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TRANSCRIPT OF PROCEEDINGS

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O/N H-983597

INDEPENDENT PLANNING COMMISSION

MEETING WITH PROPONENT

**RE: GATEWAY DETERMINATION REVIEW,
CANTERBURY ROAD, BELMORE**

**PANEL: PETER WILLIAMS
RUSSELL MILLER**

ASSISTING PANEL: DIANA MITCHELL

**PROPONENT: TODD NEAL
MATHEW DANIEL
JAMES MATTHEWS
FRANK STANISIC**

**LOCATION: IPC OFFICE
LEVEL 3, 201 ELIZABETH STREET
SYDNEY, NEW SOUTH WALES**

DATE: 9.02 AM, WEDNESDAY, 23 JANUARY 2019

MR P. WILLIAMS: Good morning. Welcome. Before we begin, I would like to acknowledge the traditional owners of the land on which we meet and pay our respects to their elders past and present. Welcome to the meeting today on the review of the gateway determination of the planning proposal to rezone land at 642-
5 644, 658 Canterbury Road; 1-3 Platts Avenue; and 2, 2A, 2B, 2C and 2D Liberty Street, Belmore, from part 6B enterprise corridor and part R3 medium density residential to B5 business development, alter the building height and identify the subject site as a key site.

10 My name is Peter Williams. I am the chair of this IPC panel. Joining me is Russell Miller. The other attendees of the meeting are Todd Neal of Colin Biggers & Paisley Lawyers; Mathew Daniel and James Matthews from Pacific Planning; Frank Stanisic from Stanisic Architects; and Mitchell from the IPC Secretariat. In the interests of openness and transparency and to ensure the full capture of information,
15 today's meeting is being recorded and a full transcript will be produced and made available on the Commission's website.

This meeting is one part of the Commission's decision-making process. It is taking place at the preliminary stage of this process and will form one of several sources of
20 information upon which the Commission will base its advice. It is important for the Commissioners to ask questions of the attendees and to clarify issues whenever we consider it appropriate. If you are asked a question and are not in the position to answer, please feel free to take the question on notice and provide any additional information in writing, which we will then put up on our website. So we will now
25 begin, and first of all I'd ask each of the attendees just to introduce themselves, please.

MR T. NEAL: I might start. My name's Todd Neal. I'm a solicitor for the project manager and landowner and I've been instructed to primarily speak today and
30 present our submission. And to my left is Mathew Daniel. I'll let Matt introduce himself.

MR M. DANIEL: Yeah, Mathew Daniel from Pacific Planning, and development manager.
35

MR F. STANISIC: Frank Stanisic, Stanisic Architects. We're both the architects and the urban designers for the project and we're responsible for preparing the DA.

MR J. MATTHEWS: And James Matthews, also from Pacific Planning, and I'm the
40 town planner.

MR WILLIAMS: Well, thanks, gentlemen. Todd, would you like to commence, please.

45 MR NEAL: Sure. I've prepared a script of basically what I'm going to say today which I can hand copies of to you so that you can follow.

MR WILLIAMS: Thank you.

MR NEAL: As I mentioned, I've been instructed to provide our submission and speak to the points that we think need to be addressed before the Commission. There has been a long history with this matter and I guess these talking points constrain me to, I think, what the nub of our case is and why we think the gateway determination made by Marcus Ray needs to be reconsidered. So, so we are clear, the event that has led to the proponent seeking the review of the gateway determination was the unusual decision of Marcus Ray as delegate of the Greater Sydney Commission when on the 21st of August 2018 he altered the gateway determination of 16 October 2015 from "should proceed" to "should not proceed", and that decision is at tab 4B of our submission, which I'm not sure if the secretariat has provided you with a copy of the submission that we provided to Marcus Ray.

MR WILLIAMS: Yes, we got that. Yes.

MR NEAL: But it's at 4B, that decision.

MR WILLIAMS: Thank you.

MR NEAL: So we understand that on the department – in the departments are guides to preparing local environmental plans, that it is your role to determine whether or not the original gateway determination should be altered and whether the planning proposal should proceed. That's our understanding based on that document.

MR WILLIAMS: Yes.

MR NEAL: Whilst that document doesn't envisage a review of the current type of situation, normally these matters, as we understand it, occur where an original gateway determination is made not to proceed, for example. Here we've got a gateway determination which has travelled for a number of years since 2013 and we're now in a position where it has been altered so that it not proceed and it's that process that's being reviewed. Nevertheless, we understand that the procedures in the guide to preparing local environmental plans applies, and so we understand that the minister of the Greater Sydney Commission or the delegate will then make a final decision, giving consideration to the gateway delegate's reasons for its gateway determination, submissions from the proponent why the gateway determination should be altered, views of the counsel and the IPCs advice in relation to the planning proposal, and, finally, other matters not considered by the original decision-maker, including strategic planning considerations.

So, to that end, we request that both our written submission and the transcript of today be provided to the decision-maker. As a final point of introduction, I think it's also useful explaining what the planning proposal is. It was lodged on 11 December 2014. It seeks the following amendments to the Canterbury LEP 2012. Firstly, to rezone the site from B6 enterprise corridor and R3 medium density residential to B5

business development. The second thing it seeks to do is to amend a maximum building height from 12 metres to 25 metres, the upper limit of a range of heights from zero metres upwards, and this means that some parts of the site's building height will be reduced, in effect. The third thing it seeks to do is to amend the key sites map to identify the site as a key site under clause 1 of schedule 1 of the LEP, having the effect of amending the FSR to no FSR.

The proponent accepts that building heights and FSRs may change through the rigor of the part 3 process which we're involved with and have been involved with. Our submission today is that the planning proposal should be permitted to run through the rigors of the part 3 process, albeit with any changes that are necessary to provide the appropriate zoning for the site, since, for reasons which we will get to, we say that the status quo is untenable for this site. We have a number of questions which we ask that you have in the back of your minds as we go through the submission today, and those questions are, if the proponent were applying for B6 zoning, ie, the site's current zoning, would that be desirable and agreed to?

We think the obvious answer to that is no, which begs the further question of why doesn't the state and the proponent work towards a mutually satisfactory outcome for the future use of this site? The second question that we want you to have in the back of your minds is whether the alternate zoning put forward by our client is more appropriate, given it will stand as an isolated site, causing land use conflict with the new development going up around it. We think the answer to this is a clear yes, as a site will continue to become more dilapidated and conflict with the surrounding uses.

The third question we want you to have in the back of your minds is what rational basis is there for leaving this site out of the localities and junctions in the Canterbury Road review, the primary reason for the alteration of the gateway determination, as we understand it. We have asked and been provided with no explanation. And the final question we want you to have in the back of your minds is whether, in fact, changing the zoning will reduce employment-generating land, which we agree is important. The proponent is confident that the employment-generating use of the site will be improved both qualitatively and quantitatively compared to the status quo. I might turn now to the purpose of gateway determinations, which is partly why we're here.

The introduction we have given invites some consideration behind gateway determinations. So the department's guide to preparing local environmental plans explains that the purpose of a gateway determination is as follows:

The purpose of a gateway determination is to ensure there is sufficient justification early in the process to proceed with a planning proposal. The gateway determination is a checkpoint for planning proposals before resources are committed to carrying out investigative research, preparatory work in consultation with agencies and the community. It enables planning proposals that lack strategic planning merit to be stopped early in the process, before time and resources are committed.

