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**TRANSCRIPT OF PROCEEDINGS**

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O/N H-983598

**INDEPENDENT PLANNING COMMISSION**

**MEETING WITH COUNCIL**

**RE: GATEWAY DETERMINATION REVIEW,  
CANTERBURY ROAD, BELMORE**

**PANEL: PETER WILLIAMS  
RUSSELL MILLER**

**ASSISTING PANEL: DIANA MITCHELL**

**COUNCIL: MITCHELL NOBLE  
WARREN FARLEIGH  
LISA HO  
SHONA PORTER**

**LOCATION: IPC OFFICE  
LEVEL 3, 201 ELIZABETH STREET  
SYDNEY, NEW SOUTH WALES**

**DATE: 10.33 AM, WEDNESDAY, 23 JANUARY 2019**

MR P. WILLIAMS: Good morning and welcome. Before we begin I would like to acknowledge the traditional owners of the land on which we meet. I pay my respects to the elders past and present. Welcome to the meeting today on the review of the gateway determination of the planning proposal to rezone land at 62 to 64, 580 to 558 Canterbury Rd, 1 to 3 Platts Avenue and 2, 2A, 2B, 2C and 2D Liberty Avenue, Belmore from part 6B enterprise corridor and part R3 medium density residential to B5 business development, alter the maximum building height and identify the site as a key site. My name is Peter Williams. I am chair of this IPC panel. Joining me is Russell Miller. The other attendees of the meeting are Mitchell Noble, Warren Farleigh, Lisa Ho and Shona Porter from Canterbury-Bankstown Council; and Diana Mitchell from the IPC Secretariat.

In the interest of openness and transparency and to ensure the full capture of information today's meeting is being recorded and a full transcript will be produced and made available on the Commission's website. This meeting is one part of the Commission's decision-making process. It is taking place at the preliminary stage of this process and will form one of the several sources of information upon which the Commission will base its advice. It is important for the Commissioners to ask questions of attendees and to clarify issues whenever we consider it appropriate. If you are asked a question and are not in a 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. So we will now begin but just before we begin could each of the attendees just introduce themselves, please.

MR W. FARLEIGH: Warren Farleigh, team leader of urban planning at council.

MR M. NOBLE: Mitchell Noble, manager of spatial planning at Canterbury-Bankstown Council.

MS L. HO: Lisa Ho, urban planner from Canterbury-Bankstown Council.

MS S. MITCHELL: And I'm Shona Porter, senior planner in the development assessment team.

MR WILLIAMS: Thank you. So, Mitchell, would you like to - - -

MR NOBLE: Yes, I will kick off.

MR WILLIAMS: Thank you.

MR NOBLE: So just for a bit of context, so I manage the spatial planning team. Warren is the team leader working for that team and was from the former Canterbury. And Lisa Ho is within his team as a planner. We all worked on the planning proposal at some stage. I brought Shona along. Shona is from the development assessment team and she's here because this planning proposal was accompanied by – with a development application so she has carriage of assessing

the development application and has been – has gone to one of the panels – the local planning panel, was it?

MS S. PORTER: The joint regional panel.

5 MR NOBLE: Joint regional planning panel on the DA so has some knowledge of the DA if we get to that discussion. So the discussion today is about the planning proposal itself which proposes to change land use on the site and the planning controls but keeping in mind there's a DA that's, you know, in the wings pending a  
10 decision on this – of this process. We have issues with the DA but I won't focus on those too much today. So I thought I would start with just an overview of the Canterbury Road Review first because, really, that was the – I suppose, the driver for our decision not to proceed with this planning proposal and our recommendation to the department not to proceed with it. Then go through an outline of the planning  
15 proposal itself and then touch upon, you know, the particulars about why we didn't support it. So, I mean, for the record, I've got up here a large poster showing the recommendations coming out of the Canterbury Road Review and I will speak to that throughout.

20 MS MITCHELL: Just to interrupt you – sorry, Mitchell – we've just lost connection with the - - -

MR NOBLE: So you want me to double-click on this one?

25 MS MITCHELL: Yes, try double-clicking. If not, I might need to just take back the laptop for a minute.

MR NOBLE: Sure.

30 MS MITCHELL: Yes, sure. Sorry about that.

MR NOBLE: No, no, that's fine. I will start moving through and if you could just skip to slide 4 when we get there. Just starting on the overview of the review, it was commenced around August 2016 so the council merged in May 2016 and it became  
35 quickly apparent to the administrator that there was a lot of community concern about overdevelopment along the Canterbury Road corridor which is a long stretch of corridor running from, sort of, Hurlstone Park at the top of our local government area right down to Punchbowl. It continues on into Canterbury-Bankstown but the focus is the former Canterbury area - - -  
40

MR WILLIAMS: Yes.

MR NOBLE: - - - which is where a lot of the development activity was happening. And it was quickly apparent that development there was being approved well above  
45 the existing planning controls so quite often – I've got a couple of examples there on the screen. As a general rule, the planning controls on Canterbury Road where mixed use development is allowed is set at five storeys and there were a lot of

approvals being processed through the local planning panels and through council being approved at eight storeys. Two examples there – and there's no FSR control, no floor space ratio control on any land zoned B5 throughout the Canterbury Road corridor which was identified quickly as a significant problem because what it means is the only control on density when you have no FSR control is height. So when you vary height you allow significant more development potential.

And the vision of the former Canterbury Council seemed to be a long string of this sort of development, of mixed use development from right at the top of Hurlstone Park down to Punchbowl which was having a number of significant impacts on amenity including a transition and overshadowing to other properties, traffic and transport. And the community was growing concerned about that. RMS also raised their concern with us and said that we need to thoroughly consider the cumulative impact of planning proposals and development applications along the corridor before we proceed. That triggered a review and just building on some of those concerns there – I've sort of been through this point so I will keep moving on.

The review that the administrator decided to undertake was a review of planning controls on Canterbury Road. There were some 12 planning proposals lodged in the corridor at that time so some of those were council-initiated planning proposals that had been initiated by the council. Some of them were ones that it had chosen to progress rezonings for. Others, it – there was, say, maybe four or five that were applicant-initiated planning proposals. All up there were around 12 sites. Straight off the bat, as soon as the review started, he said, "Look, I will put nine planning proposals on hold and I don't want to proceed with these three planning proposals." So the one that we're talking about today – 642 Canterbury Road – that was one of the nine planning proposals that was effectively parked pending the outcome of the Canterbury Road Review.

