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TRANSCRIPT OF PROCEEDINGS

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INDEPENDENT PLANNING COMMISSION

MEETING WITH PROPONENT

RE: CHANNEL 9 WILLOUGHBY MOD2

PANEL: DIANNE LEESON
RUSSELL MILLER
JOHN HANN

ASSISTING PANEL: DAVID KOPPERS

PROPONENT: DAVID HYNES
KADE ASTLEY
TAI ROPIHA
GEORGINA BLIX
CLARE SWAN
MICHAEL OLIVER
MATTHEW McCARTHY

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

DATE: 9.37 AM, TUESDAY, 13 NOVEMBER 2018

MS D. LEESON: So good morning and welcome. Before we begin, I would like to acknowledge the traditional owners of the land on which we meet, and I would also like to pay my respects to their elders past and present and to the elders from other communities who may be here today.

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Welcome to the meeting today. Euro Properties and Lotus Property Fund No. 8, the proponent, is proposing to modify its concept approval MP10-0198 for a staged residential development which includes a small-scale non-residential uses at Willoughby, in North Sydney. Key elements of the modification include: exclude the portion of Scott Street owned by Council from the site; increase the approved building envelopes from seven to nine; increase the maximum gross floor area from 37,136 square metres to 43,907 square metres; increase the maximum number of dwellings from 400 to 460; amend building envelope heights, while maintaining the maximum approved envelope height of RL 105.4; and include child care facility as a permitted use.

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My name is Dianne Leeson. I'm the chair of this IPC panel. Joining me are my fellow Commissioners Russell Miller and John Hann. The other attendee at the meeting is David Koppers. 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 several sources of information upon which the Commission will base its decision.

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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; we'll then put that up on our website. I request all members here today introduce themselves before speaking for the first time, and for all members to ensure they do not speak over the top of each other, to ensure accuracy of transcript.

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We will now begin. So welcome again. We do have quite a few questions that we would like to tease out during the course of this meeting, but I understand that you'd like to take us through a small presentation first; and that will no doubt help our conversation as we go along. So can I hand across - - -

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MR D. HYNES: Yes.

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MS LEESON: - - - to you for that.

MR HYNES: Yes, fantastic. My name's - - -

MS LEESON: Thanks, David.

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MR HYNES: - - - David Hynes. I'm the project director for this project. And joining me is Kade Astley, project manager; Georgina Blix, from CHROFI; Michael Oliver, from Ethos Urban, our town planners; Tai Ropiha, from CHROFI; Clare Swan, from Ethos Urban; and Matthew McCarthy, from McLaren Traffic. We do have a short presentation. It probably – I'm very mindful of making it short, so we'll hopefully hit all the key points in around about a 10-minute timeframe or thereabouts.

As you know, the site is owned by Euro Properties and Lotus Properties. Lotus Properties are a local developer, based in Sydney; and Euro is based in Hong Kong. Both developers have a long track record of developing high-quality design-driven projects, in Australia in the case of Lotus, and in the case of Euro in London, New York and Hong Kong. The design focus, I think, is very evident in the scheme of the process that we've followed to get to this point.

I think it's fair to say that the scheme that was ultimately approved and driven by Channel 9 between 2010 and 2014 ultimately became about achieving, I guess, a bankable approval, as opposed to something that could potentially be developed; and maybe it wasn't the ideal development outcome for the site. So when we acquired the site in 2015, we engaged a range of consultants, most notably Andrew Andersons, who's a highly regarded Australian architect, to review the approved scheme and identify any missed opportunities or shortcomings in the urban design outcome.

Following that review, we conducted an architectural design competition, which was voluntary; there was no obligation on us to do that from the department or from the Council. It's a process that was praised by the Government Architect. And then, through that process, we selected CHROFI as the architects for the scheme. And the reason was, I think, they delivered the most robust urban design outcome, but we also demonstrated a deep understanding of the issues that had been raised by the community previously: overshadowing; public open space; visual impact. And they're very modest, but they are a very successful firm; they've just nominated again for a World Architecture Festival award; they won a competition out of 5000 international entries to design the ticket box in Times Square. So they're pretty good at what they do.

I guess, the scheme that's before the IPC for determination is the culmination of a significant amount of community and council and department engagement over many years. It's had multiple independent expert reviews. If you look at traffic, it's been reviewed by Council independent experts, Department independent experts; urban design, Council independent expert, Department independent expert, being the Government Architect; and also, nearly 12 months of negotiations between us and the department since the requirements were issued by the department in December last year. We think that the department's assessment thoroughly assesses the key issues associated with the project, and we support the recommendation.

So in a snapshot, the proposal that's before the IPC – it incorporates significantly – a significant increase in publicly accessible open space: it's double what was in the Channel 9 approved scheme. It maintains the building heights as per the Channel 9 approval. It reduces the number of units from what we initially sought, from 495
5 down to 460. It's got a floor space ratio 1.5 to one, which is not excessive, in our submission, for this site and compared to similar sites across Sydney. It's got support from Council's independent traffic consultant, Council's independent architectural consultant; it's got support from the Government Architect; and it's got support from the department's independent traffic expert. It opens up a currently
10 locked-up, secured site to the community, and delivers significant public benefits, which we will touch upon in our presentation.

