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TRANSCRIPT OF PROCEEDINGS

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O/N H-1344192

INDEPENDENT PLANNING COMMISSION

MEETING WITH COUNCIL

**RE: GATEWAY DETERMINATION REVIEW – 30-46 AUBURN ROAD,
REGENTS PARK**

PANEL: DIANNE LEESON (CHAIR

**OFFICE OF THE IPC: JANE ANDERSON
LINDSEY BLECHER**

**COUNCIL: MITCHELL NOBLE
SHONA PORTER
LARISSA HUBNER
JEMMA BASSO
GREG BURGON**

LOCATION: ZOOM VIDEO CONFERENCE

DATE: 2.32 PM, WEDNESDAY, 2 DECEMBER 2020

MS LEESON: Before we begin, I would like to acknowledge the traditional owners of the lands on which we meet and pay my respects to their elders, past, present and emerging. Welcome to the meeting today to discuss the Gateway Determination Review for 30 to 46 Auburn Road, Regents Park. My name is Dianne Leeson. I'm
5 the chair of this Commission panel. We're also joined by Jane Anderson and Lindsey Blecher from the Office of the coordinator – of the Independent Planning Commission. 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.

10 This meeting is one part of the Commission's consideration of this matter and will form one of several sources of information upon which the Commission will base its advice. It is important for the Commissioner to ask questions of attendees and to clarify issues whenever it's considered appropriate. If you are asked a question and
15 are not in a position to answer please feel free to take the question on notice and provide any additional information in writing which will then be put up on our website. I request that all members here today introduce themselves before speaking for the first time and for all members to ensure they do not speak over the top of each other to ensure accuracy of the transcript. We will now begin.

20 So welcome. It's a good opportunity and I welcome council's contribution this afternoon in respect of this matter. Our agenda is quite straightforward. It's three part. We've just been through the first part. The next is a presentation from council on its strategic and site specific merit reviews of the proposal and then, subject to
25 that if it – if your presentation has covered off on any, sort of, issues or questions that we might have from the Commission's perspective we'll go through those. So, as I say, welcome all. And what we might do is hand straight across to council. I'm not sure who's going to take the lead from council's perspective or how you want to manage it, but we'll turn over to you now. Thank you.

30 MR NOBLE: Thank you. Larissa's going to do our presentation but some introductions first. I'm Mitchell Noble. I manage the Spatial Planning Team at Canterbury Bankstown Council. Larissa Hubner is the planning officer who's dealing with this - - -

35 MS HUBNER: Yes.

MR NOBLE: - - - planning proposal, and her coordinator is Shona Porter. Can you – Larissa, can you introduce our Architectus staff here.

40 MS HUBNER: Sure. So we've also got Greg Burgon and Jemma Basso here from Architectus. Greg is the director, one of the directors - - -

MR BURGON: Principal and leader - - -

45 MS HUBNER: Principal.

MR BURGON: - - - of the Urban Design Planning Team.

MS HUBNER: And Jemma is an urban designer with Greg.

5 MS BASSO: Hi.

MS HUBNER: Okay. So I'm assuming we'll want to jump straight into the presentation and then go from there with any questions following.

10 MS LEESON: That'd be great. Thank you.

MS HUBNER: Okay. Let's – fingers crossed the tech all works.

15 MS LEESON: Well, because you're doing it it probably will. If I was doing it, it certainly wouldn't.

MS HUBNER: I never hold my – I always hold my breath when this happens. Okay. So let's get going then I think. There we go. Okay. So thank you for having us for today. I'm just – I'm here to present council's position in relation to the
20 Gateway Review at 30 to 46 Auburn Road. Now, obviously we're here because the review has been requested by the applicant as they're not satisfied with the FSR and heights that have been approved by DPIE in February of this year. So as part of this presentation I'll overview council's position, I'll briefly summarise the site for context, and then – and review the planning proposal and what the intent is there,
25 outline the reasons for council not supporting the proposal, and that'll include our strategic and site-specific merit test. And then if we have time we could jump into the design review before we wrap up.

30 MS LEESON: Okay. Thank you.

MS HUBNER: So council's position is that, while the proponent is seeking an FSR of 2.4 to one, we would only support an FSR of 1.75 to one in this area, and that's to – as that FSR of 1.75 to one will support a built form of six to eight storeys, which is in line with our strategic hierarchy for the centre. Come on. So the council's
35 rational for this is that it's consistent with our local strategic planning framework which has been established over the last 10 years through our recent LSPS, local area plans and housing strategies. In line with that it's consistent with what we imagine for a small village centre. It would not exceed the heights and FSR for the business zone in that local – the centre as well.

