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CITY OF PARRAMATTA COUNCIL

LOCAL PLANNING PANEL

RECORD OF COUNCIL MEETING

PANEL MEMBERS: **DAVID LLOYD QC (CHAIR)**
 DEBORAH SUTHERLAND
 RIC THORPE
 JANE FIELDING

LOCATION: **RYDALMERE OPERATIONS CENTRE,**
 CIVIC ROOM
 316 VICTORIA ROAD, RYDALMERE

DATE: **3.39 PM, TUESDAY, 20 AUGUST 2019**

MR D. LLOYD QC: All right. I think I can declare the meeting open. Welcome. The first thing I have to do is acknowledge on behalf of the council the Burrumattagal clan of the Darug, the traditional custodians of Parramatta, and pay respects to the elders, both past and present. The next thing I have to do is announce
5 that this meeting is being recorded. The recording will be archived and available on the council's website. All care is taken to maintain your privacy, but if you are in attendance, you should be aware that your presence may be recorded.

The next item is apologies, and I have none. Next, declarations of interest, and I
10 have none. There is one perceived declaration of interest, but it is not really a declaration of interest, from one panel member, and we will deal with that when we come to that item. It's usual for us to introduce ourselves when we start these meetings. I should go first. I am David Lloyd. I am a lawyer. I am a QC. I am a former judge of the Land and Environment Court. I'm a former acting judge of the
15 Supreme Court. I'm currently a professor of law at Western Sydney University. Mr Thorp.

MR R. THORP: Good afternoon. My name is Richard Thorp. I'm an architect. I am retired from my firm some 10 years ago. I've had 50 years plus experience in the
20 profession doing large projects throughout Australia, Asia and the rest of the world. Pleased to be here.

MS J. FIELDING: I'm Jane Fielding. I'm currently a senior associate in planning at Architectus, where I've been for nearly eight years. I've had some 20 years'
25 experience in the planning profession, both in the private sector and the public sector, and I have a degree in both planning and in landscape architecture as well. And I actually sit on a few different panels in Hawkesbury and Ryde, as well as Parramatta.

MS D. SUTHERLAND: I'm an ancient town planner. I've been around – been
30 working in the industry for 40 years for both private and public concerns. I'm also on a number of panels. I'm also on the Sydney North District panel, which is for larger projects, and – yes, I have been in the development industry for 40 years.

MR LLOYD: All right. Well, with that, we can move straight on to the items on
35 the agenda. The first one relates to 1 Nirvana Street, Pendle Hill. This is an application to modify one condition of an existing development consent. The existing development consent contains a condition limiting the consent for a trial period expiring on 20 August 2019. The application is to remove that time-limited consent. We have two speakers registered to speak. First of all, Mr Gerber.

40

MR P. GERBER: Good afternoon.

MR LLOYD: You have to sit near the microphone - - -

45 MR GERBER: Sorry. Thank you. Thank you.

MR LLOYD: - - - so that you are recorded.

MR GERBER: Understood.

5 MR LLOYD: Now, I know that you're a lawyer.

MR GERBER: My mother thought I played piano in a hotel. I never told her what I really did for a living.

10 MR LLOYD: That's all right. You know you have three minutes.

MR GERBER: I understand. I am a lawyer - - -

MR LLOYD: Yes.

15

MR GERBER: - - - but I've been asked by a number of residents and – sorry, my name is Philip Gerber, G-e-r-b-e-r, solicitor. I've been asked by a number of residents and rate payers of the Council of Parramatta, principally who are members of a local church, Toongabbie Anglican Church, which is in Pendle Hill about a 12
20 minute walk from this location, to register their objection to the removal of this condition. This approval is a – this DA, in case anybody doesn't know – I'm sure the panel knows – is an approval for the operation of a brothel for the selling of sex.

25 The people who I represent find that objectionable, so you won't be surprised about that. They are aware and I am aware that there's a range of views in the community about the appropriateness of that occupation and that industry per se, and my people – the people I represent would, of course, come down on the view that it's an industry that shouldn't continue, that it's degrading to women, it's offensive, it's
30 abusive, and it's inherently a bad industry. But they accept and I accept that many people in the community don't share that view and think it's perfectly okay for a young girl or a woman to sell her body for sex to a complete stranger.

35 Coming to the objection as to why the condition should be removed – should not be removed, the condition as I understand it was there to be – so that there would be some assessment as to the – as to whether there was any amenity affected by the approval, by the operation of a brothel. The people that I represent are still of the view that because of the – of the location of the brothel, which is within walking distance of the station, within walking distance of shops, within walking distance of a school, albeit outside of the 200 metre radius that the planning laws allow, means
40 that children and families – and also shops like the Pendle Hill meat market – that children and families still are affected by the operation of that sort of industry in that area.

45 It is an industrial area; I accept that. We understand that. But it is an area which is past – Nirvana Street is, it is true, a dead end, but it's right on the corner of a very busy main street which has access to all those facilities I've mentioned: schools, churches, shops. And we submit that there needs to be continuing monitoring of this

industry and of that development both as to the effect that it has on families and children, and also in terms of the traffic both during the day, but particularly at night. I'm not able to offer the panel any evidence in regard to that, but I've been asked and I make that strong submission, that the condition remain and there be continuing
5 assessment of this – that there's no reason why there shouldn't be continuing assessment, and that that continuing assessment be there and that the condition remain for another period of time. Those are the – those are the matters I would wish to put - - -

10 MR LLOYD: Thank you.

MR GERBER: - - - panel chairman.

15 MR LLOYD: Thank you very much. Any questions, panel? No? Thank you, Mr Gerber.

MR GERBER: Thank you.

20 MR LLOYD: Mr Winnacott.

MS STEPHENS: If you would permit me, chair, I would ring the bell when those three minutes are up - - -

25 MR LLOYD: That's all right.

MS STEPHENS: - - - if that helps.

MR LLOYD: That's good, yes.

30 MS STEPHENS: Yes.

MR L. WINNACOTT: Thank you, Mr Chairman. My name is Lawrence Winnacott. I'm a consultant town planner.

35 MR LLOYD: yes.

40 MR WINNACOTT: I'm a registered fellow of the Planning Institute of Australia, and I'm here representing the applicant today. I must admit, I didn't intend to address you today. I simply was here to answer questions. But in light of what you've just heard, there are a couple of points that I would put to you. Firstly, the issues associated with the moral aspects of the use of the premises, as the panel members I'm sure will appreciate, are not relevant matters for consideration under the heads of consideration in the Act for dealing with these applications.

45 The matters that were raised by the former speaker were matters that were put to the council and the court in 2009 when this matter was dealt with by Commissioner Tuor of the court, and they were not given determining weight. The court gave judgment

in the matter approving the use of the premises for the purpose of a brothel, and in so doing the court judgment stated that a trial period will enable these documents – that is, the conditions of consent and the plan of management:

5 *...to be reviewed and further refined if necessary. If the brothel operates in accordance with the consent it is unlikely to result in adverse impacts or reasons why it should not continue.*

10 The report which you have from the council officers before you today indicates that the business is operating in accordance with the plan of management and the conditions of the consent, and the recommendation you have from the council officers who have dealt with this matter is for the approval of the application for modification by deletion of condition 2; in other words, providing permanency. As the panel members will be aware, I'm sure, Mr Chairman, the ability of the council
15 to scrutinise the operations of this business will be unchanged as a result of the removal of condition 2.

20 It simply gives certainty to the operators, to the people who are running this business, to continue on. The council will still continue to do its routine inspections of the premises, like it does other businesses in the Parramatta area, and if there are any reasons why action should be taken by the council, whether it be in the form of a brothel closure order or other matters, then that's entirely a matter for the council. But my submission to you is that has really little to do with whether or not the condition 2 is removed. Thank you.

25 MR LLOYD: Thank you.

MS SUTHERLAND: Can I ask just a question?

30 MR WINNACOTT: Certainly.

35 MS SUTHERLAND: I've just looked at – we were – this has been referred to a number of authorities, one of which was the police, and they've mentioned that there have been crime happened within the last trial period. Do you know anything about that, and – because we – a lot of planning is also about crime prevention and environmental design and land use, so we do have a policy we have to think about. Are you aware of what had occurred?

40 MR WINNACOTT: I'm not aware of particular instances. They aren't listed in the council officer's report, and I have no information on those. But what I can say to the panel is that there have been a number of visits by the police to these premises over the years, and that is entirely in accordance with the provisions of the plan of management and the conditions of consent. The business has protocols in place that if disturbances do occur within the premises, that they are handled initially by the
45 security staff within the – in the premises, or alternatively, immediately the police are called to the premises. I think you would probably be aware that it is not unusual for certain businesses to have disturbances that occur, whether they be this type of

business you're dealing with today or whether they be convenience stores or service stations, all sorts of things. So what the police are saying – and I've read the comments in the council officer's report – are simply that there have been instances, and the police have attended and dealt with them accordingly.

5

MS SUTHERLAND: And that the staff haven't been helpful - - -

MR WINNACOTT: Well, I'm sorry, I can't answer that.

10 MS SUTHERLAND: - - - to the police. Anyway,

MS STEPHENS: I can probably comment. We took a lot of the specific comments out of the report, because it was quite lengthy. They were mainly, from what I recall, were internal squabbles within the – within the brothel between girls.

15

MS SUTHERLAND: Okay.

MS STEPHENS: Hence the not want to assist the police

20 MR LLOYD: What, they were stealing each other's clients, were they?

MS STEPHENS: Not clients, as far as I can tell.

MS SUTHERLAND: So it wasn't external people causing - - -

25

MS STEPHENS: No, no.

MS SUTHERLAND: - - - in the street a ruckus.

30 MS STEPHENS: No. It would tend to be internal struggles between employees.

MS SUTHERLAND: Okay. Fine, fine.

MR LLOYD: Any more questions?

35

MS SUTHERLAND: No.

MR LLOYD: Thank you very much.

40 MR WINNACOTT: Thank you.

MR LLOYD: All right. The panel has come to a decision, which is unanimous. I should say that this is a lawful, commercial activity in this industrial zone. We visited the site earlier in the day. It is reasonably remote from any dwellings. It is surrounded by other industrial developments. And we note that it has conditionally been approved by the court. The only reason for the imposition of the condition was to ensure that it was operating in accordance with the conditions and with the plan of

45

management, and that seems to be so. So the decision – our decision is to approve the application for modification and delete condition 2.

MR GERBER: Please the panel. And thank you

5

MR LLOYD: Thank you for your input anyway, Mr Gerber. It's much appreciated. So the decision is on the screen. The wrong sections are there. It says section 4.16. It's actually sections 4.15 and 4.56. Then we have to add the reasons for decision. The reasons for decision are, in the report: (1) the modified development – no, no, no. Just – I will state the reasons, which are set out in the report. They are set out in the report on page 15 of the report. And I will read them out.

15 *The modified development is substantially the same as the original approved development, with no changes in build form, number of staff, hours of operation and parking provisions; (2) the development is permissible in the zone and satisfies the requirements of all applicable planning controls; (3) since the approval of the previous modification application which extended the trial period, the development had been operating in accordance with the court approved plan of management and conditions of consent; (4) for the reasons given above, approval of the application is in the public interest; and (5)*

20

I'm adding an additional one.

25 *The panel supports the findings in the assessment report and endorses the reasons for approval outlined in that report.*

They are the various reasons which the panel has adopted. So with that, thank you very much, we can move to the next. Item 5.2, this is the use and fit-out of outdoor dining associated with four Parramatta Square retail tenancies. This is the – within the Parramatta Square development. The only reason this has come to the panel is because it applies to land owned by the council. So it has to come to us as an independent panel. The panel adopts the recommendation as set out in page 46 with some changes which are necessary.

30

35 *The panel, the Parramatta Local Planning Panel, exercising the powers of the council as the consent authority under section 4.16 of the Environmental Planning and Assessment Act 1979 grants consent*

etcetera,

40

grants consent to DA 3452019 for the use and fit-out of outdoor – outdoor dining.

45 After DA, add the words “for the use and fit-out of outdoor dining,” at that address. There was a – there was a – there is a – there is a further recommendation which – which comes before A, A becomes B. The local – that the Parramatta Local Planning Panel, exercising the functions of the council as the consent authority

pursuant to section 4.16 of the Environmental Planning and Assessment Act. 4.16 of the Environmental Planning and Assessment Act, approves a variation – approves a variation to the Sun Access Control in clause 7.4(2) of Parramatta Local Environmental Plan 2011. Parramatta Local Environmental Plan 2011, being
5 satisfied that the applicant’s written request has adequately addressed the matters required to be demonstrated.

UNIDENTIFIED SPEAKER: Written request – written, sorry?

10 MR LLOYD: Applicant’s written request - - -

UNIDENTIFIED SPEAKER: Has? Can you continue after written request, please?

MR LLOYD: Has adequately address the matters required to be demonstrated by
15 clause 4.6 of that plan, - - -

UNIDENTIFIED SPEAKER: Yes.

MR LLOYD: - - - and the proposed development will be in the public interest
20 because it is consistent with the objectives of the particular standard – of the particular standard – it is consistent with the objective of the particular standard - - -

MS SUTHERLAND: With – with the objectives.

25 MR LLOYD: - - - objectives of the particular standard.

UNIDENTIFIED SPEAKER: Sorry, you’re going to have to speak slightly louder.
It’s - - -

30 MS SUTHERLAND: Yes, consistent with the objectives.

MR LLOYD: Of the particular standard.