- 5 The point of a gateway process is to enable further investment of resources and time into testing whether it should proceed. This has occurred back in 2015 where, at that time, the proposal was considered to have strategic merit, and our client has now spent considerable amounts of money testing whether or not the planning proposal should proceed. The proponent acknowledges that a gateway determination does not guarantee a final outcome, since, as the department's policy document makes clear, not all planning proposals that receive the gateway determination will be finalised. We get that.
- 10 The department's guide provides examples of when a planning proposal would not be suitable for finalisation, including, firstly, the planning proposal is not consistent with the requirements of the gateway determination. This is not the situation here. We've complied with the gateway determination initially. Secondly, the planning proposal cannot demonstrate consistency with the section 117 directions or the
- 15 secretary does not agree that any inconsistencies are justified or minor in nature. Again, this is not the situation here. Indeed, in our submission, the alteration of the gateway determination is inconsistent with the secretary's comment about the section 117 direction, which we will get to, and it's explained in our written submissions previously provided to the Commission.
- 20 The third point is that the proposed change of planning controls is not supported following consideration of studies, agency input or consultation. The only study that we're aware of – and it's a study that isn't referred to in any of the iterations of the gateway determination, which goes against this planning proposal, is the Canterbury
- 25 Road review. We understand that. That's the only document that really conflicts with this planning proposal and, in our view, it's only when that document is superficially read that it militates against this planning proposal. All other studies support this planning proposal. All other agencies can support this matter.
- 30 And then the final thing that the department suggests where a planning proposal might not proceed to finalisation is where the planning proposal has been withdrawn. Obviously that's not the case here and we're here today before you because we don't want to withdraw it and we think there is strategic merit behind this planning proposal travelling. So we point out the above simply to indicate that the alteration
- 35 of the initial gateway determination, after almost four years of considerable investment and work, defeats the policy intent behind the initial gateway determination. None of these circumstances exist which would warrant the process not being finalised according to the department's policy guidance.
- 40 Accordingly, we submit that good reasons should exist where the policy intent behind the gateway process is being subverted and which would expose the proponent to considerable waste of resources after many years of studies prepared by sophisticated architects and planners. Having considered the reasons for the alteration of the gateway, we believe the reasons are found wanting and our
- 45 submission today, therefore, is to suggest that the Commission recommend another way forward to the Minister.

If the gateway determination remains, the IPC would need, in our view, to be absolutely sure that the status quo is appropriate, notwithstanding all the attendant problems the current zoning creates, and the IPC would also need to be absolutely sure that the proposal lacks strategic merit. It is our view that there is no reasonable basis to form this view and that the part 3 process should be allowed to run its course. Turning now to the justification my client is putting forward, in essence we say that the gateway determination as it stands would cement the questionable and potentially unlawful uses of the site at present and lead to the further dereliction of other buildings on the site, one of which has fallen into disrepair with vandals having stripped the building of all copper making reletting the building impossible without considerable investment, which would simply be uneconomic.

This fails to achieve the promotion of good design and amenity of the built environment, which is an objective that has been recently introduced into section 1.3 of the EP&A Act. In our view, it will be a wasted opportunity if the many years of rigour and testing that our client has attended to based off the directions in the gateway determination initially are dismissed pre-emptively by the notion that the planning proposal is inconsistent with the Canterbury Road review, a document that has found no reference in any of the iterations of the gateway determination and arbitrarily, in our view, excludes my client's site from the junctions and localities listed in it.

If the gateway determination made on 21 August 2018 remains unaltered it would quarantine the site from the evolution of Canterbury Road immediately surrounding the site, which has begun to occur, and I'm sure you will see that if you do a walk-past of the site and conduct a view of the street. If the gateway determination remains unaltered, the site will be consigned either to its current status indefinitely so that it sits out of kilter with the trajectory of all development surrounding this site. Turning to the reasons behind the alteration of the gateway as we understand it, I want to talk about that for a moment.

Prior to the Canterbury Road Review, there is no question that this planning proposal was supported by the council. Indeed, there are positive aspects in the history of the planning proposal process which support its strategic merit. For example, the council's own consultants, Annand Associates, carried out an urban design investigation which recommended to support the planning proposal, subject to minor amendments which we are happy to attend to. The council resolved to support the planning proposal at its meeting on 9 July 2015, so that's part of its history.

The cover letter to the alteration of the gateway determination of 21 August 2018 explains that the delegate reviewed the reasons councillors provided requesting that the planning proposal not proceed, indicating that this provides the basis for the alteration. Council's reasoning is set out in its report for the 26 June 2018 council meeting, at which it resolved that a request be made to the department that the matter not proceed. Three reasons were provided, and I will deal with each in turn. The first reason is that there was apparently insufficient justification provided for rezoning employment land to an alternate use, causing a loss of employment land.

- There are a number of fundamental problems with this reason. Firstly, the gateway determination and letter at tab 4 of your bundle stated that the Secretary had considered the issue of the section 117 direction relating to business and industrial zones of being of minor significance and stated no further approval was required.
- 5 Had the proponent known further study was required, it would have attended to this. In any case, as it happens functionally, there will be no loss of employment land. On the contrary, this planning proposal and development under it has the capability to actually increase the commercial GFA on the site.
- 10 At present, the commercial GFA is 2188 square metres whereas the planning proposal has the potential, through the concept plans generated and through the development application that has been prepared, to enable up to 2650 square metres. So that's a comparison of 2188 square metres under the status quo and 2650 square metres if this planning proposal was to travel. I won't go into the precise reasons
- 15 how we get to that calculation, and we can talk to that down the track if the Commission wants us to explain how we get to those numbers, because we understand that the department has put forward different numbers to our numbers and we can speak to that in a moment.
- 20 The second fundamental problem with this reason is that the site's current uses have a questionable basis. This has been ignored. You only have to walk past the site to see this. And another point here is that if the desire is for bulky-good type operations on this site promoted by the B6 Enterprise Corridor zoning, the subject site, when you look at it, lacks the geographical features to support one given its topography,
- 25 with a fall going diagonally across the site. The site lacks the specific requirement of the B6 zone objectives, as it provides no connectivity to other B6 zone land to encourage a mix of compatible uses that will promote urban renewal and facilitate the revitalisation of Canterbury Road.
- 30 Where these premises work, a long strip of bulky-goods premises exists in a row where customers can walk from one end to the other. This is not the case here, where the site sits between B2 land to the east and B5 land to the west, which promotes shop-top mixed use development and it's proposed to be B2 under the Canterbury Road Review. In addition, the site sits across from 677 and 687
- 35 Canterbury Road and 48 Drummond Street, which has a site compatibility certificate issued under the Affordable Rental Housing Sepp. The department has advised that it does not support the revocation of the SEC.
- 40 Despite council's request that the department revoke that SEC, the department decided against that. This further isolates the subject site from the uses that will emerge around it. The second reason suggested by the council as to why this planning proposal not be finalised was that the land is not within a proposed junction or locality set out in the Canterbury Road Review. This also has a number of fundamental problems. Firstly, while it is plain that the site does not fall with one of
- 45 those arbitrarily selected localities or junctions, the review does not demand a dogmatic adherence to the locality and junction plan in the review.

Rather, the review was designed to inform decisions on planning proposals related to the corridor and surrounding land. It was to be used as a guide against which planning proposals for land on the Canterbury Road corridor can be evaluated. The review also states:

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Council will need to review outstanding planning proposals for consistency with this review. Where a planning proposal is not consistent with this review, proponents will have the opportunity to revise proposals to demonstrate compliance or to propose other actions that achieve the corridor vision, for example, land offsetting or dedication of open space.

10

The site's omission from the localities and junctions has become the litmus test rather than what these other statements in the review demand. Secondly, given the above, council should consider what things the proponent has proposed which would help activate the corridor vision, such as increased site setbacks to Canterbury Road that align with the consistent and continuing vision of the council since 2012, the provision of a laneway to promote fine-grain urban fabric connectivity supported by the draft strategy, and extensive upgrades to street planting and amenity. This has not meaningfully occurred, in our submission, or has conveniently been dismissed by both council and the department.

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Thirdly, the proponent has previously made a lengthy submission outlining flaws with the Canterbury Road Review which has considered that the exclusion of the site from the Burwood Road Neighbour Centre does not seem to be founded on any evidence or planning discussion. Despite reasons for the omission being requested on numerous occasions, none have been provided. A third reason was that the proposed height and FSR is inconsistent with the draft strategy, so that was the third reason why council did not support this planning proposal moving forward and being finalised, and we say that there are fundamental flaws with this view as well. Firstly, the planning proposal is lower than the heights proposed to be able to be achieved under the review if significant public benefit is provided. The proponent is doing this through the provision of a laneway and dedication of land on Canterbury Road.

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Secondly, the heights in the review naively ignore other eight-storey developments which have the effect of making the proposed zoning more dramatic than what it really is, given the diagonal fall of the site. In conclusion, we believe that the answers to our earlier questions are, if B6 were applied for, there is no chance that the zoning would be allowed – that that zoning would be allowed, as it would not meet the objectives of the B6 Enterprise Corridor zone. The answer to the second question is the alternate zoning being put forward is more appropriate for the future of Canterbury Road in this location.