We note the comments that have been raised in the agenda here, and we're happy to take you through those. I think the public open space comment that's made in the
15 agenda will be covered by Tai in his presentation, and the other matters we'll discuss with you. I'm sure you've probably got additional questions which we can either address today or take on notice. So again thank you for the opportunity to deliver a short presentation regarding our proposal. I'm going to hand over to Georgie and Tai to take you through a bit of background about the site, and we'll move from there.

20 MS LEESON: Thanks, David.

MS G. BLIX: Great, thank you. So Georgina Blix, from CHROFI Architects. I'll just take you through a few quick slides about the context that this site sits within.
25 The site sits within 2.5-kilometre radius of Chatswood and St Leonards, and within 1.2 km walk to Artarmon station, and both Chatswood and St Leonards are visible from this clifftop position. It's connected to quite a significant regional belt that runs from Tunks Park and Middle Harbour all the way up with a sort of green system of parks that run past the site, which we thought was an interesting opportunity for the
30 site.

And as we zoom in to the site, you can see that it sits as a fairly important threshold between the single residential houses in the north, which is – call it the suburb above – and the larger infrastructure of the M1 highway below, and the significant cliff
35 escarpment with Walter Street Reserve that sits just below the site. And you can see how that system of green parks and recreational spaces sit on either side of the site.

At the moment, it's hosted by Channel 9, which has a number of sort of dated infrastructure, telecommunications infrastructure, and the helipad. And you can see,
40 on that shot there, on the left, that's Artarmon Road, a significant site falls that are actually quite a challenge all across the site. But a little bit more in the surrounding streets. This vista on the left there is a really important axe that we noted on Edward Street, which cuts right through the middle of the site, and lands directly in line with St Leonards station towers. And the context noted on the right is that we have both
45 multi-medium-density apartment buildings and single residential houses, typical of the area.

MR T. ROPIHA: Tai Ropiha, founding partner of CHROFI Architects, Sydney.
May I stand?

MS LEESON: Certainly.

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MR ROPIHA: Thank you. A practice philosophy of ours is to create projects that find better balance between public and private outcomes. And so we set ourselves a brief for Channel 9 to create a better public domain for the community, to increase the value of the development for our client, but to achieve both of these outcomes with at least a built form that has equal or less environmental impact on its surrounds. So we're aiming for a win-win scenario for the public.

10

A starting point for us is this view, which is the site's best asset, its commanding view back to St Leonards, Crows Nest, and Sydney beyond. So – thanks, Georgie. So our starting point was to create a much more substantial public park on this escarpment, where you could obtain this view. Compared to the previous scheme, it's bigger; but, more importantly, access to this part of the site, which we see as the most valuable part of the site, is convoluted. It came off the corner of a street, between two buildings, quite a narrow, difficult access into this part of the site.

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So to make this part of the site much more truly publicly accessible, we created this big green link from Artarmon Road, which is the busiest local street, so that people can see the park beyond, and have a legible way to find their way down to it. On top of that, we introduced just a very simple, clear road system, which is just one street block, similar to other road blocks throughout the locality. And what does is bring a public street right along the length of this public park, so it's properly accessible, and it's going to feel safer having a public street alongside it. Thanks, Georgie.

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So in these views, you can see the significance of this great space with the aspect beyond. And you can imagine people there for fireworks, Christmas Eve. Then, pulling back into the site, the village green, this connecting green space, is actually wide enough to kick a ball, walk dogs, and so forth. And then the culmination of all of this, at the threshold into the site, is the end of Edward Street, where all of these gestures layer upon each other to create this really magical vista.

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What we get is this wonderful, you know, classical town planning axial arrangement, that focuses to a nice terminating element, with the CBD and St Leonards beyond. We've got public steps that overlook these spaces that fall away from Artarmon Road. And you get a sense of the view and the park beyond that draw people into it, and it's a nice, generous, proper way to pull people into the site. Thanks, Georgie.

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On top of that, Artarmon Road itself is probably the busiest local street, so we saw the opportunity to create more of an intimate urban hub for the local community in the place. That can be activated by a restaurant/café. It faces north. It benefits from the activity of Artarmon Road, and can become this great place for locals to gather, socialise, and really benefit from something on part of the site. Thanks, Georgie.

So, look, in terms of having established those key public domain structural elements, the built form is really quite simple from that point on. You can see here the continuation of Edward Street. The previous scheme, which had a large apartment building at the end of – placed at the end of that street. Our obvious gesture of
5 opening up that vista right through means that all the way up Edward Street, you get this wonderful wayfinding asset of seeing St Leonards beyond. And, of course, you don't have the sense of these big apartment buildings from these long vistas into the site. Thanks, Georgie.

10 And then the sort of final piece to it is really the built form strategy, which is to descale the development down to, effectively, two and a half storeys, I guess, on these established residential streets; and then for the built form to scale up in the centre of the site, where the taller buildings have less visual impact, and have less overshadowing impact to surrounding areas.

15 MR J. HANN: Excuse me. Sorry. Just back to that slide. Just so I'm clear, this is looking along Artarmon Avenue?

MR ROPIHA: Artarmon Road. And that's - - -
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MR HANN: Road, I should say. Okay. So those buildings there – I think it's A and – you're saying they're effectively two and a half storeys?

MR ROPIHA: Visually, they - - -
25

MR HANN: Visually.

