



New South Wales Government
Independent Planning Commission

TRANSCRIPT OF MEETING

RE: NOVUS BUILD-TO-RENT 39-43 HASSALL STREET,
PARRAMATTA (SSD-34919690)

COUNCIL MEETING

PANEL: WENDY LEWIN (CHAIR)
MICHAEL WRIGHT
RICHARD PEARSON

OFFICE OF THE IPC: TAHLIA SEXTON
CALLUM FIRTH

COUNCIL
REPRESENTATIVES: MYFANWY MCNALLY
DOUG BENNETT
MARK DILLON
PAUL CLARK

LOCATION: INDEPENDENT PLANNING
COMMISSION
135 KING STREET, SYDNEY NSW 2000

DATE: 9:00AM – 10:00AM
WEDNESDAY, 31ST JANUARY 2024

<THE MEETING HAS COMMENCED

MS WENDY LEWIN: Before we begin, I would like to acknowledge the traditional owners of the land on which we meet the Gadigal people of the Eora nation, and pay respects to their elders, past and present. The meeting today to discuss SSD case number 34919690. Novus Build-to-Rent at 39 to 42 Hassall Street, Parramatta, which is currently before the Commission for determination. The application has been lodged by Perpetual Corporate Trust Limited as custodian for Alero Trustco one Proprietor Limited as trustee for Harris Street Sub Trust, Novus the Applicant. The application seeks consent for the construction and operation of a 34-storey mixed use building at 39 to 43 Hassall Street, Parramatta, comprising 210 Build-to-Rent units, three levels of basement car parking for 73 car spaces, a three storey podium providing retail and commercial floor space, residential amenities, rooftop terrace and communal open spaces. My name is Wendy Lewin. I'm the chair of this Commission panel. I'm joined by my fellow Commissioners, Michael Wright and Richard Pearson. We are also joined by Callum Firth and Tahlia Sexton from the office of the Independent Planning Commission. This meeting is one part of the Commission's consideration of this matter and will form one of the several sources of information upon which the Commission will base its determination. It is important for the Commissioners to ask questions of attendees and to clarify issues whenever considered appropriate. If you were asked a question and are not in the position to answer, 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. In the interest of openness and transparency and to ensure the full capture of information, today's meeting is being recorded. A complete transcript will be produced and made available on the Commission's website. Before speaking today for the first time, I request each speaker introduces themselves and that throughout this meeting you do not speak over the top of each other to ensure accuracy of the transcript. We shall now begin. So, yes welcome again, and how would you like to present your information?

MS MYFANWY MCNALLY: Perhaps I'll start by introducing who you have in front of you. First of all, so I'm Myfanwy McNally. I manage the city significant development team at Parramatta Council. We tend to deal with most of the SSD applications and then the larger precinct work and CBD sites. Doug is in my team as well. One of the planning officers, Paul Clark, he's our senior catchment and development engineer, who works closely with my team as well on the big sites. We have Mark Dillon, team leader from Urban Design as well. So, we've looked at your agenda and we think the key issues that you'd like to hear from us are on flooding really, and design. So, the presentation covers off on those two. I'm fairly certain starting with Paul in the flooding space. So, we're happy to go through that if you like. And you can ask us questions as we go if you wish to. And then we can tackle anything else at the end that you might like to know. Thank you.

MR MARK DILLON: And we just quickly want to acknowledge the country in which this development is proposed. So, the traditional owners and custodians of the land and waters of Parramatta. The Dharug people.

MR PAUL CLARK: Good morning. Can you read that? Is that too small? It's good. Good. So, we're just trying to take through the sequence of the assessment. And do it quickly without boring you with reading every word. But, there is a sequence in that text. First of all, the one of the aims, one of the LEP is to minimise the risk to community particularly regarding flood and bushfire, by restricting development in sensitive areas. And that's the situation we seem to be in now. The site is severely impacted by both mainstream and overland flow flooding. It sits along the northern edge of Clay Cliff Creek, which is a major tributary of the Parramatta River. And it's fairly low in. It's picked up quite a lot of water its length before it gets to this site in the concrete channel. It carries about a 1 in 5 year flow from west to east. So, in fact, most of the water runs over the ground adjacent to the concrete channel in a 100 year type of flood. There's also a substantial watercourse coming in for the north west across the site. And the building would be in the path of both of these floodway's. They do converge on the site, if you like, which means that it would pass the building sites at high velocities, which means it will be high and very high hazard conditions predicted around the development. Next slide. So, when the first assessment of this was done, it's kind of evolving assessment as circumstances have changed.

