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O/N H-960569

**INDEPENDENT PLANNING COMMISSION**

**PUBLIC MEETING**

**RE: CHANNEL 9 WILLOUGHBY MOD2**

**PANEL:**

**DIANNE LEESON  
RUSSELL MILLER  
JOHN HANN**

**ASSISTING PANEL:**

**DAVID KOPPERS  
PHILIPPA VALE**

**LOCATION:**

**CLUB WILLOUGHBY  
26 CRABBES AVENUE  
WILLOUGHBY, NEW SOUTH WALES**

**DATE:**

**10.31 AM, TUESDAY, 27 NOVEMBER 2018**

MS D. LEESON: Good morning. Before we begin, I would like to acknowledge the traditional owners of the land on which we meet. I would also like to pay my respects to their elders, past and present, and to the elders from other communities who may be here today. Welcome, today, to the meeting today. Euro Properties and  
5 Lotus Property Fund Number 8, the proponent, is proposing to modify is concept approval MP10\_0198 for a stage residential development which includes small-scale, non-residential use as Willoughby in Northern Sydney.

10 Key elements of the modification include excluding the portion of Scott Street owned by Council from the site; increase the approved building envelopes from seven to nine; increase the maximum gross floor area from 37,136 square metres to 43,907 square metres; to increase the maximum number of dwellings from 400 to 460; amend building envelope heights while maintaining the approved maximum envelope height of RL105.4; and include child care facility as a permitted use.

15 My name is Dianne Leeson. I am chair of this Independent Planning Commission which has been appointed to help determine the proposal. Joining me are my fellow Commissioners, Russell Miller and John Hann, and David Koppers and Philippa Vale from the Commission Secretariat. Before I continue, I should state all  
20 appointed Commissions must make an annual declaration of interest identifying potential conflicts with their appointed role. For the record, we are unaware of any conflicts in relation to our determination of this proposed modification. You can find additional information on the way we manage potential conflicts in our policy paper, which is available on the IPCN website.

25 MR .....: Can't hear you .....

MS LEESON: Still can't hear?

30 MS .....: .....

MS LEESON: Just need to speak right at it, do I?

35 MR R. MILLER: Plenty of seats down here.

MS LEESON: I'm sorry. If you would like to move forward a little bit, then - - -

MR .....: ..... is that all right?

40 MS LEESON: Is that better?

MS .....: Yes.

45 MR .....: Yes. We can follow you.

MS LEESON: Right. Okay. Thank you very much. Thank you. Thank you. In the interest of openness and transparency, today's meeting is being recorded and all transcript will be produced and made available on the Commission's website. This public meeting gives us the opportunity to hear your views on the assessment report prepared by the Department of Planning and Environment before we determine the development application.

The Independent Planning Commission of New South Wales was established by the New South Wales Government on 1 March 2018 as an independent statutory body operating separately to the Department of Planning and Environment. The Commission plays an important role in strengthening transparency and independence in the decision-making process for major development and land-use planning in New South Wales.

The key functions of the Commission include to determine state significant development applications, conduct public hearing for development applications and other matters, and to provide independent expert advice on any other planning and development matter when requested by the Minister of Planning or the Planning Secretary. The Commission is an independent consent authority for state-significant development applications, and provides an additional level of scrutiny where there are more than 25 public objections, reportable political donations or objections by the relevant Council. The Commission is not involved in the Department's assessment of this project, the preparation of the report or any findings within it.

This meeting is one part of our decision process. We've also been briefed by the Department, met with the proponent and Willoughby Council, and after today we will visit the site and surrounding locality. After today's meeting we may convene with relevant stakeholders if clarification or additional information is required on matters raised. Records of all meetings will be included in our determination report, which will be published on the IPCA website.

Following today's meeting, we will endeavour to determine the development application as soon as possible, however there may be delays if we find need for additional information. So today's ground rules – before we hear from our first registered speaker, I would like to lay some ground rules that we expect everyone taking part in today's meeting to follow. First, today's meeting is not a debate. Our panel will not take questions from the floor and no interjections are allowed. Our aim is to provide maximum opportunity for people to speak and be heard by the panel. Public speaking is an ordeal for many people. Though you may not agree with everything you hear today, each speaker has the right to be treated with respect and to be heard in silence.

Today's focus is a public consultation. Our panel is here to listen, not to comment. We may ask questions for clarification, but this is usually unnecessary. It would be most beneficial if your presentation is focused on issues of concern to you. It is important that everyone registered to speak receives a fair share of time. I will enforce timekeeping rules of five minutes for individuals and the allotted time for the

associations that have been – that have registered. As chair, I reserve the right to allow additional time for a provision of further technical materials. A warning bell will sound one minute before the speaker's allotted time is up, and again when it runs out. Please respect these time limits.

5

Though we will strive to stick to our schedule today, speakers sometimes don't show up or decide not to speak. If you know someone will not be attending, please advise either David Koppers or Philippa Vale. If you would like to project something onto the screen, please give it to David Koppers or Philippa before your presentation. If you have a copy of your presentation, it would be appreciated if you would provide a copy to the Secretariat after you speak.

10

Please note any information given to us may be made public. The Commission's privacy statement governs our approach to your information. If you would like a copy of our privacy statement, you can obtain one from the secretariat or from our website. Audio recording of this meeting is not allowed except for the official record for transcription purposes. Notes made throughout the day on issues raised will be summarised in our determination report. Finally, I would like to ask that everyone present please turn their mobile phones to silent. Thank you. I will now call the first speaker. The first speaker I would like to invite is on behalf of the proponent, Michael - - -

15

20

MR MILLER: Oliver. Oliver.

25

MS LEESON: Sorry; Michael Oliver. And I ask the proponent that as there has been some change to the proposal between submitting and what was exhibited, and what is now actually before the Commission that your presentation tries to identify those key differences, because I think it will aid clarity for the meeting today. Thank you.

30

MR D. HYNES: Is it okay if I face – you want me to face you guys?

MR MILLER: Just angle it around. That way you can - - -

35

MS LEESON: If you can angle it around, and then you cannot have your back to the audience but also address us.

MR HYNES: Yes. I would prefer not to. Yes. Okay, fair enough. Maybe I will go around here.

40

MR MILLER: Spin it the other way.

MS LEESON: If you spin it the other - - -

45

MR MILLER: That's better.

MS LEESON: Terrific, thank you.

MR MILLER: That's good. Thanks.

MR HYNES: No problem. Good morning. Okay. Is that all right like that there, or do you want me to move that there? Good morning. My name is David Hynes. I'm  
5 the project director for the redevelopment of the Channel 9 site. With me today I have Michael Oliver from Ethos Urban and Georgina Blix from CHROFI, together with Kate Astley, the project manager from Platform. As most of you would be aware, the site is owned by Euro Properties and Lotus Properties. Lotus is a local developer based in Sydney and Euro is based on Hong Kong. Both developers have  
10 a long track record of developing high-quality design-driven projects in Australia and also in New York and Hong Kong. It's fair to say that the scheme that was prepared by Channel 9 and pursued over a period between 2010 and 2014, ultimately became about Channel 9 achieving a bankable consent rather than the scheme that was the best development outcome for the site.

15 So upon acquiring the site in 2015, LEPC9 engaged consultants, including Andrew Andersons, who is one of Australia's leading architects, to review the approved scheme and to identify any missed opportunities or shortcomings in that scheme. Following that review, we conducted an architectural design competition, which was  
20 voluntary. There was no requirement from Council or the Department for this to occur, and CHROFI was selected as the architect for the scheme because they developed a scheme that delivered the most robust urban design outcome and also demonstrated a deep understanding of the issues that had been previously raised by the community, such as visual impact, overshadowing public open space.

25 The scheme that is before you today and before the IPC for determination is the culmination of a significant amount of community and council engagement over many years, independent expert review by multiple consultants in relation to traffic and urban design, and almost 12 months of negotiation with the Department of  
30 planning. The report that has been generated by the Department of Planning thoroughly assesses the key issues associated with the site, and I'm going to hand over to Michael and Georgie in a second just to take you through the key changes in the site and how we've sought to address the matters that have been raised by the community throughout the process. In a snapshot, the revised proposal incorporates  
35 significant increase in publicly-accessible open space from the approved scheme to the current scheme. It has gone from 3178 square metres to 6385 square metres. It has doubled the public open space that's available from the original scheme.

40 It maintains the building height, so even though we sought higher heights at the start it maintains the building heights as per the Channel 9 approval. It reduces the number of units from what we initially sought for the site. It has got a floor to space ratio 1.5/1, which is not excessive and is appropriate for the site. It has been supported by the Independent Architects Commission by the council and by the Department of Planning, which is the New South Wales Government Architect, and  
45 it's also supported from the traffic experts commissioned by council and from the Department of Planning.

And, overall, it opens up a currently locked-up, pretty much dilapidated site to the public for the first time in a very long time, and delivers considerable community public benefits. So I hand over to Michael just to highlight the high-level changes between the schemes, and then onto Georgie to take you through it in a bit more detail.

MR M. OLIVER: Thanks, David, and thank you, Commission, for the opportunity to speak. It has been about a year since the application was – this application was on public exhibition and two and a half years since we briefed community leaders and met with the community across the road at the Uniting Church to discuss the original masterplan, so I thought it would be worthwhile to run through some of the key changes, particularly those that have happened between the public exhibition period a year ago and the applications being considered by the Commission today.

