



MR J. HANN: Before we begin, I would like to acknowledge the traditional owners of the land in which we meet and pay my respect to the elders, past and present. Welcome to the meeting today on the Gateway determination review request to increase the building height and floor space ratio controls and introduce new local provisions for the Kensington and Kingsford town centres under the Randwick Local Environmental Plan 2012. So my name is John Hann and I'm the chair of the IPC panel today. Joining me on the panel is Steve O'Connor, as you know from the other attendees, we – who just introduced themselves, so Dan Keary and Brent Devine from KEYLAN Consulting.

10 They're assisting us effectively as the secretary from a ..... point of view, and Matthew Todd-Jones is with the IPC secretariat. So, look, in the interests of openness and transparency to ensure we capture the full information, today's meeting is being recorded, as you can see, and we will have a full transcript which we will produce and upload to the website. So, look, the meeting is just part of our decision making process. It's taking place at the preliminary stage of the process and it will form part of several sources of information that we will use to base the decision ultimately.

20 So it's important for us to ask questions and we will need to clarify some of the issues as we work through it. If you – if we ask a question that you're not in a position to answer, that's fine, but what we would like to ..... to give it to us in writing and then ultimately we will upload that information to the website as well. And that's it from a recording point of view, transcript point of view. And if we can, let's kick off. What we would like to do would be if you could give us an overview of the key issues from the – in terms of the review request, and obviously we've read some of the documentation. There's a lot of it. But the key parts of it we're familiar with. But what we would like to know is if you could take us through the – an overview and the key aspects of it and then we will take it from there.

30 MS S. AGAGIOTIS: Yes, agreed. There is – there are a lot of documents.

MR HANN: Yes.

35 MS AGAGIOTIS: So, firstly, welcome to council. And we might also say that we do have some written notes – talking notes which we would like to – and unfortunately we couldn't send them to you before this meeting, but we can hand them out now, which will assist in sort of reinforcing the points we would like to raise today.

40 MR HANN: All right.

MS AGAGIOTIS: So, firstly, just as an overview of the proposal, we think it's important to state at the outset that the K2K Strategy and the subsequent planning proposal has involved extensive resources included an international design competition between June and October 2016, as well as nine consultancies over that

period of time ..... the preparation of the strategy, included in areas like urban design, land economics, traffic, transport, heritage, are some of the consultancies we did. The aim of the competition was to identify innovative ideas and the vision to enhance liveability, sustainability, economic vitality of the two centres. And it was a  
5 competition that was professionally run and managed and endorsed by the Australian Institute of Architects, and the process and the outcomes were recognised, winning three industry awards. So what we would also like to say at the outset is we've gone through the department's report and we think that the only key outstanding item is 1C, condition 1C, community infrastructure, and we would like to sort of also see  
10 whether the commissioners are also of that view.

We think the other items can be addressed, or will be addressed as part of further work. So accordingly what we can do is talk about that particular condition and also address some of the matters that have been raised by the department. So, firstly,  
15 council acknowledges that the department has raised some salient points that need to be clarified in the planning proposal to enable this particular clause that we've suggested to be more clearly understood and to operate satisfactorily.

I must also say that the planning proposal's objectives are really to explain the intent  
20 of the planning controls that will apply to the two centres, not necessarily outline specifically clauses and how they're written, so that's the first point. So more – so in terms of the background to this community infrastructure contributions clause, it is intended to apply to all the land within the two town centres, so all the land that's located within the B2 local centre zone. Council considers, and we reaffirm, that the  
25 CIC clause, or a similar approach, so we're not – you know, we're not saying that particular that we've included is the one that will – that is final, but an approach, like the CIC that we've suggested is necessary in order to achieve the extent of the public benefits that are envisaged under the strategy. Council's strategy aligns with the Greater Sydney Commission's Eastern District Plan, the priorities and actions  
30 addressed in that, and that encourages a place based approach in delivering liveability outcomes and a whole range of sustainability, so that's in line with a lot of the objectives and vision statements you may have seen in the draft strategy. They're outlined there.

35 And they also align with the ideas that came out of the K2K, Kingsford to Kensington urban design competition, as well as the community engagement which took place as part of that competition which involved, you know, community being involved in the brief and also reviewing and providing feedback on the shortlisted entries. The council has received expert planning advice that the proposed scheme is  
40 legitimate and has been working effectively in the adjoining local government area, ie, City of Sydney, in the Green Square precinct. The existing section 94A system, which, as you would know, is capped at 1 per cent, and construction value – of construction value, and it cannot provide for the full range of public benefits that's envisaged in this strategy and we think that it's no workable for this area. The  
45 scheme for the two centres is not a traditional section 94A – section 94 planned contribution scheme.

It actually falls under 93F of the Act, and as such, there is no apportionment, and there's no need to establish apportionment in relation to this matter. It's not – we don't consider it a relevant matter for this scheme. The proposed clause which is in attachment C of the planning proposal will enable the achievement of the maximum building heights and the floor space ratios as outlined in our – in the draft clause, 6.14. To address the department's concern regarding the achievement of additional building height and how that's to be done, council suggests a modification to clause 6.14 as a way of addressing that. To make reference to an alternative building height's map, so – and it's a similar scheme which currently applies in our LEP 2012.

An alternative building height map would identify the areas where there would be a difference between what is shown on the map and what can be achieved via a clause. So the clause and the maps would work together. It would clarify building – you know, the alternative building heights where they are permissible within the centres and where the contributions for community infrastructure is – and where that's offered in accordance with the guidelines. Then we will provide guidelines which actually dictate – should explain how the clause, it will work, and how proponents will be able to use that particular clause. Council has been seeking, might – we have been seeking assistance from the department to resolve implementation issues.

Verbally we know that the department has concerns about how the CIC clause will operate. Up until now, up until this review document, we haven't really seen comprehensively the department's outline for its reasons why the – where they think that the CIC won't be – won't be able to work, but what we're – our point is that the details of how it's going to work can be included in a guidelines document which can also be placed on public exhibition at the same time and that will outline how the document will work. Addressing the legality of the CIC, council has recently received legal advice. Yesterday we received another advice that basically concludes there is legal power under the Act to include the clause in the LEP along the lines suggested under clause 6.14.