MR ROPIHA: We've designed them to look like two and a half storeys, but they're actually four.
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MR HYNES: So I might hand over to Clare now, just to have a chat about the stakeholder issues.

MS C. SWAN: Yes. So Clare Swan, the director of planning at Ethos Urban. So, obviously, the community have been quite prominent and vocal in this application and I guess we've summarised the three key issues that came loud and clear from the consultation periods. Obviously there was a perception of the density and the built form on the site, although it was acknowledged through the consultation session that we went to that there was a general understanding that the CHROFI scheme was an
40 improvement on the site.

And, as you can see, the open space and the significant increase in public domain on the site, has been both lauded by Government Architect New South Wales as a positive improvement on the concept plan, as well as council commissioned an
45 independent study by AJC, which also commented on the significant public improvements, notwithstanding the increasing dwelling numbers. I guess feeding into that is also the built form. So we did actually start with taller, slender buildings,

which we actually thought was a good outcome from the competition scheme, but as David has pointed out, through the negotiation process we've come back to a point where the maximum RL on the site is no higher than the concept plan approval.

- 5 And it also – the scheme actually responds better to transitioning from those low scale areas with the way that CHROFI have designed the interfaces on the street level and placed the taller buildings or the density within the site. But, notwithstanding that, there's actually an improvement on overshadowing through the way they've actually finessed and designed the different buildings, so there's an improvement to the Walter Street properties to the south, and the improvement to the Castle Vale dwellings to the east, as well.

In terms of traffic, there has been numerous studies, as you can imagine across the original concept plan, the modification, and basically the – our own traffic studies, as well as the department's independent review, which I'm sure you've read, has concluded there is no material impact on the Willoughby Road intersection as a nexus or as a result of our development. Notwithstanding that, we've understood that traffic is always a key concern of communities, and therefore as part of a voluntary planning agreement offer we've offered to put in sort of \$500,000 towards a VPA offer with council as part of the upgrade of that intersection. So that intersection was actually identified in council's work plans, I think, even years ago as a potential upgrade, but obviously there's a funding nexus that they need to meet. So the next slide - - -

25 MR HYNES: Yes.

MS SWAN: So in terms of the traffic, obviously we've got the voluntary planning agreement that I mentioned for the intersection upgrade on Willoughby Road. The department has probably taken you through how they're proposing that we don't actually have the roundabout on Scott Street anymore, which means there's no net loss of on-street parking spaces which was occurring as a result of removing that roundabout. The roundabout on Richmond Road, which is the one further to the left, is actually a requirement of the original concept plan. Due to the change in the road layout, we actually don't think that one is as required, and our traffic advice is it isn't. However, because council still want it, the department has recommended that that one stay, and we're comfortable with that.

And then the other thing is the Walter Street intersection is being upgraded as well, associated with voluntary planning agreements with medium density developments that have been approved on that street. So in terms of the public on-street parking, there's a net increase in on-street parking within the concept plan approval, and obviously not net decrease in that area of Scott Street where the roundabout is no longer proposed.

45 And then I guess a summary of the public benefits, which we've sort of touched on and been through, but just to synthesise the issues – in essence we've got double the amount of public open space compared to the approved concept plan, and it is at a

5 better location. It obviously follows the desire line of Edwards Street, it has city views, it opens up the site to the public for the first time, it connects to the Walter Street Reserve, rather than the original concept plan layout where the open spaces were internalised, and they sort of looked like communal open spaces, and then there was an awkward one along Artarmon Road, which didn't really have the same level of amenity.

10 I've mentioned the \$500,000 voluntary planning agreement offer to Willoughby Council for the intersection, but as part of that voluntary planning agreement offer we propose to add \$1 million to the upgrade of the Walter Street Reserve for cleaning it up and upgrading the Walter Street Reserve. So we're in a nexus sort of position at the moment.

15 MS LEESON: That's in lieu of council – the bush track which was identified initially.

20 MS SWAN: Yes. So in addition. Yes. So, obviously, there's a discussion to be had with council about whether they accept this voluntary planning agreement offer. It has been a bit of a challenging situation between elected councillors and the executive of council with different directions on resolutions of whether they can accept. So the offer is still on the table. It's enshrined in the conditions of consent as an offer that they can take up, and so – yes. I guess that's all we can do at this stage.

25 Obviously, other public benefits that are less monetary would be, obviously, the reduction in shadowing to the Walter Street properties and the Castle Vale properties, as well as the affordable housing provision, which is actually above the DCP minimum for the additional dwelling. So we've got the four per cent requirement of – four per cent of all residential GFA on the approved GFA, and then we're proposing five per cent for the additional – so between the approved and the
30 additional GFA, a five per cent of residential GFA. So it's expressed in the department's report as an additional one per cent, which is - - -

MS LEESON: It is clarified later on as five.

35 MS SWAN: Yes. Five. Correct. Yes, so I sort of did the same thing. I was like one, no, I think it's five. So it's five per cent. So that would be a summary of that slide. David has obviously been through the process, and I just think it's important to note – I mean, the government architect does actually encourage big masterplan sites to go through design excellence process, and it can result in really good urban
40 outcomes. Obviously, in this instance there wasn't one required by council or required by the department, but having been through the process anyway, I think, genuinely, we have come up with a better outcome for the site. And it often is quite common for us to go through the process of a concept plan with an original landowner, and their main goal is to sort of get a bankable consent. And then, you
45 know, obviously a developer comes in who wants to build a really good product, and then there are modifications and improvements that can be made.

