



TRANSCRIPT OF MEETING

RE: TRINITY LIGHTHOUSE BUILD-TO-RENT, NORTH RYDE
(SSD-55844212)

APPLICANT MEETING

PANEL: SUELLEN FITZGERALD (CHAIR)
MICHAEL CHILCOTT
BRONWYN EVANS

OFFICE OF THE IPC: BRAD JAMES
GEOFF KWOK

APPLICANT
REPRESENTATIVES: ANDREW DUGGAN
MERCEDES JANECEK
CHRIS BAIN
LULU WOODS
JENNIE BUCHANAN
RICHARD STOREY
RAFE WILSON
BRYCE CLAASSENS

LOCATION: ZOOM VIDEOCONFERENCE

DATE: 11:00AM – 12:00PM
WEDNESDAY, 11th JUNE 2025

<THE MEETING COMMENCED

MS SUELLEN FITZGERALD: Great. Okay, it looks like we're all here. I'll make a brief opening statement and then we'll get into it.

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I'd like to acknowledge that I'm speaking to you from the Wangal land and I acknowledge the traditional owners of all the lands from where we're virtually meeting and pay our respects to their Elders past and present.

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Welcome to the meeting today to discuss the Trinita Lighthouse Build-to-Rent, North Ryde (SSD 55844212) State Significant Development Application currently before the Commission to determine. Yourselves, the Applicant, Stockland Development, are proposing the demolition of the existing hardstand, fencing and construction of 510 build-to-rent units and ground floor commercial tenancies across three buildings with a shared podium ranging between 8 to 20 storeys, as well as car parking and pedestrian links.

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My name's Suellen Fitzgerald, as the Chair of the Commission Panel, and we're joined by Michael Chilcott ...

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MR MICHAEL CHILCOTT: Good morning.

MS FITZGERALD: ... and Dr Bronwyn Evans.

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DR BRONWYN EVANS: Good morning.

MS FITZGERALD: We're also joined again by Brad and Geoff from the Office of the Independent Planning Commission.

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In the interests of openness and transparency and to ensure the full capture of information, today's meeting is being recorded, and a complete transcript will be produced and made available on the Commission's website.

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This meeting is only one part of the Commission's consideration of the matter and will form one of several sources of information upon which we will base our determination. It's important for the commissioners to ask questions of attendees and to clarify issues whenever it's considered appropriate. If we have any questions that you're not in a position to answer, please feel free to take the question on notice and provide additional information in writing, which we will then put up on our website.

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Before we get started, I'll ask that all members here today introduce themselves before speaking for the first time, and just to ensure you don't speak over the top of each other, so that the transcript can be accurately put down.

45

Can I ask that all members here today introduce themselves before speaking for the first time, and for members to make sure that they don't speak over the top of each other, to ensure we have accuracy of the transcript.

So, let's get started. Perhaps first, if you could each introduce yourselves for the purposes of the transcript, starting perhaps with Stockland in the room there.

5 **MS JENNIE BUCHANAN:** I'm Jennie Buchanan, the New South Wales Planning Manager here at Stockland.

MS LULU WOODS: I'm Lulu Woods, Project Director from Stockland.

10 **MR ANDREW DUGGAN:** So, there's three of us from Ethos Urban. My name is Andrew Duggan, I'm a Director of Planning at Ethos Urban.

MR CHRIS BAIN: My name's Chris Bain, I'm a Director of Planning at Ethos Urban, I'm talking to view sharing today.

15 **MS MERCEDES JANECEK:** My name's Mercedes Janecek, I'm a Planner with Ethos Urban.

20 **MR RICHARD STOREY:** And we've got two architects from Koichi Takada Architects. I'm Richard Storey, a Director of Koichi Takada Architects.

MR RAFE WILSON: I'm Rafe Wilson, Associate at Koichi Takada Architects.

25 **MS FITZGERALD:** Thank you.

MR BRAD JAMES: Suellen, I might just jump in. Andrew, we've got someone else online – view 11 ...?

30 **MS BUCHANAN:** That's my username.

MR JAMES: Okay.

MS BUCHANAN: Yes, just so I can share my screen if needed.

35 **MR JAMES:** Sure. I just wanted to check –

MS BUCHANAN: [Cross-talk 00:05:29]

40 **MR JAMES:** No, that's okay.

MS BUCHANAN: From Stockland.

MR JAMES: Over to you, Suellen.

45 **MS FITZGERALD:** Thanks for looking at that, Brad. And Bryce, over to you to introduce yourself.

MR BRYCE CLAASSENS: Yes, hi, I'm Bryce Claassens, I'm a consulting

arborist and I co-authored the Arbor Cultural Impact Assessment Report.