The 2005 flood study that's been adopted and has been in used for many years didn't include overland flow. It didn't include climate change. It didn't include a number of other things. Increased rainfall intensity that we monitored. It did underestimate the flood impacts. That was the basis of our initial assessment. Nonetheless, it did show the whole site and it surrounds where flooded in 100 year flood 1%. And pretty much all of the site was under high hazard conditions in a 1% flood. So, at the beginning, at that process, we were trying to figure out that we couldn't really have horizontal evacuation even then. So, we were seeking vertical evacuation shelter in place. And we were trying to find a way to get the flood waters to run past the building without too much obstruction. But as time has gone on this is changed. Because at the time we did raise concerns about whether this was a suitable site. This is going back early last year. That's it- Next slide please. Thank you. In that time to the end of last year, we had a new flood risk management manual published by the state government, which does show what we do because we have to- You don't incur liability as a determining authority- We depart from the manual – or guideline. And that's- it's quite significant. Then alongside that, we've been preparing a flood study. It's taken about five years- It's almost ready to be adopted. It's on display on the website, has been since about November. And that does include mainstream and overland flow together.

So, it does update the previous study. And we take both the 2005 study and this new draft study in consideration when we're assessing things in that new flood study is the effects of climate change and that has been quite a significant increase in rainfall intensity and also affects the tailwater levels. And that's modelled into the new flood study, so things have changed in that regard too. Whereas before we weren't even early last year- we weren't really taking on climate change, it was sort of deferred and now it's not, it's mandatory, including in our LEP. Next, please. So, for this

development, we've kind of pinned down three concerns that are really significant. Talk about obstructing the flow. So, but they're kind of details, but this is more fundamental. First of all, the idea that you're putting a residential tower in a high risk environment surrounded by high and very high hazard flood waters. There's no horizontal evacuation available. Certainly not 1%, probably in the 5% event. Emergency services will find it very difficult to gain access to people in the building. So, it's a hazardous place to be, even in a 1% flood or less. Secondly, the proposed building is an obstruction to both the main Clay Cliff creek flow and the tributary flow. So, two lots of obstructions which converge at that point, and noting that. The modelling is done without any buildings on the site, and if you put buildings on the site, the flows increase around the edges of the buildings. More strain on them all.

Thirdly, and this is something we haven't had to contend with very much. But now in a serious flood up to the PMF, and probably quite a lot less than the PMF. It appears that the structure itself is at risk of failure. But this is what's called category H6 of the hazard scale. If your colour vision is better than mine, you'll see that H6 appears- That's actually the 1%- The picture is the 1% flood, but you can see the amount of high hazard flooding that occurs around the site from those colour coding. And it's mainly for 1% H3 and H4, which is unsafe for people. And especially children and the elderly, but also older people. So able bodied people could not horizontally evacuate- Thank you. So that same thing is- the entire site is flooded H3 to H4 flood hazards. Information has been available on the website. The Applicant has not addressed this and shown much lower hazard categories in their modelling, which we don't accept. Next one, please. Sorry if this said about repetition in this, but I'm trying to follow the logic of it. So significant high hazard flooding around the proposed building at 1% and PMF floods. There's no land connection above the 1%. Evacuation is not possible or safe. A lot of people access by emergency services is also not possible or safe. So, it wholly relies on shelter in place, which is problematic as advised by SES, since any occupants are trying to escape the building in unsafe conditions from floodwaters and severe storms- that seems to be a well observed phenomenon. It is unlikely that a safe refuge can be provided in perpetuity. By that I mean, maintained ongoing by the building corporation or whatever, for a significant number of occupants when all services such as power, sewerage, drinking water will probably be unavailable. Also, it's worth noting that these flood waters will be toxic, as is often the case. Next one please.

So, you've got significant depths- I don't need to say that very much, but that just shows how deep the floorboards are. Just straight depths in a 1%. Again, requires excellent colour vision. The next one, please. From the new Flood Risk Management manual, which specifically talks about constructing the floodway. And this is directly quoted from the manual and just explains why this is a problem that should not be, ah – thank you. I need to read all that out, but that is a straight out quote from principle eight. That is something that does govern what we do- Next one please. So, EMF, even worse- And this is where you get the h5 h6, h6 unconditionally dangerous, not suitable for any type of development or evacuation access. All building types considered vulnerable to failure. That's a bit extreme, really. To what extent that cuts in below the PMF is something we'd have to be looked at quite a

close scrutiny. Don't forget that's modelled without a building being there. And when there's a building there's even more velocity and depth around the building to get the water through.

5 **MR RICHARD PEARSON:** If I may, where is the H6 on that? It doesn't seem to be on this site, is it that along the creek?

MR CLARK: It says around the edges of the building, and the H5 is in the middle of the building area at the moment.

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MR PEARSON: Is it meant to be yellow, is it?

MR CLARK: Yes. It's hard to see, isn't it? Can I get a better way of.

15 **MR DILLON:** Because it's grass underneath. So, the green is showing through.

MR CLARK: This is the way it comes off our draft flood study. This sure could be clearer, I think. The building will likely be subject to structural failure in H5-H6 hazard conditions which also means shelter in place is not viable. Under 7.11 of the LEP it specifically states, "building is able to withstand the forces of flood waters, debris, and buoyancy resulting from a probable maximum flood event". So, it goes up to the PMF, and in this case, it wouldn't satisfy that requirement. As far as we can see with the information we have at the moment. Certainly, doesn't look very healthy. I run through quickly some points of the LEP, regarding each of them, it doesn't appear they are satisfied. I haven't gone into a lot of detail here, but minimising flood risk apply from property that doesn't seem to be happening incompatible with the flood function and behaviour on the land- that doesn't seem to be happening. To avoid adverse or accumulated impacts- This building will obstruct the flow into Clay Cliff Creek and the side floodway, and that will impact other properties. Enable the safe occupation, efficient evacuation- We've talked about that, it doesn't seem to be possible. Next one please.

