



**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)

**PROPONENT MEETING**

COMMISSION PANEL: PROFESSOR HELEN LOCHHEAD (Chair)

OFFICE OF THE IPC: LINDSEY BLECHER  
HEATHER WARTON

PROPONENT REPRESENTATIVES: ADAM BYRNES  
PETER ISRAEL  
DAVID KERT  
BEN DALGLIESH

LOCATION: VIA VIDEO CONFERENCE

DATE: 11.00AM, WEDNESDAY, 9 MARCH 2022

**TRANSCRIBED AND RECORDED BY APT TRANSCRIPTIONS**

PROF. LOCHHEAD: Before we begin, I'd like to acknowledge the traditional custodians of the land on which we meet wherever we may be today and pay my respects to their Elders past, present and emerging. 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 sliding-scale provision that is proposed under the Parramatta CBD Planning Proposal, which is currently with the department for 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.

My name is Helen Lochhead and I'm the Chair of this Commission Panel. We're also joined today by Lindsey Blecher, from the Office of the Independent Planning Commission, and Heather Warton, who is assisting the Commission. 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 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 is appropriate. If you're asked a question and are not in a position to answer today, please feel free to take the question on notice and provide any additional information in writing, which we will then put up on our website and take into consideration.

I request that everyone 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. We will now begin. So I'd just like to confirm that we have in attendance, in addition to members from the Commission, Lindsey Blecher and Heather Warton, Adam Byrnes. Also who else do we have here today?

MR BYRNES: Thank you, Commissioner. We have with us Mr Peter Israel, nod, give us a wave, Peter.

MR ISRAEL: Hi.

MR BYRNES: Yeah. He is the architect working specifically on 26-30 Parkes Street but also has assisted in the overall package for the, the three sites in terms of the sliding scale exemption request. We also have in, together in, in the room, you can see there Mr David Kert and Mr Ben Dalglish, who are from Resico, the owners of 26-30 Parkes Street. I'm advised that the owners of 24 Parkes Street will be joining us at some stage. I'm sorry, they're not here as yet.

PROF. LOCHHEAD: So, Lindsey, do you have the details of all these people?

MR BLECHER: I don't. If you could send them across to me in writing, that would be great. Thank you.

MR BYRNES: Shall do.

10 PROF. LOCHHEAD: Or even if you could put the names in the chat so that we have the correct spelling for our reference. Thank you very much. Okay. So the process of the agenda, you've received the agenda ahead of time but at the initial outset, you've got an opportunity to do an overview statement of the planning proposal and consideration for our review. Thank you.

MR BYRNES: Thank you, Commissioner. Are you happy if I now share a screen? Our, our - - -

PROF. LOCHHEAD: Yes.

20 MR BYRNES: Yes.

PROF. LOCHHEAD: Yes, that's perfectly fine.

MR BYRNES: And perhaps you could just let me know if you're seeing that okay?

PROF. LOCHHEAD: Yes, but it's not on, yeah, now it's on full screen. Thank you.

30 MR BYRNES: Thank you. So we're, we're mindful of, in our, in our presentation here, we're mindful of the agenda that was sent out and we've sought to move from our opening statement into dealing with the issues that are outlined. If, if that's inappropriate, let me know or, or interject and we can, we can resolve that as we go. So as a, as an introduction, we intend to, first of all, just give you some context. I'm sure you're familiar with, with the documents and therefore the site, but we'd just like to give you a little bit of context, then frame what we understand to be the key issue for the IPC today and then address those issues noted in the agenda.

40 This image in front of you looks westward across the three sites. This is 26-30 Parkes Street here, this is 24 Parkes Street here and this site is 114-116 Harris Street here. What's important about this, this image is it demonstrates some of the evolving landforms within Parramatta CBD and you'll see there's a range of, of towers ranging from 20 through to 60 storeys in, in, on, on the image before you. I might just point

out a couple. The first is 11 Hassall Street here, which is a 43-level building recently constructed on a narrow site. Over here is an EcoWorld tower. I'm going to show you an image from the top of this tower in a moment. It's, it's a 40-level tower. To, between 11 Hassall Street and the site is a site that's under construction just beyond this building, which is 22. There is a site under construction at 14-20 Parkes Street that will have an ultimate height of 42 levels. Just to the right of this image, along importantly Harris Street, along Harris Street, just to the right of this image, and I'll show you this in an aerial in a moment, is the Albion Hotel which is at 52 levels.

10 A design competition we're running presently on that site. That's important because it's on the eastern edge of the, of the CBD. We also are working on this site that's currently a piece of grass. That's known as 39-43 Hassall Street. It will be an SSD BTR scheme of around 33 levels. So just trying to get some context in terms of heights from 52 just along here, to 33 here and we've recently completed a design excellence competition on 114-116 and that was a design comp winning scheme at 37 levels. That just sets, sets a bit of a context in terms of scale and tower heights in the vicinity of the site.

