



**New South Wales Government**  
Independent Planning Commission

## **TRANSCRIPT OF MEETING**

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

### **DEPARTMENT AND GRC HYRDO MEETING**

PANEL:	WENDY LEWIN (PANEL CHAIR) MICHAEL WRIGHT RICHARD PEARSON
OFFICE OF THE IPC:	TAHLIA SEXTON CALLUM FIRTH
DPHI REPRESENTATIVES:	AMY WATSON GABRIEL WARDENBURG CALEB BALL STEPHEN GRAY MATTHEW FAINT
LOCATION:	INDEPENDENT PLANNING COMMISSION 135 KING STREET, SYDNEY NSW 2000
DATE:	9:00AM – 10:15AM THURSDAY, 1 <sup>ST</sup> FEBRUARY 2024

## <THE MEETING COMMENCED

**MS WENDY LEWIN:** Thanks for coming in. Before we begin, I'd like to acknowledge the traditional owners of the land on which we meet the Gadigal people of the Eora Nations and pay respects to their elders, past and present. Welcome to the meeting today to discuss SSPS number 34919690, Novus build to rent at 39 to 43 Hassall Street, Parramatta. The application has been lodged by Perpetual Corporate Trust Limited as custodian for Alvaro Pascoe One, trustees for Harris Street Subtrust, known as the Applicant. The Applicant is seeking consent for the construction and operation of a 34-storey mixed use building at 39 to 43 Hassall Street, Parramatta. The development would consist of 210 build-to-rent units, three levels of basement car parking spaces. Three storey podium providing retail and commercial floor space. Residential amenities, a rooftop terrace and communal living spaces. My name is Wendy Lewin. I'm the chair of the commission panel and I'm joined by my fellow commissioners, Michael Wright and Richard Pearson. We're also joined by Callum Firth and Tahlia Sexton from the office of the Independent Planning Commission. This meeting, as you know, is one part of the Commission's consideration of this matter and will form one of several sources of information upon which the Commission bases its determination. It is important to the commissioners to ask questions of attendees and to clarify issues whenever considered appropriate. If you are 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 on our website. In the interest of openness and transparency and to ensure the full capture of information, today's meeting will be recorded. Complete transcript will be produced and made available on the Commission's website. Before speaking 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. So we shall now begin. How would you like to present, what order?

**MS AMY WATSON:** I might just do a high level introduction. Then we can move on to the issues of the agenda.

**MS LEWIN:** Okay.

**MS WATSON:** My name is Amy Watson, and I am the acting Director of State Significant Acceleration at the Department of Housing. Sorry. Planning, Housing, Infrastructure. Thanks for inviting us to meet with you today about the proposed mixed use build to rent project known as Novus Parramatta, located at 39 to 43 Hassall Street in the Parramatta CBD. The site is currently vacant and the Applicant proposes to develop, own and operate build to rent development comprising 210 private rental apartments, communal areas in a single entity for a minimum of 15 years. The application has been referred to the Independent Planning Commission as City of Parramatta Council Rejects. Council's primary objection is on the basis that it considers the proposal does not meet the design excellence criteria under the Parramatta Local Environmental Plan 2011, and that the proposal does not adequately respond to flooding issues. The Department's former Environment and

Heritage group, who are now a part of the New South Wales Department of Climate Change, Energy, Water and, sorry Energy and Water and the New South Wales State Emergency Services, also did not support the proposal on flooding grounds. The Department also received seven submissions, including six objections, 5 predominantly in relation to overshadowing, privacy, scale, floor space, height, insufficient parking, increase in population and impacts on open space and schools, property values and construction impacts. The Department engaged extensively with Council and the former Environment and Heritage Group, and the SES and the Applicant in relation to flooding. Ultimately, the Department was unable to resolve 10 all issues with the four parties and therefore we engaged an independent flood consultant, GRC Hydro, to provide a peer review of the application.

GRC assisted the Department in its assessment of the flooding impacts of the proposal, and considered the proposal and the advice on the concerns expressed by 15 Council and agencies. GRC are here today to discuss their analysis and answer any of the Commission's questions. The Department has assessed the applications on its merits in accordance with section 4.151 of the Environmental Planning and Assessment Act, taking into consideration advice received from government 20 agencies, counsel and public submissions. The Department's assessment concludes the proposal is approvable as it is permissible with consent consistent with the statutory framework. It will provide new housing, public transport services and amenities consistent with the Greater Sydney Region Plan and the Central City District Plan. The design is the result of a Design Excellence competition carried out in accordance with the Parramatta Local Environmental Plan. The design achieves a 25 high standard of architectural, urban and landscape design, subject to the continued oversight of the Design Integrity Panel through design, development and construction. The proposal responds to the flooding constraints of the site by providing habitable floor levels above the Council flood planning level, flood 30 protection up to the probable maximum flood, a feasible shelter in place strategy to preserve human safety in the event of a flood, as well as emergency access above the 1% annual exceedance probability flood event. The proposal also achieves a high level of amenity in terms of solar access, cross ventilation, functional apartment sizes and layouts for each and nearly 600m<sup>2</sup> of indoor and outdoor living space. We can now go through the key issues on the agenda.

35 **MR GABRIEL WARDENBURG:** Sure. So I read the agenda, and it seemed to me that the panel, would like an overview of the engagement undertaken to support flooding. So just up on the screen, I've got a record of various meetings that we had with relevant agencies to discuss.