So this on the screen is a – it's a bit difficult to read but it is a snapshot of what those key changes are. As David touched on just before, two of those key changes in direct response to the community are a reduction in the building heights from what we originally sought so that no building in the scheme is higher than the approval issued by the PAC, and the other is that there's a reduction in the number of apartments sought as part of this modification, from 495 in the exhibitor's scheme to 460 apartments.

Some other smaller changes – the Department of Planning has recommended that the Scott Street and Artarmon Road roundabout that was originally proposed not be delivered and that that street access be left-in, left-out only and that the roundabout be moved back to the original location from the concept approval to the intersection of Richmond Avenue and Artarmon Road. So that was the recommendation of the Department and the Department's transport expert.

The other key changes are retention of some additional trees in the public square on the corner of Scott Street and Artarmon Road. So there's a couple of trees there that will be also retained as part of that new public space with the commercial tenancies there as well. So those are the key changes to the scheme and I will pass over to Georgina Blix from CHROFI Architects to speak through how the revised masterplan addresses some of those key issues that have been raised by the community during the consultation process and during the original concept approval.

MS G. BLIX: Thank you very much. My name is Georgina. I'm an associate with CHROFI Architects and I thank you very much for the opportunity to speak to you today about the scheme that we've designed. At CHROFI, our practice philosophy is to create projects that have a more productive balance between public and private outcomes. At Channel 9, we asked ourselves in the design competition we were invited to participate in, how can we create a public domain that is better for the public and how can we increase value for the development for our developer, but we wanted to do this in a manner that has equal or less environmental impact on the neighbours so that, from a public standpoint, we can say that there is a win-win scenario that has been created.

So this slide here was the starting point from our first site visit. It's the helipad on the edge of the escarpment which is the site – in our perspective, the site's greatest asset, and our first perspective was how can we make this view – this amazing view that sits on the top of the hill – a public asset? So – if I can just go to the next slide –  
5 compared to the previous scheme, we dedicated more of this part of the site – a significant amount more – to the public so that that could become a public park with that view, and if we look at the bottom of the slide, it's running on the left and right.

The next-step move in designing the public realm was to say, well, how do we make  
10 this part of the site more publicly accessible? So it as the bottom of the site. It's previously not accessible to the public, even though it has got the helipad landing, and in the previous scheme, it was quite convoluted. You can see it sits between buildings. It's quite hard to find and navigate. You need to find your way quite narrowly between buildings in order to find that space.

15 So we decided it needs to be extremely publicly accessible and decided that the strongest way to do that is in a straight line from Edward Street – draw Edward Street straight through the site in a green axis that lands with the escarpment park in the end, and from a town planning perspective, that does create quite a classical axis  
20 that terminates with the landmark high-rise buildings in St Leonards beyond. It's quite an important street – Edward Street. It runs all the way through the suburb – this part of the suburb – and runs and lands directly in line with that station, which we thought was quite an interesting aspect.

25 We then – you can leave it on that slide, sorry. We then supported that with a very simple road structure – Scott Street turning in a straight line to connect with Richmond Avenue so that the park was publicly accessible by a road and vehicular access is accessible to all parts of the park, which helps to create a sense of safety  
30 and accessibility for the public. Next slide, please. So you can see from this render – this is from the escarpment park that looks out over that view – how significant the view is and, in the background, you can see the playground that's proposed in the satellite bowl that currently exists on site.

35 Next slide – and if we step back into the middle of the site, this is the Village Green. This is a space that we envisage people to be able to kick a ball, walk your dog and walk towards that escarpment view, and if we step back one more time – this is on the termination of Edward Street and Artarmon Road and this is the one space where you really get a sense of all of those public domain moves layering upon one another  
40 and you can see the view in the distance from the busiest road in the site, which is Artarmon Road. There's a space here with quite generous steps the full width of the park that would allow you to sit with the northern sun on your back, looking at that view in the distance, and we should note that it would be the only park in the area that actually sits on the high point with access to that view. A lot of the other regional parks that sit in that green belt corridor sit lower down in the valleys.

45 Can we go to the next slide. We also just had a – there were some queries about the scale of this park. We thought we might give you some comparisons today to make

you understand – help you, sorry, to understand the width of the park. So it’s – at the moment, building separation is 34 metres, which is the bottom on there, but you can see, for example, Edward Street – at the termination of Edward Street and Artarmon Road where it’s at its narrowest – that’s 25 metres between buildings. To give you a comparison, there’s The Corso in Manly at 25 metres, which is a public space between private buildings – or something like Martin Place – that’s 33 metres. So this is sitting at that really civic scale.

10 Next slide – and that gives us the opportunity for significant deep soil planting and significant trees to be in that space and the retention of significant gum tree 32 which sits on the site and you can see on the right-hand side of the slide there. We also saw the opportunity to adaptively reuse the loft which sits on Artarmon Road and Scott Street corner for community use and to create a small public square on Artarmon Road that can trade on the activity of that busier street. It’s easily accessible and it enjoys the northerly southern aspect, so we can envisage this as having a small café and a restaurant to activate that space.

20 So the next move, once we’ve established all of that framework of public open space, was to look at the arrangement of the buildings and to discuss how is it that we can arrange them in a way that transitions from the single residential houses on Artarmon Road and Richmond Avenue up to the highest buildings which sit in the centre of the site, and they’ve been moved more centrally into the site so that their impact is only on its existing site and not on the neighbouring properties, and this particular slide what I would like to take you through now is each of those streets – I know there’s a lot of concern about the scale of the development. We will take you through our design thinking about how we could honour the principles of the envelope that was established previously on these surrounding streets – to talk about that transition from the single beautiful residential houses that sit in the area to this scheme.

30 So we’ve got Edward Street coming in on axis with the park; Artarmon Road is the busiest road that sits on the site; Richmond Avenue on the west; on the east, there’s Scott Street and its interface with Castle Vale Apartments; and on the south is Walter Street, and what we’re hoping to show you here is that there’s an improved or comparable position on all of these surrounding streets. So Edward Street is probably the most noticeable because there was a six-storey building that previously terminated the end of that street, and by opening that back up with the green axis, we’ve drawn Edward Street all the way through so that the view becomes accessible from the surrounding streets.

40 But Artarmon Road – of course, there was a lot of discussion about – can we move the public park from Artarmon Road? We felt it was quite a busy road and it was a narrow park to be dealing with, so we’ve widened the park and turned it on axis with the view so it has northern solar access the whole way, and we also felt it was quite important that, instead of an interface of single residential-storey houses to the six-storey apartment buildings, that we have the opportunity to complete the street with a building of four storeys that shields you from seeing the rest of the development. The top storey is set back and the lower floor steps down so that it reads like a two-

to-three-storey building that completes the street edge. We feel that this is a more successful transition of scale to complete the streets of Artarmon Road and Richmond Avenue.

5 One of – this is a render where we’ve had a look at how this could be realised and you can see the buildings that step down from the street and the top level stepping back. One of the things that we will talk about is that, in order to make the park transition, we decided – sorry – we wanted the public to be able to access the park from Artarmon Road’s existing level to the helipad park that sits on the southern side  
10 and its existing level. So in order to step down into the site we did create a series of terraces that steps down with the site and the buildings also stepped down. Just recently we’ve completed a development at Harbord Diggers that has the same street treatment of stepping the buildings down from the street level with courtyard apartments that enjoy a strong solar access and good visual privacy from the street.

15 There’s a series of planters that step down to those courtyard apartments, and if we see it from the street – this is a three-storey building that reads as a one and a half storey building from the street elevation because those buildings are below the street level, and I hope you can take the opportunity to see that building, if you’re  
20 concerned about those apartments. They’re just recently completed at the beginning of this year. And, obviously, it’s quite a common technique in order to deal with transition of steep streets like Artarmon Road. These are sitting opposite the site – a development that has a similar condition and good apartment amenities, so we feel strongly that these will be successful apartments.

25 And I should note that this example here is south-facing, nor north-facing, and sites considerably deeper than the proposed courtyard apartments. We will take you through a quick series of sections now which looks at each of those streets which was so important for the design, and you can see in thick red line the envelope that was  
30 approved in the previous scheme, and then the white being the buildings that we’ve looked at. And we thought it was important each time that when you saw this development from the surrounding streets – this view cone, the dotted dark blue line that you see – is consistent so that the sense of scale respected what had been  
35 previously approved or improved it.

40 So in this case, this is Artarmon Road where those four storeys sits, and the – it is in this location lower than before, and the top level steps back so we think this is a comparable visual ..... and if we look at the next street, Richmond Avenue was a really important one. Previously there was a series of townhouses that stepped down the length of the street. We took the setback and have maintained that. On the left is the more typical condition, and you can see the top level stepping back. It is slightly higher, but because of the setback, the amount of bulk and scale that you see will be comparable to what was approved in the thick red line.

45 And lower down on Richmond Street, nearer to the aerial, we’ve stepped back further, which is in order to protect an existing palm tree that was sitting there. It is higher, but because of the increased setback the visual bulk impact should be the

same. It's also important, on Richmond Avenue, to note that we felt that the terraces that ran the full length of the park were quite unrelenting in scale, and that breaking them with Scott Street should help to provide views and vistas for those residents to look through – it's a sense of breaking down that scale. And, as you saw in the Harbord Diggers, articulating the buildings as very well-articulated buildings that have a sense of – more of a single-house scale than a big apartment building.

On Castle Vale, the building is lower and steps back, and this has enabled us to improve solar access for the Castle Vale apartments, so we've done quite extensive solar modelling to see that those apartments receive more sunlight access than what was previously approved, and on Walter Street that was the same condition as well. Thank you very much.

