



New South Wales Government
Independent Planning Commission

TRANSCRIPT OF PROCEEDINGS

RE: 24 PARKES STREET, 26-30 PARKES STREET
AND 114-116 HARRIS STREET, HARRIS PARK –
GATEWAY DETERMINATION REVIEW (GR-2022-9)

COUNCIL MEETING

COMMISSION PANEL: PROFESSOR HELEN LOCHHEAD (Chair)

OFFICE OF THE IPC: LINDSEY BLECHER
HEATHER WARTON

CITY OF PARRAMATTA
COUNCIL: Cr DONNA DAVIS
KELLY VAN DER ZANDEN
JANELLE SCULLY
PAUL KENNEDY

LOCATION: VIA VIDEO CONFERENCE

DATE: 10.00AM, WEDNESDAY, 9 MARCH 2022

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PROF. LOCHHEAD: Good morning. And before we begin I'd like to acknowledge the traditional custodians of the land on which we meet wherever we maybe today and pay my respects to their Elders past, present and emerging.

10 So welcome to the meeting today to discuss the Gateway Determination Review of 24 and 26-30 Parkes Street and 114-116 Harris Street, Harris Park which is currently before the Commission. The objective of the planning proposal is to seek an exemption from the floor space ratio, sliding-scale provision as proposed under the Parramatta CBD Planning Proposal. This is currently with the department for
10 finalisation. This proposal seeks to facilitate the site's redevelopment for three mixed-use towers that are intended to be lodged for approval under separate development applications.

20 My name is Helen Lochhead and I'm the Chair of this Commission Panel today. We're also joined by Lindsey Blecher from the Office of the Independent Planning Commission and Heather Warton, who is assisting the Commission on this matter. In the interests of openness and transparency and to ensure the full capture of information, today's meeting is being recorded and a complete transcript will be produced and made available on the Commission's website. This meeting is one part
20 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 Commissioners to ask questions of our attendees and to clarify issues whenever it is considered appropriate. If you are asked a question and are not in a position to answer, please feel free to take the question on notice and provide any additional information in writing which we will then put on our website.

30 I request that all members here today introduce themselves before speaking for the first time and for all members to ensure that they do not speak over the top of each other to ensure accuracy of the transcript. So if that is clear we'll begin now. Is that all clear? Yes, great.

Okay, so obviously I understand we have in attendance Kelly van der Zanden, who's the Group Manager, City Design; Janelle Scully, Team Leader, Land Use Planning; and Paul Kennedy, Project Officer, Land Use Planning. Is that correct?

MS SCULLY: That's correct.

40 PROF. LOCHHEAD: Great. The way we have structured the agenda is for you to actually provide an initial opening statement, and if you would like to share a screen you're also most welcome to do that if that's going to increase our understanding of the issues you want to discuss.

MS SCULLY: I can provide the opening statement. Did I need to introduce, sorry, do I need to say my name when I speak? Is that, for the transcript or - - -

PROF. LOCHHEAD: Yes, that would be helpful.

MS SCULLY: Okay. Janelle Scully, Team Leader, City of Parramatta Council. Providing an opening statement as requested. So this planning proposal and for the three sites has been with council for a long time. And, you know, approximately five
10 years we've worked with the applicant to look at the issues onsite. And during this time a number of issues were raised, with the main ones relating to the sliding scale and then the resolution of setbacks and site isolation. Options were looked at in terms of amalgamation versus non-amalgamated sites. And despite council's preference for amalgamation, we've reached a position with the applicant that it could be dealt with as the three sites based on the fact that the urban form, while there were challenges with it, represented the better outcome on the site. And that those challenges could be dealt with at the DA, at the DCP stage, including setbacks, ADG compliance. That's my statement. Kelly, do you have anything you'd like to add in that regard.

20 MS VAN DER ZANDEN: Kelly van der Zanden, Group Manager, City Design. Just to add to that there was a rigorous engagement with the proponents where we tested or they tested and presented council did quite a lot of reverse testing to identify what the better outcome would be from a built-form outcome perspective. It was clear that amalgamation resulting in two lots would result in two large east-west elongated built forms that were less desirable than the three-tower scenario. And that's primarily bulk and scale and amenities, solar access and the like. So that's our synopsis in a nutshell.

PROF. LOCHHEAD: What about as one site?

30 MS VAN DER ZANDEN: That's, that's something that may have been explored earlier in the process. I'm not aware of that.

MS SCULLY: Paul, can I ask, Paul Kennedy can I ask you – are you aware of a one-site scenario testing?