20 Just to, just to assist a little more in that regard. The three dots represent the three, three sites we've been, we're, we're obviously here to discuss today. And I think it's just important to note that we are 140 metres, these are always the crow fly measurements, from a light rail stop which is here on Macquarie Street. That's where the closest light rail stop will be. The heavy rail is 475 metres. The new Metro, though it's, though I've yet to see a precise plan, it will be in this vicinity here at 650 metres and the Parramatta ferry is just here and that is 485 metres from the site. Obviously, on the, the south-eastern corner of the CBD immediately to our east is Robin Thomas Reserve. So that just sets out a little, little bit of context. Those, those 14-20 that I spoke about at 42 levels is here, and here and the EcoWorld tower I spoke about earlier is, is just to the south over here. Just contextually I think that's a little  
30 helpful.

I just thought I'd put this in because it's quite relevant to the discussion around height. This is some photos taken at the topping out ceremony of the EcoWorld tower and, clearly, these sites sit on the east, south-eastern edge of the CBD. Clearly, the height will be, for the, for, is expressed in both the existing and the draft CBD Planning Proposal, so existing LEP and draft CBD Planning Proposal. And those heights are important for what's obvious in front of us, views of Homebush, to the CBD, Harbour Bridge, North Sydney. And I've shown the blown-up only because an iPhone image obviously does not capture the reality of that view. I've just zoomed in a little there  
40 because it is far more consistent with that view when you're standing on, on a tower at that height. So that's just a little bit of context.

In terms of framing the discussion, I thought it was important just to frame what we understand to be the Commission's task today, not in any way to school you, just to sort of make it clear so, so, so we probably understand our, our presentation from this point forward - - -

PROF. LOCHHEAD: Yeah, that's fine.

10 MR BYRNES: - - - with the restrictions that the sliding scale applies. I've just had a message that my internet is unstable. Is everybody hearing me okay?

PROF. LOCHHEAD: Yes.

20 MR BYRNES: Thank you. And so the second dot point there, this is really, in our view, about apartment supply. It's about whether the FSR is capped or whether it is brought, or whether it's uncapped by the sliding scale. The next four dot points we don't believe are relevant to the discussion today in that the number of towers is resolved for this corner of the site. It's a matter that's agreed between us and the consent authority that three towers is appropriate. It's a matter that we will proceed with. We represent all three of the landowners. And three towers is what, what we, what we will proceed with irrespective of the decision of the Commission tonight, today.

30 Equally, height is resolved. That's set under the Parramatta planning controls and the height is not a matter for debate. Our clients have all indicated that they will be seeking to maximise the height and you can understand why when you understand its location and its views to the east, in particular. We also believe that the matters of separation, privacy, solar access, cross-ventilation can't be resolved today, nor should they because they are rightly the subject of a design excellence competition, an assessment of a subsequent DA and the final determination of that DA. There is no, in today's consideration, no formal identification where these towers will ultimately sit. That is going to be the subject of ongoing design excellence competition and ongoing discussions with Parramatta Council. Really importantly, there is no debate here at all about Experiment Farm in terms of overshadowing but we've just completed the design excellence competition on 114-118 Harris Street. It wasn't a matter that was even up for consideration, up for contest. It is very clear that we must comply with the solar access provisions which restrict access, solar shadow between 10.00 and 2.00 over recognised parts of Experiment Farm, so there's in many ways, nothing to contend with there.

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So, in terms of the facts around the sliding scale or its removal I just thought it would be helpful to set that out in this diagram and also to just explain what it means if we remove the sliding scale. So what you see here in front of you are figures that relate to the application of the sliding scale. So 24 Parkes Street with the application of the sliding scale, plus a design excellence bonus, receives an FSR of 10.52:1. 114-118 Parkes receives that very close to the maximum 11.362, the maximum is 11.5, and that's a function of the site area. You can see on 114-118 Parkes Street it's a site area very close to 1,800 so as you would expect it gets very close to 11.5 under the sliding scale. And 26-30 Parkes Street, with the design excellence competition bonus, gets to 9.8:1. So the removal of the sliding scale means that all of these sites go to 11.5:1. And just perhaps moving in a clockwise direction, what does that mean for each of the sites? Well, 24 Parkes Street would end up with an additional 1,630 square metres of GFA – perhaps converted back to apartments. That's somewhere between an addition 15 to 20 apartments. 114-18 Parkes Street, it only ends up with an extra 245 square metres. Perhaps we would say that's three to four apartments. And then 26-30 Parkes Street, an additional 2,560 square metres, which works back to around 25 to 30 apartments – obviously depending on (not transcribable) size.