40 These controls that council supports would also provide appropriate setbacks, especially to that adjoining industrial land which is not proposed to change considering the Greater Sydney Commission's current position on industrial land. And, even if it were to change, the setbacks currently proposed by the applicant
45 would severely encumber the neighbouring properties unfairly. The FSR – with the FSR and heights proposed by council, the ADGs would actually – for solar and building separation would be achievable and the height controls that we are

supporting, which are slightly lower than the Department's, would minimise the risk of any additional storeys being added as we've seen in the former Canterbury area.

5 So some other key sites that have gone into council's consideration is that this is a key opportunity site for the area. There aren't any other major developments likely to happen on our side of Regents Park so we're very conscious of that. The applicant hasn't really considered any key benefits for the site for the increased density or the – that they're seeking here, and nor have they been able to demonstrate how they'll actually achieve this 2.1 – 2.4 to one without severely compromising the amenity of the site for future residents and existing. Additionally, there's also been multiple reviews of this Gateway and that's largely what's bogged it down since it was originally lodged in 2014.

15 So as you can see there, there was a pre-Gateway review, an independent hearing review, a DPIE review and now here we are again, and most of them have supported either council's position or DPIE's position. So just to – where we are at the process, so as with that we're just waiting for this Gateway Determination to be finalised before we can move on to public exhibition, though we do note that there are a number of proposed Gateway studies that will need to be completed before we can commence that exhibition. So just to review the subject site and context briefly, the subject site is about a seven minute's walk from the Regents Park's train station and there's this curved triangular block area of about two hectares.

25 It has a large street frontage though of about 168 metres and has a few nearby heritage items with the Sydney water pipeline and the schools to the north and Sefton Junction substation to the west. To give it some broader context, we kind of considered – because it's – the site seems to be ideally located between the eastern CBD and the central CBD of the Greater Sydney plan, these 17 and eight kilometres respectively. However, when you actually look at that from a travel time perspective it really highlights to get to the Sydney CBD you're talking at least, really, an hour here at the minimum, and to get to Parramatta you could potentially reach it in half an hour by a train with a transfer. However, most other modes of transports would exceed that time.

35 That – the train station does primarily service a white-collar workforce when you have a look at its timetable. And the other key factor to consider here is that the green – the bright green line there is also the freight line that comes through. So it travels past this site quite regularly as well in addition to those train lines, the passenger train lines.

40

MS LEESON: Is that the – sorry to interrupt – that's a freight line from Port Botany is it?

MS HUBNER: Yes, I believe so. Yes, and it goes through Marrickville, comes out at Canterbury and then comes back in here.

45

MS LEESON: Thank you.

MR NOBLE: And just to add to that, it's also the freight line being considered for connection to the Western Sydney Employment Lands. So the freight role is likely to increase.

5 MS LEESON: All right. Okay. Thanks. Thanks, Mitchell.

MS HUBNER: So just to briefly summarise the existing land use controls, the site is currently zoned R4 so there's no change proposed to the R4. However, it is
10 isolated R4 that's in between industrial to the north, train station and – to the south and west, and residential – low density residential to the east. And you can see here the only other R4 is up and really isolated around that B2 zone in the north. The height – building heights within the centre, you can see even over on the Cumberland LGA side – because this centre is split between the two different LGAs as you can see there – on the Cumberland side the maximum heights in that centre are only
15 about six storeys or 20 metres, so proposing the 12 storey elements on this site seems to be quite high and excessive for the centre hierarchy that either Cumberland or Canterbury Bankstown have proposed.

Similarly, when you look at the FSR, the FSR for – within the centre is at two to one
20 as a maximum for the business uses. So a 2.4 to one on this site just doesn't seem to strategically make sense when that would exceed the local business uses as well. So just to give – I just thought I'd put in some street views. I'm not sure if you have had a chance to go out to site, so just to show what the site is. This is looking from the train – the train bridge in the south down Auburn Road at the north view. So you can
25 see the low density to the – on the eastern side and the current industrial use on the western side of the road. So when you're looking directly at the industrial use this is just to outline some of the property boundaries here and to identify that it does have quite a large frontage and you can see the existing use along there. Whoops, wrong
30 way.

This is 40 Auburn Road. This is 30 Auburn Road. Now, this is Magney Reserve, the other green space that's often shown on those aerial maps. However, as you can see it's actually not that large of an area when you look at it in context here. And you'll also note that the footpaths are incomplete, need some connections. There's no
35 footpath along the left edge, nor are there any cycleways or appropriate designated on-street parking to facilitate a development of this scale and size. I've gone the wrong way again; forgive me. Okay. So this is just looking back. You can see that existing separation between 30 Auburn Road and the neighbouring industrial area, there's already quite a degree of separation there that does facilitate that separation of
40 uses.

