



MS A. TUOR: Good morning and welcome. Before we begin, I would like to acknowledge the traditional owners of the land on which we meet and pay my respects to the elders past and present. Welcome to the meeting today on the review of the Gateway Determination for the planning proposal to amend the Parramatta Local Environment Plan 2011 in relation to the site restrictions at 55 Aird Street, Parramatta, proposed by Demian Property Group. My name is Annelise Tuor and I'm the chair of the IPC at this – of this IPC Panel. Joining me is Adrian Pilton to my left. Other attendees at the meeting are Matthew Todd-Jones from the IPC Secretariat and Dan Keary and Brent Devine from Keylan Consulting, who are assisting the Secretariat on this project.

I just want to make you aware that Dan Keary and Brent Devine have both worked for the Department of Planning in the past and I will just, for the record, ask them if they have any conflicts of interest in this project.

MR D. KEARY: Yes. So just to note for the record that James Matthews, who we understand is one of the applicant's consultants, did contract to my business a couple of years ago but there is no conflict and also both Brent and I worked for the Department of Planning and Environment for a number of years but have had no involvement in relation to this site or this matter or with this development.

MS TUOR: Thank you. And from council, if you would just like to introduce yourself for the record.

MR R. COLOGNA: Sure. My name is Robert Cologna and I'm a team leader in the land use planning team at Parramatta Council.

MS TUOR: Thank you.

MR J. COY: My name is Josh Coy. I'm a senior project officer at the City of Parramatta Council.

MS TUOR: Thank you. So in the interests 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. It is important for the Commission to ask questions of attendees and to clarify issues where 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. I understand you've been sent a draft agenda for today. I think what we really want to get out of today's meeting from our meeting with council is just your consideration regarding the planning proposal and particularly

your consideration – your merit considerations on the strategic merit and the site-specific merit proposal. So if you just want to explain council’s considerations.

5 MR COLOGNA: First of all, I think, an issue of just clarification of role.

MS TUOR: Yes.

10 MR COLOGNA: So we’re here as representatives of the council and therefore would present to you the resolved position of the council, so there are – in this particular circumstance, there is a history where recommendations were made by council staff which weren’t accepted by the councillors and so council’s current position, as resolved on 9 April 2018, is that it doesn’t control – doesn’t support an FSR – sorry. The council supports an FSR of 4.2:1 which is the current LEP controls. The council does not support the Gateway determination for 55 Aird Street, 15 Parramatta, and further that council advise the New South Wales Department of Planning and Environment that it withdraws the planning proposal for – from Gateway determination. So I acknowledge that council had previously lodged the planning proposal seeking change to the planning controls but, as of 9 April, it has basically withdrawn any request from the Department to do so and that’s the formal 20 position of council.

MS TUOR: So do you want to just explain briefly then why you – why council has reached that decision?

25 MR COLOGNA: I’m not able to. I’m not the elected representative. I’m here to represent the council - - -

MS TUOR: So there’s no report that went up to a meeting that - - -

30 MR COLOGNA: Yes. So - - -

MS TUOR: - - - they based that decision on or that report didn’t - - -

35 MR COLOGNA: So that report made recommendations to the council that were not consistent with what council resolved. So I can speak to the council officer report because I – at that time, I was the manager who signed off on the report, but as to why the councillors in their mind on the night resolved to take a different position, I – you know, I – the best I could offer you is that we’re now taping our council meetings and that you could view the debate on the council floor that led to that 40 resolution but it’s not physically or possible for me to be in the minds of the councillors and say, “They made the decision for this reason”.

MS TUOR: Sure.

45 MR COLOGNA: I’m here to represent council’s position and that’s council’s position.

MS TUOR: Okay.

MR COLOGNA: Yes. But I can take you through – so there’s a report that went to that same council meeting - - -

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MR COY: Sorry, Rob, just to clarify, there were two different meeting dates. There was 12 March, followed by the rescission meeting on .....

MR COLOGNA: Yes. Thank you, Josh. Thanks for that clarification.

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MS TUOR: Okay. So - - -

MR COLOGNA: So the matter was first considered by council on 12 March.