MS .....: Can people please speak a bit closer to the microphone. It's ..... hard to hear. And also face the audience, because when you look at the screen, we can't hear.

MR OLIVER: Is that better? So I'm just going to quickly talk through a couple of the non-urban - - -

MS .....: .....

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

MR OLIVER: I will hold it. So I'm just going to quickly talk through some of the non-urban design aspects of the revised master plan that we believe result also in an improvement compared to the existing concept approval, and the aspects of it that have also change da bit from the previous exhibited application. So as I touched on before, the roundabout at Scott Street – the Department of Planning has recommended that that not be – not proceed and that Scott Street remain as a left in, left out only street, which means that for vehicles exiting Scott Street, they won't be able to turn right and cross over traffic to head towards Willoughby Road; they will need to turn left.

And along with that, the Department has then recommended that a roundabout be delivered consistent with the original concept approval at the intersection of Richmond Avenue and Artarmon Road, which is the green circle and the A on the screen. So that was based on the Department of Planning's traffic assessment. For those of you who were involved in the consultation two and a half years ago and saw the original master plan, that – you will notice that Scott Street is back in its existing alignment. So Scott Street has been retained in its existing alignment because – during the original concept approval and prior to the approval of the original concept approval, Willoughby City Council resolved to sell Scott Street to Channel 9 and any future developer of the site, and enter into a deed of agreement to undertake that.

During this master planning process, Willoughby Council decided to withdraw from that commitment, and so we've had to retain Scott Street in its current location. So

Scott Street remains a public road for the portion that is a public road, and Scott Street will then continue through the site, and we believe with – public on-street parking, which we believe will make for a much more logical and more publicly-feeling road within the site, that’s very accessible to the community. The other  
5 aspect of this application is the offer to enter into a VPA – a voluntary planning agreement – with the council. And part of that is a – it’s a \$500,000 contribution towards the future upgrade of the Willoughby Road, Artarmon Road and Small Street intersection.

10 Now, the original concept approval for 400 dwellings does not include any requirement to upgrade that intersection, and over the course of the project there has been a number of traffic studies undertaken by the proponent, but the Department of Planning and by council that all conclude that this development does not give rise to  
15 the need to upgrade that intersection. We acknowledge, though, that there is community concern about the current performance of that intersection, particularly on Saturday afternoons, and for that reason the public benefit offer contributes towards the future upgrade of that intersection. Next slide, please. Sorry. And along with that public benefit offer, the other improvement is – this is the last slide.

20 MR HYNES: That’s our last – second last slide.

MR OLIVER: The other improvement is a \$1 million contribution towards the Walter Street public reserve for that area, which as you know is pretty weed infested and horrible at the moment, to be upgraded and become a real public space. That –  
25 do you want to conclude?

MR HYNES: I think with the time - - -

30 MR OLIVER: I think the only other things to touch on – as Georgie mentioned, and as I spoke to, this scheme represents a significant improvement over the existing concept approval that’s currently in place. The public benefit offer that provides for the future upgrade of Willoughby Road intersection, the contribution to the Walter Street reserve and its upgrade, reduction in overshadowing - - -

35 MR MILLER: Did you want to say something?

MS LEESON: I was about to – exactly. We need to wrap up. Thank you.

40 MR OLIVER: Okay. Reduction in overshadowing to Walter Street, additional affordable housing on the site and a doubling in public open space. We feel that this scheme is a significant improvement over the existing concept approval and should be approved. Thank you.

45 MS LEESON: Thank you, Michael. I won’t touch the microphone, because I think if we turn the second one on everyone’s ears will burst. Thank you for that. I would now like to call Peter Wilton from the Artarmon Progress Association. Thank you, Peter.

MR P. WILTON: Madam Chair and Commissioners. My name is Peter Wilton. I'm the president of the Artarmon Progress Association.

MR .....: Peter, hold the mic.

5

MR WILTON: The Artarmon Progress Association was formed in 1906 and it currently has 248 members. A number of our members are unable to be here this morning and have asked me that I include some of their comments in my presentation. As a result my submission today will be slightly longer than it would otherwise be. I request your consent, if I overstep my allotted time a little.

10

MS LEESON: Can I just clarify that you're working to a 20 minute - - -

MR WILTON: Yes.

15

MS LEESON: Thank you.

MR WILTON: I will be all right. The APA requests the Commission reject the Department of Planning and Environment's recommendation and not approve the modified scheme as proposed because the Department's assessment report is misleading and less than objective. The Department fails to justify why the determination by the Planning Assessment Commission should be overturned, and the modified scheme is inferior to the approved development scheme. The Department's assessment report is misleading and less than objective. Consider the report's key sections, and I will run through them.

20

25

Section 3: strategic context. The Department incorrectly implies that the proposed modification is in line with the aims and objectives of the Premiere, the New South Wales Government, the Greater Sydney Commission, the North District and Willoughby City Council. The Department is highly selective in its comments. It only mentions strategic housing targets that support the proposed modifications, and omits those strategic objectives that are contrary to it. For example, it fails to report the Premiere's objective for coordinated planning with development that is appropriate to its location. It fails to set out the GSCs and North District's broad objectives to align planning with council's and to eliminate ad hoc site-specific exceptions. It fails to consider council's planning strategy, its existing LEP and planning philosophies.

30

35

In section 3.2, the Department misleadingly implies that the Channel 9 modifications are needed in order that the GSCs, North District's and Willoughby Council's housing targets are achieved. Neither are true. Council targets will be met under the proposed housing strategy and LEP. Willoughby City Council has objected and challenged the substantive modifications to the approved scheme. Despite this and numerous submissions from council, the Department still claims in section 3.2 that the proposed modification is consistent with the council's strategy. If that were the case, why would council be objecting to it? The Department's concluding comments

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45

in 3.2 are misleading and reflect the Department's inability to objectively report on the submissions that have been made to it.

5 Section 4: statutory context. The Department fails to show how the proponent has the right to maintain multiple live modifications at the same time. The proponent's Modification 1 is still under assessment and has not been dealt with or withdrawn, yet Modification 2 has been assessed and modification 3 has been submitted. The proponent's use of multiple live modifications is an abuse of process. It appears that they are hedging their bets. It has the effect of confusing the community with the  
10 apparent aim of lessening engagement. Modification 2 should not have been assessed or determined until Modification 1 had been dealt with. The Department fails to explain how the proponent has the right to do this.

15 Section 5: engagement. Here, the Department fails to describe the engagement activities or lack of activities that were performed by the proponent. The proponent did not engage with the community on Modification 2. It did not perform any community consultation or similar activities. We suspected that the proponent was not interested in engagement when they lodged their Modification 2 application just one day before the Department of Planning's end-of-year shutdown last year. This  
20 resulted in the public exhibition period for Modification 2 coinciding with the busy end-of-year Christmas period, when the community and other stakeholders were otherwise distracted.

25 Our suspicions over the proponent's lack of interest was confirmed in their March 2018 response where, in section 2.2, they dismissed 411 written public objections as "indicating that there is neither broad-base objection to or interest in the overall project and proposed modification". This is clearly not the case. The proponent fails to report on – the Department fails to report on the proponent's lack of engagement and creates the misleading impression that the proper engagement was undertaken.  
30

In section 6, the Department provides its assessment of the proposed modification. Here, the Department's less-than-objective approach continues. The increase in apartment and storey numbers is the major element of the proposed modification. It was these items that were the subject of the PAC determination and the subsequent  
35 Land and Environment Court appeal and conciliation agreement. It was the issue that attracted the most objections. In section 6.2 of the report, the Department provides six reasons to justify the increase in apartment numbers at the site. These reasons, however, are either wrong, misleading or irrelevant and show the Department's less than objective and rigorous approach.  
40

Consider the reasons offered by the Department for the increase in apartment numbers. Reason 1: building heights have not increased. This is factually incorrect and misleading. The RL building heights along Richmond Avenue, Artarmon Road and the south-east corner have all increased. Likewise, the number of storeys for six  
45 buildings have increased by at least one storey. Building heights and building storeys have both increased. It is misleading of the Department to suggest otherwise.

Reason 2: built form on the site edge creates a reasonable transition to the surrounding low-scale character. This statement is misleading as the Department fails to state that the transition is inferior to the improved development because of the greater height and additional storeys of the buildings directly on Artarmon Road and Richmond Road; that the removal of the park from the corner of Artarmon and Richmond in the modified scheme reduces the building setback and further reduces the transition established in the approved scheme; that the increase in storeys on Richmond Avenue will increase the number of dwellings sited directly on this street and result in a greater loss and impact of amenity to existing Richmond Road residents.

Reason 3 provided: overshadowing is improved. Whether overshadowing has improved or not is completely irrelevant as to the suitability of this site to house more residents. Reason 4: open space has been increased and improved. This statement is misleading. Open green space has increased by 900 square metres but total open space has reduced by 344 square metres. The increase in open green space has been largely achieved through a reduction in internal roads. The area, however, covered by buildings, that is, the building footprint, has increased by 344 square metres from 10,114 square metres to 10,458 square metres, and this results in a reduction in the total open area.

The Department fails to identify this. The calculations proving the numbers I've quoted are included as a footnote in my written submission. The Department's omission here creates the misleading impression that there will be more apparent open space with the modified scheme but this is not the situation. The modified scheme has a larger area covered by buildings, resulting in a greater sense of density and built form than with the approved scheme.