Intersection of Morris Road and Auburn Road, and then this is just looking up into the centre, so we can kind of see the existing built form in the area. And then you can see here that this is the R4 that's currently there, and it's only about a four to six
45 storey element. So something up to 12 storeys does start to really look out of place we feel within this area. So just to summarise the planning proposal, so the Gateway Determination provided in February was a two to one with heights at 19, 25 and 38

respectively. The proponent has come back requesting an FSR of 2.4 to one with the heights as listed there, and council's position is that, while we do agree that the height should perhaps be increased slightly, they shouldn't be increased to that degree and the FSR realistically should only support – and the height should only support six to eight storey built form with an FSR of 1.75 to one.

And the reasons behind this is, as you can see, there's a traffic light system here, so the green, yellow and red. The other FSRs are inconsistent with the strategic and site-specific merit tests for all planning – that applies to planning proposals and they will create solar access issues that would need to be resolved at DA stage and that's largely due to the inclusion of this 12 storey element. So all of the solar testing really identifies the overshadowing from that. The 12 storey element is creating a lot of impact onto that achievability of the ADG requirements and as such council supports this 1.75. It's consistent with the strategic and site specific merit tests that I'll go through shortly, it supports out the appropriate setbacks, especially to that industrial use and the train line, and will achieve these solar access requirements in the ADG.

So just to touch on the height controls and why we're supporting these height controls, see, this is the diagram that was included by Smith and Tzannes, and so I've just put in some heights to a discussion here. So the green text identifies the built height at six, eight and 12 storeys, excluding any lift overruns or rooftop terraces that they've currently proposed. The teal text identifies the recommended heights from council, and that's noted that there is a clause 5.6 that would allow for rooftop terraces and lift overruns to be included without requiring a section 4 – without requiring a clause 4.6 variation. So we don't see any need for there to be excessive heights where they could potentially try and slip in an extra storey beyond the intent of the built form here.

So then we're considering the public benefit that they propose here. So when you look at the central green space at first glance it appears to be quite a large significant area, but when you break it down that 3400 square metres is roughly only 16 per cent of the site and the minimum ADG requirement is 20 per cent of the site. And, granted, they'll probably make that up with some of the other green spaces around it that can be – that can contribute to that 25 per cent, that green space will still only be a publicly accessible private open space with the basement likely underneath it. So the question of true public use really comes into question there as to a public benefit. And the applicant has not supported any public benefits unless they receive a significant increase of over 2.25 to one FSR, and even that has been hard to have discussions and they have not supported all the public benefits that we've requested. It's been quite minimal in nature.

So when you look at it from a 3D built form perspective you can see that it's actually start – it does look quite bulky and it doesn't really respond to the setbacks and the train line or provide any appropriate interfaces to those boundaries. So as we, kind of, touched on, the site was lodged originally for a four to one FSR back in 2014. Since then council did their local area plan, including this site area. In May 2016

that was endorsed. It's been reviewed multiple times and most of those have supported council's position, and there's – however, there's been this ongoing debate related to FSR and height controls. I didn't want to do a full history as I feel like the Department did a really good detailed history and if you wanted to look at that feel free to go to their reports.

So now into the strategic and site specific merit tests. So the – this is split up into two parts, the strategic merit test and the site specific. So there's three key questions in the strategic. The first one is does it give effect to the district plan and the greater regional plan, and yes it does, as outlined there. Does it propose or give effect to the local strategic planning framework, and this is where it starts to fail at 12 storeys and at an FSR of 2.4 to one because it doesn't align with the local strategic planning frameworks, either of Canterbury Bankstown or of Cumberland, and we'll demonstrate that in the following slides.

So you can see here this is the map that, kind of, outlines the local strategic plan – the local strategic planning statement for Canterbury Bankstown and outlines how growth and jobs will be delivered through to 2036. So you can see that our growth is really focused around Bankstown and Campsie, which are our strategic centres. The ones in orange will also provide quite a lot of support for that growth, however you can see here that Regents Park, really, it's a bit of a blip on the map. It's a small village centre. It's strategically not a significant site.

As it's shared with Cumberland Council we had a look at our neighbouring LSPS and had a look at how they classify Regents Park. You can see that it's also their lowest centre in their hierarchy of centres as a local centre. They anticipate it'll predominantly be low density uses, and the highest density will be focused around their key nodes such as Lidcombe, Auburn, Granville, Maryville, where the big red dots are. So then looking into more detail, our housing strategy has this 80/20 per cent approach to growth. We anticipate that 80 per cent of our growth will be in the centres and 20 per cent of the growth will be in the suburban areas.

Now, overall our target is to get to 50,000 dwellings by 2036 and you can see that the housing target's split up here over those different village types – those different centre types. So when you have a look at the small village centre that is Regents Park that means that 2600 across 11 centres. As an average that's about 240 dwellings, and the proposal here would deliver – at 2.4 to one could deliver around 800 dwellings which it almost triples that housing target for the area. Even when you include Cumberland it still exceeds their housing target as well over the next 15 years. And then when you just – so moving on from dwellings, we've also got the height storeys and FSRs here.