Now the approach to the review is important because it shows buy in from a number of State agencies so it was chaired by the Department of Planning and it had representatives from Transport for New South Wales, RMS, the Greater Sydney Commission, and council. So the department chaired each meeting and we together directed the studies that were being developed to establish a new vision for Canterbury Road. It was recognised that we couldn't continue with what was happening at the moment at that time and we needed a new vision that addressed some of the issues arising. So we got Hill Thalys to do an urban design component. We got GHD to do a traffic and transport component and we got SGS to look at economic feasibility.

Traffic and transport were a major issue because it's a state road and that's partly why the state was interested in this corridor and it was a significant source of development potential and dwellings for the former Canterbury Council. The key outputs from that work was the urban design piece, which I've got. You know, an image showing why the key outputs from that urban design work here, and it was effectively an urban design vision, a traffic and transport study which included a model which was agreed by Transport for NSW and RMS. So they, effectively,

looked at the model and said, “Well, look, Council, we’re happy with you proceeding with this vision because we think it’s – the traffic and transport impact is manageable.”

5 Which is important, because we started this process we had RMS saying, “Council, what you’re doing is not right. This long string of development along Canterbury Road won’t continue to work and function the way we want it to, so that needs to be addressed.” And then we had the economic analysis coming from SGS to show that development in the corridor is feasible if we proceed with the proposed planning  
10 controls. The aim of the changes was to address that long string of mixed use development which was being rolled out by the former Canterbury Council, and to restructure where growth occurs to make sure it’s happening in places that are well suited for it.

15 So rather than have a sort of a long string of development, the approach adopted by the review – and you can see it here within the blue lines – is to cluster development around nodes. So we’re calling them junctions and localities in this work. I will just refer to them as junctions from herein, but effectively what we’re saying is where bus routes intersect the Canterbury Road corridor, generally on a north-south access,  
20 those are better locations for growth. Where there’s opportunity for parks to be provided and laneway connections in some circumstances and public benefit, those are part of the nodes, and also where there’s existing services.

So, as we move through I will get into a bit more specific detail about how the  
25 planning proposal fits into that. And improving the amenity for residents, you know, allowing higher density where higher amenity can be achieved was one of the key principles that Hill Thalys applied to their work. So what we came up with was within the notes – within the blue lines of this map here, Hill Thalys was recommending development between four and six storeys high, and applying the  
30 floor space ratio – you know, not continuing with the no floor space ratio approach – that would be a maximum of 2.5 to one, and that included .6 to one for non-residential uses, so it’s effectively you could – you’re developing within the nodes, we’re looking to introduce controls that are 1.9 to one residential and .6 to one non-residential.

35 For the controls outside of the junctions or nodes, so outside the blue lines, the recommendation is to not permit residential uses or multi-storey housing, so we’re really talking about residential flat buildings and, you know, particularly in these areas between the nodes and junctions. Dwellings and town houses are permitted in  
40 some parts down the other end of the corridor. Those are okay. We’re not saying remove those. We’re just saying don’t continue with higher density residential between the junctions, because that would be just continuing a long string of development on the corridor.

45 The effect was that, you know, at current day we’ve got – well, in 2016 we had about three or four thousand dwellings along the Canterbury Road corridor. If we did nothing and proceeded with the current controls, there is capacity for nearly 12,000

dwellings along the corridor. What's proposed under this approach is a capacity of about 10,000. So there's a modest decrease in development potential. There are more dwellings clustered around the nodes or junctions and less dwellings outside this sort of dumbed down findings of this sort of review and approach.

5

MR WILLIAMS: Sorry to interrupt there. Sorry, Mitchell. This point – that would be a slight decrease along Canterbury Road, but that would be offset, presumably, by increased densities in the roads connecting north-south.

10 MR NOBLE: Yes.

MR WILLIAMS: Potentially.

MR NOBLE: Yes. So, really, it's only a decrease in development potential really  
15 - - -

MR WILLIAMS: Okay.

MR NOBLE: - - - in the study area which was sort of the block either side of  
20 Canterbury Road.

MR WILLIAMS: Yes.

MR NOBLE: So focusing on that, yes, there would be a decrease of about 1700.  
25

MR WILLIAMS: But that would be offset by what might be proposed on the north-south – south roads between Canterbury Road and the rail line?

MR NOBLE: Yes. We're not – so along the rail line there's the Sydenham to  
30 Bankstown work, which is likely to result in a lot more dwelling capacity along those lines so it would certainly – we would be taking up that 1700 in other areas.

MR WILLIAMS: That's what I - - -

35 MR NOBLE: .....

MR WILLIAMS: Not a problem. That's great. Thanks. And if we don't intervene we were going to continue to get those poor development outcomes, employment land would continue to be rezoned. So what I didn't touch on earlier is largely  
40 before the former Canterbury's series of rezoning applications and its own proposals, the corridor was largely a sort of a bulky goods, Parramatta Road-esque sort of a corridor, and that was sort of piecemeal being rezoned for residential purposes through the B5 business development zone which the former Canterbury was allowing mixed use development to occur.

45

There would be lost opportunities for amenity and new parks, set back some pedestrian connectivity, and we would still have an issue with RMS not supporting

our view about what development – the development outcomes on Canterbury Road should be. And, you know, as I say, from the beginning they were raising concerns about the community impact of development on that road, which is a State road used for – as an alternative for the – if the M5 tunnel breaks down, traffic is diverted onto this State road, and, as it is, it's a significant carrier of traffic.

So once that concluded, that left us with 12 planning proposals, or really it was only nine that we needed to make a decision on. We needed to decide what to do with them and, really, there was two-step process to start off with, which was, are they in a junction or locality, assuming the planning proposals are seeking residential, which all of them were, and, you know, if they are within a junction or locality, are they proposing controls that are consistent with the review? Are they proposing between four and six storeys and up to 2.5 to one? So, this leads us to the planning proposal and I will talk you through that now.

So I've just got an aerial here of the site.

This was a fairly recent one. So you've got – you can see a large frontage to Canterbury Road. You can see here the predominantly sort of industrial setting of development on the site, or on part of the site, and development fronting Canterbury Road on either side of the road. I will move on to the zoning, but that isn't necessarily a true picture of what the zoning is on either side of this site. So on the left there the zoning is generally B5 business development, which is what the applicant is seeking for the site with the red lines. And then to the right, the land is zoned B2, local centre. Over the road, that really big warehouse, that is zoned B6, enterprise corridor. So - - -

MR R. MILLER: Just to be clear on that, though. What is actually proposed for that site across the road, on the north?

MR NOBLE: On the north.

MR MILLER: Is there a site compatibility - - -

MR NOBLE: There's no proposal before council but there is a site compatibility certificate.

MR MILLER: Right. So in practical terms, what's going to happen on that site?