So, ultimately the decision today to maintain or agree with the removal of the sliding scale relates to at max, by my calculation, some 50 to 55 apartments. That's what we're talking about. It's important that the agenda that came out asks us to kind of think about, well, what's the sliding scale all about? I can do no better than quote from the City of Parramatta's recent report from July that went back to the department on the CBDPP. It's important to note that there is no objectives in either the existing LEP or the draft CBDPP for the sliding scale. So, I can't call upon an objective within the instrument, and so I've gone to the objective as set out in council's explanation to the department. And they say this, "The purpose of this control is to promote site amalgamation and to prevent overdevelopment and inappropriate built forms on small sites."

And so the question that arises for these three sites is whether site amalgamation in the circumstances is a better outcome or is it not a better outcome. That's the question when it comes to the sliding scale. Should they amalgamate or shouldn't they? That is water under the bridge. It's agreed between the council, my clients the applicants, and a number of urban design consultants that the better outcome in the circumstances of these three sites, and in particular in this location and configuration of these three sites, is that site amalgamation is not preferred. In fact, site amalgamation would lead to a worse urban design outcome. And so we've got this agreed position that the appropriate build form is three towers and the sliding scale will not alter really the height or separation discussion that we worked through via a design excellence competition with the City of Parramatta.

So, we think that we are consistent with the ultimate purpose of that sliding scale. It's to try and get the better outcome via considering whether the site should be amalgamated or not – we're past that point – its agreed three towers is the better outcome.

10 We've been asked or indicated in the agenda just to have a bit of chat about what built form testing has been undertaken. It's been significant. These three planning proposals have been with the council for four years. We've been through a myriad of built form discussions, myriad of drawings, a myriad of urban design testing and potential iterations, and all I want to do is bounce through in these slides just to sort of give you some comfort that there has been a lot of thinking on this site over the previous four years. This is Parramatta Council's built form testing – it's looked at whether amalgamation should occur in an east-west direction plus 24-30, whether and how they all might play out in various circumstances. I note that it was also tested at one point whether 114-118 and 26-30 should be amalgamated as a long north-south tower, and again that was not the final outcome. This is just an extract of other urban design built form testing that we undertook in particular in relation to number 24 – should it take up the entire block in terms of it's length, should it be pulled back and have a single point tower rather than elongated lower building or should it in fact merge with the building to its east, 26-30 Parkes Street and end up with a rather large built form in that sense as well. Further testing – we also looked at whether the gap was a better outcome to provide a - - -

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PROF. LOCHHEAD: Can I just ask a question while you're going through that.

MR BYRNES: Sorry.

PROF. LOCHHEAD: Can you go back to the previous one.

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MR BYRNES: Sure.

PROF. LOCHHEAD: I just want to make sure I'm understanding correctly that the scenarios that you're testing here are always for different configurations of two sites being amalgamated and one site being left alone – is that what we're seeing here?

MR BYRNES: On this particular image, that is correct. In terms of what we've done over the past four years, I've cherry-picked over four or five slides just to illustrate that we've undertaken an analysis of various options. But to answer your question, in particular, I think we have tested the north-south tower option, the north-south by

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merging 26-30 with 114-118 Harris, that was part of our suite of things we've thought about over the last four years.

PROF. LOCHHEAD: So have you tested a three-site amalgamation? I mean, so you don't have that shown here, that the 114 and 26-30 amalgamation, but do you have a site which shows the three sites amalgamated?

MR BYRNES: This one requires the three sites to amalgamate because no site can go on it's own. Unlike this, this is two sites amalgamated, one on its own, three on its  
10 own, this one, it tests the three sites amalgamated and so it was one of a number of iterations, but this one, this option three requires all three sites to be amalgamated.

PROF. LOCHHEAD: And what is option four there, that's the - - -

MR BYRNES: That's one again, that's a good point. That would require the amalgamation of 24 and 114-118 because the east-west tower to the north would be intruding into 24 so that's - so, so, yeah, we did sort of take away the cadastre so to speak, take away the lot boundaries and say well what are all the different variations given this particular land parcel and this particular location - you know better than me  
20 - you can see immediately there's a whole lot of things that emerge out of option three, a big wide east-west tower, two of them each of them become difficult with numerous south-facing apartments and then the northern one overshadowing the southern one and the like so.

PROF. LOCHHEAD: Okay. Just keep on rolling because I'm just conscious of the time.

MR BYRNES: Thank you. I don't have too far to go, so thank you. So that was about the mass, and break or no break, particularly between 24 and 26-30. This is the  
30 final in terms of built form testing. and this as you've probably been presented, where council landed at the end, three towers, and they have considered whether, where this tower at 24 should be. In recent discussions with council, there's certainly an open mind to whether in fact this tower should come, as we think, closer to the street here, and we've, already discussions about where that should be, but that would be subject to a design comp in the end. This was going to be where Peter was going to mention, but I, as you've mentioned time, I just might move swiftly through this and, Peter, if I trip up, just, just yell out. All we thought we'd just indicate is that we've done the work around the ADG. Though we don't think that's on the table today, we've done the work in terms of cross-vent and solar and the like. This is council's proposal with  
40 the mid-block tower here, and what's probably important to note is we don't think it

gets the best solar access outcomes for, and this is testing 26-30, and then our proposal in bringing - - -

MR ISRAEL: Can I just add to that, Adam?