But as I mentioned earlier, council acknowledges that the points raised by the department need to be clarified and we're happy to do that and to enable – in order to enable this CIC mechanism to operate effectively and satisfactorily. The department's report mentions a breach of section 7.7 of the Act and raises concern that the proposed clause, 6.14, mandates a proponent to enter into a VPA in order to achieve maximum height. Our position is that the clause outlines a voluntary mechanism – a voluntary planning agreement approach to set out – which is set out in the new draft guidelines and a new draft section within the Randwick DCP which will detail the type and the location of the community infrastructure in the town centres to support the growth and transition of the two centres.

And under section, previously 93F of the Act, currently 7.4 of the Act, a planning agreement is a voluntary agreement and, as such, there is not compulsory requirement for a proponent to enter into an agreement. It does provide the developer with an option and that has been our position. It's an optional clause to

achieve additional height by contributions to community infrastructure and it's not an approach which is unusual or in any way not undertaken elsewhere. The proposed scheme meets the fundamental principles of the secretary's revised draft practice note for planning agreements and the key considerations for strategic infrastructure  
5 planning agreements and also strategic infrastructure planning as outlined on page 14 of those draft practice notes.

And as I mentioned, the legal advice obtained by council supports the scheme as it provides a tangible, open and transparent way of achieving the benefits that are  
10 sought. The council's draft guidelines, which are attached to the documents, we – no, they're not. They're being handed out now. We provided these – we have been working on these guidelines for some time but they haven't been provided to the Department of Planning because we haven't had the opportunity to present these to the department and to actually talk through – but they do – we feel that they do  
15 address a number of points that were raised in the department's report, including how the contribution is to be calculated and the relationship to the local planning framework.

Council, also as mentioned, needs to prepare a new section of the draft – sorry, of the  
20 Randwick Development Control Plan which will detail the type and the location of the community infrastructure needed within the town centres. So importantly, any funds collected – this is a point raised by the department. Any funds collected will be used to fund infrastructure within each town centre so – in accordance with the guidelines. So funds collected in Kensington, for example, will be spent according  
25 to the list of infrastructure in that area and those in Kingsford will be spend in the Kingsford area. How was the rate determined, which was another point raised by the department.

The purpose of the contribution is to implement a dollar rate so – which is \$475 per  
30 square metre and that is applied to the residential uplift. The dollar value was recommended by our consultants and this rate has been market tested. It was market tested at the time along with a number of other matters, such as implementing a higher section 94A levy and also an affordable housing contribution on the centres and this rate, along with the other development contributions, was included in the  
35 modelling that was carried out by our consultants. And the modelling demonstrated that it can generate the total monetary contribution that's required to fund community infrastructure works.

The calculations by our consultants tested the viability and four typical sites were  
40 identified within the town centres and they were the sites that were tested for viability and it was demonstrated that adopting that rate, it works for the centres and for the viability and allows development to reasonably occur in the area. The – in accordance with the secretary's draft practice note on planning agreements, it does mention the issue of viability when charging a CIC and gives – this amount gives  
45 further rigour to the adopted rate. The other points that are on this list I don't actually need to go through. They – because they aren't in – we don't disagree or we

don't dispute but we are clarifying some of – a point that was raised by the department in relation to how we derived the preferred building form approach.

5 There is an outline here of the types of matters that we took into consideration and –  
I don't know if you would like me to go through that, I don't know, because they're  
not in dispute. And the other condition was in relation to public authority  
consultation requirements which we agreed to as well. We have already undertaken  
consultations with the RMS and Transport. We don't see any issues that will prevent  
the planning proposal progressing to formal public exhibition based on comments  
10 that we have received and we're happy to provide those – provide detailed feedback  
to the department on the outcome of those. We don't think that condition was  
necessary but the department has maintained it. We don't have a strong position on  
whether that should be in or out but we have carried out the process of consulting  
with the various agencies.

15 MR HANN: Thank you, Stella.

MS AGAGIOTIS: That's a summary.

20 MR HANN: Yes – no, that's really helpful. What we might do is we will come  
back to a couple of these things - - -

MS AGAGIOTIS: Sure.

25 MR HANN: - - - but probably the most important one, from what you have  
conveyed to us, is condition 1(c) clearly - - -

MS AGAGIOTIS: Yes.

30 MR HANN: - - - and we would like to also talk to you – just to give you a heads up  
– on some of the other matters that you raised in the official review request because  
there are additional matters that you were, at that stage, back in – I can't remember  
the date but it was March at least, with the more detailed document. So we would  
like to just understand the rationale for where you stood then compared to today. But  
35 if we can just perhaps revisit condition 1(c) and in particular, would it be possible to  
provide us with your legal advice on that, in that obviously that's an important part  
of your framing of what has been proposed and you have raised that. You have also  
raised that you sought planning advice as well in that regard. So any of that material  
would be helpful to us.

40 MR A. BRIGHT: Well, the planning advice is already on the website. It's already  
available.

45 MR HANN: Is that the same, is it?

MR BRIGHT: So that's the reports from Sam Haddad and Martin Hill.

MR HANN: Okay.

MR BRIGHT: That's the report we had from reports from Sam Haddad and Martin Hill.

5

MR HANN: I thought that might have been something different.

MR BRIGHT: No. We had - - -

10 MS AGAGIOTIS: No. It's the same.

MR HANN: Okay.

15 MR BRIGHT: Had no additional planning advice. That's Sam Hiddad's report and Martin Hill's report.

MR HANN: Okay. Thanks.

20 MS AGAGIOTIS: They're the two. Yes.

MR HANN: Thanks for clarifying that. So the material you have got in relation to your legal advice on it would be important for us. And similarly, we have asked the same of the department because they have had legal advice and they have reached a different view as you would be aware.

25

MS AGAGIOTIS: Yes.

MR HANN: So we need to be able to understand - - -

30 MR K. KYRIACOU: I think - - -

MR HANN: - - - how you have arrived at your position. Yes.

35 MR KYRIACOU: I think that – a lot of the confusion I think has arisen somewhat from the drafting of the clause.

MR HANN: Okay.

40 MR KYRIACOU: And I think if it can be resolved in terms of effectively ensuring that voluntary aspect of the contribution is translated within the draft clause, I think that will help understand each other's position in regards – so – but certainly, yes, we will provide you with the advice and also, yes, the support of – yes, maybe an amended version of the clause, you know - - -

45 MS E. SLIOGERIS: Or the intent.

MR KYRIACOU: Yes.

MS SLIOGERIS: Yes.

MR BRIGHT: Yes.