MS SUTHERLAND: Of the, yes.
35

MR LLOYD: And the objectives for the development within the zone. We have to come to that conclusion before we can exercise the powers under E. So B is as stated, reasons for the decision, the panel supports the findings contained in the assessment report.

40 UNIDENTIFIED SPEAKER: So that - - -

MR LLOYD: No, no, no. Under “reasons for decision.”

45 UNIDENTIFIED SPEAKER: Yes. So - - -

MR LLOYD: The panel supports the findings contained in the Assessment Report.

MS SUTHERLAND: Page 46.

MR LLOYD: And endorses the reasons for approval contained within that report.

5 UNIDENTIFIED SPEAKER: Endorses the - - -

MS SUTHERLAND: Reasons for approval - - -

10 MR LLOYD: Reasons for approval contained in that report.

MS STEPHENS: Chair, if I can – B there, the way we’ve written it implies almost that we’re limiting it to a period of five years. What we mean is that we need to commence work within the period of five years. So I think we’re missing a few words that we normally include in there. We normally say within five, three to five
15 years - - -

MS SUTHERLAND: It’s a Commencement.

MS STEPHENS: - - - within which your commencement is to occur, from the date.

20

MR LLOYD: Yes, all right.

MS STEPHENS: I’ll leave that with you.

25 MR LLOYD: Put that in.

MS SUTHERLAND: So you didn’t mean you wanted a trial period to find it?

30 UNIDENTIFIED SPEAKER: No.

MS STEPHENS: We don’t, no. It’s just we’ve missed a few words out there.

UNIDENTIFIED SPEAKER: Yes.

35 MR THORPE: We’ve got to get the – the wording right, because this is a legal document. And it has to be correct.

UNIDENTIFIED SPEAKER: Sorry, if you don’t mind, the wording’s not quite - - -

40 MS STEPHENS: But we’ve just - - -

UNIDENTIFIED SPEAKER: So where it just says for a, “grant development consent for a period of five years.” So it should just - - -

45 MS STEPHENS: Yes. But just add in, within which of the building commencement. That’s how our standard wording goes out on consents.

UNIDENTIFIED SPEAKER: Okay.

MS STEPHENS: No, that's all right.

5 MR LLOYD: Got it?

UNIDENTIFIED SPEAKER: Yes.

10 MR LLOYD: All right. Thank you. So we can move onto item 5.3. This is the development application for the construction of an 80 place childcare facility at 25 Lanhams Road, Winston Hills. We have noticed that there are some people that wish to address us. Is Mr Gibb here?

15 MR GIBB: Yes, I am.

MR LLOYD: Please, come forward to where you can be recorded. And we will listen to what you've got to say. For the record, your name and address, please.

20 MR GIBB: Yes, yes – my name's Greg Gibb. I reside at 29 Lanhams Road, Winston Hills.

MR LLOYD: 29's next door?

25 MR GIBB: Two doors up, to the west.

MR LLOYD: Two doors up?

MR GIBB: Yes.

30 MR LLOYD: 29.

MR GIBB: Yes.

35 MR LLOYD: Lanhams Road, I'll just make a notice. Yes, proceed.

40 MR GIBB: And I've lived at this particular location for over 35 years. At which time I've been very proud to live in that area. And I've, actually, basically, see that there's been a maintenance of the same level of what I would call residential amenity and the positive, positive contributor to what is known as the special character of the area. And, I think, the "special character," really means that new developments that are commenced must be compatible with the current dwellings in the streetscape so they do not dominate or stand in marked contrast to the existing dwellings. So this "special character" has been in place since the early 60s when the Winston Hills area was actually founded by one of the project home people.

45 So it's quite significant and I've – having lived there, quite a majority of that time have seen that it has been very amendable to the local area. Because it's kept that

streetscape and it's kept that – that function of consistency within the local area. And the different, I guess, the different streetscapes proposed at this particular development is certainly not and would not comply what I – with the current development controlled plans that mention the special character aspects. And I think
5 it would also mean that it would cause a, very much, a loss of character for not only the local area, just around where the development application is – is taking place, but also it would mean the people driving through would see a difference in the area, as well.

10 Another matter which I don't know whether it's actually been thought about or whether council officers have looked at is that within the proximity of approximately 100 metres behind this particular development application on this site is a mobile phone tower. Now, I understand that a lot of councils do have a requirement in their particular development plans to say that they can refuse a development if it falls
15 within the proximity of, some say 100, some say 300 metres, of a mobile phone tower. So I'm just bringing this to the attention of the Panel at this point in time. Because I – looking through the research and looking through the papers, I couldn't see anything particularly mentioned about that particular aspect of – of – of this development. So I guess, in conclusion what I'd like to say is I would thank the
20 council officers for the thorough investigation that they've put in place with this development application. And what I would definitely concur with all the findings on the many matters that have led to the proposal for the rejection of this development, thank you.

25 MR LLOYD: Before you go, there may be some questions from the panel.

MR GIBB: Certainly.

MR LLOYD: Anyone?

30

MR THORPE: Nope.

MR GIBB: Nope.

35 MR LLOYD: We visited the site earlier in the day.

MR GIBB: Yes.

MR LLOYD: Is Lanhams Road a main road? Or is it - - -

40

MS STEPHENS: Yes, it is.

MR GIBB: It is. It's what I'd call an arterial road, I suppose. It directs traffic from one end of Winston Hills to the other, basically. So it does get busy. And during the
45 day it's sometimes quiet because – but certainly at times where this, people would be potentially bringing their children to a childcare centre in the mornings and the afternoons is when it's the busiest time of the day for this particular road.

MR THORPE: The peak time of the route.

MR GIBB: The peak time, yes, definitely.

5 MR LLOYD: So what is the traffic like in the, say, morning peak?

MR GIBB: Oh, for instance, me going down in the morning - - -

MR LLOYD: Yes.

10

MR GIBB: - - - I sometimes have to wait several minutes before I can get onto the road in waiting for traffic to come back along.

MR THORPE: And that's always the case?

15

MR GIBB: Yes. So it is difficult at times. Like, it's not what you call a Windsor Road or a main road, but certainly, as a secondary road, it does get busy. And I think, you know, certainly from my perspective, living two doors down – it would only get worse having traffic there for me to try and get out of the morning before they come back in the evening to – to get into my – into my own, my own house.

20

MR THORPE: So you're talking about going out – out of your driveway - - -

MR GIBB: Correct.

25

MR THORPE: - - - in a forward direction?

MR GIBB: Oh, it could be either. I mean, it depends - - -

30 MR THORPE: Yes.

MR GIBB: On how we necessarily go in and we've got a number of cars on our premises. So yes, sometimes we've got to back out and come in. So yes. But that, potentially, we try to go out in a forward manner. But it doesn't always happen.

35

MR THORPE: I know the feeling.

MS FIELDING: And what about on street parking? Particularly at peak time?

40 MR GIBB: On street parking?

MS FIELDING: In terms of availability? Is it all sort of used? Or - - -

MR GIBB: Look, it's used by local residents.

45

MS FIELDING: Yes.

MR GIBB: So it's – you know, it's – it's – it's piecemeal. Some place – some residents have a couple of cars out the front, other have none. So but in that area of the street it is fairly, you know, fairly well populated as far as on street parking at the moment, just from residents.

5

MR LLOYD: Yes. Any other questions? No. Thank you very much.

MR GIBB: Thank you.

10 MR LLOYD: Now, there are some speakers who – who – who are in favour. Who wants to go first? Mr Gescheit?

MR E GESCHEIT: Thank you, Mr Chairman. My name is Eli Gescheit. I'm the urban planner representing the applicant of this DA. I actually have some additional documentation for council that we submitted on the 30th of July in relation to the streetscape issues that have been raised by council. Would I be able to provide this to the panel?

15

MR LLOYD: Yes.

20

MR GESCHEIT: It has been submitted to council.

MR LLOYD: We might have this. When was this submitted to council?

25 MR GESCHEIT: On the 30th of July.

MR LLOYD: Well, we've probably got it.

30

MR GESCHEIT: Yes, you would. Yes, but I don't think it was – if it was part of this assessment.

MS STEPHENS: We'd already completed the assessment by that time.

35

MR LLOYD: I see. Okay. All right.

MS STEPHENS: this is our – hang on – panel, this is just our of the initial stuff. So we've got - - -

40

MR LLOYD: What is this?

MS STEPHENS: This is from us how – when we've written a response to the additional information that came, but this time - - -

45

MR GESCHEIT: Okay. I haven't seen that.

MS STEPHENS: It's not a – it's just a – it's not a thing for everyone.

MR GESCHEIT: Okay. Fine.

MR LLOYD: Well, you tell us what you want to tell us.

5 MR GESCHEIT: Sure. So I guess I'll deal with, firstly, the question raised by the
objector in relation to mobile phone towers. This is the first time that we've been
- - -

MR LLOYD: That - - -

10

MR GESCHEIT: - - - advised about this.

MR LLOYD: That is not something that we are required to consider.

15 MR GESCHEIT: Okay. Sure.

MR LLOYD: Yes.

MR GESCHEIT: So in - - -

20

MR LLOYD: So - - -

MR GESCHEIT: So firstly, we'd like – due to – we'd like the application to be
deferred by the panel for various reasons – and I'll explain them. Regarding the
25 streetscape – so you have in front of you examples of other approvals in the council
area relating to childcare centres. We've also prepared a photomontage showing that
the design is in fact compatible with the streetscape. And thirdly, there's an – a front
elevation showing a red dotted line which indicates the existing building. So
basically, that elevation is depicting that the building – the proposed building, in fact,
30 will be a lot less bulkier than the existing house.

I should point out too that we met with Mr Liam Frayne – the team leader – and Ms
Lara Fusco – the DA office on the 12th of March 2019. I believe Liam is no longer
35 working at the council. At the meeting I asked if Liam was okay with the design
from a streetscape perspective and he agreed and even said something to the effect
that, “the design looked better than other childcare centres”. At the meeting, council
informed us the proposed site setbacks of less than one metre on the western side of
the building was okay. We left the meeting understanding council's position.
However, since reviewing the assessment report, council's opinion has now changed.
40 There is no signage proposed as part of this proposal and the selected colours and
finishes include face brick and cladding and is depicted clearly in the photomontage.
In my opinion, the centre exhibits design excellence and contributes to the
streetscape of Winston Hills.

45 In relation to the outdoor play area, council's report suggests that the play area above
the OSD tank is a safety hazard for children. However, standard practice of a
childcare centre is that there will be staff supervising the children. The alternative is

to relocate the OSD tank to the front, as previously proposed. I should point out too: the proposal complies with the maximum height and the maximum height is nine metres and the proposal is well under. It's seven point five. The maximum says point five to one and the proposal is for .34 to one. It does comply with the front – rear – and rear setbacks and fully complies with – along the eastern boundary. In council's report, they acknowledge the proposal doesn't create any privacy impacts to the adjoining properties.

The – so the design also complies with council's solar access provisions. In relation to traffic and parking, in their report, council reviewed the proposal and were satisfied in the capacity of the surrounding road network to accommodate an increase in traffic as a result of the proposed centre. Car parking can easily be reallocated on the plans because there is some concern about how the car parking has been allocated. And we can do this through submission of amended plans or a condition of consent. In relation to acoustics, the issues raised in council's report were not brought to our attention until now and can be addressed through an amended acoustic report. So overall, because there's the substantial information missing with council's assessment, we'd appreciate the panel defer the matter so that we can provide additional information. And I am available for any questions, as well as the architect. Should we ask the architect to speak first and then - - -

MR LLOYD: Well, the – your application is - - -

MR GESCHEIT: - - - come back?

MR LLOYD: - - - for a deferral. You appreciate that if it's a deferral, a different panel will probably deal with it, not us.

MR GESCHEIT: Okay.

MR LLOYD: It will be a differently constituted panel.

MR GESCHEIT: That's fine.

MR LLOYD: What do you want to do?

MR THORP: Well - - -

MR GESCHEIT: Would it – could I ask the - - -

MR THORP: - - - perhaps it's worth saying a couple of things that – certainly from my perspective, my major concern with the proposal is the impact of cars stopping to drop off children in the morning and then later in the day. It is not the first childcare centre I have been asked to review or approve so I've got some familiarity with the building type. I've never designed one, but that's neither here nor there. I think the difficulty is the disturbance on the street of a whole lot of cars coming and going in a relatively short amount of time. And when one is offered that we can put it into a

basement, in my experience, that is no solution. That driving into a basement where the child, a parent or carer has to get out of the car, take the child out, go either up the stairs or up the lift, sign in with a person. It probably takes five, six minutes minimum for - - -

5

MR GESCHEIT: Yes.

MR THORP: - - - each child. With 80 children being dropped off – let’s just say 40 children are dropped off in a one hour period. You need a very big carpark to contain those car movements and the number of cars that are going to stay in there for an extended period of time. So my assessment is always that it’s going to end up happening on the street. And our inquiry, really, is to whether the street in question can handle that without unreasonable disturbance to other residents. And I think, probably, that would be the – I don’t know that, but I suspect it’s one of the major issues people who are not supporting the application. Having said that, if we move to a deferment, I guess I’d be advising you and your team to give thought to how to resolve - - -

20

MR GESCHEIT: Mmm.

MR THORP: - - - the parking question. I mean – I think one of the really big issues is 80 children.

25

MS SUTHERLAND: Yes.

MR THORP: I mean, unless somebody – a couple have 20 children themselves - - -

30

MR LLOYD: Mmm.

MR GESCHEIT: Yes, sure.

MR THORP: - - - and arrive in a bus.