And then other LEP clauses, development has to be compatible with the flood function and behaviour on the land, which it isn't. It's a perfect affectation of other developmental properties. Perfectly safe occupation, efficient evacuation and managed risk to life in the event of a flood. It doesn't do that because it can't. So next in the LEP - these are some which I probably won't need to read- Self-evident. That's one. So, the surroundings are high, Flood hazard- But evacuation and emergency access dangerous or impossible. The developer therefore relies only on the shelter in place. This cannot be assumed acceptable to SES and other relevant agencies. So not acceptable. The proposal does not and cannot architecturally respond to the flood constraints of the site and would obstruct the overland and mainstream flood paths and have other negative consequences, putting occupants and others at risk, and the structure would be at risk of catastrophic failure in severe floods. That's pretty much the conclusion. So that's it? Yeah. Three areas, what concerns us most- More than happy to try and elaborate on that. To what extent it would be helpful to rush through it a bit, but that is the sort of framework that's in question.

MR PEARSON: Yes. So do you do you envisage at this site is developable for some form of- because it's zoned for mixed use development. Are you saying the zoning is wrong or are you saying that the design of the development is wrong?

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MR CLARK: I think it's fundamentally difficult to have intense use on that site, given the constraints which are now getting clearer, which perhaps were not clear even a year or two ago. So, it's more and more difficult to consider what would work out. What would be acceptable, that would be on some things, low intensity. We talked about this actually quite a lot, and it's not immediately obvious what would be a suitable- So

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MS MCNALLY: Could perhaps elaborate from a planning point of view, because we've been grappling with this problem when we first looked at the application. And as it stands, we've got some serious issues with the way it's impacting the flood around the site. So that's our given position that you've had in writing and the Applicants are aware of there. It's obstructing. It's not managing and it's not managing the interface between the public domain and the building for that reason. So that, I suppose, is our primary position that's been documented to you. The difficulty Council is having now is that we have now a very detailed flood study that has been done and has been done with the Department's guidance as well. That's showing us a more accurate picture of what's happening in Parramatta. And that's a more difficult one to manage from a flood point of view, so the zoning went through on a certain assumption, and we have accepted shelter in place as an option across Parramatta. There has been quite a debate with the SES on that in certain circumstances. We are now having to look on these new sites that are coming through in a different scenario that flood study is presenting, and that's where there's difficulty on this site though, even not ignoring, but even setting aside for a moment the new flood study, it still has problems as it is, and it still is impacting that flood, as we had documented through our statements. So, it's sort of a levelling of problems that we have that we're trying to grapple with on the site.

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MR PEARSON: Okay. Thank you.

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MR MICHAEL WRIGHT: Could I ask a question? Ask a question about the proponents of flood study, which I think we said council doesn't agree with you. Can you elaborate on what you think are the issues with that alternative flood study?

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MR CLARK: The Advocates Fund study didn't seem- I was a bit unclear about it. It seemed to be pursuing something quite different. Did have overland flow considerations, but when compared with council's flood study, which also had overland flow, it seemed to significantly underestimate the amount of flooding, and it was difficult to see why that was. And council's flood study has been going on for nearly five years, very intensively peer reviewed and subject to all kinds of scrutiny, including from the Department. The planning- Now the EHG group. And, I think we have a lot of confidence in our study, and when this other study comes along, it seems to be a lot less. It doesn't really hold up - as a basis. If it were more

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conservative, the flood levels were higher, then we'd explore why that was, Maybe respond to it, but because it's so much less- Now, one of the things they talked about, they get quite involved in whether the culverts, like Clay Cliff Creek under Harris Street were blocked or partly blocked. And that's a couple of ways responding to
5 that. First of all, I don't think there's much more than a 1 in 5 year flow in the culvert and the Clay Cliff Creek concrete channel. This is from other applications we've had. So unless the flow is already going overland alongside the creek or somewhere, it's a great wide flow path running down there. I don't know, 20, 25, maybe 30m³ a
10 second. And, So the taking out of the culvert doesn't really make a huge difference to that.

The other thing is, in our experience with these bridges or culverts over Clay Cliff Creek, is they do get completely blocked with debris very, very quickly and it's really difficult to remove that debris. It takes days of council staff to actually unblock
15 them, so they probably will be blocked. You can't really assume you're going to get much benefit from them anyway. We don't sort of stipulate that, and I haven't been responsible for the criteria in the flood study that council has done. I think you can be fairly safe in assuming that it's not going to contribute very much despite it being, you know- in low flows in small storms it does a good job. But above a certain point,
20 it ceases to have much relevance. So that was one of their arguments as far as I remember. They got that wrong, but I think that's what they were saying. And that reduced flood levels because they were saying there's more flowing under the road. Does that answer your question?