MR NOBLE: Well, if the applicant there – well, there is no applicant. There's no council – there's no application before council for that land. If they were able to get an approval – I think it's before 13 July this year, which will be very difficult – that could be rezoned for affordable rental housing up to seven storeys, what was the previous - - -

MR MILLER: And otherwise it stays B5.

MR NOBLE: Otherwise it stays at B6, enterprise corridor.

MR MILLER: B6, I'm sorry.

MR NOBLE: Yes. Which doesn't allow residential usage.

5 MR MILLER: Yes. I understand.

MR NOBLE: So back in 2014 the government approved a site compatibility certificate for that site to allow affordable rental housing, and that was one of the planning proposals council decided not to proceed with. So there was a site  
10 compatibility certificate issued and there was also – that was one of a number of planning proposals that was before council and the administrator decided to pause them, effectively, until the review was completed.

MR NOBLE: But, just to be clear, they've got until – did you say a time in July?  
15

MS PORTER: It needs to be lodged and approved by that.

MR NOBLE: Yes, so I think it's 13 July and if you like I can come back to you in writing just to confirm when that is but it's really tight.  
20

MR WILLIAMS: That's rezoning has to be approved by that time.

MR NOBLE: The DA.

25 MS PORTER: The DA.

MR NOBLE: So what the site compatibility certificate does is that it overturns the land use table or it says affordable housing is permitted on this land up until this time so it was a five year approval.  
30

MR MILLER: I think it would be helpful to know – the precise day doesn't make any difference but it would be helpful to know where that process is up to and what the end date is.

35 MR NOBLE: Sure.

MS PORTER: Sure.

MR NOBLE: Yes.  
40

MR MILLER: Thank you.

MR NOBLE: So as far as the department is concerned, that the actual site compatibility certificate is done just that they don't see it again for five years. And  
45 it's over to the landowner to put in a development application to council to get that approved.



MR MILLER: And, Peter, while we're on this site, as I understand it, two-thirds or thereabouts of this site is B - - -

MR NOBLE: 6.

5

MR MILLER: 6. And the back portion is B2. Is that right?

MR NOBLE: The R3.

10 MR MILLER: R3. Sorry. R3.

MR NOBLE: While we're there, though, my view on this and the site compatibility certificate to the north on 677 Canterbury Road is that the zoning hasn't changed. There's no application before council. And the timeframe to get a DA approved for the affordable rental housing is really, really tight. So I don't think this – we have not considered it to be land that has been rezoned because there is an argument that the applicant has put forward, well, it's an isolated site. Every site around it is being rezoned for mixed use development, including the site compatibility certificate to the north. Now, that effectively works for his argument because it sort of indicates it's an isolated site and it needs to be rezoned. But with no application before council and if it doesn't get approved before July it will remain as employment land which keeps this area – so where the planning proposal applies to is number 6 here on our map.

25 That remains a pocket of employment land and it reinforces the nodal approach. So if we accept that both sides of the road should be mixed use we start to erode that nodal approach that we've developed.

MS PORTER: And in terms of a future DA for the north side as well based on the compatibility certificate what we would also have to consider in the DA process as a matter of public interest is considering the Canterbury Road Review. So it would be a matter of public interest under 4.15 of the Act to consider what the review wanted and it's not for – I believe the certificate is for seven or eight storeys and that's not what the review is seeking so the Canterbury Road Review would still be a relevant matter for any DA that came in for that site.

MR NOBLE: Yes, even with the – I mentioned that the site compatibility certificate changes the land use. It doesn't change the planning control so - - -

40 MR WILLIAMS: The zone.

MR NOBLE: - - - it would have no floor space ratio and it has a three storey height limit so 12 metres.

45 MR WILLIAMS: That's why they want a planning proposal as well for the site as well.

MR FARLEIGH: They were trying to run the two concurrently. Yes. So that if the planning proposal got through then it wouldn't be constrained - - -

MR .....: By the site compatibility - - -

5

MR FARLEIGH: - - - by the certificate and the affordable housing component.

MR NOBLE: So if you accept the applicant's argument that the site at 677 Canterbury Road will have a site compatibility certificate on it and therefore it has effectively been rezoned and then, you know, that site has a maximum of three storeys and no floor space ratio. So the applicant's proposal is eight storeys with no floor space ratio. So if you're going to accept that argument, which I obviously recommend against, then three storeys is what the site over the road has so it's a pretty big difference between eight and three. Moving on to the specifics about the planning proposal, the site is roughly four and a half thousand square metres. On the right I've got the zoning map which shows it's zoned B6 enterprise corridor and also partly R3 medium density residential.

On the left I've just mapped where it sits within the review. That red line didn't come out particularly well around the site but it sits just outside a junction. What they are seeking to do is rezone the land to B5 business development and apply the mapped clause which allows residential accommodation on the site as part of mixed use development. Height, they're looking for up to eight storeys but it's - you know, it's quite a range of building steps in a number of places and it's zero in one part for where they're proposing a laneway. And floor space ratio control is proposed to be removed so they want to have the planning controls for that site consistent with the planning controls that are currently along the rest of Canterbury Road. In terms of the floor space ratio, it's no floor space ratio control noting that most other land along Canterbury Road is 18 metres height of buildings.

30

MR MILLER: Can we just go back to that earlier diagram.

MR NOBLE: Yes.

MR MILLER: Just so I'm clear in my own mind, that of course applies to the B6 component which is about roughly two-thirds of the site. What about - how does - what happens with the other one-third of the site? Three block.

MR NOBLE: BR3.

40

MR MILLER: BR3, yes.

MR NOBLE: My understanding is that's proposed for a B5 mixed use, no floor space ratio.

45

MR .....: Yes, it's all part of the - - -

- MR MILLER: And if it wasn't – I understand that but if it wasn't, what would be permitted on that site?
- MR NOBLE: If we – so what's currently permitted?
- 5 MR MILLER: Yes.
- MR NOBLE: We've got townhouses permitted up to eight and a half metres. So effectively two storeys.
- 10 MR MILLER: So a two-storey townhouse.
- MR WILLIAMS: There's nothing in the way of residential flats or anything like that.
- 15 MR NOBLE: No.
- MR MILLER: Okay. Thank you.
- 20 MR NOBLE: So just – the process that this planning proposal and the Canterbury Road Review have been through, so this application was lodged with us in 2014. The department issued a gateway determination to proceed in 2015. As I mentioned, the Canterbury Road Review commenced in August 2016 which was about the same time as the planning proposal was exhibited. So we had – while Canterbury Road
- 25 Review was commencing we also had the review – the exhibition of the planning proposal seeking community feedback on the proposal itself. The review was adopted later in May 2018 by the council. We then moved to decide what to do with the local – with the remaining planning proposals including this one on 13 June.
- 30 The council resolved not to proceed with this planning proposal on 26 June and the council then requested that the planning proposal not proceed as well as several others that council decided not to proceed with. And then the department later notified council in writing of its support not to proceed with the planning proposal.
- 35 MR WILLIAMS: Sorry again, Mitchell, those other planning proposals that aren't proceeding as well, were they all council-nominated ones or were they - - -
- MR NOBLE: It was a mix.
- 40 MR WILLIAMS: A mix. Okay.
- MR NOBLE: So there were – there was, you know, one planning proposal that had a number of sites in it.
- 45 MR WILLIAMS: Yes.
- MR NOBLE: And I'm calling that – so there was like six sites in that one.