MR BYRNES: Please.

MR ISRAEL: So just to be clear, then, if you go back to that option from council, basically the units on the, on the east get the sun, but in order to get more than 70 per cent, we need some of them on the west also, and just a gap between, between the two other towers doesn't give that ability, hence we would only get 50 per cent sunlight compliance out of this layout.

MR BYRNES: Yep, thank you. So that's what that goes through. We're happy to share this with you, Commissioner, at the end. This is then moving that tower southward to do that same test. And to Peter's point, we get the afternoon sun through that gap. And then finally, given 24 sits here as well, just to note that this is a five apartment per plate scheme, so it's naturally got apartments four on each corner, so solar and cross-vent, we've done the work, and perhaps, yeah, probably not a matter for today, but we've done the work and we're far more confident of this outcome for a number of reasons, but that's something to take through with council at the design excellence - - -

MR ISRAEL: Yes, so if I can just add a couple of points to that, then by moving it back, it's really only the corner green two bedroom that doesn't get two hours of sun. So with this we can get five out of six, taken as a typical level. So that's, that's why we suggested pushing the left-hand tower back towards the street. I just note, in terms of the new ADG, which has more detailed cross-vent requirements, that in this scheme of six units we get the four corner ones with, with cross-ventilation, so you've got four out of six, so you've got 66 per cent, so you've got more than, more than the required 60 per cent. So, yeah, about 80.

PROF. LOCHHEAD: Does this disposition of towers that you're indicating here comply with the setbacks? Or is this requiring an amendment to the setbacks?

MR BYRNES: It certainly does not comply with ADG indication of 24 metres between buildings. As you'll be no doubt aware, Parramatta Council takes the view that 24 is 18 within Parramatta CBD. There's a whole history and background to that. 18, I mean, it's a small CBD and they're trying to, and so, and hence we have adopted that here. That's an 18-metre separation. This design-comp-winning scheme has respected that and it is nine metres, and I'll show you an image of that in a moment.

I've only got two or three slides to go. This is always going to be the question that will need to be resolved during the design excellence competition, and it doesn't matter, really, whether it's a 10-storey, 15, 20, 30, 35-storey tower. This question will always remain. We need to be very careful about how that relationship works. And perhaps just to – I'm mindful of the time.

PROF. LOCHHEAD: Well, how about giving us what it is at the moment, what's indicated?

10 MR BYRNES: Oh, sorry, my apologies. Nine metres.

PROF. LOCHHEAD: Okay.

MR BYRNES: My apologies. So, yeah, that's - - -

PROF. LOCHHEAD: And just again for the benefit of this recording, what are the respective heights of each of the towers that are indicated on this scenario?

20 MR BYRNES: I'll need to take that on notice and perhaps put it in the chat, but it's in that 35 to 37 range. It's important to note that this tower, which has just won a design excellence competition, was 37 storeys. And what drives that is the overshadowing to Experiment Farm. And so – and I'll show you in a moment an image, in fact, in this next slide, an image of, this is taken out of the MHMDU winning pack, and you can see that the height is driven by this solar access plane, and what that has led to is a cap of 37 at this point, but a couple of stepdowns in order to respond to the solar access restrictions to Experiment Farm.

PROF. LOCHHEAD: You don't mind if I just ask questions as we go?

30 MR BYRNES: Please do, thank you.

PROF. LOCHHEAD: One of the sort of key urban design imperatives in the CBD Planning Proposal is solar access to parklands. Now, there's quite a bit of talk about the protection to the solar access to Experiment Farm, but what consideration of the parkland has been undertaken in this proposal, if any?

MR BYRNES: Sure.

40 PROF. LOCHHEAD: The parkland opposite I'm talking about.

MR BYRNES: Yeah, good question. And we are fortunate in some ways that the parklands sit either directly east of us, or do sit directly east of us, and obviously the solar access provisions are applicable to Experiment Farm to the south, but in terms of the parklands there's very little impact, as you can see. And I can in a moment try and find some shadow diagrams from one of the, one of the schemes. There's very little impact. There's, obviously from sunrise through to 1.00, 2.00pm, there is no impact whatsoever. There may be some minor impacts then from that point on in this direction. Parramatta CBD has been the subject of numerous solar access studies. At the end of the day it's been agreed that the, that the time frames are 10.00 till 2.00. As you'd be well aware, typically in DCPs it's 9.00 to 3.00 in, say, a residential flat building or even, even low-density dwelling scenario. The reason it's been cribbed from 10.00 to 2.00 is that the form of development that's proposed throughout the whole CBD being of such significant scale, as soon as you head to that 3.00pm environment with the, with the sun where it is at 3.00pm, has a significant impact on the entire CBD in terms of its aspirations to achieve tall buildings.