35

MS SUTHERLAND: And a bus.

MR THORP: I mean, it’s just a lot of - - -

MR GESCHEIT: We could provide a bus. But in - - -

40

MS SUTHERLAND:

MR THORP: Yes.

45

MR GESCHEIT: Just in response to your - - -

UNIDENTIFIED SPEAKER: kids.

MR GESCHEIT: So just in - - -

MR LLOYD: I - - -

5 MR GESCHEIT: - - - response to your – about the basements. In this document I've filed to the council there's about four childcare centres approved with basements so it's not something new that council has seen before.

MS SUTHERLAND: Half the size though.

10

UNIDENTIFIED SPEAKER: Doesn't mean

MR LLOYD: I have to say I - - -

15 MS SUTHERLAND: Yes, they're smaller.

MR LLOYD: - - - am, personally, a bit concerned about the parking arrangements in the basement. It seems to be all very tight and - - -

20 MS SUTHERLAND: And most of its staff.

MR LLOYD: - - - awkward and I can't see that many people bringing children to drop off in there would be comfortable in manoeuvring in that tight space they've been afforded. It's something that needs to be looked at. I think there could be, 25 certainly, a better parking arrangement than what is shown on the plan or a better traffic manoeuvrability arrangement than what is shown on the plan, from my perspective. But I'm not an expert. But I - - -

MR GESCHEIT: Mmm.

30

MR LLOYD: - - - am experienced in dropping off children at these things.

MR GESCHEIT: Sure.

35 MR LLOYD: So that's my view.

MR GESCHEIT: Okay.

MS SUTHERLAND: Can I just – a couple of – just – if you're going to sort of look 40 at going to change the design or perhaps the intensity – a pull-in area, you know, a drop off area on the site. Like, a driveway that comes in front. Then you're going to have to maybe make your building a bit smaller because - - -

MR GESCHEIT: Mmm.

45

MS SUTHERLAND: - - - you won't need your landscape or deep soil. The deep soil is another one. You've got a lot of artificial grass as areas in the - - -

MR GESCHEIT: Yes.

MS SUTHERLAND: - - - landscape plan. Can that be real grass or – you know - - -

5 MR GESCHEIT: I'm sure it can be.

MS SUTHERLAND: - - - natural - - -

MR GESCHEIT: Yes.

10

MS SUTHERLAND: - - - surfaces and – so – because, again, the deep soil is an issue.

MR GESCHEIT: Yes.

15

MS SUTHERLAND: And getting – you know, the - - -

MR GESCHEIT: Well, we also could – we also have the architect that can speak also. He can - - -

20

MR LLOYD: But - - -

MR GESCHEIT: After me.

25 MR LLOYD: But if you're going to – if you want an adjournment, these are things that concern us and will need - - -

MS SUTHERLAND: Yes, we're just throwing - - -

30 MR LLOYD: - - - to be looked at.

MS SUTHERLAND: - - - that out for you to just think about.

MR GESCHEIT: Sure. Okay.

35

MR LLOYD: Ms Fielding.

MS FIELDING: Look, just – you just mentioned about the acoustics and that you only just received notice from council about the need for a detailed acoustic report. I

40

MR GESCHEIT: Well, no, we do have an acoustic report. However, the issues raised in council's report - - -

45 MS FIELDING: Were only raised fairly recently.

MR GESCHEIT: - - - it's the first time we've seen them.

MS FIELDING: Okay. Because it - - -

MR GESCHEIT: And we've had at - - -

5 MS FIELDING: Reading through this, it made - - -

MR GESCHEIT: - - - least one meeting.

MS FIELDING: - - - it sound like they requested it from you and - - -

10 MR GESCHEIT: No.

MS FIELDING: - - - you decided - - -

15 MR GESCHEIT: Sorry, I should have rephrased that.

MS FIELDING: - - - not to - - -

MR GESCHEIT: No, we have an acoustic report.

20 MR LLOYD: Well - - -

MS SUTHERLAND: And they suggested a very high fence at the back or something or the side or something.

25 MR GESCHEIT: It was two point one. Yes, but you can have some of it as transparent also on the top.

MR LLOYD: Well, do we agree to a deferral? There's a request for a deferral.

30 MR GESCHEIT: Could I – could I allow the – would the panel allow the architect to talk also?

MR LLOYD: Is he also seeking an adjournment or a deferral?

35 UNIDENTIFIED SPEAKER: Just to answer – sorry – to answer any questions

MR LLOYD: You're here to answer questions but you - - -

40 MR GESCHEIT: Yes.

UNIDENTIFIED SPEAKER: Yes, I am.

MR LLOYD: Do you support the application for a deferral?

45 MS FIELDING: January

UNIDENTIFIED SPEAKER: Possibly

MR LLOYD: Well, that's what we have to decide first. Whether to agree to your request for a deferral. What does the panel want to do?

5

MR THORP: I'm happy to give the applicant an opportunity to - - -

MS SUTHERLAND: Yes.

10 MR LLOYD: To fix things up?

MR THORP: Yes.

MR LLOYD: Well, the panel is of the view that they're going to - - -

15

MR GESCHEIT: Mmm.

MR LLOYD: - - - we're going to defer it, as requested. But there are things that will have to be fixed up.

20

MR GESCHEIT: Sure.

MR LLOYD: And it'll be a different panel which will deal with it.

25 MR GESCHEIT: Mmm.

MR LLOYD: But I think, knowing the personnel, they will raise the same concerns unless it's fixed up.

30 MR GIBB: Can I just have a, I guess, a final word relative to the fact if there is to be a deferral. I think one of the major things is that size itself of 80 people, you know, a childcare centre and that in that area is very much an applicable thing to look at as well. I don't think you can - you can and move a lot of things, but 80 people doesn't fit on that site.

35

MS SUTHERLAND: No.

MR GIBB: And that's what I think we're looking at. Relative to parking, relative to all sorts of things.

40

MS SUTHERLAND:

MR LLOYD:

45 MR GIBB: 80 people is not the right size for that - - -

MR LLOYD: Well - - -

MR GIBB: - - - particular site.

MR LLOYD: - - - I can tell you, Mr Gibb, that we are mindful of the zone objectives here and I'll read them.

5

MR GIBB: Thank you.

MR LLOYD: The zone objectives:

10 *To ensure that non-residential land users are located in a context and setting that minimises impacts on the amenity of a low-density residential environment.*

MR GIBB: Yes, exactly.

15 MR LLOYD: That is a zone objective which - - -

MR GIBB: Mmm.

20 MR LLOYD: - - - we are mindful of. The applicant has the assessment report, has seen the recommendation, has heard our concerns. We're prepared to defer it, but the applicant has some work to do.

MR GESCHEIT: Sure.

25 MR LLOYD: Right. Well, a formal determination is that this matter is deferred at the applicant's request to enable further and amended plans to be brought forward.

UNIDENTIFIED SPEAKER: Sorry, can you speak louder?

30 MS FIELDING: Yes.

MR LLOYD: The - this - the application is - - -

UNIDENTIFIED SPEAKER:

35

MR LLOYD: - - - deferred at the applicant's request - - -

UNIDENTIFIED SPEAKER: Yes.

40 MR LLOYD: - - - to enable further and amended plans to be produced.

UNIDENTIFIED SPEAKER: What timeframe?

MR LLOYD: Hmm?

45

UNIDENTIFIED SPEAKER: What timeframe?

MR LLOYD: Matter for them. Matter for them.

MS STEPHENS: If they're amended plans you'll be re-notified of any amended plans.

5

UNIDENTIFIED SPEAKER: Right.

MR LLOYD: Right.

10 MR GIBB: This is the thing. That we didn't know about - - -

UNIDENTIFIED SPEAKER: This one.

MR GIBB: - - - this particular change. We hadn't seen anything - - -

15

UNIDENTIFIED SPEAKER: No.

MR GIBB: - - - until - - -

20 MR LLOYD: No, you - - -

UNIDENTIFIED SPEAKER: Nothing on the website.

MR GIBB: Nothing no.

25

MS STEPHENS: No. What do you mean "change"?

MR GIBB: Well, obviously, there's been - - -

30 UNIDENTIFIED SPEAKER: been planned before.

MR GIBB: - - - things that have been amended.

35 MS STEPHENS: No, the ones that they mentioned, the council didn't accept them. That's why we didn't send them to you.

UNIDENTIFIED SPEAKER: Yes.

MR GIBB: Okay. Yes.

40

MS STEPHENS: Yes, sorry. Yes, so we received them on the 30th. We'd already finished our assessment so we advised the applicants we were not taking any more plans at that particular point. That's why you didn't see them, because we weren't assessing them.

45

MR GIBB: Fair enough.

MR LLOYD: These will have to be re-notified. All right. Okay. Thank you very much.

MR GESCHEIT: Okay. Thank you.

5

MR GIBB: Wait for the next item because I've got to get all the PP people in.

MR LLOYD: Yes.

10

ADJOURNED

[4.24 pm]

15

RESUMED

[4.29 pm]

MR LLOYD: All right. I think we can resume the – this meeting. When we opened the meeting earlier, we introduced ourselves, but none of you were here of course. So we should re-introduce ourselves, and I'll go first. I'm David Lloyd. I'm the chair of this panel. I am 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 a professor of law at Western Sydney University.

MR THORP: My name's Richard Thorp. I'm an architect. I have – I'm retired now and my practice still exists without me, but I have more than 50 – more than 50 years experience and have undertaken very large projects and small projects in Australia and New Zealand, Asia, Europe and the United States. I happen to be either fortunately or unfortunately for others on eight or nine planning panels and I also play golf. Thank you.

MR LLOYD: Mr Thorp is modest. His firm was responsible for the design of some very important buildings, including the Parliament House in Canberra. Right.

MS FIELDING: I'm Jane Fielding. I'm a senior associate in planning and architect. I've been for close to eight years. I've been in the planning profession for almost 20 years. I'm a member of the Planning Institute of Australia, New South Wales committee. I sit on a number of other panels, two other local panels and I'm an alternate local member for Parramatta on the district panel. And yes, that's about it.

MS SUTHERLAND: And I've been doing it for 20 years longer than Jane. Deb Sutherland. I'm a planner. I've worked in both private and public spheres. I'm actually a principle of Cardno and I'm not – I'm also on a number of panels, including the district panel; that's Sydney North District Panel.

MR LLOYD: All right. Well then we can proceed with the agenda. Item 6.1, the planning proposal for 23-25 Windsor Road, Northmead. I can say that the panel inspected the site earlier in the day. We inspected the site of all these proposals

earlier in the day and I'm familiar with what's proposed. We have some speakers in relation to this proposal. Or for the applicant, who wishes to go first?

5 MS HODGKINSON: My name's Kristy Hodgkinson.

MR LLOYD: You have to be recorded.

MS HODGKINSON: Sure. No, that's okay.

10 MR LLOYD: If you don't sit there, you won't be recorded.

MS HODGKINSON: That's okay. My name's Kristy Hodgkinson.

MR LLOYD: Yes.

15

MS HODGKINSON: I'm the town planning consultant for the project.

MR LLOYD: Yes.

20 MS HODGKINSON: We have that project team here today, specifically, to answer any questions that the panel may have in relation to the planning proposal, being PTI Architecture and Chris Palmer, who's our traffic engineer for the project. We are – are very pleased with the recommendation that's been provided by council to the panel, today, with respect to the planning proposal. The planning proposal has been
25 through a number of iterations for three or four years. It's now at a position where we've worked very closely with the council over previous months to come up with a resolution on building height locations, positioning and floor space.

30 That we feel that the council is now comfortable with. We have worked very closely with them to get to that position. I do know that there are a number of traffic concerns that were raised by council's traffic engineer in their report. Obviously, Chris is here to answer any of those, specifically. Obviously, they correlate to the density of the site, moving forward, and how that may fare in terms of it, obviously, being a classified road. And, you know, the minor increase that will occur as a result
35 of the increase in density on the site. But outside of that, we're really over to you if there's any questions, specifically, that we can answer without taking up your time.

MR LLOYD: All right. Questions, Panel?

40 MS SUTHERLAND: Left field.

MS HODGKINSON: Sure.

45 MS SUTHERLAND: Have you actually had any discussion with Fergus at the school at the back?

MS HODGKINSON: Yes, yes we have.

MS SUTHERLAND: About getting access there instead of off the main road?

MS HODGKINSON: We have, actually.

5 MS SUTHERLAND: And?

MS HODGKINSON: And the outcome of that was that they weren't willing to sell any part of their land or even look at a - - -

10 MS SUTHERLAND: Right of way.

MS HODGKINSON: - - - right of carriageway or something similar, because they needed it for future development of their site moving forward. And that was confirmed in writing by them. So we have actually looked at it.

15

MS SUTHERLAND: Yes.

MS HODGKINSON: It's an obvious natural outcome, that we would keep traffic off Windsor Road. And when we took this project on, it was the first thing that council said to us is go and find an alternative.

20

MS SUTHERLAND: Yes.

MS HODGKINSON: We did go looking for that alternative. But unfortunately, the school wasn't forthcoming with that opportunity. Which we all accept would have been a very sensible outcome, but unfortunately, not one that were able to avail ourselves of.

25

MS SUTHERLAND: And also, the detail of overshadowing of an adjoining building development, the lower – particularly the lower floors. Does that really meet the – who's the architect?

30

MS HODGKINSON: Peter Israel. Do you want to – I might switch seats if that's easier.

35

MR LLOYD: Yes, you can swap places.

MS HODGKINSON: Of course. Lewis is the architect who has worked on the project with Peter, sorry.