So you can see that our hierarchy here, a 2.4 to one FSR would pretty much exceed our business zones. It – and this is an isolated R4 pocket away from the train station, next to industrial, next to low density residential, constrained by a train line with freight travel. It just doesn't seem to logically or strategically make sense to have such a high FSR in this location. So the final strategic merit question is, is it

responding to a change in circumstances, and in short it's not. So moving on to the site specific merit test, part of the test, does the proposal have any regard to natural environment. There aren't any significant natural environment hazards. They're all urban hazards associated with this site as it's a brownfield development.

5

So then we move on to does it have regard to the existing uses, approved uses or likely future uses of land in the vicinity of the proposed site, and this is where again it starts to stumble. With a 2.4 to one FSR and a 12 storey building height with minimal setbacks, like, one to three metres, it doesn't really have regard to either the existing low density residential or those industrial lands to the north. And even if they were to be turned into residential in the – in the, those industrial lands, at the setbacks currently proposed it would unfairly encumber those neighbouring properties, which is definitely something council wouldn't support.

10

The final question in the test is does the proposal have regards to services and infrastructure for the demand arising from the proposal, and this is again where it starts to stumble a bit because beyond the green space there's, really, minimal benefit. It's not going to improve the local infrastructure and, as you can see, some of the items identified within the local area plan that would need to be delivered to support the increased dwellings of this size. So just to summarise that strategic merit test, with the two to four to – 2.4 to one proposed by the applicant, it's inconsistent strategically as it doesn't apply with – it doesn't comply with the hierarchy of centres and it nearly triples our housing targets for this area.

20

Site specifically it doesn't really have regard to the existing uses or the proposed future uses through insufficient setbacks, significant impacts on residential amenity and inappropriate heights for the local area, plus it doesn't really provide any significant infrastructure, services or provisions to support that increase demand of the dwellings their seeking. So we've been talking for about 25 minutes now, and we do have some site analysis and an urban design – urban design review in detail. We've also provided a letter, which I believe you've got a copy of, from Architectus that details that response further. This is a high level review. So we could go into this or we could wrap up and move on to questions, and I'll pose that to yourself, Dianne.

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MS LEESON: Thanks, Larissa. Look, we might have a couple of questions now, and I'll be happy to look at the site analysis by Architectus. A couple of questions on the way through if I can. And, look, that's been very comprehensive so far, thank you. I wouldn't mind understanding from council's perspective a little more the characteristics of a small village centre, which is how you describe Regents Park. I'd just like to understand the context of that a little more, the sort of characteristics that you would expect.

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MS HUBNER: I might pass this one over to you.

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MR NOBLE: Did you say you were going to hand that over to me, Larissa?

MS HUBNER: Yes. With your experience on the LSPS in detail.

MR NOBLE: Yes. Well, look, a small village centre for us is – is something that we – one of our lower classifications for a centre, smaller scale, not a focus for
5 growth. You saw in the table that Larissa presented – and perhaps we’ll go back there, Larissa – that it’s not typically an area where we exceed one to one in floor space ratio in the R4 zone or usually, sort of, two to one, two and a half to one in the B2 local centre zones. So we’ve only got one classification that’s lower than small village centre.

10 Our focus has largely been on our strategic centres and our local centres, like Campsie and Bankstown, and the next phase will be Canterbury and Belmore and Lakemba. In those areas we’re typically seeing small shops, shop-top housing and perhaps some, I suppose, mid rise R4 high density residential development,
15 definitely not 12 storeys. If I can put that in context, the tallest building we have in Canterbury Bankstown at the moment is 14 storeys. So if this building was developed today it would be right up there with some of the tallest buildings in the LGA.

20 MS LEESON: Where would the 14 storeys building be? Is that in Bankstown itself?

MR NOBLE: It’s in the Bankstown CBD, yes. So we definitely think that it well exceeds the small village centre and starts to compete with the, sort of, scale and
25 character of a local centre I would say under our hierarchy in the local strategic planning statement. Yes, so that – those are my thoughts on how it sits within that categorisation. I would note though we are not overly prescriptive in the LSPS around the exact heights and densities we would like to see in those centre categorisations. In the document we describe, I suppose, the character more so than
30 the height and density.

MS LEESON: Yes, thank you. And that’s - - -

MS PORTER: If I could please - - -
35

MS LEESON:

MS PORTER: Would you mind if I added to what Mitch is saying and just to elaborate on – there’s a little bit more - - -
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MS LEESON: Sorry, so just for the purpose of Auscript, this is Shona Porter.

