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**TRANSCRIPT OF PROCEEDINGS**

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O/N H-1044368

**INDEPENDENT PLANNING COMMISSION**

**MEETING WITH APPLICANT**

**RE: REQUEST FOR GATEWAY DETERMINATION REVIEW TO AMEND THE  
AUBURN LEP 2010**

**PANEL:** **PETER WILLIAMS  
ANNELISE TUOR**

**ASSISTING PANEL:** **MATTHEW TODD-JONES**

**APPLICANT:** **JAMES MATTHEWS  
MATTHEW DANIEL  
RAYMOND RAAD**

**LOCATION:** **MEETING ROOM 2  
10 VALENTINE AVENUE, PARRAMATTA**

**DATE:** **10.58 AM, MONDAY, 8 JULY 2019**

DR WILLIAMS: Well, ah, good morning and welcome. Ah, before we begin, I would like to acknowledge the Traditional Owners of the land on which we meet and pay my respects to their Elders past and present. Welcome to today's meeting on the Gateway determination review for a planning proposal seeking to amend the Auburn  
5 Local Environmental Plan 2010 in relation to a site at 1-17 Grey Street and 32-48 Silverwater Road, Silverwater.

The proposal seeks to amend the LEP by rezoning the site from B6 Enterprise Corridor to B1 Neighbourhood Centre, which would make residential flat buildings and shop top housing permissible on the site, amending the maximum height of  
10 buildings control from 14 metres to 20 metres, amending the minimum lot size map from 1500 square meters to no minimum lot size, and including a site-specific clause to ensure the 4000 square meter retail component comprises a 2500 square metre supermarket and 1500 square meters of local specialty retail and commercial floor  
15 space.

My name is Peter Williams. I am the chair of this IPC panel. Joining me on the panel is Annelise Tuor. Ah, the other attendee from the committee – Commission, sorry, is Matthew Todd-Jones from the IPC Secretariat. Joining us today are James  
20 Matthews, ah, Raymond Raad and Matthew Daniel. Um, in the interests of openness and transparency and to ensure the full capture of information, today's meeting is being recorded and a full transcript will be produced and made available on the Commission's website. For transcription purpose, I would be grateful if you would confirm your names when you first speak. Ah, so thank you for that.

25 This meeting is one part of the Commission's process of providing advice. It is taking place at the preliminary stage of this process and will form one of several sources of information upon which the Commission will base its advice. It is important for the Commissioners to ask questions of attendees and to clarify issues  
30 whenever we consider it appropriate. Ah if you are asked a question and are not in a position to answer, please feel free to take the question on notice and provide any additional information in writing, which we will then put up on our website. So we'll – we'll now begin. So James, Raymond and Matthew, I'd like you to – um, whichever order you'd like to start. Thank you.

35 MR MATTHEWS: Yep. Thank you – thank you, Peter. I'll start. My name is James Matthews, Pacific Planning. I'm a town planner. Um, so thank – thank you for your time today and for the opportunity to come and – and present to you. Obviously, you've seen, um, and read our submission, which deals, individually,  
40 with each of the, um, items that the Gateway determined to not support the progression of the planning proposal at this time, and we're happy to talk to each of those and whether you're got any questions specific to those, but, I guess, as a – as a – a broad and – and general start, my – my initial comments are, um, that, you know, we've been working on this proposal – on – on a proposal for this site, which is  
45 substantially vacant, um, for a number of years.

Since the land was rezoned in 2010 into the Auburn LEP from residential uses to – to B6, um, no land in this areas has – has redeveloped in accordance with that zone, and, um, you know, we've worked with both councils, both Auburn and – Parr – subsequently, Parramatta since the land changed to – um, into the Parramatta LGA.  
5 We've worked with both councils on a suitable, um, use for this land.

We've got a local strategy, the Auburn Employment Land Strategy 2015, which, as part of that process, back in 2015, we originally lodged the original planning proposal for the site, um, for a local centre, um, because there was recognition at the  
10 time from local residents and the business community, the industrial area to the north, that there was some demand which would improve the viability as well for, um, the industrial land to the north, because there isn't a locally – local centre that provides some of those needs and some of the services.

15 So, effectively, what this planning proposal has done is, um, implemented a local strategy, um, in accordance with both councils', um, objectives and direction for this area. Um, and I guess – I guess in relation to one of the – one of the things in terms of the Local Planning Panel's direction, and which is under, um, condition 1 of the Gateway determination, this wasn't – has been lodged with the Minister a couple of  
20 times, but, obviously, initially, in 2015, it was first lodged and was put on hold, um, in 2017. So we – we feel that we actually comply with – with that – that particular condition, but it's been with the Minister for a number of years, um, but was withdrawn and then recently when it went into the Parramatta LGA.

25 So, effectively, what, ah, I think we're seeking here today, um, is because we've been working on this for such a long time and an appropriate use for this land is a pathway to, um, determine what – what is the – ah, the – the – the – the use that can be supported on this site, rather than going back to the start of a process once again. We've got a local strategy that supports, um, some form of – of neighbourhood  
30 centre on here. Um, we acknowledge that the Auburn LEP and the Parramatta LEPs current prohibit shop top housing, um, but there's lots of, um, Local Government areas around Auburn, or now Cumberland, um, and Parramatta that do permit shop top housing in the B6.

35 So, therefore, the arguments along the lines of loss of employment lands in relation to the district plans and – and the broader strategic planning framework, um, aren't necessarily as – um, you know, we're – so if we were to – for example, if – if it was not to rezone the land but to include shop top housing, there's additional permitted use. Would that be acceptable? Is that any different to rezoning it to B1, um,  
40 because there's B6 zones all around us in other LEPs that permit shop top housing in the B6 zone, or residential accommodation, or retail premises.

So we're a bit confused with the arguments that are put forth in relation to the consistency with the strategic planning framework, because we don't see that there is  
45 a loss of employment lands. In fact, we think that we – we do comply with it, because we are retaining and managing, um, the, ah, employment uses on the site, um, because we've reviewed what's appropriate here, um, and – um, so for example,

if Cumberland – Cumberland is now – obviously, we’re not in Cumberland, but through their process of amalgamating the Holroyd LEP and the Auburn LEP, we could have ended up with a scenario – because, um, Holroyd LEP permits, um, shop top housing and non-residential accommodation, we could have ended up where we wouldn’t need a planning proposal because I would have been permitted.

Um, so – so we’re a bit, um, ah, confused in a way, I guess, and trying to work through the condition number 2 relating to the – the objective 23 and action 49, um, in relation to the – the region plan and the district plan of – of review and managing because we think this is exactly the case of, well, this is a review and manage process of, well, there’s a use – there’s a – there’s a zone here where the uses permitted haven’t worked. It hasn’t been redeveloped for that use. What are the uses that can work? How do we ensure that we retain employment generating uses, and the business premises and – and the uses that are currently permitted in the B6, we are proposing to retain. We’re proposing to provide some of these retail – small retail. We – I actually think that the 4000 square metres that’s in the resolution is – is above and beyond what is expected for a neighbourhood centre. So we would probably disagree with that. A two and a half thousand square supermarket isn’t a local centre – sorry, is a local centre. It’s not a – a neighbourhood centre, so we – you know, all our drawings and – um, and massing and concepts provides something around the 1300 square metre mark for a supermark – for a – you know, a – a – a, yeah, a supermarket to serve the neighbourhood needs, not the – not the broader area. Um, so that’s probably one area within the council’s – council’s resolution.

But I think the key here is that these things are part of a part 3 process that you’d study and – and look at, and I refer now back to Parramatta Council’s comments, um, that some of the issues in relation to amenity and interface would be thrashed out in a DCP through a part 3 process where we work with – with Parramatta Council to work out what those uses are. But, again, I refer back to, um, for example, Canada Bay on Victoria Road where you’ve got B6 zone land which provides shop top housing or, um, in Marrickville in the inner west on – on the Pacific Highway, where we’ve got B6 zone land that provides for shop top housing where you’ve – where, through the design – and I’m glad Ray’s here today, because he can talk a bit about how we envisage future development to look like –um, where – where you provide, um, ah, certain design features that provide for, you know, higher level residential which can interface and – and minimise amenity impacts to future development in relation to a busy road. So those things aren’t common. In fact, we’ve got a couple of strategies out there that provide for, um, future residential on Parramatta Road.