MR WILLIAMS: Yes.

MR NOBLE: So I was calling that six planning proposals; it's actually six sites.  
 Council decided not to proceed with any of the other nine planning proposals  
 5 including its own - - -

MR WILLIAMS: Its own as well as proponent developer.

MR NOBLE: That's right.

10 MR WILLIAMS: Have any of the other developers sought to proceed or challenge the gateway determination?

MR NOBLE: None.

15 MR WILLIAMS: None. Okay.

MR NOBLE: None so far.

20 MR WILLIAMS: Okay.

MR NOBLE: We had one landowner submitted amended proposal from the site we were talking about with the site compatibility certificate, 677 Canterbury Road and council decided not to proceed with that.

25 MR MILLER: The council gave a number of reasons for proposing rejection. Can you just address those for us.

MR NOBLE: Yes. Sorry, I'm still in the phase of - - -

30 MR MILLER: I'm sorry, no, you finish what you're doing.

MR NOBLE: Yes, yes.

35 MR MILLER: You go in whatever order you want to go.

MR NOBLE: No, no, well, I'm just getting now to – all right. That's the planning proposal.

40 MR WILLIAMS: Fine. Okay.

MR NOBLE: Why did we decide not to proceed and then - - -

MR MILLER: Sure. Thank you.

45 MR NOBLE: So the inconsistency with the Canterbury Road Review was really the key reasons. We're looking at this map here and this map is one that I've presented

to the local planning panel and council. It had all of the sites along it. The different colours represents a different local planning panel meetings that I was ..... so the site we're talking about today sits here. Now, that inconsistency speaks to a few things. It's outside of a junction or locality so – because I was saying if we're trying to  
5 enforce the nodal approach we don't want to continue to rezone the employment and urban services land which currently is not rezoned along this corridor.

That's going to do a few things apart from either way that the review in its general approach, it's going to add traffic impact. It's going to be inconsistent with the  
10 Greater Sydney Commission's direction on preservation of employment land or the retain and manage approach which came out after this application was lodged but during the process that we were working with for the Canterbury Road Review. It's inconsistency with the 9.1 directions or the old section 117. Yes. So a couple of those require you to consider loss of employment land. The other one that was  
15 relevant was the consideration of the Greater Sydney Commission's Greater Sydney Region Plan and South District Plan. So there was a legislative tie-in to our decision there. It wasn't just based on the strategy itself but that was the lead.

Inconsistency with the South District Plan that I mentioned. We had one of the  
20 owners objecting to the proposal and I will go into that in a moment. The site was owned not wholly by the applicant; there was two owners. The local planning panel recommended not proceeding which is council's determining authority for development applications but they also make recommendations for planning proposals. So whenever we report a planning proposal to council it comes with a  
25 recommendation from the staff and the local planning panel before the council makes a decision. And then the council decided not to proceed with the planning proposal. I will just go into a bit more depth on each one of those but – so I mentioned the site is not in a junction or locality. But, you know, even if you look at and go, well, it's sort of – it's close, it's proposing a maximum of eight storeys where what the review  
30 is recommending is six storeys inside a junction.

So we're saying wherever where we've got good locations for growth inside these nodes the control should be up to six storeys. It's well exceeding that by two storeys. We're also saying inside of junctions two and a half to one is the ballpark appropriate  
35 density, and the applicant is proposing no floor space ratio, which is a problem for us. We don't want to continue the mistakes of the past with not applying a floor space ratio control. It encourages development applications that are seeking to expand the building out to the edges to get as many units in as possible, because there is literally no control on density. It's only the height. And it encourages a lot  
40 of variations to our development control plan. We'd get a lot better outcomes if we have the floor space ratio control.

And, just as an indication, when you look in the statement of environmental effects in the applicant's development application, you can see that it's estimated around 2.9  
45 to 1 is what the likely floor space ratio will be. So well in excess of our two and a half to one. Noting that that can be changed through variations. Yes. So another point was the inconsistency with the South District Plan. So the Greater Sydney

Commission has a position – a strong position on employment on urban services land, which we consider the B6 zone to be employment of urban services land.

5 And it talks about retaining and managing industrial service land in line with the principles for managing industrial urban services land in the south district, by safeguarding all industrial zone land from conversion to residential development, including conversions to mixed-use zones, which is very relevant for this proposal. What – it also says that we should be reviewing our employment and urban services land as a whole across the local government area, which we will be doing as part of  
10 our new LEP.

MR FARLEIGH: Can I just add in that – that historically all B6 land was zoned light industrial.

15 MR WILLIAMS: Okay.

MR FARLEIGH: So when council converted under the standard instrument template, if it was light industrial, it went to B6. There was the zone that preceded the B5 zone, was – I think it was called specialised business zone and it did allow  
20 mixed-used development - - -

MR WILLIAMS: Okay.

MR FARLEIGH: - - - up to three storeys in height.

25 MR WILLIAMS: All right.

MR FARLEIGH: So it was fairly much a translation from old to new.

30 MR WILLIAMS: Yeah, yeah.

MR MILLER: But, as I understand it, B6 now permits quite a broader range of implement use.

35 MR FARLEIGH: It's a broader range of uses, yes.

MR MILLER: Yes, yes.

MR FARLEIGH: But it still – it didn't permit residential uses.