5 **MS FITZGERALD:** Thank you. Thanks, everybody. I think, Jennie, we're probably in your hands to lead us off, if you've got a presentation or you want to talk through issues. This is a session where it's important that the commissioners ask any questions they have, so if you don't mind, I'll suggest that if any questions come up from Bronwyn or Michael, we'll just ask them during the flow of the conversation rather than keep them ...

10 **MS BUCHANAN:** Yes, sure.

MS FITZGERALD: Does that suit you?

15 **MS BUCHANAN:** Yes, that's fine.

MS FITZGERALD: Okay.

20 **MS BUCHANAN:** The presentation we put together, there were obviously a few dot points that came through from the Commission requesting clarification, so we've really based it around that.

MS FITZGERALD: Great.

25 **MS BUCHANAN:** And other points that were discussed on the site visit as well, just to further go into that detail. So, I'll share my screen.

MS FITZGERALD: Great. We're in your hands.

30 **MS BUCHANAN:** So, just – comes up. The agenda, so we just thought the points you wanted to talk about was the design evolution. Obviously, the Commission is interested to hear the changes we made from when we originally lodged the application to when it was amended as part of the response to submissions.

35 We also have points to talk about on the Tenacity and view sharing that we talked about as well. We've got a bit more information on the lighting design and security and the principles that we would look to apply in that aspect. Tree protection – there was a tree on the boundary that was raised yesterday that we're going to get more detail. And then there's other issues there which weren't specifically pulled out yesterday, but we thought given that they are raised in the
40 Assessment Report, we'd have that information ready to go through if the Commission wanted to.

45 So, I'll hand over to Andrew to go through the [audio glitch 00:07:58] of the design framework.

MR DUGGAN: Thanks, Jennie. So, Andrew Duggan, Ethos Urban. So, the images you see on the screen in front of you are images taken from the urban design strategy that accompanied the rezoning that occurred last year from

Macquarie Park, often known as the TOD rezoning. These are two images that we talked to on site with the Commission and effectively they're an extrapolation of zoning and development standard changes to Delhi Road precinct, which shows a future context in which the build-to-rent development before the Commission will sit.

And again, we talked to this yesterday on the site, but again drawing the Commission's attention to the increases in height towards the east and the salmon-coloured buildings which have been designated as future residential buildings within the TOD controls, and like I noted on site yesterday, those residential buildings will sit in a ND1 zone, meaning that they're not restricted to a build-to-rent model such as the development before the Commission today.

MR STOREY: Richard Storey, Koichi Takada. I think that again there was some discussion on site yesterday about the massing of the building and how we sort of ended up with what we did. And I think what we wanted to show you hear was just some of the early preliminary testing that was done of how the mass of the buildings could sit on the site, and there were sort of various pros and cons there of what works and what doesn't work.

And what that testing really revealed was that an east-west alignment of buildings didn't work for a number of reasons, particularly the apartment design guide overshadowing, solar access to the apartments themselves, and also to the communal open space, and then also to the buildings, what are currently commercial buildings to the south.

So really, taking cues from what other developments have done in the area and particularly across the road, across Rennie Street, are north-south alignment buildings, allows for that solar access to not only be in the buildings themselves but also to the communal open space, and also to the buildings to the south of our site, if that should be developed in the future.

And then moving on from that, this is really some of the testing that was done as part as a response to submissions. We knew that we had to provide additional solar access to the park across Rivett Road, or what was going to be the park across Rivett Road. So, we kept the same massing to the west of the site along Rennie Street, but really then tested moving the massing around beyond that to give that extra solar access. And really as an urban design response, I guess, what could we do along New Link Road to address the building on the other side of that, an appropriate bulk and scale.

And then I think this is where we ended up. So, again, where the building along Rennie Street is maintained at the height that it was, we moved some of the mass out of Building C and put it into Building B along New Link Road to really address that building on the other side. And then as you can see, we provide the solar access to what was going to be the park at the end, but also to that existing commercial set at the back, and also the public open space in between the buildings also gets the solar access.

And this is just a more technical diagram that proves what I've just said. That by moving the massing around, we create that solar access to what was going to be the future park.

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And then moving on to façade and materiality. On the left, the material palette that was proposed originally as part of the SSDA. And then on the right, following consultation with the government architect, a more muted palette that speaks a bit more to the land on which the building is on. And really moving away from an all-glass building to a building with more solid panels and more varied façade treatments.

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And I think the next few slides are really a comparison of that, sort of a before and after, so the SSDA as lodged and then the proposed response to submissions with the adjusted palette. So, you can see more earthy tones, less solid glass facades, more variation in the façade treatment with screening and solid panels.

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MS BUCHANAN: And you can also see Building C is stepped back in this image, and the changes to the building along New Link Road as well.