40 **MS LEWIN:** Would you mind introducing yourself for the...?

**MR WARDENBURG:** Apologies. So I'm Gabriel Wardenburg. I'm the Team Leader of State Significant Acceleration. And, yeah. So this is a summary of various 45 meetings that we had with stakeholders on this project. I suppose because of the site's location and proximity of the creek, you know, assessing flood risk at this site was, quite technical and required quite extensive investigation. So the Applicant had

undertaken, relatively substantial modelling, which we then reviewed, with an independent expert, and with GRC's assistance. We also met with Council and EHG, to run through sort of their key concerns. So that's essentially a summary of that engagement. I guess the overall outcome was that we felt the flood scenarios were well understood, that they'd been established based on best practice and that the design of the project, fundamentally, presented, an acceptable response to the flood risk of the site. So if I can summarise, the habitable floor space is well above the flood planning level. The ground floor is above the floor planning level. And the basements provide adequate mitigation, we feel, in terms of flood barriers, to water ingress. Did you have any questions on flooding that you'd like me to respond to?

**MS LEWIN:** Perhaps we should go through everything, with your consultants.

**MR WARDENBURG:** Absolutely.

**MS LEWIN:** So that we can then have a better understanding of the context of the work that you did together. As you know, there are diametrically opposing views on planning from the Council and the Applicant at this stage.

**MR WARDENBURG:** Sure. So I suppose, for context, there is an established flood model around 2005. And that sets the flood planning level for this site. And the Applicant, sort of proposed that their model provided more, contemporary modelling methodologies and also considered additional flood storage that wasn't reflected in the previous model. Yeah. Did you have any sort of...

**MR RICHARD PEARSON:** If I may, the Council's also got a more recent study that I know part of it's available on the website. And I think some of the modelling underpinning it probably isn't, but I think they're also relying on that to say that they don't consider that the Applicant's work in establishing the flood risk and the flood planning level for the site is...They don't agree with it. So we - and it's not a matter of, you know, relatively minor differences. It's very significant differences between what the Council and its advisers are saying versus the Applicant and versus the peer review. So, I mean, I think it leaves the IPC in a difficult situation where we've got these quite differing views being expressed on what should be a reasonably technical and agreed position I would have would have thought, not being a flooding expert, but understood subject to resolution. So I'd be interested in why we're so far apart, maybe of flooding.

**MR WARDENBURG:** Absolutely. So I will pass that to our consultant. In terms of the actual modelling and the differences there, the only thing I would sort of identify is that, we went through substantial engagement with different stakeholders on this and on that issue. But a primary consideration for us was that the design proposes levels that are actually well above the results of those models. So while there might be some variation in different scenarios between those models, the design itself provides flow levels that are substantially above that perceived risk. And so while those levels, you might appreciate, there might be some discrepancy in opinion, and every model has different assumptions. Fundamentally, the design provided a margin

of safety just by being well above those levels. And that was probably, a primary consideration in our assessment. And part of the sort of independent advice was around a detailed review of different points of ingress into the proposed development and their levels with respect to both flood planning levels and the different levels that were modelled. I might pass over to GRC just to talk about the differences in modelling approaches. Yeah.

**MR STEPHEN GRAY:** My name is Stephen Gray from GRC Hydro. I guess I just want to talk about that latest draft Parramatta River flood study. So that study focuses on a very large study area. And Clay Cliff Creek, of course, is just a minor tributary with the catchment of about 2.5km<sup>2</sup>, compared to about the 225 that flows into the Parramatta River. So in 2005, the advice that Council relies on currently is the 2005 study. Council advises that the latest study is not available and you know, there's no timetabled plan of adoption. Yeah. So the original study in 2005 was done according to Australian rainfall and runoff 87. Yeah. And that's been a very long-standing standard, in my career and only recently got usurped in 2019. So the flow estimates that come out of the 2005 study are sort of, what I would call a benchmark. And the flow there was 28m<sup>3</sup> per second at our site. Okay. So that's upstream of Harris Street. The site-specific study that was done by the proponent adopted a flow that's 20% higher than that standard from INR 87. So they took 34m<sup>3</sup> per second. That is a very significant diversion from an accepted 1% flow estimate. Yeah. And with a modern approach to the modelling which properly captured the nature of this channel. This channel is continuous. So to us it doesn't appear continuous, there's road crossings etc. but if you're water inside the channel there are no discontinuities and it's quite steep. So we get into a regime of flow called supercritical flow. And that's a very efficient flow regime. So what we see then is the site specific study, as I say, has overestimated the design flow and the 1% AEP event. Yeah. We talk about the latest study that hasn't been adopted. They have adopted a flow of 42.7m<sup>3</sup> per second in that channel. I'm a hydrologist of 25 years. I don't agree with what they've done. I don't think there's any rhyme nor reason for adopting a flow of 42.7 cumecs. When a well-established method achieves 28m<sup>3</sup> per second. I think that what the Applicant used was conservative and appropriate. I don't think there's any substantiation behind that most recent and, you know, excessively high estimate in my opinion. Yeah, I mean, it's 50% higher than the 1% flow. At some point, you're no longer talking about the 1% flow, the 100 year event. You're talking about the 500 year event, that kind of thing. So I guess that there have been a series of models. One of the things that we found very difficult, during this process, was that other parties weren't really talking to us.