40 MR MILLER: Yes.

MR FARLEIGH: Which was the key difference between - - -

45 MR MILLER: Yes. Yes, I understand.

- MR NOBLE: So just moving on, one of the points I raised earlier was the objection that - - -
- MR MILLER: Can we just go back to that employment issue - - -
- 5 MR NOBLE: Yes, yes.
- MR MILLER: - - - just for the moment. The applicant says that in the DA they lodged in 2015 they had indicated no loss of – it was no loss of employment land.
- 10 MR NOBLE: Yeah.
- MR MILLER: Do you have a view about - - -
- 15 MR NOBLE: Yes, I do. So – I mean, I don't believe that's true. I think – we looked at the development application and the area of employment land is less than what it currently is, for starters. It's more commercial, as well, so it's not – but this – the district plan deliberately sort of talks about conversion of urban services land to mixed use and wanting to avoid that, this idea that, well, you know, I can put a café
- 20 in there and that's sort of the same as industrial or ..... uses, for example, and it's pointing out that it's not. Also, yeah, it's – you can see in the DA that the owner is sort of burdening site A, if I can - - -
- MR MILLER: Yes, that's all right.
- 25 MR .....: We understand this point, yes.
- MR MILLER: We understand this point.
- 30 MR .....: Yes.
- MR NOBLE: Putting two layers - - -
- MR MILLER: Yes, yes.
- 35 MR NOBLE: - - - of employment there.
- MR MILLER: Yes.
- 40 MR NOBLE: So it's easy for him to say, well, I've got more employment there than what's currently ..... I don't believe that's true, because he has got two layers of employment land on a site that he doesn't own which the land owner has said he won't develop, or he has certainly indicated that through putting in an objection.
- 45 MR MILLER: We've asked Mitchell – we've asked the proponent to put that on the – put how they propose that would – the employment land ratios would be ..... would be maintained - - -

MR NOBLE: Yeah.

MR MILLER: - - - on the record and it would be useful for the council to respond to that.

5 MR NOBLE: Sure. We can do that and what I would say is that – yeah, definitely the district plan warns against the – sort of the jobs approach.

MR MILLER: Yes. We just want - - -

10 MR NOBLE: Yeah.

MR MILLER: Factually what the story is and we want to see what the corresponding arguments are - - -

15 MR NOBLE: Yeah.

MR MILLER: - - - so we can make up our mind.

20 MR NOBLE: Yeah. And - - -

MS PORTER: The other point that I would make, as well, is that I was looking at the proposed total GFA for the site, because it's in – what they want is a B5 business development zone. The total employment – so what they're – they're proposing it on Canterbury Road in the front – that front sort of portion stacked on top of each other. That's – you'd have a basement level, commercial, and then commercial on the ground floor. That accounts for about 5.9 per cent of their GFA. So the rest of it at 90 or 93 per cent of it would be residential - - -

30 MR MILLER: I think I had three - - -

MS PORTER: - - - of the proposal.

MR MILLER: A stack of three storeys on that site.

35 MS PORTER: The plans show me, too, they might have a revised design.

MR MILLER: I think for their site, yes. For the next door site, for site A, three – three – staggered three, I think.

40 MR WILLIAMS: Yeah, three on their side. But I think it was two – you're right. I think it was two - - -

MR MILLER: Two - - -

45 MR WILLIAMS: - - - on their side. One of them was basement.



MS PORTER: Yes, that's right. That's on site A.

MR MILLER: Yes.

5 MR WILLIAMS: We just saw that this morning

MR MILLER: Yes.

MR WILLIAMS: Yeah.

10 MR MILLER: It's on that – on the corner of – on the eastern – whatever that eastern street is.

MS PORTER: Yeah, that's right.

15 MR MILLER: Yes.

MS PORTER: So that only counts for six per cent - - -

20 MR MILLER: Right.

MS PORTER: - - - of their proposed - - -

MR MILLER: Well, it'd just be useful to have the views - - -

25 MS PORTER: Of course, yeah. Yeah.

MR NOBLE: Yeah.

30 MR MILLER: - - - in response to theirs. Thank you.

MS PORTER: Absolutely.

MR NOBLE: So back to the owner of site A. So to start with the owner. The

35 applicant doesn't own all of the land. Part of it and a significant chunk in the front – probably 75 per cent of the frontage to Canterbury Road is owned by a different owner who has objected to the proposal and made his view clear to the local planning panel and council. He doesn't want the land to be rezoned.

40 MR MILLER: Do you say that's relevant to a gateway as opposed to other processes? Why is it relevant to gateway?

MR NOBLE: I would say it's relevant because it speaks to how the site could be developed and whether it's likely it will be developed as one or as separate. I – and

45 it also speaks to a number of the arguments that the applicant has put forward in relation to the employment land that – you know, saying he will provide more employment land than what's there. You'd need to sort of look into the detail to

flesh out those sort of arguments. So while I generally try to remove the distinction between planning proposal and – or a separate planning proposal and DA, often the applicant's arguments are relating to the DA. Ultimately they're amendable, right? We know the big issue here is the change of land use. But, yeah, there are some  
5 times where we have to look into the particulars of a development application to check out those arguments.

MS PORTER: And that's the critical site. I mean, that's the Canterbury Road site.

10 MR MILLER: Yeah.

MS PORTER: The rest of it falls to the rear.

MR NOBLE: On the exhibition, although council decided not to proceed and this  
15 was not reported to council as we normally – normally we would do a post-exhibition report saying here is the findings of exhibition and we should or shouldn't proceed. Because of this coming out of the Canterbury Road Review, we took a different approach. Anyway, just on the findings of the community consultation, there were 177 either individual letters or form letters or signatures in a petition  
20 against the proposal, eight individual letters, 51 form letters of a particular type, 21 of another type, 97 petitions total, and we had a comment from RMS, which was neither one way or the other. So there's significant community objections, and I suppose that was at a time when there was great concern about the development outcomes along Canterbury Road and launching of the review, as well. So that's  
25 probably ..... a little bit, yeah.

Look, I also want to touch on just some key things that the applicant has raised with us throughout this process and just to sort of address some of those. I've just picked the top five. There are probably 10 issues that keep coming up, but yeah. One of  
30 them is that the decision to not proceed with the planning proposal ignores the department's determination initially that it's okay to remove the employment land, that the loss of employment land is okay. I would say – you know, that was back in 2014 when there was no established position on loss of employment land. You know, since that time we've had issues raised around cumulative traffic impact as a  
35 result of the planning process and the development applications on Canterbury Road.

We've had the Great Sydney Commission's work in terms of its Sydney Region Plan and the South District Plan come out, and, most importantly, the council has re-looked at planning and development and its vision for Canterbury Road and  
40 established a new one. So it's important and relevant, I think, to review that initial decision, and that's what the department did when we requested we not proceed with the planning proposal. So that was an important step of the process. We couldn't just sort of say, "Department, we don't want to proceed with this planning proposal," and that's it. It needed to go back to the department so they could effectively okay  
45 that decision, and they did. They have confirmed that, yes, they don't believe this planning proposal should proceed.