So, again, amenity impact and interface can all be dealt with, and we’ve continued to look at how that could work since the Gateway determination because while we’ve looked at, um, just having a B6 zone without any additional permitted uses, or as is, unfortunately, it’s just not the – the best use, um, for the land, um, at this stage. So, um, I’ll just refer back to my initial comment, is that we’re looking for a pathway or a recommendation from the IPC that – um, that there is a better outcome that can be had here than sending us back to the beginning of a process, um, to – to start again after six years and, um, nearly 10 years of no development on the site since it was

zoned from residential to – to business. So I guess that's a bit of an introduction. Um, I don't know if you guys have got anything to add at this stage and whether you have any questions that, then, we can elaborate what we've put in the – um, the submission.

5

DR WILLIAMS: Thanks very – thanks for that, James, very much. Um, sorry, Raymond and Matthew, is there anything you want to add at this stage, um, at all?

MR R. RAAD: No, not at this stage. Thank you.

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DR WILLIAMS: Okay. Well, I might just ask one or two questions, then I will hand it over to Annelise to ask some questions, too. Just – only because it just – jumped out of what you just - - -

15 MR RAAD: Yes.

DR WILLIAMS: - - - what you've been talking about. The – you talked about the rezoning, the B6 Enterprise Corridor zone. And what you've asked for is a rezoning. You've mentioned that a number of other councils around the area, in fact, have shop top housing as permitted use - - -

20

MR RAAD: Yes.

DR WILLIAMS: - - - and you talked about just rather than changing the zone, adding a new permitted use. Have you considered that and, if not, why didn't you try to go down that route? Was there any advice from council or - - -

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MR MATTHEWS: No - no, and this is part of the problem that we've got – we've actually got a strategy - - -

30

DR WILLIAMS: Right.

MR MATTHEWS: - - - that says that they want a centre in the area.

35 DR WILLIAMS: Yes.

MR MATTHEWS: And, obviously, that started with a local centre and through a process – as in B2 and was the original plan proposal from 2014, maybe, even. It went – I think it went even further before that time. Since then through a process of analysis and what is the appropriate use here, it became B4. So it went from, I think, B2 with a 4:1 FSR and a 30 metre height.

40

DR WILLIAMS: Yes.

45 MR MATTHEWS: That was considered and – well, maybe this is more of a local need – sorry, a neighbourhood need for – to support the vitality of the industrial area to the north and neighbourhood residence. So that was amended to B1 and with 2.1

and a 20 metre height limit which is what you're considering today. So all we've done is provided something in accordance with - - -

DR WILLIAMS: Yes.

5

MR MATTHEWS: - - - the Employment Lands Strategy that was then considered in the Parramatta - I'm even sure what it's called - their Employment Lands Strategy, which considered that ..... obviously there's a process of the planning proposal so we will await outcomes of that and - yes. I think we've just submitted and lodged and progressed what we anticipated was a - which was anticipated by the local strategies. Now, of course, we absolutely consider additional permitted uses and retain the B6 zone, but that was never something that we had the opportunity to discuss and we would support that if that was in the Gateway. And I guess this comes back to the point that part 3 is about working together to get an outcome and we feel that the Gateway in refusing it doesn't allow that level of - well, let's get some conditions where we can look at the options and come back to the department for endorsement if required rather having to now go back to the beginning.

20 You know, it's a - we're read to develop the site, its vacant and its - and we've been working on it for a long time. So it's hard - another hard pill to swallow with refusal and I think these conditions can all be addressed ..... in a supportive Gateway determination rather than a refusal, go back and start again, which is time consuming and damaging .....

25 DR WILLIAMS: Right.

MR M. DANIEL: I think if I could just add - - -

DR WILLIAMS: Yes. Sure. Please do.

30

MR DANIEL: - - - one more point is that - we obviously as a company and as the landowners inherited this halfway through the process. The genesis of this use as being promoted on this site in a way that they have is as a result of the community seeking services in their local area and then the council responded to that. And I think if people are led to even read what happened during the inquiry process, which was prior to our time, there was a consistent theme there that the council then were all about maintaining - getting - they were - they had a lot of pressure from their community to provide local services in the area that - where there is none and or - and that has not waned at all.

40

The - the need is still there, the desire from the community is still there and that has been the catalyst for this process, not only from us as landowners in promoting these uses on the site, which, as James - my colleague James has pointed out, can ebb and flow, as we move forward through the strategic and - and then the statutory consideration processes, but that has also happened not only with the former council but with the new council, as well, like, we - we took our time to go and sit with them and talk to the staff there, work with them and they came and they - and then they

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had their consideration, this is appropriate, this is a new regime and they came with the same conclusion.

5 So there's a consistent theme here in relation it and we just feel that what's  
happening here is – whereas there – there seems to be a strict adherence to – to a  
higher level plan from the state in some sort of way – we could look at point 2 there,  
but, at the end of the day, the local need, I think, needs to be overridden here because  
at the end of the day, that's what the democratic process is seeking to have – services  
near people's homes – which is the reason why we're pushing this forward.

10 MS TUOR: So can I just – what services do the community want there?

MR DANIEL: They're looking for – for retail services in – in a local centre and that  
sort of way. So food retail was the main issue that we – we - that's a consistent  
15 theme that has come through the whole time and day-to-day services in that sort of  
..... way.

MS TUOR: Okay. So under the current zoning, neighbourhood shops are  
permissible. So if there is this demand for neighbourhood shops, why haven't they  
20 occurred under the existing zoning?

MR MATTHEWS: Well, firstly, it's – 80 square metres is the maximum size for –  
for a neighbourhood shop. And we're – we're proposing a 1300 square metre  
supermarket, which is considered a suitable size, like for - - -

25 MS TUOR: But - - -

MR DANIEL: That sort of food retail is what's needed - - -

30 DR WILLIAMS: Yes.

MR DANIEL: - - - because smaller shops here in that sort of conglomeration just  
won't work. I think the market has shown that .....

35 MS TUOR: But there's also in the – there's a neighbourhood supermarket, which is  
1000 square metres, as well, so is that something that's not permissible - - -

MR MATTHEWS: No, it's not. It's only neighbourhood shops, not neighbourhood  
supermarkets.

40 MS TUOR: Okay. So, presumably, that could be something that would be fairly  
easily added to the Land Use Table of the B6 zone?

MR MATTHEWS: That could be.

45 MS TUOR: So that's the main thing? It's getting some shops there?

MR DANIEL: But that's ..... but then, of course, you need the economics to be able to deliver those services in a – in a whole package of development because otherwise we just – you won't stimulate a redevelopment of the site .....

5 MS TUOR: But just so – stepping back, so, normally, if there's a demand – it's supply and demand. So if there is a demand for a supermarket and a demand for ..... shops, why wouldn't they be economically viable in their own right? Why do they need to be subsidised by a residential development?

10 MR DANIEL: Because that's what – because this is what this site needs and that's -  
- -

MS TUOR: But is there – I'm just trying to understand – because what you've said as being the need – the justification for this is the need for these – or the demand for  
15 shops.

MR DANIEL: Yes.

MS TUOR: So if there is a demand, why wouldn't just the provision of that be able  
20 to be satisfied – why does it need to be subsidised by residential?

MR DANIEL: Yes. It's a reasonably established provision – in B1 that you would put residential and have – and you would have people living in accommodation very close to those food retail and other community retail services. So if it's a B1 centre,  
25 that's a complementary land use that – that underpins it.

MS TUOR: All right. But can you take me to the economic analysis or something that actually would be evidence that the – the viability of a supermarket and shops – that they're not viable based on the demand - - -  
30

MR DANIEL: I think the local planning panels – I think the local studies that have been consistently ..... to local council regimes have – have supported that - - -

MS TUOR: Okay. So - - -  
35

MR DANIEL: - - - as the intended outcome.