Reason number 5: traffic generation remains acceptable. This is highly debatable. The Department's assessment report relies upon a traffic assessment that lacks appropriate rigour. It is based on out-of-date traffic volumes that were measured in May 2018. Since then, traffic on Artarmon Road has noticeably increased. It does not account for the increase in traffic associated with the proposed child care centre, nor the impact from the reduction in non-residential space that were identified for retail and other commercial amenities that would otherwise have reduced the need for residents to make a car trip, and it's based upon RMS traffic movement guidelines with similar size developments which are normally sited closer to mass transport and commercial amenities than the Channel 9 site and, as a result, generate lower traffic movements than will occur at the more isolated Channel 9 site. The Channel 9 site is a suburban site that has little mass transport or commercial amenities within walking distance. Residents in the area are highly dependent on car transport access to shops, health and other amenities.

Reason 6: the proposal includes additional public benefits via the proposed voluntary planning agreement (VPA). This is not just misleading but factually incorrect. The issues here are: the proponent has proposed \$1.5 million in voluntary planning agreements, however the expenditure is tied to projects directly related to

the development with little net benefit to the community; the proposed VPA projects are \$500,000 for an upgrade to Willoughby and Artarmon Road intersection that aims to mitigate the traffic impact caused by the development; \$1 million to upgrade Walter Street Reserve that will be largely to the benefit of residents of the new  
5 development.

Most significantly, the proposed modification excludes Scott Street. Under the approved development, the proponent was obligated to purchase the 1003-square-metre Scott Street public road area from Willoughby City Council with the area  
10 incorporated into the site and becoming part of the development's internal road network. With the proposed modification, Scott Street is not incorporated into the site and it will not be purchased by the proponent. It, however, will be used exclusively by the development and, for all intents and purposes, remains part of the development's internal road network.

15 The proponent paid around \$5000 per square metre for the Channel 9 site. This then values council's Scott Street property at \$5 million. The residents of Willoughby are \$5 million worse off as a result of the proposed modification. The Department's assessment fails to state that the proponent is already obligated to fund the proposed  
20 VPA projects under conditions 18 and 33 of PACs approval. The Department's assessment that the modification provides additional public benefits is factually incorrect. The Department is wrong.

25 The proposed VPA projects provide little public benefit as they are directly related to the development and the proponent has an existing responsibility to fund them under the approved scheme. Rather than the proposed modification providing additional benefit, there is a loss of public benefit with the proponent reneging on its obligation to purchase the Scott Street road, resulting in a financial loss to the community of \$5 million. The Department, therefore, is unable to justify their assessment that the  
30 increase in density is acceptable. None of the Department's reasons that support this assessment stand up to scrutiny.

35 The key element of PACs 2014 determination was their conclusion that the Channel 9 site was unsuitable for the then-proposed 450-apartment development which the Department had recommended. PAC scaled back the development to 350 apartments. This was later increased to 400 apartments after conciliation in the Land and Environment Court. The Department fails to justify why PACs determination should be overturned. Nothing has changed since the determination to the Channel 9 site or its location that now makes it more suitable for more apartments. The existing  
40 Channel 9 scheme was determined by the Planning Assessment Commission with the Land and Environment Court after a rigorous consultation and assessment process.

45 With the two highest independent planning bodies in New South Wales determining the existing approval, a credible case needs to be made to overturn it. The Department fails to do this. They do not identify why PACs determination should change and it fails to make the case for change. The overriding issue is that the proposed modified scheme is inferior to the approved scheme. The proponent's

justification for the increase in apartment and storey numbers is largely limited to design excellence of the modified scheme, the financial benefit from their proposed VPA, and the larger publicly accessible green space, but these provide little, if any, benefit.

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Like the VPA projects, the proponent is obligated under conditions 1, 2 and 3 of the approved scheme to demonstrate design excellence. Any benefit from the increase in publicly -accessible green space is more than offset by its inferior location. We prefer the smaller green space provided in the proved scheme which is more accessible and inviting to the public as it's located on the corner of Artarmon Road and Richmond Road. This space also has the advantage of providing a better level of building setback. The Artarmon Progress Association is a progress association, and we see change and development as a necessary part of achieving progress.

10

15 During the entire Channel 9 development saga the APA has supported the residential development of the Channel 9 site to a medium-density level, a level that is much higher than the surrounding single dwelling lots. At the public meeting held in 2014, the APA, and each of the other 40 public speakers, stated their support for development of the site. The panel's chair, Gabrielle Kibble, commented on this after she closed the meeting, saying on behalf of the panel that she had not held a public meeting with as many speakers where everyone supported the development. She said it was remarkable.

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25 This morning, I demonstrated that the Department has been misleading in their assessment. What better proof can I provide – can be provided of this than from the Department itself? Late yesterday the Department issued this statement, which states that the Channel 9 assessment may be misleading. For the Department to admit this means that there is no question that the assessment report is misleading, and it shows that the Department has not been objective or rigorous in forming its recommendation to the Commission to approve the modified scheme.

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The proposed modification is inferior to the approved scheme. The proponent fails to demonstrate any benefit with the modification. The Department has not been objective in their assessment. The Department's report is material misleading and incorrect. This makes the Department's conclusions unreliable. The Department fails to justify altering PACs 2014 determination. Therefore, the Department's recommendations are not worthy of acceptance. The Artarmon Progress Association requests the Commission not approve the proposed modified scheme. As a minimum, the number of storeys and apartments should remain at the level determined by PAC in the approved scheme. Thank you for allowing me to make this extended submission this morning.

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MS LEESON: Thank you very much, Peter. Thank you, Peter. I would now like to call Barry Shaw.

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MR B. SHAW: Thank you. Good morning, Commissioners, and everybody. I hope I can be heard clearly. My name is Barry Shaw. I live in Garland Road,

Naremburn, just around the corner from the proposed development. I object to this current variation. The Department of Planning approved approval for another 60 units, concluded that the application was in the public interest. Basically, nothing has changed from earlier applications that were rejected by both the DOP and IPC, which was formerly PAC.

Detailed studies by Willoughby City Council determined that the site – 400 units will generate an enormous amount of extra traffic, and increasing the 15 per cent in dwelling numbers could only add to the strain on the local streets already under more pressure. This was clearly understood by our local member and New South Wales Premier, the Right Honourable Gladys Berejiklian, who supported the local community in its opposition to any increase beyond the approved 400 units.

On a personal note, I live in Garland Road, one block south of the intersection of Willoughby and Artarmon Roads. Much has been said about the increase in private vehicles activity arising out of the extra 400 units, so an extra 15 per cent of activity can only create more congestion. We residents can't get on peak hour buses to the city even now. Extra vehicles or more crowding on buses will be a direct result, both in peak business hours and even for visits to shops and local activities outside of business hours.

Willoughby Road traffic is already stretched to the limit in peak hours. I see it firsthand daily. Add to the figures by injecting a percentage of residents in the new development, and we already have chaos. Another 60 units will compound this. 300 units was a number assessed by local residents, Council and our then local member, now the Premier. 400 units is excessive but was agreed upon as a compromise – a reasonable result for all parties. 460 units are clearly too many, as we have successfully proven to the various panels on several occasions over the past four years. Of 460 submissions to the Department of Planning, their figures revealed three submissions were ineligible, 17 were in favour of the variation, and some of those addresses, revealed under questioning of the Department, were persons located out in the western suburbs, which happen to be the registered office of the developer.

440 out of the 457 were against the proposal. They were from submissions made primarily from locals. That equals 96 per cent of objections. 96 per cent of the total were objections. This morning, a comment was made by the developer's representative that referred to improve a dilapidated site. The 400 units approved already does that. I can't see how an extra 60 units further improve – enhances the dilapidated site. To conclude, can the Commissioners please respect the wishes of our long-embattled residents, council and our Premier by rejecting the increase and maintaining the limit of 400 units as agreed to by PAC in the Land and Environment Court. Thank you for your time.

MS LEESON: Thank you, Barry. If I could now call Meshlin Khouri. Thank you, Meshlin.

MS M. KHOURI: Thank you. Can you hear me? Okay. Thank you very much, Madam Chair and commissioners. My name is Meshlin Khouri and I live at 40 Penkivil Street, Willoughby, a street which connects to Artarmon Road where the Channel 9 development is located. I've been involved with this matter since 2013,

5 when the community came together to respond to the issues associated with this redevelopment. The points I would like to make today is that the community of Willoughby has consistently supported the development of the Channel 9 site for medium-density residential as incorporated in the previously approved plans.

10 The site is isolated, located in a suburban area, with little commercial amenity or transportation available within walking distance, and the proposed Channel 9 development proposal is too high and it's too dense for its location. The Department of Planning's recommendation to approve the proposed modification should not be followed. The proposed Channel 9 site development has been drawn out over a

15 number of years and you've heard that from my previous speakers, commencing in 2010, and it's a process that I feel has been intentionally prolonged and complex to disadvantage the local community.

20 As a community, we have consistently engaged and consulted with the developers – with Willoughby Council – with our local member Gladys Berejiklian on the needs of the community and understanding the commercial reality of the site. We supported the development of the site to a higher density and spoke with one voice so that our concerns were understood. We didn't protest about the development of the site but wanted our concerns heard. The high level of community engagement and

25 concerns remains, despite the protracted and complex submission processes, with six submissions called for over a four-year period, including one which Peter mentioned, which was snuck in on 15 December last year, when most people were winding down for the holiday period.

