



MR DOYLE: Yes.

MR .....: And the statutory has to ..... whether it's council's preferred 25 storeys or .....

5

MR DOYLE: I think – that's right. I think the scheme, as I understand it, ..... with short notice, is that the matter has been referred to the Council under a different direction by the Secretary and ..... that document which is the reference ..... to the ambit for the Council and it has got ..... in that direction ultimately after the exhibition process.

10

MR DANIELS: ..... just one more thing that – the original motion of the Council did require – well, requested a DCP. We did produce one for it, albeit that the park was slightly different because then, subsequent to producing that, the Council asked for it to be a bit more ..... so it could provide some playing space and that's just the draft DCP that we've produced and there's a whole lot of ..... in that which manages the setbacks, manages the street grades and all those sort of things. But it is a draft and it goes to ..... that we've gone into to make sure it was going to work and centre around that ..... And, fortunately, what's in there is making sure that we provide that activity of the ..... road which – you know, which ..... showgrounds and those sort of things .....

15

20

MR DOYLE: And Mr ..... a good idea ..... your advice on the Council's resolution would be that it be required ..... the DCP that any development proposed would address and comply with the pre-cuts, traffic standards and subject to any future modification that might be allowed by the RNS and ..... that would seem to box us in, in terms of future development, and that's something that we would be open to seeing in any decisions the Council made because we're confident it's going to work out. If we weren't confident ....., we wouldn't be .....

25

30

MR DANIELS: Inside the DCP we make reference to car parking rates and how ..... make sure that's appropriate and advise as well. So we've thought this through and that's why we're confident, if you put a condition on ..... that we could – we could address that.

35

MR MATTHEWS: I think Tim touched on - - -

MR DANIELS: Yes.

40

MR MATTHEWS: - - - ..... as well about what the ..... and the study may come out with and there's certain elements that we can look at in the future ..... process as well that ..... to reduce the ..... and all those kind of things ..... We've modelled this on worst case scenario .....

45

MR DOYLE: Is it useful for you to have available to you ..... because I don't – the actual document that was adopted by that paragraph 5 of the 117 direction, I have a copy of it which you mightn't have. It is actually what we're meant to assess - - -

MR LLOYD: Well, someone handed me a copy and - - -

MR DOYLE: That's .....

5 MR LLOYD: - - - I've been looking for it and I can't find it.

MR DOYLE: ..... our assessment. So that's our pitch when I handed it to you.

10 MR LLOYD: It is. Someone gave me a copy and I – it's gone - - -

MR DOYLE: Maybe I had it on the table and I've .....

MR LLOYD: It's gone missing.

15 MR DOYLE: ..... taken it back. This is our ..... – this ..... it is the key parts of this is the vision and principles. Paragraph 5 talks about objectives - - -

MR LLOYD: Yes.

20 MR DOYLE: - - - but there's no – part of the strategy that records objectives under that heading, but that seems to be a question of objectives.

MR LLOYD: No. That's not what I'm looking for.

25 MR HUSSEY: ..... that one.

MR LLOYD: Yes. I've got it.

30 MR DOYLE: That – yes. You will see that that directs you to have regard to objectives of this strategy. You don't have the strategy. That's my point.

MR LLOYD: I see.

35 MR DOYLE: So that is the strategy.

MR LLOYD: That is .....

MR DOYLE: ..... summarised by ..... important .....

40 MR LLOYD: I don't think we need that.

MR DOYLE: Okay.

45 MR LLOYD: I think we've got enough.

MR DOYLE: Okay. ....

MR HUSSEY: Just on the details, the land contribution, where – is that setback fixed?

5 MR DANIELS: The – originally we had it at three metres, but the RMS has now come back. So it's ..... like 3.5. But because the strategy also asked us to have even more because ..... green edge there, we've – that's why ..... set those buildings back on that scheme even further. So we've got a lot of flexibility that's actually moved back and forth however much is required - - -

10 MR HUSSEY: Yes. But what - - -

MR DANIELS: .....

15 MR HUSSEY: What's your setback to that road now? The proposed setback.

MR JELICIC: About nine metres, as it is documented at the bottom. So you can see - - -

20 MR MATTHEWS: ..... by 12 metres.

MR HUSSEY: Well, that doesn't scale off to nine metres.

MR .....: ..... 12 metres that occur now.

25 MR JELICIC: So on the side, you can see there is basically - - -

MR HUSSEY: That's a new boundary.

30 MR JELICIC: No. That is correct. Whilst the ..... dedication takes place and that there is a dimension here of six metres which shows that obviously dimension between the ..... of the building and the new boundary of Parramatta Road.

MR .....: The DCP .....

35 MR DOYLE: ..... engage with it.

MR LLOYD: We will consider the matter.

40 MR DOYLE: Thank you.

MR LLOYD: You can wait, if you wish, or you can go, if you wish, but we may be some time.

45 MR DOYLE: Well, ..... We don't mind waiting .....

MR LLOYD: All right.

MR DOYLE: .....

MR .....: Thank you very much for your time.

5 MR DOYLE: ..... no decision today and you will announce your decision. Is that  
- - -

MR LLOYD: Yes.

10 MR DOYLE: - - - the process?

MR LLOYD: Yeah.

MR DOYLE: .....  
15

**ADJOURNED** [6.15 pm]

20 **RESUMED** [6.45 pm]

MR LLOYD: All right. I can announce the panel's determination which is  
25 unanimous. In saying that, one of the things that has troubled us is the lack of  
support from other landowners in the precinct – in the block. So the formal  
determination is this and I will get this recorded.

The panel has determined that, in view of the lack of support from the other  
30 landowners within the block for option 1, the panel does not support option 1 for the  
reasons set out in the assessment report. The panel, therefore – new – full stop after  
“report”. The panel, therefore, adopts the recommendation in the assessment report,  
subject to the following amendment – assessment report – report. In paragraph (b),  
item 2, should read:

35 *Increase the FSR on part 2 – from part - - -*

MS .....: Sorry. Just let me figure out why my computer is jumping around the  
place.

40 MR LLOYD: Item 2 should read:

*Increase the FSR from part 2 to 1/part 0.6 to 1 to 4.5 to 1, provided that the  
45 precinct-wide traffic study and supporting modelling supports that level of  
density.*

So that is the determination of the panel. All right. We're all clear? With that, I can  
formally close the meeting.

**ADJOURNED**

**[6.49 pm]**