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TRANSCRIPT OF PROCEEDINGS

TRANSCRIPT IN CONFIDENCE

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INDEPENDENT PLANNING COMMISSION

MEETING WITH DEPARTMENT OF PLANNING AND ENVIRONMENT

RE: REZONING REVIEW OF ROSEHILL STREET, REDFERN

PANEL: **PETER DUNCAN**
RICHARD MACKAY

ASSISTING PANEL: **ANDREW McANESPIE**

**DEPARTMENT OF
PLANNING AND
ENVIRONMENT:** **STEVE MURRAY**
AMANDA HARVEY
LEE MULVEY
KATE MASTERS
MARY SU

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

DATE: **9.05 AM, TUESDAY, 5 FEBRUARY 2019**

MR P. DUNCAN: Good morning and welcome. Before we begin, I would like to acknowledge the traditional owners of the land on which we meet today, elders – past and present. Welcome to the meeting today on the request for a rezoning review seeking to amend the Sydney Local Environmental Plan 2012 for land at 41 to 78
5 Rosehill Street, Redfern. The proposal seeks to amend the Sydney LEP 2012 by increasing development standards to facilitate a mixed use development comprising 312 dwellings and commercial floor space.

10 Specifically, the increased development standards comprise increasing the maximum floor space ratio from two to one to 10.4 to one, and increasing the maximum building height from 18 metres to 99.6 metres. No change to the current B4 mixed use zoning is proposed. My name is Peter Duncan, and Richard Mackay is joining me today on the panel. The other attendee is Andrew McAnespie from the
15 Commission Secretariat. In the interests of openness and transparency and to ensure the full capture of information, today's meeting is being recorded and a full transcript will be produced and made available on the Commission's website.

20 Could I, at that stage, also say if you could introduce yourself before speaking just – it makes it easier for the transcript along the way. This meeting is one part of the Commission's process of providing advice. It is taking place at the preliminary stage of the process and will form one of the several sources of information upon which the Commission will base its advice. It's important for the Commissioners to ask questions of attendees and to clarify issues whenever we consider it appropriate. If
25 you are asked a question and you are not in a position to answer it, please feel free to take the question on notice and provide additional information in writing, which we will then put on the website. So, at that point, I would say we can now begin. Over to you.

30 MR S. MURRAY: Good morning. I'm Steve Murray. I'm the Executive Director for Regions. I thought it might be appropriate if we actually explain the rezoning review process so you have an understanding of how it works.

MR DUNCAN: Yes.

35 MR MURRAY: And what the government has set up around this, because it has some limitations in what advice and decisions can be given and also in how the department reports.

40 MR DUNCAN: That would be useful. Thanks, Steve.

45 MR MURRAY: So the rezoning review process was introduced. It's actually not a statutory process that's set up under the EP&A Act. It uses parts of that Act but actually isn't a statutory process. It's an administrative process that the government introduced where a council had failed to make a decision on a matter within 90 days in respect to commencing a planning proposal and submitting it to the department, or a council had refused to progress a planning proposal at the beginning of that stage.

That gives the proponent the right to request a rezoning review, and the majority of rezoning reviews are dealt with by the Sydney or regional planning panels.

However, for the City of Sydney, because they have the City of Sydney central planning committee, it was decided that, when we set this process up, that they
5 would be referred now to the Independent Planning Commission, previously the Planning and Assessment Commission.

MR DUNCAN: Yes.

10 MR MURRAY: In doing this process, the Minister of the day was very keen that the department does not put a recommendation – that the department just provides information. So we're in a position today where we can only provide information. We can't provide advice on strategic or site-specific merit. And you would have
15 noticed from our report, our report is very – it's factual. It just says, "This is the site. This is what was proposed. These are considerations that have strategic merit that you would look at. These are the site-specific merits."

MR DUNCAN: Okay.

20 MR MURRAY: At the end of the process, the IPC or the Sydney or regional planning panels provide advice in the sense that (1) it should proceed to gateway or (2) that it not proceed. The panels or the IPC can't actually vary the development. So they can't say, "We would accept a development proposal of X - - -"

25 MR DUNCAN: Yes.

MR MURRAY: "- - - but it would work at Y." But they can ask that the Minister's delegate, if they recommend that it proceeds to a gateway, have consideration for certain matters. So, hopefully, you know, I don't – that just explains the process.

30 MR DUNCAN: It's helpful, yes.

MR MURRAY: So therefore you can basically understand when you will ask some questions during this, well, we say we actually don't have a recommendation on that.