40

MR L. LAU: So we have detail solar impact analysis by hourly interval during the worst day of the – of the winter. And it's performed by view from solar, it's using and architect software. So our method is to calculate the overall, the surveys of the Dylam site. And then extra shadow, we're impacting their surveys by percentage or each hour.

45

MS SUTHERLAND: Oh, all right.

MR L. LAU: So overall the – we have, the impact is less than 20 per cent taking away from what they have at the moment, receiving the solar. So this is the diagram attached with the applications. So and then by varying the heights of the – of the buildings, by, you know, lowering down the – the middle portion of the, of the built form, we managed to get that is what we worked with the council closely to – to adjust the different – different portion of the building. To achieve the – achieve the – you know, variation of the heights. So to maximise the solar access to the – to the Dyldam site. So you can see the front building and the back building, actually, is the tallest one. And the middle portion is sunken. So this is the – the solution we provide to maximise solar access.

MR LLOYD: Has anyone got questions of the architect?

MS SUTHERLAND: Probably lots.

MR LAU: Yes. We have a bigger – bigger diagram here, I mean.

MS SUTHERLAND: Orienting it to the neighbours – to the dealing with the building, again.

MR LAU: Yes.

MS SUTHERLAND: We were down on site. And that – that curvy bit of open space between you is just full of all of their services building. It's not actually a good outlook for your future residents, is it?

MR LAU: Actually, there's a swimming pool and a communal facility of the Dyldam site, I mean, like, a semi-curve.

MS SUTHERLAND: When we were down there, or, when we drove – we were just - - -

MR LAU: Yes.

MS SUTHERLAND: - - - as you were arriving, the main curve, it's a thing with, sort of, grills and it looked like machinery. And then there was another, sort of, services or – it's some sort of services enclosure.

MR LAU: Yes. I mean, the diagram, I mean, it looks like - - -

MS SUTHERLAND: It's just not a good look.

MR LAU: Yes. This - - -

MS SUTHERLAND: To look at.

MR LAU: Are you talking about this part, I mean, like, here?

MR LLOYD: Yes.

MS SUTHERLAND: Yes. Yes. We – when we drove in, I don't know if we were here. We – we must have been about here. But where's the road coming here?
5 Looking here, there's a – there's a, on the fence line, there's, like, two big services.

MR LAU: You mean along the road, along the main road, the Windsor Road?

10 MS SUTHERLAND: No, along the fence line.

MR LAU: Yes, this is – this is their swimming pool. And - - -

MS SUTHERLAND: Well, it, maybe it's on the other side of it. But what you see is this. And then there's – and then there's this – what is it? Some other sort of
15 electricity substation or something.

MR LAU: That's just to the – to the end of the development. Because the - - -

MR LLOYD: Where's that going to be?
20

MR LAU: The – the Windsor Road is on the – on the - - -

MS SUTHERLAND: Yes, that's right.

25 MR LAU: On the right-hand side.

MS SUTHERLAND: Yes. I remember, because - - -

MR LAU: Yes.
30

MS SUTHERLAND: - - - it's where this curves.

MR LAU: Yes. Because the way the builders designed their building is they excavate many levels - - -
35

MS SUTHERLAND: I know.

MR LAU: - - - and then create a big pad form. But, unfortunately, the land is running from Windsor Road, all the way – I mean, you have a big drop on their land.
40 So that what you see, the louvre and things like that is actually, they're based above ground - - -

MS SUTHERLAND: It's the – it's the, it's, that's right, it's the - - -

45 MR LAU: That's right, yes.

MS SUTHERLAND: Yes.

MR LAU: So this is a very straightforward of, you know, just being perfectly flat ground by over excavating towards the so the other side will stick out. Because the land is running up like, down like this.

5 MS SUTHERLAND: I know, yes.

MR LAU: And then there's like a platform of, so what you see is, like a - - -

10 MS SUTHERLAND: It's a bit of basement is it?

MR LAU: Yes.

MS SUTHERLAND: That's sticking up or something. But it just looks - - -

15 MR LAU: It's become above ground parking.

MS SUTHERLAND: - - - horrible, horrible.

20 MR LAU: Yes. Just, but luckily, what we have is we are also on the higher side. So we won't be able to see the, yes.

MS SUTHERLAND: Okay.

25 MR LLOYD: I have another, a separate question.

MR LAU: Sure.

30 MR LLOYD: The report says that this intended to be a transition between the existing high density development to the south and the other development to the North. But it doesn't look much like a transition to me. It looks much the same.

35 MR LAU: The intention from – from the suggestion of the urban designer from – from council was to keep the strict alignment of the – of the building with the continuation. Because the land is sloping down from the – from the north. All the way to the south. So from the street elevation you will see the topography of the land is, yes, the street elevation is - - -

MR THORPE: You mean this one?

40 MR LAU: Yes, yes, yes. Yes, this one, yes. So - - -

MR LLOYD: But it – it – it doesn't look, at all, like a transition to me.

45 MR THORPE: No, no. I think he's saying that if this had the same - - -

MR LLOYD: Yes, yes.

MR LAU: Yes.

MR LLOYD: I know what he's saying, but it doesn't look like it, you know.

5 MR P. ISRAEL: We have the OFSR for a very large site. And the question is trying to use that FSR to do a – to do a maintain solar amenity to the – to the Dyldam site. And – and also to be able to a reasonable – a nice environment within the site. So - - -

10 MR LLOYD: Who is speaking?

MR ISRAEL: Sorry.

MR THORPE: The architect, he's the architect.

15

MR ISRAEL: I'm – I'm, also on your list. I'm the architect, also, with Lewis.

MR LAU: Yes.

20 MR LLOYD: And your name is?

MS ISRAEL: Peter Israel.

MR LLOYD: You're Peter Israel.

25

MS ISRAEL: That's right.

MR LLOYD: Okay. We've got two architects here.

30 MS ISRAEL: That's right.

MR LLOYD: All right.

35 MR LAU: Yes. So the – sorry, so the transition is in two representation. First it's in the – in the planned form. So what the predominant urban planned form of this – if you look at the site analysis plan, what we have here is – what we are – this is a story telling of what we are come to this solution. First, we need to establish, I mean, like, this – the grid, I mean, what the future grid is the best matching of this pattern. So once – once we establish the pattern and then we and then with the and
40 then the – the natural outcome to get more sunlight to the – to the Dyldam will be to – to push – push down the – the middle portion. It's just, it's a step-by-step thinking development. Yes. Of up to this – up to this solutions. So I – I guess your – your concern is that the height when you are along the Windsor Road, the street elevation
- - -

45

MR LLOYD: It looks the same.

MR LAU: - - - street elevation - - -

MS SUTHERLAND: Yes.

5 MR LAU: - - - Yes, it's still, like, the same height - - -

MR LLOYD: Yes.

10 MR LAU: - - - as Dyldam.

MR LLOYD: Yes.

MR LAU: So I guess your concern is that the height, when you are along the Windsor Road is the strict elevation - - -

15 MR LLOYD: It looks the same.

MR LAU: - - - strict elevation, it's still, like, the same height as still then.

20 MR LLOYD: Yes, yes.

MR LAU: So the reason why we are not keeping the front building lower instead of – instead of making the front building the tallest is to – is to enable, there's something – something is called the Mascot Effect, it's been mentioned by an – an urban design expert saying you don't want to have an intention to grow and grow a building after, you know, a block – after a block, a block. So the preference from, a suggestion from the urban design expert saying that this is actually can help a better solution. And I'll come up having something blocking a row of buildings right behind it. So it's just, you know, a streetscape preference.

30 Of course we can lower down the – the other side of the, you know, an taper it more to north. So it's to – to pick up the, you know, the low rise of two storeys, four storeys and then six storeys and then eight storeys. And then carrying up to the – up to the, up the building. And then we can assimilate some of other stuff back to the – the one, the lower portion of the U-shape, which is – can come up with the same effect and which is we don't mind having this adjustment. It can – it can - - -

MR LLOYD: So - - -

40 MR LAU: Achieve the same – it just depends on - - -

UNIDENTIFIED SPEAKER:

45 MR LAU: Yes.

MR LLOYD: I – I was going to say, you've – you've stated that you're – you think you're getting a good outcome in terms of solar penetration to the apartments.

MR LAU: Yes.

MR LLOYD: At the end of the day, if it goes ahead and there's a greater investment
of your time and energy it's going to be assessed against the Director General's, all
5 those things. And that's what you've got to satisfied.

MS ISRAEL: Yes, we've – well – well, we've – we've demonstrated that satisfied
- - -

10 MR LAU: Yes.

MS ISRAEL: ADJ principles and – and section 65 in terms of - - -

MR LLOYD: Yes.

15

MR LAU: Yes.

MS ISRAEL: - - - sunlight.

20 MR LLOYD: But they - - -

MS HODGKINSON: It's like - - -

MR LLOYD: They tend to get harder as you go further into it.
25

MS HODGKINSON: Yes. Yes.

MS ISRAEL: Yes.

30 MS HODGKINSON: And we understand that.

MR LLOYD: You don't get more; you sometimes get less.

MS HODGKINSON: Yes.

35

MS ISRAEL: Yes, I understand.

MR LAU: Yes.

40 MR LLOYD: So I suspect, you know, that's on your patch - - -

MS HODGKINSON: Yes.

MR LLOYD: Going forward. I was very hopeful that we were going to hear that
45 you might be able to make a deal with the school.

MS ISRAEL: We tried very hard.

MR LLOYD: Yes.

MS ISRAEL: Which is right at the beginning it was the - - -

5 MR LLOYD: Yes. That's a – that's a, there's a fellow in the United States, a
dealmaker, Trump – Trump. No, don't go there. Don't go there. Looking – looking
at the traffic situation, I mean, it seems to me that it's most likely that unless
somebody really changes everything which is very unlikely, the residents are going
to do a lot of heading off James Ruse Drive, doing a U-turn somewhere up there and
10 coming back when they want to go to some other direction. And, again, that'll be a
consequence that your development has to put up with. I mean, it's not ideal - - -

MS HODGKINSON: No.

15 MR LLOYD: - - - and I know, you know that.

MS HODGKINSON: Yes. I – I think one of the points with the development as the
whole is that we're not coming to you seeking to rezone the land in terms of its
actual use. It – it already has a permitted residential use on it - - -

20

MR LLOYD: Yes.

MS HODGKINSON: - - - obviously, if you've been to site today, you will see that
some of the tenancies there are not ideal in terms of the impact that they would have
25 on neighbouring properties. So to return or to implement use on that land that is
more appropriate to the zoning has to be a better urban planning outcome,
particularly from an amenity perspective to the adjoining properties. So we're really
seeking to implement the intended use of that site which was rezoned in 2006. And
that hasn't happened though, yet.

30

MR LLOYD: Yes.

MS HODGKINSON: So we understand the unfortunate consequences of the
roadway. I'm not – whether it's a development under the current controls or a
35 development under the future controls that road issue isn't going to go away. And
you can ask that as part of the development.

MR LLOYD: Yes. No, you know, I appreciate that. And – offer – offer you
support. I don't have anything else for the moment, David.

40

MS FIELDING: Yes, no, look, I don't really either. I mean, just further to that, I
mean, you are seeking to, sort of, intensify - - -

MS SUTHERLAND: Yes.

45

MR LLOYD: Yes.

MS FIELDING: The number of people and dwellings on the site, so therefore, there'll be more traffic movements in and out. But, look, ultimately, I mean, I'm surprised that RMS didn't have any - - -

5 MS HODGKINSON: No.

MS FIELDING: - - - comments, you know - - -

MS HODGKINSON: At this stage.

10

MS FIELDING: At this stage, other than that they don't seem to have a problem with it. So I think it will ultimately, but it will come back to them, you know, to determine.

15 MS HODGKINSON: Yes.

MS FIELDING: Yes. Whether they – they agree with that or not. Yes.

20 MS HODGKINSON: RMS actually saw the proposal, as I understand it, much earlier on. So there was actually a much higher density than what we are now seeking.

MR LLOYD: Right.

25 MS HODGKINSON: To move forward with.

MR LLOYD: Yes.

30 MS HODGKINSON: As Chris has rightly shown in his traffic report, the – even though there's no existing FSR on the site at the moment, it equates to about one point five to one if you apply the current planning control. So the increase is about point three in FSR. In doing that, it's only an additional 13 movements combined in and out, three coming into the site and ten going out. Which, as Chris said to me before, you know – it's, it's not really that many movements in a peak hour period, if
35 you look at the capacity of what's going on, just very generally.

MR LLOYD: Yes.

40 MS HODGKINSON: Over and above, you know, what would otherwise be committed on the site.

MS FIELDING: Okay.

45 MS HODGKINSON: So - - -

MR LLOYD: Does the Panel have questions from any other person? No?

MR THORPE: No.

MR LLOYD: No. All right. Thank you. All right. Do you want to adjourn or are you happy to just decide this?

5

MR THORPE: I'm happy to speak now in front of people.

MR LLOYD: Yes, yes.

10 MR THORPE: If you like.

MR LLOYD: All right.

15 MR THORPE: Well, I don't necessarily want to go first, but I will. I think given that this is at its particular position on the – the pathway that you've still got a distance to go and that the – I don't think it's appropriate for us to bring you to a screeching halt right now. I mean, other people are going to be looking at this as – as it progresses. I – I think, your architects and team, you know, have a got a big – a big job to maintain the quality that's there now. And I think you've got to challenge yourself to even do better, if you can. Because it's – it's not an easy site.

20

MS HODGKINSON: No.