25 **MR WRIGHT:** Yes. Thank you. Thanks.

MS LEWIN: Just on flooding still, and understanding that we are looking at this specific site, but more broadly and in the context of Hassall and Harris Street, knowing that there's an approved development across the road at 34 Hassall Street,
30 did council have similar concerns related to perimeter access, egress, flooding.

MR CLARK: We, so first of all, this is kind of a moving thing because we're getting more information and the manual is now that's. Just kind of me. Through the S's. But, this site is particularly sort of extreme, if you want to put it that way. It's two
35 floodway's converters that run in place. There are a lot of buildings alongside Clay Cliff Creek and in until recently we were trying to create Floodway's alongside them. So, between the channel and the building, there's a set back, usually six metres or more. To get a reasonable pass along that and trying to create shelter in place. Gonna say. And also, most of those buildings have access on the other side, away
40 from the creek to the road network. So, there's some sort of horizontal escape possible? Not all of them, but nearly all of them. So, you've got a somewhat safe situation. This one is completely surrounded by high hazard flows. There's nowhere to go, no escape route at all. And so, sitting in the middle of the floodway, not off to one side of it. So, with most of those other developments, you can get the water
45 running past the building. But this one, that's right in the middle of it, the water is going to be running all around it. So, it's somewhat different situation. Recognising also that perhaps getting a bit more cautious now to understand things better.

MS MCNALLY: Perhaps to add to that from again, from a planning perspective, we've been quite fortunate that the majority of sites on Harris Street have come to us in some form of planning at the one time. So, the last year has been spent trying to
5 actually coordinate these sites and trying to marry up the flood constraints and the urban design constraints. It's been quite difficult, but it's taken quite a lot of nuancing to understand where we want the flood waters to go, where evacuation would be, and then how that impacts on podium design and that interface with the public domain. That's why we were advising the Applicants quite clearly what, we thought, might at
10 that stage be able to fix the scheme in context of all those other properties. We just didn't get any traction with them though, which is unusual. We normally do get quite a good dialogue with developers in trying to- some of those issues, but we haven't been able to on the site.

MR WRIGHT: But I think you said that, it wasn't architecturally feasible to construct something that was going to withstand this type of flooding. The one field- just wondering whether speaking about that and thinking about what you're saying about a lack of dialogue with the Applicant- Is there council's view, any architectural solution to allow this- another form of settlement to go ahead, or is it just not feasible
20 at all?

MR CLARK: I don't see an architectural solution. We usually work quite hard to come up with solutions, but in this case there's not been one making itself obvious, certainly. In theory, you could design a structure that withstood this- could be out in
25 the ocean- Kinds of Tsunamis or anything else. It's always possible to create something like that, but then it becomes sort of unrealistic in a sort of real development world thing. And that H6 constraint hasn't come from me, that's come from national code. It's not even a state code, it's a national code, written that text that says it's simply not feasible. So that is an extreme, catastrophic scenario that
30 lurks on the edge of this building. And if you displace the floodwaters around the building, it's going to increase the hazard. It's going to be more water depth, velocity immediately around the building. That's what the modelling is.

MR PEARSON: I'm looking at- I know we've got this interpretation issue on this
35 one, but it doesn't have a- you know, lay person- or not lay person but not a flood engineer looking at this. It doesn't seem that a lot of the site is H6 affected.

MR CLARK: But I -

MR PEARSON: -Think could a building, that it was certain areas-

MR CLARK: Sorry, I'm talking over you-

MR PEARSON: That's alright, go ahead-
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MR CLARK: I think what we've seen is- We're saying is that the surrounds immediately around the building are H6 or in the road around it, and then within the

site it's H5. I think that's what we were saying. Not in our text here, but that was the idea.

5 **MR PEARSON:** Of page six on Harris Street looking at that. Actually, on Hassall Street.

MS MCNALLY: A small portion of H6 towards the intersection with Hassall, I think, is my understanding. This is small.

10 **MR PEARSON:** I don't know, I just look at that and I see the majority of the site is not H6 affected, and that there are paths out of the site that are not h6 affected.

15 **MR CLARK:** And of course, if the building is there, that one that hasn't been modelled, then that will change because the water will be trying to get past the building at greater velocity and depth, so that increases the hazard. On both sides, all sides.

20 **MR PEARSON:** Have you looked at the review the Department commissioned on this.

MR CLARK: Yes I have.

MR PEARSON: What do you think of that?

25 **MR CLARK:** Not sure I could really add much from that, I didn't really feel it was terribly helpful myself, but I'm willing to stand corrected. I don't think they really addressed what we were concerned about. Did that answer your question?

30 **MR PEARSON:** Sort of, yes by not answering. I know, I'm not asking you to-

MR CLARK: If you want me to come back to you with more comments on that, I'm happy to.