35 MR DUNCAN: Yes.

MR MURRAY: So, as you're aware, it's a planning proposal which you went through for a B4 site to increase the height from 18 to 99.6 metres, an FSR increase
40 of 2.1 to 10.4 to 1. There's no – as I said, no change in zoning. The site is currently occupied by a two-storey building comprising ground level car parking, has a site area of two and a half thousand square metres approximately, and will comprise of a two-tower development predominantly residential. I think they're estimating approximately 312 residential apartments with a gross floor area of around 23 and a
45 half thousand square metres, with 2745 square metres of commercial space.

Part of that will also include 813 square metres of affordable business space, appropriate car parking, and approximately 1080 metres of private, open space, which will mainly be on the rooftops of the buildings. So that gives you an overview of the proposal. I will hand it over for questions because, given our report is a
5 factual information report, I think to take you through that might be not the best use of your time, but we're more than happy to take you through that report.

MR DUNCAN: Understand. I think we've both got some questions to ask but, given that you've come prepared to talk about some of the other planning reviews
10 going on in the area, could we get a bit of an oversight of that and particularly – I'm particularly interested in why the boundaries of those reviews sort of go around the site, at least two or three occasions, so could you tell us a little more about that.

MR L. MULVEY: I wish I could.
15

MR DUNCAN: Okay.

MR MULVEY: Lee Mulvey, Director of Urban Renewal.

MR DUNCAN: Thanks, Lee.
20

MR MULVEY: At the Department of Planning. I'm – my team is responsible for the State's medium precinct program.

MR DUNCAN: Okay.
25

MR MULVEY: So this is a – what this map shows essentially a transformation strategy.

MR DUNCAN: So that's figure 6?
30

MR MULVEY: Figure 6.

MR DUNCAN: Yes.
35

MR MULVEY: In the department's report.

MR DUNCAN: Yes.

MR MULVEY: That is the responsibility of Urban Growth, and I guess it would be difficult for us to talk to why that particular boundary was chosen. I don't know whether you wanted to add to that.
40

MR MURRAY: We would be more than happy, if you like, to ask Urban Growth to provide information on that boundary definition.
45

MR DUNCAN: So we're assuming that it's probably to do with the land ownership. You know, most of that is - - -

MR MULVEY: Primarily, yes. Most of it is government-owned.

5

MR R. MACKAY: I think it would be really useful to have that answered formally.

MR MURRAY: Yes.

10 MR MACKAY: And understand. Because, when you look at the plan, it appears as a carve-out.

MR MURRAY: Yes.

15 MR MACKAY: I mean, it appears as a carve-out - - -

MR DUNCAN: That's right.

MR MACKAY: - - - in several respects.

20

MR MURRAY: Well, we will take - we will contact Urban Growth.

MR DUNCAN: Yes.

25 MR MURRAY: Alternately, we will go through their website on this site.

MR DUNCAN: Okay.

MR MACKAY: And it obviously goes to merit, I guess.

30

MR DUNCAN: Good. Thank you.

MR MACKAY: So - I mean, in terms of the planning process and the rezoning process that would apply to the surrounding lands, including this property, if this rezoning proposal were not on the table, could you perhaps just talk us through, Lee, how that might unfold over the next couple of years.

35

MR MULVEY: Well, it's - it's - Lee Mulvey here again. Sorry. I guess it's a difficult question to answer, because this is - the site we're talking about is primarily privately owned. A lot of the processes that we deal with that deal with - well, my team deals with government-owned land. If you take the Waterloo Station precinct and Waterloo Metro Quarter and other - other lands around central and otherwise, they're all government - government lands. So I guess it's fair to say that, you know, current planning processes exist for private lands as per the planning proposal and gateway process.

45

MR MURRAY: Steve Murray. I'm happy to add to that, if you would like. While I can't speak on behalf of council, one of the matters council raised was that they don't believe it aligns with the strategic intent – and I'm just quoting them – “and objectives for the innovation corridor and the Harbour CBD”. So they're referring it
5 back to the Greater Sydney Region Plan, and the Eastern City District Plan. So all councils in Sydney are required to either have a new LEP in place in two or three years.

For – and part of that – the first formal stage of that process is developing what's
10 called a Local Strategic Planning Statement. And those draft statements set the vision for the 20 – next 20 years' growth of each LGA; so for the city. And the draft statements are required to be exhibited mid-this year, with finalisation towards the end of next year. And then that will give Council a year and a half to update its planning controls, and to put into effect the District Plan.