PROF. LOCHHEAD: So I'm getting back to the specifics of this site. Have you tested the impact of this, these proposed envelopes on the solar access to that parkland between 10.00 and 2.00?

MR BYRNES: Indeed we have and - - -

PROF. LOCHHEAD: And can you provide that to us as a question on notice or - - -

MR BYRNES: No problem.

PROF. LOCHHEAD: You don't have it in your proposal today?

MR BYRNES: I will. I don't, I do not have it in front of us today but I will be able to provide that perhaps as questions emerge. I've got one more slide to show you and then I could perhaps go and find that, if that's all right.

PROF. LOCHHEAD: Yep, you can send it to us.

MR BYRNES: Sure.

PROF. LOCHHEAD: It's just we'd like to have it. So we understand the separation and the compromise to the separation. We understand – you did talk about separation but you didn't talk about setbacks from the street for the adjoining boundary of the neighbour. You talked about separation internally to this, you know, three-site

consideration, but you didn't talk about the separation of a setback to the western boundary. Does that comply with - - -

MR BYRNES: So this is an interesting scenario. We are required in both of these schemes to do some road dedication. Being this being a ring-road around the CBD means that it's right that this Harris Street be widened by three metres, and this, there's a, there's a widening required here at Parkes that then dips back to, to this point. So that's to provide a left-turn lane. The answer to your question is we have provided council three different scenarios for how we may transition the podium here in relation to the existing building here. The existing building here is quite interesting. It's sort of got a one-storey sort of podium. And then, and so we've said there's a number of iterations that we can, we can deal with that, we can step the podium up so, or we can step immediately up to the preferred four storeys, or if you'd prefer us to step it from either two or three in order to get to this point, we can do that. So the, so we have indicated to council various responses that can be achieved in terms of separation and, and, and setbacks and the podium scales. To answer your question, in particular, it's a three-metre setback to the west and you'll note that the approved building to our west has a zero setback. And it was always intended, we were involved in that some years ago, that building, it was always intended to form a street wall and then the CBDPP proposal came in and changed that thinking at that time. The design panel said we want a street, a, a building that was edge to edge at 22 Parkes Street and to form, form a street wall along Parkes Street. Since then, the prevailing wisdom about urban design has altered and so we've ensured that we're providing a setback to the west.

PROF. LOCHHEAD: And what about the other boundaries?

MR BYRNES: Sure. To the, to the north and to the, to the east. So to the east, what's, what's occurred is because there's a dedication of three metres of road widening, the prevailing pattern in the Parramatta CBD is a podium at zero and a tower setback at six. Because we end up giving up three metres, we have agreed already on this site here that has just won a design comp, and I think therefore informs what happens here, that the podium is at zero after the three metres is taken and then the tower is at three. So three metres of road widening, the podium and then the tower's set back three metres. And probably the other important setback is really this corridor. This at the moment is a pretty awful concrete culvert. It's known as Clay Cliff Creek, and council has aspirations to return this to a natural state at some point in time, and so in this design excellence competition, we spent a lot of time working on getting a setback there for, of six metres at the ground plane so we can try and get a, get a sort of pedestrian, almost a new road – though a pedestrian road in some ways, certainly a link – that works through the CBD along this what we hope will one day be a nice

natural environment. And it's the same, the same for the site that we're looking at across the other side of the culvert, there's a six metre at ground plane setback.

PROF. LOCHHEAD: Okay, keep going, yeah.

MR BYRNES: Okay. I think I'm just about there. There was a question about relationships or a statement about relationships I think right towards the end of the agenda. And this, this has just lifted it out of the MHNDU scheme. I just thought it was helpful in, in clarifying it. Though, because here, here's something we do know.

10 This is the design comp winning scheme for MHNDU and then, and then this, this sort of illustrates that gap and this is unknown in terms of a final design on the corner at 26-30, nor is it, nor is it known (not transcribable) final design on 24 Parkes Street, and we're currently, as I say, working up a scheme here across the other side of Clay Cliff Creek for a build-to-rent scheme. So just to conclude then – oh, sorry, there's one other thing. And I don't think I need to labour this, there's the whole strategic merit test. I just wanted you to be comfortable that we've thought about it, council's thought about it. We understand the Metropolis of Three Cities, we understand the Central City District Plan. There's obviously something going on in Parramatta with the CBD planning strategy consistent with the LSPS and the Local Housing Strategy

20 and the like. This isn't a question about whether more density is right in Parramatta. I don't think that's a question that any of us would have in our minds. This is the place that's been identified for 15,340 new dwellings, and the planning controls respond to that. So, yeah, I just wanted to give the Commission comfort that we're certainly aware of the planning framework that we sit within, and perhaps I'd just leave this as the final slide that shows, on our left, an image of the corner, 26-30 Parkes Street. The middle one highlights the thinking for 24 Parkes Street. The one on the right is in fact the MHNDU design comp winning scheme that will be lodging a DA within the next three to four weeks. We're madly working that up at the moment. Thank you, Commissioner.