MS PORTER: Yes, thank you. I’ll just elaborate more on the character that we’re looking for for small village centres. Our housing strategy, which was endorsed by
45 council earlier this year, also gives some guidance on the types of density. So it still doesn’t prescribe heights and FSR but it does talk about encouraging a diversity of character that’s compatible with the local character being the existing local character,

and it's also talking about promoting low rise medium density development. So that's to – for the panel's information.

5 MS LEESON: Okay. Thank you. And that's fine, thanks. And, look, the next thing – maybe we'll deal with it when we hear from Architectus, but I'm interested in the comment you made, Larissa, around floor heights – sorry – heights of buildings and one floor one metre lower than the Department to minimise risk of creep of additional storeys within that. Can you just describe that a little bit more or is someone from Architectus, Greg or Jemma, likely to cover that?

10 MS HUBNER: They will cover it slightly. I might just steal their thunder slightly, if it's all right, and borrow one of their slides because I think it shows it as well. I think it's this way, this one. I'm not sure if you can see it, but you can see the built form. So you can see this is the – some of the drawings from the applicant in regards to their sections, and this is the elevation along Auburn Road. So you can see here 15 that this is the existing height of the land in the dashed line there. They've already gone under in some zones and they can actually fit an extra storey in the heights that they've proposed in this area, and that's something that – they actually submitted a proposal and I think the Department reference it within their justification report to 20 the panel. But they actually submitted one that had height – that provided seven, nine and 13 storeys within the height limits and we were just, like, "What? What's going on here? That's not the intent of this proposal," and that's where it was – we reviewed it.

25 But those heights, I'm pretty sure it was the 23 metres that they're seeking. So it was the – it was the 23, the 29 and 41. I'm pretty sure they were able to achieve that within that. I'd need to clarify that point but I remember them being – we're all like, "How have they achieved that? Why is it within this height? They should not be reaching those storeys within it?" And we are concerned they're trying to use this 30 communal space argument up the top, but with our experience within the Canterbury Bankstown area – and we can reference a building in Bankstown where you can see it – is that when we've tried to facilitate that people have then enclosed it and tried to sell it as apartments following completion of the DA, and that's definitely not the intent that we want to achieve here.

35 MS J. BASSO: And Jemma here. Just to add to that as well, they state in their justification for the heights in metres that they've applied for is to allow for lift overruns and communal open space on the – on the rooftops. And, as Larissa mentioned earlier in the presentation, there's actually a clause in the LEP that allows 40 lift overruns and other elements that don't include GFA to project beyond the maximum height limit. So that's why we've, yes, subtracted the allowance for that in the maximum heights in metres.

45 MS LEESON: Thank you. Thank you. That's made that clear. And then the other question I have is around some comments you made on public benefit, that the applicant hasn't demonstrated any significant public benefit. I mean, I think you described it as all internal to the site and therefore for the benefit of the people that

would be living in the site. What would council expect to see in terms of acceptable public benefit offered as part of this?

5 MS HUBNER: So we have outlined it in the North Central Local Area Plan, all of the public benefits that we would seek to be delivered, as part of this development especially because it's the key opportunity site within this part of the LGA, but even if not all of it at least a significant contribution to those. So some of them include embellishment to Magney Reserve, construction of footpaths on both sides of Auburn Road and in the surrounding streets of that street network around there.
10 There's only either a single or no footpath on some of those – the roads within that area to connect it up to the train station so it doesn't create a very walkable location.

Also embellishing the local street trees, because some of the streets have – some of the trees have died. There hasn't been some. With the industrial use there wasn't
15 really many in that area, so facilitating and improving the urban heat island in that area plus formalising a cycle link through this area would – is definitely a key one for us. So this isn't the full list, this is the short list, but these are some of the key items that we definitely see within that local area plan that we think this development could contribute to and really improve the amenity for both the future – the future
20 residents of this development and surrounding residents within that area.

MS LEESON: And would this be over and above what you might be able to achieve out of a development contribution plan?

25 MS HUBNER: Yes.

MS LEESON: Okay.

MR NOBLE: We'd add that these aren't surprise items that we've added as we've
30 seen this proposal. These are things that are imbedded in our strategic planning document, the local area plan that covers this area, which we consulted on extensively well back before 2016. We've had some correspondence with the applicant around the letter of offer when we considered this plan proposal initially and it's essentially unresolved. They've mentioned to us that we could – they could
35 not deliver on all of this at 1.75 to one and hinted that more would be able to be delivered if 2.4 to one or a higher FSR was assigned.

MS LEESON: Yes.