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The answer to our third question was there is no rational basis for leaving the site out of the locality's injunction in the Canterbury Road Review. The answer to our fourth question is the planning proposal, if it proceeds, will have a qualitative and quantitative improvement with respect to commercial floor space. The amount of employment floor space will increase and it will be modernised to meet the needs of

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the existing and future residents and business of the immediately zoned land surrounding the site. We now are happy to take questions from the Commission from any of the points that we have gone through in these submissions.

5 MR WILLIAMS: Thanks.

MR NEAL: And Matt, Frank and James are here also to help that out.

10 MR WILLIAMS: Right, right. So thanks very much, Todd. That's very helpful. So, Frank, Matt, James, anything you want to add at this stage, or you will just respond to questions, or – because we're happy to - - -

MR: Start the questions.

15 MR WILLIAMS: - - - start the questions. Yes, that's - - -

MR: I think things will - - -

20 MR MATTHEWS: Yes. I think that will generate a discussion.

MR: Things will emerge from that, I'm sure.

25 MR WILLIAMS: Yes. Okay. Thank you. Well, I might just get the ball rolling, if that's okay, thanks, gentlemen. So, just first of all, Todd – this is very helpful, thanks, having it also in writing. The argument that the application has strategic planning merit and related to that, that you perceive that it conflicts only with the Canterbury Road Review, the department in its justification report also does state what it believes to be inconsistencies with the other strategic planning within the planning framework, specifically, the Greater Sydney Plan, the South Sydney – the
30 Sydney South District Plan and the Sydenham to Bankstown Corridor - - -

MR NEAL: Yes.

35 MR WILLIAMS: - - - also cites those, as well.

MR NEAL: Okay.

40 MR WILLIAMS: So how can you address that justification in the view that the case you've made in terms that it does fit in, it's not inconsistent with the strategic – the current – unfortunately, it's the current strategic planning framework - - -

MR NEAL: Yeah.

45 MR WILLIAMS: - - - that we – that you're now faced with.

MR NEAL: Okay. If I might just table this plan, which show the trajectory of development throughout the Canterbury Road area. So it shows our site as an isolated site. It sticks out like a sore – it will stick out like a sore thumb.

5 MR R. MILLER: Could you just identify the plan for the record? Put a number on it or something.

MR NEAL: Okay. Yes. I don't have a pen. So I've tabled the Plan 01, which contains a number of plans within it, which provides a depiction of the subject site in
10 context of all the other developments that have been approved adjacent, opposite and alone Canterbury Road. It also contains a number of other maps which show the zoning either side of this site and all along Canterbury Road, so that you can see the site in its context.

15 MR WILLIAMS: We can keep that? Is that all right?

MR NEAL: Yeah, absolutely.

MR WILLIAMS: Thank you.
20

MR NEAL: Turning to the specific question that you had about its alignment with other strategic planning directions, like the Greater Sydney Plan, I'd need to take that on notice, unless Matt or James can – or Frank can speak to those points.

25 MR DANIEL: I can – I think it's good that we do provide a written response for that, but it's my understanding that the Sydney Plan and the corridor strategy is about – is talking about the keeping of certain uses of employment lands in the zone and which we're not – we agree with. But the problem we have here is I don't think the Sydney Plan and the Canterbury Corridor Strategy would promote the isolation of a
30 site. The whole point of it having those B6 land uses that need to be in the zone objectives and the continuity is so they can actually be successful, the problem being that, if you have this site in its isolation, it's not able to be developed as B6 and it won't meet its zone objectives, and that's the problem.

35 So I'm not so sure that the department's point is valid in that we don't comply. In fact, we would say that we do, because we're trying – we're actually going to provide more employment lands and those – and things, because we cannot produce a B6 in this zone that those plans would seek to talk to. And I'm sure there's some other connectivity reason and things which we can expand further in written
40 submission for you.

MR WILLIAMS: Yeah. I mean, we haven't heard from the department yet. That won't be until later.

45 MR DANIEL: Sure.

MR WILLIAMS: But, obviously, just reading their reports, that is a major issue.

MR DANIEL: Okay.

MR WILLIAMS: And obviously we need to consider that and obviously we need to get your views on that particular aspect, as well.

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MR NEAL: We actually haven't seen the department's report, so we're kind of intimating what their reasons were based off the cover letter - - -

MR WILLIAMS: Right.

10

MR NEAL: - - - to the alteration of the gateway determination, which says:

I've considered council's reasons, and have decided to alter the gateway determination.

15

MR WILLIAMS: Yes.

MR NEAL: So we've gone to the council's reasons as the basis for this being terminated.

20

MR WILLIAMS: Yeah. Right.

MR NEAL: And – so that's what we've addressed today.

25

MR MATTHEWS: Yeah. The gateway determination didn't have regard to the plans, the strategic planning documents that you just mentioned in making its alteration - - -

MR WILLIAMS: Right.

30

MR MATTHEWS: - - - it directly referred to council's reasons and those – the three reasons are the ones that we've addressed today.

MR WILLIAMS: Okay.

35

MR MATTHEWS: But we would appreciate the opportunity to give you - - -

MR WILLIAMS: Please, please. It will certainly help us, and we - - -

40

MR MATTHEWS: Because those documents were released in March last year - - -

MR WILLIAMS: Yes.

45

MR MATTHEWS: - - - and then council went on to consider this in June/July and the department made a decision in August, we've never had the opportunity to provide any written response to the central plan or the three cities plan to - - -

MR WILLIAMS: Yes.

MR MATTHEWS: To anyone.

5 MR WILLIAMS: Okay.

MR MATTHEWS: Which feels important, but I think Matt really touched on it.
One of the - - -

10 MR WILLIAMS: Yeah.

MR MATTHEWS: - - - key objectives is retaining employment-generating land and
B6 land.

15 MR WILLIAMS: Yeah.

MR MATTHEWS: And that's something certainly the Greater Sydney Commission
is - - -

20 MR WILLIAMS: Yeah.

MR MATTHEWS: - - - keen on. But, again, one of our key issues is, when, we're
actually generating more employment than is currently - - -

25 MR WILLIAMS: Yeah.

MR: Functionally - - -

MR MATTHEWS: Yeah, employments on the site, because we've got a derelict
30 site that's - - -

MR WILLIAMS: Yeah.

MR MATTHEWS: - - - not being re-developed, and so I guess that's our key
35 response to the issue about employment-generating land, and the secretary's decision
already - - -

MR WILLIAMS: Yeah.

40 MR MATTHEWS: - - - into the 117 direction.

MR WILLIAMS: Yeah. No, I take your point about – well, the Canterbury Road
Review has clearly been crucial to this.

45 MR MATTHEWS: Yeah.

MR WILLIAMS: the strategic planning basis on which the decision is made, but also there is reference to the broader state and regional plan – and district plans that have been prepared, as well. Consistency with those, also, which obviously - - -

5 MR DANIEL: Which we agree – we understand that, but – I mean, of course, it’s –
on a high level it’s very important to maintain employment land uses in connectivity
and that’s certain types, because the argument is that if we just make all sorts of
employment land one site, it will squeeze out a certain part of the market and they
will not be able to compete for uses. But the problem we have with that is that this
10 site, having the – and Frank can expand on this – the topography of the site, the way
the site works, it’s not – and the isolation, it’s not going to be possible for us to
produce those uses for the way those strategic planning documents are framed to
provide for space to that part of the market.

15 If – and we will always – if for some magical reason you’re able to fund the site for
those uses always be in conflict in the future with your surrounding uses and
what’s emerging through the Canterbury Road Review, and – which is a problem.
So what we would say is that, whereas we understand you’ve got those – the Sydney
Plan, those things, but the Act actually asks for orderly development here, and to
20 facilitate sensible development on the site. So what we fill the part 3 process can
actually provide good quality employment lands on the site. There is the opportunity
through the part 3 process that, for those numbers that we talked about, the 2600 of
the plan proposal.

25 There are some opportunities in the Canterbury Road Review where some of the
urban design principles said that they would want to discourage residential use as
fronting the busy roads and, as you can see through the design, there is the
opportunity for us to increase an additional floor that would – to more commercial
space, adjust some floor level at the front and even increase that 2650 yet again to
30 have another 1500 square metres of floor space promoted again across the site. So
we can actually expand that quite a bit and actually bring on the intent of creating
more employment floor space - - -

MR WILLIAMS: Yeah.