MS TUOR: All right. So just on that, can you clarify – the original local study was adopted on 20 May 2015 and at that point in time, as I understand it, it didn't have  
40 anything about a neighbourhood centre in this location. Then in October 2015, when the planning proposal went before Auburn Council, that's when the strategy was amended to include the neighbourhood centre in the broader location, not necessarily on this site, and, as I understand, that was to be subject to a master plan which, presumably, would have looked at where the best place for this neighbourhood centre  
45 was. So what was the – again, the evidence that was put forward that changed – to change the study from the May to October? Was there some sort of study that was done or something that looked at demand for these services or – do you know - - -

MR RAAD: If – sorry. If I may? Raymond Raad. So we – so I – I represent the – the landowner. And we took – we purchased the site during this – during this earlier part of the process. So a lot of the original work was done by the original – the original owner. There are – there economic strategies and studies undertaken in both  
5 – during both planning proposals that they put forward. I would have to take it on notice exactly who – who produced those strategies, but that’s how the – the FSR of 2.7:1 was generated. So, economically – and I’m not an economist, so I can’t talk much more into it, but they – they worked on the fact that 2.7:1 – 2.7:1 was required to – to base, I guess, or to prop up a neighbourhood centre of that – or local shops, a retail, of about that 4000 square metres, so – and back to, I guess, what you were  
10 asking about why – why the – the employment study was changed, I understand that that came through with the whole inquiry into – or the Council - so not specifically this side – that there was a need and that was, I guess, relayed through to the councillors. You will find with – and when this was under the Auburn LGA – that the makeup of the area – you will find that a lot of the people wouldn’t, I guess,  
15 participate in community consultation but they are very active with their local councillors so whilst, I think, the inquiry found it was odd that the – the planning came top-down, there was nothing untoward found and it was a matter of simply that the locals were asking for it. And you will find that a lot of the land to our west and  
20 to our east is R3, so there’s a lot of that R3 land that hasn’t been redeveloped under its capacity as well. So a lot of that – what we’re proposing would satisfy and provide as a catalyst for the redevelopment under its existing zoning to medium density.

25 MS TUOR: Okay.

MR MATTHEWS: Can – can I just – sorry – just answer that.

30 DR WILLIAMS: Yes, please. Thank you.

MR MATTHEWS: While the strategy was then silent on the exact location, this was considered suitable owing to a number of reasons, but one of the key reasons was that we’ve got seven and a half thousand square metres of land in single ownership so it was a great opportunity where, you know, this land here is all  
35 residential houses so it’s significantly fragmented so partly why it hasn’t redeveloped, as well, you know, into the – the existing zone. So to have, um, seven and a half thousand square metres in single ownership is a perfect opportunity to provide a sensible outcome.

40 MR DANIEL: Right near a – right near a piece of already-zoned RE1 land, as well, which is – so we think the site is quite appropriate for a – for a centre in that sort of line.

MR MATTHEWS: Yeah.

45 MS TUOR: And, um, the study that was done – the Auburn Employment Lands Strategy – that predates the work that’s now being done on the Parramatta Road

which – it identifies the location for a – essentially, a neighbourhood centre. So part of the concern that has been expressed is that the – there be – you don't need the two centres. So did you have any comments on that?

5 MR MATTHEWS: Well, yes, I guess.

MS TUOR: Yes?

10 MR MATTHEWS: Yes, we do. I guess, one of the key issues there is that I would acknowledge that that's further to the south and, again, has its own catchment that it's supporting which includes other B6 owned land around that area. There's quite – it seems there's – you know, I'm not sure of the exact amount but there's a – there's a long strip where they are proposing to – where the B1 land is proposed and, to the south, and again, that's on fairly fragmented land and in an undefined time period –  
15 yes – okay, you've got the map there, yes.

MS TUOR: Yes.

20 MR MATTHEWS: We are further to the north. This was intended to serve locally – sorry – on a neighbourhood scale, the residential land to our west and the industrial land to our north so I don't think that this is at all in conflict with the land to our south that's identified in the Parramatta Road corridor. I think, importantly, just as – this is a comment to the timing of any new development of that land, as well, which I feel is undefined – we're working on a couple of projects within the Parramatta Road  
25 and, as far as I'm aware, nothing is progressing in terms of rezoning of any of that land until precinct traffic light studies are done and I've been asking the Department since about June 2017 when that will be complete and it's – it is still unknown so the timing, then, for any of that land to be rezoned and then even developed is – is k-  
well, anyone's guess.

30 MS TUOR: Sure.

35 MR DANIEL: I think an important point, also, is, yes, the corridor strategy has that land there and they're trying to create a centre in that sort of area. But if we think about the communities, there is a big M4 Motorway which divides and which is a big urban edge to that and it defines the two areas anyway. We're talking about something that's in need right now, that can be delivered now, that is servicing communities in this sort of – that exist now. The walkability of this and the permeability is not going to be promoted if you - people from this area are not going  
40 to go, necessarily, to that thing with that urban edge there. They're going to want to be encouraged in this sort of area here. So I think, in the design principles, I think it's quite justified for this – there – and this would be a smaller centre that's envisaged across the road there that will take some years – probably at least a decade to be delivered, if not more – whereas this can service the needs of the community  
45 within relative reason now.

DR WILLIAMS: Right now.

MR DANIEL: And not having people – humans just won't walk underneath big busy highways for their daily needs so I think there's some practicalities around that that's acknowledged by the Council.

5 MR MATTHEWS: And isn't that - I guess, the point of a neighbourhood centre is that we're not seeking to provide, really, neighbourhood land uses that are going to support that land to the south. This is meant to support the immediate  
neighbourhood that was in the vicinity which isn't uncommon to see neighbourhood  
centres - you know, this is still about 500 metres, I think, from that land to the south  
10 on Parramatta Road so I don't think it's an uncommon thing for neighbourhood  
centres to pop up that aren't too far from each other but can still distinctively support  
that neighbourhood.

MR RAAD: Sorry, if I could just add, as well, just to note here.  
15

MS TUOR: Yes.

MR RAAD: So there – there – there – that same economics report looked at – or  
when it looked at the trade areas, it only ever considered everything north of the M4.  
20 So the primary and the secondary trade areas that would, I guess, where the people  
would come from to spend their time and money in the centre were the Grey to  
Silverwater precinct and just on the other side of Silverwater Road. So even back  
then, they never envisaged the catchment of people that the centre would service  
coming south of the M4 and, also, they - they looked at the study compared to see if  
25 there was going to be any loss of – loss of trade to Newington because, at the time,  
Newington was the local centre, and they found that there was nothing – well, sorry,  
there was less than 10 per cent, if my memory serves me well, which is considered  
adequate.

30 DR WILLIAMS: So that's – that's the – is just the employment – well, economic  
justification given for the amendment to the Auburn Employment Lands Strategy.  
Yes.

MR RAAD: I would have – yes, I would have to get you – so similar to before,  
35 there is – yes, there was a few studies that were done at various times by the original  
proponent.

DR WILLIAMS: Yes.

40 MR RAAD: I've – I've got here there's a – there's a Hill PDA appraisal in 2015.

DR WILLIAMS: Okay.

MR RAAD: But, yes, so that looked at, I guess – yeah – the primary trade area and  
45 the secondary trade areas and the increase in – increase in population and their  
forecasted spend.

DR WILLIAMS: Yeah. It's just that the information we've been given is silent on the – the basis of the amendment to the strategy that the – and, therefore, obviously part of that is the economic justification of why the strategy needed to be - - -

5 MR RAAD: Okay. Yes, of course. Of course.

MR MATTHEWS: If we can put that together for you and provide that subsequent to this, that would be appreciated.

10 MS TUOR: It probably is now. It's listed as an attachment, I think. There's an attachment 7.

MR DANIEL: This is the ACOM report.

15 MS TUOR: Part 1 and 2 consolidated summary report.

MR DANIEL: It's quite a – yeah. The ACOM report is quite detailed, yeah.

