



New South Wales Government
Independent Planning Commission

TRANSCRIPT OF MEETING

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

COUNCIL MEETING

PANEL: SUELLEN FITZGERALD (CHAIR)
MICHAEL CHILCOTT
BRONWYN EVANS

OFFICE OF THE IPC: BRAD JAMES
GEOFF KWOK

RYDE CITY COUNCIL: NICHOLAS NAJAR
SANJU REDDY
JUSTIN BYRNE
KANDACE LINDEBERG
LOUISE MCDONALD

LOCATION: ZOOM VIDEOCONFERENCE

DATE: 9:30AM – 10:30AM
WEDNESDAY, 11th JUNE 2025

<THE MEETING COMMENCED

5 **MS SUELLEN FITZGERALD:** Okay. Before we begin, I'd just like to acknowledge that I'm speaking to you from Wangal land, and also acknowledge the traditional owners of all of the lands from which we're virtually meeting, and pay my respects to their Elders past and present.

10 Welcome, everyone to the meeting today to discuss Trinit Lighthouse Build-to-Rent, North Ryde (SSD number 55844212) currently before the Commission for determination. The Applicant, Stockland Development, is 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 from around 8 to 20 storeys high plus car parking, pedestrian links at Delhi Road, North Ryde.

15 I'm Suellen Fitzgerald. I'm the Chair of the Commission's Panel, and I'm joined by my fellow commissioners, Michael Chilcott and Bronwyn Evans.

20 **DR BRONWYN EVANS:** Good morning.

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

25 So, 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.

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

35 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.

40 Okay, well look, let's get going. I might ask Council officers to introduce themselves before we get going.

45 **MS LOUISE MCDONALD:** Yes, okay, I'll start. Thank you, Ms Fitzgerald. My name's Louise McDonald. I am the Acting General Counsel here at Ryde Council.

MS FITZGERALD: Ah-ha, thank you.

MS KANDACE LINDEBERG: My name is Kandace Lindeberg. I'm the

Executive Manager of the City Development Group at Council.

MS FITZGERALD: Oh, Sanju, you're on mute.

5 **MR SANJU REDDY:** I beg your pardon. My mistake. My name is Sanju Reddy and I'm the Acting Manager for Development Advisory Services at Ryde Council.

MR NICHOLAS NAJAR: Good morning, all. My name is Nic Najar and I'm the Acting Senior Coordinator of the Development Advisory Services at Council.

10 **MS FITZGERALD:** Great, thank you. Louise, we're pretty much in your hands. So, how would you like to do this – have you got a presentation or would you like to go through your issues?

15 **MS MCDONALD:** Yes, so what I'll do, if I can, is just refer to the experts here that's joined us to raise their matters in contention from their respective fields, if that's okay. So, yes, I mean, I'm happy that if Sanju would like to start off.

20 **MS FITZGERALD:** Okay, thanks Louise. One thing we will at some point be interested to cover off on, is get your views that you put to the Department in January of this year. And to find out how the Department, if the Department has addressed the issues that you put in that report, and whether you've got any concerns around conditions. But in the meantime, over to you, Sanju.

25 **MR REDDY:** Thank you. So, the first issue that we want to raise or get the Panel to hear Council's point of view is in regards to recommended condition number A10, which deals with the development contributions. So, Council had recommended a condition in regards to contributions with certain amounts for each element that's covered in this Contributions Plan. And the draft condition
30 was forwarded in January, so there's a lapse of time.

And since then, the contributions amount has changed based on the CPI index. So, Council's request is that the condition be amended, the amount used in the draft condition be amended to reflect the correct contributions amount. And we can
35 certainly forward that new amount back to the Panel if that's the process.

MS FITZGERALD: Thanks, Brad, yes.

40 **MR BRAD JAMES:** Yes, you can send through to us, Sanju.

MR REDDY: Thank you.

MS MCDONALD: Excellent. Sorry, if I could just interrupt again. I've just got Justin Byrne who's just ...

45 **MR JUSTIN BYRNE:** Hello, sorry.

MS MCDONALD: It's just started. So, could you just let the commissioners

know your position.

MR BYRNE: Yes, so I'm the Senior Civil Engineer for Macquarie Park. So, I work in the public domain area working with developers to ensure the right scope of public domain works are completed.

MS FITZGERALD: Thanks, Justin.

MR REDDY: Okay. Just following on from that, if I can. The second item that Council wishes to raise is in regards to – it's very timely that Justin has joined us, and the issues relate to condition number 53. Sorry, these are the conditions that council recommended, so the reference numbers are not as per the Department recommended condition numbers.

So, Council had recommended a whole list of conditions, and the conditions recommended in regards to public domain affects bond, and condition in regards to hold points for public domain works, and condition in regards to decommissioning of ground anchors.