15 So the Act was amended, in March of 2018, to require that planning proposals must give effect to the District Plans; and that's one of the tests that now sit under the Act, for councils in Sydney. So though Council – I can't assume, but by reading their words, they're saying, there needs to be broader strategic planning over the privately
20 owned lands - - -

MR DUNCAN: Which - - -

MR MURRAY: - - - in this corridor - - -
25

MR DUNCAN: - - - in summary, Steve, could take, by the sound of it, up to three years?

MR MURRAY: Well, it's less now; it'll be two and – about two and a half.
30

MR DUNCAN: Be about two and a half?

MR MURRAY: Yes, that's correct.

MR DUNCAN: Okay.
35

MR MURRAY: Or quicker. Depends how councils want to – they can do things quicker if they wish, but - - -

MR DUNCAN: Yes.
40

MR MURRAY: - - - we've asked them to have their updates to their LEP to give effect to the district plans done - - -

MR MACKAY: Well, I mean, we are – it's Richard – we are going to meet with Council - - -
45

MR MURRAY: Yes, so you should – you’d be able to - - -

MR MACKAY: - - - and we can ask - - -

5 MR MURRAY: I don’t want to speak on - - -

MR MACKAY: Yes – we can - - -

10 MR MURRAY: - - - their behalf, obviously.

MR MACKAY: - - - ask them directly, but - - -

MR MURRAY: Yes. I’m just - - -

15 MR MACKAY: - - - I guess, the understanding of the sequencing is that this is a single site proposal, put forward by a company associated with that site, sitting outside that process.

MR MURRAY: Yes.

20

MR MACKAY: That’s - - -

MR MURRAY: And - - -

25 MR MACKAY: That’s the fact.

MR MURRAY: That’s correct – Steve Murray here – and there’s no requirement for that not to happen; you can do that. And quite often, a lot of our uplift of zones, around parts of Sydney, or New South Wales, are proponent- or privately generated; and then Council makes an assessment, and says, “Yes, it fits within our planning,” or, “No, we don’t believe it does fit within our planning.”

30

MR DUNCAN: And just in a context sense, the Waterloo Estate precinct: that’s been out for consultation, in a broad sense, in the last few months, hasn’t it?

35

MR MULVEY: Yes, but it’s – I guess, the distinction – Lee Mulvey here again – the distinction there is that it’s not the Waterloo Estate precinct – the consultation that they have undergone is not a statutory consultation; it’s a - - -

40 MR MACKAY: Right.

MR MULVEY: It’s a consultation that Land and Housing Corporation - - -

MR MACKAY: Yes.

45

MR MULVEY: - - - choose to do, ahead of a formal – a formal planning process.

MR DUNCAN: It's like a pre-early process.

MR MULVEY: Exactly. The Waterloo Metro Quarter site has gone on public exhibition; that came of exhibition on the 30th of January.

5

MR MACKAY: Okay. Okay. And is there somewhere a simple plan of the Central to Eveleigh Land Use and Infrastructure Implementation Investigation Area? I mean, it's kind of mentioned, but - - -

10 MR MULVEY: Yes.

MR MACKAY: - - - what's the boundary?

15 MR MULVEY: So the boundary for – Lee Mulvey – the boundary for the Land Use and Infrastructure Implementation Plan was never a fixed boundary; it was always an investigation area. So it's not something the department has a fixed – a fixed view on. And in relation to that work, it probably goes to the earlier points. As a department, we're, at this point, considering our options as to how that work may progress - - -

20

MR MACKAY: Right. But - - -

MR MULVEY: - - - in the future.

25 MR MACKAY: But this site would form part of that work, because of its proximity to the public lands?

MR MULVEY: It would form part of a broader investigation area.

30 MR MACKAY: Yes.

MR MULVEY: Yes.

35 MR MACKAY: Yes. Okay. That makes sense. The rest of it's clear.

MR DUNCAN: What's that?

40 MR MACKAY: The rest of it – well, it seems to be that the rest of the report is, kind of – as you say, highly factual.

MR DUNCAN: That's right.

MR MACKAY: It's not - - -

45 MR MULVEY: Yes.

MR MACKAY: And, as I understand it, if we – I mean, we’ve obviously got to turn our minds to matters such as feasibility for delivery of amenity outcomes, or issues related to wind, or open space, and all of those matters.

5 MS A. HARVEY: Correct.

MR MACKAY: But you’re not in a position to express the department’s merits view on that.

10 MR MURRAY: That’s correct – Steve Murray – that’s correct. So there’s two tests that the – as commissioners, you must turn your mind. It’s – the first test is the strategic merits test.