20 MS TUOR: So, presumably, that's – or is that a – I mean, that's 2014 so is that the study that you're talking about?

MR RAAD: It could be. I would have to take it on notice.

25 MS TUOR: So presumably, attachment 7.

MR TODD-JONES: So I've got this. This is Hill PDA consolidated – the report is in 2014.

30 MS TUOR: Yes.

MR TODD-JONES: That's it, yes.

MS TUOR: Yes.

35 MR RAAD: Yes, most likely. Yeah.

MS TUOR: So we've got it. We will just need to have a look at that.

40 MR TODD-JONES: That's on our website.

DR WILLIAMS: That's on your website. Okay. That – well, we will have a look at that. That's good. Thank you. But we just wanted to find something that provided that rationale for why the – why the amendment occurred to the - - -

45 MR RAAD: Of course. Of course.

MS TUOR: Yep. So speaking of further studies, this, whatever it's called, 49 – what's it called – action – action 49, which is the review and manage. As I understand it, what that has – is resulting in is that Councils, when they're preparing their local planning strategic – strategic local planning studies, they've been asked to  
5 review employment land within their area and that Parramatta is currently going through that process so they're looking at it more broadly than just this particular site that we have in front of us and it's anticipated that that's going to be on exhibition in October. So what would be the argument as to why this should be brought forward in advance of that study at least being on exhibition?

10 MR MATTHEWS: Well, I guess there's a couple of things. Firstly, I spoke to – I have spoken to council about their strategic planning statement and how this will work to that. And they'll be able to - - -

15 MS TUOR: Yes.

MR MATTHEWS: - - - talk in more detail - - -

MS TUOR: And we've got them coming in after .....

20 MR MATTHEWS: - - - in any event.

MS TUOR: Yeah.

25 MR MATTHEWS: But the initial response was it won't talk to this level of detail to assist in the process for this – for this land for this site. So I can't really talk any more to that. That was the advice I was given, because that is something that I did think of and did consider that there could be a process there. Um, in terms of, um, how long that takes and – so say it did, for example, um – um, then – which is why I  
30 asked council about it and inquired with council. Um, I guess it still would be a – in terms of your question about proceeding before that, um, I come back to my initial comments about the – just the time that we've been working on this and the time that it's taken.

35 And if there is another strategic document that supports that, I would seek a process where we can continue to move forward and study in conjunction with that strategic – with strategic process, again, noting that the genesis from some of this does go back quite a few years. And in terms of supporting the industrial and the residential areas for a centre, supported by residential, which is currently what's on the land.

40 MS TUOR: All right. And then just specifically with what's before us, again, we haven't really looked at the concept plan, but it does have – it's on the website, so we can look at it. But, um, just clarifying, do those plans – they only show a supermarket that's 1300. Is that correct?

45 MR MATTHEWS: Yes. I've got the – so, obviously, we've been working and refining this further having regard to some of these comments. One of those

comments was in relation to the interface – this is Carnarvon to the north. So we’ve  
– we’ve made some adjustments to that to remove any residential and – and sort of  
tried to increase the number of business type uses. Um, um, and – but certainly the  
retail here was 1300, but our concept plans certainly didn’t reach the 4000 square  
5 metres, because we didn’t think that that worked in this location.

MS TUOR: All right. But just so I understand - - -

10 MR MATTHEWS: Sorry. Yes. It was smaller than - - -

MS TUOR: It originally went to Auburn and then it was withdrawn and then it  
came back and then it went to Parramatta.

15 MR DANIEL: It wasn’t – it wasn’t withdrawn, I don’t think.

MR MATTHEWS: So - - -

MS TUOR: There’s a quote - - -

20 MR MATTHEWS: So council, because the department has timeframe targets to  
issue ..... determination, they didn’t just want it sitting there on hold, so they said,  
“Look, can you withdraw it until the - - -”

25 MS TUOR: Yep.

MR MATTHEWS: “- - - inquiry’s complete, and then it would be submitted.” So  
that’s what - - -

30 DR WILLIAMS: Yeah. I think they said don’t have - - -

MR MATTHEWS: - - - happened.

DR WILLIAMS: - - - any - - -

35 MR MATTHEWS: So it was withdrawn from them, but it wasn’t - - -

DR WILLIAMS: Yeah.

40 MR MATTHEWS: - - - withdrawn from council’s – from – it was still ..... planning  
proposal.

MS TUOR: Yeah.

45 MR MATTHEWS: Which is why then council at Parramatta put it back up to their  
council for consideration and endorsed it to move on to the department.

MS TUOR: And when it went to Parramatta Council, it was still, um, at that stage the four to one and the – no?

5 MR MATTHEWS: It was – so the, um, resolution of the – of the former Auburn Council, they endorse that resolution, which was two point – 2.7, 20 and B1.

MR DANIEL: And that was a result of the then - - -

10 MS TUOR: Sorry?

MR DANIEL: - - - then Auburn Council doing – getting in ACOM to do its study of that sort of area, working further on the uses and, I guess, reflecting on the master planning sort of aspects of it. And then they came through with an alternate recommendation 2.7 - - -

15 MR MATTHEWS: Yeah.

MR DANIEL: The council was then – 2016, there was the amalgamations that occurred, and then, ah, we, ah, we then went along to Parramatta Council and  
20 continued that process on. And they felt there was enough – there was good rigour behind those sort of studies and that sort of work that had been done, and the council in its wisdom - - -

25 MR MATTHEWS: Yeah.

MS TUOR: All right. But - - -

MR DANIEL: - - - made – continued that conclusion.

30 MS TUOR: - - - I'm just trying to clarify, because my understanding is that the council report, it recommended the 2.7 - - -

MR DANIEL: That's - - -

35 MS TUOR: - - - and the B1, etcetera.

MR MATTHEWS: Yes.

40 MR DANIEL: Correct.

MS TUOR: That Auburn Council's resolution was actually the four to one, the 25 metres, um, B2, etcetera, etcetera.

45 MR MATTHEWS: Yeah. Sorry. I may have misspoken then. It's – they endorsed the council officer's recommendation, not the resolution.

MS TUOR: Yeah. Yep. So - - -

MR DANIEL: Sorry. Yeah. I - - -

MS TUOR: So that's - - -

5 MR DANIEL: Yes. No. That's a very – that's a very good point. I'm sorry. We'd probably - - -

MS TUOR: No.

10 MR DANIEL: We didn't mean to.

MS TUOR: No. No. No. No. It was just we're all reading it going - - -

MR DANIEL: On the same page.

15

MR MATTHEWS: Yeah.

MR DANIEL: Yeah.

20 MS TUOR: So that's what went to Auburn, was withdrawn. It then came back and went to Parramatta. And then what did – but there was – what was actually before Parramatta when they considered it as a planning proposal? It was – as a document.

MR DANIEL: The original document was made – that's why we're – I'm – we're  
25 critical on the term “withdraw”, ‘cause nothing was ever withdrawn.

MS TUOR: Yep. Yeah. Yeah.

MR DANIEL: We continued that through. And, you know, we came in halfway  
30 through the process. And we continued that through and presented that. Work – worked with councils – Parramatta Council Planning staff on that extensively. And then we came to the conclusion, us a professionals and with the council staff and the landowners, that it was appropriate that the outcomes of that study that the former  
35 council had done of recommending 2.7 was appropriate to proceed, not the recommendation of the councils at four to one.

MS TUOR: So the recommendation that went up to Parramatta Council - - -

MR DANIEL: To Auburn Council originally – sorry to - - -  
40

MS TUOR: And then when it went to Parramatta Council - - -

MR DANIEL: That's right

45 MS TUOR: - - - there was a planning proposal which at that point in time already illustrated the 2.7.

MR DANIEL: Yes. We worked with them and amended the controls and worked with them on a scheme and did that sort of master planning work with them on it to make sure that that could – it was substantiated. And then that was continued through into 2.7. And I can see how this is confusing.

5

MS TUOR: Yeah.

MR DANIEL: Yes.

10 MS TUOR: And then they adopted – but said go back to the council officer's report. And then post that resolution was when you prepared the documents that we have now got - - -

MR DANIEL: Yes.