35 MR DANIEL: - - - as is required, as the emerging strategic planning docs are
saying they’re trying to encourage, which we think is good, but will also, through the
dynamics of financing the site and putting certain uses on the site as residential, other
things which are more compatible with other uses surrounding the site and what’s
40 emerging, we will be able to bring a development model forward that is
economically sustainable, that it can actually produce more employment land than if
you left the site just totally as B6 as it is today.

45 And I feel that by doing that it actually talks more to the intent of those Sydney plans
and providing viable employment land uses than if you just left the site as itself. But
of course I would appreciate studying those departments’ reason even more and then
putting the site specific nature into our response as to why I think that a better

outcome for our site and all the surrounding sites and for the community in this area can be produced.

5 MR MILLER: Just to go back to – that was very helpful. Thank you. Just to go back to Plan 01 could you just – I missed what it was I’m to make of this. It was sort of moving backwards and forwards so can you just tell us what you want us to make from – take from this plan.

10 MR DANIEL: Yes, James, do you want to speak to it?

MR MATTHEWS: Yes, no, I’ve prepared this plan because primarily this was about the issue of site isolation and the emerging pattern of development within the corridor. And on the second page you will see the existing zoning map and I’ve outlined each and every development along with the boundary to the Burwood
15 Neighbourhood Centre as proposed by the Canterbury Road Review so I just wanted to overlay that and attempt to illustrate what’s happening around us and how our site would be isolated compared to surrounding mixed use development.

20 MR MILLER: I’m just stopping you there.

MR MATTHEWS: Yes.

25 MR MILLER: I’m now on page 2 of the – of 01. The site immediately across the road from your site - - -

MR MATTHEWS: Yes.

MR MILLER: - - - is that not designated B6 as well?

30 MR MATTHEWS: It is, but there is – that’s the site that has a site compatibility certificate on it.

MR MILLER: Yes, I saw that.

35 MR MATTHEWS: The department have made a determination that a mixed use development there is compatible with its surroundings and has held that position after the request for it to be revoked.

40 MR NEAL: So that will become affordable housing. Yes.

MR MATTHEWS: It will be residential - - -

45 MR NEAL: And on that point this area needs affordable housing. One of the areas of Sydney that has housing stress so, again, that seems suitable to us.

MR MATTHEWS: And just to add to that, I guess it links back to maybe the 30 minute city issue that’s in the strategic – state strategic planning documents that

we're 800 metres here from Belmore station which is about a 30 minute walk which not only connects us to – the site to Belmore in terms of the employment that our site generates but also to Greater Sydney. But I wanted to illustrate – and just coming back to the first page of Plan 01, the developments that have either been constructed or that have been approved or where there are development applications that have already occurred. So as you can see, this – there's a number of sites that – to our west, particularly on the adjoining block that have either been constructed or are in the process of being developed and also on the corner of Burwood Road and Canterbury Road which is the centre of the neighbourhood centre identified by the Canterbury Road Review.

If you turn to the second page of the zoning map – and I would just like to point out that in my submission that I made to council in relation to the Canterbury Road Review I raised a number of questions of why the boundary was proposed where it was. And I also raised this at a community forum directly with Hill Thalys Architects and said can you please explain noting that there's a DA and a planning proposal that had been going on since 2014 which is the subject of today and site compatibility certificate approved in 2014 for the site opposite. Can you please explain why you provided the boundary directly next to our site. And I've never been given an answer to that. There's - - -

MR MILLER: That was referred to your submissions, was it?

MR MATTHEWS: Yes, yes. I've – nobody has ever told me why. To the contrary, council's latest resolution in relation to the Canterbury Road Review is to do more detailed planning and study and work but it seems that both these sites were – and the planning that has been substantially progressed on both sites seems to have been dismissed at the moment. But the important thing is to our east we've, again, got two B2 zones on either side of Canterbury Road and then a locality identified on the corner of Kingsgrove Road and Canterbury Road. So what I've tried to illustrate is there's a site at 629 Canterbury Road on the corner there of Kingsgrove and Canterbury Road. There's five storeys; a mixed use building that has been developed for a number of years.

And then there's a site at 630 to 632 which is a six-storey mixed use. And as Todd mentioned earlier, if you ended up going out there, you would see that. And you would anticipate that surrounding development would occur similar to what has already been developed and constructed on either side of Canterbury Road in accordance with the B2 zone. Then we have our site and obviously – and Frank can talk to you a little bit later – the development application that was prepared at council's request to see more detail and be able to consider the design aspects given we do have a sloping site and there are, you know – there was a specific design required to the site so council wanted to see how that would work and Frank has prepared that and I will let Frank talk to that a little bit later.

But then with the site opposite being another mixed use site under the site compatibility certificate, you know, with that occurring and then further to the east

within the boundaries of the Burwood Neighbourhood Centre as proposed by the Canterbury Road Review and the development that has occurred as you see that if you do go and visit the site, that's occurring and that had been approved. What I was trying to illustrate is that as everything around us does develop in accordance with the existing zones in accordance with the compatibility certificate and with the boundary of the Burwood Neighbourhood Centre, we will be a very isolated site and if – the unlikelihood of it being developed in accordance with B6 it was, for example, if the use stayed as it was would be completely at odds with the surrounding development.

And then coming back to one of Todd's original questions, if we were rezoning this from a mixed use site to a B6 zone, having regard to what's around us in terms of mixed use development it's a clear land use conflict. So we've got at the moment – we will have a land use conflict, we feel, with the existing uses on the site compared to everything that is already around us and emerging around us. So that was the point of this. And I've included on Plan 01 on pages, you know, 3 to 8, I've included a number of photos of what's existing and identified the site and what's approved and some of the plans for – for example, I've included there the plan for the site under the site compatibility certificate which will be subject to development approval.

MR MILLER: Thank you.

MR WILLIAMS: These also help us because it might go to another question I've just got in a moment. But just before we move to that, one other comment – sorry – you made, Todd, was that – and it's in your statement was that - - -

MR NEAL: Yes.

MR WILLIAMS: - - - “all other agencies can support this matter”.

MR NEAL: Yes.

MR WILLIAMS: We have got a letter which I don't know – I'm sure you've seen from the RMS August, I think, 2016 and they argue that, really, nothing else should happen on that corridor till there's a strategic review and so on. So there is that RMS concern about – no matter what happens along - - -

MR NEAL: I was quite deliberately – I quite deliberately used the word “can”. I will let Matt and James speak to why they can support it because there are mechanisms to obtain RMSs support.

MR DANIEL: Yes. I think employment uses on this site will actually generate more traffic than the current use that's there, and so if we leave the site zoned as is, our traffic reports show that there will be actually a greater traffic impact with a B6 use if it was going to be successful and if it was going to be there. But I refer back to my early comments that we – it's not for want of trying. We have tried to find uses

for this site under the current zoning to work and it has not been economically possible to do so. We raised this question, and we haven't been told.

5 We've gone and positively tried to deal with the council and talk with them in the context of their recent decisions and their changed pathway for this application and asked them the same question in relation to traffic and in the context of the review and said, "Look, well, how have you guys addressed this issue with RMS and the traffic and that sort of sense?" And they said, "Well, we've done the studies and we're quite happy that we can increase the amount of B2 in this sort of area, increase
10 these mixed uses, and our traffic studies are showing that it's fine."

And I said, "Well, if this stage is B6, it will impact that even greater." And they said, "No. The traffic study allocates it. Our studies show in the review that that will be fine for those employment lands to stay as is." So I guess the point is there that if the
15 promotion of our site that we've got before you today is a reduction – and that's what our traffic reports show, a reduction in traffic numbers, well, then, it stands to reason that the site under the review can commence and proceed if it were zoned in mixed use scenario because it has lower impact.

20 Some of the comments that the RMS had, they were very keen on the three metre setback. I remember through the process they were very keen to make sure they could capture as much of that setback as possible along the whole strip of Canterbury Road. That was something they were wanting to make sure. At the time, they had some discussions about wanting there to be a zoning of it and a special uses zone at
25 the front or some infrastructure zoning, should I say, to be able to make their acquisition of that land a bit more simple as things progressed, so I can understand why that they're thinking that maybe should hold off until those sort of things occur.