30 This modification which is represented here today received the highest number of submissions to date, with 452 submissions in one week before Christmas. Throughout this protracted period, the community has remained committed to balancing the ongoing reality of an expanding Sydney with the reality of lack of infrastructure to support a growing and healthy community. The engagement for this

35 modification has very much been one-sided, with the community continuing to negotiate through this protracted process. The developers, however, have continued to put profits before community interest and ignored the opinion of people who live and work here, with community consultation reduced to perfunctory requirements only. Their concern was that they maximise the number of apartments and the return

40 on their investment.

Our community in the vicinity of Channel 9 is a quiet suburban area. It's not within walking distance to any major retail, transport, medical or community amenities. Residents in this area are dependent on car transport, with most relying on private

45 transport to manage our day-to-day business. Unlike other developments which you see that are located along transport hubs and main highways, the Channel 9 site only has local roads to support the increased burden of traffic and population which will

result from this development. Most roads are reduced to a single lane once there are cars parked on either side and that results in cars dipping in and out of driveways as we try to make our way through the area and I'm really glad to hear that you're going to visit the site. I encourage you, please – look at those side streets. They are tiny.  
5 They are already congested. To get onto the buses – to get onto the trains – people are parking in them. You just crawl down them.

As the PAC noted in its 2014 report, it's an area that is not suited for higher-density residential housing and nothing has changed since then. In fact, it has gotten worse.  
10 Our streets remain the same size, we can't easily drive through them, and public transport, retail, medical and community amenities remain the same, although they're even more congested now than when we started this discussion in 2013. The developers have not been able to justify the request to increase the number of dwellings or to increase the number of storeys in their modification plan, which has  
15 repeatedly been approved by the two highest independent bodies in our state. Thank you.

MS LEESON: Thank you. Thank you very much. If I could now call Councillor Gail Giles-Gidney.  
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CR G. GILES-GIDNEY: I might just rejig this a little bit if I can. Good morning, panel members. I am mayor of Willoughby City Council and I do thank the panel for the time that they spent with officers from Willoughby City Council. I believe you spent over an hour with them as you went through issues and concerns and we do  
25 thank you for your generous time. Just by way of background, I was elected to Willoughby City Council over nine years ago. I've served as a councillor, deputy mayor and mayor for the past four years. In addition, I'm president of the Northern Suburbs Regional Organisation of Councils, or NSROC, and I'm also Willoughby City Council's delegate on the Sydney North Planning Panel.  
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I tell you this by way of background because I'm sure, like you, I can smell nimbyism at 50 paces. This is not a case of nimbyism. I have been absolutely blown away by the ability of this community to stand together with one voice. They haven't said "not in my backyard". They have, from the get-go, been coordinated,  
35 accepting of appropriate development, and we as a council have been proud to stand beside them in their quest to make sure that any development on the Channel 9 site was not too high and too dense and, indeed, after years – and you've heard that this process started in 2010 – this community, for the last eight – nearly nine years – has stood together and, in conjunction with the PAC and also Land and Environment  
40 Court, have accepted a number of 400 units.

Now, the Department of Planning is suggesting that that amount, after all these years of hard-fought gains and getting together – that that amount should now be 460. So what does this do to the integrity of the process? Well, the community – and indeed  
45 the Council that I lead – is disillusioned with the planning process at state level. There is a great deal of frustration. The new owners purchased the site, knowing that

the amount of 400 units was agreed to, and what we are looking to you today is to uphold that agreement and to really stay consistency within the planning arena.

5 Council does not support this proposal. Council has a strong strategic planning framework and the extra units are not required to meet the housing target. I want to stress that. We do not need these extra units to meet the housing target. Our housing strategy meets all the targets set by the State Government and focuses on housing density close to public transport infrastructure. Any suggestion that the existing dwelling helps us achieve our targets is not valid.

10 In addition, as we recently discussed to the IPC briefing, council has a number of concerns that need to be addressed. The height of the development – the maximum height is not exceeded. However, the perimeter buildings are now one to two storeys higher than the existing approval. The application for an existing 60 dwellings relies on sub-floor or sunken areas, unlikely to achieve adequate amenity. The proposed development has inadequate setbacks on Scott Street, which is a public road. It essentially uses public spaces for private purposes.

20 We have concerns around affordable units. It's unclear where the proposal incorporates the additional four to five per cent of additional units within the proposed amount. The amount has already been determined to be 400 in total. The new development includes provision for public space but we would argue that this is not accessible at all times. Any investment in Walter Street is virtually useless. The applicant's offer of \$1.5 million is inadequate. So I would ask you that you restore the faith of the community in the planning process and ask that you only maintain the access amount to 400 units. Thank you.

30 MS LEESON: Thank you, Councillor. If I can now call Alfred Boccanfuso. Apologies if I've mispronounced that.

MR A. BOCCANFUSO: That's the least of my troubles. I – that was a lovely speech by Mayor Gail. Thank you. I won't sing, I promise. I'm just going to speak for three people ..... condensed it into one person, and we're going to try ..... five minutes.

35 MS LEESON: Is that – sorry. Can I just clarify. You've condensed three people on the list or - - -

40 MR BOCCANFUSO: No. Three people – three residents on Walter Street.

MS LEESON: I beg your pardon.

45 MR BOCCANFUSO: So instead of making it 15 minutes, I've tried to condense it into one - - -

MS LEESON: Thank you.

MR BOCCANFUSO: Just one representation.

MS LEESON: Thank you.

- 5 MR BOCCANFUSO: I'll try. Dear Commissioners, my name is Alfred Boccanfuso, and I have lived at 29 Walter Street for 20 years. I speak not only for myself but on behalf of 29A and 31 Walter Street, which all back directly onto Channel 9 site. We also are speaking today for the residents who are unable to be present here at this hearing today due to the work commitments. We object to the proposed 460-unit development on – at Channel 9. The extra 60 units is an overdevelopment which is too high and too dense and should stay at the recommended 400 units, which was recommended by PAC Committee and the Land Environment Court and should still stand. The development is an isolated – and on top of the hill. It has no shops on the site to help service the residents. They are far away from shops, shopping centres – 1.3 kilometres away – train station – 1.5 kilometres – and a – bus services are already overloaded and working at maximum capacity. The residents will be dependent on a car to get to the distance of these services.
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- 15
- 20 The proposed site has also a childcare centre, but how many children will it cater for? The childcare centre will increase the movement of traffic and safety – the – the site has a smaller internal road layout, which creates lesser visitor car park on site and reduces Artarmon Road entry points from two to one entry point only. By having less internal roads, this creates bigger Village Green but has a road located at the beginning of the park area. This could only create a safety issue which could make it unsafe for the children to cross. Walter Street is a narrow and small one-lane cul-de-sac with a half-size turning circle at the end of the street. Parking is already limited, with some people not having a driveway and having more than one car and with commuters parking there daily. The impact will be worse when the Channel 9 development is completed, as there is inadequate parking on site there. There will be a pedestrian walkway linking the development and Walter Street.
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- 30

It is certain that the residents of the proposed development will park their cars on Walter Street and walk up to their new paths – and walk up the new paths to their units. This will also increase both noise of motorised and pedestrian. A major concern is the drop of price to our property which will be caused by this development. This should not be a burden that individuals should expect to bear just so that Channel 9 can maximise their return. They have gone over eight storeys by excavating one level further. There's concerns of overshadowing on the Castle Vale apartments as well. Traffic is an issue now. It takes several minutes to turn onto Willoughby Road, especially with the new apartments built totalling to nearly 200 units, which are causing increased traffic on Artarmon and Willoughby Road, including overloading the surrounding streets.

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- 45 The traffic reports of Channel 9 have not included this impact. I have been involved from the beginning of 2013, which was the commencement of the Channel 9 development. We have had a petition of approximately 3000 signatures, which was

sent to the New South Wales Parliament by our current premier, Gladys Berejiklian. We have had a street rally of 2000 people. We've had three community meetings. There has also been over 500 objections during this process. We have had major support from the mayor – from the mayor, Gail Gidney, and the Willoughby City Council and our state member, being Premier Gladys, and we also have an action committee, as well as the support from the progress association groups.

I have been a key speaker at the PAC meeting with an on-site inspection of my property and the surrounding areas, and now we come to the IPC meeting here today. In closing, I would therefore request that the committee stand by the original decision of 400 units. The developers have said in the past that this development will be a great legacy to the City of Willoughby, but how is this so? I thank you for the time and opportunity to address these issues to you and ensure that these are real concerns that need to be addressed regarding the increased proportion proposed – the increased proposed Channel 9 development. Thank you.

MS LEESON: Thank you. Alfred, if I may, one quick clarification. You mentioned, I think – maybe I didn't understand correctly – impact from Walter Street, people parking in Walter Street and walking back up into the site.

MR BOCCANFUSO: Yes. There's a pathway – there's a pathway – we're on the end of the street – of the cul-de-sac. So it's a dead-end street. So - - -

MS LEESON: Yes.

MR BOCCANFUSO: After you get to 31, there's a pathway of about from the stage to here, which is like a secret garden, which we've kept, where the kids would play and so on in the past. Now we've kept it – it's all lawn. It's all mowed and everything. If you have a look past 31, it opens up and goes straight up to Channel 9 ..... back fence. So people will know that - - -

MS LEESON: Thank you.

MR BOCCANFUSO: - - - and they'll use that to walk up and down the units because it's a shortcut to miss the lights at Artarmon Road.

MS LEESON: We will have a look at the site this afternoon, as I indicated, but I was just trying to get a sense of the topography between Walter Street and going up – so it's actually a walkable gradient.

MR BOCCANFUSO: It will be, especially when they put the proposed pathway there.