MR KENNEDY: I'm not aware of a one-site scenario testing.

MS SCULLY: I guess the answer is no. We'd have to take that one on notice as to whether a one-site scenario testing was investigated. So to take that on notice and
40 come back to you.

PROF. LOCHHEAD: As someone coming to it cold and just looking at the information provided by council and the Department of Planning, there seemed to be little evidence to support the assertion that this was the best outcome through the study of options and different scenarios that could actually validate the conclusions that were made. So that would be very helpful in enabling us to come to a balanced decision on this particular matter. One thing that I did note in terms of doing a little pre-reading is that in the planning proposal for the CBD there are some urban design objectives that you speak about as being the imperative or the key driver for the new planning proposal for the CBD which is now under exhibition. And it talks about to ensure development is within an appropriate scale for the site, adjoining development and the wider city. And there's specific issues to be considered. This is on page 11 in the Parramatta CBD Planning Proposal. "Our compliance with SEPP 65 and the Apartment Design Guideline, amenity for building occupants, protection of solar access to open spaces, and transition to lower-scale areas on the city fringe." And then it goes onto talk about the sliding scale. But we'll come to the sliding scale in a minute because that's sort of the nub of this particular issue. But the protection of solar access to the key open space which is across the road and the transition to the lower-scale areas of Harris Park, which are also pretty much across the road, seems to have not been discussed in your submission. And it doesn't seem to have been a consideration. Could you just cover that off, please?

MS SCULLY: In terms of solar access I believe that actually was addressed in our submission particularly to Experiment Farm.

PROF. LOCHHEAD: Yes, sorry, just to clarify. There is a focus on Experiment Farm and the protection of heritage properties. But I'm referring to the urban design considerations in the CBD proposal, which specifically talk about solar access to open spaces. And I presume that is broader than the heritage properties. It includes public parks and communal open space.

MS SCULLY: Yes, it does. Yes. So the CBD Planning Proposal protects solar access to specific nominated parks within the CBDPP boundary, the draft as it stands today. And then solar access to open spaces and parks outside the CBDPP boundary was the subject of extensive testing as well. And there's a report that accompanies the CBDPP that goes into the detail of that testing. So there was no, you know, fixed time or parameter. We looked at other examples, the City of Sydney, and used that as a guide looking at amount of open space, you know, in mid-winter, I think, I can't remember the exact times but I'm thinking it might have been 12.00 to 2.00. But again, I can take that question on notice and provide you with a link to that documentation, which explored, you know, there was a lot of three-year modelling testing done of solar access to open spaces surrounding, including that whole parkland

area to the east which incorporates Experiment Farm. Yes, Experiment Farm was the subject of a specific solar access control, but we did also look at solar access to the broader open space areas outside the CBD boundary as well.

10 PROF. LOCHHEAD: So, I guess, the nub of the issue that I'm trying to interrogate here is really what the impact of this particular planning proposal would be on that consideration. So again, there's the need for supporting evidence to demonstrate that this deviation from the CBD strategy is still quite supportable and evidence based. The second part of that was the transition to the lower scale areas on the city fringe and how this is addressed in this planning proposal before us.

MS SCULLY: Yes. So we looked at transition to the conservation area to the south, so the Harris Park area. There is a, you know, Parkes Street is, it does then start to transition in height and FSR going down towards the heritage conservation area. So that was, you know, the transition in height particularly that being to the south of this that we've looked at. Transition to the other, to the east, while there is some transition from the centre of the CBD Planning Proposal area around the B3 Commercial Core moving down towards the edges, there's that transition as well.

20 PROF. LOCHHEAD: Can you just describe it because I'm not sort of conscious of what degree of transition that is just off the top of my head?

MS SCULLY: So the commercial core, the objectives there was to obviously increase jobs and the GFA and then there are incentives for provision of greater floor space within that B3 area. So then, yeah, that's probably the main one that there are incentives to provide more additional GFA and therefore additional height within that B3 core and then that moves down towards that B4 area.

30 PROF. LOCHHEAD: So what is the transition from the centre to the fringe in terms of height? I'm just trying to capture the imperative of a transition in scale from the CBD to what is ostensibly one to two storeys.

MS VAN DER ZANDEN: I just might try and support Janelle in responding to that by saying that the LEP, or the draft in this case, the draft CBDPP establishes the FSR and height parameters for that and we responded to that.

PROF. LOCHHEAD: In this proposal?

40 MS VAN DER ZANDEN: That's what it permitted and that was the framework within which we had to work.

PROF. LOCHHEAD: The 2011 LEP or the new - - -

MS SCULLY: No, the draft, yep.