MR HYNES: That's the end of the presentation.

5 MS LEESON: Terrific. Thank you. Well, can we leave that up there for a moment? Can you just point out to us where the non-residential users and commercial users might be? So you touched, Tai, I think, on the notion of some restaurant or café activity at the top on Artarmon Road.

MR ROPIHA: Yes.

10 MS LEESON: There's the loft building, which is to be repurposed. But can you explain – just point out where the various pieces are?

MR ROPIHA: That's the little urban plaza that I talked about.

15 MS LEESON: Yes.

20 MR ROPIHA: So in the base of these two buildings would be some commercial tenancy, so it can activate that space. The loft building over here could be repurposed similarly for commercial activity. So the combination of those three edges onto that space creates a really nicely activated urban home of the community. And it's something that's really missing in the area at the moment.

25 MS BLIX: There's also the Building A. It's a smaller tenancy, but we thought it was important to mark the entry of a park with some sort of space, so there was the suggestion of a café that could spill into that plaza as well.

30 MS LEESON: I think if you can draw that out a little bit more for us to understand, because one of the issues we will grapple with, no doubt, will be how that space coming through the centre of the site on that axis is actually going to be genuinely publicly accessible and not some sense of privatised use.

MR ROPIHA: Yes.

35 MS LEESON: So we're interested to know what's happening on the ground plane along that corridor.

MR ROPIHA: Yes, Georgie?

40 MS BLIX: If you don't mind, I might open an additional few slides which have a sectional of that particular park.

MR ROPIHA: Just before you go there, Georgie - - -

45 MS BLIX: Yes.

MR ROPIHA: So, as Georgie pointed out, we do have that small commercial tenancy at the threshold into the site. So immediately there is a commercial use that

invites people to that edge. But beyond that, we've got civil scale steps, landscaping treatments that are just very obviously public. And you see straight to the road and the park beyond, which makes it a very visible and legible pathway down to the escarpment area - - -

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MR HYNES: That's not the park at the moment.

MR ROPIHA: edge of the escarpment, it's a little bit - - -

10 MS LEESON: There's quite a deep pond there. You would need a helmet.

MR HYNES: It's like a shopping trolley, at the moment, I think.

15 MS BLIX: I think it's a really good question, and it's something that, from the very initial stages for us, we were trying to find out what are the markers that make a park feel public. One of them is scale. So it would be 29 metres wide. Even just the park space itself – it's even further for the building separation, is one thing. And then roads, we know, is a public language. It's something that you use and can identify, okay, I'm allowed to go between roads, so having a road on either end of the park
20 was important.

Also, the sense of view, so there will be something to draw your eye and walk towards. That's always important for a visual marker. And I think having all three of them in alignment so that they're not higgledy-piggledy, there's no – you know, convoluted wayfinding. It's very clear, safe sightlines with good passive
25 surveillance and the buildings overlooking them. It's actually a positive for us.

And then there will be careful landscape treatment, definitely in the detailed design, about how we get the front yards of those buildings – I think there was a render we
30 had up before. We can have the private gardens and then the park, and the two of them drawing on one another but still limiting overlooking. I will go back up. So that's a section that shows the width of the park and the scale of the trees we're talking about with the buildings. When Tai talked about those civic scaled stairs – these are all north-facing parks, so very good solar access all the way through, which
35 is important; doesn't feel dark and overshadowed. And those stairs are something that we imagine people being sitting on and being able to observe the park or in front of them.

MR HANN: Georgina, can I ask a question just about – well, that slide will do.
40 Part of the amenity, obviously, you mentioned is the mature and fairly large trees. Is it correct that you will have deep soil planting there? In other words, the basement car park, for example. Is that right, just so we – for the record?

MS BLIX: That's correct. Yes. Yes, we do. And it's an important part of the park
45 that – there would be significant trees being planted.

MR HANN: Okay. Thank you. So it is possible to have trees of that scale in that corridor?

MS BLIX: Definitely. Yes. Definitely.

5 MR ROPIHA: Yes.

MS LEESON: There are more trees proposed to be removed under this scheme, aren't there, in the short term?

10 MS BLIX: Removed?

MS LEESON: I mean, you're proposing - - -

15 MS BLIX: Yeah. I don't know if it's more than the concept because it was pretty much - - -

MR M. OLIVER: Small number, although the department's conditions reinstate a number of those, with - - -

20 MS LEESON: They do reinstate a number. Yes.

MR OLIVER: Yeah.

25 MR HANN: Yeah. Yeah.

MR OLIVER: I think there's still a small increase in the number of trees being removed.

30 MS LEESON: Down that spine, in the first instance, if this is approved, what would be the maturity of the landscape down there in terms of trees? I mean, that's a lovely image there, showing some very mature trees. Will that - - -

35 MS BLIX: So on the very - in the central park, that would be the ambition, definitely, for those trees, that it feels like a public colonnade of trees that goes all the way down through the site.

MR HANN: You're starting from scratch, though - - -

40 MS LEESON: From day one.

MS BLIX: Yes. We would be.

MR HANN: - - - to put it crudely. Yeah. Okay.

45 MR HYNES: There's buildings there at the moment. Yep. That's right.

MR HANN: Yeah. Yeah.