MS LEESON: Okay. Thank you. Thank you. Sorry. If I can now call – you don't look like Barry Richardson.

MR MILLER: But it's nice to have you, anyway.

MS LEESON: It's nice to have you.

MR MILLER: It's going to be Kate Lamb, I think. I imagine that's Kate Lamb.

5 MS LEESON: I'm going to assume you're Barry.

MR B. RICHARDSON: Yes. Indeed. Thank you.

MS LEESON: Thank you, Barry.

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MR RICHARDSON: Good morning, Commissioners and residents of Artarmon and Willoughby. My name is Barry Richardson. My wife and I have been residents of Smith Road in Artarmon, save for a period of three years when I worked interstate, since 1983, a period of over 36 years. Our home's about a kilometre from  
15 Richmond Avenue. This development will have an impact on us, as well as the many other residents of nearby streets in Willoughby and in Artarmon. Thank you. Thank you for the opportunity to make submissions to you in relation to the Channel 9 development saga. I think Mr Wilton used the word "saga". I'm going to use it to, and I use that word deliberately because that's what this whole process has become  
20 since November nineteen – sorry – November 2012, when the site was accepted as being state significant, such that the development could bypass local planning controls.

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Just by way of a brief summary, the Department – Department of Planning's assessment is incorrect for the reasons outlined by Mr Wilton. The site is located in a suburban area, distant from amenities and mass transport. The development is too high and is too dense for its location. Whilst I do have some difficulties with the development as is currently approved, I do support that development in preference to the developer's proposed changes to the approved plan. I would like to address just a  
30 couple of issues. That I do not address other matters should not be taken as an acceptance of significant issues, such as that the development is too high and the lack of justification for an increase in unit numbers, to mention just two. It has been mentioned already that the proposal is to increase the number of units on the site by 15 per cent, from 400 to 460.

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As has also been said, the site is isolated from mass public transport. Artarmon Station is not within an easy or convenient walking distance. It's one and a half kilometres away. Other speakers have mentioned the difficulties with buses along Willoughby Road. The nearest shopping centre for groceries and the like is  
40 Northbridge, 1.3 kilometres away and, in going there, a very indirect route through suburban streets. That too will require car transport. The residents in the area are dependent on car transport to travel to services and to amenities. The site's relative isolation will result in high traffic inconvenience on streets that are already very congested.

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Artarmon is a key road and virtually the only road in and out of the area, certainly for the residents of East Artarmon. It will become even more congested. The reduction

in non-residential development which provides amenities for the residents, along with the increase in the number of units, will increase the traffic. The inclusion of child-care facilities will also result in increased traffic, mostly in peak hours, which will further worsen the development's impact on traffic. The increase in the number  
5 of units, along with the necessity for high car transport as a result of the site's relative isolation, will bring greater pressure on parking on streets which were never designed or intended to be used as such.

I'd like to address you now on the open space. The relocation of the public park on  
10 the corner of Artarmon Road and Richmond Avenue significantly reduces the setbacks from the new apartments, which adversely impacts the amenity of the residents in those streets. The relocation of the public park significantly reduces its impact from being highly visible from Artarmon Road to an almost private park for the development's residents. It will likely enjoy fewer visits from occasional or  
15 casual users and the community generally. There is also little community benefit in the increase in open space, for the reasons addressed by Mr Wilton, which I don't need to repeat. The changed exclusion of Scott Street from the development is disturbing for a number of reasons. The exclusion of Scott Street from the site significantly reduces the public benefit.

20 As proposed, Scott Street, the remaining public street, will now be used exclusively by the development ..... absolutely no cost to the developer. The developer will, effectively, use the Scott Street public road for their exclusive use as the road only services the site. It's my understanding that the value of Scott Street is around \$5  
25 million and the residents and ratepayers of Willoughby City are thus \$5 million worse off as a result of the street not being purchased. That's a significant change for the worse.

In conclusion, my submission is that the independent planning commission reject the  
30 increase in unit numbers and maintain the limit set by the Planning and Assessment Commission and the Local and Environment Court. Further, the Commission reduce the height and storey levels of the buildings along Artarmon and Richmond Avenue to that set by PAC and the court. Thank you for your time.

35 MS LEESON: Thank you. Now, I'm going to assume you're Kate stepping in for Bob Taffel; is that right?

MS K. LAMB: Absolutely correct, Commissioner. Madam Chair, my apologies for  
40 my keenness to address you.

MS LEESON: We've noted your enthusiasm.

MS LAMB: May it please. Yes. Look, quite right, my name is Kate Lamb and I'm  
45 speaking for the Willoughby South Progress Association on the place of Bob Taffel, our acting president. As the representative of the Willoughby South Progress Association, I wish to register our objection to the current modification 3 concept plan and support for the approved plan. In considering the applicant's proposal to

increase the occupancy of Channel 9 development by a further 60 dwellings, the overarching question is what has changed that would cause the decision to be made earlier by PAC and the Land and Environment Court to be discarded.

5 That decision to limit the height and occupancy was based mainly on the  
consideration of the disbenefit to the local community of a large residential  
development on an isolated site in a mainly single and two-storey low-scale  
residential precinct. It should be noted that the decision was accepted by the  
community and the Willoughby Council with a view that the site would be suited to  
10 some kind of some level of residential development once Channel 9 departed. It  
should also be noted that the approved 400 apartments was accepted with some  
reluctance after council and the community originally proposed 300 as being the  
acceptable level of occupancy. Therefore, it's little wonder that the subsequent  
proposals have led to over 680 objections, including Willoughby Councils and these  
15 all to the modified concept plan.

This sort of number one might expect to be generated by a major government  
initiative, rather than a local residential redevelopment and is a strong indictment of  
the proponent's current plan. Only two factors have changed since the current  
20 occupancy and height determination was made: (1) local school capacity has  
increased at Artarmon Public School and will in the next two years increase at  
Willoughby Primary and Girls High Schools. However, with the continuing influx  
of new residents as further development takes place surrounding Channel 9 property,  
it's foreseeing that school capacity will need to be further increased in the not too  
25 distant future.

And (2) the new residential development within a kilometre of channel 9 has added  
almost 200 apartments, most of which put an additional peak-hour traffic load onto  
Artarmon Road. From this, it can be readily seen that the modification 3 concept  
30 plan provides no increased benefit to the local community, despite what the  
proponent would have us believe, through provision of the so-called improved  
accessible communal open space. In fact, the relocation of the originally proposed  
park from the Artarmon Road frontage to the centre and rear of the property will act  
as a disincentive to use it by those living outside the redeveloped site.  
35

Further, the 3.2 metre increase in the height of building E compared with the height  
of the approved plan can only serve to increase the tunnel effect and that section of  
the village green. From experience in many city centres, this is likely to cause high  
wind speeds, particularly when the wind direction is from the southeast, south and  
40 southwest as it is pushed up the slope from Walter Street to the boundary.

So what can be expected by the local community resulting from the proposed  
increase in density? (1) increased demand for bus services, particularly city-bound in  
the morning peak when it's common for buses already to drive past the Willoughby  
45 Road bus stops at Small Street and Garland Road; (2) increased demand for parking  
on the surrounding streets, especially in view of the fact that the length of the internal  
roadway has been drastically reduced in the concept plan; (3) notwithstanding the

Department of Environment's traffic report from Samsa Consulting dated 3 April, these days in the morning peaks and on Saturday mornings it is all too common for locals to see a continuous line of cars from the traffic lights all the way up the hill in Artarmon Road and even further back on occasion; (4) reduced set-back and scaled height increase along Artarmon Road and Richmond Avenue due to additional levels being added to the building along these two alignments.

We're disappointed to read of the Department of Environment's support for the concept plan, particularly in view of the large number of objections, including that from the council. One can only deduce from this that the Department of Environment has not understood the well-founded concerns of the community and council regarding many aspects of the development. The Progress Association thanks the Commission for the opportunity to address the panel and trusts that the matters presented will be given your serious consideration in making a determination to reject the additional residential floor space being sought. Thank you.

MS LEESON: Thank you. If I could now call Dale McKay.

MR D. McKAY: Good morning. Technical – an engineer in our midst.

MS LEESON: Thank you very much.

MR McKAY: Yes. Okay. Good morning everyone, Commissioners. My name is Dale McKay and I live at Shepherd Road in Artarmon. I've been part of the Willoughby Area Action Group which I helped form in 2013 to coordinate the community response to the issues associated with this development. The points I would like to make today are (1) WAAG since its inception has supported the development of the Channel 9 site for medium density residential as incorporated in the approved development plan. (2) The site is isolated. It's located in a suburban area with little commercial amenity and mass transport within walking distance.

(3) The proposed Channel 9 development is still too high and too dense for its location as nothing has changed to justify the increases proposed. The Department of Planning's recommendations to approve the proposed modifications should not be followed. The proposed Channel 9 site development has been drawn out. It began in November 2010 in the final months of the Keneally New South Wales Government when it granted the apartment development proposed State significant status. This allowed the project to be assessed under the part 3A planning regime and, therefore, avoid the local planning controls.

In 2011, the incoming O'Farrell Government repealed the part 3A process and implemented transitional arrangements to deal with the projects that had not yet been determined, a full seven years ago. This was part of the government's desire to establish a more objective planning regime that championed community consultation as a means by which the local communities could participate and be involved in the outcomes of these projects. WAAG and the Willoughby community embraced this

approach. We engaged from the outset. We accepted the residential needs of the area and the development opportunities that the site offered.