We thought about best practice and reasonable practice. So when we review the Applicant's modelling, for example, being done in accordance with ANA 2019, which is best practice and latest practice? They've taken on very reasonable parameter settings in those models with regard to the downstream tailwater roughness and also blockage. Clay Cliff Creek is an interesting system, 2.5km<sup>2</sup> catchment, but the upstream area is captured behind a series of culverts. It's culverts that convey flow to just upstream of our site. So the very conservative assumption here is that all the flow from the upstream catchment passes through those culverts,

where of course, if you've got a blockage risk, it's at the upstream end of those culvert systems. So it makes it even more conservative. What the Applicant has assumed in terms of flow with this 34m<sup>3</sup> at our site, they could easily have justified going lower than that. So for me, it's been very difficult at times to reconcile the antagonism towards this development in the sense of the flooding risk, because it, you know, on the edge of the Parramatta River floodplain, it's not affected by the 1% Parramatta River level, which is about 4.5m to the north of it. Yeah, where at our site, we're about six. It's mildly affected by a historic overland flow path, which has all but filled in these days and is quite flat as the floodplain is.

And so you see a lot of attenuation on that flow path and not a lot of hazard. And that's indicated by the impact modelling, which shows there's no impact. The Clay Cliff Creek affectation entirely relies on the flow in the channel and the blockage assumption at Harris Street. Yeah, that those are the two main drivers. As I say, I think they've accepted they've used an entirely appropriate flow. In fact, it's conservative. It's 20% higher than it should be, really. The blockage assumptions we went through with a fine tooth comb. As I say, there's a natural catch point upstream. So what's coming through the culvert? There's not much opportunity for other material to be added to that channel downstream of where the culvert daylight. So I can't fault the blockage assumption either. Yeah. And so that's where we ended up in the at the end of that analysis. We thought they'd done very good modelling work, made very reasonable assumptions, and we simply couldn't get our head around what Council was trying to put forward. And I frankly don't think it stands as a 1% flow estimate. I could get into how they got there with that estimate, but I don't think that the panel necessarily wants to hear that today because it's an involved story.

**MR PEARSON:** So in terms of the Council's latest piece of work, the unadopted flood study, have you been able to interrogate that sufficient to understand the parameters that have altered to make that 42.7m<sup>3</sup> per second estimate, for example?

**MR GRAY:** Yeah, yeah, I mean, they've described how they've done that. They've done that on the basis of the Parramatta River gauge. Okay. So they've taken the Parramatta River gauge, which is upstream of our location because it's upstream of the Parramatta Weir. Frankly, Council seemed determined to replicate previous design flow estimates on the Parramatta River, and to do that, they factored the R and R 2019 rainfall. Okay, they increased it by about 20%. Having done that for the Parramatta River in a way that, having read the report, I didn't necessarily support, they then decided to apply that to Clay Cliff Creek to then apply that multiplication factor. We haven't got the exact working of it though, but that's the sense of it, is that they've taken a multiplication factor derived from the Parramatta River work, a catchment of 225km<sup>2</sup> with very different characteristics to Clay Cliff Creek. And then they've applied that to Clay Cliff Creek, even though Clay Cliff Creek is not upstream of that gauge. And, you know, that's not the way you do it. Frankly, best practice would have been to take a rainfall analysis point of view, interrogate local rainfall stations and the historic record, derive your own statistical 1% storm, and then apply that. Yeah. Unless, of course, you had historic flood event data, which is

the king. Okay, so the actual observed data is the king. The last time we had a major event was 1988, and that was on the Parramatta River.

5 **MR BALL:** I might introduce myself. I'm Caleb Ball and, the Senior Planning Officer in the State Significant Acceleration team. Just adding to what Steve has mentioned. We did engage with Council, as Gabriel mentioned before as well. And Council did, obviously notify to us that we're not to adopt the new 2023 study And the adopted model is the 2005 And to use the assumptions made from that. So I  
10 guess we were really relying...They were telling us not to use that study as it was not applicable at the time. Just thought I'd add that in. And that's that's available on the project's website, their submission.

15 **MR MICHAEL WRIGHT:** So can I just ask more of a policy than a technical question around the SES's position on this development? SES has a policy of, where possible, avoiding a shelter in place when it comes to flooding. And this development would require shelter in place. So I'm just interested in how that SES position can be accommodated or resolved.

20 **MR WARDENBURG:** So I suppose we looked at that response in some detail and interrogated the actual strategy to make sure that it was feasible. So in terms of, you know, the resources available on site where people would, sort of seek refuge, and what sort of services would be made available and for what periods. So we interrogated that in some detail. But in terms of maybe broader policy, what I would say is that in this, for this site, with this development, it did appear that it was not  
25 feasible to evacuate. So in terms of Parramatta's overall response and I would say accepted overall response to flood risk, the policy, the strategy for Parramatta is to shelter in place in certain areas. So there's established strategy around that. And for the sites we considered the, flood period, to be around six hours and that's probably around, you know, if it was more than six hours, that might raise additional concern  
30 around whether, that shelter in place strategy would be feasible. So, you know, we considered it acceptable in terms of that period of inundation on site. So essentially, you know, the alternatives, probably provide a worse outcome in terms of evacuation, like it would pose a greater risk. And shelter in place strategy appeared feasible at the time.