30 But our application in our sense, we've straightaway in our designs allocated a three metre setback straightaway that can be dedicated immediately. The provision of a laneway is something that helps through our traffic studies and reports. It helps in a number of ways in relation to the transition of the development to the lower density uses, but it also creates that permeability for traffic and pedestrians to not use
35 Canterbury Road and allow local traffic on that side to be able to permeate through the sites, and creates a connectivity of laneways that are promoted through the review but also that are existing at the moment, and so that has a lower impact on traffic.

40 The other issue that emerged from the traffic report was how the treatments to the junctions of Liberty and Platts Avenue should be dealt with, and that we felt that through the emergence of the DA process and dealing with traffic matters on those intersections of left in, left out, those sort of things, the local traffic matters could be dealt with. Happy to provide a more detailed written submission in relation to those traffic issues if that's required, but that's my comments.

45 MR WILLIAMS: If you felt that you could express those more fully through a written submission, that would certainly help us.

MR DANIEL: Yes.

MR WILLIAMS: Because, in terms of agency comment, that has been flagged as an issue and, obviously, in our deliberation, we need to address that.

5

MR DANIEL: Yes.

MR WILLIAMS: So that would certainly help if that was possible, Matt.

10 MR DANIEL: Our current DA, though, obviously seeks to comply to the parking standards of the council. That was one thing the council wanted, was make sure your DA that we produced complies with our DCP. That required us to put a third basement in additional car parking. I mean, of course, through the development of this plan proposal there are opportunities for us to reduce our traffic impact if we
15 wanted to through design, through the allocation of car spaces to certain residences and having maximum rates and things like that, which, unfortunately, councils are not too keen on. But, of course, these are the sensible matters in strategic planning that actually address those primary issues of the traffic transport agency. So I think there are opportunities through this part 3 process as what the Act and the guidelines
20 contend to deal with these issues in that way, but I'm happy to enter that into a report for you.

MR WILLIAMS: That would be great. That would be very helpful. Thanks, Matt.

25 MR MATTHEWS: There are some other – you know, the laneway and the setback are major traffic pros, I guess, as part of this application as well, and they facilitate what the council and the RMS want in terms of being able to improve movement with the laneway and access and also the larger setback, which you're already seeing being implemented with other mixed use sites along Canterbury Road which, you
30 know, I'm sure you're seeking.

MR STANISIC: Yes. I might add to that.

MR MATTHEWS: Yes, yes.

35

MR STANISIC: In fact, the RMS actually anticipates a more pedestrian-friendly streetscape than currently is here. They are requiring a three-metre setback to Canterbury Road in order to facilitate activation along Canterbury Road.

40 MR WILLIAMS: Yes.

MR STANISIC: And that would mean ground-level shops of some sort, which insinuates a sort of a shop-type development of some kind. So the RMS in a way is already anticipating an improvement to the streetscape, and that streetscape
45 improvements would then be supported by mixed use development – the fine grain that you only would get from a residential development; not from a big box, bulky-goods development.

MR WILLIAMS: Yes. Well, just on that, Frank, could I – just a little bit about the – I mean, the development isn't directly our concern. It's the rezoning. But obviously it helps us to see the site. And, also, we have got some plans or diagrams that have been presented to us, and we're just trying to make sense of them, because
5 we gather while the rezoning is for the entire block, you don't actually own the corner site.

MR MATTHEWS: Correct.

10 MR STANISIC: No, indeed, but we - - -

MR DANIEL: Could I just - - -

MR STANISIC: - - - developed the concept that that site can be developed and it's
15 compatible with the rest.

MR WILLIAMS: Right.

MR DANIEL: I wouldn't mind just making a comment about – because it's not
20 typical, although it's – it's not typical, although it's not that the Act doesn't facilitate the process of having a DA travel with the plan proposal. At the time, because of the complexity of the gateway in relation to the site A and site B, and some of the other issues that, you know, residents were raising in relation to the heights and how we could comply with 45 degree angles and what were the appropriate things on the site,
25 and there was at the time a general concern from the planning staff about the quality of development that could eventuate in Canterbury Road, because it was very rapid and they felt there was a community concern about that.

And so it was agreed and it was suggested to us that, look, if we could have a, you
30 know, understanding more of what the development outcome on this site would be that would address those practical issues, then that would be very, very helpful. So then, on that, on the encouragement of the council, we, you know, decided to bring Frank on to start designing the building, which started addressing a lot more of those fundamental issues, which we felt was important.

35 MR WILLIAMS: Yes. Look, it makes sense if you're going for a planning proposal if you can have a DA company wherever possible. It gives council an idea, well, what it is we're actually going to be approving for the rezoning.

40 MR DANIEL: So the DA is for the land - - -

MR WILLIAMS: Yes, yes, yes.

MR DANIEL: - - - within the red which we own, and there's a concept land for the
45 blue land to show how that interrelates and can work if that develops under a DA first, because we don't have land owners' consent for this block despite attempts to amalgamate.

MR WILLIAMS: Right. So you've been trying to - - -

MR STANISIC: And if I could put it in architectural terms, the concept for the site is actually a perimeter courtyard development.

5 MR WILLIAMS: Right.

MR STANISIC: It has four sides. And that other site, which we call site B, the assessment at one of those sides. And, in future, if that site was to develop along the same lines it would complete the perimeter and it would interface with the courtyard.

10 MR WILLIAMS: Yes.

MR STANISIC: So it's quite compatible with the concept that we actually have, and we would have loved to see this become part of this model.

15 MR WILLIAMS: Yes. I can understand why.

MR STANISIC: For certain reasons, it wasn't included. There's nothing incompatible about it. In fact, it's the missing piece. And the other point I would make is if it does proceed, then the extent of non-residential which is along Canterbury Road – the yellow colour here on my drawing – would then extend all the way along and, of course, that would increase the amount of - - -

20 MR MILLER: I'm sorry. You referring to a drawing, which you need to identify for us.

MR STANISIC: The drawing is a ground-level plan from the DA, and it actually shows the configuration of the buildings.

25 MR MILLER: Does it have a number?

MR NEAL: It's in your bundle of documents at tab - - -

30 MR STANISIC: DA105.

MR DANIEL: It's a much easier plan to understand.

MR STANISIC: I'm happy to talk to the quality of the project as well.

35 MR MILLER: We just – no. We just, for the purpose of identifying, make sure we've got everything.

MR NEAL: Tab 12.

40 MR MILLER: Thank you.

45

MR NEAL: Stanisic Architects.

MR MILLER: We're just at the start of reviewing a bundle of documents that is - - -

5 MR NEAL: A mountain high.

MR MILLER: - - - now substantial, so it's helpful for you to draw our attention to specific documents that we should have regard to.

10 MR DANIEL: Of course.

MR MILLER: We've read a lot of material but we haven't read it all yet, so we wanted to hear from you because that will help confine the issues for us. So, I'm sorry, we're back to identifying it's – it's document what?

15

MR NEAL: Yes. Sorry, I couldn't find it in the bundle that is before you, but perhaps if - - -

MR MILLER: I actually don't think we've got it. That's the - - -

20

MR NEAL: Okay.

MR MILLER: Sorry. That's - - -

25 MR STANISIC: It's a part of the DA submission.

MR MILLER: So which DA submission are we talking about?

MR STANISIC: Well, it was the DA submission that was submitted to – the only one that was submitted to Council and the date of it is 27.11.15.

30

MR MILLER: '15. Okay. Thank you.

MR STANISIC: Yes. Yes. We're talking about three - - -

35

MR MILLER: Thank you.

MR STANISIC: - - - over three years ago now. Yes. Yes.

40 MR MILLER: Thank you.

MR DANIEL: So in that set is, obviously, the DA design for the land that we do own, but seeking consent and also as appendix to those plans, a requirement is a indicative and detailed design of the missing site as well and how that will work to speak to the issue in the issue in the gateway.

45

MR WILLIAMS: Thank you. It gives – because we’ve got some – just some visuals, you know, some elevations and - - -

MR NEAL: Yes.

5 MR WILLIAMS: - - - of what we have got and there’s no indication of where they’re taken from and - - -

MR STANISIC: No. Indeed. Indeed.