5 MR KYRIACOU: ..... spell out the intent. That's right.

MR BRIGHT: I think we're happy to do that to – because it was something that was requested of us with the affordable housing clause that we provided – that we drafted that's in our planning proposal. So we're happy to have a similar approach in –  
10 actually, just outline the intent so it - - -

MR HANN: All right.

MR BRIGHT: So further down the track the - - -  
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MR HANN: All right. Anything that will help us understand how you have arrived – and the rationale for that would be really important for ..... On the same matter, you have touched on it but it – I don't know whether it's possible to elaborate a little more. What you're saying is that the section 94 is not applicable or it won't generate  
20 sufficient funds. Is it that it doesn't apply and that there – for various reasons or is it that it actually won't generate the sort of funds that you're looking at, which is in excess of 30 million I think.

MS AGAGIOTIS: Yes. So at present, the section 94A plan applies for the whole  
25 local government area, which is based on one per cent - - -

MR HANN: Yes.

MS AGAGIOTIS: - - - and the modelling done on one per cent doesn't come near  
30 - - -

MR HANN: Okay.

MS AGAGIOTIS: - - - generating the infrastructure amounts that's – yes, envisaged  
35 in .....

MR HANN: Right. Okay. So it's – from your point of view, it wouldn't generate  
- - -

40 MS AGAGIOTIS: One per cent alone – no - - -

MR HANN: - - - the necessary funds - - -

MS AGAGIOTIS: Yes.  
45

MR HANN: - - - to support the infrastructure .....



MS AGAGIOTIS: Yes. So the ..... the request for ..... separate ..... outside of this planning proposal process, we've made a request to the department to review the one per cent to - - -

5 MR HANN: Yes.

MS AGAGIOTIS: - - - go to three per cent. That's a matter that's being considered at the moment - - -

10 MR HANN: Sure. And that's completely separate - - -

MS AGAGIOTIS: - - - and we haven't had feedback. That's a separate - - -

MR HANN: - - - to anything that we're doing - - -

15

MR S. O'CONNOR: And what - - -

MR HANN: ..... separate exercise.

20 MR O'CONNOR: And what's the area that that applies to, that request?

MR BRIGHT: It's the same.

MR O'CONNOR: It's identical.

25

MR BRIGHT: Just site of the planning proposal.

MS AGAGIOTIS: The - - -

30 MR BRIGHT: - - - specific.

MS AGAGIOTIS: Site specific.

MR O'CONNOR: Yes.

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MS AGAGIOTIS: It wouldn't – yes. I wouldn't apply to the rest of the LGA .....

MR HANN: Yes. Okay. Look, until – I don't have any more questions on the contributions matter .....

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MR O'CONNOR: Well, just on that point, have you had any feedback from the department about that request for an increase from one per cent to three per cent?

45 MS SLIOGERIS: No. No. And we've – yes. We've requested several times for a meeting to discuss our variation. We haven't had anything back. We've written to the department back in 2017. And this also outlined our request on the section 94A rate levy including rationale for our CIC scheme but we - - -

MR O'CONNOR: Yes.

MS SLIOGERIS: - - - haven't received anything on that.

5 MR O'CONNOR: So - - -

MR BRIGHT: Yes. To be honest, this is the ..... this – the department's report to this review - - -

10 MR O'CONNOR: Yes.

MR BRIGHT: - - - was the first time we've got detail of their concerns on the CIC. We know that they've been uncomfortable about it and we know - - -

15 MR O'CONNOR: Right.

MR BRIGHT: - - - that they don't – from the Gateway determination report, they know that they thought it wasn't within the terms of the Act.

20 MR O'CONNOR: Yes.

MR BRIGHT: But in terms of these details that we've got now about the involuntary nature of the clause etcetera, we've only just found this out.

25 MR HANN: Well, that was one of the questions that ..... in terms of the status of your discussions with the department .....

MS SLIOGERIS: And we did formally – we did submit a submission to vary the rate to IPART and also at the same time to the department but we told by IPART  
30 because it's a section 94A plan, they don't consider a variation to the levy. So that's purely up to the Minister to decide.

MR O'CONNOR: And when was that submitted?

35 MS SLIOGERIS: That was submitted - - -

MR BRIGHT: Well, originally, it was submitted to IPART on the department's advice and then IPART sent it back and said - - -

40 MR O'CONNOR: ..... not us - - -

MR BRIGHT: - - - "No, we don't deal with it".

MS AGAGIOTIS: It's not us – yes.  
45

MR BRIGHT: So we – then we submitted it to the department, and that was last  
- - -

MS AGAGIOTIS: Last year, yes.

MR BRIGHT: - - - year, like - - -

5 MR HANN: 2017 – at some point - - -

MR BRIGHT: Yes. Some point in 2017.

MS AGAGIOTIS: Mid – maybe ..... last year .....

10

MR HANN: Okay. Okay. So that was your formal – that was a formal request?

MR BRIGHT: Yes – to - - -

15 MR HANN: To go to three per cent?

MS SLIOGERIS: Correct – yes - - -

20 MR HANN: Okay. So you've not had the opportunity to sit down with the department recently and go through the sort of detail that you now have in hand that you've given us a – a little bit of a guide to just now in terms of how you would see this scheme being implemented?

25 MS AGAGIOTIS: Not the CIC scheme, but last year, we did meet with the department on the section 94A.

MR HANN: Okay.

30 MS AGAGIOTIS: One meeting we had with them.

MR HANN: All right.

35 MS AGAGIOTIS: But there was no follow up. It wasn't – there was no resolution reached at that meeting.

MR HANN: Okay.

MS AGAGIOTIS: But we haven't met the department on the CIC scheme.

40 MR HANN: Right. Okay. Is that an intent – do you intend to ..... that .....

MS AGAGIOTIS: Yes .....

45 MR BRIGHT: Well, we had a - - -

MS SLIOGERIS: Yes – happy to meet with the Department.

MR BRIGHT: We had a discussion after the review request was lodged. I had a discussion with someone in their department about setting up a meeting to discuss it, but it wasn't – we didn't – it wasn't held.

5 MR HANN: Okay.

MR BRIGHT: So we haven't.

10 MR HANN: All right. Steve, have you got any more questions on the CIC - - -

MR O'CONNOR: No.

MR HANN: - - - at this point?