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MR STOREY: So, yes, the adjustment of the masses of the buildings beyond there, yes.

MS FITZGERALD: One question we had on site, Richard, was how that façade particularly on Building A treats privacy issues for the apartments across the street at 1 Network Avenue?

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MR STOREY: Yes.

MS FITZGERALD: Is there anything in this presentation that shows us a little bit about those privacy treatments?

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MR STOREY: We can talk about the building separation, which is this one. What I would add is, and a part of the package of drawings that's been submitted, you can clearly see, and as I've just described, the reduction in the full-glass façade to a façade with solid panels. And that obviously helps with the cross-viewing across. And just to add that the building separation as shown on this slide is well in advance of what the apartment design guide considers a sensible building separation. So, we're well over that – we're providing a greater building separation at all levels with that building across Rennie Street.

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MS BUCHANAN: So, just to clarify, above nine storeys, a separation of 24 metres is required. And above nine storeys, we are at the closest point 32 metres. And at the furthest we're sort of probably about 50 metres away.

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MS FITZGERALD: Great. Thank you.

MR CHILCOTT: So, just to be clear, you're relying on the building separation as

the vehicle for providing privacy to the balconies on Network 1 and the living spaces over there?

5 **MR STOREY:** Correct, yes.

MR CHILCOTT: Thank you.

10 **MS BUCHANAN:** I'll just go back. We skipped a few comparisons of the built form.

MS FITZGERALD: Yes.

15 **MR STOREY:** As well as talking about the materiality, this obviously shows the change in where we've moved the building mass. So, Building C is far more recessive in the right-hand image, but we've added bulk to Building B to, again, to address the building on the other side on New Link Road. And really trying to activate New Link Road, as we discussed on site yesterday, retail offerings at that level and really activating that street and here we're sort of looking into the through-site link where a supermarket will be located.

20 And that's just sort of an overview. And again, here quite clearly shows that the move away from the all-glass façade to a façade where there's much more solidity to it. And also the slight change in material colour palette. The idea was to create three buildings that are slightly different but all still read as a whole, still read as one development, but each has their own individual unique character.

25 I think we've touched on that one. And this was just one to show on the sort of pinch point at the corner here, at the corner of Rennie Street and New Link Road. That with 22.5, there's only one residential level in our building, which is level 4, is affected by this. But as you can see, it's a balcony there, we've got bedroom windows, the living room is really facing out of the page. And also the building across Rennie Street on the corner, you can see where the balcony and therefore the main living area is, is also facing out onto the page. And very much the secondary façade is looking across at our building.

30 **MS BUCHANAN:** And again, it complies with those separation distances in the ADG at that level, because up to nine storeys you need 18 metres separation.

35 **MR CHILCOTT:** Suellen, can I just ask, in terms of the upper levels, is that a similar configuration of units facing 1 Network? Do you have a typical floor plate with the western façade to facing Rennie in those upper levels?

MS BUCHANAN: I've got the plans.

40 **MR STOREY:** Yes, that is a typical configuration, where there's generally a balcony on the corner there with a living room facing out of the page and bedrooms along the side of that, sort of kinked out of the building.

MR CHILCOTT: Thanks.

MS FITZGERALD: So, are we going to that page or are we moving on?

5 **MS BUCHANAN:** Yes, if you want, I can share the plan.

MR CHILCOTT: If you would, thank you, if you've got it.

MS BUCHANAN: Yes.

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MS FITZGERALD: Great, thank you.

MR STOREY: So, that is a typical level there, yes, balcony on the corner, living room facing up Rennie Road and then the bedrooms along the top flanking side.

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MR CHILCOTT: Right.

MR STOREY: So not facing the building at 1 Network Place.

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MR CHILCOTT: Right. The top floor, thank you.

MS FITZGERALD: Okay.

MR CHILCOTT: Yes, that is helpful. Thank you.

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MS FITZGERALD: Thanks. So, back to the previous presentation.

MS BUCHANAN: Yes. So, I'll hand over to Chris who will go through the Tenacity test review sharing, and I'll actually get some CDs to share on here.

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MR BAIN: Thanks, Jen. Chris Bain, Director for Ethos Urban. I'm going to get Mercedes to share the screen because a few of the concepts in Tenacity really need to be placed into context.

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So, as you're probably aware, the planning principle for view sharing was established by Commissioner Roseth back in 2013, essentially steps through four key stages in terms of determining whether or not the view impact is acceptable and the view sharing reasonable.

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So, maybe scroll down please, Mercedes. Okay. So, at line item 26, the first step is the assessment of views to be affected. What we know from our assessment is that buildings to the west of the site will have their views impacted, and they're panoramic views primarily to the local district. At midland upper levels, they do extend to include the skyline of Chatswood, North Sydney and St Leonards, and very much in the distance they include parts of the Sydney CBD. They can see a small part of the upper arch of the Sydney Harbour Bridge, and that is regarded as an iconic element under Tenacity.