PROF. LOCHHEAD: The draft.

MS SCULLY: The draft CBD Planning Proposal.

MS VAN DER ZANDEN: Yes.

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MS SCULLY: And I mean, we also, you know, need to say that these controls for this site-specific PP are based on the draft controls in the CBD Planning Proposal and that is still with the department for assessment and finalisation. So, yeah, and same with the sliding-scale control as well. It's based on this draft control within the CBDPP.

PROF. LOCHHEAD: Okay. All right, just moving onto the issue of the sliding scale. It says, "The purpose of the sliding scale for FSR is to control density on small sites and encourage amalgamation." And now, what would you see the benefits of amalgamation are?

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MS SCULLY: What, generally or in relation to this site?

PROF. LOCHHEAD: Generally or either/or.

MS SCULLY: Did you want to talk about that?

MS VAN DER ZANDEN: Yeah, I think the benefits of amalgamation are to ensure a better built-form outcome where larger floor plates can be accommodated that are feasible and that address building separation where we can provide for improved amenity, solar access. All of those parameters for the design and improved design of towers and built form to that scale are improved through amalgamation typically.

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PROF. LOCHHEAD: So do you think in the absence of site amalgamation of the three sites – sorry, I just deleted my notes. Do you think in the absence of having three scenarios tested, a three single sites and amalgamation of two sites, or amalgamation of another two sites and one isolated, and then an amalgamation of three sites – there are various options of amalgamation in this location. Are you satisfied that you've explored and interrogated all the benefits and disbenefits of amalgamation in this particular location to ensure a better built-form outcome, feasibility, building separation, quality open space, improved design, solar access et cetera?

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MS VAN DER ZANDEN: Coming into the project when I did and going back to the earlier question in respect of whether there was testing done in the early phases of this project, I am not aware. We were presented with the two scenarios of the single site, the three-site option versus the amalgamated scenario. The amalgamation resulted in a larger east-west aligned building that was bulky – sorry, did you want to say something?

10 PROF. LOCHHEAD: Sorry, is that the two, sorry, is that when you talked about the amalgamated, you're talking about the two-site option there?

MS VAN DER ZANDEN: Amalgamation. Yes, correct. Yep. The difference between the two-site amalgamation and then the three sites was a scenario with the two sites that was not supported because it resulted in a worse built-form outcome. Specifically the bulk and scale of both potential towers and the impacts on the amenity to those buildings, solar access, privacy, building separation and the like.

20 PROF. LOCHHEAD: But you don't know why three – you're not aware, because of when you came into the process, you're not aware why a three-site amalgamation wasn't tested or a variation of two sites?

MS VAN DER ZANDEN: No, I am not aware. No. I'm not aware. But I could say that council encouraged that as far as I'm aware.

30 MR KENNEDY: Can I just comment too, is that this process has been going on for a substantial period of time, for approximately the last five years. And certainly, initially it was always council's effort to try and encourage amalgamation. We had extensive consultations with the applicant encouraging them to try to amalgamate the sites and we raised this at many meetings with the applicant. And there were always issues and problems with this. It was not until approximately, I think, in September 2020 when we came to the conclusion that site amalgamation was not necessarily the best outcome for this, for these properties. So certainly, I think, council has made every effort to try and secure amalgamation over a substantial period of time.

PROF. LOCHHEAD: But it sounds more like the owners of the site were driving that as opposed to council from what you're talking about?

40 MR KENNEDY: They were opposing amalgamation. We were trying to encourage it.

PROF. LOCHHEAD: Yes, okay. I mean, because another benefit, of course, of amalgamation enables shared driveways, loading, access routes and a lot more efficiency can be achieved in terms of building economics by simplifying the subdivision. And also in terms of the disposition of open space to ensure more consolidated communal open space, management of overshadowing, setbacks and the like. So there are many benefits that could be construed from an amalgamated site where the built form and open space and driveway access et cetera could be consolidated or organised in a different way from the existing subdivision. So accepting that we are where we are today, there are a number of implications of that.

10 So one implication would be that you cannot maybe achieve the same density if, but you have a sliding scale to actually enable that amenity to be managed on a smaller site. But in this particular location you've chosen to say that the sliding scale is not relevant in this location. So we've accepted that maybe, we've acknowledged that you've said an amalgamation in this location was not optimal, but having said that, we've now got the fallback of a sliding scale on smaller sites, but you've also suggested a sliding scale is not necessarily needed in this location, although the purpose of the sliding scale again is to ensure amenity, as I understand it, and to control density and the other issues in terms of SEPP 65 and the like. So can you just explain why the sliding scale in this location is not particularly relevant if the sites are

20 not consolidated?