15 MR O'CONNOR: No, I haven't.

MR HANN: All right. I think - - -

20 MR D. KEARY: John, can we – can I just ask a question?

MR HANN: Yes, of course.

25 MR KEARY: Well, it's just for clarity. The – if the – under the CIC model, if it does apply, does it apply – does it apply to the exclusion of section 94A, does it?

MS SLIOGERIS: No. It's in conjunction with.

MR KEARY: In conjunction.

30 MS SLIOGERIS: Correct.

MR KEARY: So 94A applies to – it's the one per cent, the overall development - - -

35 MS SLIOGERIS: Or our proposal is for three per cent - - -

MR KEARY: Sorry - - -

MS SLIOGERIS: - - - in addition - - -

40 MR KEARY: Yes.

MS SLIOGERIS: Yes. In addition - - -

45 MR KEARY: Three per cent and then in addition – if the uplift is sought on the - - -

MS SLIOGERIS: Yes.

MR KEARY: - - - only on those sites - - -

MS SLIOGERIS: Yes.

5 MR KEARY: - - - then it's the – it's the three per cent plus the - - -

MS SLIOGERIS: \$475 per square metre - - -

MR KEARY: Okay.

10

MS SLIOGERIS: - - - of the uplift.

MR KEARY: On the uplift.

15 MS SLIOGERIS: Yes.

MR BRIGHT: And then there's the affordable housing contribution.

MS SLIOGERIS: Which applies to the total development.

20

MR HANN: Yes. Yes.

MR KEARY: Okay.

25 MR BRIGHT: And all those – that – the combination of those three was what we tested through HillPDA.

MR HANN: Yes. And I think you made a note of that in – and I have – obviously ..... read this, but ..... I think you've made a note of that .....

30

MR BRIGHT: And there seems to be some confusion in the department's material about what we put in the planning proposal. And we have two lists in the planning proposal. One, which was - - -

35 MR HANN: Right.

MR BRIGHT: - - - entitled Local Infrastructure and one which was entitled Community Infrastructure.

40 MR HANN: Yes.

MR BRIGHT: And the local infrastructure was what we were proposing to levy for under section 94A.

45 MR HANN: Right.

MR BRIGHT: So it wasn't ..... that but sometimes the – in the department's material, they refer to items in this local infrastructure as if we're levying under community infrastructure when it's not. This is purely that list is what the community infrastructure charge applies to, so I just wanted to make that clear - - -

5

MR HANN: I'm not clear on that .....

MR BRIGHT: Well, in the – if you go to – Asanthika, what page do you deal with that on this – on your table?

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MS A. KAPPAGODA: That is - - -

MR BRIGHT: If you go to this attachment, which is – refers to the - - -

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MR HANN: Yes. Yes. Yes. I have that.

MR BRIGHT: It's like a commentary on each of the comments - - -

MR HANN: Yes.

20

MR BRIGHT: - - - there's - - -

MS KAPPAGODA: Yes. Have a look at number 6, for instance.

25

MR HANN: Okay.

MS KAPPAGODA: So they talk about open space provision in Kensington being identified in the CIC infrastructure list. That actually falls under section 94A - - -

30

MR HANN: Right.

MR BRIGHT: So it's this - - -

MS KAPPAGODA: - - - which is a local - - -

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MR BRIGHT: It's actually on this local - - -

MR HANN: So this list that you've got here that itemises the capital estimates – this one here - - -

40

MR BRIGHT: Yes. Community infrastructure - - -

MR HANN: That's going to be relevant to 94A or the CIC - - -

45

MR BRIGHT: CIC.

MS KAPPAGODA: CIC.

MR HANN: So this is the CIC?

MR BRIGHT: So in – partly, it’s – we didn’t label it maybe clearly enough, but it  
- - -

5

MR HANN: Right.

MR BRIGHT: That’s purely CIC. Local infrastructure is section 94A and the  
community infrastructure is just CIC.

10

MR HANN: Thank you.

MR BRIGHT: So - - -

15

MR HANN: Okay.

MR BRIGHT: So the department, for example - - -

20

MR HANN: So the 38 million or whatever it is – 39 million is – that’s to be funded  
through the CIC .....

MS KAPPAGODA: That’s right.

25

MR HANN: And the 94 – the section 94 contributions are for the other - - -

MS KAPPAGODA: That’s right.

MR BRIGHT: Yes.

30

MR HANN: - - - all of the other - - -

MS KAPPAGODA: So, essentially .....

35

MR HANN: Well, for getting the – the ..... the affordable housing funded - - -

MS KAPPAGODA: Yes.

MR HANN: - - - affordable housing aspect, which is the third source of funding.

40

MS KAPPAGODA: Yes, that’s right.

MR HANN: Okay.

45

MR O’CONNOR: And just on the CIC – I do have a further question. You’ve  
referenced Green Square in the neighbouring LGA as an example where this has  
been done. Is there anywhere else that you’re aware of or you want to refer us to?

MS SLIOGERIS: I think – well, just Green Square, given that it has been in operation since 2012. I am – you know, I understand that other councils are trying similar schemes, such as Parramatta – I guess Waverley has - - -

5 MR BRIGHT: Bondi Junction.

MS SLIOGERIS: - - - Bondi Junction, so - - -

10 MR O’CONNOR: They’ve all got proposals, but nothing - - -

MS SLIOGERIS: Proposals – yes – that’s - - -

MR O’CONNOR: - - - like Green Square - - -

15 MS SLIOGERIS: Green Square – yes - - -

MR O’CONNOR: - - - which is actually - - -

20 MS SLIOGERIS: Which has been in operation.

MR O’CONNOR: - - - true.

25 MR HANN: Okay. All right. Thanks for that. So before we leave CIC, anything further? Okay. What we – we would like to just go back, I guess – not perhaps to square one but close to it. We’re interested having walked the Anzac Parade relevant sections today – we’re just interested in the rationale for the relatively narrow corridor that was originally selected as – so are you able to elaborate for us on that, in other words, in some cases, it’s literally half a block, sometimes it’s a whole block from the Anzac .....

30 MR O’CONNOR: Was it purely a matter of just taking that 2B zone - - -

MS AGAGIOTIS: The zone, yes.

35 MR O’CONNOR: - - - and saying that’s it?

MR BRIGHT: Purely – it’s really - - -

40 MR O’CONNOR: It’s not really looking at where boundaries should be or shouldn’t be, just saying, “If it’s 2B, that’s our study area”?