10 MR WILLIAMS: - - - we’re not sure which road frontage, say, they’re on and we just thought, “Well, it can’t” – one of the ones we thought – the diagrams can’t be Canterbury Road because it’s too long the whole side.

15 MR STANISIC: No. Indeed.

MR WILLIAMS: So that’s why we just wanted to clarify the - - -

MR: So - - -

20 MR WILLIAMS: So this one here - - -

MR MILLER: Yes. Just identify this document.

25 MR DANIEL: This is from the DA set. This is a visualisation report in the - - -

MR MILLER: Put a number 02 on it if you wouldn’t mind.

MR DANIEL: Certainly.

30 MR MILLER: Thanks.

MR: Okay.

35 MR MILLER: That’s it. And the other one. And there’s another one, another two.

MR DANIEL: And C. So

MR MILLER: Just take us through what this tells us.

40 MR DANIEL: Yes.

MR MILLER: What this shows.

45 MR STANISIC: Perhaps – perhaps I could.

MR MILLER: Yes. Of course.

MR STANISIC: Look, I think it's these. We call them perspectives or visualisations 1, 2, 3.

MR MILLER: Yes.

5

MR STANISIC: I think they probably project the best way to design quality of the project actually is. There's a view there which is from the north east point. It shows Canterbury Road.

10 MR MILLER: Yes.

MR STANISIC: And it also shows the side street here called Platts Avenue.

MR MILLER: Yes. Yes. Right. Got it.

15

MR STANISIC: And it's a seven storey building. You can see a seven storey form. On the ground floor, you've got retail, then above that there's residential. So one storey of retail and six stories of residential giving the seven storey building.

20 MR MILLER: Okay.

MR STANISIC: A seven storey form. And, of course, it's not complete. At the end of the picture there is where the adjoining mechanic site would occur.

25 MR MILLER: Yes.

MR WILLIAMS: Yes. Yes. It just helps us when we got on the site - - -

MR STANISIC: Of course.

30

MR WILLIAMS: - - - to be able to visualise

MR STANISIC: Yes. And you can see it's a very crafted contemporary well-mannered building, can I say. It achieves all the fine objectives of the ADG. You know, in terms of design quality, we think that's a very fine document. Another view that we have which is also important is on the street. This is one of the side streets. I think this is Liberty Street and you can see the mechanic shop there. And as the building – as Matt had already said, the site is not flat. It falls four and a half metres. So we've got to develop a very clever concept which is a stepping form –

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40

stepping building form and the building steps, in fact, from seven storeys down to four storeys.

MR WILLIAMS: And that's the laneway.

45 MR STANISIC: And there's the laneway. Now, the laneway – again, this is a piece of a bigger strategy that council have and it became clear to us that they wanted to see a laneway - - -

MR WILLIAMS: Yes.

MR STANISIC: - - - parallel to Canterbury Road to facilitate movement. But also
5 to act as an interface to the single storey dwellings or two storey dwellings which
would remain on the southern part of the site.

MR WILLIAMS: Yes. Yes.

MR STANISIC: So we've embraced that as an idea. So you end up having a
10 primitive form which has actually got not three but actually four street frontages and
- - -

MR WILLIAMS: That one there, that perspective you've just shown us, Frank,
15 that's the one in our report - - -

MR STANISIC: Indeed.

MR WILLIAMS: - - - and there's no reference about - - -

20 MR STANISIC: Well - - -

MR WILLIAMS: - - - where it's from – what street.

MR STANISIC: Well, I can say to you that that is from the south.
25

MR WILLIAMS: Right.

MR STANISIC: It's from a lane.

30 MR WILLIAMS: Right. Right.

MR STANISIC: And it actually shows the four storey form.

MR WILLIAMS: Yes.
35

MR STANISIC: As I said, the building steps down from seven to four storeys.
There's, essentially, four pieces, but it shows the way in which it's possible to put a
slightly higher building within this particular context and not have any adverse
impacts on the neighbours. We've done solar access studies of this, indeed, and
40 there's no overshadowing of the neighbours as well. But look, it has got many good
characteristics, the site, in terms of a mixed use development. I've got – I've already
noted one of them and that is that it has got three street frontages and what that
actually permits, and very importantly, is that you get multiple entries to get – it's
always good to have permeability within a building address from each of the streets.
45 So you get a core on each of the streets where people can actually enter the buildings.

There's the three metre dedication that is required by RMS which makes the street a bit more friendly and then, of course, there's the new lane which is not just a carriageway. In fact, we thought there might be a prospect that this could even be a shared way. It could be a place for some sort of play activity as well. It's –
5 depending on the design of it. And the – and so – and then, of course, it's a primitive building. There's a central court yard and the court yard is most important. It brings light into the apartments. It also allows us to address an issue which I think has been raised by council and, that is, there's a – in all cases, we always set the buildings back three metres from the side boundaries in order to have some planting against the
10 street. And in some cases here as the site falls away, we've also set the building down as well. But these apartments then have opened out to the courtyard, actually, at the rear to bring light into them.

So it has got a fine grain quality to it which is very well suited to the steps site. The
15 box bulky goods warehouse that would be developed under the B6 would be a flat floored building and I hope – I can't even imagine how you could fit that on a site like this. In fact, I would think it would ruin the streetscape and in that case, it would be at odds with all the streetscape priorities that council would actually have. In terms of the ADG, we're well aware of what is required by SEPP 65 in the ADG.
20 We use the guidance in the ADG for the development of the apartments. I can say that we achieve the solar access that's required to 70 per cent, the cross vent which is 60 per cent - - -

MR WILLIAMS: Yes. They're the big ones normally, aren't they?
25

MR STANISIC: All the big ones.

MR WILLIAMS: Yes.

MR STANISIC: You know, we've given a tick to them and also the open space.
30 There's a variety of open spaces. There's a central court yard. There's also spaces here off the lane as well and then there's a wonderful, lovely roof terrace, which I hope is here, which is another active area for the residents actually of the building. And in other respects too, it complies with the ADG. There's storage in the
35 apartments. There's storage in the basement. There's a four-level basement and because of the stepping nature of the site, one of the benefits of that is that the whole basement, in fact, is actually concealed. All the parking is concealed.

There's not one place where the parking which is actually on the site is actually
40 evident on the site itself. Aesthetically, I think it's always important that when you come to look at buildings like this that you do start to develop a contemporary aesthetic and you this is the sort of building that we imagined. You can see it's highly articulated. There are that vary according to the street and the orientation and also to the internal usages in the building. So we're very confident that this
45 would be an excellent example of a mixed use development.

MR WILLIAMS: Yes. That helps us Frank because as I said while we're concerned is purely about the planning proposal and not the DA - - -

MR STANISIC: Yes.

5

MR WILLIAMS: - - - there are elements of the DA that are included in our bundle of material and so we just wanted an explanation of that so we're a bit clearer on the information we've been just presented.

10 MR NEAL: Just for your benefit, Peter and Russell, the owners and project managers haven't just gone to any old architect, get support for this proposal. Frank, he's a humble guy, but he's quite a reputable architect. He was involved with SEPP 65, its development, on those committees. So we wanted to get this right and prepare a proper development application to show it can work.

15

MR STANISIC: In fact, we have a distinction of getting a Premier's Award for one of our buildings. Mind you, it was Premier Carr many years ago, it's not the current one, but when he was dispensing awards and we were warming the cockles of his heart.

20

MR MILLER: As we have plans of the – the architectural plans and drawings in front of us, could you just identify where that 24 90 square metres of employment - - -

25 MR STANISIC: No. Indeed. Yes.

MR MILLER: - - - would be because that was - - -

30 MR STANISIC: Well, firstly, this is the ground level of the plan and on that level, we have approximately 383 square metres.

MR DANIEL: See, I will take you through – so I think it's this level here.

MR MILLER: Yes.

35

MR DANIEL: So - - -

MR MILLER: Yes.

40 MR DANIEL: This is at ground level with this part of the building because it steps down. It's part of the DA plans. And this section here is quite helpful too. So if I show you the section there, it's running through that section.

45 MR MILLER: Well, maybe rather than take the time now, perhaps you could give us – put it in writing just for the record - - -

MR DANIEL: Of course. Indeed. Yes.