15 MS TUOR: Yes.

MR COLOGNA: The recommendation of council officers is a matter of public record. And it was – the council advised ..... Department of Planning that it supports the conditions imposed by the Gateway determination for 55 Aird Street as issued on 20 28 November and further that this report form the submission for the request for a review of the Gateway determination and be forwarded to the Department of Planning and Environment. And I can speak to the contents of that because we’re the authors of the report. And, basically, the conclusion of council staff is that the planning proposal as endorsed – sorry. The Gateway determination imposes 25 conditions which result in the planning proposal being consistent with the CBD planning proposal, which is the broader strategic body of work that council is doing for the CBD of Parramatta and given that it was consistent with that broader strategic framework, therefore council officer thought that the planning – sorry – the Gateway determination was appropriate in those circumstances.

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That was reported to council on 12 March. Council at that time did actually resolve in accordance with the recommendation of council officers, however, there was a rescission motion, which Josh has helpfully reminded me about, and that was the rescission motion that was considered on 9 April and at that point in time, council 35 made a formal resolution to rescind the previous decision and to proceed with the decision which I read to you earlier, which effectively was to withdraw the planning proposal.

MS TUOR: Okay.

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MR COLOGNA: Does that clarify - - -

MS TUOR: Yes. All right. So in terms of your response then to the request to review, there isn’t actually anything supporting the response?

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MR COLOGNA: So the material that we’ve provided you in terms of the report that council considered and the decision that council has made is all I can offer you.

Again, other than to offer you to view the proceedings of the actual council meeting, I just can't think of anything I can give you that could illuminate council's – the position that the councillors decided they were taking in relation to this. I'm happy for you to make suggestions, but there's nothing I can think of that can, for want of a  
5 better word, gives you a report that says, "This is the council's justification" and the system, as it works, doesn't allow for that, anyway, unless the council has, sort of, requested a further report before making the decision, but in this instance, they didn't. They just made that resolution.

10 MS TUOR: Okay. So I'm just wondering whether it's worthwhile going through the logic of 12 March 2018 report given that it has been overtaken by events? It's probably worthwhile if you just give a - - -

MR COLOGNA: Précis?

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MS TUOR: Yes. And I suppose it's more just perhaps explaining the current framework and the framework that's going into the CBD planning proposal.

MR COLOGNA: Sure. The – I actually may need to provide a point of  
20 clarification. The CBD planning proposal at the moment – the key issue in relation to this site relates to the sliding scale. So if I can talk about the principle of sliding scale. The CBD planning proposal, and even our current LEP, has an FSR shown on the FSR map as to what the maximum permissible FSR is, but it also has a clause in relation to the sliding scale. And what the sliding scale does is at smaller sites, it  
25 actually adjusts the FSR to a smaller amount that might be shown on the map. And the reasoning behind that is that for ..... the smaller the site, the more difficult it is from an urban design point of view to achieve the higher FSRs and still achieve building separations and set-backs and those sorts of things in terms of compliance with ADG and other standards that are appropriate to have good design outcomes.  
30 The CBD planning proposal is set up in a way – sorry. The draft CBD planning proposal, which is yet to get a Gateway, is set up in a way that sets an FSR regime. It then has a sliding scale. It then has another clause that says you can – and I'm paraphrasing; this isn't the technical words – but effectively says you – council can decide not to consider the sliding scale if the planning proposal complies with certain  
35 criteria, such as design excellence and other criteria which I could read to you but it would take me a minute to find.

MR KEARY: This is the out clause that's – it's referred to as the out clause.

40 MS TUOR: ..... yeah.

MR KEARY: Yeah. Yeah.

MR COLOGNA: It's referred to as the out clause.

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MR KEARY: Yeah.

MR COLOGNA: And so the position of council officers on the 12<sup>th</sup> of March was that given the nature of this site and given the urban design outcomes – that the application of the out clause would result in an urban design outcome that we didn't think was ideal. And so we – the council officers' technical assessment was that the application of the sliding scale on this provided the best urban design outcome.

MR COY: Excuse me.

MS TUOR: And is that out clause – it's not currently in the LEP 2011.

MR COLOGNA: So it's not in the LEP 2011. It is in the – but it is part of council's policy framework, because it is in the draft CBD planning proposal that is currently before the council.