45 MR BRIGHT: Well, the study area was primarily based – in Kensington, it was entirely based on the B2-zoned land. In Kingsford, there was a couple of sites where we have included areas that aren’t currently zoned B2 but they’re relatively small inclusions around what was the Nine Ways intersection, I think - - -

MS AGAGIOTIS: Yes.



MR BRIGHT: - - - and there was also one in Barker Street. So there's maybe three, I think – three inclusions - - -

MS AGAGIOTIS: ..... yes - - -

5

MR BRIGHT: - - - where the centre boundary was proposed to be expanded, but no, we didn't do a – we didn't do a comprehensive review of the boundaries of the town centre.

10 MR HANN: Okay.

MS AGAGIOTIS: Because it's a town – it's – it was a town centre review, and so the town centre review was not just about residential.

15 MR HANN: No.

MS AGAGIOTIS: It was about looking at the future needs of the whole centre, including the economic needs, so business, employment, floor space and the function – function and character of that area, as well as the residential, so – and that's similar  
20 to the approaches we've taken for the other centres – all the others, so – and that was timely so we needed to do Kingsford and Kensington because they had not been reviewed for a very long time, but also because of the interests and the driving – the drivers for change which came from a number of planning proposals that were proposing heights well in excess of existing planning controls, and we felt that a  
25 comprehensive approach, a strategic approach, would be a much better outcome to looking at all the needs, the whole – all the needs of the two centres, not just residential. It's not just about more housing. It's about balancing the growth in the centres. And that's why we took – we looked at the social, economic and environmental aspects of the centres and came up with a strategy which was –  
30 addressed all of those matters.

MR BRIGHT: And the planning proposals that Stella mentioned, we had five in all, and they were all on the B2 zoned lands.

35 MR HANN: Right. okay.

MR BRIGHT: And they were all – I might just add, they were all rejected by council, and their rejection was then supported by the then JRPP on the basis that we were doing this strategy and that it was better to do a comprehensive centre-wide  
40 approach rather than a spot – you know, speculative spot rezoning approach.

MR HANN: Sure.

MS AGAGIOTIS: And the department does support that, so the department does  
45 say council – that the council is leading and understanding their areas and providing place-based responses and the New South Wales Government Architect's guidelines on place based and the new approaches to looking at centres in a holistic way, and

these – this strategy was actually before the release of the Eastern District Plan so we were ahead of our time. We actually put a strategy together that had just – pretty much all the themes in the Greater Sydney – the Eastern – the Greater Sydney Plan and the Eastern District Plan which was that approach, looking at holistic – looking  
5 at all the issues that affect the centre, down to the fine grain of walking – people walking through the centre, how you encourage, you know, more outdoor spaces, active frontages, setbacks.

10 And setbacks is one of the main issues that we also looked at because of the constraints and the lack of parking on Anzac Parade and the impacts of traffic on the public domain, so building setbacks was one of the key things that was outlined in the strategy that we think would result in a much better outcome for the centres than having ad hoc proposals dictate how, you know, the future direction of centres.

15 MR BRIGHT: I think it's worth pointing out as well that these two centres are quite unique. You know, it's not a brownfield site, not a greenfield site. You know, it's a specific location – two specific locations that have specific needs and requirements out of the redevelopment and urban renewal process that's about to commence, so that's why the – you know, some of the infrastructure identified is very site specific  
20 to some extent, so that's why, you know, you – to some extent you need a bit of a bespoke solution, so we've – we've got setbacks which are provided through the development process, we've got community infrastructure charge, we've got section 94, we've got affordable housing. So I suppose we've got all the – we use all the mechanisms available, and I think it's necessary in this scenario to use all those four  
25 mechanisms because it's quite unique.

MR HANN: With the community engagement so far, what's the – what's the consensus or the general feedback on that approach?

30 MR O'CONNOR: Maybe before you answer that, if you can just explain what that community conservation process has been.

MR BRIGHT: Yes.

35 MR O'CONNOR: And then of your feedback.

MR BRIGHT: Do you want me to talk me about it? Are you happy?

40 MS AGAGIOTIS: Yes.

MR BRIGHT: Well, we did – Stella mentioned we did that urban design competition in 2016. So long ago now. We did – and they were – the community was involved in a couple of stages. They were involved in the preparation of the brief, so they gave us their ideas for what they wanted the competition to look at.  
45 And then when the – we had all the entries, we had a couple of exhibition locations where they were involved, and that had like a people's choice category, I suppose,

where they could put their suggestion as to what they – what they thought was the best entry.

MR O'CONNOR: How many entries did you have?

5

MR BRIGHT: We shortlisted – the judge's shortlisted it to four. Was it four or five?

MS .....: Originally about – was it about 20?

10

MS AGAGIOTIS: Yes, I think about 20.

MR BRIGHT: I think there was about 20, 21.

15 MR O'CONNOR: And they covered both the centres .....

MR BRIGHT: Yes. And, yes, so the community was involved in that process and a report – our consultants ..... prepared a report which was then provided to the judging panel. So they got the community's views on the competition entries, and the – in terms of what the community thought about the renewal, I think there was generally – it was generally positive. Of course this – there was some people who didn't want the degree of change that was being put forward in the entrants, but there was also – alternatively there were still people that wanted the benefits of the change, so they wanted to see their shopping centres improved. They wanted to see the setbacks, the green spaces. So, yes, I think there was – I think overall the feedback we received was positive, but of course there was negative as well. And - - -

20

25

MR O'CONNOR: Sorry, as a result of that, did you select a winning entry or did you take the best parts of - - -

30

MR BRIGHT: Well, the judging panel selected – it was a completely independent judging panel. They selected the winning entry. But in terms of us, and we made this clear, that when we prepared our strategy, we chose the best things from all the shortlisted entries, so – in our strategy document we talk about the – I think it's 10 big ideas that we got from the entries. And a lot of that was about public domain improvements, you know, improving Anzac Parade, you know, reclaiming the boulevard character, you know - - -

35

MR KYRIACOU: Civic space.

40

MR BRIGHT: Yes, improving the civic qualities of the town centres. So - - -

MR KYRIACOU: Yes. I was just going to say it's important to note that we were under a very strict timeframe to do this.

45

MR HANN: Yes.