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PROF. LOCHHEAD: Thank you. So perhaps we might just, well, I suppose you could leave it on. But, I mean, it might be better just to stop sharing for a moment.

MR BYRNES: Sure, let's talk to- - -

PROF. LOCHHEAD: Yeah, that's better, 'cause then we can have a bit of conversation. I just wanted to also unpack the idea of, you know, one of the purposes of the sliding scale is to encourage amalgamation. And you're saying, well, you can get a better, and, and the purpose of site amalgamation is to ensure, you know,

40 building separation, solar access, improved design, but it also enables shared driveways, loading access ramps, the quality and disposition of open spaces, as well as

efficiency. So how are you planning to address that? Are you going to have three driveways, three loading docks, three separate basements? I mean, some of the benefits of amalgamation have not been discussed and would seem to be in everybody's interests in this location.

10 MR BYRNES: Yep, agreed. And fortunately in terms of your question, and perhaps not so fortunately in terms of my clients, I'm across all three of these, and these are conversations I've already had with the clients, and these are conversations that will emerge out of a design brief being worked up with the council. We'll need to agree on reference design and we'll, for, for the two sites, and we'll need to agree on what, what the brief requires. It's already been a discussion that we've had with council about where's the right place to bring a single, a single access point. It's been something I've advocated with the clients. And I, I can't bed it down right now, but I am confident in the process of the design excellence competition, where they're working pretty hard when you're putting the brief together, and rightly so, that these are the issues, and particularly also the ground plane, like these are two sites that need to work together in the ground plane and then link through to Clay Cliff Creek and then across to Robin Thomas Reserve. There's a great opportunity here at the ground plane to consolidate that infrastructure, if that's the right word.

20 PROF. LOCHHEAD: So, I mean, a lot of these questions you say, "We've thought about this" and, well, you know, "Trust, trust me, you know, we're going to sort it out. We're going to have a site-specific DCP, we're going to have a design competition and all of these things can be resolved." Now, that's putting a lot of faith in the process to kick it down the track, so to speak, and to believe that that's possible. But we haven't really got any sort of demonstrable evidence that in fact the amenity and the, you know, these sorts of efficiencies and the co-benefits of having amalgamated sites or a different consideration that was implicit in the CBD Planning Proposal can be translated on this site without that site-specific DCP in place, for example. So how do we come to that conclusion in the absence of that evidence before us today?

30 MR BYRNES: Drats, I was going to ask you that question, because I think – it's a fair question, right? Like, so I understand it. But this is the process we, we have. And so we need to say, well, we've been four years at this. Everyone agrees this is the better outcome. So how do we then bed that in? If council wants us to do a DCP, we'll do a DCP. But it also is something that's not required because you can achieve it through the reference design. The process is the process. I can't come up with, through a site-specific PP, a "You must put a driveway here and you can only have one driveway here." That's just – I, I don't know how to achieve the design excellence outcomes through a PP. The design excellence outcomes are required by the LEP and sets about

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a process to, to enforce it. It's successful so far and it's been really, really positive.  
Like - - -

PROF. LOCHHEAD: I mean, it is a little chicken-and-egg, because what you're doing is you're pre-empting a city-wide strategy with this site-specific planning proposal, which seeks to undermine the intention of that or improve it, as you are proposing or as you are suggesting, without necessarily the supporting evidence to demonstrate that. So it makes it a little bit difficult. It may not be required for a planning proposal to submit all that additional detail, but for us to be satisfied that a  
10 deviation from the current condition is justifiable, we would need to be convinced or I would need to be convinced that all the things that you are asserting the site is capable of achieving, you know, whether it's separation, amenity, ADG, setbacks, density that you want to achieve, the heights, et cetera, site access, pedestrian access to Clay Creek, all these things which you may, may be able to clearly and conceptually fulfil have been tested to the extent that I can be satisfied that this is a goer. And we've just got a gap. There's an information gap in that in the sense that we've got to this point but there's a sort of gap between what you know and what we know - - -

MR BYRNES: Okay.  
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PROF. LOCHHEAD: - - - (not transcribable) decision. So I – is there additional information that you can provide to us in coming to this recommendation?

MR BYRNES: Yeah, I - - -

PROF. LOCHHEAD: It may not be available today but you can send it to us after this meeting.