15

MS TUOR: - - - before us. Okay. And - - -

MR DANIEL: There was a fair bit of work with us and Parramatta Council planning staff, as well, because they had to come up to speed, as well, and do their own assessment at that sort of time, as well.

20

MS TUOR: And so the concept plan that we've got before us now – we'll have to look at the net ..... on the net, but it's got how much - - -

25 MR MATTHEWS: It's – this is the - - -

MS TUOR: It hasn't got 4000 square metres.

MR MATTHEWS: That's .....

30

MS TUOR: In what's - - -

MR DANIEL: That's what ..... revision.

35 MS TUOR: Yeah. Not in your amendments, but in the - - -

MR DANIEL: Sorry.

MS TUOR: - - - current one.

40

MR DANIEL: I've confused people even more.

MR MATTHEWS: I haven't got the fourth ..... sorry.

45 MR DANIEL: I will have it on the computer .....

DR WILLIAMS: Can I just clarify while doing that, the planning proposal that originally went to the department that the department said they – we haven't got the stop the clock provision, so you have to withdraw it from the department, not the council. That was – that planning proposal was based on the council officer's  
5 recommendation of the two point seven – two point seven ..... or was that the original council resolution?

MR MATTHEWS: Resolution.

10 MR DANIEL: That's right. The resolution of the council.

DR WILLIAMS: Okay. It was just the four to one - - -

MR DANIEL: The bigger one.  
15

DR WILLIAMS: Okay.

MR DANIEL: Yeah.

20 MR MATTHEWS: We anticipated that the department ..... would, though, regardless of the resolution, look at all the information before them, which included the Hill PDA report - - -

DR WILLIAMS: Yeah.  
25

MR MATTHEWS: - - - and the viability assessment. And - - -

DR WILLIAMS: So after that was withdrawn and after the public inquiry and you resubmitted the planning proposal not to Auburn Council, but to Parramatta Council  
30 - - -

MR MATTHEWS: No. We didn't resubmit anything; the planning proposal was still alive. We just worked with Parramatta Council.

35 DR WILLIAMS: Council.

MR MATTHEWS: Um, and they said – they considered the resolution of the former Auburn Council and what the staff had recommended.

40 DR WILLIAMS: Yes.

MR MATTHEWS: And we worked with them to ..... support what the staff recommended - - -

45 DR WILLIAMS: Right.

MR MATTHEWS: - - - because that's what the reports and the studies – and we worked with them on the 2.7 and the 20 metres.

DR WILLIAMS: So, effectively, an amended planning proposal was then lodged.  
5 Because you ..... original planning proposal with the bigger development, the four to one FST. That was withdrawn from the department. At the end of the inquiry, ah, you – and then Parramatta Council now takes over land. You now resubmit the planning proposal to – the planning - - -

10 MR MATTHEWS: Was still - - -

DR WILLIAMS: - - - transferred across.

MR MATTHEWS: Yeah.

15

DR WILLIAMS: Okay. But you have to – you had to amend the planning proposal at some point.

MR MATTHEWS: Well, council could have done that.

20

DR WILLIAMS: Someone's amended it from - - -

MR MATTHEWS: But we were asked to assist, so - - -

25 MR DANIEL: Yep.

MS TUOR: But what – I think what we're trying - - -

MR DANIEL: So we - - -

30

MS TUOR: - - - to ascertain was when it went to Parramatta Council, the documentation in front of them, was it still the B2, zone four to one, 25 metres, all those things?

35 MR DANIEL: Yes.

MS TUOR: And, as part of their resolution, which adopted the council officer's – that's when it got changed to being - - -

40 MR DANIEL: Yes.

MS TUOR: - - - the physical documents that are before us?

MR DANIEL: Yes. But, of course, as happens in these sort of processes, it's not as  
45 if we just went to the council and the council said - - -

MS TUOR: Yeah. Yeah.

MR DANIEL: .....

MS TUOR: There was discussion.

5 MR DANIEL: There was – we did a lot of rigour and work with the council staff, um, to, um, come up with what we feel collectively with the council was the right result for the land.

MS TUOR: Yep.

10

MR DANIEL: Which happened to – and we took on the work that the staff at Auburn Council had done in coming with a different conclusion to what their council had resolved.

15 MS TUOR: So, in terms of the documentation that's in front of us now - - -

MR DANIEL: Yes.

MS TUOR: - - - not your further work, but what does it show in terms of the square metres of, um - - -

20

MR MATTHEWS: The .....

MS TUOR: - - - supermarket .....

25

MR MATTHEWS: Sorry. I've – and I've just found what - - -

MS TUOR: Yeah.

30 MR MATTHEWS: - - - we've done. Because we've been looking at - - -

MS TUOR: Yeah.

MR MATTHEWS: - - - other things, what we think appropriate, these were my comments that I've put in the plan proposal. If you don't mind me just reading it.

35

DR WILLIAMS: No, please.

MR MATTHEWS: It is on page 11 of the actual planning proposal. And it's a response to the recommendations of the staff, if you've got that.

40

DR WILLIAMS: Yes.

MR MATTHEWS: And it's just at the bottom there.

45

DR WILLIAMS: Yes.

MR MATTHEWS: So in the left column - - -

MS TUOR: Yes.

5 MR MATTHEWS: - - - were all the recommendations.

MS TUOR: Yes.

10 MR MATTHEWS: And I've just responded to how we've adopted them. So under (g) at the bottom of 11:

*The planning proposal has been amended to ensure that 4000 square metre retail component comprises a 2500 square metre supermarket and 1500 square metre of local specialty retail/commercial floor space.*

15

So I've just done – we've amended it in accordance with the recommendation and, subsequently, the resolution, but then I go on to say:

*It is however recommended that this be reviewed during the gateway process, as a 2500 square metre supermarket is considered too large for a neighbourhood centre, with the floor space better utilised for other convenience goods and services.*

20

25 So then we've refined that in another concept here. So, again, we were just – that's just a consideration that I felt that the gateway might want to consider in terms of the scale of a - - -

30 MS TUOR: All right. But in terms of the overall 4000, you're saying that's okay, it just should be not too – the distribution shouldn't be two and a half for supermarket and one and a half for retail.

MR MATTHEWS: No. We think 4000 is too much. Our current concept has 1800 of retail.

35 MS TUOR: All right. Well - - -

MR MATTHEWS: - - - which includes 1300.

DR WILLIAMS: Yes.

40

MS TUOR: So in terms of satisfying a demand, you think that 1800 overall would be what the demand - - -

MR DANIEL: Yeah. We're delineating retail uses from these six uses.

45

MR MATTHEWS: That's right.

MR DANIEL: Yes.

MR MATTHEWS: So there's still 2000 square metres of B6 related as well.

5 MR RAAD: On that level, but with - - -

MR MATTHEWS: Yes. On the ground, yes.

MS TUOR: So what's the B6 related, sorry?

10

MR DANIEL: Would you ..... at the moment, but ..... there's numbers on there.

DR WILLIAMS: So - - -

15 MR DANIEL: There's numbers on there.

MR MATTHEWS: There's a spare copy here as well.

MS TUOR: Yes. I - - -

20

MR MATTHEWS: And that for the – and just – so for the record, we've just handed over our revised concept that we've been working on subsequent to it being forwarded to the department from gateway.

25 MS TUOR: So this is if it were to stay B6 and you just add shop top housing?

MR MATTHEWS: Yes.

MR DANIEL: So we'd have 2126 of B6 - - -

30

DR WILLIAMS: On that level?

MR DANIEL: - - - uses on that level, 1864 of retail, and then if you keep coming through the scheme, which we've refined, is because council have acknowledged it as a work in progress and they want to develop a more rigorous DCP for land, so we're working on that process with them in that sort of a way.

35

MR MATTHEWS: It may be worth adding we haven't provided this to council - - -

40 DR WILLIAMS: No.

MR DANIEL: No, no.

MR MATTHEWS: - - - or discussed it with them.

45

MR DANIEL: No.