MR KYRIACOU: To respond to those pressures of those speculative planning proposals and, you know, we did the strategy, the whole urban design competition, you know, within that 12 month. And then we sort of expected – then, because we got council to endorse the strategy, prepare the ..... proposal, submit it to that  
5 department so we were hoping then to really kick into the next phase of community consultation and actually formally exhibit it. And that’s – now it’s unfortunate because now we have this very long hiatus between that, you know, progression and getting the community engaged and having the conversation and putting up all the benefits and how we have almost got to redo that – all that work again and build up  
10 those relationships and those – that communication strategy.

MR O’CONNOR: So just to be clear, when you took the 10 best ideas and amalgamated into what you thought was the best way to proceed, was that endorsed by council?  
15

MR BRIGHT: Yes.

MR O’CONNOR: Were there much in the way of changes of what the staff were recommending or - - -  
20

MR KYRIACOU: In terms of the final strategy as put to - - -

MR O’CONNOR: Yes. How smooth was that process?

25 MR KYRIACOU: It was adopted – had majority support of council .....

MR BRIGHT: Yes. And we kept council involved through that whole process and, you know, they endorsed and funded the competition which was an expensive process. So yes, they were on board through that whole process in 2016. I mean, as  
30 Kerry said, they endorsed the strategy in December 2016. We submitted the planning – the strategy to the department straightaway and we submitted the planning proposal in January of the following year.

MS AGAGIOTIS: Yes.  
35

MR BRIGHT: So January 2017.

MR HANN: All right.

40 MS AGAGIOTIS: And it was the community benefits and the outcomes of the strategy that the councillors are supportive as well because they say, okay, we need – we see these two centres are in – one is in more transition than the other one, there needs to be changes happening. We would like to see the – all the – the great  
45 outcomes, the benefits from, like, greening the centres and, you know, better walking and cycling facilities and better public transport and increased housing, all these other benefits which were in the competition as good ideas have then been translated into the strategy which – and then have been translated into specific projects that we

worked with our city services team to come up with the estimate costs of what it would be to roll them out over the next 10, 15 years. So they do – there's a link between competition, our strategy and the CIC clause. Yes.

5 MR HANN: Thank you for that. Anything more on that matter? Steve?

MR O'CONNOR: No. I don't think so at this stage. No.

10 MR HANN: What I wanted to do is just revisit the transport capacity issue that has been raised and documented in both the department's determination and also in the Gateway review request I think. Just so we're clear because it appears from the earlier consulting work of Arup and EMM they arrived at conclusions around capacity. The Department of Transport have provided advice to the Department of Planning and Environment that had a different conclusion, in other words that that  
15 there was greater capacity. And there's probably some timing issues in this in terms of when you requested the – or there may be; I don't know – when you requested the review of the Gateway. Just for our benefit, would you be able to elaborate on that because it comes to the question of 600 dwelling – additional 600 dwellings and how that's accommodated in terms of public transport and a capacity.

20

MR BRIGHT: Well, to be honest, I wasn't really expecting to discuss this issue because we have been working quite closely with the department on the 600 dwellings issue to resolve it, which we feel that – as we have said, we can address that in our upcoming housing strategy work, the provision of those 600 dwellings in  
25 the broader corridor. But in terms of the - - -

MR KYRIACOU: Well, I think all the town studies seem to indicate there is going to be a capacity issue at peak times.

30 MR HANN: Yes.

MR KYRIACOU: I think, going forward, we've got the Future Transport plan. There is suggestions in there about getting better connections – east/west – supplemented through bus services. We still don't know the bus plans yet for the  
35 region. And I would assume that will do something to try and address any capacity issues. And there is a 10 to 20 year plan for looking at mass transit and bringing that through to Malabar, Green Square ..... Kingsford. It's – you know, still very early days, but I think the work we're also doing as part of the collaboration area, looking to support the specialised centres in terms of the, you know, hospital and university  
40 ..... the ..... strategy that has been prepared by the Greater Sydney Commission, I think those sort of studies and strategies may lead to future fast-tracking of infrastructure to this area and better – to get better in transport infrastructure.

45 But, in terms of the 600 dwellings, I think, as I said, through our housing strategy, we think we can accommodate those. The surrounding zones around the town centre ..... and so over time, I think, the – it's better to spread that impact – but I think we have really sensitively looked at the heights and the envelopes within our town centre and

made sure that there is a balance between liveability as well as the viability and prosperity that comes from allowing for the uplift in the centre. So I think that more balanced approach is something that we certainly would prefer rather than looking at bumping up heights in the town centre.

5

MR O'CONNOR: Can I just ask a question about those heights in the town centre because when we walked along the corridor today – and if we understood the maps we had correctly, it's proposed that there would be a nine storey height limit for – for the key sites, but there seemed to be eight and nine storey buildings already in a number of those locations. So does the current B2 zone allow the heights that you're proposing in this plan .....

10

MR KYRIACOU: That's only a couple of key sites that were developed as part of the previous Kensington development and trial plan - - -

15

MR O'CONNOR: Right. So it doesn't apply generally?

MR KYRIACOU: Yes.

20 MR O'CONNOR: It's just a few key sites?

MR KYRIACOU: Yes. Generally, the heights ..... up to six or seven storeys, but there were some key sites under the previous LEP strategy that was prepared to allow for some of those sites to go higher. You're probably thinking of the Doncaster Hotel – that site that adjoins that – that particular building. That was a larger site and that's why it had the greater development potential at that time.

25

MR O'CONNOR: And those key sites allowed, what, up to eight or nine storeys, did they – a couple more storeys?

30

MR KYRIACOU: Yes – eight – nine storeys .....

MR HANN: So, Steve, can you just go back to the - - -

35 MR O'CONNOR: Yes.

MR HANN: - - - transport capacity. So we're clear, it's just that from the documentation that we've got, in your Gateway review ..... you state as a reason for – in relation to a number of things, but particularly the 600 dwelling matter that the department had recommended that there was a transport ..... there was a transport capacity ..... but now – and what we've discussed earlier, that's not an issue – you're not concerned about transport capacity?

40

MR BRIGHT: Well, I suppose - - -

45

MR HANN: I might be wrong, so I don't want to lead you, but I - - -

MS AGAGIOTIS: Yes.

MR BRIGHT: Yes.