MR MILLER: - - - and then attach whatever – but if they’re in 02, then you don’t need to attach more copies of the plans - - -

MR DANIEL: Yes.

5

MR MILLER: - - - but they’re not. Attach more copies of the plans. That will help us.

MR DANIEL: If I may, just with your indulgence just - - -

10

MR MILLER: Yes.

MR DANIEL: - - - there’s just one issue there because the strategy talks about it and the opportunity to increase more commercial, and dare I say viable commercial on the site, is we produced – because of the topography of the site, we’ve produced this at the ground level of these sort of areas so it can be entered in that way. This is on the street level here. But there is the opportunity to – these are residential floor plates at the moment in the scheme. But there is the opportunity – because this is about six – this is very, very big – about 6.4 ceiling height.

15

20

MR MILLER: Yes.

MR DANIEL: Now, of course – you know, so it’s just below what you would do to create another level in there.

25

MR MILLER: Yes.

MR DANIEL: But you could quite easily adjust the floor of this one because it’s separate to the structure that’s flowing through the building at that point. Increase the ceiling heights on this floor here and that floor there and by sharing it through still have a very good retail level or showroom level at that site and increase it even further. So every time you increase a floor across the frontage of this, there’s another, you know, approximately 1400 square – or, you know, 1000 metres, you know, of space and then another there. So that’s how we start increasing the amount. So in the scheme at the moment on our site, there’s about 803 square metres, but that can be dramatically increased and when you have next door that has 723 square metres on their site, which I can show you.

30

35

MR STANISIC: Look for the yellow.

40

MR DANIEL: There. 723. If the same methodology that I’m talking about here was applied, then there’s another 723 above which is talking towards what the strategy was saying to remove those, sort of, resident uses from that street front in that closer area there and placing commercial uses there. And, now, I can see how that can actually work and be economically viable, in a sense, and meet the objectors of the strategy of increasing employment floor space, but – dare I say – banging the drum here, but viable employment space.

45

MR WILLIAMS: Thank you. So what you're looking at is the figures you were giving us – I just can't find them – you know, I think something like 2800 square - - -

MR STANISIC: Yes.

5 MR DANIEL: Yes.

MR WILLIAMS: That's across the entire rezoned site - - -

10 MR STANISIC: Across site A and site B. That's correct.

MR WILLIAMS: Both – yes – of which a proportion would be in your - - -

MR STANISIC: And, as Matt has said, it would essentially be within this box here, that ground and then above here.

15 MR WILLIAMS: But - - -

MR STANISIC: So it would present, then, as a commercial building to Canterbury Road.

20 MR WILLIAMS: Right.

MR STANISIC: Because residential setback six metres behind, then on the other side streets, there will be residential buildings.

25 MR MATTHEWS: And it's - - -

MR STANISIC: They're all quite compatible.

30 MR MATTHEWS: And it's important to remember that regardless of the DA, the – it's the whole site we're talking about that's subject to the planning proposal and what - - -

35 MR STANISIC: Yes, I think it's important to look at it as a block, rather than - - -

MR MATTHEWS: Yes. Well, you have to. That's – it's a part of the planning proposal.

40 MR STANISIC: Yes. Yes. Yes. The concept is about development of the block. And it just happens that a piece of that is not within the DA.

MR DANIEL: Would I just be able to – because I think this talks to the planning proposal, while Frank's here, and I will hand these over, and these are the – this is the appendix to the DA drawings. It talks about the site B and how that would develop.

45

MR WILLIAMS: Will you hand that over – will you - - -

MR DANIEL: Yes, I will.

5 MR WILLIAMS: Yes. Well, we might call that number 3.

MR DANIEL: Number 3.

MR WILLIAMS: Sorry

10 MR DANIEL: Number 3.

MR WILLIAMS: Thanks.

15 MR DANIEL: So the two issues that were of concern during the proposal was, obviously, the issue of if the site's developed independently, how would that work and what are the – and the key issues there are can it be viable and developed, for one, and one of the key – and the issue coming back again to the RMS, that they wanted to stop the ability for any development here to be able to gain – to have – to
20 be able to gain road access because, also, under the Road Act, if there's not another viable entrance, they could actually force an entrance off Canterbury Road which wouldn't be desirable. And, of course, that was something that was of critical concern for the RMS, and we agree. So with our development application, we actually prepared an instrument – an 88B instrument that rode with it so that it could
25 be used to allow an easement through our property to this property - - -

MR WILLIAMS: Okay.

MR DANIEL: - - - in the future. And not only we do – we've got the traffic
30 engineers to make sure that it worked, and that's why we've had the structure and the entrances from this side of the building. We alternatively had it there, but it was better for the outcome for the total development site for it to be here. So the traffic report talk to them in detail. So what we see is, on the lower ground level, we have car parking that works with the Australian standard. I'm not the traffic engineer, but
35 that was what they've certified is the case, and then as we're moving up the building, there's another level there, and they're using our level for – to get to their next levels, in that sort of a sense, and they have the appropriate amount of car parking - - -

MR WILLIAMS: Yes.

40 MR DANIEL: - - - in that sense. Might turn this over so it don't goes out of order. Then there is an additional level there again, and then we're talking about – this is our lower ground. Now, they could, for example, convert this to commercial as well, if they so needed to, but we provided that in this scheme as parking, but that's on this
45 ground level of this whole development there as it goes up. Then we get to the ground level upon Canterbury Road which, I think, is a – the RL is about 4.6, whatever it is. But so that's when the commercial starts, and you have the course of

people are coming in, and it starts linking with the development and upper commercial which is at 6.4, so it's very high ceiling heights there for – to make it a good use. It would show room or space, and then the apartments start. Now, there was some criticism in some of the council's reports which we're a little bit surprised about, and maybe a talk to Frank on this, that these apartments here do not comply with set 65. And maybe, Frank, you want to comment on that a little bit there.

MR STANISIC: Well, it's a narrow site and the apartments are maisonettes or they're crossover apartments. These are perfectly reasonable apartments. The important thing is the northern elevation here, and you get living spaces and balconies, that private open space with some, and further the use of the double-storey space is possible to have airflow within the building itself. And so this wall at the back here, this is what we call a gallery. It's a gallery access, and that wall can be blank, but, clearly, at this site – if the owners of this site were to purchase that, then your design is different there. Should allow some sort of visibility.

MR WILLIAMS: Yes.

MR STANISIC: So it can occur either way.

MR DANIEL: The landscaping plans also – which we will show you – provide a green wall there and - - -

MR STANISIC: Yes. Yes.

MR DANIEL: - - - a detailed landscaping environment to make sure that that's quite well treated.

MR STANISIC: Precisely.

MR DANIEL: And then the building just continues to come up in the same floor plate with the cause and their relevant spots. So it's sort of quite viable and buildable, and with different unit typologies, and then the setback starts in from Canterbury Road that the DCP and the strategy request, and setting it back and, still, viable floor plates can be – it can be accommodated. And then the tower form continues here, and this is the last level of the development. Then we have a roof garden in the middle. So you've got two tower forms in the lower section in the middle which is quite important for the permeability of the solar to the properties below - - -

MR WILLIAMS: Yes.

MR DANIEL: - - - and to the courtyard. So it's all very well thought out through a rabbit program to make sure it works entirely. And then the floor plates continue up to where it's – and then the development end. So we felt that that – you know, it wasn't enough for us to just get an engineer's report in relation to the conflicts for us to say if that works or not. It was very important – sorry that's not stapled.

MR WILLIAMS: No, no, no. Don't worry about it. We won't lose it.

MR DANIEL: That – but it's so much better in design to actually prove that that can actually work. Now, we have approached with – in – through the site to
5 purchase the gentleman site next door. He wasn't interested, that sort of sense, and want to continue those uses there – I mean, the uses that are there on the site at the moment. Early in the piece when we approached, council are very keen on us purchasing that site. We were quite open and honest and said, "Look, here's what we've done." The gentleman wasn't keen on that because he wanted to continue his
10 business.