5 We supported the development of the site to a higher density than the neighbouring  
single dwelling lots. We did not protest about the development per se, but identified  
specific issues that needed to be addressed. The high level of community  
engagement is shown through the number of public submissions provided throughout  
the various stages. Starting in 2013 there were 270 submissions; November 2013, a  
10 a further 136 on the preferred project plan; 2014, 40 speakers at the PAC meeting with  
a further 130 in attendance; September 2014, the Land and Environment Court  
meeting, 10 speakers; September 2016, 234 submissions to Modification 1;  
December 2017, 452 submissions to Modification 2.

15 This chronology of submissions demonstrates the long period of time over which this  
approval process has taken and the numerous development schemes that the site  
owners have subjected the community to evaluate. Even though the community is  
engaged, the same cannot be said for the applicant. The consultation for  
Modification 1 was perfunctory. The proponent was not interested in our views.  
They appeared interested in one thing: more apartments. Their lack of interest is  
20 shown by their failure to file any response to those initial submissions.

Modification 2 did not even bother to hold any public consultation, even though the  
proposed scheme was substantially altered from the previous. The dismissive  
opinion of community consultation and the view of the community is best summed  
25 up in their own words contained in the March 2018 response, section 2.2, in which  
they considered the 400-odd written public objections as indicating there was neither  
broad-based objection or interest in the overall project and proposed modification.  
Nothing could be further from the truth: there is widespread community interest and  
engagement in the application.

30 The applicant has undertaken an extended, drawn-out process in which they have  
lodged three sets of modifications to the appraised development. Their approach  
affects the ability of the community to understand what is being proposed, what is  
changed and what the issues are, and limits their ability to engage. The series of  
35 competing modifications lodged over an extended period of time appears to be a  
deliberate attempt at creating fatigue within the community and deadening any real  
engagement. Their behaviour means that it is difficult for the determination of this  
project to meet objective J of the EPA Act, which states that the objective is to  
provide increased opportunity for community participation.

40 The community that lives near Channel 9 knows that this is a nice suburban area that  
is not within walking distance of any retail or medical, mass transport nodes or – and  
other commercial activity amenities. Residents in this area are dependent on car  
transport with most households owning at least one motor vehicle. It is a location  
45 that is not suited to high-density residential housing. The PAC made this point very  
clearly in their March 2014 report.

Nothing has changed at this location that alters this, and which now justifies the proposed increases. In fact, community benefit has been reduced by building closer to Artarmon Road and relocation of the community-accessible park to an area that will ostensibly make it a private park for the residents. Being an isolated site, it will have higher levels of car ownership and traffic movements than would normally be expected of a similar-sized development, which are usually located much closer to amenities and mass transport.

The real issue here is the size of development, both the number of storeys and apartment numbers. If the applicant was proposing modification to just the road, building and open-space layout and retaining the existing storey and apartment limits, it is unlikely that we would be here today at all. The Department of Planning's assessment report implies that the increase in unit numbers at Channel 9 is needed to support the North District and Willoughby City Council's housing targets. This is incorrect. These housing targets are well covered by the Willoughby City Council's housing strategy.

It also implies that the modification to the Channel 9 development is consistent with the Willoughby City Council strategy. Again, this is incorrect. Council strategy aims to have a higher density near railway stations and in CBD areas, with pockets of medium density in other areas. Under council strategy, the Channel 9 site would have less numbers rather than more. The determination of the Channel 9 modification provides an opportunity for the Commission to establish a precedent. Not a precedent about future zoning, but a precedent about good planning outcomes and community engagement.

I hope that your determination of this modification does not reward those who game the planning process to the detriment of the community – that, instead, your determination creates a precedent that shows that good planning outcomes occur when a community gets involved in the planning process where the community and Council is serious about achieving new dwelling targets.

A decision rejecting the proposed increases in storeys and apartment numbers would create this positive precedent for the benefit of not just Willoughby, but the entire state. In conclusion, I request that the Independent Planning Commission rejects ..... unit numbers and maintains the limit set by the PAC and the Land and Environment Court, and it reduces the heightened storey levels of the buildings to that set by the PAC and the Land and Environment Court. Thank you very much for allowing me to present today.

MS LEESON: Thank you very much. Can I now call Margaret Sunde.

MS M. SUNDE: Good afternoon, commissioners, ladies and gentlemen. Thank you for the opportunity to address this meeting today. My family and I have lived at 47 Artarmon Road, just 30 metres from the top of the Channel 9 site, for 16 years. We have been keenly interested in the redevelopment of the site and have attended meetings and made submissions at every opportunity. Our experience of living close

to the site means that we can speak with personal knowledge of the location. We are supportive of the development to the Channel 9 site as currently approved. The plan represented a thoughtful and evidence-based agreement after considerable effort and input from many stakeholders. These proposed modifications under discussion today  
5 go against the negotiated agreement which had sought to achieve a balance between density of housing and integration with the community and the environment.

The agreed compromise with 400 units was made in conjunction with an effort to integrate the buildings into the surrounds. The publicly accessible park area along  
10 Artarmon Road and gradual stepping through three storeys to six and then eight can provide a welcoming aspect to the development, incorporating the site within the local area. The proposed modifications overdevelop the site and do not integrate with the surrounding low-rise housing. These modifications isolate the development. The area set aside for green space on the lower south side towards Walter Street will  
15 be inaccessible to the wider community behind the block length of four-storey buildings lining Artarmon Road. In addition, the proposed reduction in the non-residential space means that there is less opportunity to bring shopping or medical facilities onto the site that could add value to all local residents.

20 The proposed modifications with 60 additional units have been made during a time when no additional public transport improvements have been provided but 175 new residences have been built at the northern end of Edward Street. We recognise that this is an attractive area to live, however it remains a relatively isolated site that necessitates the use of private cars. My family has two cars. The neighbouring two  
25 houses on the east side of ours have two cars each, and the two on the west side have three cars each. There are no significant shopping facilities or medical services within reasonable walking distance. The residents of the Channel 9 site will need to use cars to reach amenities like these.

30 Walking to the Northbridge shops means a 1.3 kilometre walk up and down steep hills, which is not easy for those with limited mobility or with strollers or trolleys. Significantly, currently, Channel 9 runs a shuttle bus service morning and evening to Artarmon Station because they recognise that it is not practical for their staff to walk this distance twice every day. The bush track through the reserve is not lit at night,  
35 nor paved, so it's unsuitable in wet weather or for those with trolleys or strollers.

The local area already struggles with the through-traffic from Artarmon and Chatswood to Willoughby Road. The modified plan does not address the increased traffic demands that will arise. My family and I request that the IPC recognise the  
40 extensive efforts made previously to set a reasonable level of density and height that was appropriate for the area. We request that the IPC reject increasing unit numbers and maintain the lower heights and levels agreed. Thank you.

45 MS LEESON: Thank you. If I could ask for Nick Coppock.

MR N. COPPOCK: The Commissioners, ladies and gentlemen, my name is Nick Coppock, and I'm here today representing my wife and our daughters and Richmond

Avenue neighbours with our opinion of the proposed modified scheme of the Channel 9 development by LEPC9. We live at 38 Richmond Avenue and directly across the road from Channel 9. We bought sixteen and a half years ago under the assumption that Channel 9 would eventually be developed into something else, and  
5 we are not opposed to the development of the site in general, as long as it is suitable development for the location. We support the design of the approved scheme of 400 dwellings that was approved by the Land and Environment Court, not the proposed modified scheme of 460 dwellings.

10 We're extremely concerned about overdevelopment of the Channel 9 site, considering its location surrounding single-level residential homes with the proposed traffic thoroughfares, especially our street, Richmond Avenue, which is currently a no through road, and Artarmon Road, which is already a very busy local road. The approved scheme of 400 dwellings has three road access points. The proposed  
15 modified scheme of 460 dwellings has two traffic access points. Both contain one point in and out of Richmond Avenue. Richmond Avenue is currently a no through road, with dwellings on the western side of the street, with only 14 dwellings. Traffic is pretty minimal, with the majority of dwellings having two vehicles. After consultation with local residents, the designers of the original approved scheme made  
20 the access point at the northern end of Richmond Avenue and not directly opposite any homes, thus limiting increased traffic movement to the Artarmon Road end of the street and limiting light pollution of vehicles at night into bedroom windows.

Without any local Richmond Avenue resident consultation, the proposed modified  
25 scheme has the Richmond Avenue access point well down Richmond Avenue and therefore will result in significant increase in traffic movement past existing residential homes from 14 multiple movements a day to hundreds of additional vehicles, not counting traffic – not counting surface traffic. This is a massive and unacceptable change from the approved scheme. On the subject of traffic, this site is  
30 unsuitable for greater density than what was already approved because the site is isolated from mass transport such as Artarmon train station, which is not an easy walk: more like to a five to 20 minutes – and limited numbers of people will walk. Shopping centres and supermarkets are not walkable destinations either.

35 Bus services on Willoughby Road are already operating at full capacity in peak hour and community queues are common. Artarmon Road is already tricky to turn into from Richmond Avenue in the mornings, due to the volume of traffic driving towards Willoughby Road. The additional 175 dwellings built recently in Edward Street already add to the morning congestion. The proposed modified scheme will  
40 unquestionably have an adverse impact on local traffic. Less street frontage within the development in the proposed modified scheme equals less on-street parking within the development and even more pressure on surrounding streets. My understanding is that there is, on average, 1.4 car spaces per dwelling. Channel 9 residents will, like us, drive to the station, work, school, sport, to the supermarket  
45 and will, to some degree, have the need to park their second vehicle in local streets.