40 MR NOBLE: And from our point of view I think, you know, when you look at this parcel of land and in its context there's very few other sites that are redeveloping or have the potential to redevelop. For example, the industrial land to the north will obviously stay like that given the Commission's position on industrial and employment land. The surrounding area has an R2 low density zoning, so it's
45 unlikely to change there. So this is the site driving change in this neck of the woods from an industrial context to residential, and at the moment it really doesn't have

much amenity for residential communities, and definitely not in a high density context.

5 You know, there's no footpaths. There's no cycleways. To walk to the station you have to cross – to get to the other side of the road to use a footpath, that sort of thing, so – and the park is in need of an upgrade. So that's why we're leaning on this site to do some of those things.

10 MS LEESON: Thanks, Mitchell. My other question – and maybe this is one for Architectus as well – is around setbacks, which you've mentioned a few times. Can you just, while you've got that diagram up perhaps, point out to me what council's preferred setbacks are that would be achievable within a – I think your 1.75 to one and then comment on the achievable of those setbacks on two to one and 2.4 to one.

15 MS HUBNER: I might leave that one for Architectus because there's a really good slide that they have in their pack and they will be covering some of that detail.

20 MS LEESON: That's fine. Thanks, Larissa. Then, I don't think I have any other questions at this point. One question, and it may be is an Architectus one again, is whether the council has any comment on the notion of efficiency under the ADGs. So the applicant's looked at putting forward an 80 per cent efficiency rate whereas the ADGs and I think the Department are supporting more like 70 or 75 per cent. Does council have a view on that?

25 MS HUBNER: No. Architectus will cover that. I will comment though briefly on that to say that I come from – I've previously worked in development myself and dealt with efficiencies and I know that achieving an 80 per cent efficiency can be difficult unless you're doing investor stock, and that doesn't produce a quality
30 benchmark, as identified in the ADG, for delivering buildings such as this. By the time you appropriately consider articulation, corridors and all the other things that are removed from GFA, it really does come down to, like, that 75 per cent factor from your built form – envelope – footprints, in my experience. But I'll let
35 Architectus talk in further detail on that.

MS LEESON: Thanks, Larissa. Then, perhaps it's appropriate, I'm mindful of time – that – we've only got another 25 minutes – maybe we can go to Architectus to take us through their presentation and we'll see if there any more questions coming from
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MR BURGON: All right. Thank you. It's Greg Burgon here. So moving through the slides, this was some work we did when we were initially engaged on the project for council. This was from 2014. And we provided some advice around the suitable heights and density for the site in question. This plan is, really, just a very simple
45 analysis plan we prepared showing the site in question but also the context of, you know, the future amenity of the area around Magney Reserve and the existing street trees and noting the industrial areas to the north.

It also notes in the hatched area is – typically we – from a railway corridor you’d typically want a setback, you know, in the order of 20 metres for noise reasons, but with certain treatments on windows and so forth you can reduce that. But that was – that was our initial look at the site. The next slide we started thinking about how to structure the site, and this relates to your question around what you would envisage for a local centre character. The site is over two hectares and that’s well beyond what an individual site in an established centre would be. And so part of the density question relates to providing streets and open space that the site requires in order to have residential land use on it. You don’t need that in an industrial land use and – but for residential you need – you need streets, you need parks, in order to get to the buildings themselves.

So in this drawing here we’re showing indicative new streets running through the site with potential connections to the north to the industrial land in the future showing how it might fit in with to a broader street network in time. We’ve also identified Auburn Road as a key green corridor link, not just for cars but also for people, moving through to the station at Regents Park to the north and this informs some of council’s work around cycleways and street embellishments to the area. In looking at the whole area our conclusion was, yes, there is potential for increased density in – for the site in question and also potentially focusing on the area around Magney Reserve for additional density. That’s for a completely separate matter in terms of the broader structure for the area but it does fit into what we’d see as a local strategic plan for this area.

So that was, sort of, background work that we did prior to our analysis of the proposal. So our analysis of the proposal, we’ve done several reviews with council with various proposals at different times, you know, throughout the history of this project and throughout there the bottom issues we’ve always identified every time was what should the maximum height be, the building setbacks, critically the solar access to each building – the ADG requires 70 per cent of apartments to receive two hours – and also the length of building for natural ventilation, because buildings under eight storeys need to have a large proportion that have natural ventilation, and that’s become even more essential, especially after the weekends that we’ve just had – access to the address, and then all of that goes into what sort of maximum FSR you would envisage for a project.

I’d like to note as well on the image on the right, which was prepared by the Department, ordinarily at a planning proposal stage we would model building envelopes, not floor plates. There’s quite a distinct distinction – there’s quite a distinction, and this relates also to your efficiency question. So what you see on the image is actual floor plates extruded. That’s once an architect’s had a look at it and done individual apartment layouts internally. What – at a planning proposal stage it’s – what should be done is a more rectilinear simplified envelope where a 75 per cent efficiency is applied to that, because that accounts for the indentations that you see, it accounts for the balconies that you see and for the – better for circulation. So for all those reasons the 75 per cent efficiency is what we would put forward for any planned proposal.