25 MR THORPE: And ultimately, whoever owns the developer, I mean, he's going to be interested to sell the apartments. So you've got to make them as attractive as you can. And, you know, you've got some hurdles to go over, I think, to get there. But

30 MS HODGKINSON: Understood.

MR THORPE: I don't think we should be stopping it.

35 MS FIELDING: Yes. I – my only real kind of issue was with the – the traffic, you know, access onto that classified road. But really that as I said that – that one will come down to the RMS and their ultimate view on it. I don't – I don't have an issue with the – the built, I mean, this is the planning proposal, but the built form, that you've proposed to Windsor Road, I'm happy to support it going at this point in time, yes.

40 MS SUTHERLAND: Ditto, I think. Yes – I've basically, I've questioned a few of the decisions you've made. But, yes, at this point, it's – it will go, again, to exhibition and what have you. So - - -

45 MR LLOYD: Well, the proposal is to increase the maximum height from 16 metres that is five storeys, to 30 metres, that is nine storeys. And to impose a floor space ratio control of one point eight to one. I have some reservations about the intensity of the development here. In particular, the lack of a clear transition from the existing

development to the south and the existing development to the north. That is a reservation that I have. But I join with the rest of the panel in recommending that this planning proposal go forward to gateway. And the panel is therefore of the unanimous view that the recommendation should be adopted.

5

The reason for the decision is the panel supports the findings contained in the assessment report and endorses the reasons for the recommendation contained in that report. And I have to say, we have not found this an easy one to resolve.

10 MR THORPE: No.

MS HODGKINSON: We haven't either, if it makes you feel better.

MR LLOYD: Yes.

15

MS HODGKINSON: It's a tough site for a rectangle.

MS SUTHERLAND: It's been – people have been trying to develop that site for 30 years. I can remember 30 years ago, people talking about it.

20

MR LLOYD: All right. Thank you for your attendance.

MS HODGKINSON: Thank you all.

25 MS ISRAEL: Thank you very much.

MR LLOYD: Next, we move onto item 6.2. This is the Planning Proposal for 470 Church Street, Parramatta on the corner of Harold Street. We'll hear the speakers against, first. Here's Mr Coleman here. Mr Coleman?

30

MR J. COLEMAN: Yes, yes.

MR LLOYD: Please come forward.

35 MR COLEMAN: Mr Chairman, would it be possible for my client to speak first?

MR LLOYD: If you like, yes.

MR COLEMAN: I would appreciate that, thank you.

40

MR LLOYD: Thank you. Please – please take a seat near the microphone or you won't be recorded.

MR L. BENNETT: Pardon?

45

MR LLOYD: Take a seat there or you won't be recorded.

MR BENNETT: Thank you. Yes - - -

MR LLOYD: First, your name and address, please?

5 MR BENNETT: Yes. My name's Laurie Bennett and I live in Bevan Street, Northmead. But I own a property at 50 Sorrell Street - - -

MR LLOYD: 50?

10 MR BENNETT: Yes.

MR LLOYD: Where is that in relation to - - -

15 MR BENNETT: Directly in line, in Sorrell Street to Currawong.

MR LLOYD: So as you enter Sorrell Street from Harold Street - - -

MR BENNETT: Down Harold Street.

20 MR LLOYD: Do you turn left or turn right?

MR BENNETT: It's on the right. Second house on the corner on the other side of the road.

25 MR LLOYD: On the - as you turn right?

MS SUTHERLAND: Okay. Opposite the green house.

30 MR LLOYD: I - I understand.

MR BENNETT: Yes. You've got the roundabout, you've got Currawong, roundabout, second house.

35 MR LLOYD: Yes. I've got you, yes.

MR BENNETT: You know - - -

MR LLOYD: Good, right, proceed.

40 MR BENNETT: Little, little cottage.

MR LLOYD: Yes.

45 MR BENNETT: 1870.

MR LLOYD: All right.

MR BENNETT: Done.

MR LLOYD: Proceed, you have three minutes.

5 MR BENNETT: All right, Mr Chairman, thanks for giving me the opportunity to
speak and to the panel, thank you. Firstly, I'd like to say that I've been a long time
resident of the area. I'm no spring chicken; I'm over 70. And my family have been
10 in the area in the order of 200 years. So we've got a bit of an idea of what's been
going on in Parramatta. And I've been a reasonably active participant in the local
community. And I'd hope you give your best capacity to sort this issue out. Because
it's, in my opinion, is the first and if it goes ahead, will probably lead onto many,
many more developments of a similar nature all the way down to Victoria Road on
both sides of Church Street.

15 Now, that will affect significantly the atmosphere and the way North Parramatta's
been over a very extended period. Now, I would like to say that we only got the
report from the council last Thursday. And it's an extensive report. It's over 123
pages. And I would have hoped that the council would have given us more
opportunity to respond appropriately to their comprehensive document. Of which
20 there are a number of concerns. And what I'd like to suggest to your – your panel,
that you could possibly defer this to a later meeting. But if that's not the case, I'd
just like to make a few points in that regard. That the information provided misses
quite a number of areas.

25 I've – and as Jim Coleman will – will supply, offer to you, an image of the vista from
the building we're talking about, looking towards Sorrell Street and Currawong.
And that might be enlightening to you. Because given this is only a five storey
building, if this is approved as 6.1, the vista will change even more significantly. I'll
leave you to interpret the – the image, if you care to have a look at it. I've also
30 provided some information with the historical residence in the area, from the State
Governments' database. And, in effect, if you take Victoria, Parramatta River as the
boundary and go north, there are, in effect, over 400 heritage items north of the river.
All can be impacted by this and the subsequent developments that could flow from
this one approval here and the adjoining one in Harold Street. So it's – it's of great
35 concern, the area is having great faith in your capacity to work your way through this
issue.

MR LLOYD: That's your three minutes.

40 MR BENNETT: Done. That will do. I'll hand over to my colleague Mr Jim
Coleman, thank you.

MR LLOYD: All right.

45 MR J. COLEMAN: Thank you, Mr Chair. I did ask for a – a – a small extension of
time. Am I granted?

MR LLOYD: What do you call small?

MR J. COLEMAN: Five minutes?

5 MR LLOYD: No. You – you are – you can, you can be assured that we are aware of the issues here. But, proceed, and we'll see how you go.

MR J. COLEMAN: I've done my very best, Mr Chairman. This is one of the most complex matters I have ever had to deal with.

10 MR LLOYD: Yes.

MR J. COLEMAN: It is – it – it's really not just a site matter; it's to do with the future of North Parramatta, absolutely. I'll do my best.

15 MR LLOYD: All right.

MR J. COLEMAN: Well, in opening, I'm an architect and a planner. I've got 40 years experience, international and local. I'm an ex-member of the Heritage Council, and I sit on two local panels, such as we're here today, and my submission is very simple. The panel has three choices. You can adopt the panel's recommendations in toto. You can adopt the recommendations, but only one, and reject recommendations B to G. Or you can recommend that the council defer the matter to enable a proper planning study for this area to be undertaken within the next six months. And we –

20

25 my client and I urge you to take that choice.

Why is this? We believe it to be in the public interest, and in the interest of good strategic planning. We believe that your brief from the government would see that these interests, ie, the interests of good strategic planning and the public interest, are supported by you as an independent panel. My concerns about FSR, height, heritage impacts and so-called design excellence are – and related matters, they're all on the record and they're all in my submission, which I hope you have read, but they are secondary. Today I present to the panel a far more important matter. This panel has the rare privilege to be in the driver's seat when it comes to determining the future of North Parramatta. It's one of the oldest urban areas in Australia, comparable almost to The Rocks in Sydney.

30

35

To the south across the river it's too late. The horse has bolted. To the north where the existing controls have been working reasonably well, there is an opportunity which will be lost forever the minute this spot rezoning is gazetted and the first brick is laid. I hope you have walked around this area as I have many times. If you have, you will see that it is a heritage-rich precinct, as Mr Bennett has just explained – over 400 heritage items, and what we have here on this old – part of the old Macquarie plan – on part of the Old Windsor Road is a truly – it's a threshold moment the likes of which are very rare in our business, so you're in the box seat, and when I say it's heritage-rich, I mean it. The planning proposal, if approved.

40

45

MR LLOYD: That is your three minutes, but - - -

MR COLEMAN: I - - -

5 MR LLOYD: - - - because you're in full flight - - -

MR COLEMAN: Thank you.

10 MR LLOYD: - - - I will allow you another two minutes.

MR COLEMAN: Thank you, Mr Chairman. I appreciate that.

MR LLOYD: Good.

15 MR COLEMAN: So what we're dealing with here – a DA for a 25 to 26 storey slab form building. It is not a slender building, as the proponents will make out. It's not a slender tower. It's a big tower. It's a block shape. There it is with its neighbour. These are the two proposals – Harold Street and Church Street – which this panel is effectively going to have rule on, because this is the beginning of the end for North
20 Parramatta.

MR LLOYD: We're not concerned with the - - -

25 MR COLEMAN: I know that.

MR LLOYD: - - - other - - -

MR COLEMAN: I know that, but this - - -

30 MR LLOYD: Yes.

MR COLEMAN: - - - is the context. This is the context for your decision today, and the other part of the context is nothing has yet been built. We have in front of us today – you're involved in a very complex statutory planning program with two
35 separate developers, two separate design teams pushing strongly for two separate spot rezonings with two separate DCPs on two contiguous sites. It's a recipe for urban design mediocrity, and it's a travesty of good planning, and behind this travesty is the fact that Minister Stokes is on record – the public record as being opposed to spot rezonings, and I think that possible policy change may well be in the
40 air before this is finally determined.

So what we have – nothing has yet been built, and I'm using the word “threshold”. The approval today will trigger the transformation of this historic precinct into an urban wasteland, similar to what we have in Sydney – parts of central Sydney and
45 parts of south Parramatta. This is not design excellence. We hear those words all the time. The public – even if every building was excellent, it's the public domain which suffers. Tower after tower after tower – excellent – excellent – excellent, but what

happens in the public domain at street level where we are all now? So it's evident to me and it should be evident to the panel that this is a threshold moment, and so what I'm asking for is that the panel defer this matter – that it go back to the council. I have drafted a recommendation, which I'm – I suppose I'm being somewhat
5 immodest to put it on the table – for you to consider later, but it's a recommendation which says we need six months – the council needs six months to sort this out, because if you don't get it right now, the die is cast; it will be too late.

MR LLOYD: Do you have your recommendation in writing?
10

MR COLEMAN: I do. I do.

MR LLOYD: Can we have a copy?

MR COLEMAN: Yes, I have got a copy for the panel.
15

MR LLOYD: Thank you.

MR COLEMAN: And I also have here in this envelope - - -
20

MR LLOYD: Has the proponent got a copy?

MR COLEMAN: I am happy for the proponent – I have only brought one copy, but I'm happy to hand it out.
25

MR LLOYD: Yes.

MR COLEMAN: I also have the schedule, which Mr Bennett referred to – 400-odd heritage items.
30

MR LLOYD: Yes.

MR COLEMAN: This is for the panel's information. And, of course, this sketch, which is – it's a sketch, but it's more or less to scale.
35

MR LLOYD: Well, we ignore B, because that's not before us.

MR COLEMAN: Okay. Well, Mr Chairman, with respect, I think the panel needs to consider that this is context as well as – it's not an individual proposal, because
40 this proposal will affect the entire environment that's the civil context of this part of Parramatta in the future. I also table a – for the panel's reminder – what the Parramatta LEP says about design excellence, and there's a few phrases there which I draw the panel's attention to. So thanks very much for your time. I can leave those there.
45

MR LLOYD: Before you leave the chair - - -

MR COLEMAN: Yes?

MR LLOYD: - - - the panel may have some questions.

5 MR COLEMAN: Yes, of course.

MR THORP: I have one question, and I ask it to you because I can see you have given this matter considerable thought. The existing building on the site - - -

10 MR COLEMAN: Yes.

MR THORP: - - - is how many storeys?

MR COLEMAN: Five – four or five. Well, it's - - -

15

MR LLOYD: Mr Byrnes?

MR COLEMAN: - - - not six.

20 MR BYRNES: I will need check.

MR LLOYD: Yes.

25 MR BYRNES: car park. I mean, I thought it would be more than seven or eight, but - - -

MR THORP: Yes, I was looking at it today - - -

MR COLEMAN: Well, from basement up.

30

MR THORP: No, I don't mean – I mean it looks to me like – I would have said six, but I'm not - - -

MR COLEMAN: Well - - -

35

MR THORP: - - - here to argue. It doesn't matter.

MR LLOYD: Council?

40 MR CARLE: Well, it says - - -

MR LLOYD: Council?

45 MR CARLE: The report says currently the site contains a five storey commercial building.

MR COLEMAN: Whatever it is, it is.

MR THORP: Okay.

MS SUTHERLAND: levels, yes.

5 MR LLOYD: How many did we say?

MR CARLE: Five storey commercial the reports says, but elevated car park.

MR THORP: Yes.

10

MR LLOYD: Five storeys.

MS SUTHERLAND: And we're talking about 25 - - -

15 MR THORP: My question is to you – is to you – to some extent, that building already, if it was taken as a template - - -

MR COLEMAN: Yes.

20 MR THORP: - - - and repeated along Church street - - -

MR COLEMAN: Yes.

MR THORP: - - - as is probably going to happen, relative - - -

25

MR COLEMAN: Yes, yes.

MR THORP: - - - to the pathway this is going, that would also have a very bad or just bad or an okay impact?