To us, it seems not only Scott Street will be used exclusively for the residents of the development at no cost to the developer, but the proposed modified scheme access point into our street will have enormous impact on Richmond Avenue residents by way of reducing privacy, increased noise, increased traffic and a high demand for street parking. I'd now like to discuss public space. The easily accessible public space on the north-west corner of the site in the approved scheme was available to all local residents and created a soft transition from single-storey-level homes up to eight-storey apartment buildings. Having four-storey apartment buildings around the perimeter of the site creates an – immediately creates a wall to the neighbouring community. The public space within the proposed modified scheme will only attract the residents of this development.

This is, therefore, not an increased public space. This is space for residents of the development only. I hope it is clear the additional – I hope it is clear that adding another 60 dwellings is unsuitable to this site. I hope it is clear that the location of the access point into Richmond Avenue in the proposed modified scheme, resulting in a massive increase in traffic towards and past residential homes, is unacceptable. I hope it's clear that the proposed building height around the perimeter of the public space pushed to the middle and the rear of the site is of no benefit to the local area. This is not a soft transition from single-level homes. Why is there less setback from the street edge? Our homes stand at least 10 metres from the kerb. We would be happy to host you at Richmond Avenue to show you firsthand the proposed modified scheme impacts us and why the original approved scheme for 400 units was significantly better designed. Thank you.

MS LEESON: Thank you. Serena Cubie.

MS S. CUBIE: Commissioners, ladies and gentlemen, before I commence my prepared speech, I would just like to point out what a shock it was to see this morning the developers present yet a further modification to the MOD2 development that we were asked to respond to. So there are changes which affect some of the things that we're saying today. So they have addressed other problems that were apparent in the MOD2. So, again, this just indicates how, you know, this process goes on, you know, continually modifying, modifying, modifying without community consultation. Okay. So this is my prepared speech. My name is Serena Cubie, and I live with my family on Richmond Avenue, one of the roads bordering the proposed development. I wish to tell you why I object to this modification proposal: because of the ways in which it will have an adverse impact on me, my family and the community.

The proposed development is on an isolated site, which means that residents will need a car to access facilities and services. Richmond Avenue is a cul-de-sac with 14 houses and on-street parking for only 38 cars. There is on average only two cars per household, which shows that the families on our street are highly dependent on cars to conduct their daily lives. We have lived on Richmond Avenue for 10 years. Living here, our family has needed to own a car. We have used our car to drive children to child care, to school, to the station and to sporting venues. We also drive

to the supermarket, to shopping complexes, to restaurants, to exercise venues, to work, to medical services and to entertainment venues.

5 Channel 9 also illustrates this need by providing an all-day bus service to and from  
Artarmon Station for their employees. In my opinion, more cars will be required by  
the residents of the apartments than is allowed for in these plans, and this will lead to  
parking problems on the surrounding streets. I am also concerned about the effects  
on increased road congestion generated on Richmond Avenue with MOD2 and the  
10 revised road layout because there is no indication how traffic will be managed  
entering and exiting Artarmon Road via Richmond Avenue and the impact this will  
have on existing residents or how pedestrians will be able to cross safely Richmond  
Avenue and Artarmon Road with the increased traffic flow to and from the site.

15 The road layout in MOD2 will see more properties in Richmond Avenue affected by  
increased traffic flow and the problems that brings, such as noise and pollution, along  
with various other problems. How much more time will ..... need to allow to go to  
and from the station? How much or more additional stress and anxiety will this  
generate? The transition from the existing surrounding properties to the proposed  
MOD2 development is poor and not in keeping with the approved plan. On  
20 Richmond Avenue, there is a significant difference between single-storey dwellings  
facing a row of terrace houses and facing several four-storey apartment blocks.

The building height is 2.6 metres higher than the approved plan, and the most  
southern building on Richmond Avenue is now a four to six-storey building, instead  
25 of three storeys, and three and a half metres higher than the approved plan. The six  
and seven-storey and nine-storey buildings have all been brought closer to Richmond  
Avenue ..... the improved plan, increasing their visual impact. Nine-storey buildings  
are still nine storeys, regardless of whether you attempt to bury them in a hill.

30 This is not keeping with the approved plan. Similarly, along Artarmon Road the  
building heights have increased by four and a-half metres. The proposed public park  
in MOD2 is not visible to passing residents of the surrounding community and is,  
therefore, unlikely to be used by residents outside the development. I know I am  
reluctant to go into developments to use parks as I'm not sure whether it's private  
35 property or not. The area allocated is also significantly smaller for the single – larger  
single open space than in the approved plan.

The original approval required the developer to contribute financially to the  
community and the amount now proposed is significantly less and insufficient to  
40 lessen the impact of the development on the community. Therefore, it does not  
represent a public benefit. Design excellence was part of the original plan approval  
and should not be used an argument for increased density. I, my family and the  
community have engaged fully with the planning process over the last eight years.  
Compromises have been reached and we have been supportive of development that is  
45 appropriate to this site. MOD2 is not appropriate for this site.

This project has been going on for so long that there is a real risk of community fatigue in engaging with the development process, providing feedback, having that feedback continually ignored, and submitting objections to each round of modifications. There is a feeling of how many times do we have to go through the  
5 same process, say the same things, and still not be listened to. The developer bought the site knowing the planning consents that had already been placed on the site, and yet they have chosen to deliberately ignore the findings of the Planning Assessment Committee and the Land and Environment Court. If the findings of these bodies are overturned, it damages public trust in the planning process.

10 In conclusion, I would ask that the Independent Planning Commission reject the increase in unit numbers and maintain the limits set by PAC and the Land and Environment Court; also, to reduce the height and storey levels of the buildings along Artarmon Road and Richmond Avenue to that set by PAC and the Land and  
15 Environment Court; and, finally, to reduce the maximum height and storey levels of the buildings across the site to that set by PAC and the Land and Environment Court. Thank you very much.

20 MS LEESON: Thank you. If I can call Roger Promnitz.

20 MR R. PROMNITZ: Good afternoon, Commissioners and interested parties. My name is Roger Promnitz and I'm speaking today on behalf of the Nareburn Progress Association as Nareburn is only two blocks away from the Channel 9 site and many of its residents experience the same sorts of issues as you've already heard  
25 from other speakers. Let me be perfectly clear to you in saying we object to the MOD 2 concept plan for reasons which I will cover in this presentation. We've heard from the applicant's representatives regarding the advantages accruing to the developer if the concept plan is approved. We've also heard about the advantages allegedly accruing to the community if the concept plan is approved.

30 However, one of the key issues here is are they really improvements for public enjoyment. Now, let's just take a look at a few, first of all, the number of units. The applicant and the Department would honestly have us believe that an extra 60 units over and above the 400 already approved is good for the community, an extra 15 per  
35 cent which means an extra 130 to 140-odd people living in that redeveloped site, putting additional pressure on already stretched infrastructure such as public transport, schools, hospitals, road networks, sporting fields, and don't forget it's quite likely that one of our premier sporting facilities could be a construction site for the next six to seven years if the beaches link goes ahead.

40 The community's position on this latest plan could have been a lot different if the applicant had stuck with the boundary conditions as previously set by the PAC and the Land and Environment Court, and which resulted in what we all thought was the final solution: 400 units. Sure. That's 50 more than we wanted, but if we had – if it  
45 had the effect of finalising the long battle and restoring the community's faith in the consultation process, then so be it. Nobody thought that by merely changing the owner that all previous rulings could be set aside and we start this whole ugly

process again. Next point: the increase in open space. In the approved scheme at least there was a decent sized public park on the corner of Artarmon Road and Richmond Avenue and it was accessible.

5 Now the applicant is claiming that by relocating the open space to the centre and rear  
of the site the public will have improved access. But we all know that the sense of  
being fenced off to the public will be very strong and a disincentive to use those  
areas. Building height is the next point. Buildings around the perimeter of the site  
are proposed to be one or two storeys higher than in the approved plan, but without  
10 exceeding previous RLs. How is this done? By excavating. Not an attractive  
concept. Unlikely to achieve adequate amenity and certainly not in keeping with the  
low-density nature of the surrounding development. In closing: may I just highlight  
the location of the Channel 9 site as being one of the greatest impediments to its  
becoming medium density residential development.

15 Most projects of this type are being situated over or adjacent to major public  
transport nodes, hopefully to lessen reliance on private car travel. This site does not  
possess such attributes. The Artarmon Railway Station is about 1.5 kilometres away,  
whilst peak hour buses to the CBD are already over capacity and often leave would-  
20 be passengers stranded at local bus stops. Despite all this, we're not opposed to  
development, but we already have an agreed and approved plan. Let's just stick to it.  
Thank you for your attention.

MS LEESON: Thank you for that. David, do we have one more speaker? No.  
25 Okay. We did think that we may have had one speaker who hadn't been able to  
register, but it appears not. So that is the end of the registered speakers. I would like  
to thank everybody for their attendance and their contributions to today's meeting.  
We will now need to deliberate on what we've heard and all the documentation and  
the evidence before us. We may need to seek some additional advice as we go  
30 through and as I indicated at the outset, and if we need to do that, it will, no doubt,  
add a little to our time to make our determination. But we will do that in as efficient  
a time as is possible. So I, again, would like to thank you today for coming along  
and we will be in touch with some parties if we need further clarification on the  
information that they've provided. So thank you once again.

35

**RECORDING CONCLUDED**

**[12.23 pm]**