MS SCULLY: Well, I think, I think Kelly, you know, probably addressed that with the bulk of the scale and the, the orientation of the buildings that resulted. But if I could just go back to the other point that, about the site conditions. You know, one of those, and we haven't talked about it, is the local road acquisition that council wanted a three-metre strip on both Parkes and Harris Street, which, to ensure that we, you know, got that from the applicant, we had to offer some concession in that regard. So while there is a, you know, council has accepted a reduced tower setback, there, they have provided that road widening on that site. So that was another, you know, when

30 we say we looked at, you know, what are the, the challenges on this site, you know, getting, getting that road amalgamation was one of those. Yeah, and look, we recognise that this is a difficult site and that there have been challenges and concessions made and, you know, council's policy position at the time was, you know, as it stands in the council report, since that time we have also done further work in relation to DCP controls, which we exhibited at the end of last year for the city centre, which now, you know, if applied to this site, you know, would be challenging for it to comply. And so that, you know, going back to where we were at the time when this was presented to council, that was the policy position and not, you know,

40 notwithstanding that, we know that there are still issues that remain with being able to achieve the ADG and the solar access, which, you know, have not been demonstrated by the applicant, but based on the information available at the time, we were satisfied

that they could be addressed at the DCP stage. But the applicant, you know, has not yet prepared a site-specific DCP to enable us to, you know, come to that conclusion. (not transcribable) further testing.

10 PROF. LOCHHEAD: Right. Okay, so acknowledging it's an imperfect world and, but you have the benefit of hindsight now. Would you still come to the conclusion that you have now? Because you've said, you know, you've done further, since this proposal was made, you've done further work on the CBD DCP controls, and you've said just now that the site would find it difficult to comply. Would you still, would
10 this change your position on the proposal that is before us and under review, based on your professional assessment?

MS SCULLY: I think we have to stick with, unfortunately, what – sorry, not unfortunately, but we have to stick with what is in the report and what the resolution of council was. I don't think we can answer that question about hindsight at this point. We have to stay what, we have to stick with what the assessment outcome was at the time in this report.

20 PROF. LOCHHEAD: Well, maybe I should put it in a different way. Rather than hindsight, you've actually, you've actually told us that you've done additional work since the time of this planning proposal on the CBD DCP controls, and you've said yourself that this site would find it difficult to comply with those controls. So that, so you've got new knowledge.

MS SCULLY: Yes.

30 PROF. LOCHHEAD: That has to come into play here. So we need to have some certainty about the ability of this planning proposal to meet the controls in a way that ensures that the amenity of others, the built-form outcomes, the urban design objectives of the CBD planning proposal, the amenity of others and the amenity of those in this new development will be able to be met, and future users of the development in terms of the ADG controls and also in terms of solar access. But at
30 this stage you're not able to assure us that these can be met on this site in this current proposal before us today?

40 MS SCULLY: Well, yeah, so when we have asked for a site-specific DCP, that the applicant prepare that. It's yet to be prepared, so we're yet to see how they have, they can demonstrate how they have, they can demonstrate the, the ADG compliance that they, they've indicated, and, you know, we thought that was a reasonable thing that
40 could be dealt with at the DCP stage, at the site-specific DCP stage. You know, and then another factor that they are going to have to consider in their preparation of their

site-specific DCP are the draft controls on exhibition. Again, you know, their response to that, we have, we haven't got yet. So we're not really in a position at this point to, to make that conclusion. I mean, we, we can say from our professional opinion and in our experience, we, we know that they will have difficulty complying with it, but that is up to them to demonstrate how the specific site conditions in this case may, you know, override a draft control that's in the CBD DCP that was exhibited last year. For example, one of them, we have a new control around site width, and we know that some of the, one of the sites in particular is 20 metres wide. It is a very narrow site. Yeah, these things are still to be determined, but we were
10 confident when the report was put to council that they could be addressed at site-specific DCP stage, DA and design excellence stages.

PROF. LOCHHEAD: Based on the certainty that applicants and the court seeks in terms of LEP controls versus DCP controls, which is seen to be discretionary and able to be modified, do you think it would have been more appropriate to acquire the site-specific DCP in concert with this?