MR MILLER: Just – sorry. I’m just trying to get in my head – so the original determination of the gateway was that it proceed.

MR NOBLE: Yes.

5

MR MILLER: And why didn’t it proceed after that point?

MR FARLEIGH: Well, it proceeded to public exhibition.

10 MR MILLER: To publish exhibition.

MR FARLEIGH: And our understanding at the time was that the primary function of a gateway determination is to allow something to proceed to public exhibition.

15 MR MILLER: Exhibition.

MR FARLEIGH: And then, once that consultation takes place, council can then make an informed decision about whether it should proceed as exhibited with changes or whether it shouldn’t proceed at all, and that’s exactly how this whole process has unfolded has unfolded.

20

MR WILLIAMS: So Council’s elected not to proceed with – after they’re – from – after public consultation.

25 MR FARLEIGH: After public consultation - - -

MR NOBLE: Yes.

MR FARLEIGH: The exhibition.

30

MR WILLIAMS: So now we’ve got a situation where the department’s come back and revised the original gateway determination.

MR NOBLE: Yes. Yes. And the context at the time was that the old Canterbury council was on board with this proposal. I mean, at a time it had proposed to re-examine this land itself. This applicant had wanted to move a bit quicker than council on it because it was a hitting a few snags with RMS, and so it – the applicant lodged the proposal. So it was definitely – it had council support and, you know, council resolved to support it at the beginning.

40

The department had reviewed that recommendation to, you know, commence the planning proposal process and said, “Yes, let’s do it.” It’s gone to exhibition, and then the Canterbury Road review started under the new merged Canterbury-Bankstown Council which had a different perspective on the right places for development and, you know, the general – trying to address the concerns about overdevelopment on the Canterbury Road Corridor. So there was a new – reach a new perspective taken on the issue sort of from half – the halfway point onwards.

45

MR FARLEIGH: There is one key difference with height there, though. Council was looking at all from B6 to B5 generally with an 18 metre or five-storey height limit. When this one has come in separately to try to have it quicker, it originally came in, I think, part 10 storeys, and that was revised down to partly eight. So there is still that height differences given – even though council was looking to rezone some B6 land.

MR WILLIAMS: I'm just wondering – so their department noted to issue that revised gateway determination. Legally, I mean. Anyway, it's not an issue, but - - -

MR NOBLE: Yes, our view was that - - -

MR FARLEIGH: There's some conjecture about that, yes.

MR NOBLE: Yes.

MR WILLIAMS: Yes.

MR FARLEIGH: Whether is it sufficient for council just to resolve not to proceed and that's - - -

MR WILLIAMS: Yes, that's it.

MR FARLEIGH: - - - end of story.

MR WILLIAMS: Yes.

MR FARLEIGH: I think, probably, council was trying to get confirmation from the department that - - -

MR WILLIAMS: Yes.

MR FARLEIGH: - - - their decision was valid and they were doing the right thing.

MR WILLIAMS: Yes. Yes. Yes.

MR NOBLE: Yes, there may have been another avenue.

MR MILLER: You point to us – point to us – it's obvious, isn't it? The Act provides for - - -

MR WILLIAMS: Council to change - - -

MR MILLER: - - - change the position - - -

MR WILLIAMS: Not to proceed - - -

MR MILLER: Yes. Yes.

MR WILLIAMS: Which is - - -

5 MR MILLER: Which is really what we're just referring to.

MR WILLIAMS: Referring to – just doesn't really – didn't really need to go back to the department.

10 MR NOBLE: Yes. One of those two requires the department's okay. At any time, can request the Minister not receive the planning proposal, I think is what the wording is in the Act.

MR WILLIAMS: Okay. Yes.

15 MR NOBLE: And the other one says, after exhibition, council can decide not to proceed.

MR WILLIAMS: Proceed.

20 MR NOBLE: Now, our reading was a little ambiguous, so we – you know, our feeling was go with the safer of the two - - -

MR MILLER: We probably don't need to hypothesise about that. It is what it is

25 - - -

MR NOBLE: Yes, that's right.

MR MILLER: - - - and you've just blocked – you've just dropped out of - - -

30 MR NOBLE: Sorry. I - - -

MS HO: Oh, no, I - - -

35 MR NOBLE: - - - timed out - - -

MR WILLIAMS: Timed out on the screen, so - - -

MS PORTER: And it think it was a letter with the other eight or nine planning proposals, wasn't it?

40 MR NOBLE: It was, yes. So - - -

MS PORTER: Just going by itself.

45 MR NOBLE: - - - we sent them as a batch to the department requesting not to proceed with all nine - - -

MR MILLER: Well, whatever the effect is, it's – we're beyond that. So - - -

MR NOBLE: Yes.

5 MR MILLER: The third point was - - -

MR NOBLE: So it – the – sorry, just on that second point, the applicant would often say, you know, "It's substantially progressed, you know. You can't bail out now," sort of thing. Well, you know, our response to that is, "Yes, we can. There's  
10 specific provisions in the Act that allow us to do that."

MR MILLER: Yes.

MR NOBLE: Just need to – because we've started a process doesn't mean we - - -  
15

MR MILLER: Well, that's a ..... to determine. And either – you're either – it's either right or it's wrong.

MR NOBLE: Yes. The third point. The site is an isolated industrial site  
20 surrounded by mix-use development. You know, there's that point we discussed earlier. The applicant often said, "Well, every other site around will be developed for this purpose. We're the only one. It's silly for us to be maintaining this employment uses in that context." Well, I would say that, you know, the site is part of a pocket that you can – you can see here it includes the land at 677 Canterbury  
25 Road. It – there's no development application in that would exercise the function to effectively rezone that site. So it's not isolated. It's part of a pocket of existing urban employment land, and maintaining that current zoning reinforces an overall approach in the vision for the Canterbury Road Review. He says that the planning proposal would result in an increase in employment land, which was also discussed.

30 So we're saying that the DA shows a net decrease in employment land, from our calculation, and a significant portion of that is assigned to site A which is easy for the applicant because he doesn't have to develop that. And another point that's often raised is, you know, it's – "The planning proposal's generally consistent with the  
35 review. It's not far off; therefore, we should proceed." Well, our view is, well, no it's not. Apart from the outside of the junction issue, the floor space ratio is well in excess of what we're proposing to introduce inside areas we've identified for growth. It's seeking eight storeys when existing development on the Canterbury Road corridor is usually at five, and inside nodes, it's four to six. So it's well above that.  
40 So we don't believe it is consistent with the review in general. Those are the, sort of, top 5 issues. If there are any other issues that might have come up in the – your discussion with the applicant, happy to talk through those.