MS LEESON: Yeah. Yeah.

5 MS BLIX: At the moment, that would be exactly where the main bulk of the Channel 9 studio sits, in that park.

MS LEESON: Yeah. Okay.

10 MR HANN: Sure. Okay.

MR MILLER: So I just had a question. Russell Miller. In the two and a half metres on each side of private park, you don't show walls down there.

15 MS BLIX: At the moment, we'd be showing a low-scale fence. So I think, in the render, which we – I showed earlier on, with the lady walking the pram down the centre of the site - - -

MS LEESON: Looked like a picket fence or something.

20

MS BLIX: Pardon?

MS LEESON: It looked a bit like a picket fence.

25 MS BLIX: Yeah. I mean, it's actually quite a nice character that's typical of the area. There's a balance we've always got between the privacy of the residents who are living there and the people who are using the park that want to have the benefits of passive surveillance and having the park feel safe. So we felt that something around – that's it there. We've got the sense of a low wall, but there's so much
30 width to the park that we should be able to do the private gardens, a very generous garden space with, you know, larger-scale, substantial trees and bushes that can help to screen the individual apartments and then another space before the pathway. So the path is where people will be walking, and it just helps to stop them walking all the way up to the fence line, unless they're using their front door access, like the
35 neighbours meeting there on the right, which we think's a fantastic part.

MR MILLER: Does raise security and privacy issues, though, doesn't it?

40 MS BLIX: Yeah. It's a fairly common one. There's a few good developments in Sydney that have parks addressing the scheme. I'm thinking maybe, Clare, Harold Park.

MS SWAN: I live there. Sorry. Harold Park. Sorry.

45 MS LEESON: Harold Park.

MS SWAN: The terrace fronting the newly opened park which opened four years
- - -

5 MR HYNES: I was there last night

MS SWAN: Yeah.

MS BLIX: It's - - -

10 MS LEESON: Yes. Harold Park's been a while now.

MS SWAN: Yeah.

MR HYNES: Yeah.

15 MR HANN: Yeah. Okay.

MS BLIX: There's great examples of it, particularly in London, where a lot of the
houses would all sit around a communal park. That's sort of the original - - -

20 MS LEESON: I don't think the Commission's budget runs to a site visit to London.

MS BLIX:

25 MR HANN: Okay.

MS SWAN: To answer your question – so it – the report identifies the removal of
44 trees were approved in the concept plan, and then we proposed an additional 17,
but what the department has conditioned us back is that 10 of those are in council's
30 land, and we can't touch them - - -

MS LEESON: That's right.

MS SWAN: - - - and then additional four they still think are significant and we
35 should retain. So, essentially, that, I guess, brings you to a net increasing three from
the approval.

MS LEESON: Okay. Thanks.

40 MS BLIX: If I can go back to the other section, it might be worth noting that a
really key part of the building layouts was to retain tree 32, which is one of the most
significant gums on the site - - -

MR HANN: Yeah.

45 MS BLIX: - - - and that has a really beautiful scale relationship with the buildings,
which you can see in the slide up.

MR HANN: Yeah. You showed it before.

MS BLIX: Yeah.

5 MR HYNES: That one on the right.

MR HANN: Yeah. Okay. On the far right. Yeah. Okay.

MR HYNES: Yeah.

10

MS BLIX: That's going to be an amazing feature of the central courtyard. That space is quite generous as well in itself, probably more likely to be benefit to the residents who live there, but they'll – that scale of tree was an important part of the scheme. The other trees that the department talk about keeping are on the plaza and
15 around the street edge, and because we keep – we no longer need the roundabout there, that plaza - - -

MR HANN: Okay.

20

MS BLIX: - - - will increase in space again, and it will be able - - -

MR HANN: This is Scott Street intersection. Is that right?

MS BLIX: That's right.

25

MR MILLER: Scott Street, Artarmon.

MS BLIX: Yeah. The plaza - - -

30

MR HANN: With Artarmon Road. All right.

MS BLIX: And we think that's a great addition, to keep those trees where we can, as they're suggesting, because of the scale of that street corner. One of them does sit in the middle of plaza, which would be a little bit more interesting to look at, but
35 definitely something we can design through, we feel confident that that would be a great outcome.

MS LEESON: Okay. Can I take us back to the department's assessment report and draft conditions. Are there elements of the assessment report that you have issue
40 with, or the conditions?

MR OLIVER: We've written to the Commission separately on the request to have a condition for mediation. It was sent to David last week. We felt there's a number of conditions in the report that require us to come to an agreement with council. Just
45 from an administrative perspective, it makes sense to have a condition that allows for mediation between the parties, run by the department, particularly around the

voluntary planning agreement, for example. So that's a – it's a – a mediation condition's fairly common condition for - - -

MS SWAN: I've had it a few times now.

5

MR OLIVER: - - - major projects in New South Wales, particularly where there is a voluntary planning agreement or some other kind of requirement to have council agreement prior to, say, a determination of a DA.

10 MS LEESON: Would that include, around some of the subsequent DAs – I'm thinking in particular of – there are further environmental - - -

MS SWAN: Yeah.

15 MS LEESON: - - - assessment requirements in regard to those lowered courtyards. There are a couple of other things. I think the design resolution is yet to be - - -

MS SWAN: Yep, yeah. Yep.