30

MR COLEMAN: I think any design study for this area would need to take into – a fact – the point you have just made – that that building will survive, and it may well be flanked by others of a similar scale and height. What I'm concerned about is that there is an opportunity to lift Church Street between Victoria Road and Parramatta Road into something a lot more splendid than it is at the moment. There are opportunities on both sides, and even if they both, on both sides, rose to five storeys, it would create a quality entrance to the city from the north. A widened Church Street – possibly – it could be done, because on the west there is scope to massage the boundaries and so on, so I imagine a wider Church Street, a wider public domain at footpath level with good landscaping, and you've got something that Parramatta lacks at the moment. Now, outside the Church Street frontage, certainly, there could be tower blocks. There could be very high tower blocks, but at the moment the canvas is empty. There are no signals here to give us an idea of what North Parramatta might look like in the future, unless we take this as the signal. That's it.

45

MR THORP: Okay. Thank you for that.

MR LLOYD: Thank you.

MR COLEMAN: Thanks very much - - -

5 MR LLOYD: Thank you.

MR COLEMAN: - - - Mr Chairman. Am I excused?

MR LLOYD: Yes. Mr Powyer.

10

MR POWYER: Thank you, Mr Chairman. My name is Brian Powyer, and I'm a resident of 17 Burnt Avenue within the City of Parramatta local government area, and I am currently the president of the National Trust of Australia New South Wales. I, therefore, submit my comments today as both a concerned resident and on behalf
15 of the National Trust. Having made associate to council on the application before you today, I would like to address a number of issues that are relevant to the responses provided by council to inform the panel of the rationale used to negate or dismiss our objections and concerns. Regardless of what the intention of council is in regards to the future zoning of 470 Harold Street, the current zoning does not
20 permit the scale of development required by the current application, and it is obviously – only addresses one lot.

This is a clear example of what is commonly referred to as spot rezoning. The previous speaker spoke of the position of the current Minister for Planning, Rob
25 Stokes, who has publicly stated his opposition to this and his intention to outlaw it, and that it's his ambition to have a future in which spot rezoning has no role. Given that the Minister has specifically identified Parramatta as an example of where this practice is highly evident, it is perplexing that the council, through their report to you, are persisting and supporting bad planning policy which is not in the interest of
30 the residents of Parramatta. The Trust reiterates its concern regarding the aesthetic and architectural insensitivity to the neighbouring Sorrell Street Heritage Conservation Area whereby the rezoning of 470 Harold Street dramatically alters the scale and the visual relationship that currently exists in North Parramatta.

35 It's the Trust's view that it is very poor planning practice to site such high rise development directly adjoining a Heritage Conservation Area, and if this proposal is permitted, it must seriously challenge any notion of best practice in urban redesign and put at risk the council's credibility as developing Parramatta as a world class city. It is the Trust's view that the problem is exacerbated in that there does not
40 appear to have been any consideration of the cumulative – sorry – impacts on this high rise proposal and the adjoining up to the 25 storey development proposal for 23 – 27 Harold Street, which directly adjoins three or four major listed heritage sites, including Currawong and Endrim.

45 To this end, the Trust notes that the selective use by the council of the Greater Sydney Regional Plan to justify their position and, therefore, draws the panel's attention to the obvious omission of key objectives in relation to the cumulative

impact of heritage sites, and object 13 of the Greater Sydney Regional Plan states that:

5 *Respectively combining history and heritage with modern design achieves an urban environment that demonstrates shared values and contributes to a sense of place and identity. This is particularly important for transitional areas and places experiencing significant urban renewal where it is necessary to take into account the cumulative impacts of development and heritage values.*

10 I note that my time may be up, and request a minute or two to conclude.

MR LLOYD: Proceed.

15 MR POWYER: The Trust contests that whilst 470 Church Street does not adjoin the Sorrell Street Heritage Conservation, it is in close proximity, and definitely places it and the immediate land in between it and in the conservation area in a transitional zone, and surely its height has to be compatible with an appropriate height transitional model, which is in dispute between the two studies that were submitted in regards to the CBD Planning Proposals. Strategy 13.1 of the Greater Sydney
20 Regional Plan consolidates this objective by stating that managing and monitoring the cumulative impact of development on heritage values and characters is a factor that has not been considered in this proposal.

25 The Trust is amazed that the council argues that because heritage view corridor 8 has been previously impacted, a further intrusion is justified, and they state in the report that potential impacts to the long distance views from Mays Hill are considered reasonable, because some multistorey develop is already apparent in this view, particularly within the CBD south of the river. The question must therefore be asked as to who permitted these earlier intrusions to occur, and I would suggest that it is
30 this council. And how does that justify the construction of yet another building in breach of a policy under , especially when such views – such view lines are critical to the World Heritage Listing of Old Government House and Domain. In conclusion, the National Trust continues to register its strongest objection to this planning proposal and calls on the planning panel to reject it on the grounds just
35 stated. Thank you.

MR LLOYD: Before you leave the chair, the panel may have some questions.

40 MR BOWYER: Yes.

MR LLOYD: I take it from what you've said that you – you've talked about a transitional zone. Is it the Trust's view that there should not be, say, a hard border between a high density zone and a conservation area?

45 MR BOWYER: That would be the interpretation of our concept of a gradated set of heights retreating back from the conservation zone.

MR LLOYD: Is that the approach taken elsewhere with other conservation zones that you're aware of?

5 MR BOWYER: I can't speak directly to what's happening in other conservation zones, but my understanding is that it's a principle that has been adhered to and followed in various cases, but not in all.

MR LLOYD: Panel, do you have any questions?

10 MS SUTHERLAND: No.

MR THORP: My understanding is that the subject site that we're dealing with here is in response to a planning proposal that's at foot at the moment to allow 6:1 FSR along Church Street as an almost roll-it-out type approach. I cannot admit to being
15 very familiar with it and I didn't grow up like your friend in Parramatta, so I don't really know or understand the proximity of heritage properties. However, being there this afternoon, I immediately reacted to Sorrell Street, and my question is, is Sorrell Street special or is it repeated numerous times back from Church Street, for example?

20

MR BOWYER: The concept of a conservation zone, as I understand it, is that it's not just a single street, as defined by the – it's the name given to a series of matrix streets in that area, and - - -

25 MR THORP: Is it fair to assume that it is not a continuous thing? The point I'm getting to is that it would seem to me that if indeed we have heritage precincts down from Church Street, then the planning strategy should not be a unilateral one along Church Street. It should be required to respond to what it's overlooking or shading, whatever.

30

MR BOWYER: Yes. Within the context of its whole location.

MR THORP: Yes. Would you agree with that?

35 MR BOWYER: Yes.

MR THORP: Yes. I think that is a view that should really be considered in this instance. When I agree with what your friend said, or I responded to it, and I think everybody recognises that our Australian cities where we have been, in the past, too
40 quick to dismiss evidence of the past, and we've done so at great loss. On the other hand, within my experience, I have seen so many atrocious things done in the name of heritage conservation where we save awful bits of heritage and lose the really good bits that I sort of want to bash my head against a brick wall because it is very frustrating sometimes, dealing with heritage - - -

45

MR BOWYER: From the Trust perspective, what we call the Sorrell Street conservation area is an example of good practice - - -

MR THORP: Yes.

MR BOWYER: - - - in heritage restoration - - -

5 MR THORP: Yes.

MR BOWYER: - - - and it would be a shame for there to be an impact or a loss against the work that's gone into that rather large area over a large period of time.

10 MR THORP: Sure. Sure. And you didn't answer the question of whether you felt an enforced stepping down from Church Street would be beneficial to a heritage precinct. I mean, there's two options. I mean, you're either, you know – you have this sort of abrupt, no scaling down.

15 MR BOWYER: My concept would be that Sorrell Street, if that's such the boundary line, on one side of it you could have a high-rise going up the 30 storeys and on the other side you would have the heritage one storey sort of structure. For me, you should graduate from the other side of the road back to Church Street over a series of levels and there would be others with expertise that would know better what
20 those ratios would be.

MR THORP: Thank you.

MR LLOYD: I did not know you were going to speak today, but I have to disclose
25 the fact that I am a member of the National Trust (NSW) and it is not appropriate that I take part in the determination of this application because of a perceived conflict of interest. I am happy to continue to chair the panel, but I will not be voting on it or taking any part in discussing with my panel members. I just disclose that for the benefit of everyone here.

30 MR BOWYER: Yes. Thank you.

MR LLOYD: All right. Mr Bennett. Mr Bennett?

35 MR BOWYER: He spoke earlier.

MR LLOYD: You spoke. Of course. All right. I think it's Mr Byrnes' turn.

MR BYRNES: Chair, panel, community, staff, my name's Adam Byrnes, director
40 of Think Planners and I'm the planning consultant for this job. There's a fair bit to unpack here, but I'll try and work through those as swiftly as I can and if there's anything else that's on your mind beyond matters of heritage, I'd be very keen to respond to them. We'd be seeking your adoption of the recommendation today. I guess I just want to be clear that there is no vacuum of strategic planning. In fact,
45 there's been strategic planning well-established in the city centre since publication of a document in April 2015 which identified increasingly these heights and zones, as the panel's already spoken about. That strategic analysis was accompanied by a

couple of heritage reports. One was undertaken by Urbis, the other one was undertaken by Hector Abrahams, and they wrestled with these very same questions, rather.

5 Just for clarity I thought I'd just point out what is the Sorrell Street and I'm just showing the LEP map here of the Sorrell Street conservation area. Just to assist, that is Church Street. That's Sorrell Street. It's a very refined heritage conservation area that runs along the properties immediately adjacent to Sorrell Street. Our property that you're considering today is on this corner. It sits outside the heritage
10 conservation area. I think what's also helpful to understand is that along Church Street is proposed the Light Rail and directly opposite this site will be a Light Rail stop, and I think that's important just for context, to sort of understand as we wrestle with this idea of gradation. And you're right, there's a couple of different philosophies as to how you deal with gradation, and is the Circular Quay against The
15 Rocks sort of hard edge, or is it stepping?

We need to not be too concerned about that because that's already being addressed and considered in the two heritage studies that arrived at, without any inconsistency between them – that arrived at the position that this site on Church Street could go
20 ahead at the 6:1 FSR. There's no conflict in any of the heritage work that has been done. In November last year the Department of Planning took all the work from council and issued their Gateway. In their Gateway they did say, "Council, we want you to do some homework around heritage but only where there's inconsistencies between the previous heritage studies". There's no such inconsistency in relation to
25 this site between the heritage studies that say this site, given its location, given its consistency with the broader strategy, still deserves a 6:1 FSR.

I guess, just quickly, just a couple of dot points that I jotted down as we were going. So, yes, I do agree Sorrell Street is special for that reason and the way they've dealt with it is to say, "Well, we will ensure that there's no change in FSR along Sorrell
30 Street, both sides of Sorrell Street, for the first block". For the first – for whatever fronts Sorrell Street. And that's been a shift to say, "Okay, we won't put a 6:1 FSR on the western side of Sorrell Street because it is special". I acknowledge Mr Stokes has talked about ridding ourselves of spot rezoning because he wants to bring in
35 place is, of course, good strategic planning so we don't have to have spot rezoning and I would submit that we're getting towards the tail end of some very good strategic planning that this proposal is in accord with.

This site doesn't adjoin a heritage item or a heritage conservation area. The
40 suggestion that this is a big, fat tower – this tower is – I believe it's a slender tower. It's only six apartments per plate. That's four two-bedrooms, two one-bedrooms, so this isn't like a maxed out, way beyond ADG, 10, 12 apartments per plate proposal. This is a refined tower that's suitable to its setting. I'd also contest the idea that it does not exhibit design excellence, because, in fact, we've run a design excellence
45 competition on this site and architects have been awarded winners of that. So I just wanted to address those heritage.

I had one other thing I just wanted to mention, just contextually, and then I'm very happy to respond to any questions, and that is, there's been a change of ownership. I worked for the previous owner. The current owner, and I'd just like to note it with the staff, is – and I now represent the new owners – it's the trustees of the Roman Catholic Church for the Diocese of Parramatta. They've purchased the site as a strategic acquisition for, essentially, two purposes. Firstly, stage one is just to inhabit that space for some offices.

They're going through a process of consolidating all their administrative functions in the Diocese to a few sites in and around North Parramatta. They've got a few sites in that area so they want to be proximate to their other assets and bring their health and their charitable works and all that sort of administrative function together. But step two, of course, they were mindful of this planning proposal. They have a strong intent to realise something different on this site in the future, consistent with the planning controls that have been put before you. So I just wanted to clarify that ownership. And if there's anything else that you're wrestling with I'd love an opportunity to chat about it.

MR LLOYD: Questions?

MS SUTHERLAND: Why are there separate applications if the CBD planning proposal's recommending pretty much what you're after anyway?

MR BYRNES: Yes.

MS SUTHERLAND: Do you have no confidence in that happening?

MR BYRNES: No. I certainly have confidence in it happening. I guess I'm very clear to my clients. I'm sort of – I guess I need to talk about how I approach this with clients, so let me, in response to that. So I'll say to clients there is the gifts from the planning gods coming to your site, and it's a matter of how long that will take. There's two benefits of undertaking a spot rezoning while the council's happy to receive them. Benefit one is, you essentially get the opportunity to speed the process. As we all know, this kind of started in April 2015. We're now in August 2019 and we've still got a Gateway only issued in November that says, "Council, you've got two more years more worth of work" – sorry, "We'd like to see this within 24 months. Come back to us". So this is a very long process for the broader city, and I've – essentially, while council's happy to receive planning proposals that are consistent with the scheme, it turns it into a two-horse race and one often can happen a little quicker.