MS SCULLY: Well, I mean, it's, it's – I don't believe that's how the department requires a site-specific DCP, sorry, requires a site-specific planning proposal. It's
20 something that our council does, requires site-specific PP and exhibited at the same time. You know, this, the stage of this one is that we're seeking a Gateway to enable exhibition. You know, next step would be to prepare that DCP and then for it to go on exhibition. So this, this site-specific PP is following the typical course and the typical stages that we would, that we go through with other site-specific PPs in the Parramatta City Council. I know that there's other councils that don't necessarily require a DCP to be, you know, prepared at the site-specific PP stage.

MR KENNEDY: Sorry, just to add also that when the planning proposal was reported to the Local Planning Panel and council, one of the specific recommendations was that
30 a draft site-specific DCP be prepared for the subject site dealing with a number of different matters. So that was right up front when we reported it to the LPP meeting.

PROF. LOCHHEAD: No, I don't have – I support the site-specific DCP in this particular situation because you're actually varying the main controls of the overall CBD strategy. But it is astute to actually ensure the DCP controls are in accord with the overarching framework so that there isn't a conflict that will maybe be challenged in the courts, for example. That's what obviously we seek to deliver in these suites of planning controls. So that's, yeah, that's why I'm just trying to unpack the sequence of events in terms of process and considerations. I'm just trying to just jump back to,
40 so we've talked about the sliding scale, we've talked about the site amalgamations. You think that the removal, you talked about the benefits of the sliding scale and then

opportunity of not amalgamating the sites but you didn't say why the sliding scale was not appropriate if we didn't have amalgamated sites. Are you saying that, in fact, the site-specific DCP will pick up that sort of detail as opposed to the sliding scale? I didn't really hear you answer that question that I put earlier.

MS SCULLY: Yeah. So, so, as, as I mentioned previously, one of the, the issues is that LRA and the offset for that, that road widening - - -

10 PROF. LOCHHEAD: Okay. So in terms of the sliding scale, basically you were saying, we have to trade off the road widening, we had to make a concession, basically, and the sliding scale, the loss of the sliding scale. Okay.

MS SCULLY: Yes. And the other one was around the height. So because of the need to protect solar access to Experiment Farm in that set period, you know, the GFA, I guess, couldn't just be added to the top of the building, you know, because there was that height limit.

20 PROF. LOCHHEAD: Right. Okay. So that was where the setbacks, the reduced setbacks came in because you had to add more to the bulk of the footprint, is that what you're saying, the GFA?

MS SCULLY: Well, yes, yes, yeah. That was one of the concessions that council accepted, yes.

PROF. LOCHHEAD: Okay. Just so we understand the – sorry. You'll just forgive me for typing my notes while we're talking, so I don't forget anything. Okay. So there's not much commentary also on the impact of the overshadowing on Experiment Farm.

30 MS SCULLY: Well, I believe it complies, the, the proposal, it complies with the control as in the draft CBDPP.

PROF. LOCHHEAD: So you're satisfied that that's been addressed?

MS SCULLY: Yes. We were satisfied that that wasn't an issue with this one.

40 MR KENNEDY: So that was addressed quite extensively in the report to the Local Planning Panel from paragraphs 41 onwards, dealing with impact on Experiment Farm and showing in particular that it complies with the extent that is protected by the CBD Planning Proposal.

PROF. LOCHHEAD: Okay. I'll just note that.

MS WARTON: Can I just clarify – sorry, Helen. This is Heather Warton. There is a diagram in some of the documents that I've read showing that there's this thin sliver that doesn't comply based on the reference scheme that council prepared.

PROF. LOCHHEAD: That's what I thought, too.

10 MS WARTON: It's got, like, a thin sliver. It's on our website, as well, in the larger format, just the western edge.

MR KENNEDY: I think there could be a small sliver but we're still, from the subsequent discussions with the proponent, I understand that still, they would still be able to, they would be able to comply with the solar access provisions.

20 MS WARTON: So is it the case that the reference scheme technically, albeit it may be a small noncompliance, doesn't comply but I've read in the proponent's documentation and council's documentation that if you apply the sliding scale, they will be complying. Is that the scenario?

MR KENNEDY: That's my basis and the report is that the development is capable of complying with the solar access provisions in the CBD Planning Proposal.

MS WARTON: Okay. Thank you.

PROF. LOCHHEAD: Sorry. With the sliding scale or without the sliding scale?

MR KENNEDY: Well, this has been exempt from the sliding scale.

30 PROF. LOCHHEAD: Okay. So it is capable of?

MR KENNEDY: Yes.