45

But I'd like to make it very clear that in my opinion, whilst it contains an iconic element, the view in itself is not iconic. An iconic view is, for example, the view from Mrs Macquarie's Chair to the Opera House and the Harbour Bridge. Essentially, those iconic elements need to be very visually prominent in a view for it to be regarded as an iconic view.

Moving down to the second step. Essentially, that's all about where and the effect of properties the views may be obtained. And the views may be obtained from eastern elevation from the mid and upper levels of Network Place and also Centro. Essentially, that's considered to be a front boundary. Because of the nature of the elevation of those buildings, it's primarily glassed in, those views may be obtained from standing and sitting partitions.

The third step is to assess the extent of the impact. Now, recent cases have essentially clarified some directions in Tenacity as they apply to apartment buildings. Because Tenacity was handed down in the context of a house, a very suburban context. And essentially, those judgements say that you don't just consider one particular apartment, you consider the building in its entirety.

Taking a step back a bit, look, the affected apartments' views may be obtained from locations, such as living areas, kitchens; however, I would like to stress that it simply affects, not simply, but it mainly affects the eastern elevation from mid and upper levels. Apartments that face west are clearly not impacted by the proposal.

If you refer to the Department's assessment, I do agree with the ratings there. They generally range from minor up to severe. A severe rating, in my opinion, is only justified where the proposal is blocking out an iconic element. And just drawing your attention back to my earlier statements, from the upper levels you can see the very top of the arch of the Sydney Harbour Bridge.

In terms of 29, and I suppose the key part of Tenacity, it really focuses on the reasonableness of the proposal that is causing the impact. The architects have spoken about, and Andrew's spoken about the context. Essentially, what we have here is TOD location, so from a strategic planning perspective, this area is planned for quite considerable change. There are buildings further to the east, so I'd contend that even if you were to modify this proposal, the issue of view sharing would come up in the future because of buildings to the east.

With drawing your attention back to what's on the screen, reasonableness essentially has two key parts. The first is does the proposal comply in full with all planning controls. Now, it's my understanding the proposal complies in full with all applicable development standards. If it does comply with those development standards, the second and final part of the test is skilful design. And look, skilful design, as you're probably aware, does not relate to design excellence or, you know, great design outcomes.

Essentially, what it means is, have opportunities been explored in that planning

envelope established by the development standards, to move siting, to move massing around, to achieve a balance between reducing the impact on the views of neighbours, but also retaining Stockland's development potential and amenity. So, it's a bit of a balanced equation there.

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Just listening to the architects talk before, my opinion, I'm very much convinced that they have demonstrated skilful design, as has been noted in a alternative configuration thereby you have an east-west series of buildings configured, really does not achieve a bunch of other highly relevant urban outcomes. And I think that's a very important point to make as well. Skilful design doesn't just relate to view sharing; it also does relate to other desirable urban outcomes such as solar access and the like.

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And massing has been distributed as part of the RGS process. For example, massing has been picked up in the easternmost building and distributed to the north-facing building as well. So, look, a whole bunch of work has been done to fully explore the notion of skilful design. In my opinion, I believe it has been satisfied, and I do agree with the conclusion of the Department in that regard.

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Do my colleagues have any other points to make in relation to that?

MS FITZGERALD: Okay. Michael, Bronwyn, any questions on that point?

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MR CHILCOTT: Not from me. It's sort of helpful to understand the thought process that's gone into the building design in the context of those principles. So, I am grateful for that explanation.

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DR EVANS: Yes, I appreciated the explanation, so no further questions. Thanks, Suellen.

MS FITZGERALD: Thank you. So, we might move on.

MR DUGGAN: Move back to our presentation.

35

MS BUCHANAN: Yes.

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MR DUGGAN: There was a question that came from the Commission yesterday on site regarding the area of active and landscaped open space toward Rivett Road, which we can see on the right-hand side of the page there, and the question from the Commission was around issues of lighting and CPTED or crime prevention considerations. So, the architects have designed and set a lighting principles that are in response to that.

45

Do you want to talk to that?

MR WILSON: Yes, Rafe Wilson here from Koichi Takada Architects. Yes, very briefly, as we mentioned yesterday, it's not something we visited in a great detail yet, but we can all draw on our experience of other projects to sort of set out some

of the design principles that would guide the lighting design in this area.

5 Broadly, what we want to do is make sure we have the highest levels of illumination in the sensitive areas, which would be the pedestrian access points and the walkways to those access points. We would then be trying to balance those lighting levels with concerns about light bleed impacts on wildlife, that sort of thing.