The second benefit is, council makes you sweat it out when you do a PP and they work you harder than if we sit and wait because we'll have to do a reference design, we'll have to do a DCP, we'll have to do a VPA. Now, there's pain in that but there's also benefit in that in that a client gets to understand, ultimately, a form and a yield and an outcome, so there's a secondary benefit of doing your own PP. I lay that before my client and say, "You can choose to wait or you can pay me and we'll

try and do it that way”. But there is that benefit, and it’s a real benefit that you’ve got to work hard on getting a good urban design, reference design outcome on the site.

5 MR LLOYD: Do you want to ask about the sliding scale?

MS SUTHERLAND: Yes. The floor space and calculation of it and it’s now – if it were today, they would apply a sliding scale - - -

10 MR BYRNES: Yes.

MS SUTHERLAND: - - - to the floor space ratio - - -

MR BYRNES: Yes.

15

MS SUTHERLAND: Which would bring it down to five-point-something. Is that right?

MR BYRNES: Yes. 5.6.

20

MS SUTHERLAND: 5.6. And then – but then there’s also still the 15 per cent - - -

MR BYRNES: Design comp bonus. Yes.

25 MS SUTHERLAND: - - - bonus that you can go for, design implements.

MR BYRNES: Yes.

MS SUTHERLAND: So – yes. So 6.8 plus - - -

30

MR BYRNES: I wondered whether you might be thinking about that, so I have got a couple of little dot points to – in response to that.

35 MS SUTHERLAND: Between – this site could theoretically go somewhere between 6.8 or five-point - - -

MR BYRNES: So maximum at six plus 15 per cent would be 6.9, but at 5.5 plus 15 per cent - - -

40 MS SUTHERLAND: Yes. Or five-point – or 6.4 to one.

MR BYRNES: Yes. I will need a calculator. Sorry.

MS SUTHERLAND: So it can almost get to seven to one.

45

MR BYRNES: So there’s a high level principle here. Like, what are – what tail wags the dog? Is it the broader analysis for the city centre that must be generalist in

nature, or is it a more site-specific analysis? What here should we take more notice of? So there's just a principle at play there. I say – and I think it's logical – if you've worked hard on it, if you've had – done the detail, if you've done the reference design, if you've done the design comp, if council is happy with it, if the
5 councils have been happy with it previously, if the Department of Planning issued a Gateway previously, then that detail must do some work. It must be relevant, and I say it is more instructive than the broad making of rules for a whole city centre. But moving beyond that, so - - -

10 MS FIELDING: But the department's Gateway had a condition on it, did it not, for an alternate FSR sliding scale it applied?

UNIDENTIFIED SPEAKER: It did.

15 MR BYRNES: Yes. And the devil is in the detail. So if I could just go through that.

MS SUTHERLAND: Yes.

20 MR BYRNES: Because that's really important. What the – what it said when it issued - - -

MS SUTHERLAND: Talk about equity.

25 MR BYRNES: - - - its Gateway, it said there's an out clause here for sites. So you can achieve the maximum FSR on certain circumstances, and it said in its Gateway we choose – council, we want you to go with this methodology for getting the maximum, and that methodology, that out clause is what they've been calling it, is it
30 can only apply to sites between 1000 and 1800 square metres. Tick. That's us. It can only apply where there's design excellence. Tick. We've been there, done that. It has got to – and it's also – there's this other thing here about where you can demonstrate it can't be amalgamated, and they raise the question about and what do you mean, council, when you say isolated site?

35 They ask council to come back with more information on an isolated site. And that's some of that work that you've seen in the report. The analysis that they've put in front of you, the council officers that we agree with, is, well, what would you do here if – we've got two sites side by side. If we did amalgamate them, what would be the outcome anyway? And the outcome would be two towers, whether I owed
40 everything there or only owned that – one side of the corner. And so I say we also meet the isolated site test, which is still waiting for counsel to make a decision on what they mean by isolated site, because the department has put that question to them.

45 So what does that all mean about the Gateway? Well, it's – the Gateway is still asking council to do some homework, but I say the detail is done. The department agrees that on some sites between 1000 and 1800, you can get the maximum, so

there's nothing for us to wrestle with in terms of a principle there. They're okay with that. Design excellence has been achieved. Site isolation is still not received. There's some further investigations. And I say there's really no planning issue here with FSR, because the department has said we're happy to look at it where the
5 circumstances warrant it, and I say that where circumstances warrant it, the work has been done. But I'm happy to – did I – does that make sense, or - - -

MS FIELDING: Yes. No. That's good. Yes. And that kind of comes back to, like, if you look at what would be the resulting built form from the five to six plus
10 bonus versus - - -

MS SUTHERLAND: Yes.

MS FIELDING: - - - FSR of six plus bonus, and what the associated impacts, etcetera, would be associated, you know, with those.
15

MR BYRNES: Yes. That's a great point, yes, and I should have mentioned that. So that – yes. What does that mean in terms of form? I mean, it also means if you
- - -
20

MS SUTHERLAND: Yes. Well, we don't have a lot of information.

MR BYRNES: If you apply the sliding scale, it means on your primary street, Jet Street, your building comes down, so - - -
25

MS FIELDING: Yes.

MR BYRNES: Which kind of doesn't make sense in that overall urban design scale and form. And then the work has been done as to whether or not this building is
30 creating a whole stack of environmental impacts. The answer to that is no, otherwise we wouldn't have got this far. The shadowing works well with a six per plate slender tower. So – yes. That analysis has been done as well.

MR LLOYD: Any more questions?
35

MS SUTHERLAND: And this is the – is this the draft – have I got the right bit of paper here?

MR BYRNES: Yes. There is a DCP there.
40

MS SUTHERLAND: Yes. Setbacks are pretty much nil on every podium.

MR CARLE: For the podium.

MS SUTHERLAND: Except for nine metres on the southern one. All – yes. Or the podium, zero, zero, zero, zero, against a residential.
45

MR CARLE: Yes. So the main I guess visual impact will be from the tower, not the podium, so in a - - -

5 MS SUTHERLAND: Even in the guys next door if they want to redevelop - - -

MR CARLE: Yes.

MS SUTHERLAND: Some more separation than zero - - -

10 MR CARLE: Yes.

MS SUTHERLAND: - - - on the side boundaries, even.

15 MR CARLE: So in – I guess in a CBD context with a podium, I guess the – we look for a consistent straight wall. So throughout the CBD, like, when you go for a walk through the city centre, typically the podiums are built to the boundary, but with the tower, that’s where we look for the tower separations. So, you know, we look to get sort of amenity to the apartments, and also light and air to the street. From memory – so I think we’ve got the planning proposal next door, so we’ve looked at both of the
20 schemes and we have a setback to ensure that we get adequate separation between the two towers. From - - -

MS SUTHERLAND: So their podiums will butt up against one another.

25 MR CARLE: The podiums will, yes, except on the southern boundary.

MS SUTHERLAND: And they’re going to be four storeys high, and then you’re going to have a heritage building.

30 MR BYRNES: So could I – do you mind if I - - -

MR CARLE: Sure.

35 MR BYRNES: Just – yes. So that - - -

MS SUTHERLAND: Yes. I don’t get that - - -

MR BYRNES: There was a big - - -

40 MS SUTHERLAND: - - - from an urban design perspective.

45 MR BYRNES: Sure. So there was a wrestle during – because when we originally put in a planning proposal for the site next door – I’m also working on 23 to 29, whatever it is, Harold Street – 27 Harold Street. The concept there was to – this is the only place it’s happened in the city centre. The city – the Mantra here is strong podiums, recessed towers, and the only place that that was changed that I’m aware of

at least in the city centre is on the site next door to this where they asked for the podium to be pushed back four metres to get a front garden - - -

MS SUTHERLAND: Yes.

5

MR BYRNES: - - - to a 20-storey tower, but nevertheless - - -

MS SUTHERLAND: Well, that's a relief.

10 MR BYRNES: - - - that was the idea.

MS SUTHERLAND: Yes.

MR BYRNES: But also to ensure that there's separation from Currawong House.

15

MS SUTHERLAND: Yes.

MR BYRNES: 18 metres separation to that podium.

20 MS SUTHERLAND: To the podium.

MR BYRNES: To the podium.

MS SUTHERLAND: Excellent.

25

MR BYRNES: From the back of that Currawong House.

MS SUTHERLAND: Okay.

30 MR BYRNES: But the site that we're dealing with tonight is obviously the next site along.

MS SUTHERLAND: Yes. Okay.

35 MR BYRNES: Which has - - -

MS SUTHERLAND: But how is that going to work then in - - -

40 MR BYRNES: Well, that – it complies – the city Mantra, which is podiomed and then recessed out.

MS SUTHERLAND: Yes. The – on the main street.

MR BYRNES: Yes.

45

MS SUTHERLAND: Yes. Okay. Well, I feel better now.

MS FIELDING: And, I'm sorry, you might have just said, but with those two FSRs that we're talking - - -

MR BYRNES: Yes.

5

MS FIELDING: - - - about, what would be the height reduction - - -

MR BYRNES: Yes.

10 MS FIELDING: - - - between the two in comparison?

MR BYRNES: I think it's in the report. I can't remember. I thought it was – came down from 20 down to 17. I think - - -

15 MS FIELDING: Something like that. Yes.

MR BYRNES: I think I saw it here in front of me. So - - -

MS FIELDING: I've just found it, actually.

20

MR BYRNES: Did you?

MR LLOYD: Yes.

25 MR BYRNES: Did I remember it correctly.

MS FIELDING: Yes.

MS SUTHERLAND: What page is that on?

30

MS FIELDING: Yes.

MR BYRNES: Yes.

35 MS FIELDING: That's on – it's page 337. Yes. 20 to 17.

MR LLOYD: 20 to 17. Yes. Any more questions, panel?

MR THORP: No.

40

MS SUTHERLAND: No.

MR LLOYD: Thank you, Mr Byrnes.

45 MR BYRNES: Thank you.

UNIDENTIFIED SPEAKER: I think there's still Robert O'Byrne that hasn't spoken.

5 MR LLOYD: Does the panel want to adjourn or do you want to sort it out here and now?

MR THORP: adjourn.

10 MR LLOYD: All right. Adjourn.

MR CARLE: Can I – sorry. Can I just provide a comment? So the recommendation of the staff report is that the panel endorse the planning proposal. There was some discussion about the sliding scale. The recommendation in the body of the report is that the planning proposal be amended to include a site-specific clause to switch off the sliding scale, but due to an oversight, the planning proposal has not been amended to include that site-specific clause. So if the panel is of a mind to endorse the planning proposal, then I guess my question is can the panel please consider including – or amending the recommendation to – so that the panel endorses the planning proposal subject to amending it to switch off the sliding scale in accordance with the relevant paragraphs in the report. And just to let you know, the relevant paragraphs are 27(a) and 29.

25 MS SUTHERLAND: Can I just comment, I do have a problem with equity in that for the rest of the people who it has been applied to.

MR CARLE: Yes.

30 MS SUTHERLAND: You know, now – because that's a fact that it's – you know, it's something that's happening and happened.

MR CARLE: Yes. I think the issue with the - - -

MS SUTHERLAND: I do.

35 MR CARLE: The issue with the - - -

UNIDENTIFIED SPEAKER:

40 MS SUTHERLAND: Explain to me - - -

MR CARLE: Yes.

MS SUTHERLAND: - - - why it's equitable.

45 MR CARLE: Yes. So the issue with the sliding scale – so the intent of the sliding scale is to encourage amalgamation to get better built form urban design outcomes. So the – I guess the – Adam has spoken about it, and I think the staff have taken a

similar view, including the urban design team, and that is, if we were to get an amalgamated outcome, the built form outcome would be no different than if the site is not amalgamated. So you would still end up with a podium and two towers regardless of whether it's amalgamated or not amalgamated.

5

MS SUTHERLAND: I just don't a four-storey podium on that residential street is the way to go anyway.

MR CARLE: That's not a - - -

10

MS SUTHERLAND: Maybe two storey.

MR CARLE: That's not a sliding scale issue.

15 MS SUTHERLAND: No. But I'm just - - -

MR CARLE: Yes.

MS SUTHERLAND: - - - talking aloud, because you mentioned the podiums.
20 Okay. Well, that's just – well, we might have to talk about it.

MR BYRNES: We can certainly revisit that during the DA. It's probably more of a DA matter rather than a LPP matter.

25 MS SUTHERLAND: Sure, it is. Sure.

MR BYRNES: Yes.

MS SUTHERLAND: But if you're modelling something to show us roughly what
30 it's going to be - - -

MR BYRNES: Yes. About where you get the - - -

MS FIELDING: Yes. You're filling that floor space somewhere, aren't you, so - - -
35

MS SUTHERLAND: How – where you're putting your building bulk. That's – you've got four-storey podium on a normal, quiet, residential street coming down whatever that's – Harold – yes.

40 MR CARLE: I think the - - -

MS SUTHERLAND: On Church Street, sure.

MR CARLE: Yes. So the existing - - -

45

MS SUTHERLAND: But the other street, it just doesn't work for me.

MR CARLE: The existing building is five storeys, so the podium - - -

MS SUTHERLAND: And – but it’s right – you know, it’s - - -

5 MR CARLE: Yes.

MS SUTHERLAND: It will be setting a bit of a precedent. Anyway.

MR LLOYD: All right. Off you go.