PROF. LOCHHEAD: What does that actually mean? I mean, if the expectation is that they can have a certain height and FSR, with the height and FSR in the planning proposal before us, is it capable of complying with the Experiment Farm solar access requirements?

40 MR KENNEDY: Well, that's the conclusion in our report, so I would affirm that, from my point of view, yes.

MS SCULLY: Yeah, I would also, the, the overshadowing technical paper that was prepared to support the CBDPP looked at heights that were required to meet the solar, to meet the solar access requirements for Experiment Farm. So, again, that's something that I'd said I will provide to you. So in terms of the, you know, the CBDPP, the heights that we've tested and, and, you know, submitted to the department for finalisation, those heights enable the required solar access to Experiment Farm. Now, the, the reference design for this one, are we talking about the 114 site or the corner site or the whole (not transcribable)

10 PROF. LOCHHEAD: I was - - -

MS SCULLY: What reference design are you referring - - -

MS WARTON: I was talking about the design that's referenced in the proponent's response to this Gateway and also it's shown in the LPP report. It's, probably not the LPP report. In the actual proponent's response to this Gateway Review, the proponent said that, "We prepared all our designs with Urbis, through Urbis and then council came up with their own reference design," and then that reference design appears to have been modelled but it creates a small amount of overshadowing. And then the
20 proponents talk about, "We don't really like council's reference design because we think the building on number 24 Parkes should be set closer to the southern boundary than it is." I don't know if you've read the proponent's response to the Gateway Review? It's in that report. The diagram's in the LPP report.

MS SCULLY: Yeah. I don't have the LPP report in front of me. All right, then. I guess, again, we'll have to take that one on notice about the, the applicant's reference design, sorry, council requiring the applicant to amend the reference design that enable overshadowing on Experiment Farm. I, I, I can't confirm whether that's a true
30 statement.

MS WARTON: And that wasn't specifically stated. The reference design appears to show a small amount of overshadowing but the response in the LPP report and the response in your submission to this review was that it's capable of compliance, like, the sun access plane I understand is akin to a prohibition, really. You won't be able to not - - -

MS SCULLY: Yeah, that's right

MS WARTON: You won't be able to, you know, have it higher than the sun access
40 plane.

MS SCULLY: Yeah. Look, that, that, that's my understanding and again that, that's what I believed this, the site was capable of, of compliance with that control. Now, I could be wrong and I, I'm happy to take it on notice and go and have a look at the, those reports that you've referenced.

PROF. LOCHHEAD: Okay. That would be helpful. Thank you. Now, the next question that we really wanted to unpack was with regard to the ADG and solar access amenity provisions because one thing you said yourself was that the site would find it difficult to comply. So we only have before us a planning proposal, but obviously
10 there needs to be sufficient interrogation in that planning proposal which deviates from the controls which are either existing or on exhibition to be satisfied that it can meet those provisions of a considered development which meets those standards or controls. So, can you cover off why you didn't actually provide some additional information or is it because the applicant hadn't done enough testing or you think, well, the DCP can do that later or what is the rationale for not covering that off in the planning proposal?

MS VAN DER ZANDEN: I would say that I would agree with you on a number of those points that the applicant did not provide sufficient information in the proposal for council to be satisfied that they could address those criteria in SEPP 65 and
20 therefore it would be a matter for the DCP to demonstrate and require through that process and subsequently in a development application.

PROF. LOCHHEAD: So you just, yeah ok, you just said ok we'll just defer it to then?

MS VAN DER ZANDEN: Not me personally - - -

PROF. LOCHHEAD: No, no, no, but the council has made a decision, we'll defer that consideration to then although - - -

30 MS VAN DER ZANDEN: Correct.

PROF. LOCHHEAD: - - - in your professional assessment there was concern about there being inadequate detail at this stage of the planning proposal.

MS VAN DER ZANDEN: Correct.

PROF. LOCHHEAD: Yes, okay. I think I've asked most of the key questions that I wanted to cover. Heather, do you have any questions you'd like to ask?

40 MS WARTON: Yes, I'm drafting the statement of reasons report or the advice report, so I just want to be a hundred per cent sure of my facts and that I've understood the

controls, the existing controls and the proposed controls, so mine are like detail, matters of detail really. I just wanted to check that this planning proposal doesn't include the additional bonus for high-performing buildings. There was reference that the applicant initially applied for that but then I read the report to the LPP and the LPP recommendation or the LPP resolution and the council resolution was that that's not the case. Is that correct?

MR KENNEDY: I can confirm that, yes.