The next slide shows – and just on that last point, I’ve been in – the consistent person from Architectus from the initial work we did in ’14. However we’ve had new people involved on the project throughout, so we’ve had the benefit of both consistency and fresh eyes for the project in all of our reviews. The next slide shows
5 our summary of what we recommend for height in metres to achieve the storeys that were envisaged for the site, and we – in all of our testing, 12 storeys, as proposed by the applicants, it makes it impossible to achieve ADG because we – it’s overshadowing itself and it’s reducing the ability for the development to achieve ADG. And you can see this in the this drawing here.

10 So this is a model of the applicant’s proposal, and the building on the very north side AB overshadows the building to the south of it CD, and CD the north face, being overshadowed in that top right drawing, makes it impossible for that – this is a mid winter solar analysis so anything in blue gets less than two hours, blue or green – so
15 it makes that building CD impossible to get 70 per cent of the apartments for two hours. And, as you can see on the lower image, the proportion of south facing only apartments is quite high and the maximum for the ADG is 15 per cent for individual apartments to receive no sun.

20 So we would look to assess this on a building by building basis, so building AB, building CD and so on, and our findings show that the top three building in that list fail in terms of the solar compliance but also in terms of receiving no sun during mid winter, and this is the part of the site that they’ve put the 12 storeys so it exacerbates it even more. And so the conclusion of our analysis is that the 2.4 to one, which
25 relies on 12 storeys to get that FSR, it does not meet ADG requirements and it would be setting up the site for failure from – at the next planning stage.

The next slide shows in terms of setbacks. So the proposal for less than, you know, 10 metres I think the proposal has, you know, up to one to three metres on the
30 northern side, would mean that windows facing to the north would be not achievable, all the things that Larissa said in terms of problems with if there was any future development to industrial lands. We would be relying on windows for both cross ventilation of corner apartments as well as solar access facing north, so having such minimal setbacks on the north as proposed would be problematic once we go into
35 further - - -

MS HUBNER: I might just add to that very quickly to – so it’s Larissa here – in relation to that industrial setback, too. A one to three metre setback doesn’t allow for any deep soil planting to minimise noise or air quality impacts as well. So that
40 would definitely be a big factor for consideration on that northern edges, how do we facilitate deep soil planting there as well. I’ll just hand it back to you, Greg.

MR BURGON: Thanks. And, you know, from a first principle’s perspective we would recommend a 24 metre setback as shown on that drawing. However, with
45 further – with – by keeping it at the buildings that are six to eight storeys that could be reduced to, say, 18 metres in order to, you know, still comply with ADG and so on. But there’s – as you can see, there’s not very much room provided on the rail

corridor or in the proponent's proposal. Anything else you'd like to add to that, Larissa?

5 MS HUBNER: I think I might just touch on, too, that the other factor in this is with the setbacks that they're proposing here, and some of these are – like, one to three – one or less, it's really quite close to the boundary – some of these units are also set below the ground level and so how would the treatment and the – it would create like a bunker effect for the courtyards and the – and the dwellings on those ground floors. So it's a really poor amenity outcome for south-facing apartments that also have a
10 bunker courtyard effect. It just – that's the other reason council's very supportive of the setbacks that Architectus have proposed.

MR BURGON: The next slide shows – so the length of the buildings. So ordinarily we would recommend a maximum building length of 60 metres. This allows for – so
15 in a – in a long bar building it would allow for two cores and two apartments in the middle that would be cross-ventilated and then the corner apartments being cross-ventilated. Anything longer than 60 metres would require more than two cores to get the cross-ventilation working and we don't think that's actually – would ever be provided, and an 80 metre long building both – principally from a cross-ventilation
20 perspective is problematic, particularly at planning proposal level when you don't have certainty around apartment layouts and so on, so hence we recommend a maximum length of 60 metres and that's based on many years of testing.

The next slide shows – was there anything else on that slide – sorry, I think there was
25 something about footprint coverage. Would you like to add anything to that, Larissa? So the – yes, the building length exacerbates the solar access issues because it actually increases the number of, you know, south facing apartments in this orientation that we have the buildings particularly - - -

30 MS HUBNER: And I'd - - -

MR BURGON: - - - EF and AB.

MS HUBNER: Yes, and I'll just add to that on the building footprint coverage.
35 They – that the rule of thumb that Architectus has had in their experience, and I'm pretty sure it's outlined in the ADG as well, is that building site coverage for developments of this size and scale shouldn't exceed one third of the site area because that starts to identify that there's bigger amenity issues likely to be at play. And we can see from the proponents that they're exceeding that at 38 per cent and
40 whereas the McGregor Coxall was in line with that rule of thumb for one third of the site.