MS TUOR: Okay. All right. So just so I understand, draft planning proposal 10 to 1 sliding scale, which for smaller sites brings you down to the six, but there's also the out clause, that if you achieve certain things, such as design excellence, active street frontage or whole lot of – range of things, you couldn't – the sliding scale wouldn't apply, which would then bring you back to 10 to 1. And then you would also be potentially eligible for the other bonus provisions, such as the design excellence bonus provision, as well.

MR COLOGNA: That's correct. Yeah. And quite - - -

MS TUOR: And you're also eligible for those when the sliding scale does apply. So that's why this gets to a 6.9.

MR COLOGNA: Yeah. So the design excellence bonus is a bonus on the FSR that is achievable on the site. And it's 15 per cent. So that's where the 6.9 comes in. If it was 10 to 1, it's 11.5; with design excellence, at 6.9:1.

MS TUOR: Yeah.

MR COLOGNA: So it's – the design excellence is essentially a bonus on whatever FSR is applicable to the site ..... 15 per cent on top of that.

MS TUOR: Yep. And then there are other bonus provisions in the CBD planning proposal that the proponent is seeking to access, in particular the 3-to-1 commercial floor-space not being included in your FSR calculations. But as we understand it, that – how it's envisaged in the planning proposal for the CBD, that would relate to larger sites.

MR COLOGNA: That's correct. There's also a minimum area requirement in that. And I'm happy to be corrected if I've got the number wrong, but my memory's 1800 square metres is required to be able to benefit from the – any additional FSR. So the way that the CBD planning proposal is set up is that you're able to access additional

FSR over and above the mapped FSR for commercial purposes as long as you meet the criteria, which is the – from memory, 1800 square metres.

MR KEARY: Yeah.

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MS TUOR: Right. And just so I – we understand as well, that was the resolution on the 12<sup>th</sup> of March, where there was a rescission motion on the 9<sup>th</sup> of April. But presumably there was a – at some point in time, council actually did support the planning proposal that included all these other bonuses. And that was then what was submitted to the Gateway - - -

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MR COY: There's a - - -

MS TUOR: - - - determination, which then had the condition 1 - - -

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MR COLOGNA: Yeah.

MS TUOR: - - - put on it.

MR COLOGNA: So there's – the matter was first considered by council in the 9<sup>th</sup> of May 2016. And so again, the circumstances were that there is a recommendation on the public record of council officers and that – and the councillors chose to take a different path with their resolution. And so at that point in time, council resolved 10 to 1 with design excellence and high-performance buildings with any commercial floor-space above 1 to 1 not being included in the FSR, consistent with the city centre planning framework. Now, there was a technical issue, where the words “consistent with the city centre planning framework” in what I just read out – some of the aspects above were actually not consistent with the city centre framework. And so we did a further report - - -

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MR KEARY: Is that because of the site area, Rob?

MR COLOGNA: Yeah.

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MR KEARY: Yeah. Okay.

MR COLOGNA: So it essentially says with any commercial floor space above 1 to 1 not being included in the FSR consistent with the City Centre framework that it wasn't consistent because it didn't meet the site area.

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MR KEARY: Site area; yes.

MR COLOGNA: So we went back to council and just pointed out that there's an internal inconsistency in terms of a ..... there and that was reported to council in June – in June of – sorry, 13 June 2017. And so the purpose of that report wasn't to ask council to revisit its policy decision as they had made a decision. It was just to get

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clarity about that lack of – some clarity about that internal inconsistency and at that point in time the council resolved to clarify that issue and retained the 10 to 1.

5 MS TUOR: Okay. So from a council officer's point of view your report that went to the meeting on the 9<sup>th</sup> of – 13 June 2017 and 9 May – I'm getting lost – 12 March 2018, those two reports pretty much recommended the same thing.

10 MR COLOGNA: I'm looking at the document on 9 May and certainly it recommended 6 to 1, 6.9 to 1 with design excellence and required 1 to 1 commercial but it doesn't say anything in relation to additional commercial and certainly the report that we discussed earlier on 12 March essentially was consistent with that position the .....

15 MS TUOR: Okay.

MR PILTON: I'm a little bit confused about the current status. There's a new CBD planning proposal being done, is there.

20 MR COLOGNA: So, yes, there's a CBD planning proposal that council adopted in April 2016.

MR PILTON: Yes.