Several conditions recommended by Council have been adopted by the Department in its recommendations, we are thankful for that. However, these three are absolutely critical conditions in terms of Council's ability to ensure that development occurs in accordance with Council policy, and there's hold points of security warrants for defects to ensure any damages are dealt with in a timely manner and there's no grey areas when things go pear shaped.

So, if I can request through the Chair for Justin to elaborate on these three conditions, and why Council wants these to be imposed.

MR BYRNE: No worries.

MS FITZGERALD: Sure. Thanks for that, Justin. And I might just say, is the Council happy for us to ask questions as we go through, or would you like to go through – okay.

MS MCDONALD: Absolutely, yes.

MS FITZGERALD: So, Bronwyn, Michael, just jump in when you – if you have any questions.

MR MICHAEL CHILCOTT: Thanks. I'll just hear what Sanju says in relation to this point. I do have one question, thanks.

MS FITZGERALD: Yes, sure. So, Sanju, you're handing to Justin?

MR REDDY: That's correct, yes.

MR BYRNE: Okay. Hi everyone, and thanks, Sanju. Yes, the condition now

proposed, condition number 50 is for a 12-month defects liability bond – oh, 53, sorry – is for a 12-months defects liability bond for the public domain works. So, the amount of that is usually calculated at about 20% of the value of the public domain works and held by Council for a period of 12 months.

This is usually imposed on all significant developments where there's a significant scope of public domain works. The reason is to ensure that potential defects which are not visible upon the final inspection can be properly addressed and reviewed by the developer in the period throughout the defects liability period and following. We've found that there's often a lot of defects that appear during that 12-month period. For example, road pavement defects, there's some road pavement works that are required as part of the public domain works, paving and tree planting.

So, I don't think it's a particularly large bond, it's usually in the vicinity of 20% of the value of the public domain works. But it's proven critical for us, we work with a lot of different contractors, the developer often engages whoever's available, and we have to work with different contractors of different levels to ensure we get public domain works of an adequate standard that we won't have to go and rectify immediately after.

MS FITZGERALD: Sure. Justin, just in relation to the development. I hear what you're saying about road pavements. But other than New Link Road and its footpath frontage, are there other parts of public domain works that's going to come across to Council?

MR BYRNE: There won't be any other dedication, I don't believe. But there are upgrades on the other frontages of the development site.

MS FITZGERALD: Okay, great.

MR BYRNE: So, those will still be significant scopes of works.

MS FITZGERALD: Yes, great, thank you.

MR BYRNE: So, that calculation will only be on those frontages. It wouldn't include New Link Road, which is dedication, I understand, that's under the VPA.

MS FITZGERALD: Right. Michael, questions?

MR CHILCOTT: Yes. My question was just about giving this some greater clarity. At the moment, it's quite an open-ended construction of the condition. You've mentioned two things in your presentation, a 12-month period and a percentage of the works as how this would be scoped, so it gives a sense of greater clarity about what the bond is. Do you have a form of words you would use or have used in other circumstances that provides greater specificity in relation to this condition and might make it less open ended than it currently is drafted, in your submission?

5 **MR BYRNE:** Yes, we have a standard condition which I believe is the one we proposed. But we can definitely provide some additional information. Sometimes we provide an actual figure in the condition, but in the case when we were actually providing these conditions, we weren't 100% sure of the final scope of public domain works. I think that was because there was some traffic management works potentially associated with this development, dependent upon a post-construction traffic management report. So, I think that's why there was probably a little bit of potential change in that figure. But we can provide a figure, and I think the 12-month period is in the condition already. But yes ...

MR CHILCOTT: I think it's in the note, not in the condition.

15 **MR BYRNE:** Oh, okay. Yes, we can definitely put it in the condition as well to make it clearer.

MS FITZGERALD: Okay.

20 **MR CHILCOTT:** I think that would assist in making it a condition that it has finality rather than it being a big question. Thank you.

MR BYRNE: No, I appreciate it, thank you.

25 **MS FITZGERALD:** Thanks, Justin. So, any further info to Brad and Geoff after the meeting, that would be great. Back to you, Sanju. You're on mute again.

MR REDDY: So, just in terms of the other conditions, do you want to speak about them?

30 **MR BYRNE:** Yes, I think we have another condition. I believe it's our proposed condition 80 for the decommissioning of ground anchors. So, there may be excavation associated with the site which can go into neighbouring properties, or it can go into the public domain, the Council's substratum. And these usually require approval, which is already a part of your proposed conditions in the SSD. But we usually have an additional condition for the decommission or destressing of ground anchors to ensure that there's no longer a load being transferred through the temporary ground anchors.

40 Council doesn't allow permanent ground anchors, but we do allow temporary ground anchors to facilitate excavations. So, I just think if there is a condition allowing ground anchors, we should also have them accompanying decommissioning condition as well. Because if someone was to excavate and hit one of those ground anchors while they're still stressed, it can be quite a safety issue.