35 **MR WRIGHT:** But the SES hasn't resolved its position.

40 **MR WARDENBURG:** No. And I believe that's probably a broader, policy issue. And it is something that, you know, the Department continues to engage with our agency on. And there's considerable work being done, around, you know, planning and flood risk areas.

45 **MR WRIGHT:** Can I ask one other question in relation to the Department of Environment and Climate Change? The flooding expertise in that organisation, also isn't in agreement with the proponent's modelling. Can you tell me whether they were relying on the Council's 2005...?

**MR WARDENBURG:** Look, I believe so, I believe they were, you know, very, very across that 2005 model and also the newer modelling that's coming out. I guess what I would say is, you know, we did a huge amount of work to work through, with EHG on those technical matters and to take all of that feedback in good faith and to review that critically with our consultant and, you know, make sure that we evaluated, the sensitivity around the model because I think as, as we all know, when you do flood modelling, it's very prone to, well, the assumptions can change the outcomes quite considerably, is what I would say. And so we really reviewed those in a lot of detail. And what we found was that on each item that was raised, the Applicant had typically used, you know, very conservative assumptions in their model we found. And so that's probably one thing I would say. And then the other thing that I would say is we were doing a lot of work around establishing, you know, the accuracy of the model and the levels that came across through those scenarios. But what we found is that when we compare them to the design, the design was substantially above those levels. So even though we were having, you know, a technical conversation around the accuracy of the model, what we found was that unless, there was a considerable, you know, risk that the model was simply wrong, the design adequately responded to the more conservative flood risk of the 2005 study in any case. So, and just to cover that point off, I would just say that the, you know, so the shelter in place, the flood barriers, these are accepted, sort of strategic responses to flood risk within Parramatta. And they're, described within the DCP. So there is established planning principles that support these outcomes on this site.

**MR GRAY:** Can I make a comment in regards to EHG? You know, during the course of those discussions, one of their objections was the Applicant's use of a site specific study. Yeah, that the Applicant had done their own modelling and wasn't relying on the Council modelling. So we went through this, you know, a number of times and you're saying, well, the 2005 model doesn't exist. No one's got the 2005 model. It's old, you know, and it's got these problems. We can see these obvious problems. So one of the obvious problems was that Harris Street, in fact, every single bridge in the old model, the water just stopped. And then it went, oh, I'm at a crossing. Okay, I'll go underneath the bridge. But as I said before, when you're in the channel, it's continuous. It doesn't break. We couldn't get EHG to even engage about these issues. It's like they couldn't see them. It was confronting. I mean, we were, for example, trying to say to them, yes, we would love to use Council's model. It's not available. So the proponent has to do a site specific study. We couldn't even get them to endorse that idea. They would then talk about using the new study, which clearly wasn't available to the proponent at the time they did their work, or us even now. So there was a degree of non-comprehension on the other side, which I found, I found it confounding at times because essentially the assertion they made, they literally said this, they said you can't do a site specific study. I mean that is common practice. People are doing site specific studies every week of the year in New South Wales for sites. Of course, we have a preference to get the Council model because then it's less contentious, you know, but so it just didn't seem to me that they were aware of what current practice looked like at times, that that was my sense of it.



**MR WARDENBURG:** I'll just make a couple of points. We obviously met with the HGA a few times with GRC. GRC, you know, provided the findings, in those calls, provided, you know, they displayed the results. Explained their methodology in terms of the peer review at each of those meetings when we, when EHG did raise  
5 technical concerns, we obviously, you know, respect that advice and took those matters seriously and investigated those matters. But it did feel to me that the focus, that there was considerable concern that the Applicant and us, as a consent authority, would adopt the Applicant's model and results as sort of flood planning level for this site. And what I would like to make clear is that, you know, we considered the 2005  
10 study and the flood planning level that that established and assessed the design against that level, which is above what the Applicant's results indicate. So we've considered a more conservative assessment of flood risk for the site in many ways, and consider that the design is actually above that level. And then if you consider the current flood level, then you, you know, you get a lower result. And I suppose, where  
15 that's important is in terms of flood response. So the flood walls, and that actual active mitigation. So we've assessed that in substantial detail. GSA's report, you know, has a figure of all the different entry points in terms of water ingress and has assessed each of those against both the DCP and those model results.

20 **MR PEARSON:** So can I just ask, did you provide the, so many acronyms here, GRC's advice to SES and DCCEEW or whatever they're called?

**MR WARDENBURG:** SES, I'm not sure about. What we did present was, you know, very close to final advice in terms of our meetings. So we didn't take the final,  
25 as you can maybe appreciate, I put some key dates there around, you know, what was happening. I think, you know, the initial advice we received around March, and we were sort of finalising this around October. We'd had a number of meetings with the EHG. We provided the sort of final set of findings of GSA's review, having considered all of the advice that was provided to date, and at the time, indicated that  
30 that would not change, their advice. And so for that reason, really, it didn't seem necessary to share, say the final report, which came a couple of weeks later. Perhaps in hindsight, you know.

35 **MR PEARSON:** Well, I mean, you know, it'd be good to know what the current position of those agencies are, whether they accept the peer review advice.

**MR WARDENBURG:** And I think the final meeting was, I certainly felt conclusive around EHG's position, which, I don't want to summarise another agency's position, but my understanding of it would be that, the development was fundamentally  
40 inconsistent with the flood risk of the site, and that that could include any type of residential development at the scale at that location. That was probably where the conversation was headed.