10 So, to achieve that, there's – we'd be looking at a mixture of different lighting devices in this area. There'd be sort of general lighting, like pole lighting which will provide general illumination to some of the key entry points and also serve of way finding. Then there'd be more focused lighting devices such as recessed wall lighting, bollard lights that would illuminate the pathways. Maybe used in combination with façade lighting on the building to provide good levels of illumination to the pathways and safe movement and access for pedestrians.

20 We'd then be looking at some more feature ornamental lighting within the landscaped zones. There could be spotlights, oh sorry, point lights on the terracing to showcase the walls. And we'd be looking potentially at some up-lighting on the trees to show some of the trees we have in those areas.

But really, the focus is good lighting to those pedestrian movement areas, creating a safe and active appearance at all times of night.

25 **MS FITZGERALD:** Rafe, would the same principles be employed in the southern access way? I realise that it's likely to have fairly low volumes of use, but nevertheless is that something that you would apply lighting to?

30 **MR WILSON:** Absolutely. And we've just looked at this one particular area of the site here, but obviously these are principles that apply everywhere. We want to make sure those illumination levels are at the appropriate level of use and the sensitivity of the area. And that applies to all pedestrian access areas.

35 **MS FITZGERALD:** Okay, great, thank you, because the same issues might relate to that southern access.

MR CHILCOTT: Suellen, can I ask a question?

40 **MS FITZGERALD:** Yes.

45 **MR CHILCOTT:** Thanks for that explanation. You've gone through a series of points that obviously provide a narrative to the illustration. Are those documented somewhere, is my first question? And secondly, is there a document, you know, some combination of this illustrative material and narrative that forms a part of the plans that for which consent is sought?

MR DUGGAN: I think the general principles, Michael, are touched on in the CPTED report. What would be okay with the Commission, what we might do is

take this and submit this under separate cover to the Commission as well, the series of principles that Rafe has just talked to, can touch not only on the passive open space to Rivett Road, but perhaps throughout the site in general.

5 **MR CHILCOTT:** Yes, I'm just trying to think through how one takes this helpful series of principles in the narrative you've gone through and brings them into part of the consent, so that they're reflected in the way the project is taken forward.

10 **MR DUGGAN:** And look, we might suggest an appropriate condition or formulation of a condition that could actually reference this particular document and adopted in the consent and it may even require a more fulsome – those principles to be developed to give it a more fulsome lighting strategy to be signed off prior to a construction certificate. So, all that could be captured into construction certificate documentation.

15 **MR CHILCOTT:** No, I'd be grateful for that suggestion, thank you.

MS FITZGERALD: Thank you. Great, if there's no more questions, onto tree protection. Thank you.

20 **MR DUGGAN:** We observed yesterday on the site a series of trees on the southern boundary, but what a significant tree that is to be retained, but there was a tree that the Commission pointed out which is just off the site, and we've done some further investigation of that, and we have the arborist with us online. Are you still there?

25 **MR CLAASSENS:** Yes.

MS FITZGERALD: Yes. Bryce, there was no mention of that tree during construction was of particular interest to us.

30 **MR CLAASSENS:** Yes.

MR CHILCOTT: And long term, in terms of construction impact. Sorry, what is constructed and its impact long term.

35 **MR CLAASSENS:** Yes, so I've just been made aware of this tree this morning as well. The reason why it wasn't included in the Arborist's Report, I think, briefly was because it wasn't included in the original detail and level survey, it wasn't picked up. So, to actually assess the impact to the tree, we would need that to be picked up by a registered surveyor, so we have an accurate location of the tree.

40 **MR CLAASSENS:** Yes, so I've just been made aware of this tree this morning as well. The reason why it wasn't included in the Arborist's Report, I think, briefly was because it wasn't included in the original detail and level survey, it wasn't picked up. So, to actually assess the impact to the tree, we would need that to be picked up by a registered surveyor, so we have an accurate location of the tree.

45 And then in regards to what's being constructed there, from the civil plans it looks like there's going to be a retaining wall along that boundary. So, depending on the location of that tree, there is potential for that boundary retaining wall to impact the root system of the tree. Particularly if it's within the structural root zone of the tree, then that means there's potential further stability of the tree to be impacted.

5 But yes, the first step would be for this tree to be included on the detail and level
survey. The other thing I'm just looking at as well, just from the photos, it wasn't
the highest quality photo, but in the City of Ryde, there is a list of exempt species
as well. And it's not a local native species, so in terms of basically trees that were
of more importance to this development were the critically endangered ecological
community trees that form part of that, like the native endemic species to the area.
This is an exotic species, from what I can tell, it's either a *Gleditsia triacanthos* or
Robinia pseudo acacia. If it is a *Robinia pseudo acacia*, it is on the exempt species
list, but again, because it's in a neighbouring property, you'd need consent from
10 the owner of that tree if it was to be removed.