20 MS LEESON: I mean, obviously, it'll need to be worked out through the development process.

MR OLIVER: Yeah.

25 MS LEESON: Would you see the mediation going to that?

MR OLIVER: Not necessarily.

MS SWAN: No. Not necessarily - - -

30

MS LEESON: No.

MR OLIVER: So it's only where the condition specifically says you need - - -

35 MS LEESON: Okay.

MS SWAN: Sign off.

MR OLIVER: - - - council agreement. So that - - -

40

MR HANN: Yeah. Okay.

MS LEESON: Okay. Yep.

45 MR OLIVER: The condition with the courtyards is – it really leaves it to the DA assessment, and it's very clear that it's for council - - -

MS SWAN: Yeah. That's true.

MR OLIVER: - - - at the DA – as part of our DA assessment.

5 MS LEESON: Okay.

MR HYNES: We – David Hynes. We've – in relation to the voluntary planning agreement, we've sought to engage with council in relation to that for over 12 months and had no engagement. So council has formed a view, which I'm sure they'll express to you. They've put it in writing on a number of occasions, and it's our view that they probably misapprehend how the process is supposed to work, in terms of having a discussion about a VPA. So we've worked closely with the department to get a condition drafted that, I guess, enables us to have a discussion with council, but where it leads to a solution, as opposed to council being able to sit there and say, "No. We want this," and that is it. So there's a – there was a fair bit of toing and froing on that particular condition, and I guess our submission about an additional mediation clause just picks up, if council maintains a sort of intractable position about a VPA, getting it resolved, so the project can proceed.

20 MS SWAN: I think it's fair to say the intent is, once things like this are approved, we'd regularly work with council on the DAs. It's just, in the event where it's a stormwater plan or something that's a precondition, and you can't come to agreement – it's not like we'll be running off to the department every single condition. It just covers if there is a moot point on one or two key issues.

25 MS LEESON: Have you raised that with the department early – previously, before their conditions? What was their - - -

MS SWAN: Yeah. So it is a condition that I've had on a few major projects in the past, and I'm just not sure whether – you know, things wax and wane in terms of what conditions are standard conditions. I haven't seen it on, say, a consent since probably about 2015. So I don't know whether it's a condition they don't like having on any more or whether it's something that we could still explore, because I think, as I said, the intent of it is not to run to the department every single time. It's just a backup if, for example, there is a lack of agreement on a certain issue.

MS LEESON: But have you explored that with the department on this time?

40 MS SWAN: We put it in – yeah. We did. So we put it in as a request, and it didn't get picked up - - -

MS LEESON: And it didn't come through. Okay.

MS SWAN: - - - which is why we sent the subsequent letter.

45 MS LEESON: Thank you.

MR HANN: Hence you've written to us.

MS SWAN: Yeah.

5 MS LEESON: Yeah.

MS SWAN: Yeah.

MR HYNES: Yeah.

10 MS LEESON: Okay.

MR HANN: Okay.

15 MS LEESON: Thank you.

MR HYNES: But that's the only one.

MS SWAN: Yeah.

20 MS LEESON: Okay.

MR HANN: All right.

25 MS SWAN: But everything else is agreed, as far as I'm aware.

MR HANN: Okay.

MS LEESON: All right.

30 MS SWAN: Yes.

MS LEESON: Can I ask a bit of left-field question. What's the intended use of lot 12?

35 MS SWAN: one below.

MS LEESON: Is there any thought for lot 12 yet?

40 MR OLIVER: The intention is that it's upgraded as part of the Walter Street Reserve, and we had to have some indicative landscape drawings that showed a pedestrian connection through there from the end of Richmond Avenue into Walter Street Reserve and through to Walter Street below. The idea is it's regenerated as part of that Walter Street Reserve upgrade.

45 MR HANN: Okay.

MS LEESON: When you talk about the reserve, I saw in council's comments and concerns reference to an elevated platform in that park area and concerns around liability, which - - -

5 MR OLIVER: Yeah.

MS LEESON: We don't know what they are at this point. Does the proponent have any views about how to explore that?

10 MR OLIVER: That would be completely subject – so the Walter Street Reserve's obviously owned by council, and the upgrades would have to be through an update to the plan of management and a detailed process with council.

MR HANN: Okay.

15

MS LEESON: All right.

MR OLIVER: So we haven't done detailed design. The platform is a suggestion. We think it would be a great design element, but - - -

20

MS BLIX: It was our original fanciful idea that you could sort of step out - - -

MR OLIVER: Yeah.

25 MS BLIX: - - - into the treetops and - - -

MR OLIVER: Yeah.

MS BLIX: - - - be amongst the treetops and the birds and see that view, but - - -

30

MR ROPIHA: There are similar viewing platforms in other parks around Sydney, which work really well, where you get these fantastic panoramas. So - - -

MR OLIVER: But obviously - - -

35

MR MILLER: That was the one you were showing at the – but that's the platform you showed in one of the - - -

MR OLIVER: Yeah. It was. Yeah. Yeah.

40

MR ROPIHA: Yeah. If you go forward one more - - -

MR MILLER: Yeah. Yeah.

45 MR OLIVER: If we can find it again.

MS BLIX: Go up one.

MR OLIVER: That one.

MR ROPIHA: Yeah. There we go.