35 **MR PEARSON:** I mean, we have that piece of work commissioned by the Department that seems to rebut a fair bit of what council's saying. So as the Commission, we're in the new position of having to weigh the differing views that have been put forward. So, I mean, I would have thought it could be useful for, you to respond to some of the substance of that, if you like. Not point by point necessarily, but anything that's germane to your argument.

40 **MS LEWIN:** Perhaps that's something you can take on notice -

MR PEARSON: Thank you.

45 **MR WRIGHT:** Sorry could I just add a question to that- Wendy, as well just look at that map again, Hassall Street- That's the north side, Is that north?

MS LEWIN: Yes.

MR WRIGHT: In that development on that side, is it the case that you can get safe exit from that structure on the other side of the lot.

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MR CLARK: Yes, it's a lot better.

MR WRIGHT: And that development won't exacerbate F6 or sorry H6 type of an outcome?

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MR CLARK: Well, there is a footprint already there which is included in the model. See the building cut out, so I don't think it would change hugely with the new development authority for a change marginally, but apparently-

15 **MS LEWIN:** Is H6 just on this site or throughout?

MR CLARK: That's what I'm understanding by the colouring.

MS LEWIN: Just this section here and there.

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MR CLARK: Yes but you know, if there's some way we can clarify that, I'd be happy to pursue that.

MS LEWIN: That would be good Actually-.

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MR CLARK: Colour coded-

MS LEWIN: That would be fantastic.

30 **MR CLARK:** See what I can- I don't like it very much now.

MS LEWIN: Okay. Design excellence?

35 **MR DILLON:** Yes, I was speaking to that. Yes, thank you. So just to set the context for your work website is. But from an urban design perspective, it's been quite a prominent position in the city, for the eastern edge of the city, with open space directly opposite. So, it has- it's quite visually prominent from the primary, north, south, east, west, roads and public spaces and from the river itself. And it is, as Miff said, part of a group of approved and pending developments along Harris Street
40 which frames that eastern edge of the city, and it's mixed use zoning with an active streetscape. So, I just want to set the scene of, Our DCP, our city centre DCP, which was conceived to accompany the planning proposal that was recently made. And so, the DCP came into effect last year, but it has been on draft for quite a number of years before that. But yes, these are a couple of foundational principles, and I'll quote
45 from the DCP, because I can't put it any more articulately than that. But the clarity and quality of public spaces is essential to the conception of the city centre, focused on people, public spaces, streets, squares and parks. The basic, enduring structuring

spaces of the city, of which streets are the most prevalent. Interaction of buildings and public spaces is critical in shaping activities of the city centre, which occur most intensely at the lower levels.

5 I'll speak to how these principles interface with the with the development shortly. With detail design plays an important part in the creation of engaging pedestrian environment. And then the second point there, the envisaged city forms broadly made up of two components- Lower stratum of defined streets and public spaces, and an upper one for slender towers. Well aligned with and attached to adjacent street
10 walls, is the collective architectural component that defines the street and forms its character. So that's one element there and represented in this image of Harris Street in the yellow, forming the base of the building. And then the tower is set back from the street wall and freestanding, generating a different type of city form of detached towers above the streets. So that's fundamental in every aspect of the DCP that you
15 do have a lower stratum of the entire city, a collective approach to the city, that is of a more human scale. It's, 4 to 6 storeys. And that's really the interface with the public domain, with people on the street. And then mitigating the extreme, height and density of this envisaged in the city is towers set back above that form. So next, please.

20 So, I just want to talk to three elements of the design in this. So, the idea of a street wall, as I mentioned, 4 to 6 storeys. Street wall podiums with active street frontages, and quoting from the DCP, Street walls are designed at appropriate heights to create spatially and defined streets that are well proportioned, humanly scaled and finely
25 grained, with facades of tactile material quality, together with the attached adjacent street walls all built to the street alignment. And that's an important part of this scheme. It defines and articulates the street with appropriate scale and detail. So yes, they're defining elements within the city, they are shaping the public spaces and creating edges to the blocks of the city. The podium and tower setback- So visually
30 separate towers from podiums through adequate upper level setbacks. Setback above street walls to reinforce the scale of the streets. Mitigate wind and urban heat impacts, enable views to the sky and protect amenity in streets and public spaces. So, the tower sort of being removed as much as possible from public spaces and also mitigating those environmental impacts that result from very large scale towers. And
35 then building on what Paul has said about the creek, the interface with the creek corridor. So, the vision there was to establish Clay Creek as a deep soil green corridor with water sensitive urban design principles, views to sky and daylight. And there are a couple of diagrams there that we can come back to.

40 So just, using those principles to have a look at the Applicant's design on the left there, and an example of what we'd like to see on the right. So fundamentally at the ground level, we're looking in this mixed use zone to create an active streetscape that engages directly with the public domain, and pushes services, etc. behind sleeved retail commercial. So, what the Applicant's design does quite poorly in this case, is it
45 lifts the active uses up above the street on what they call a raft. So, it's a raised platform- You're removing that direct interface with the public domain and you're also not aligning to the street. You've got this kind of undulating, form that lacks a

lot of logic, really. And you're also losing some of that active streetscape in having a lot of services directly adjacent to the street, rather than being a sleeve with active uses. So, on the right, there is an approach we'd like to see which does increase that activity at- That wraps around the building, and it is also directly accessed from the street with vertical, circulation happening within the tenancies, and the lobby itself. This is all, of course, notwithstanding everything that we've said as a matter of priority, but dealing with the flood levels internally, and this is an approach that is in our DCP. Next, please. Please tell me if I can-

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10 **MR WRIGHT:** Can I just - if you go back to that last slide. That just the, in that diagram to the right, floodplain levels dealt with through internal vertical circulation. Can you just explain that?