45 **MR WRIGHT:** Can I just ask a clarifying question? Is the flood modelling identical to the Council's modelling?

**MR GRAY:** There's no flood modelling from EHG.

**MR WRIGHT:** So can I ask that question a different way? Is the Council looking at identical data or are there different? I just want to know whether.

5 **MR GRAY:** He jumped around a lot.

**MR WRIGHT:** Whether his assessment is identical effectively.

10 **MR GRAY:** I think it jumped around a lot. I mean, they're looking at 2005 study as the official study that they're basing their flood certificates and design flood levels based on, but they're also looking forward, only EHG. Nobody else was looking at the draft, but EHG were quite focused on the draft as well.

15 **MR BALL:** I might add a bit more context to it. So this original application was delayed by a number of months, beginning late 2021, early 2022, so that they could look at the flood modelling. What was available at that time was the 2005. So they did that site specific flood model. During the course of our engagement, we did an exhibition, the Parramatta Draft 20, the recently released draft wasn't available for anyone to use or adopt, and so they the Applicant didn't provide any analysis against  
20 that draft. And as I mentioned before, it wasn't an adopted study. So they weren't actually allowed to to endorse those.

**MR WARDENBURG:** We did request the data. Yeah.

25 **MR BALL:** And we were unfortunately not able to receive that. Because of it, I wasn't sure if there was blockages in terms of being able to release sensitive information. As you can expect, it's not an adopted study, so it's not freely available to use. And so I think just in terms of this process and timeline, as we got further and further along, the advice we were receiving also changed from a number of agencies,  
30 such as the former, EHG. Originally they weren't referring at all to the draft, model. And then at one of the meetings, I'm not entirely sure which one of the meetings we went to they mentioned, Have you considered the draft study? And we did have a discussion about the applicability of that draft study. And as I mentioned, Council came back to us and clarified that that is not to be used for this.

35 **MR PEARSON:** So but in summary, you think EHG, as they now know, would still oppose this development. They've not accepted the peer review outcome?

40 **MR BALL:** I think that's from my understanding. I think that's correct. But, I'm not sure if they were available. They had access to the draft study. They may have had some access to that. So they may be. Yeah. I'm not entirely sure I can't summarise, I guess, their position.

45 **MR PEARSON:** Thank you.

**MR WRIGHT:** One other question for me. At the briefing we had with Council representatives yesterday, there was some information presented which suggested

that in a PMF, the site will be subject to H6 and H5 force hazard waters, and that there were some concerns about whether a construction could actually withstand the force of such water. So I don't know whether you've considered that as part of your peer review or any comment on that.

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**MR GRAY:** Well, just that the probable maximum flood is the largest possible flood that can occur. Yeah. It's not a flood, that has a probability that sort of works with our conception of risk. It's extremely rare. 1 in 100,000 year type rare, the depth. So the level is 9.5 and the probable maximum flood. So it's true that the depth at the site is about 3.5m. Yeah. Hazard just refers to that depth. Yeah. It doesn't necessarily refer to it being fast moving water, although I think we can assume the probable maximum flood, it will be. Yeah. So there's no structural assessment of that building and its ability to stay standing in those flood waters. But we're talking about a water depth of about 3.5m, in the way of other structures. So I couldn't imagine that there's any kind of chance of the building being eroded by that kind of flow. Yeah, but that's why, you know, the entire of 7.11 and the LEP is about really Council's considered assessment of flood risk and the need for shelter in place and then evacuation in the context of that probable maximum flood event. Yeah. So they developed an entire strategy and it encapsulates into 7.11.

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**MR GRAY:** And part of that is the management of the secondary risks. That's where the SES is at these days, is the SES has taken a really strong position that, you know what, if there's a fire, what if there's a medical emergency? And so we call these secondary risks to be managed. So in 7.11, the way that they addressed that was they said, well, there needs to be access from the building to land that's free in the 1% flood, free in the 1%, you know, so I just feel like that those SES concerns of, well, just there's no shelter in place. That's not very nuanced. We get to the actual site and we talk about the guidelines and best practice, which is M01, which was released in July 2023. It is less than those eight hours. You know, the time that you're having to shelter in place. And when we that's been considered by flood experts in New South Wales and they've considered that that's around about a reasonable period of time to be restrained for an extremely rare event, you know, 1 in 100,000 year type event. Yeah.

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**MR WRIGHT:** Okay. Thank you.

**MS WATSON:** I might also add, we have recommended a condition about the building being able to withstand flood waters as well with condition B6 is in our recommended sets.

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**MR WRIGHT:** And Amy, is that up to the h six, h five?

**MS WATSON:** So that is, being able to withstand flood water forces, debris, buoyancy for flooding events up to the PMF level. So that would cater for that.

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**MS LEWIN:** Shall we go into design excellence?

**MR WARDENBURG:** Sure. So I just provided an outline of the current policy. And this is just a summary of how the SEPP applies to BTR across the state and the fundamental requirements. I'll go through them quickly here for you. Just that the component of the building should be owned and controlled by one person. For this  
5 project, the SEPP prevents residential subdivision for 15 years. This project is in a business zone, so active uses were required at street level, where it faces the road. And, the housing SEPP does also identify, that we need to apply flexibility to the ADG. And the Department's published a fact sheet, describing how that may be applied, just in terms of policy. And before I hand over to Caleb, did you have any  
10 questions around that broader...I just noted it was on the agenda, but if not, we can move on.