15 **MR CHILCOTT:** And presumably that's in that private road corridor through
there, so it's in the hands of the owner of the road space. Yes, so you haven't been
out to actually check on the – or you're not aware of specifically what the species
is?

20 **MR CLAASSENS:** Not specifically. Based on the photos alone, which is the
same one that we're just looking at to the left here, I couldn't really zoom in
enough to get enough identifiable detail on the leaf. Just from the other photo I
saw as well, it was completely out of leaf and the form of the tree does look like
one of those two species I mentioned before.

25 And so the *Robinia pseudo acacia*, if it is, that's an exempt species within Ryde
LGA. And the other one, *Gleditsia triacanthos*, is listed as a pest plant under New
South Wales WeedWise. And so generally, pest plants, you have a general
biosecurity duty to remove or eliminate the risk of that pest plant. So, if we do find
out a little bit more information on the exact species of that tree, I can give you a
better-informed opinion on sort of what the next best steps would be.

30 But again, it's located in the adjoining property so if it was going to be impacted
by the development, it would be up to the owner of that tree whether they accept
that or not.

35 **MR CHILCOTT:** Thank you. Just looking at it, I'm – and remembering where
we were yesterday, I had the sense that the tree we were looking at might have
been a blue gum, I'm not sure whether this is the tree that's shown in the picture,
but I could be wrong. Obviously need somebody to go out and have a look at it
and see. But I seem to recall a taller tree sitting in there with what looked like a
blue gum base trunk, but I could be wrong. Anyway, worth checking.

40 **MR DUGGAN:** I think if it were to assist the Commission, we'll very quickly
prepare a short addendum to the Arborist's Report that zeroes in on that tree in
terms of both its correct species and an assessment against the architectural plans
and the assessment against any construction mitigation measures that would need
45 to be taken place to ensure – even though it's an off-site tree, to ensure it's best
chance of survival.

MR CHILCOTT: Yes, it was more the impact on it. I mean, if it's the tree I'm

thinking of, it probably has a root zone that extends well into the subject site. But again, just I'll leave it to the arborist to go and have a look at it and make some assessments rather than guess anything here.

5 **MR DUGGAN:** I think, again, and we'll say this rather than to guessing, but we've tried to plot the approximate location off site there in the yellow. And you can see that the bulk excavation is further to the north but there is no SD tank in that driveway that's proposed. And if the recommendations are that that needs to be augmented or changed, then that's something will be looked as well.

10 **MR CHILCOTT:** All right, thank you.

MS FITZGERALD: And perhaps too, the methods that Bryce is proposing to protect the existing trees that are within the site could be considered where appropriate to also apply to this tree. That might be a helpful way to cover it off in your reports and the conditions, yes.

20 **MR DUGGAN:** Absolutely. And I think this is a good plan just for the Commission to view, to see that that significant tree on the site that we observed yesterday that's to be retained during construction, you can actually get a very good sense of the change to the basis of design to ensure that that root zone is made fulsome, and the basement's actually been designed very much around the extent of that tree.

25 **MR CHILCOTT:** Yes, no, that's great, thanks.

MS FITZGERALD: Okay. Thank you.

30 **MR DUGGAN:** This is just a short slide on gross floor area. Again, I'll be guided by the Commission as to whether you want to spend any time on this since it's covered in depth in the Department's Assessment Report. But I'm certainly aware that there are several objectors and indeed Ryde Council have raised clause 6.9 and the way it's been applied. In the Department's Assessment Report, I don't have the page numbers, but at the very end of Appendix C is a significant assessment against clause 6.9 and which adopts material provided by the Applicant as to how we say that the 6.9 is satisfied. In particular, the three limbs in sub-clause (3) regarding the provision of adequate area for recreation areas network. If you would like us to go through that, we can do so. I would only note that –

40 **MS FITZGERALD:** I don't think it's required, but please, I interrupted you, you were going to say, "I only note that ..."

45 **MR DUGGAN:** I only note that the other part in the Department's Assessment Report I'd like to draw the Commission to is the fact that there is now an executed Planning Agreement between Stockland and Ryde Council which provides not only for the dedication of that road which acts as a significant pedestrian on vehicular link to provide access to residents to areas of future open space. But it

also provides for the payment of, for want of a better term, incentive floor space levies which Council can use to supplement and provide for open space or the augmentation of open space within the Macquarie Park area and including the Delhi Road precinct.

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MS FITZGERALD: Okay. Thank you. I think we've covered GFA in our considerations and in our other discussions. So, unless my fellow commissioners, Michael, Bronwyn have got a further point to raise, we might move on. Anything from ...?