45 **MS FITZGERALD:** Thanks, Justin. Anything further from you? Justin, anything further or ...?

MR BYRNE: From me? I think it's just we have another condition; it's a public domain hold point inspection condition. So, we can actually – we will have an opportunity to put this condition into the Roads Act approval, I believe B27 and B28 require an approval from Council for public domains works, and usually we issue this approval under the Roads Act. And as part of that approval, we can implement some conditions directly associated with the works, which includes a requirement for Council to come and observe different points throughout the public domain works.

We've found that this is very important for us to ensure that we pick up any issues earlier; it saves money and time for developers and Council alike. So, this is a condition that we'd definitely like to issue. Sometimes we put it in our actual LDAs to ensure there is clarity at an earlier stage, but we can also implement that as part of the Roads Act approval as well.

MS FITZGERALD: Okay. So, just so I understand, do you need it in the conditions here or can you implement it under current ...?

MR BYRNE: Personally, I think it's not critical, this particular one. Because there's an opportunity to have it put in later. I'm not sure how difficult it is for you to add this addition, if it creates some difficulty. I think Council can and often do put it as part of the Roads Act approval.

MS FITZGERALD: Okay, thanks for that, we'll give that some consideration.

MR BYRNE: No worries. Thanks.

MR REDDY: Thank you, Justin.

MS FITZGERALD: Over to you, Sanju.

MR REDDY: Thank you, thank you. So, those are the critical issues in regards to conditions of consent. In regards to the actual assessment and Council issues, I'll give the mic back to you, Sue, in regards to those issues if you want Council's view on the assessment and under matters that Council had raised previously.

MS FITZGERALD: Yes please, Sanju, and anything that you think are your top-line, your critical issues. We've obviously read your submissions, but we're happy to hear about the issues from your perspective.

MR REDDY: Olay, thank you. One of the issues that Council had raised was in regards to car parking, consideration of car parking for the site. So, this is a site that had previous consent issued by Council in regards to existing building. And as part of that approval, a certain number of car parking spaces were approved, and the current SSD approval is relying on some of those car parking spaces.

So, in its review of the proposal, Council had noted that in terms of car parking numbers required for this proposed build-to-rent, the numbers as proposed exceeds

that required and of the Housing SEPP. The Housing SEPP provides a rate of 0.2 spaces per dwelling. So, Council had rated in terms of any excess parking, access to that required under the SEPP should be added to the GFA.

5 So, but Council is mindful that there are certain spaces that are existing. So, the Department has provided their justification in the report. And in terms of Council's submission preparation, if I can request Council officer Nic Najar to elaborate a little bit more on that in regard to that issue, to create clarity for the Panel.

10 **MR NAJAR:** Yes, sorry, excuse me. Thank you, Sanju. Yes, so the submission did raise concerns with the surplus parking, I guess, over the build-to-rent requirement and Council was of the mind that surplus parking, even if it was existing, given that the site is one, it was to be considered as gross floor area. That
15 was Council's submission at the time. And Council's submission was also suggesting that the SEPP requirement of 0.2 to 1 was a development standard pursuant to the act, which would be, if they exceeded, would require a 4.6 submission. So, those were Council's key issues as it related to parking.

20 Now, it appears the Department does not consider those parking standards as development standards. That is their view. So, I'm happy to take some questions on that.

25 **MS FITZGERALD:** Yes, I think that that issue was clearly made in your submission. Bronwyn and Michael, any questions on that matter?

MR CHILCOTT: Yes. Nic, thanks for that. The standard of 0.2, is that a minimum standard or is that a maximum standard?

30 **MR NAJAR:** Excuse me. It's a, I guess, it's a question not answered in the case law. I'm sure you read the Applicant's legal submissions, they suggested it's a minimum and therefore they don't need to include it as GFA or they don't need to vary it via 4.6. I guess the question is, is parking under the SEPP a requirement of the consent authority pursuant to the definition of GFA? So, yes, my view is it's a
35 maximum. But the Applicant's view is a minimum. So, I guess there's a bit of a disagreement there. I guess my point is, if it is a minimum, would there be a maximum?

40 **MR CHILCOTT:** My question, what is it in the language of the SEPP that suggests to you that it ought to be interpreted other than a minimum or as a maximum?

45 **MR NAJAR:** Well, the language of the SEPP says, if you're in an accessible area, then you are to have a 0.2 to 1, and it provides – the SEPP provides clarity into where or for the parking standards, so it says, point 74, "Non-discretionary development standards pursuant to the Act section 4.15." That's the opening of the clause. So, in my mind, it says that the object of this section is to identify development standards but particular matters relating to the purposes of build-to-

rent housing that if complied with, prevent the consent authority requiring more onerous standards.