5 MR HANN: - - - but I - - -

MR BRIGHT: Well - - -

10 MR HANN: That's the impression that we've got and I want to be really clear - - -

MR BRIGHT: Well, as you said at the beginning, the department's position – and that was based on advice from Transport for NSW that there was capacity for an extra 600 dwellings - - -

15 MR HANN: Yes.

MR BRIGHT: - - - so that was their position and – but our advice from EMM and – particularly EMM – the EMM report, was that what we've planned for meets the capacity of the light rail over the life over the system – over the life of the  
20 development, I mean, which is like a 15 year time span. So – yes. There is a little bit of disagreement there. And it's quite possible that there's a bit of variance over time or that some of the bases of our consultants' analysis is – was – disagreed or not entirely agreed with by the Department of Transport – or Transport for NSW so – yes. So there is a little bit of a disagreement there - - -

25 MR O'CONNOR: So that hasn't been resolved, that disagreement, at this stage because you will be doing your housing study and you will be getting into it - - -

MR BRIGHT: Yes. Well, we – but we feel that – we're just about to embark on our  
30 housing strategy, and, as part of that, we're going to do an – a capacity analysis of our LGA. And, to be honest, within the corridor that they're talking about, which is 400 metres other side of Anzac Parade for the length of the light rail, in the R3 areas, and other areas that Kerry mentioned, we feel there's already probably existing capacity and zoned land to accommodate 600 dwellings. So we feel it's already  
35 there. That's our instinct. But we need to establish that through our housing strategy. And if there's – through a consultation with council, there might be – there may be some opportunities for uplift, but that's something we will have to look at through our housing strategy work but – yes. So we're comfortable to investigate that and that's what we said we would do with the department because we feel that  
40 we've – that the densities and heights that we reached in our strategy for Kensington and Kingsford is optimum for those locations - - -

MR O'CONNOR: Yes.

45 MR BRIGHT: - - - from a transport and urban design perspective.

MR KYRIACOU: And minimising the impacts on neighbouring residential areas.

MR BRIGHT: But it's difficult – you know, for the light rail, it's going to be really difficult to understand how it operates from this point in time because it's – it could be such a fantastic piece of infrastructure that people are going to flock to it, you know, if – the uptake of it can change over time. And it has got such a huge  
5 catchment – you know, the catchment is all the way down to La Perouse because all the buses are going to feed in – into the – well, the – as Kerry said, we don't have the final bus strategy, but the theory is that the buses feed into the terminus at Kingsford and everyone gets onto the light rail. So there's a number of variants that are still not clear from our perspective as to how the light rail is going fully operate. So we can  
10 only rely on the advice that was provided by our consultant - - -

MR HANN: Sure.

MR BRIGHT: - - - at the time. So that – yes. So that's what we – that's what we  
15 did.

MR HANN: All right. So there's no additional advice you've received that's not in the documentation that we've got ..... you know, it's only – the department have relied on the Department of – DPE have relied on the Department of Transport's  
20 advice, which differs from the ..... and the EMM advice ..... capacity - - -

MS AGAGIOTIS: And also that light rail alone won't meet the capacity of the system.

25 MR HANN: No.

MS AGAGIOTIS: It relies on the express buses and maintaining - - -

MR HANN: Yes.  
30

MR BRIGHT: Yes.

MS AGAGIOTIS: - - - all of the express – 100 per cent of the buses - - -

35 MR BRIGHT: And that has always - - -

MS AGAGIOTIS: .....

MR BRIGHT: That has always been the case, to some extent.  
40

MR HANN: Yes. Yes. All right.

MR KYRIACOU: And there's a planned extension of the light rail to Maroubra, as well, in the Future Transport plan.  
45

MR HANN: Anything else on that, Steve?



MR O'CONNOR: No.

MR HANN: And, look, I think that was borne out in your letter, I think, dated 15 August, in terms of how you treated the 600 dwellings and – which is – yes – four  
5 weeks ago, in other words. So recently you've written to the department - - -

MR BRIGHT: Yes.

MR HANN: Yes. Okay. All right. Talked about consultation to some extent. Just  
10 with the agencies to do with the – this is not the right terminology. You'll have it, but it relates to the airspace and flight corridor for – you know – air safety. What's the – and in – I think – is it clause 2 – I don't know which clause it is ..... you talk about the – you expect these matters to be resolved by the time it reaches us. So it's – we're just interested in the status of those sort of discussions.

15 MS AGAGIOTIS: Yes. So it's – the airport has advised us that the – it's – it is a – the limits that we've put in our strategy, basically, are within the maximum permissible, but there still needs to be an approval system for new development applications that come in for anything over the obstacle limitation surface up until  
20 the upper level, the prescribed – what's the upper level?

MS KAPPAGODA: Limitations.

MS AGAGIOTIS: The ..... and the higher one, the prescribed – the DAs need to  
25 come in - - -

MR HANN: Yes. So what you're saying is it can meet the criteria but it does need an approval before that – you know – you could commence.

30 MS AGAGIOTIS: Yes. But the 17 stories is the level that in – Kingsford is where it's affecting, not the whole of the corridor. It's just that airspace above Kingsford.

MR HANN: Yes.

35 MR KYRIACOU: And that allows for the crane above as well.

MR HANN: Yes.

MR BRIGHT: It affects the sites around Nine-ways. It's really the only location.  
40

MR HANN: Yes. Okay. All right.

MR BRIGHT: We – they drop slightly from the higher heights in Kingsford north.

45 MR HANN: All right. Were there any other consultation with agencies that are outstanding that are critical?

MS AGAGIOTIS: RMS and transport.

MR BRIGHT: RMS – yes. We have had a discussion with RMS in – probably – it was, probably, a couple of months now – in relation to their comment and the  
5 department’s comment in the gate-way determination about road-widenings.

MR HANN: Yes. Okay.

MR BRIGHT: So we’ve had a discussion about that, and I think we just clarified  
10 that that – you know – that because of the process we’ve gone through – you know – and the work that ARUP’s done really the only potential for any road-widenings is on the side streets like, say, Todman and Barker, and that’s – and that can be accommodated through our development process, and it doesn’t actually affect ANZAC Parade, and the widenings are – have already occurred on ANZAC Parade  
15 in some locations as part of the light-rail project. So – yes. So I think it’s a – that’s a little bit of a redundant requirement in the gate-way determination, because – as you probably know, the footpaths have been widened, in some cases narrowed, as a result of the light-rail project. So – to accommodate particularly the bus lane. So you know – unfortunately, our footpaths have been narrowed considerably in places like  
20 Kingsford to accommodate the bus lane, because – in Kingsford ANZAC Parade is narrower than in Kensington. So that’s why it’s important, our strategy to accommodate building setbacks to re-instate some decent-size footpaths in some of these areas.