5 MR OLIVER: It's obviously – so it's obviously subject to council's - - -

MS LEESON: Yeah.

MR OLIVER: Council's - - -

10 MS LEESON: Okay. But that would be part of your offer if council was to accept it?

MR OLIVER: If – that was part of it. Yeah.

15 MS LEESON: All right. I think we've talked about the traffic and – sorry. Were there any other questions on public realm? No. I think we talked about the traffic and the child care centre cumulative impacts, unless there was - - -

20 MR HANN: Can I ask a question – John Hann – in relation to traffic. You mentioned earlier, David, in your intro, just in regard – I think you made the comment that council's independent traffic specialist has supported your position in relation to the Willoughby Road/Artarmon Road intersection. I might be wrong here. So it's just for clarification. I understand that they came to a different

25 conclusion and that there – there were impacts that, in their view, were important, significant, in relation to level of service. However, they did use different metrics in – or parameters in relation to the future development that generated clearly additional traffic to those used by Samsa, for example.

30 MR HYNES: Yeah.

MR HANN: So just wondered if you could clarify that.

MR HYNES: Yeah. I've got- we've got Matthew here as well, but - - -

35 MR OLIVER: Michael Oliver.

MR HANN: Michael - - -

40 MR OLIVER: Michael Oliver, Ethos Urban. So the Arup report – there's a – as you noted, one of the key kind of – there were two, probably, key differences that they came to in their conclusions. One is that they included cumulative traffic from a number of other developments that are not part of our site, that are part of the broader Willoughby local area, and included them in their calculations, and the other thing is

45 that they introduced a southern pedestrian link to that intersection - - -

MR HANN: Yes.

MR OLIVER: - - - as part of the upgrade. So with those two items added, the intersection still didn't fail. It still performed at a satisfactory level. So it - - -

MR HANN: Albeit at a lower service level.

5 MR OLIVER: Albeit – yeah.

MR HYNES: Yeah.

10 MR OLIVER: At a lower service level.

MR HANN: Yeah.

MS LEESON: Yes.

15 MR HANN: Okay. Yeah.

MR OLIVER: So there is a deterioration in service - - -

20 MR HANN: All right.

MR OLIVER: - - - but not to the level that the RMSs guideline say that an update is required.

25 MR HANN: Sure.

MR OLIVER: So – and that was including those two things. So we obviously feel that, you know, other development outside of our site, that's subject to council's controls. Yeah. Infrastructure upgrades as part of that shouldn't be burdened on our

30 side, but that was something that would've been considered by council in the process of rezoning the sites – and then, I guess, the southern pedestrian link, which has been mentioned here as well.

MR HANN: What's your position on that, given that council have been - - -

35 MR OLIVER: Yeah.

MR HANN: - - - quite firm in their views on it?

40 MR OLIVER: Yeah. I mean, ultimately, all of the traffic studies have said that our development alone doesn't trigger the need for that intersection upgrade. We recognise that it's an area of community concern and hence the public benefit offer to contribute towards the costs of that intersection. Council has previously done a reference design for that intersection, which has formed the basis of our thinking the

45 whole way through. That was done by GTA Consultants for council as part of the Willoughby Leisure Centre expansion investigation that they did probably six years

ago now, and that didn't include the southern pedestrian leg in their design. So that's the reference design that we've looked at.

5 Ultimately, it's for RMS and council to determine what the appropriate design –
upgrade design is for that intersection if they do determine that it's warranted. The
main issue is really the southern pedestrian leg: introducing that would result in a
further deterioration of the – or the intersection wouldn't perform to its full ability
there. And the RMS guidelines themselves say that, you know, where there's a
10 northern leg already in place, that the southern leg isn't necessarily needed, and you
would discount it, potentially, where the deterioration in service wasn't acceptable.
So - - -

MR HANN: Okay.

15 MR OLIVER: - - - there is a pedestrian crossing, and there's also – there's a
pedestrian crossing up near Small Street that allows you to come from the northern
side to the southern side to access the leisure centre, which seems to be Council's
main issue is that connectivity between the leisure centre, on the southern side – and
our site, obviously, on the southern side – but ultimately, it's a decision for RMS and
20 the council, the trade-off there in terms of pedestrian accessibility versus traffic
performance. We don't really have a view either way.

MS LEESON: All right. Any issues that you'd like to raise?

25 MR HANN: I had one other, and it related to buildings – relates to building
separation, and it's just a question in terms of compliance with the design guidelines.
Are you satisfied that – with the current revised amended proposal before us, for
MOD 2, that that can comply? Ultimately, when the DAs are in – and obviously it
relates to habitable and non-habitable and so on, so we don't really go into the detail;
30 but - - -

MS BLIX: Yes.

35 MR HANN: - - - we just would like - - -

MS BLIX: Yes.

MR HANN: - - - or I would like, an understanding of how satisfied you would be
40 that that can comply.

MS BLIX: As - - -

MR ROPIHA: Do you want to - - -

45 MS BLIX: start – as a part of the scheme, we have done reference apartment
layouts to start to test solar access, building - - -

MR HANN: Yes.

MS BLIX: - - - separation and mutual privacy.