MR RAAD: So this has been prepared merely from our – from our, I guess, review of the gateway, the report and the comments that we provided back from the Greater Sydney Commission via the website. So we’ve looked at it and we’ve rationalised what we feel is a, I guess, more relevant or respective amount of retail at that ground  
5 level. And then there’s a fair number of uses that are permissible under the B6, which we feel are complementary to those retail uses to, I guess, create that local or that neighbourhood centre; whatever the correct planning terminology is.

MS TUOR: All right. I think what we have to do, though, first of all, is just  
10 understand the actual planning proposal that went to council, because I think there are some constraints in terms of a review being something that you actually have to review the proposal that went to council.

MR MATTHEWS: Sorry to interrupt. Isn’t that a rezoning review before it has  
15 been issued to gateway in terms of - - -

MS TUOR: Yes.

MR DANIEL: That’s correct, yeah.  
20

MR MATTHEWS: So I think – my understanding is what was lodged with council originally and was considered is what the - - -

MS TUOR: Okay.  
25

MR MATTHEWS: But that be before a gateway - - -

MR DANIEL: And dare I say - - -

MR MATTHEWS: - - - before it’s been even sent to the department.  
30

MR DANIEL: That isn’t a legislative requirement. That is merely a policy issue.

MS TUOR: Okay.  
35

MR DANIEL: But - - -

MR MATTHEWS: I think it’s because - - -

MR DANIEL: - - - we’re not captured by that in this sort of situation.  
40

MR MATTHEWS: Yes. And I think we’ve got the support of council – both councils – on this and we’re just seeking a review of the actual gateway determination.

MR DANIEL: So but to answer your questions, specifically in process, the council, the Parramatta Council, considered a proposal at 2.7 that we’re talking about today.  
45

MS TUOR: Would it actually consider the proposal at 4 and then resolve to be 2.7?

MR DANIEL: No. We worked with council staff - - -

5 MS TUOR: No, no, but just technically - - -

MR DANIEL: No. Well, I am being quite technical, because, you know, because I've been caught by this before, inappropriately, dare I say, in the process, and it's quite an annoying thing in New South Wales planning at the moment, dare I say, from an industry perspective, but we worked with the council staff, we came to a solution that was changed, we work for them on a changed planning proposal. It changed the controls, the uses and that was put up before the council. There seems to be this thought process that, what you lodge on the front counter is what is considered by the council. I would say that's what a council meeting considers is actually what is before them in relation to that policy which we're discussing at the moment. So we did actually work with them through that process to come to a considered position.

MR MATTHEWS: Yeah. I think either way, that we're not challenging what council resolved - - -

MR DANIEL: No, that's right.

MS TUOR: No, no.

MR MATTHEWS: - - - all the stuff recommended. We're challenging or we're asking for you to review – so the gateway considered a planning proposal at 2.7, B1 and 20 metres and we're seeking your advice back to the department on those conditions.

MS TUOR: All right. So in terms of the planning proposal that went to Parramatta Council, we don't – have you got a copy of that in terms of where the – well, how that was distributed? Is that - - -

MR MATTHEWS: Yes. This is – this this one, but the – I don't think there's yields on there, but that's – but that's the one that I think Matt will have on - - -

MS TUOR: Okay. So you don't know how many square metres were in that?

MR MATTHEWS: Yeah. But – well, that should be – yes, that should have been 4000.

DR WILLIAMS: All right. Well, was council – did you discuss with council the prospect or the possibility of reducing that 4000 square metres as part of the – to the amendments to the proposal that we work through with council? I mean, they've adopted the Auburn Council offices recommendation of 4000 square metres. Two and a half thousand supermarket and 1500 stores.

MR MATTHEWS: I think there would be and I put that in the planning – well, it's in their planning proposal that they've sent in with their - - -

DR WILLIAMS: But they - - -

5

MR MATTHEWS: - - - to review in the gateway process.

DR WILLIAMS: The actual floor space?

10 MR MATTHEWS: Yeah. So there's a – in the planning proposal - - -

DR WILLIAMS: Yes.

15 MR MATTHEWS: - - - that council have sent to the department, which talks to, you know, during the gateway process, reviewing that level of retail floor space.

DR WILLIAMS: So that, basically, the planning proposals you're asking the gateway to consider reducing that.

20 MR MATTHEWS: Yeah. Or reviewing it as part of that process - - -

DR WILLIAMS: Yes, yes.

25 MR MATTHEWS: - - - because it's probably not akin to a neighbourhood centre or a B1 zone.

DR WILLIAMS: But had you discussed this with council beforehand to try and get it reduced in the amendments to the planning proposal?

30 MR MATTHEWS: Possibly. I can't talk definitively to that, but it's – we've been working with them collaboratively and I - - -

DR WILLIAMS: Yes, yes.

35 MR MATTHEWS: - - - I believe it's something that, yes, we've talked about – we talked to studying further after a gateway determination.

DR WILLIAMS: Righto. I just think – I mean, if there's approved for 4000 square metres, you've stuck with something that's going to be too big.

40

MR DANIEL: But it wouldn't be - - -

MR MATTHEWS: Well, it's a maximum, I guess. It's not - - -

45 MR DANIEL: It's a maximum and it wouldn't - - -

MR MATTHEWS: Or isn't it?

MR DANIEL: - - - would it, in that sort of sense where this what – and my colleagues introduction was that, at the end of the day, the strategic process is to get - - -

5 MS TUOR: Sorry. Just - - -

MR DANIEL: - - - the right outcome.

10 MS TUOR: - - - clarifying, because it's – the actual resolution of Parramatta Council was that council endorsed the former Auburn Council officers recommendation dated 7<sup>th</sup> of October as the pathway to progress the Grey Street planning proposal. Then there's stuff about the VPA and DCP, etcetera, etcetera, but there's nothing in that about looking at less - - -

15 MR DANIEL: No, it just says require the applicant to modify the proposal - - -

MS TUOR: Yes.

20 MR DANIEL: - - - to ensure 4000 square metres of retail.

MS TUOR: Yes. And then when you go to the council officer's recommendation (g) requires:

25 *The applicant to modify the planning proposal to ensure –*  
so it's not a maximum, it's to ensure that 4000 square metres - - -

MR DANIEL: Yes.

30 MS TUOR: - - - speciality retail – retail component comprises, blah, blah, blah, blah. So at that point in time, it was that you were going to providing 4000 square metres of specialty retail, commercial floor space in the form of a two and a half thousand square metre supermarket and a one and a half - - -

35 MR DANIEL: Yes.

MS TUOR: So – and that's what's before us to review.

40 MR MATTHEWS: Yes.

45 MS TUOR: And we will get on to the next stage, which is that you're now saying that perhaps we should be looking at a different proposal, but at the moment, just looking at the first one, it was the 4000. So in terms of how that would work in a planning instrument, you would have the B1 zone and then you would have – which has a range of permissible uses – and then you would have a clause that would be inserted, presumably, into that – I mean, again, just trying to understand it, because the actual definitions in the Auburn LEP 2010, um, for neighbourhood shops – you

know, it's the day-to-day needs of people who live and work in the local area, blah, blah, blah. And then it says:

*See clause 5.4 for controls relating to retail floor area of neighbourhood shops.*

5

And neighbourhood shop – yes. So then, when you go to the clause four point – 5.4, it has a specific term for neighbourhood shops, being that they can't be more than 80 square metres. And it also has a clause for neighbourhood supermarkets, that they would have to not exceed 1000 square metres.

10

MR MATTHEWS: Yeah.

MS TUOR: So presumably, you would have to amend – put an amendment into this section, 5.4, to – under the previous version of – the one that the councils had adopted, that would allow a supermarket, that's a neighbourhood supermarket, to be up to two and a half thousand square metres.

15

MR MATTHEWS: I think – I think – I think that the pathway – if it's B1 zone, I think shop top housing is a permitted use.

20

MS TUOR: No.

MR MATTHEWS: In the B1?

MS TUOR: B1? Specialist – no.

25

MR MATTHEWS: Yep. So shop top housing is permitted with consent under (3).