MR DUNCAN: Yes.

15

MR MURRAY: So “Does it have strategic merits?” test, and does it meet that? And if it does – if it doesn’t meet the strategic merit test, you go no further; that’s how the rezoning review is set up. The next – if you believe it meets, you know, a – any matter you’re reviewing would meet that strategic merit test, you then go and say, “Well, what’s the site-specific merit?” Once again, we’re looking at a rezoning; we’re not looking at a urban design outcome, although it has to have an urban design outcome, and a built form, and we have to keep that in our mind. But once again, the idea of the rezoning is to determine appropriate building envelopes to which can be investigated through the process.

25

MR DUNCAN: And something of the scale of this proposal, from the sound of it – once that occurred, there’s another layer of planning process and design review that would go over the top of that, isn’t there?

30 MR MURRAY: That’s correct. So quite often, if they get a gateway, they might go and do some testing - - -

MR DUNCAN: Yes.

35 MR MURRAY: - - - regarding around – depending on wind - - -

MR DUNCAN: Yes.

40 MR MURRAY: - - - solar access; traffic studies, obviously, if you’re generating additional traffic. And then, through that process, that might modify the building envelope.

MR DUNCAN: Yes.

45 MR MURRAY: And then, if that – the land was subsequently then zoned for that - - -

MR DUNCAN: Yes.

MR MURRAY: - - - additional use, it would go through very detailed assessment at a development application stage.

5

MR DUNCAN: And in the report, it says that it – if it’s over 25 metres, it triggers a competitive design process.

MS HARVEY: Correct.

10

MR MULVEY: I - - -

MR DUNCAN: So that’s – that would be quite an extensive review.

15 MR MURRAY: Yes – Steve Murray – yes, it is.

MR DUNCAN: Okay.

MR MACKAY: Steve, could I just ask, that two-step process – clearly understood, but is that actually set out anywhere in any department – it’s not a statutory process.

20

MR MURRAY: It’s just “the process”. So when you mean - - -

MR MACKAY: Yes.

25

MR MURRAY: - - - “the two-step process” - - -

MR MACKAY: Yes, strategic versus - - -

30 MR MURRAY: Yes.

MR MACKAY: - - - site-specific merits.

MR MURRAY: It’s – it’s in our guide to preparing a local environmental plan.

35

MR MACKAY: Okay.

MR MURRAY: So that guide is available on our website. And that sets out how a rezoning review is undertaken.

40

MR MACKAY: Excellent.

MR DUNCAN: Thank you. Okay. I don’t have much more. I’m a bit like you, Richard, where - - -

45

MR MACKAY: I think I’ve - - -

MR DUNCAN: - - - you know, your report is - - -

MR MACKAY: Look, I think I've only got one more question.

5 MR DUNCAN: Your report is quite factual. Yes.

MR MACKAY: Richard. Is there any comparable rezoning review that you could direct us to that has analogous circumstances, where you've got – I mean, here we've got a site that's currently zoned at 18 metres; a proposal to go to 99 metres. That obviously gives rise to a whole lot of issues to which we'll turn our mind. Is there
10 somewhere else, you know, in some of these inner urban areas, where something analogous has happened, that we might have regard to.

MR MURRAY: Steve Murray. I would suggest that, if your support staff can
15 actually go to the department's rezoning review website - - -

MR MACKAY: Yes.

MR MURRAY: - - - I think it would be more appropriate for a point – for us - - -
20

MR MACKAY: Yes.

MR MURRAY: For us trying to find something, and then - - -

25 MR DUNCAN: Yes.

MR MURRAY: - - - potentially someone say, "Why did you pick that one?"

MR DUNCAN: Yes, yes.
30

MR MURRAY: Whereas, if we can – we've got a website; all our reports are publicly - - -

MR DUNCAN: Yes.
35

MR MURRAY: - - - available, and - - -

MR DUNCAN: Good advice, yes.

40 MR MURRAY: - - - I would suggest, that might be the best way.

MR MACKAY: Thank you. That's very helpful. Thank you.

MR MURRAY: You're welcome.
45

MR DUNCAN: Well, we've got – our questions have been answered, at this stage. We – you know – and we might want to come back with some more questions, as well. Are there any comments that you feel you want to make before we wrap up?

5 MR MURRAY: No, thank you.

MR MULVEY: No, thank you.

10 MR DUNCAN: Okay. Well, thank you for the report and the detail it's in, because that's quite helpful. I think we close it at this – at that point. Recording off. Thank you.

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[9.23 am]