**MR PEARSON:** Where did 15 years come from?

15 **MR WARDENBURG:** I would have to take that on notice for policy. Yeah.

**MS WATSON:** I know 15 years is consistent with other sort of affordable housing time frames. Yeah. So whether or not it's got a relation to that.

20 **MR PEARSON:** But I would like to know, I think we'd like to know what the basis for the 15 year provision is and how is that enforced. Is that a condition or is it...? Yeah.

25 **MS WATSON:** Yeah. There is a condition. Yeah.

**MR PEARSON:** Okay. If you could take that on notice. Yeah.

**MS LEWIN:** And the provision for affordable housing. Connection to build-to-rent as well.

30 **MS WATSON:** Yeah. So there's no affordable housing requirements for this. So to build to rent is a diverse form of housing I guess, it offers rental properties rather than market properties (indistinct) period. But it's not an affordable form of housing. I think just maybe in relation to the 15 years, it's kind of a number. It's established in  
35 policy in relation to different kinds of housing. So I thought maybe the 15 years is kind of taken from there. But yeah, this is not an affordable product and there's no affordable housing proposed in this development. It's purely, housing that will be managed by Novus and rented out to individuals. And they provide the communal facilities and the like. And then after the 15 year period, they are free to then sell  
40 those properties. They would need to get approval to buy those properties. So because there's no subdivision proposed as part of this application.

**MR WRIGHT:** Is it the case that there is no requirement on any BTR developments  
45 respective where they occur across the state to provide any component of affordable housing?

**MS WATSON:** Not built to rent. It would only be if they're under any other environmental planning requirement to provide affordable housing.

5 **MR BALL:** I might just talk to the design excellence, I will get to ADG if you have more questions about that. But under the Parramatta LEP, certain sites are subject to a design competition. So I thought it might be beneficial to run through this process. Just to give you some context. So between April 2020 and August 2022, the competition, I guess ran its course. And on the left hand side of the screen you can see the reference design that was used. On 21st of September 2022 Rothelowman  
10 was the winning architecture, and that's in the middle section of the screen. And that was endorsed by the three jurors. So there was a representative from Council, on behalf of Council and a representative from the Applicant, and then the GA government architect, New South Wales were also there. And they were sharing that, following the completion of that design competition, there was a design integrity  
15 panel that was established, and this is for the life of the project. So from the preparation of the EIS and all the application and the subsequent design changes that occurred during the assessment process, Design Integrity Panel were required to sign off on any changes that occurred, to ensure that design integrity was maintained through that process, and that the original winning scheme was still carried through  
20 and it wasn't changing from what was already endorsed. Was there any questions just around that process at all?

**MS LEWIN:** No. That's alright.

25 **MR BALL:** And obviously in October 2023, the last design changes were endorsed by the integrity panel. And they said that it was capable of achieving design excellence. So following that, the Department, I guess, assessed the specific requirements of the perimeter LEP in relation to design excellence. And considered the endorsement of the Design Integrity Panel and concluded that the proposal does  
30 exhibit design excellence. I will now discuss built form and residential amenity. So the maximum permissible FSR for the site is 11.5 to 1. There is no maximum height, although there is a requirement in LEP that no overshadowing is to occur on Experiment Farm between 10 a.m. and 2 p.m. on 21st of June in the year. So the Department is satisfied that the surveyor's report that was included in the RTS, and it  
35 was determined internally as what we referred it to our urban design team to confirm that there is no overshadowing Experiment Park.

**MR BALL:** Clause 7.8 of the permanent LEP also requires that the building is to have an active street frontage or activation along that corner. As you're aware, the  
40 design competition was run which elected this scheme to be the winning scheme and it was deemed to have an active street frontage. But it was up to us as the Department to determine and be satisfied that it is activated. You can see that in that bottom left hand corner. The final design included, bleacher seating which does step down to that, I guess, landscaped area along Harris Street. Noting that there are some design  
45 requirements for flood mitigation that have restricted, I guess, some of the design changes. And so it was a kind of a trade-off to try to activate it, but still maintain that flood mitigation that we've talked about.

This is the ADG. So as Gabriel mentioned there is some flexibility for some requirements of the ADG. But there were two other components of the ADG where the Applicant has not met them. So one of them is the apartment size. There are a number of units that are smaller and they are fully furnished. The build to rent model does include a different type of housing. And so sometimes we do see apartment sizes that are smaller or more narrow. But there are trade-offs in terms of what they're providing. The ADG also references common circulation spaces. So one lift core is required per 40 units. In this development there was 210 units and only three lifts, so it is exceeding that. But the application was supported by...ADP Consulting provided a lift analysis and concluded that the number of lifts to the building is sufficient to provide a peak period of lift service quality during those periods. I'll also just briefly touch on communal open space. And so they are below the requirement of 362m<sup>2</sup>. But we do note that there is a number of internal amenity locations, such as a pool, there's private dining spaces. And so there's a resident's lounge as well. And so that is up to 400m<sup>2</sup> of internal space. And adjacent to the site is Robert Thomas Reserve, which provides the premises plenty of open space, if the residents did need to go out, seek that as well. But the Department was satisfied, that all the options available would still cater to the needs of the residents.