MR WILLIAMS: They're pretty good. I mean, they're sorts of issues that were  
45 conveyed to us this morning. So it's good to see council's perspective on those issues.

MR NOBLE: Yes.

MR WILLIAMS: That's great.

5 MR NOBLE: And just – last slide for me is that – you know, this is part of a  
process for us. The process wasn't just about just missing planning proposals. It  
was, really, setting new planning controls for Canterbury Road which will include a  
number of further studies to identify appropriate controls for all of the junctions and  
localities, and even outside of that, making sure that residential – multi-unit  
10 residential is not permitted. So that will involve further studies and a review of our  
employment lands across the whole local government area, keeping in mind the  
direction from the Greater Sydney Commission is clear around maintaining and  
retaining employment and urban services land. So, you know, we would have to  
arrive at a very different conclusion from them to go back to sites like this to start  
15 rezoning them for residential uses, and then we would incorporate that work into our  
new LEP which we're required to do in the next two years. That's the conclusion of  
my presentation. Is there any questions that you had in addition?

MR WILLIAMS: Well, one question I – it's just – and you've touched – and I  
20 think, with that last line, it helps answers the parliament question anyway, that I had.  
It's – and it goes back to this whole issue from the applicant about the site being  
isolated. It's going to be redundant and useless because it's this island and it was  
about, well, what do you think that site could be used for in the future, the future  
rezoning of the site, and I think you have kind of answered it with the review of the  
25 lands and incorporation of the LEP, but there is council's active intention to review,  
not just this site, but also the sites.

MR NOBLE: Correct.

30 MR WILLIAMS: Which could result in a completely new zoning in two years time  
or - - -

MR NOBLE: Yes, exactly. So we're – what we want on this corridor is where  
we've identified land for employment and urban services, land use is to make them  
35 work. So part of that detailed economic analysis will be saying, well, what – if we're  
not putting houses here, what else can work and function and be viable, is the  
important question. We don't want just dead zones in between the nodes. It's not  
what it's about.

40 MS PORTER: And I think when you scope out as well, like when you're sort of  
looking at just the site and the ones around it, it looks like a pocket zone. It's  
actually not – when you look at the Canterbury Road, it's actually filled with pockets  
of R4, R3, B5, B2. So the situation that this block finds itself in is pretty consistent  
along the eight or 12 kilometres of Canterbury Road. It's not just this site that  
45 operates that way.

- MR WILLIAMS: And so any possible rezoning of the site wouldn't – would it just be the front B6, or would it be, further back, the adjoining R3 or - - -
- MR NOBLE: Look, if it's to make the employment uses work - - -
- 5 MR WILLIAMS: Yes.
- MR NOBLE: - - - and if it – what was needed was to rezone the residential land, then we would consider that.
- 10 MR WILLIAMS: ..... that's right.
- MR NOBLE: I think, primarily, the focus, generally speaking, would be the properties fronting - - -
- 15 MR WILLIAMS: Yes. Yes. Yes.
- MR NOBLE: - - - Canterbury Road. But – yes, if we had land ownership patterns have landed itself to a zoning across the whole site - - -
- 20 MR WILLIAMS: Yes.
- MR NOBLE: - - - we would consider that.
- 25 MR WILLIAMS: Could council realistically see – it's a bit hypothetical, I guess, but council realistically see the site being developed and, say, the next couple – five years, say, after new LEP comes out? It sounds like that owner of site A is pretty adamant they – they're happy to stay where they are.
- 30 MR NOBLE: Yes, it does, which means whatever would happen on the remainder of the site would have to work around that.
- MR WILLIAMS: Around that. Yes.
- 35 MR NOBLE: But I don't think that would exclude it being redeveloped in the next five years.
- MR WILLIAMS: Yes. Okay. Yes. Presumably, if it does stay as urban services employment land, that always has its own traffic impacts as well and so - - -
- 40 MR NOBLE: Yes.
- MR WILLIAMS: - - - RMS might continue to have concerns no matter what.
- 45 MR NOBLE: Well, no. It has been modelled as retained for employment land. So the traffic model ..... with the Department of Planning and the agencies including RMS, assumes that it will be retained for employment uses.



MR WILLIAMS: Yes.

MR NOBLE: So it's already factored in. Residential is not factored in which would – you know, if the applicant – if you accept the applicant's argument that it would  
5 intensify the employment use, then the overall traffic impact would be much greater.

MS PORTER: And that's at a two to three storey range as well.

MR WILLIAMS: Yes. All right. All right. I mean, the other question I had before  
10 we had the meeting was if the strategic planning journey, I can call that, has finished, and clearly it hasn't, you've got all these plans for review of the lands and new LEP anyway.

MR NOBLE: Yes.

15

MR WILLIAMS: It should address the site and other sites in the next couple of years.

MR NOBLE: Yes.

20

MR WILLIAMS: Okay. The DA itself, is there anything you want to just comment on the DA at all that might be of relevance. You've, sort of, touched on the issue about how much of the employment lands is on site A and site B, and I guess the height of the project in terms of what the zoning planning controls height control is  
25 perceived for the site.

MS PORTER: I mean, the DA that has come in actually breaches its own proposed height, so they've got a clause 4.6 objection - - -

30

MR WILLIAMS: Okay.

MS PORTER: - - - to vary already what they're seeking.

MR WILLIAMS: Right.

35

MS PORTER: As I understood it, the main purpose to lodge the DA so early in the piece – and they recognise in their own statement that it is a risk to lodge the DA – the main purpose was to show that it works. Instead, what they've showed us is that site A really can't function by itself and site A is that, in my view, three quarters of  
40 the Canterbury Road frontage. That is, the site where you want the development on. You don't want development towards the R3 at the rear. So what they're showing for that on there, firstly that site A can't have access – vehicle access without relying on site Bs redevelopment. So they cannot develop in their own right. So let's say we rezone it, site A can't do anything until site B redevelops and constructs, completely  
45 constructs, their development to get access into their site at all. So there's a real barrier to redevelopment for the Canterbury Road site. So the DA itself is showing underground apartments. I'm not sure why.

MR WILLIAMS: And that would ..... a right – that’s a right of way access, the 88B instrument to give right of way to - - -

MS PORTER: Yes. And those details haven’t been provided in the application.  
5 They’re showing a laneway as well to be dedicated but without the mechanism to dedicate it in. Whether they relied on that in the planning proposal or not, the detail is not really there. But also that laneway doesn’t really align with the laneways either side because of how far they’ve come into the R3 and that’s something that the regional planning panel raised issue with when I took the DA at the end of last year  
10 to determine it for refusal. The other issues that showed was the small amount of commercial that was proposed and that’s something in issue that I’ve had with other regional planning matters and DAs because it is called a business development zone, the regional panel has often said, “Well, hang on. Where’s my employment uses?”