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MR CHILCOTT: Just one, which may lead into the next thing on traffic and parking. But there was a submission from Council that related to the amount of car parking and its consideration or otherwise within the GFA calculations. And you've, I'm sure, given consideration to that. If you did have an opportunity to touch on how you've treated that on the way through, that might be useful.

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MR DUGGAN: Yes, so I presume this is the contention that the space occupied by car parking above the 0.2 per dwelling ratio should be considered as gross floor area.

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MR CHILCOTT: Yes, that's the point Council submits.

MR DUGGAN: Yes, yes. And just in terms of –

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MR CHILCOTT: Just, it would be useful to hear you on the record in relation to that point.

MR DUGGAN: No, no, no. And we've addressed that head on and have provided a legal opinion from Corrs Chambers Westgarth which has been made public, it sits on the Department's website. And it really considers the wording of the Housing SEPP as to whether, and the wording of the definition of gross floor area, as to whether one considers the non-discretionary development standard as a requirement of council or simply as what it is in the Housing SEPP, which is non-discretionary development standard.

35

And we're a view as is Corrs that it is not a requirement of council, so even though we are providing parking slightly above that 0.2 rate, it doesn't trigger the provision within the definition of gross floor area that says that parking above the requirements of consent authority should be considered as gross floor area. And that's – I think that's set out extensively within the Department's assessment and if you don't have it already, within the legal opinion provided by Corrs dated February 2024.

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MR CHILCOTT: Thank you.

45

MS FITZGERALD: Thanks.

MS BUCHANAN: Okay. Should I move onto the next topic?

MS FITZGERALD: Move onto the next, yes, thank you.

5 **MS BUCHANAN:** So, traffic and car parking. I think – well, we sort of have done that. I just note the – I think we talked about it the other day, in terms of the resident access is actually from Rennie Street and it comes in, you can see on the left-hand side of the screen there, so it's a separate vehicular entrance, compared to the servicing which comes off from Rivett Road.

10 And I think, if there's anything else you had questions on the on-site parking?

MS FITZGERALD: Nothing from me. Bronwyn, Michael?

15 **DR EVANS:** I think we mentioned yesterday, excuse me, the revision of the cabling to allow for electric vehicle capability in the future. And I assume that's covered also somewhere in this.

MR DUGGAN: Yes, there are a number of EV charging spots.

20 **MS WOODS:** Yes, so Lulu Woods from Stockland. So, yes, we are provisioning for a number of EV charging spaces within the basement, that will be provided, and yes, the ability to provide EV in the future if there's demand, then we can provide more EV car spaces. And that's within the newly constructed basement.

25 **MR CHILCOTT:** Just for clarity, those EV charging spaces, are they available to all residents who may have an EV to access on a paid basis to charge their EVs, should they require that?

30 **MS WOODS:** Yes, there will opportunity for anybody that requires an EV car parking space.

MR CHILCOTT: And you've got those spaces designated in the parking plan, do you?

35 **MS WOODS:** Yes, they are, yes, they're marked up on the plan.

MS BUCHANAN: I don't know if you can see my cursor here?

40 **MR CHILCOTT:** I can see it, yes, that's fine.

MR BUCHANAN: Yes, they're there.

45 **MS WOODS:** We haven't quite yet worked through the management strategy of how they are taken up, whether they're singularly allocated or shared, we'll work through that with our operations team and obviously we'll respond to demand through the operations of the asset.

MR DUGGAN: That's one of the benefits of build-to-rent is, unlike traditional

5 build-to-sell where there are assigned strata-ed spaces and that's your space and that's your space for life. The ability for a single operator in a build-to-rent model to change up, reassign parking, move the cars around, is far more flexible than what once in a traditional build-to-sell or once the strata plan is registered and an owner's corporation is in line, those things are much, much harder to do.

10 The sheer benefit of build-to-rent is that as market demand, as car technology and changes, then the flexibility within basements to make spaces available for either individual use EVs or shared EVs or EVs across the entire basement is far, far more easily adopted.

15 **MS FITZGERALD:** Yes, you can see the benefits of flexibility in that, that a shared might be the way you end up going. Anything further before we move on? I'm just conscious of time.

20 **MR CHILCOTT:** Sorry, just one quick question. In terms of the cabling to the car spaces other than those, is the cabling proposed adequate should down the track the decision be taken to install EVs in particular other spaces? Or would that be something that would need to be retrofitted at some point?

25 **MS WOODS:** I don't have that detail off the top of my head.

MR DUGGAN: We can provide that under separate cover.

30 **MS WOODS:** We can come back to you.