MR BYRNES: We'll, we'll provide you everything. I don't, I don't know if council's  
30 provided you everything, so we will do that. I guess two things to say in response. Number one is this is about the provision of a Gateway and it's normal to receive a Gateway with conditions that request this information. So this is, like, we're right at the beginning of the process. This, so you can provide a conditional Gateway saying that we need this information. Number two is I'm not sure whether we're wrestling with, like, I guess, to put it bluntly, there are going to be three towers lodged here as a DA. They're going to get to the height limit because that's what my clients will do. It's on the south-east corner of the CBD. Irrespective of the decision today, we will go to that height. Irrespective of the decision today, there will be three towers lodged. There's one being lodged in the next three weeks. And the question really at play here  
40 is, is it appropriate to provide more density in Parramatta CBD? That's, that's what I think the question is at play. I understand there's a whole lot of design issues at play

as well, and if that needs clarification, well, I'll send you everything we've done over the last four years, but it's also open to, to identify the key issues in the Commission's mind through a conditional Gateway.

PROF. LOCHHEAD: So in terms of the, some of the issues that you said had been looked at that we haven't seen, there was the solar impacts on the parkland, there was the issue of the relationship to Clay Creek – is it Clay Creek?

MR BYRNES: It's horrible, it's a tongue twister, it's Clay Cliff Creek.

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PROF. LOCHHEAD: Clay Cliff Creek. Pedestrian access, vehicular access, the setbacks. So some of that, some of the ADG and contextual analysis which demonstrates that you not only provide amenity to your internal three-site development, but ensure the amenity of the neighbours and the context in which you are going to be developing, and that includes the road network and the pedestrian routes, et cetera. So if you have additional information with regard to ADG compliance and the solar impact in terms of the city controls and the vehicular access and et cetera, and pedestrian access, that would be appreciated. I just want to go to my colleague Heather, who is writing up this report, to see if there's additional questions that you, that you want to ask that I haven't covered off at this point.

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MR BLECHER: Helen, can I just jump in very quickly on that point of providing additional information, can I ask that, Adam, you review the Commission's webpage for the project and avoid duplication of any documents before you send anything?

PROF. LOCHHEAD: Yeah, just don't send us everything that you've ever done because that's not going to help us, because we've got a very tight time frame to review this. It's very, it's important to actually respond to the issues that we'd really like to see addressed. Thank you. Heather.

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MS WARTON: Thanks. Thanks, Helen. Adam, I wasn't aware of this DA that you're referencing on MHMDU. Is that the architect's name?

MR BYRNES: Yes, that's the architect's name, MHMDU, yeah.

MS WARTON: Oh, okay. So what FSR, given that the CBD Planning Proposal hasn't been gazetted yet, what FSR are you referencing in that application, that DA?

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MR BYRNES: Yeah, we're definitely providing a DA pursuant to section 3.38 of the Act. As everybody's aware, section 3.38 permits the lodgement of a DA on the basis of a planning proposal. In this case, this planning proposal has been on the go since I

think 2014. It's certainly certain and imminent. It's been through every step of the process. Anyway, I'm sorry, I'll shut up because you know all that better than me. But that's, but that's the reason. We've run the comp based on the future, the draft EPI. We'll be lodging the DA on the draft EPI as allowed under that part of the Act.

MS WARTON: But with the sliding-scale FSR? The lesser FSR according to the sliding scale?

10 MR BYRNES: My apologies, that's correct. In this particular case, that site's 1,776 square metres. The difference for that particular site is three to four, three to four apartments. We, we, we're just proceeding.

PROF. LOCHHEAD: What's the address of that one?

MR BYRNES: 114-118 Harris.

PROF. LOCHHEAD: Okay.

20 MR BYRNES: Why don't I just quickly show you the drawings? 'Cause I think it often helps to - - -

PROF. LOCHHEAD: But this is, this is a scheme that's proceeding currently, is that right?

30 MR BYRNES: That is absolutely correct. So this is the site, so their – let me just try and locate you a little better. There's Clay Cliff Creek. So this is 114-118. To the south is 26-30. Along here is 24 Parkes Street. We have proceeded with a design excellence competition. That has got a four-storey podium, and it's zero at the podium, then it steps back to nine metres to, to meet the 18 metres required in Parramatta, and then we have a design comp winning scheme that runs the tower, and as you can see it starts to step back in order to respond to Experiment Farm. Steps back at the 37<sup>th</sup> storey to here, and that's, that's the DA that we will be submitting shortly based on the design comp winning scheme.

MR BLECHER: Sorry, Adam, could I confirm that's 114-116, rather than 114-118?

MR BYRNES: Thank you, yes, that's correct.

40 MR BLECHER: Thanks.

MS WARTON: And is council the consent authority or is that an SSD?

MR BYRNES: Yeah, council is the consent authority. It's apartments, not a BTR scheme.