5 MR HANN: Yes.

MS BLIX: And yes, we feel confident that it can be compliant, and it will actually be quite beautiful apartment amenity across the scheme. ADG compliance has been achieved. There's a few points in which there'd be – careful design, I think we'd

10 say, design resolution needed, which we gave the department further detail on; in particular - - -

MR HANN: But there's capacity to do that - - -

15 MS BLIX: Exactly.

MR HANN: - - - with the footprint – like, the - - -

MS BLIX: Yes.

20 MR HANN: - - - location of the building footprint as it stands; okay.

MS BLIX: Yes.

25 MS LEESON: All right. David, was there any - - -

MR KOPPPERS: I've got nothing.

MR HYNES: Did you want to talk about the courtyard apartments?

30 MS LEESON: Yes. So we touched on those earlier. It was really around the design resolution of those, and how they would be treated, and the process for doing that.

MR HYNES: Can I say, even though we support the department's report, we did

35 have numerous discussions about these courtyard apartments, and we're not seeking to change the department's report, but it would be worthwhile, I guess, explaining some of - - -

MR HANN: Please.

40 MS LEESON: Please.

MR HYNES: - - - the intent behind that.

45 MR HANN: Yes.

MR HYNES: So - - -

MS BLIX: I think Tai's going to speak to that.

MR ROPIHA: Tai Ropiha, from CHROFI. Do you want to- So the starting point for us was to manage the orderly transition from Artarmon Road down to the
5 escarpment park. So we've introduced landscape terraces that gradually bring people down to that RL. Because we've got a larger public domain offering, we've got to make our building footprints work more effectively. So our floor space follows those terraces down very closely, so looking after our yield for our client.

10 At the same time, to Georgina's point about compliance with ADG, we want to maximise the number of apartments that are facing north. So this is actually an opportunity to get some additional apartments that receive that daylight, but also start to hug that topography as it steps down away from the road.

15 On the flipside, we're not concerned about the amenity of these apartments whatsoever. The proportions of this terrace space admit winter sun directly into apartment living areas. And we also feel strongly that the streetscape and privacy issues can be managed really quite well. And we have a similar built example. This is a - - -

20 MS BLIX: Apologies.

MR ROPIHA: - - - construction photograph; they're - - -

25 MS BLIX: Not the best one.

MR ROPIHA: - - - Harbord Diggers. But we had a full floor sitting below street level here, and similar orientation, too, I might add. So you can see here that the amount of sun hitting the façade down that courtyard is really significant.

30 MR HANN: Is that a similar two-metre or so - - -

MR ROPIHA: Yes, correct.

35 MR HANN: - - - elevation?

MR ROPIHA: This one's actually about three.

40 MS BLIX: This is deeper.

MR HANN: Okay. All right.

45 MR ROPIHA: And you could go out there and look over the wall, although people don't actually do that, but if you wanted to you could go out and do that; you would see, it's actually quite a decent space. And over here you can see the formation of really decent planter boxes to carry landscape that will improve the streetscape outlook from the apartments. And on that point, from the streetscape, we have a

similar concern here about the scale of the development. So three-storey buildings designed to look like one and a half storeys.

5 And then, you know, you could imagine, over time, with some trees and the
landscape comes up, it's going to really feel quite pleasant as a streetscape, and the
amenity of the apartments is very good, as is the case directly opposite our site on
Artarmon Road, just down toward Willoughby Road intersection, where there's an
existing apartment development that sits slightly below the road. And you can see
10 here the quality – it's almost like a courtyard space directly off the living space of
one of the apartments there.

MS BLIX: It's worth noting, those ones are south-facing, not north-facing, and they're - - -

15 MS LEESON: On the left here? Yes.

MS BLIX: Yes.

20 MR HANN: Okay.

MS BLIX: I think that's all we had on those.

MR HANN: All right.

25 MS LEESON: Okay. Thank you.

MR OLIVER: I think it's condition 3 in these requirements – assessment requirements – that sets up the framework, and we work with the department - - -

30 MR HANN: Yes.

MS LEESON: Yes.

35 MR OLIVER: - - - on that assessment framework for all of those amenity and urban
design outcomes to be considered, and subject to a lot more assessment again at the
DA stage as well.

MR HANN: All right. Okay.

40 MS LEESON: All right. Is there anything else that you wanted to talk to us about?

45 MR HYNES: David Hynes. I think, just to summarise, as I'm sure you're aware, this site has a long history. We've really done all we can to engage as much as possible with the community, with Council, with the department. Again, you know, there's probably been nearly 12 months of discussions with the department to get to this point, numerous, you know, toing and froing. We appreciate that there's, you know – community's got issues; the council might have some issues. But we feel

that, looking at this objectively, and as has been the case in relation to the key issues, that it's a very good quality development, which achieves a lot more from a design perspective, community benefit perspective, than what's currently approved for the site.

5

And I just would, I guess, urge you, if there are any issues that come up, any questions that you'd like us to address, before you have to make a determination, we can turn things around very quickly. So if things have come out of other discussions that you have, maybe through David, let us know, and we'll get back to you as soon as we can.

10

MS LEESON: Thank you.

MR HANN: Okay.

15

MS LEESON: Thank you.

MR HYNES: Thanks for your time - - -

20

MR HANN: Thank you.

MR HYNES: - - - today too. Appreciate it.

MS LEESON: All right.

25

MR HANN: Thank you.

MS LEESON: Thank you very much. Thank you.

30

MR HYNES: Excellent.

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[10.22 am]