At that time, the council were concerned because, technically, he was running a development there – or a business there that was really akin to an IN2 zoning. Not really a B6 or what they were doing, but, unfortunately, we couldn't do that, and so
15 that was where that came a critical issue in relation to making sure that that site could develop independently if that so required. And, as I said, we've provided the instrument, we've provided the design, everything like that, and – not that I – you know, not that I provided an economics report to say it, but there is – you do the calculation, the amount of floor space that this scheme can provide, and it actually, I
20 believe, makes it a viable development option - - -

MR WILLIAMS: For that site.

MR DANIEL: - - - for the future for that site.
25

MR WILLIAMS: All right.

MR MATTHEWS: I think, just to add to that, the – you will note, looking at the proposed draft LEP map that we have talks directly to this. It's quite unusual to have
30 such a split number of heights across the site, but it's because we've done this level of detail and rigorous part of the DA process that we can actually then put in there zero height limit for a lane way, and variable heights that actually reach the maximum. So while we talk about maximum heights, it is, you know, it hits the – you know, the highest point – a certain part of the site and the rest is staggered
35 because it talks directly to a DA. Whereas if we haven't had this level of detail, you might have a blanket height across the site, and then it's – needs more flexibility, but it might not end up with such a good result that we're proposing through the DA.

MR DANIEL: And just to – at tab 14 of the submission that Todd's provided you is the detailed landscaping plans - - -
40

MR WILLIAMS: Okay.

MR DANIEL: - - - which talk about the ability to have deep soil planning in that laneway. We purposely made sure our basement didn't go into that - - -
45

MR WILLIAMS: Yeah.

MR DANIEL: - - - laneway area, so it could be dedicated free, you know, of title, but also provides the opportunity for deep soil planning and – but then also the detail of the landscaping we’re trying to provide in the site and around it.

5 MR NEAL: Of course, that’s the part 4 process that - - -

MR WILLIAMS: Yeah.

10 MR NEAL: - - - comes after the part 3 process.

MR WILLIAMS: Yeah, yeah.

MR NEAL: So we’ve done the part 3 and we’ve also done the part 4.

15 MR WILLIAMS: Part 4. Sure. Sure.

MR DANIEL: But this was all done in a way to try to give the council and the community the confidence that a quality development here could be produced. So we’re very keen about that, to make sure that would be the end result.

20 MR WILLIAMS: Sure. Okay. I think I’ve – my questions have all been answered, and they’ve been very good. Very helpful. Russell, anything you - - -

25 MR MILLER: I don’t think I’ve got any further questions. It has been helpful. Thank you - - -

MR WILLIAMS: Diana, do you have anything you would like to ask at all?

30 MS D. MITCHELL: No no questions.

MR WILLIAMS: Okay. Well, then, look, that’s been - - -

MR NEAL: Do you mind if we - - -

35 MR WILLIAMS: Yeah.

MR NEAL: - - - provide that additional submission just in response to the RMS point?

40 MR WILLIAMS: Yes.

MR NEAL: And, secondly, how it aligns with the other strategic planning - - -

MR WILLIAMS: That would be helpful, yes.

45 MR NEAL: And we will keep that brief, because - - -

MR WILLIAMS: Yes.

MR NEAL: - - - you've got a very difficult task ahead of you, with the amount of the documents. I understand that.

5 MR WILLIAMS: It doesn't need to be long.

MR NEAL: Yeah.

10 MR WILLIAMS: But it's obviously just something in writing that - - -

MR NEAL: Absolutely.

MR WILLIAMS: Is there a timing for that, Diana, at all? That – the submission of that additional information? Have we got any - - -

15 MS MITCHELL: Next week at the latest would be - - -

MR NEAL: That's fine.

20 MS MITCHELL: Yeah.

MR MILLER: Could I ask you also, given that there is a large volume of material on the website, you've handed us material today that may or may not be in the package we have – I'm not too sure. But could you just review it and if there is any other material which you think you want to draw our attention to that isn't on – if it's on the website - - -

25 MR NEAL: Yeah.

30 MR MILLER: - - - no problem.

MR NEAL: Okay.

35 MR MILLER: If it's on the department's website, no problem. But if there's anything else, then please provide us with reference to it.

MR NEAL: Okay. Thank you.

40 MR DANIEL: Could I just make a comment - - -

MR MILLER: I'm sorry bearing in mind this is a gateway review, not - - -

MR DANIEL: Yeah.

45 MR MILLER: - - - approval for - - -

MR DANIEL: Correct.

MR NEAL: Absolutely.

5 MR DANIEL: And that, actually, to the point I'd like to make, is that at the time we
went through a lot of iterative urban design processes with council in relation to a 25
metre height limit. Now, since that time, there has been – you can see all the
emerging development around us, and even though on the front our building
becomes seven levels, at the front typically you would have – because the
10 topography of the site flows. But now we're seeing – and – you know? It's – we're
seeing a lot of six-storey development that's – that's emerging, and that's one of the
criticisms that, "Your height's too much," things like that. So if it is that the
emerging – and the emerging framework is that really you shouldn't be having this
additional height on those corner elements and things like that, well, certainly, that's
15 what the part 3 process is for.

As strategy emerges, there could be a recommendation that says, you know what,
you have to produce more commercial floor space to address it and be meaningful,
and perhaps there needs to be consideration of the height that more adjoins it, and if
20 you remove one storey off that and, you know, if I'm shot by the investors on this
site – but it needs to be considered that if we are to address that in a strategic context,
that the removal of that then brings a six-storey element to this building from the
front that adjoins with the other areas. Not that we're keen to do that, but there are
opportunities to refine this to make it match as best as possible to get the best
25 planning outcome, not only for our site, but for the adjoining sites around it, and we
would ask that we're given that opportunity as the part 3 – this provides.

MR MATTHEWS: Yeah. And can I just add to that, the last point in, you know,
council's reasoning was simply it doesn't align with heights and floor space ratios in
30 the strategy, and while we think that it does, there are certain components of the
Canterbury Road Review, though, allowed for greater heights that will align with
public benefit. There was a general comment that six storeys was more suitable for
the corridor, and I – that was a reason without even – without any discussion with us
or from the department and I find that a little bit unusual.

35 The part 3 process, obviously, what's exhibited and what the community's consulted
on isn't necessarily what's finalised, particularly if it's a lesser of an impact. If it's a
greater of an impact, then we would assume you would have another exhibition
process. But there was no conversation around, well, these are the concerns, would
40 you be willing to look at the heights and – etcetera. And so that conversation didn't
occur. But it's something that we would be more than willing to – you know, to talk
about. Again, just adding to Matt's – notwithstanding Matt being shot by the
investors, but – yeah. That's – that just specifically relates to the third point.

45 MR MILLER: Thank you.

5 MR MATTHEWS: Yeah. And, having worked for the department for a number of years, we certainly see things that used to come in for finalisation and wouldn't necessarily be the same as what was exhibited, because you have to amend things through community consultation and respond to the concerns in the community. So it's – yeah.

10 MR DANIEL: So we would just ask that, rather than sending us straight back to square 1, where we would just be presented with the same problems, likely having to come before you again in a couple of years time, you know, because we're not finding the ability to redevelop the site and we still have these problems, to allow us to deal with their criticisms that are in some of these documents that are saying this shouldn't proceed and allow us to respond and to change things as they may see fit and what your views are on that.

15 So we – so the scheme is a viable development, but is orderly development in its context of where it is. There's a metro station coming here. I've idiot checked it myself and walked back and forth to Belmore and thought what would it be like for somebody here, because at the end of the day we're charged with making sure we deliver a product that can be – that's tenable to the market. And as that new train
20 service comes every three minutes, the walk is very pleasant, it's very nice, as the street develops, I really believe this is an appropriate development there without undermining the objectives of the state and regional plans that cover this site.

25 MR MATTHEWS: And can I just add, sorry, one more thing. But on plan 1 – I think it's page 4, there is a plan of the approval under the SEC - - -

MR WILLIAMS: Right.

30 MR MATTHEWS: - - - which will be directly opposite - - -

MR WILLIAMS: Yes, yes. That's fine.

35 MR MATTHEWS: Yes. So your – with the emerging pattern of mixed-use development around it, including the - - -

MR WILLIAMS: Right.

MR MATTHEWS: A plan of the – of that site.

40 MR WILLIAMS: Okay. Well, I think – well, thanks very much, gentlemen. That's been very helpful. So we might close it there, and thank you very much for your time.

45 **RECORDING CONCLUDED**

[10.16 am]