MS WARTON: Okay. There's reference in your – I read your submission to the Gateway Review, and there's reference that, you know, there's been other planning proposals that have been predicated on the CBDPP and this one's just another one of those. But have there been other planning proposals that have, that you're referring to that have deleted or tried to delete the sliding-scale provision?

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MR BYRNES: The answer is yes. I'm just trying to recall where it is. I think it's Aird Street. I'll take that question on notice and, and come back to you. I think it's Aird Street or it could be Church Street. I'll just, I'll, I'll advise.

MS WARTON: Okay, thank you. And I don't know, this is a really obvious question, maybe I'm just missing something. Why can't the applicants just do some sort of joint venture and lodge one DA and then this planning proposal isn't needed? Is there something I'm missing here or what? Just seems obvious to me.

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MR BYRNES: No, it's savvy. It's a very savvy question. And, and it is certainly open to the, to us to entirely resolve this whole sliding scale thing by just putting in a single DA over the entire, over, say, 24 to 26-30. You're dead right. We could just lodge a single comp, we'll be over 1,800 square metres. On my side of the fence, obviously JVs are less, yeah, desirable for, for parties to work together. They've worked together fine. There's no bad blood here at all. All the parties have been working together really well. We often meet together and I think we will get resolution no worries on things like car parking entrances. They're all discussions we've had. But commercially people like to run their, run on their own. There's a whole lot of commercial considerations. JVs are complex things. So savvy question because, you're right, we can avoid the sliding scale. We're just being upfront and said, no, because we can avoid it, because we think there's three buildings, let's have the discussion with, provide the planning proposal.

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MS WARTON: Okay. And this is a question I asked the council, but they were going to get back to us. There's a clause in the CBDPP about isolated sites, and it's referred to in the CBD Planning Proposal as being the sliding-scale let-out clause. My reading of it is if you qualify as an isolated site then this, your sliding scale doesn't apply. But the council couldn't clearly answer it but they were going to get back to us. The individual sites, are they going to be sliding isolated sites or not? Or this is not relevant to the discussion or to the issue?

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MR BYRNES: Another savvy question, Heather. So you're dead right. If we, if there was only one site here I would say it's isolated, I can't. I should not be subject to the sliding scale. But because, in theory, there's an opportunity here for say 24 to merge with 26, though everyone agrees it's not the better outcome. In theory, it's not isolated, neither of those are isolated. And so, arguably that, and I might just show you the clause 'cause it's a pretty, if you're happy to, if it's helpful – here's the clause. So here's the sliding scale calculation. And it basically says, "Despite the sliding scale, the consent authority may grant consent to achieve the maximum where the development is on a site greater than 1,000 up to 1,800." We get a tick there. And the site is an isolated site – I think we'd get a cross there just because 24 and 26, in theory, could get together. And (c), it's being subject to a design comp and we give away all the community infrastructure requirements. So that's a pretty simple clause. I think we fall over here. But, yeah, that's, that's the way the clause works.

MS WARTON: Okay.

PROF. LOCHHEAD: I think, have you got any other questions?

MS WARTON: No, no. Thank you, Helen.

MR BLECHER: Helen, could I jump in with a really quick question if that's all right?

PROF. LOCHHEAD: Yep.

MR BLECHER: Just on this sequence of the different planning proposals and the draft LEP. Could you just explain how you expect that to interact? So, for instance, if the CBD Planning Proposal was adopted and then this planning proposal before us was adopted, would those changes then carry over to the draft LEP which is currently before the department?

MR BYRNES: The draft LEP as in the CBDPP or this draft LEP?

MR BLECHER: The broader Parramatta draft LEP.

MR BYRNES: Yeah, so that's correct. I'd be hopeful that – like we need to go through a process with this one. We're just seeking the original, the initial Gateway here. And the process may well be it's inappropriate to lift the sliding scale. And once we go through that Gateway process that may be where it ends. And so, the CBDPP will just come into fruition, into place, you know, hopefully in the next few weeks. It's been in with the department since July. So hopefully it's soon. That will come into place and this PP, it's too premature for that to immediately change the

CBDPP. It needs to run its course. We need to cover the things off that the Commissioner's talking about. We need to deal with those matters, run through the public exhibition and so on. And at the end of the day it would then amend the CBDPP once it's in place.

MR BLECHER: Or amend the LEP as amended by the CBDPP?

MR BYRNES: Yep. Thank you. That's it. Yep.

10 PROF. LOCHHEAD: Great. All right, thank you. I think we've covered all the questions that we had in mind. And you've got those few items on notice that you've got there. And, yeah, I think that's it. So thank you very much for your time today. So this is the end of the meeting and we'll sign out now. Thank you.

MR BYRNES: Lovely. Thank you. Thanks a lot.

MR BLECHER: Thank you.

MR BYRNES: Bye.

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**RECORDING ENDS**

**[12.04pm]**