**MR WRIGHT:** So can I just ask in terms of that 25% figure?

**MR BALL:** Yes.

**MR WRIGHT:** What was the...Not considering pool, dog run, outdoor lounge. What percentage of the site is communal open space?

**MR BALL:** So that 200m<sup>2</sup> roughly is what is the communal open space that's provided. The Applicant did provide, on the ground floor, the area surrounding the commercial retail premises and they justified that that was.

**MR WRIGHT:** Do you have a percentage figure for that?

**MR BALL:** Well, I'll take that on notice. Yeah.

**MR PEARSON:** Balconies, some balconies also smaller than required.

**MR BALL:** So under the ADG flexibility, we have to consider, any flexibility. That's one of the requirements that Gabriel was talking about for private balconies. So if you do have any questions about...

**MR PEARSON:** Is that addressed in relation to apartment size or with variations that were proposed to...Now, as I recall, there were some balconies that were smaller than ADG requirements.

**MR WARDENBURG:** Balconies are specifically nominated in the fact sheet.

**MR PEARSON:** So yeah. No, I understand that, in the presentation you've just done, is that considered under apartment size or...?

5 **MR BALL:** No, that's a separate point. So the apartment size is talking about the internal space.

**MR PEARSON:** So okay.

10 **MR BALL:** So 29% of the studio apartments are less than the minimum size. And then 40% of the apartments do not meet the minimum bedroom sizes, which is dimensions of three metres.

15 **MS WATSON:** Just going back to that question on the percentage of indoor, communal, outdoor, communal open space. It's about 13 to 14% of outdoor open space. But when you add the indoor space, it's well over the 25%.

**MS LEWIN:** So including the area on Harris Street (indistinct).

20 **MS WATSON:** No. And it's also not...So the Applicant's calculations, they included some areas. We've taken them out because we don't think that some of those should be included. So this is going on the basis of the 197m<sup>2</sup> that we think is genuine outdoor communal living space. So that's 13 to 14% of the site. But then, like we said, when you add in the indoor spaces, you're going to get all over that 20%, 25% figure.

25 **MR WRIGHT:** So I can I just ask, maybe this is too much detail to respond at this meeting, but for those under those undersized studios, do they all have balconies? Because I'm we're looking at in terms...

30 **MR BALL:** We'll have to take that. So I noticed on the agenda, the satisfactory arrangement certificate was mentioned, particularly around the timing. So I'll just give you an oversight in terms of the timing. It's on the left hand side of the screen. So in May 2023, the 31st of May, the Applicant provided a letter of offer, to provide the provision of designated state significant state public infrastructure to the Minister for planning, on 21st of December, the Applicant executed a draft VPA, which was placed on public exhibition on the 11th of January, and that runs until the 8th of February. At that point, once the minister executes the VPA, the Applicant would be required to pay that fee, and then the satisfactory arrangement certificate would be sent to the IPC.

40 **MR PEARSON:** The minister under delegation or the minister himself then has to sign?

45 **MR BALL:** Minister under delegation.

**MR PEARSON:** The delegation. So you're confident of the 8th of February as...

**MR BALL:** Yeah. So attached to the IPC referral letter, we also did attach another letter from the team in the Departments responsible with issuing statutory arrangement certificate.

5 **MS WATSON:** The Applicant is already in the process of making that payment as well. So we don't really see that as a...

**MR PEARSON:** And you're not expecting to get submissions on that or it's not your area.

10

**MS WATSON:** It's not our area. But yeah. Okay.

**MR BALL:** I've spoken with the director of IPC just around that process as well, and mentioned that we would be referring it with that as an open action. So I can also  
15 talk to the local structure briefly. There on that slide. So we've recommended a condition that the Applicant would be liable for a contribution of 5% of the proposed fee. And that would be paid to Council.

I'll now touch on public domain and landscaping. So the Parramatta LEP 2011,  
20 there's a local road widening of 3.5m to Harris Street frontage. The Applicant did provide a letter of offer to Council to provide to dedicate that land, prior to the issue of the occupation certificate for no cost. Obviously that land is still included in our site calculations and the works along that street, so B, to the satisfaction of Council and meeting their requirements for that road widening. So that when Council do  
25 receive that land, it's to their specifications as well. I will also just talk to deep soil. So, I will acknowledge that the application does not meet the requirement of deep soil, but provides roughly 90m<sup>2</sup> of structured deep soil. And that's to the south of the site to Clay Cliff Creek and then 55m<sup>2</sup> of deep soil, which is directly below that, right next to Clay Cliff Creek. And then you've also got the landscaping along Harris  
30 Street, although that is not deep soil at the request of Council. All the planting along that southern section to Clay Cliff Creek, the Applicant did identify that they weren't sure about the flood risk, and so they provided that they will plant local native species and a lot of the grass shrubs would be planted along that area. There was a request to naturalise Clay Cliff Creek, although Council has not clarified when Clay  
35 Cliff Creek might be amended to include more natural landscaping. Is there any questions about that?