MS TUOR: Sorry, I was looking at (4). Yep. Yep. So it's permitted.

30

MR MATTHEWS: So – yep. So therefore - - -

MS TUOR: And residential flat buildings are permitted in their own right.

MR MATTHEWS: Yes.

35

MS TUOR: As well.

MR DANIEL: So we wouldn't be restricted by those sort of things.

40

MS TUOR: No.

MR DANIEL: So there is a flexibility of uses to do it.

DR WILLIAMS: I think what's – what's mentioned here is – in the report was putting in a new, ah, clause in the part 6 of the LEP, the additional local provisions,

45

the site specific provision for this site that would override the other controls that would have to – that would say that you have to provide - - -

5 MR MATTHEWS: That's correct.

DR WILLIAMS: - - - 4000 square metres.

MR MATTHEWS: Yep.

10 DR WILLIAMS: And ..... that's the way it was - - -

MS TUOR: Is that how it was going to be done?

MR MATTHEWS: Yep. Yep.

15

DR WILLIAMS: I think that's how – I think that's how it was going to work but - - -

MS TUOR: Okay.

20

DR WILLIAMS: But – but - - -

MR MATTHEWS: The site specific clause would say you have to have 4000 square metres.

25

MS TUOR: Yeah.

DR WILLIAMS: But Annelise is right. You're going to have to amend the LEP and I think that's - - -

30

MR DANIEL: In some way, yeah.

DR WILLIAMS: Yeah. Some way.

35 MR DANIEL: Yep.

DR WILLIAMS: And I think that's – that's how the amendment would be - - -

40 MS TUOR: Because you mightn't be able to use the term neighbourhood shop and neighbourhood supermarket.

DR WILLIAMS: Yeah. Yeah.

45 MR MATTHEWS: So they're – because neighbourhood shops are permissible at the moment but neighbourhood supermarket isn't in the B6.

DR WILLIAMS: Mmm.

MS TUOR: Mmm.

MR MATTHEWS: But if it's shop top housing, then the retail within a mixed use development is – would be permitted, regardless of the – the – the five – clause 5.6 is  
5 my understanding. So – I mean – and that's what's – what's in front of you is – at the moment, I guess, is the B1 20 metres and 2.7. So the land use is in the B1, reflective of what has been proposed in these concepts.

MS TUOR: Mmm.

10

MR MATTHEWS: However, if – and again, all we're trying to do is, well, tease out what are the actual issues that are coming through in this gateway determination and say okay, there is – there's clearly a need, regardless that other council areas have the B6 zone and have shop top housing as a permitted use, or residential flat buildings.  
15 So you know, that's a key issue for us, that they're applying something – a condition here that talks to the – the regional plan and the district plan about reviewing and managing urban services land. Yet there's other urban services land that allow retail and residential flat buildings. We've got a study here that supports residential and retail land uses but they're using – the gateway uses something that – here that it  
20 doesn't make sense elsewhere.

DR WILLIAMS: Yeah.

MS TUOR: Mmm.

25

MR MATTHEWS: Or is – being inconsistently applied. So – but, however, if we want to keep up – you know, we're happy to look at an option where the B6 is retained and we can look at both – um, you know, providing more B6 uses in terms of business premises or high tech industries and then that would – but that would  
30 require additional – and additional permitted use for shop top housing.

MS TUOR: Okay. So that's – do you want to now go to that - - -

MR MATTHEWS: Another option but that's part of the site specific clause - - -  
35

MS TUOR: Explain - - -

MR MATTHEWS: - - - which we need anyway.

MS TUOR: So as I understand what you're saying, it's almost like you would prefer not necessarily to proceed with the current planning proposal that was adopted by Parramatta Council but to look at a modified one, which would be retaining the zoning but adding shop top housing. Is that - - -  
40

MR MATTHEWS: Well - - -  
45

MR DANIEL: Look, could I just make a comment there. Council hasn't adopted a planning proposal. They've given a resolution to the Minister that a gateway be issued.

5 MS TUOR: Yep. Sure.

MR DANIEL: And in that process there's a whole lot of more strategic planning steps that we need to go through, that they will then eventually come to, possibly and more than likely, an alternate resolution so we get the right outcomes for the  
10 community here.

MS TUOR: But just to – but what you would prefer to come, if a new gateway – if the gateway were to be issued - - -

15 MR DANIEL: Yes.

MS TUOR: - - - would be a gateway for the retention of the basics land with shop top housing and - - -

20 MR MATTHEWS: Can I speak to that, if you don't mind?

MS TUOR: Yep.

MR MATTHEWS: So I guess my – my response is – is that what has been lodged  
25 with the department, B1, 20 metres and 2.7, and looking at the reasons that – that the department have provided in the gateway, I – I do not believe are – are sufficient justification to refuse the application because, um, whether it's B1 or B6, the outcome is the same. So having a B1 zone is – is more transparent for the  
30 community in an exhibition process and more accurately reflects the uses that will be, um, on the site. So, um, that would be still the preference and what we're here today to tell you is to justify why it's an appropriate outcome, having regard to these conditions that have been put forward in the gateway, particularly number 2 which is coming back to what I'm saying – is that I believe that we are consistent with the  
35 regional plan and the district plan and we have adequately justified through a retained and managed process at the same time as thinking about, well, there's no – why is there no strategic justification here against those documents whereas other councils all around us have B6 zones with shop top housing in them? We're not okay but they are so - - -

40 MS TUOR: All right. But - - -

MR MATTHEWS: So that's – so – so that's – sorry.

MS TUOR: Yep.  
45

MR MATTHEWS: I'm – I'm trying to answer your question.

MS TUOR: .....

MR MATTHEWS: I'm just going round in a big loop.

5 MS TUOR: But I'm just trying to be sort of - - -

MR MATTHEWS: Yes. The alternative - - -

10 MS TUOR: Is where it says proposal for a gateway to be issued, do you want that to say and, you know, retain the B6 enterprise corridor and add shop top housing as an additional use? Is that your first – is this – is this your first preference, what went to the department originally, which was about - - -

MR MATTHEWS: B1.

15

MS TUOR: - - - rezoning it?

MR MATTHEWS: Yes, of course.

20 MS TUOR: B6 to B1.

MR MATTHEWS: I think that's more transparent so that would - - -

MS TUOR: Okay.

25

MR MATTHEWS: Would be my preference. Yes.

MS TUOR: And then, your fall-back would be B6 enterprise zone, add shop top housing.

30

MR MATTHEWS: Shop top housing as an additional use.

MS TUOR: Yep.

35 MR MATTHEWS: Yeah.

MS TUOR: And then, in relation to the last dot point, which was about the 4000 square metres, in your first preference, which is about it being, um, B1 – rezoned to B1, do you want to include a site specific clause to ensure how many square metres of retail? Like - - -

40

MR MATTHEWS: Well, again, I come back – I think – I – I come back to the point that I think that needs to be through a part 3 process studied but my initial response is that 4000 exceeds what would be anticipated for a neighbourhood centre and through our refinement about 1800 square metres of retail, noting that in the B6 zone we're also providing business type uses as well.

45

MS TUOR: No, no, but this is – if it stays as B1 – if it stays as – if it goes to B1  
- - -

5 MR MATTHEWS: 4000 is too much, I would say. Yes.

MR DANIEL: We – we disagree with there being a – shall we say a – a floor of  
4000 square metres.

10 MR MATTHEWS: Yep.

MR DANIEL: We're happy to have a ceiling of – you know, of that but we – we –  
we think that - - -

15 MR MATTHEWS: Yep.

MR DANIEL: We think it is appropriate, I mean, to allow flexibility of the market  
and a flexibility of the uses that are going to make this site viable to permeate  
through this part 3 process. So putting in a floor at this stage would prevent that.

20 MS TUOR: It's just that the rationale largely for doing this has been, in terms of  
your documentation, that there is a demand for – to service the community for retail  
and supermarket and that providing for that demand will meet, essentially, what is  
required to be met by the B6 in terms of retention of industrial lands, etcetera,  
etcetera. So there has to be a certain amount of that employment generating use to  
25 satisfy what you've put forward as your rationales I would have thought.