MR BURGON: Thanks. The next slide, access and address. So as you can see
45 from the drawing, there's a visitor access road midway through the site and a basement entry to the north of the site. So there is actually very limited, you know – only two locations where vehicles can enter and exit the site. I think what's more important from the residential amenity point of view is the buildings in the – in the

western side of the site don't have a direct line of sight from the visitors' street to their lobbies. It's, sort of, tucked away further in, further around the building, and this doesn't create a very legible way into the buildings, lack of clear address. This, you know, is all exacerbated by the bulk and scale and the amount of building footprint that's on the site and reduces its ability to connect into and stitch into these adjoining residential areas. Next slide.

So the next slide shows different solar analysis of different heights. So we've got in the top row six to eight storey testing. The first one McGregor Coxall, the second by Smith and Tzannes, and the last one by Architectus, and we've also tested what those heights would result in in terms of an FSR using the 80 per cent efficiency, or the 75 per cent efficiency that we recommend. And, as you can see, none of those actually get more than the recommended 1.75 to one. And, even using the 80 per cent efficiency, you'd say that that's an inappropriate FSR to set for the site.

Down below we've got the six to 12 storeys, and even at the 80 per cent efficiency none of those options actually result in anything more than two to one, which is the Department's recommendation. However, in our view a two to one, which requires 12 storeys in order to achieve that FSR, does result in significant overshadowing issues and relies upon buildings of excessive length which makes the ADG very difficult and if not impossible to achieve at latter stages of the development application process.

MS LEESON: I think that's addressed – can you just go back to that slide. I think that's addressed the question I had which was around the ability to achieve 12 storeys at a – at a two to one and still comply with the ADG. And if I'm not paraphrasing you, or if I am getting it incorrect, correct me – but are you saying you can't – in your view you can't achieve 12 storeys at two to one and still achieve ADG compliance?

MR BURGON: That's correct, as shown in those images there, the buildings overshadow themselves and that causes inability to achieve that ADG. And, you know, this should be providing best practise. It's a renewal site. We're not dealing with a small in fill site within an existing centre that has other constraints that make it – outside of the site make it unachievable. This is all wholly within itself making it unachievable.

MS LEESON: Thanks, Greg.

MR BURGON: So, yes, in summary our – after many reviews we still come back to our recommended 1.75 to one FSR. This has a lot to do with the size of the site being two hectares and having to provide open space and amenity and street access to apartments within a site of that scale. And we believe a six plus eight storey approach for, yes, the site in this location allows for, you know, ADG compliance in future stages.

MS HUBNER: So I can do the wrap up now or we can take any further questions if you'd like.

5 MS LEESON: I don't – let me just quickly check my note. I don't think – we talked about public benefit. No, I'm fine. If you'd like to wrap up that's good, thanks, Larissa.

10 MS HUBNER: Okay. So it's just reiterating our position that we do believe that a 1.75 to one with that six to eight storey built form will – is the only – is the FSR that would achieve this appropriately by giving those setbacks required and strategically aligning with that hierarchy of centres. And with that we believe that the height of buildings should be that slightly lower at 22 and 28 metres which would not require the clause 4.6 of the applicant's arguing they would need but would still achieve and ensure that the intended storeys is delivered and no additional storeys are facilitated within that height. And that's based on this being a key opportunity site and there's also minimal public benefit associated with it.

20 It – plus it's had multiple reviews that have supported this position, or the only alternative was the DPIE review at a two point – two – sorry – at a two to one. And then the proposal has not been able to reasonably demonstrate any proposal that can achieve an FSR of 2.4 to one without severely compromising amenity, and that's the biggest thing, how can a site such as this deliver – seek to provide additional dwellings and yet not provide the appropriate amenity for those residents as well. Yes, that's it.

25 MS LEESON: Thank you. I have no further questions but I would just quickly like to check with Jane and Lindsey from the office of the Commission if there are any issues that they'd like to raise on behalf of the Commission.

30 MS J. ANDERSON: Thanks, Di. No, I think the presentation has covered everything and we'll go through the further submission as well, thanks.

35 MS LEESON: Thank you. No, I don't have any further questions, thank you, and that's been a very comprehensive presentation and I'd like to thank you for the time and effort you've put into it. We've still got a little work to do yet, yet to meet with the proponent, and then we'll be considering all the information before us before we provide out advice to the Department. So again I'd like to thank you and on that basis we will formally close this afternoon's meeting. Thank you.

40 UNIDENTIFIED FEMALE: Thank you.

UNIDENTIFIED MALE: Thank you.

45 UNIDENTIFIED FEMALE: Thank you.

RECORDING CONCLUDED

[3.24 pm]