10 MS WARTON: And the heights that are proposed, I read somewhere else that initially there was seeking no height restriction but my reading of the LEP maps in the CBD Planning Proposal is that the height would be in part governed by the sun access plane, and for maybe 24 Parkes Street it would be 122 metres – that's just purely looking at the maps in the planning proposal, the CBD Planning Proposal. Is that right?

MR KENNEDY: That's my understanding, yes, it is subject in part 122 metres and part solar protection.

20 MS WARTON: So that will be, okay, thank you, that's good. There's this new, as described in the CBD Planning Proposal, as a isolated sites get-out clause that has special provisions if you are an isolated site, I just want to confirm that obviously the amalgamated site wouldn't be isolated but individually that the sites are considered isolated sites and so that clause is not really relevant to this consideration?

MS SCULLY: I'm just going to open that clause up. Again, I'll say that this, while the site-specific PP is based on a number of clauses in the draft CBDPP, it's still under assessment and therefore may change including this isolated site clause as it's drafted. So - - -

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MS WARTON: My reading of it is that if they were an isolated site then you wouldn't need this PP because that would take away the sliding-scale provision. That's my reading of the isolated site clause.

MS SCULLY: It is, yes.

MS WARTON: I was assuming that they weren't ever going to be considered individually as isolated sites but I just wasn't sure if my understanding of that isolated sites clause was correct?

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MS SCULLY: I guess reading through the definition as it is drafted, not physically possible. Look, it may meet the definition of an isolated site. In terms of the first part, it is physically possible that they amalgamate. In this case there are, you know, the shape, size, location, the other attributes of the site make it, you know, perhaps potentially difficult, but again, this isolated site clause, I can't say definitively in this case whether these sites would be isolated or not. It requires a, you know, a specific assessment and, you know, detail that was not submitted with the application for that. That wasn't what they were applying for at the time so we don't have that response to consider.

10

MS WARTON: Okay. It's just that I think we need to understand or Helen needs to understand the implications of the new controls, what the whole thing is predicated on, all the controls in the city plan, in the new city plan, not just one control – anyway. Can I just go back to the reference scheme that I mentioned before, it's on page 11 of the report to the LPP under paragraph 37, because I think Paul said that he had that, well, he's referencing clauses from that report. I just wanted to know whether, it shows three towers, one on each site, and I was just wondering if the FSR, the result of the FSRs were calculated for that scheme?

20 MS SCULLY: Yes, they were.

MS WARTON: They weren't referenced in the LPP report, the actual FSRs - - -

MR KENNEDY: I understand that they were provided as Kelly is saying, they were provided on a separate table or spreadsheet. It's possible that if you want them they can be supplied, that information can be supplied.

30 MS WARTON: Okay, that would be good. I don't think we've got, possibly got all the attachments to the LPP report. There's a spreadsheet that talks about what the maximum FSRs would be with the application of the sliding scale but it doesn't actually, I couldn't see any documentation that I had readily accessible to say what the calculated each FSR was on those site with that reference scheme.

MR KENNEDY: I don't think it was clear (not transcribable) report can be supplied.

MS SCULLY: I think Heather, you could assume that in each of those scenarios it is 11.5:1 or approximate to that being the maximum mapped height of 10:1 and then the design excellence bonus.

40 MS WARTON: Right.

MS SCULLY: I think that's the assumption that that's there.

MS WARTON: Okay. So on one of the sites at least it will reduce slightly if they have to reduce a little bit to accommodate the sun access plane. Am I think that's correct?

MS SCULLY: Correct.

MS WARTON: Okay, thank you.

10

PROF. LOCHHEAD: Sorry, did you just say that they can get the high-performing building and design excellence bonuses?

MS SCULLY: They cannot, no, they can't, the report was clear that the high performing building bonus would not be applied to this site. It requires a minimum site area of 1,800 and the concern was around precedent that other sites that are less than the 1,800 would also seek the bonus if you know this site was able to achieve it.

PROF. LOCHHEAD: Please go on, Heather.

20

MS WARTON: Thank you. Now that's sort of just, the town planners go into these statutory planner, into these technical details. You mentioned the road widening, so when you calculated the FSRs, when you looked at the FSRs, did you include the area of the road widening as part of the site area or was that excluded?

MS SCULLY: They don't lose their resulting GFA.

MS WARTON: Okay.

30

MS SCULLY: Otherwise it's very hard for us to get these road widenings if that's the case.

MS WARTON: And if there was a DA lodged, then the road widening would be dedicated as opposed to being separately acquired somewhere down the track? It was a dedication?

MS SCULLY: Dedication, yes, that's right.