15 **MR DILLON:** Yes, so how the Applicant is dealing with it is with getting- basically getting up from the street up to the- Above the- The planning flood planning level is that they've got these sort of circuitous routes. So, there's a sort of bridging structure to the bottom left of the page there. And then another entry, up to the right on Hassall Street. So that's how they're dealing with the vertical circulation. We've got that vertical circulation embedded within the building itself. So, you've got sort of a small entry space, and then you're rising up, with ramps where possible with stairs.

20 **MR WRIGHT:** In the building itself.

25 **MR DILLON:** Within the building itself. Yes. So that's how we're able to mitigate that level difference, which is quite substantial with the street.

30 **MS MCNALLY:** Sorry, Mark, can I just interrupt for two seconds. The middle image demonstrates quite well the concerns we had from a flood point of view with the original scheme, as we documented in the course described the flood nature, the high hazard through here and coming through here as well. They've got a wall here, and then this deck structure that wraps around the surface blocking and obstructing that flood, movement through the site as well. So, the flood issue in the urban design go hand in hand in this case to open this up, to remove this, to give us the best possible chance of having flood waters move through, and then get the better urban design outcome as well in terms of managing that interface. That's probably our argument that we wrote to you in a nutshell, sort of the key problems we had, with that design from the start.

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40 **MR WRIGHT:** Just looking at that diagram, you've got, you've pulled the- your desired building footprint back six metres or so off the creek line. Is that correct?

MR DILLON: Yes. That's right, yes. And that's reflected in the controls in the DCP as well.

45 **MS LEWIN:** Does that align with the development to the west?

MR DILLON: To the west, they've got kind of a- it's an older building. They've got kind of a funky approach where there's an undercroft space that allows conveyance of flood underneath the building. So, it's not quite aligned, but the intent is there to have that flood corridor.

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MS MCNALLY: It's a historic way that we used to, to deal with that problem in creating that sort of storage flow underneath while letting the building cantilever over the top. We've moved away from that for quite some time now, but we had tried to ask them to align with that approach to keep that capacity moving along the creek.

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MR DILLON: So, this is then I guess, that idea of building not meeting the street and not forming part of a- The boundaries of the site, which is then that core fundamental principle of using the street wall to define the public spaces. Now this design, as you can see, the diagram is a little bit confusing but as it steps up through the building, there's no consistency in the form itself. It's quite an undulating form, but also it's not coming out and meeting the street. It's set back from the street in some cases even further than the tower above, which is then exacerbating the impact of that tower. Sort of leaning over the street, which is counter to what we're trying to achieve. So, this is just an example of that, and then again, in section or elevation you can see where the podium is- which is to define the street- is sort of undulating in and out. You've got undercroft spaces, which is then exacerbating the weight of the tower bearing down on the public domain. And what we'd like to see on the right, which is, that consistent street wall with a very clear upper level setback for the tower above.

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So, this also speaks to the footprint of the tower above. We've been working on an appropriate response to this particular site. We have been happy to give the Applicant concessions based on the site context itself. And instead of a pure six metre upper level setback above the podium of the tower on both Hassall and Harris Street, we have made a concession on, Harris Street because of the context with the open space directly opposite. You're not having as much of that enclosure of the public domain. So that would be a three metre setback on Harris Street. We do- It's critical that we get that six metre tower setback on Hassall Street. That would be consistent with the rest of this, the vision for the rest of the street block. And you can see on the left what is actually happening with the dotted blue of the footprint we'd like to see. There are significant variations to the upper level setback controls, and even building separation controls between to the adjoining site, which is a concession already from the ADG. And you can see again how this sort of bears out in the form of the building, instead of having that delineation between the solid base of the tower, sorry, of the podium, and then a discrete tower set back, you're having more of an impact- effect of just a straight up and down.

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And on the right is what we'd like to see in terms of a discrete tower podium. Next, please. So, this idea is sort of confused by the Applicant's approach to the podium itself. So, you can see the red line on the left there is that coherent, consistent scale of podium street wall, which in this case would tie into the existing development to the west. But what we have here is they're calling the podium the two elements, the base

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element that you can see there that has a different material expression and alignment. And then this basically what I see is the start of the tower above, which has the same alignment with the rest of the tower but connects directly to the podium adjacent. So, you're having that confusion of- and I think the diagram does a reasonable job on the bottom right there, where what we'd like to see is on the right, that consistent approach to expression and alignment of the podium and the street wall and what you've got on the left there, which is that confusion of they call that element that's attached to the building a podium, but it's not distinct from the expression of the tower or the alignment of the tower.