5 So, I agree that if you comply with, the consent authority can't require more onerous standards. If it is not complied with, it's taken to be the breaching of a development standard, which would require a variation under 4.6.

MR CHILCOTT: All right, thank you.

10 **MS FITZGERALD:** Okay, thanks. Thanks, Nic.

MR NAJAR: Thank you.

MS FITZGERALD: Sanju?

15 **MR REDDY:** Thank you, Nic. Thanks, so Nic's been unwell but he's attending this meeting. Thank you, Nic.

MR NAJAR: I'm so sorry, I've been really sick the last couple of days.

20 **MS FITZGERALD:** Oh, well done, Nic, thanks for coming.

MR REDDY: So, thank you. And just to mention that this was one of the first build-to-rent applications submitted in the Ryde Council area, and Council had reviewed it with all due diligence and experts we had. We'll raise submission and subsequently the developers have also negotiated a VPA in regards to that link road.

25 And Council officers have gone through the conditions of consent as recommended by the Department. And as previously mentioned, most of Council's suggestions have been taken on board, and Council is appreciative of that, except for those that's just been discussed by Justin. And we'd really appreciate if the IPC could consider Council's request as per this meeting, to have those additional conditions added, and Council staff can provide any additional information if so required through Louise.

30 And Council is appreciating that the IPC is reaching out to Council and facilitating this meeting. That would be all that we would want to discuss in regards to Council's issues at this point.

35 **MS FITZGERALD:** Thanks, Sanju, that's really helpful to get those points that you want us to look at and see if we can bring them on board.

40 Louise, one of the things that was in our mind was that there have been a lot of concerns raised by the community in particular about there not being sufficient infrastructure and services in the district in the location to service these additional population numbers.

I wanted to get Council's views on how much of a contribution the VPA, and I understand there's been a 7.11 contribution, is going to make to address those community concerns.

5 **MS MCDONALD:** Sorry, look, I'll probably have to take that one on notice, if I can. Apologies. I've only just been briefed on this matter fairly recently. I'm not sure if Kandace or any of my colleagues can perhaps answer that question. But from the limited exposure that I have had working in this LGA is that that is a consideration that is at the forefront of Council's development in terms of trying to
10 get the right infrastructure for the community and the right 7.11 contributions out there. We'd certainly be looking at that as a key area that we'd want to optimise as much as we can.

15 **MS FITZGERALD:** Thanks, Louise. No doubt Council's got a 7.11 Plan and a Contributions Plan.

MS MCDONALD: Yes.

20 **MS FITZGERALD:** Kandace, anything you wanted to add on that?

MS LINDEBERG: No, I agree with Louise. It is at the forefront of our considerations for the community, so if we can take that point on notice and provide more detail to the Panel as soon as possible.

25 **MS FITZGERALD:** That would be great, Kandace, because it's been raised in almost all the public submissions, I have to say.

MS LINDEBERG: Yes, yes.

30 **MS FITZGERALD:** ... Council's response on that.

MS LINDEBERG: I think in terms of, because we were going to provide you with further information about the updated contribution amounts, that's probably – I'm assuming that that is derived from our policy. I can have a look at that policy
35 and then share that if it is appropriate to do so, if that'll assist in terms of the first issue raised about the updated contribution amounts.

MS FITZGERALD: Yes.

40 **MS LINDEBERG:** If that will assist as well.

MS FITZGERALD: Yes, sure, that'd be great. Thanks, we'd be interested to just be able to respond to those community concerns.

45 **MS LINDEBERG:** Yes, yes, absolutely.

MS FITZGERALD: Bronwyn, Michael, further questions for Council officers?

MR CHILCOTT: I don't have any at this stage, Suellen, thank you.

DR EVANS: No, I don't have any.

5 **MS FITZGERALD:** Okay. Brad, is there anything outstanding from the Office of the IPC's part?

10 **MR JAMES:** Nothing from my end, Suellen. I think there's a couple of questions on notice and some further information that Council will provide, so we'll send that through to Council in writing after this meeting so it's on file. And yes, look forward to your response.

MS FITZGERALD: Okay.

15 **MS MCDONALD:** Yes, excellent. Yes, and on behalf of the Council, I'd like to just thank you once again for giving us this opportunity to speak to you about this development.

20 **MS FITZGERALD:** Thanks, Louise. It's really important to hear from Council on these matters, so we'll take that information into our considerations, and appreciate your time and coming in. And Nic, feel free to cough as much as you like – we're not in the same room.

25 **MR NAJAR:** I've been holding it in.

MS MCDONALD: You poor thing.

30 **MS FITZGERALD:** Thank you very much. Well, if there's nothing further, we might wrap this up.

MS MCDONALD: Excellent. Sounds good. Thank you.

MR CHILCOTT: Thank you.

35 [All say thank you and goodbye]

>THE MEETING CONCLUDED