15 MR WILLIAMS: Yes.

MS PORTER: “You’re not meeting that at that.” It’s the first objective of the business development zone and again, this DA shows that the primary purpose really is residential.  
20

MR MILLER: So how generally would you respond to the proposition that this land falls away quite significantly and so using it for employment purposes is problematic?

MS PORTER: I think it’s – they’ve got a well-known architect on board who I’m sure has worked with sloping sites before. It’s definitely doable. The majority of sites being developed now – I’ve seen some, you know, really new ones towards Glebe area, opposite Wentworth Park and those sites, actually their levels dropped quite dramatically. It’s matter of just balancing your floor plates, so that your  
30 forecast uses. You’ve got enough space. So you don’t have small tenancy. So either if it’s a supermarket, you’ve got a supermarket tenancy floor and then it drops. There’s a number of ways to overcome a sloping site.

MR MILLER: Thank you.  
35

MR WILLIAMS: We will be going to look at the site this afternoon. Is there anything particular you think we should particularly take note of or have a look at while we’re out there?

MR NOBLE: Yes, probably that – the R3 interface, the medium density interface would be worthwhile noticing. I mean, if you – it would be good to drive down to Canterbury Road from sort of Hurlstone. Start up here. Don’t sort of come in from the edge because you will understand the context and why we are trying to move  
40 away from this sort of vision of development just starting there and ending right down at the other end. It’s a very long corridor and there’s only so much capacity for residential and ground floor shops and the nodal approach sort of addresses all that.  
45

MS PORTER: The amount of empty shops is part of the mix here, as well.

MR NOBLE: Yes.

5 MR WILLIAMS: Okay.

MR NOBLE: And, yes, just observing the site over the road, 677 Canterbury Road.

MR WILLIAMS: Yes.

10 MR NOBLE: You don't need to go over there to see it but you can see it from across the road but just noticing that that is to be retained for employment uses.

MR WILLIAMS: We also thought it might be worthwhile just driving up one or

15 two of the north-south roads like Burwood Road just to see because that's the focus of where the - - -

MR NOBLE: Yes.

20 MR WILLIAMS: - - - redevelopment is going to occur.

MR NOBLE: Yes.

MR WILLIAMS: And even that's just to a maximum of six storeys. Is that correct?

25 MR NOBLE: Yes. That's right.

MR WILLIAMS: Four to six storeys.

30 MR NOBLE: The current controls are at five and we would like to allow it to go a little bit higher to six storeys.

MR WILLIAMS: Okay.

35 MR NOBLE: And you can see – yes, some of these sites are – have already been developed so you can sort of get - - -

MR WILLIAMS: Get a feel.

40 MR NOBLE: And you can – you know, you can see that walking from this node to Belmore Station and the transport and shops that that provides is not – it wouldn't be a big thing to do. It's not that far away.

45 MS PORTER: It's a shame that this site here isn't – hasn't been constructed yet. So this is 717 Canterbury Road. It's a shop top housing development and they've actually balanced their levels to ensure they've got – because they have to have commercial as part of a shop top. It's a shame that it's not finished so you could see

how they've worked with the floor plates on a significantly sloping site to make sure that the residential is all above commercial because they were required to do that.

5 MR NOBLE: Probably one of the most important things would be to drive past what's called the old Harrison's Timber site. That's at – it's this block here. So it's sort of three blocks before the site. It's at – what is it, 538 Canterbury Road.

MR FARLEIGH: 548 Canterbury Road.

10 MR NOBLE: 548 Canterbury Road.

MS PORTER: Yes. You should see the hospital on one side.

15 MR WILLIAMS: Okay.

MS PORTER: And then a grey building on the corner.

MR WILLIAMS: Opposite the hospital?

20 MR FARLEIGH: Pretty much, yes.

MR NOBLE: Yes, effectively opposite the hospital. It's at eight storeys so it's the same height in storeys as what the applicant is seeking here so you will get a context of just how big eight storeys is. It has been developed at eight storeys with no floor space ratio control. So that will really give you a picture of the sort of development we were concerned about and that was one of the sites that really triggered our concern with the development outcomes that were being delivered across Canterbury Road.

30 MR WILLIAMS: Yes. Okay. And that's all very helpful because it gives an idea of what the planning proposal is trying to achieve and what you're trying to avoid.

MS PORTER: Yes, just how far it encroaches into the R3 and the laneway.

35 MR NOBLE: The reason I tell you to start there and finish there is this bit is where we're getting most of the development pressure. And it's mostly towards the inner west housing market here so it's viewed as sort of a part of the inner west that was a bit healthier whereas where the housing market is struggling a little bit further back and we're seeing less development pressure unless development applications in a  
40 general sense.

MR MILLER: Anything else?

45 MR WILLIAMS: No .....

MR MILLER: Diana, have you got any questions at all?

MS MITCHELL: No.

MR WILLIAMS: Thank you very much.

5 MR MILLER: Anything else you want to add before we wrap up?

MR FARLEIGH: Is it worth mentioning the other reviews that we've had on industrial and employment land?

10 MR NOBLE: It is. It is. So we've had some other – they're called rezoning reviews. A little bit different to this process but challenging the council's decision not to proceed with other employment land - - -

MR MILLER: Well, only if they're relevant to the matter before us because we  
15 don't need to – there's enough material already I think if we – if they are relevant to our decision on this review, yes, but otherwise probably not.

MR WILLIAMS: But these are situations where council has determined not to send it to the department and there has been a review on that.

20 MR NOBLE: That's right. On the same basis that we want to retain and protect and manage our employment uses - - -

MR WILLIAMS: Okay.

25 MR NOBLE: - - - in a similar zone. So we had three of those that I can recall; one in Sefton and one in Punchbowl – two in Punchbowl, actually – those three. All three the state planning panel has decided to agree with council's point of view not to rezone for residential purposes and retain the underlying employment uses. I  
30 suppose what I'm saying there is we've been fairly consistently applying that approach since the merge of the councils, not to rezone the land.

MR WILLIAMS: Okay. That's good. Okay. Well, thank you very much for coming today. We really appreciate your time. It's very helpful to help us in our  
35 deliberations.

MR NOBLE: No worries.

MR WILLIAMS: Thank you very much.

40 MR NOBLE: Thanks for the opportunity.

MR WILLIAMS: Thank you.

45

**RECORDING CONCLUDED**

**[11.34 am]**