I'll now discuss traffic, transport and accessibility. So the Department engaged a  
40 transport and traffic specialist advisory to undertake an independent peer review of the application to assist the Department in its assessment of the transport and traffic impacts. The Applicant's traffic impact assessment estimates there will be an average of approximately 15 trucks per day accessing the site during construction, and up to 50 trucks per day during peak activities such as concrete pours. The Department notes the site is located within an established dense CBD environment and has  
45 limited access. In this context, it is likely that there will be some construction traffic impacts that would be unavoidable in this location. The Department considers impacts can be kept within acceptable parameters, subject to the recommended



conditions requiring the preparation and implementation of a construction, pedestrian and traffic management plan, and a construction worker transport strategy to encourage workers to drive via alternative vehicle rather than private vehicle. In terms of the operational impacts, it's estimated that there will be 80 and 44 additional peaks in the AM, PM respectively. There is also parking for 73 vehicles, and three of which would be EV and 116 bicycle.

5  
10 **MR PEARSON:** What did that three EV number come from? Is that a percentage of the DCP or - what was that?

**MR BALL:** I'll need to take that on notice.

**MR PEARSON:** It would be good to know.

15 **MR BALL:** I think they have, from my understanding, there is the base infrastructure so that all could potentially be EV, only three that will be ready. I'll now pass on to Gabriel if there's no more questions.

20 **MS LEWIN:** On that before you do, is there anything in the (indistinct) charging and electric vehicles generally?

**MR BALL:** Yeah, I'm not entirely...

25 **MR WARDENBURG:** There's the building code of Australia. I believe it's quite.

**MS LEWIN:** So that's all we've got at the moment.

30 **MR BALL:** So our conditions reference that they need to meet FCC requirements for any EV parking spaces.

**MS LEWIN:** There's no further development that you're aware of that...

**MS WATSON:** We're aware of just...

35 **MS LEWIN:** Permanent ventilation and location of these, particular spaces.

**MS WATSON:** Just the NCC.

40 **MS LEWIN:** Okay. Next.

45 **MR WARDENBURG:** So I've just essentially summarised the Department's assessment around each of the other issues identified in the agenda. I'll go through them briefly. So the HR found that the site was highly disturbed and liable to frequent flood damage from Clay Cliff Creek but remained of social and historic value. The field investigations identified three artefacts. And, further testing of salvage was not considered necessary. We accepted that view. Based on what we felt to be quite a strong site understanding, which had been informed by multiple

engagements and The RAPs for the project and adequate excavations through distribution of trenches across the site. It provided quite extensive coverage. In terms of non-Aboriginal heritage and archaeology, we accepted the view that the proposal was unlikely to have any adverse impacts on state and locally listed heritage items.

5 We also applied a condition, for both Aboriginal and non-Aboriginal heritage that required a heritage interpretation plan to be developed, which is consistent with the recommendations of the specialist studies for those items. In terms of contamination and remediation...

10 **MR PEARSON:** Just really quickly, what used to be on the site before? There's nothing there now. It's a vacant property. You know what used to be...is it Eliza House?

**MR WARDENBURG:** I'll have to take that on notice, the specific...

15

**MR PEARSON:** It's not hugely relevant, and it's just more of an interest, to be honest.

**MR WARDENBURG:** I'll take it on notice. And in terms of, contamination, so  
20 PAHs and asbestos were identified on site. The Applicant did provide quite extensive assessment of that contamination. And, we were satisfied that the site could be remediated to acceptable level for the proposed use. In terms of of wind impacts, the Department was satisfied that the proposal would not result in unacceptable wind impacts, provided that the recommendation mitigation measures in the specialist  
25 report were applied. We applied a condition, A40, that requires endorsement from the DEP regarding those wind mitigation measures. In terms of reflectivity, similar. And again, we applied a condition requiring the recommendations to be implemented. And in terms of social impact assessment, I suppose there were a range of potential negative impacts associated with the development, and we were satisfied  
30 that they would be managed, both through management plans during construction and typical mitigation measures, and also through the operational management plans for the site.

**MS LEWIN:** Just in relation to the public domain and the interface with the  
35 (indistinct) proposal. If power's out and the backup generator isn't able to kick in and something is requiring for people to evacuate. The disabled access lift on Tassel Street won't be operational. There's only one available access for people who are not ambulatory. Has that been a concern for the design of this - circulation, interface and public risk.

40

**MS WATSON:** (Indistinct)

**MS LEWIN:** (Indistinct) redevelopment of this.

45 **MR BALL:** I'll have to take that on notice and review the jury report and just understand if they've made any comments in terms of accessibility, but.

**MS LEWIN:** With one access point.

**MR BALL:** That's correct. Yeah.

5 **MS WATSON:** We did look at the switchback ramp option, on Hassall Street. But the Applicant, I don't know if that was reviewed by the DEP, but the Applicant contended that that was a poorer outcome than having a lift. So they preferred the lift. But, we'd have to come back to you in more detail on that.

10 **MS LEWIN:** Yeah. The concern would be that you're relying on a mechanical system to provide the second access. We also understand from the Applicant that the Circle Tearoom is to be used as a sales, rental sales suite.

15 **MS LEWIN:** It tends to suggest that there's limits to the way in which the frontage could be developed in a design sense for access. So perhaps you could -

**MR WRIGHT:** Nothing else for me.

20 **MR PEARSON:** Okay. Thank you. Thanks, everyone. Thank you.

**MS LEWIN:** Thanks for coming. Thank you.

**MR WARDENBURG:** Thanks very much. Thank you.

25 **MS WATSON:** Send us those questions. Yeah. Perfect.

**<THE MEETING CONCLUDED**