And just to finish off, this is building on what Paul has said and what Miff was just saying that there is- on the top there is the ground floor plan. There is quite a significant amount of the development within the six metre, setback that we'd like to see that is required in the DCP to the Bank of Clay Creek, which is a channel. But not only that, they do only have one level of soil in the basement, and then the basement then comes out to meet the creek. So that's then compromising the vision of that creek corridor, which is deep soil, so it allows water to penetrate, but also of significant landscape planting. Yes, that's basically it, but I'm happy to answer it.

MR PEARSON: Yes, so are you saying if they had setbacks six metres to the creek and they'd done a better job with the podium, particularly as it aligned to and building setback to Hassall Street, that from an urban design point of view, that may have resolved your fundamental concerns with the development, but that may still be flooding. What chance is that?

MR DILLON: Essentially yes, and we've been very- We've consulted with the Applicant multiple times with the Department as well. Made it very clear that this is a solvable issue. It's really engaging with the street, having that consistent street wall. The podium of the correct height and material expression, and then setting back the tower. It's not too difficult of a concept to conceive of, but we have found that the Applicant has not made significant changes.

MR WRIGHT: I might have asked this question before, but, I mean, if you did step back the building six metres from the creek. Does that put the building out of H6?

MR CLARK: So, a while ago, when we were first looking at it, that was sort of the line we were following, have reasonable step back. Clear out all the little levels. Give room as we've done upstream for the flood way. It says- It is in that we're in a little bit of a contradictory situation here now because I think our point of view is our thinking has advanced. We've got more information, we're saying well, really this isn't feasible at all. But in terms of what Mark's saying is, if we were trying to get the best design outcome, this is what we would want. So that's difficult thing to reconcile internally apart from for you guys.

MS LEWIN: Yes, On that, two things. If it was set back from the creek. That would intensify the egress issues into the more flood prone area on Harris Street. Would it

mean then, that the main access point, egress and access for safety would be to the northwest on Hassall Street adjacent to the existing-

MR CLARK: Makes sense to do that-

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MS LEWIN: Would it shift the dynamic.

MR CLARK: Sorry. There is the floodway coming down from the northwest as well. So that would be close to that. The northeast mass.

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MS MCNALLY: Correct me if I'm wrong, Paul, from an engineering point of view, but from a planning manager point of view, trying to get the best outcome for the site, that's exactly what we were trying to do. Remove all of the incidental things in the six metre setback. Try and get that nice and clear and move the wrap around deck, I think they call it. At the moment that egress lands in the highest hazard on the site, which was not great for many point of view. It was also from an urban design point of view, quite illogical. Clear that walkway along the side and then look to the best possible point along Hassall to get that main egress in any direction.

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MS LEWIN: The other observation, I guess. Or perhaps it invites a comment. I knew this was a result of a design excellence competition with, one of the representatives on the jury from council. Is that the case?

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MS MCNALLY: And perhaps I can talk to that. This is, a difficult site. Our normal process is that we are invited to get the brief through the Government Architect's office, and we didn't get that opportunity in this case, there was no council staff involvement in the design competition. So all of this conversation we would normally have at that stage, and we would make it clear to all of the proponents in the design competition exactly what our concerns were. They did have, Koohestani, who was our government architect and is on our panel of people who can be chosen from which was fine, but I think it was the lack of endorsement of the brief and lack of council staff involvement in that process, which happens quite often. This site just unfortunately it didn't occur. That's meant we didn't get this sort of conversation happening earlier and quite often find once they've been through a lengthy design competition process, they're less interested in hearing fundamental concerns from council. So I think that's probably why we've had that difficult discussion on these points in this case. The design competition process wasn't what we would expected to be.

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MR WRIGHT: Just a hypothetical question. I mean, if in another outcome, the footprint of the building, which is for that creek offset. My recollection is there's no height limit here. Could any subsequent FSR reduction be offset by going higher, or is there some sort of limit to building height here?

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MS MCNALLY: There is a layered answer there, in that we have an aircraft limit on the on the heights, but also, the way our LEP works, you can only have the design

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components. You can't exceed that, we can't do Clause 4.6's in the CBD, so there would be a legislative cap as well. I don't know where they're at.

5 **MR DILLON:** I was also informed by potential overshadowing onto Experiment Farm, yes so that's-

MS LEWIN: We noted that was adjusted in response.

10 **MR DILLON:** Can I just clarify as well. So in terms of displacement of bulk of the building, what's in that six metre corridor along, Clay Cliff Creek is really just at the ground level. It's the raft structure, as they call it, and that doesn't-

MR WRIGHT: Doesn't Hang over that as well-

15 **MR DILLON:** No it doesn't. It's not set back adequately above the podium. What's really, what would really impact their development yield is along Harris Street, where we need to see that upper level setback of six metres. And currently they're providing three metres.

20 **MR WRIGHT:** Yes.