MR HANN: And what about other service agencies like Sydney Water – for  
25 example. Any consultation with them at this stage?

MS AGAGIOTIS: No. No. Will be when we go to exhibition.

MR HANN: You’re not anticipating that being a very significant issue?  
30

MS AGAGIOTIS: No.

MR BRIGHT: I don’t think it’s really an issue.  
35

MS AGAGIOTIS: No.

MR BRIGHT: We know there’s, definitely, adequate capacity at Malabar Sewerage Works just from just general consultation we have with them.  
40

MR HANN: Yes.

MR BRIGHT: We know that there’s capacity there. And - - -

MR KYRIACOU: We consult with Education.  
45

MR BRIGHT: Yes. We did consult with Education, because that's an issue with our community, particularly the Kensington public school. It's – pretty much – full. It is full. Not pretty much. So that's been an issue with our community. So we have consulted the department of education. And there's adequate capacity in other  
5 schools in the area and – such as Daceyville School, which just at the roundabout at Kingsford, nine-ways – the old nine-ways - - -

MR HANN: Yes.

10 MR BRIGHT: So the department of education acknowledged the issues with Kensington Public School but believe that there's adequate capacity in their primary schools in – elsewhere in that – within reasonable distance and that the high schools isn't an issue because there's capacity in the high-school system, at Randwick High, Matrville High. There's a number of – there's capacity in the high-school system  
15 anyway.

MR HANN: One other matter that we ..... help us to just understand the background to ..... your plan and some of the issues, perhaps, and that's in the department's document, referring to Conybeare Morrison's urban design board and the options and  
20 they make a statement that, in reality, none of the options, as they stood, were actually adopted. So I just wondered whether that you could give us a little bit of background to that.

MS AGAGIOTIS: Yes. So it's addressed in the handout that we gave you on page  
25 3.

MR HANN: Okay. Thanks.

MS AGAGIOTIS: I didn't go through it because it was – it wasn't a matter that we  
30 – that's now in dispute.

MR HANN: .....

MS AGAGIOTIS: Page – yes. Page 6 of the department's report states that the  
35 built-form options have not been tested in the way the others had and our response to that is that the future character of the area is to prepare ..... the way we looked at it – we looked at the three options and the preferred option was based on the – on principles of reinforcing the boulevard character of Anzac Parade and strengthening its ..... so we – the proposal is for a four storey built-form edge before increases in  
40 height, focusing on the dominant topology, which is a mid-rise and mixed-use buildings through the town centres.

And that's also reinforced in the competition – the competition – many of the responses – the ideas from the competition talk about a mid-rise human scale centre  
45 permitting taller landmark buildings in certain locations where there is greater level of access and that's in the locations where we see that substantial public benefits can be achieved and where there can be a strengthened design excellence process. And

the other basis is that – the other consideration was achieving a sensitive transition between a recently ..... existing development, recently constructed development, and also the proximity to the lower-scaled residential neighbourhoods on the rear.

5 So – particularly in Kensington. You don't have that separation between the buildings on Anzac Parade and laneways at the rear. So a lot of properties finish at the – you know, the boundaries, and then the residential. So it's recognising that there needs to be transition consideration ..... transition, as the current DCP does. It looks at transitional heights and creating a positive street-level environment which  
10 allows the solar access, permeability and the human scale. So that mid-rise topology formed the basis of our final decision to spread – spreading of density. It's only a two-kilometre stretch. So we're not talking about - - -

MR HANN: Yeah.

15

MS AGAGIOTIS: - - - big centres. And the densities proposed in that centre are greater than the densities that we actually – I don't have the figure in my head at the moment. But we did a comparison with the Parramatta Road corridor, and the densities proposed here were higher than the Parramatta Road corridor, given the  
20 length ..... one kilometre for each centre.

MR HANN: Sure.

MS AGAGIOTIS: And based on a balance of all the requirements and the  
25 objectives, the characteristics of the centres and the need to achieve transition, we came to that decision. And that's actually outlined in the Conybeare Morrison urban design report, which is an attachment to the planning proposal. That's where there's more information about that.

30 MR HANN: Yep.

MS AGAGIOTIS: Is there anything else that we - - -

MR HANN: All right. All right.

35

MR BRIGHT: ..... good.

MR KYRIACOU: ..... provided for a more organic addition to the other ..... having regard to what's there at the moment and developments that have been approved and  
40 constructed under the previous planning measures or the current .....

MR HANN: Right. Steve.

MR O'CONNOR: Just – no further questions, but just to be clear – the council's  
45 aware that this extra information you've given us – we'll be taking it back, sharing it with the department and putting it on our website. So long as you're aware there's nothing there – of sensitivity that you have concerns about – and I don't know if the

same applies to the legal advice, though, whether that's got some sort of privilege.

MR HANN: We'll need to take advice on that.

5 MR BRIGHT: Yes. Be useful, for us to know that.

MR O'CONNOR: Yes. Yes. In advance of providing it.

10 MR KYRIACOU: Well, if we get the department's advice, you can have ours.

MR HANN: Well, let's see if we can mediate that.

MR O'CONNOR: But look - - -

15 MS AGAGIOTIS: Will you be meeting with the department .....

MR HANN: We have already met the department, but I suspect we'll be meeting  
with them again. One of the key people, Steve Murray, who – no doubt – you know,  
is on leave at the moment. So – he's due back on Monday. So probably necessary,  
20 to meet with him and discuss .....

MR KYRIACOU: I don't know if the process allows it, but we're happy to meet  
with the department again, if that assists the commission ..... resolve the matter. Yes.

25 MR HANN: Thank you.

MR BRIGHT: And we're also happy, if it's – if you think it's going to assist you, to  
invite our consultants along to another meeting as well. We're happy to invite  
Martin or Hill or Sam Adad along to explain feasibility or any of the other aspects in  
30 their report.

MR HANN: Okay. Steve, on that basis, do you have any other questions?

35 MR O'CONNOR: No. That was ..... no.

MR HANN: All right. Thank you very much. Yes. No. We do appreciate it .....  
make all yourselves available and ..... really good account of what the status is now  
and also given us an explanation of some of the background rationale ..... and that's  
40 the end of the meeting. Thank you.

**RECORDING CONCLUDED**

**[3.04 pm]**