10

MS SUTHERLAND: I’ve done heaps of DCPs and master plans and stuff, so – like I don’t know what I’m talking about, but I’m just thinking aloud about your outcome in that locality.

15 MR BYRNES: I’d like – yes.

MS SUTHERLAND: Okay.

MR BYRNES: I’d like to respond, but am I able to?

20

MR LLOYD: All right. Are we adjourning?

MS SUTHERLAND: Yes. We need to adjourn.

25 MR LLOYD: I will wait here.

MS SUTHERLAND: Okay.

30 **ADJOURNED** **[5.41 pm]**

RESUMED **[6.11 pm]**

35

MS SUTHERLAND: Right. I’ll just transfer so I’m over here. Can we get the recommendations up?

UNIDENTIFIED SPEAKER: I apologise.

40

MS SUTHERLAND: Okay. Yes. That first one’s fine. The council endorse the planning proposal council endorse the planning proposal increase the maximum can we change floor space ratio to 5.6 to one? No, not that one. The next one.

45

UNIDENTIFIED SPEAKER: The next one?

MS SUTHERLAND: Which is applying the – which is applying the – now where is the – where’s the sliding scale of the - - -

UNIDENTIFIED SPEAKER: F is the sliding scale.

5

MS SUTHERLAND: F is sliding scale. Is it right, 5.6? The rest of that’s all right. Yes. C, that council endorse the finalisation of site-specific development control. We believe that needs work. However, we’ve only had a very short time to even have a look at it, but what – the main thing we would like to change is there’s a word – subject to a number of – subject to a review of the built form controls, particularly those relating to podium levels and setbacks on Harold – is it Harold Street? Full stop. Specifically, the panel suggests that the maximum street wall height to both - - -

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UNIDENTIFIED SPEAKER: Sorry. The maximum - - -

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MS SUTHERLAND: Street wall height to both Church Street and Harold – Church and Harold Streets be limited to two storeys or seven metres. This is based on the panel’s consideration of the location of the site in close proximity to a valued low density residential conservation area.

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UNIDENTIFIED SPEAKER: Sorry.

MS SUTHERLAND: Sorry.

25

UNIDENTIFIED SPEAKER: That was too fast.

MS SUTHERLAND: This is based on the panel’s consideration of the site’s location in close proximity to a valued heritage conservation area.

30

UNIDENTIFIED SPEAKER: Yes.

MS SUTHERLAND: What’s the next one that - - -

35

UNIDENTIFIED SPEAKER: I will just move to the next slide.

MS SUTHERLAND: About an advertisement be placed on – no. Well, that’s the next one. That’s not a recommendation of us at the moment, so get rid of that from us. Yes.

40

UNIDENTIFIED SPEAKER: I’ll change the numbering.

MS SUTHERLAND: Enter into the planning agreement exhibited – well, that might have to change depending, but it shouldn’t – you should be able to still fit your building form. We just don’t believe a four-storey podium is going to work in that area. It’s too much. That is a big discussion in a number of town plans that I’ve done, and it’s not – we’re not in the middle of Paris or Sydney city. You’re not right

45

in the middle of Parramatta city centre either there, and you've got this heritage conservation zone just down the road. It's too high. Anyway - - -

UNIDENTIFIED SPEAKER: So shall I - - -

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MS SUTHERLAND: Urban designers love them, but, you know, people don't live next to them when they're in the smaller house.

UNIDENTIFIED SPEAKER: So would you like this E removed or kept?

10

MS SUTHERLAND: Well, that's - we didn't have time to really consider the EPA in detail, and that's - - -

MR BYRNES: It may need to be amended if the floor space comes down, because we would need to adjust the - - -

15

MS SUTHERLAND: Okay. Well, don't exhibit it.

MR BYRNES: Well, no. I'm just thinking that you would say following any necessary amendments to the calculations.

20

MS SUTHERLAND: Okay. Yes. Okay. That's fine. Yes.

UNIDENTIFIED SPEAKER: Consequential - consequential amendments.

25

MS SUTHERLAND: Following any consequential amendments.

MR BYRNES: It's just a dollar figure.

30

MS SUTHERLAND: Yes. Okay. Yes.

MR LLOYD: Reasons for decision?

MS SUTHERLAND: Again, based on our consideration of the location of the subject site in proximity to - - -

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MS FIELDING: You could just take some of the text from there and put it - - -

MS SUTHERLAND: Yes. Just copy it again.

40

MS FIELDING: Or cut it and put it down there.

MS SUTHERLAND: Yes. Okay. Okay.

45

MR LLOYD: Site apostrophe S. Apostrophe S. There's only one site. Yes. That's right.

UNIDENTIFIED SPEAKER: But there are two conservation areas.

MS SUTHERLAND: Anyway, that's basically why. We felt we had to keep some control on – it's a special case. It's not like it is just, you know, open slather down
5 Church Street.

UNIDENTIFIED SPEAKER: And that was unanimous from the panel. Is that correct?

10 MR LLOYD: No.

UNIDENTIFIED SPEAKER: Except you.

MS SUTHERLAND: He abstained.
15

MR LLOYD: I abstained.

UNIDENTIFIED SPEAKER: Yes. Sure.

20 MS SUTHERLAND: Okay. I think that's that one done.

MR THORP: Now, I don't – does that refer to the appendices or the attachments at least any more? Attachment 4, attachment 3, attachment 2.

25 MS SUTHERLAND: That's - - -

MR THORP: Because there were things in those - - -

MS SUTHERLAND: The planning agreement will have to be amended if they
30

MR LLOYD: Okay. All right. Fine, fine, fine.

MS SUTHERLAND: We – that's – I will do it again. Happy with that?

35 MR LLOYD: All right.

MS SUTHERLAND: Yes. Next.

MR LLOYD: All understood? Okay. Next item, 6.3, planning proposal for 20
40 Macquarie Street, Parramatta. Mr Byrnes?

MR BYRNES: Been watching too much Simpsons there. Thank you once again, panel. So we're very pleased with the report that has been prepared. It has been a very long journey in relation to this site. I think there's just a couple of things I'd
45 like to mention and hand it over to you for any questions. First of all, I'd just like to introduce and acknowledge I have Yasmin Formosa with me from Hilton Hotels. She's the head of corporate communications. And it's probably worth just going to

the background of this site. Hilton Hotel are very committed to this site. They have been involved – I'll just speak freely.

5 When the client first says, hey, Hilton Hotel is really interested, you kind of think,
oh, yes, sure, but then I've certainly been engaged with Hilton on this site for quite
some time. They are very committed. I've had people fly internationally to – and
I've met with quite a few people. We've been working hard on getting the rooms
right, the ballroom right, getting – and this PP has taken some time in order to get
10 those dimensions right. In fact, at one stage the sales team were about to hit the
button globally and start selling beds for 2022, and I said, look, I think we just need
to wait till we get to the PP and the DA before we start doing that.

And I think the other little interesting thing that confirms the Hilton's commitment is
15 they're running their own design excellence competition prior to the council design
excellence competition, so they've gone globally to essentially do a mini design
excellence competition. You'd be well familiar with those. You know, they're sort
of – everyone is getting paid. 20, 30 architectural firms all around – from all around
the world. I could namedrop, but I won't, but there's some fabulous firms there. So
20 there's a real commitment there, and so this – we've been working hard, and you'll
see that reflected then in the recommendation before you that this site deserves some
particular planning control only if a hotel is delivered on this site, and that's the
agreement that we've come to. If it's anything else, then the sliding scale certainly
applies. So that's our background. Worked really hard with the urban design guys to
get that right, and I'd be happy to respond to any questions.

25 MR LLOYD: Any questions, panel?

MS FIELDING: No.

30 MR THORP: No. I only comment that when I saw it was to be a hotel site, I think
that's great.

MR BYRNES: Good spot. Yes.

35 MR THORP: It's great fun doing hotels.

MR BYRNES: Yes.

40 MS SUTHERLAND: And what's your view on the – limiting the floor space unless
it's got – unless it's hotel or, you know, doing the – having that extra chunk for the
hotel. Does that suit, the way it's been worded?

MR BYRNES: Look, it's the – it's the genuine thing that we're doing here.

45 MS SUTHERLAND: Yes.

MR BYRNES: We're saying we are coming in to do a hotel. We think this site, given its location, given the design we've come with, then it deserves that freedom in terms of floor space, because it's delivering a great outcome. You will see in the report council agrees with that. And so I'm very comfortable with it.

5

MS SUTHERLAND: Okay.

MR BYRNES: Yes.

10 MS SUTHERLAND: Okay. That's good.

MR BYRNES: Yes.

MR LLOYD: Any other questions? No? No? Okay. Thank you very much.

15

MR BYRNES: Thank you. Thank you.

MR LLOYD: Panel happy with the recommendations?

20 MR THORP: I am.

MS SUTHERLAND: Yes. What page are we on, the recommendations? What page is it on?

25 MR LLOYD: 448.

MS SUTHERLAND: So many pages.

MR LLOYD: 448.

30

MS SUTHERLAND: Yes. That's – I wanted a value.

MR LLOYD: Okay with it? Yes?

35 MR THORP: Yes.

MR LLOYD: Yes. Determination is the panel adopts the recommendation set out in the assessment report without amendment. The reasons for decision are the panel supports the findings contained in the assessment report and endorses the reasons for the recommendations contained in that report. Decision is unanimous. Thank you very much.

40

MR BYRNES: Thank you.

45 UNIDENTIFIED SPEAKER: Thank you.

MR LLOYD: Item 6.4. Finally. Long way.

MS S. ROBINSON: I feel like saying we're happy. Thank you, panel. My name's Sandra Robinson. I'm a town planning consultant. I'm here with the owner, Will Reynolds, from Marathon Holdings. Relative to the planning proposals you've just dealt with, this is very small. It's to facilitate conversion of two above-ground
5 parking levels into employment space. It's more of a DA issue in – to be quite frank. The reason we're here as the planning proposal is that the LEP has a cap on the amount of floor space. Clause 4.6 is capped. So we're here as a planning proposal.

The only issue in the report, RMS has raised the issue of the footpath width on
10 Argyle. Interestingly, this panel, when we – I think two of the panel members were here when we were last in front of you. It was an issue raised. Since then, the council staff have really looked at it in some detail, and they've dealt with the issue in the report, but just sort of as an overview, the colonnade is private land. It's not used as footpath now. It's used as café seating. It doesn't connect to any other
15 footpath space. You just walk into a wall. Enclosing the colonnade is consistent with council's DCP. So the staff really did take quite seriously what the panel had said last time, and looked into the issue carefully, presented that to the council, and the council did not have the same concern about enclosure of the panel – the colonnade. So we ask you to look at the officers' recommendation in that regard and
20 adopt the recommendation.

MR LLOYD: Thank you.

MS ROBINSON: Thank you.
25

MR LLOYD: Sorry. Questions, anyone?

MS SUTHERLAND: Just – how the parking layout – do you have a plan with you of how it's going to look?
30

MS ROBINSON: I don't have a parking layout plan. At the moment, the - - -

MS SUTHERLAND: Because there's a lot of stacked parking I'm seeing there.

MS ROBINSON: At the moment, there's stacked packing. Whether or not the stacked parking is supported is going to be a DA issue.
35

MS SUTHERLAND: Okay. Okay.

MS ROBINSON: Yes. So the planning proposal adopts the CBD PP parking standard, so it's really a DA issue whether or not the staff - - -
40

MS SUTHERLAND: And you can put more than that minimum anyway, can't you, having read that?
45

MS ROBINSON: Yes. There's 87 spaces now.

MS SUTHERLAND: Yes.

5 MS ROBINSON: The reference design we put in reduces that by 35 to sort of 50 or so. And then whether or not they get 50 or half of that without stackers is a DA issue.

MS SUTHERLAND: Okay.

10 MR LLOYD: All right.

MR THORP: The parking would be used by the tenants – commercial tenants?

MS ROBINSON: Definitely. It's not public parking.

15 MR THORP: Right. No.

MS ROBINSON: And to be quite honest, the reason we're doing this is there isn't demand. The – if you go – if you went up into the parking, the car park is empty. Like, it's literally – there is nobody parking there. Will can't sell it.

20 MR W. REYNOLDS: That's right. I've got a completely occupied building and I've got two floors of car parking, 920 metres of floor just sitting there, gathering dust

25 MS ROBINSON: So it's actually - - -

MR THORP: Well, the answer is obvious.

30 MS ROBINSON: It's actually, I think, a really good case study for counsel. The parking isn't – you know, every developer says we must have parking. Well, I think the Marathon Holdings building shows you that you don't actually need parking. People don't demand it.

35 MR LLOYD: All right.

MR THORP: If you've got rail connections and - - -

MS ROBINSON: No. Sorry. I'm talking Parramatta CBD.

40 MR THORP: Yes.

MS ROBINSON: I'm not talking generally.

45 MS SUTHERLAND: That's right. Yes.

MS ROBINSON: I'm talking Parramatta CBD.

MR THORP: Yes.

MS SUTHERLAND: Any CBD near a railway station.

5 MR THORP: No. I – well, I certainly commend the people, because it’s going to look a lot better, I think, your building.

MS ROBINSON: Absolutely. Yes.

10 MS SUTHERLAND: It will. Yes.

MS ROBINSON: Thank you, panel.

15 MR LLOYD: All right. The decision is unanimous. The recommendation is adopted. And the reason is the panel supports the findings contained in the assessment report and endorses the reasons for the recommendation contained in that report. And with that, I can formally close the meeting, and it is almost 6.30.

20 **MATTER ADJOURNED at 6.28 pm INDEFINITELY**