MR DILLON: All right. It's, yes that diagram there. So if you've got that blue rectangle there, which is what we'd like to see, which does include multiple concessions from our controls. That's really where you'd be losing that development
25 potential.

MR PEARSON: Is that dotted line is the same?

30 **MR DILLON:** It's the same. It's just overlaid directly on there.

MS LEWIN: Right, the main landscape. It will be good for us to understand consideration.

35 **MR DILLON:** For public domain, it's really the issues that I've touched on, that interface with the street that direct entry to the building at the ground level from the street. And then it's really the creek corridor. So they were the key concerns, and I've spoken to those.

40 **MS LEWIN:** You also have within the Parramatta CBD concessions in relation to corner sites where at ground level there are- There's an ability to open up the corner somewhat. Visual access to parkland.

45 **MR DILLON:** There's a control that, insists on a sort of a chamfer at the corner, but it's inconsequential in terms of what you're talking about, opening up view corridors, etc. it really is just to sort of, chamfer the corner of the block. It's not-

MS LEWIN: It's physical.

MR DILLON: Yes.

MS LEWIN: Zone issue rather than public domain. Okay.

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MS MCNALLY: Traffic- I think we had no serious concerns in relation to traffic and transport. I think our submission recommended two conditions just to tidy up what they were providing. We have maximum car parking rates, so we're very happy to see our parking numbers driven down. I've got no concerns. We sometimes have issues with Transport for New South Wales and loading docks and sort of a bit of a disconnect, but I don't think they've objected on this one either. So I think we're fairly satisfied.

MR DOUG BENNETT: Here was accessibility. I think we did have some issues. Hamish had some issues throughout the process. Our accessibility officer about, I think the ground floor, the Platform lift. That's not our preferred design option for that. Just because they're more prone to failure and having staff on site to operate it 24 seven is often not feasible. And there are some other concerns about the adaptable units being requiring too much work to actually be considered fully adaptable units. From memory, I don't think those issues were fully resolved. They probably put we probably had flooding in that design, but we come to more prominence and those issues. But, yeah, we weren't particularly that.

MS MCNALLY: The only two accessible, routes were, as I mentioned, the, lift, which we don't support in the western corner. And then again, that decking ramp that comes from the high hazard area up through the back into the back of the, so we're not seeing that as an equitable solution from an access point of view.

MR BENNETT: Yeah. I think it was also some concerns about that, accessibility going through like the what they described as the commercial lobby of the building. And if you're a resident in a wheelchair, it seems a bit impractical for that to occur. So, I mean accessibility concerns, and I don't think those were- we did communicate that to the Applicant, and there wasn't much traction on design solutions for that so. Area that hasn't really had much-

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MR PEARSON: What about this? Probably my last question. Apartment design guide variations - Build-to-Rent with flexibility that seems to be in the policy. What are you - does council support Build-to-Rent or is it not really turned its mind to it?

MS MCNALLY: No we have, it's got a lot of work gone into it. We're not adverse to build, to rent as a housing choice. We see them as residential scheme. So we do our assessment as a residential scheme, But in the- sometime they could change, council's policy stance against Build-to-Rent was more, the commercial core and the impacts in terms of loss of commercial and the conflict between commercial and residential. Having said that, we've never objected in principle to a residential, Build-to-Rent SSD. ADG, as I said we would assess Build-to-Rents as a residential and expect them to meet all the same standards. Given our CBD in our towers, we always

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do have some concessions anyway on the ADG, we have to look at that fairly flexibly to make these towers work, because ADG hasn't always been designed with sort of (indistinct) storey towers or more. So I think the short answer is that we would treat them any other residential tower, and afford them the same flexibility as we would do with those.

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10 **MR WRIGHT:** If I just ask one more question- From a strategic planning point of view in terms of council's vision for the CBD going forward and, you know, residential versus commercial mix, how does that look?

15 **MS MCNALLY:** We spent a quite a bit of time on our CBD planning proposal which came in last year I want to say, the year before now, possibly. It has a very strong commercial core and then supported by quite a good section of B4 around it to facilitate residential as well. Build-to-Rents will have an impact on that. We're seeing some sites come forward in the B3 zone that will lose some commercial capacity. We're just trying to understand the implications of that in relation to COVID as well. And then the slowing down of our commercial interest. We don't have a clear picture yet of what that's going to be. I think our primary concern is that the information we were getting was that commercial tenants liked commercial core, they didn't like that interaction between commercial and residential potentially. And in a strong commercial core strength in that, so we're just looking at the implications of what Build-to-Rent might have in that regard.

25 **MS LEWIN:** All right. Well, there are a few questions on those for you.

MS MCNALLY: There are in the flood space.

MS LEWIN: Thank you very much. And thank you for your time. I think we're-

30 **MR PEARSON:** Thank you very much.

MS MCNALLY: Sorry. Just to ask, in relation to those questions on notice the time frame that you would prefer to get them back to-.

35 **MS TAHLIA SEXTON:** We will send you a formal letter with all the questions on notice.

MS MCNALLY: Oh, even better. Thank you. Thank you for your time.

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<THE MEETING HAS CONCLUDED