MR DANIEL: I'm not – we're not against that.

30 MS TUOR: So what would that figure be? If 4000 is too much - - -

MR DANIEL: No. Sorry. I think there's a - - -

MS TUOR: Yeah.

35 MR DANIEL: I think – I think we - - -

MS TUOR: Because it would be - - -

40 MR DANIEL: We're getting confused between if – and I – unintentionally between  
retail uses and employment uses. What we're just saying that to have viable retail  
users on the site that from what we've done – doing here, is that 1800 square metres  
can still meet that local objective and to have those sort of things and we can still  
provide other urban services to the area in a mixed use environment with – that are  
already existing in the B6 use in that sort of a way.

45 MR MATTHEWS: So that might include – and you will see on this – on this – this  
second - - -

MS TUOR: But if you rezone to B1, you don't have B6 uses, necessarily. You have a different list of uses.

MR DANIEL: Similar. Some are similar; some are prohibited.

5

MS TUOR: Mmm. You have medical centres, neighbourhood shops, neighbourhood supermarkets, oyster aquaculture, residential ..... respite, day care centres, roads, self-storage units, service department, shop-top housing, warehouse and distribution centres.

10

MR MATTHEWS: Yes.

MR DANIEL: It is an enabling zone, though, so it's probably best to see what's prohibited rather than what's permitted, in that sense.

15

MR MATTHEWS: But some – but some of those things – I mean, business premises, child care facilities, some of those are – and medical centres are the kind of usage that we're anticipating that are - - -

20

MS TUOR: Okay. So then, you can have 4000 square metres.

MR MATTHEWS: But, I think, isn't – doesn't – isn't the language "retail"?

MS TUOR: Yes, so it's 4000 square metres.

25

MR DANIEL: That's right as well.

DR WILLIAMS: But the – yeah, the language is "retail".

30

MR DANIEL: Yeah.

DR WILLIAMS: So the point would be if this was proved and you got 4000 - - -

MS TUOR: Of non-residential.

35

DR WILLIAMS: - - - what would you do?

MR DANIEL: Well - - -

40

MR MATTHEWS: Well, that would be – yeah - - -

MR DANIEL: We have it there. I mean, that's what we say. So what – we're just getting – we're getting fine-tuning, perhaps, on what is food retail and those sort of specialty sort of shops in that sort of direct sort of explanation. There's other employment uses on here which fall into the B1 use so it's, you know, yeah.

45

DR WILLIAMS: Yeah – no, it's the size of the supermarket as well, I think.

MR MATTHEWS: Well, that's – the wording of their proposal is very precise about what the 4000 is supposed to be used for and if you – and if this was to be  
- - -

5 MR DANIEL: That's right.

DR WILLIAMS: If we recommended this to go through and that's what happens, then you have got 4000 square metres on the side.

10 MR DANIEL: Yeah, of retail uses.

DR WILLIAMS: That you would have to sell.

MR DANIEL:

15

MR DANIEL: So I don't – but that's not – we don't – we're not opposed to that.

DR WILLIAMS: Right.

20 MR DANIEL: It's just that the language has been around supermarkets and those sort of things, but if we're being – if we're open in our description of what “retail uses” were, well, our scheme falls inside that.

25 MS TUOR: Well, it's not really retail; it's really – what you're saying is you want non-residential uses – 4000 square metres of non-residential usage.

MR DANIEL: Yeah, but there was – earlier in our discussion, you will recall that we talked about a certain size for a supermarket and a certain size for specialty shops. We're saying that's what needs to be not so prescriptive in that sort of regard.

30

MS TUOR: Well, presumably, it would have to – and comprising a neighbourhood supermarket which then flips back to the LEP which would be, then, 1000 square metres.

35 MR MATTHEWS: I think that's just that specific use, though. That's – that's only a neighbourhood supermarket as defined, and shop-top housing provides – would provide for a two and a half thousand square metre supermarket. I think that – I believe that they fall under different definitions.

40 MS TUOR: But if it were that there was a requirement for a supermarket and you wanted it to be definite that there was going to be a supermarket - - -

MR MATTHEWS: Yes.

45 MS TUOR: - - - two and a half thousand square metres is too big but a neighbourhood supermarket is what you're saying is – you could be – there would be a demand for that that could be satisfied. So if it was 4000 square metres of non-

residential component comprising a neighbourhood supermarket, ie, 1000 square metres - - -

MR MATTHEWS: Yes.

5

MR RAAD: Yes. Yeah, that's - - -

MS TUOR: And then not have the rest of it – or something like that.

10 MR MATTHEWS: Yeah.

MR RAAD: Yeah. Well, sorry, could I just say – we're not – we're not adverse to having employment-generating employer ads. It's more that the definition and that minimum area related specifically to retail and there's a whole lot of other uses  
15 which are not technically retail but which we would be more than happy to accommodate and, by having that minimum for – if we're having that 4000 square metres, we can do that.

MR MATTHEWS: And I think some of those food and drink, medical facilities will  
20 service those day-to-day requirements of the employment land to the north, as well, which, you know, they're reasonably available for you.

DR WILLIAMS: Yes. There's just a – as the planning proposal components stand  
25 at the moment, it's fairly prescriptive.

MR RAAD: Specific. Yeah.

DR WILLIAMS: And – and you were wanting flexibility, then the – what's  
30 recommended - - -

MR RAAD: Mmm.

MR MATTHEWS: Well – and I think, at the end of the day, we're happy with  
35 prescriptive controls when a clause or a change is notified on the New South Wales legislation website at the end of a process and certainly, this would be something that, you know, Council would – we would study with Council, you know, through an exhibition process and make a recommendation back to the Minister to be made at the end of that process. But I come – we come back to – I've only provided an  
40 alternative solution of including shop-top housing as additional permitted use because I know that we've already got a site-specific clause that deals with the retail component.

DR WILLIAMS: Yes. Well, that gives us a lot more detail about what – the history  
45 of what's – how we got to here which is what we were unsure about.

MR MATTHEWS: That's ..... yeah.

DR WILLIAMS: And so we're trying to get at exactly what it is that's there compared to what it is you're trying to achieve and this disconnect between – as I said, some parts of it are quite prescriptive and whether there's another way to get around in terms of necessarily rezoning additional ..... permissible use. If you're  
5 stuck with 4000 square metres as it stands at the moment, it's 4000 square metres. The only way you're going to get around that is a clause 4.6 objection or something or other, so you – as it stands, it's – once it's locking you into the provisions of the planning proposal itself so we're trying to get a bit of conferral about what would be the scope for some sort of variation on amendment. That's about it, I think. Yeah.  
10 That's us, I think, so we've – I think we've dealt with that. Did you have any specific questions?

MS TUOR: No.

15 DR WILLIAMS: So I think – thanks for tabling these extra concept plans. They're very helpful. So we've got – can we keep these originals?

MR MATTHEWS: Yeah. We can send you ..... electronic, if that helps.

20 DR WILLIAMS: Thank you. Yeah. And, Matt, we've got copies now. Have we got electronic copies of some or all of these? Or not all of them?

MR MATTHEWS: The one I've just handed over, I will email to Max as soon as we've finished this meeting.  
25

DR WILLIAMS: Yeah. Thanks very much. That would be helpful ..... I think that's all the documentation we need. So no further questions?

MS TUOR: No.

30 MR MATTHEWS: No.

DR WILLIAMS: Did you have any other comments or questions you would like to make?  
35

MR MATTHEWS: Not really. Again, it just comes back to my comment from the beginning that we're just looking for a process to move forward rather than going back to the start and so that's why we've tabled the ideas but, again, coming back to the conditions for refusal, I feel we've – we've justified against those why there is a  
40 pathway to move forward.

DR WILLIAMS: Right. Yeah. Well, thanks very much, Darren, Matthew, Roman. Thanks very much. We appreciate you coming to ..... I will stop there. Thank you. Thanks, gentlemen.  
45

MS TUOR: Thank you.

DR WILLIAMS: Thanks for that.

MEETING CONCLUDED