35 **MR DUGGAN:** I mean, certainly we can come back. But there's probably two points, that there's the sheer substation capacity to deal with base free power across, and then there's physical provision of cables or charging ports to each space. Now, certainly the latter, I don't think that is planned, not that a physical charging port is in each space yet, but the ability to retrofit, the ability for the electrical grid and substation to deal with that amount of charging, we'll put that under separate cover back to the Commission.

40 **MR CHILCOTT:** That's fine. Sorry, and we're just aware through other circumstances that that's often the challenge, is, you know, the installation of the appropriate wiring in a retrofitting circumstance is obviously a very costly exercise down the track, should one want to do it. But leave it with you, and look forward to your response, thanks.

45 **MS BUCHANAN:** And just quickly, this is a plan showing the allocation of parking spaces under the existing buildings in Trinita, and the pathway of access to those spaces. I don't think there's anything more.

MS FITZGERALD: Okay, great, thank you.

MS BUCHANAN: This information here is just a summary of the question raised yesterday about the development applications applying to the site. So, there's two

relevant applications. The first one is for the commercial buildings which currently sit on the north of the site, so that approved the three buildings, the New Link Road as well.

5 And then the second approval was for a new commercial building which was going to be on the southern side of New Link Road, which was commenced but has never been constructed. So, it's still in place today but it is proposed to be surrendered as part of this process.

10 **MS FITZGERALD:** Okay. Great.

MS BUCHANAN: And just a few more plans of the existing commercial buildings.

15 **MS FITZGERALD:** Thank you for that. So, the recommended conditions of consent, we've just got 10 minutes, so let's get into ...

20 **MR DUGGAN:** We won't cover that now. We'll provide under separate cover to the Commission, just sort of requested changes to the staging just to enable the commencement of construction and the provision of housing that will occur quicker. But we've got some small changes that we'd like made just to the staging of CCs. And also just to clarify the description of the development as well, we just seek to have a small change made to the description of the development that's been approved.

25 But we'll put that in writing, that's far easier than to run through multiple conditions.

30 **MS FITZGERALD:** That would be helpful to get those through to Brad and Geoff, that'll be excellent.

MR DUGGAN: I think that's all from us, commissioners.

35 **MS BUCHANAN:** Yes, yes.

MS FITZGERALD: That's it from you. Well, look, thank you very much for that. That was a really thoughtful presentation and particularly well targeted to some of the issues that came up when we looked at the site yesterday. So, thank you for that presentation, that was excellent, very helpful.

40 Any further questions of the Applicant, Bronwyn?

45 **DR EVANS:** One of the things we raised on site, I think Michael raised, it was just to confirm and ensure that the development that we're approving has all the documentation and has been fully amended to reflect any of the changes that you made from the initial application through post-submission to the current application. So, it's just making doubly sure that what we have in front of us reflects all of the changes that you've made subsequent to the initial application.

So, that was just one of the talking points yesterday on site, and I think the assurance was it is the case, but we just making sure we're approving what you actually are proposing.

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MR DUGGAN: We can, and I can share it with Brad, the amendment request and the obvious re-exhibition by the Department which we say shows their acceptance of the amendment. But we'll share the – again, [unintelligible 00:52:50], I know that's been changed now. We'll show the amendment request to the Department to the Commission.

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MR CHILCOTT: Thank you. But can I just clarify, did you actually get a letter back saying you're accepted?

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MR DUGGAN: I'll have a look at the files and certainly by their actions, by the fact that when we amended, they went and subsequently exhibited it, accept and assessed it, certainly by their actions they have undertaken it. But I will check our records as to what came back.

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MR CHILCOTT: Could I suggest words are also important, and you may just want to double check that they've actually been formally agreed and the amendment accepted. Thank you.

MR DUGGAN: Okay.

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MS FITZGERALD: Thank you. Bronwyn, anything further from you?

DR EVANS: No, thank you very much. Thanks, Suellen.

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MS FITZGERALD: And Michael?

MR CHILCOTT: No, I'm good, thank you very much. I appreciate the effort that the Applicant's taken to address points raised yesterday, I appreciate that effort.

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MS FITZGERALD: Yes, that was very helpful having a targeted presentation. Brad, Geoff, before we sign off, is there anything else we need to go over with the Applicant?

MR JAMES: Nothing from my end, Suellen.

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MR GEOFF KWOK: Nothing from me. Thanks, Suellen.

MS FITZGERALD: Yes, great. Okay, well, once again, thank you, that presentation was really helpful and really added to our understanding of the project. So, thanks for taking the time. And Bryce as well, having a look at that additional tree and applying any protections to it as might be required. We look forward to getting that other information, and in the meantime, sign off. Thank you again.

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[All say thank you]

>THE MEETING CONCLUDED