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MS WARTON: Right. Okay, and just one last thing. Is that you, in the documents that I've read it talks about the long history and I think Paul mentioned it in the beginning about the long history. Just reading this afresh, it seems like this planning

proposal is really more akin to a submission on the draft CBD Planning Proposal. So my question is, did they make a submission to change the FSRs for their particular site as part of the exhibition and whole development of the CBD Planning Proposal? Because it seems like we're coming in right at the end to change the controls when the CBD Planning Proposal's presumably been over a number of years of testing and so on. But it just seems like it's something that should have been sorted out before the PP like, it could have been amended prior to exhibition or after exhibition to be embodied in the controls, if it had such merit. Is that possible to answer or not?

10 MS SCULLY: Sorry, I'm not sure I quite understand the question.

MS WARTON: Okay. So it's got a long history.

MS SCULLY: Yeah.

MS WARTON: So why weren't there, why haven't their concerns or their desire to have the extra FSR and not have the sliding scale applied, why wasn't it in the draft planning proposal to begin with? The draft CBD one.

20 MS SCULLY: So why wasn't the CBDPP specifically excluding sliding scale from these three sites?

MS WARTON: Yes, yes.

MS SCULLY: Well, that, that, I mean, that's not how the PP has been, the CBDPP has been prepared looking at each individual site and its ability to, you know, what the outcome might be. I mean, it could be amalgamated, it could not. So, you know, they're general controls that apply to zoning or, you know, a site of a certain area. Yeah, so it wouldn't be something that we would apply at the CBDPP as a control for
30 this particular site. That these sites don't have to comply with a sliding scale.

MS WARTON: Okay. All right. I just thought they may have made this submission earlier on that would have been taken up – you know, I presume there are amendments and tweaking to their documents. But that's, that's fine. I understand.

MS SCULLY: Yeah, look, I mean, they may have made a submission and I can go back and check. We've received over 300 or so, raising more generally issues of sliding scale and on isolated site. I mean, that may have been their submission. You know, I, we would not have, and if they'd asked for a, you know, a specific outcome
40 on their site to be addressed in the CBDPP that was not something that we were entertaining.

MS WARTON: Okay. Thank you.

PROF. LOCHHEAD: Heather, do you have any last questions because we've just gone onto an hour.

MS WARTON: No, no, sorry, that's it. Thank you, Helen.

10 PROF. LOCHHEAD: All right, thank you very much for your time today. If you could respond to those issues that you've taken on notice. And I'll just summarise them just to make sure we're all on the same page. You were going to confirm whether one lot was, one amalgamated site lot was tested and check on that and let us know. You were also going to check on whether solar access was tested. You - - -

MS SCULLY: Solar access was tested.

PROF. LOCHHEAD: It was?

20 MS SCULLY: No, no, sorry - - -

PROF. LOCHHEAD: Whether it was tested - - -

MS SCULLY: Oh, yes, the open space.

30 PROF. LOCHHEAD: Yep. You were also going to come back to us with regards to, with the reference to design. When you talked about the impacts on Experiment Farm you noted that it was capable of complying. And we were trying to ascertain which reference design was capable of complying. So you were going to check which one that was. And in regard to Heather's question with regard to the resultant FSRs with the road widening, we seem to be missing some of the attachments, so if you could just check on that to clarify what that might be. Have I summarised the main points where additional information was required, Heather? Was there anything else from your notetaking?

MS WARTON: I just wouldn't mind, if it's possible to, if there is any information of this isolated sites clause. If you say it's possible that that may apply, then fine. But if you know that it won't apply for various reasons, I wouldn't mind having that clarified.

40 MS SCULLY: Okay. Yep.

PROF. LOCHHEAD: Okay. Great. All right, and so that's the last one. All right, so thank you very much for your time today. What's the turnaround?

MS SCULLY: Yeah, I was going to ask you, when do you need these responses?

PROF. LOCHHEAD: Yeah, so I'm not sure. I'll have to ask my - - -

10 MR BLECHER: Helen, Lindsey Blecher here, I think perhaps close of business on Monday would be a reasonable time frame from our end. Would that work for the council?

MS SCULLY: Should be fine. Yep.

PROF. LOCHHEAD: Okay. Great. Excellent. Thank you for your time today and we'll be hearing from you. So thanks very much.

MS VAN DER ZANDEN: Thank you.

20 MS SCULLY: Thanks everyone.

MR BLECHER: Thank you.

PROF. LOCHHEAD: And so this meeting closes at 11.05.

RECORDING CONCLUDED

[11.05am]