25 MR COLOGNA: Which is before the Department of Planning now. There's a request from council to the issue of a Gateway determination. And so that's the culmination of a body of work that looked at the future of the Parramatta CBD as council – as the City's second CBD and what controls should apply. And since then any planning proposals that we have received have been assessed against that framework because essentially that's council's vision of the future. So rather than  
30 assessing them against the existing LEP you need to assess it against the future context. That is council's vision and so we've been assessing building proposals in relation to their consistency with council's request under the CBD - ..... CBD planning proposal.

35 MS TUOR: As well as how that reflects the district planning .....

MR COLOGNA: Yes. Certainly, yes.

40 MS TUOR: Yes.

MR COLOGNA: Yes.

MS TUOR: So it's ..... trickle down. Yes.

45 MR COLOGNA: Yes.

MS TUOR: Okay. And I don't know if you've had a chance to look at the proponent's documentation about why they think that condition 1 should be removed and whether you wish to make any comments on that.

5 MR COLOGNA: The only –

MR .....: The only information that we've received is the information that was provided by the Department of Planning in the Gateway review request. So there's a document there from the proponent which outlines their request to ..... which refers to their request for the Gateway review.

MR COLOGNA: Yes and what I would say then further is that in the report that we're talking about in terms of 12 March we actually talk about the applicant's Gateway review request and we say:

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*The applicant has submitted a letter to the DPE in support of their Gateway review request. The letter requests the following changes to the Gateway determination. It sets out –*

20 And then goes through and essentially tries to summarise the applicant's case as to why the review should be considered and then we've provided an assessment of that. So I think if you wanted to – if you wanted some commentary in terms of what the council officer position was in relation to the material that we have been provided, I would just refer you to that report from 12 March and in particular a section under the heading "Applicant's Gateway review request" and the information that follows.

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MS TUOR: And do you want to just quickly paraphrase it. Is that - - -

MR COLOGNA: Okay. It has been a while since I read it so just give me a moment. So the first paragraph goes through and summarises – essentially summarises the applicant's request. The second paragraph asserts the ..... conditions are unnecessarily restrictive and are targeted towards encouraging amalgamation and the letter argues that the amalgamation is not practical. This issue – and so we have addressed that issue previously in a previous report to council so we didn't go through that again in detail. But that the development site in isolation but – but – and so the conclusion we've reached in terms of the isolation issue is that we think that it is – that if the site is developed by itself it will result in a poorer urban design outcome.

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40 There's also an economic – makes the – our assessment makes reference to an economic viability statement that argues that 6 to 1 is not – is not a viable development and may – and then – and therefore has unintended consequences in terms of stifling development. And our response is that, "The arguments made in the applicant's economic viability study do not adequately address the reasoning behind the sliding scale provisions and improved urban design outcomes which can be achieved ..... other major sites" was our response to that.

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The applicant's letter refers to a building envelope study in their original urban design report and the applicant claims that from an urban design point of view the site can be developed at a higher density in a manner that achieves – that still achieves a good planning outcome. Again we refer to the previous report that we put  
5 to council where we dealt with that in detail. And, next, the applicant's letter refers to the sliding scale proposed under the clause. This allows for a maximum – sorry, described in this report as a sliding scale exemption clause but which you might have referred to earlier as the out clause.

10 MR KEARY: Yes.

MR COLOGNA: “The applicant has requested that this clause be applied in this instance” and again we rely on a previous report to council that says:

15 *The site is too small to provide adequate front, side and rear setbacks, putting the onus on neighbouring sites to provide the setbacks. It also provides a substantial blank wall for the eastern façade facing Church Street with no tower setback. Reducing the floor plate will result in opportunities to provide more setbacks and an FSR of 6 to 1 will significantly reduce the height of the*  
20 *blank wall.*

So that was our assessment or our review of their issues.

25 MS TUOR: When it refers back to a previous report to council, is that the – it's not the report of 9 May - - -

MR COLOGNA: It's referring to the council report of 9 May 2016.

30 MS TUOR: It is. Okay.

MR COLOGNA: So essentially we're just making a reference to our original assessment.

35 MS TUOR: Okay. So just as I understand one of the main arguments of the proponent is about the sliding scale forces you – seeks to force you to amalgamate and that in their opinion that potentially has – could be counterproductive. But from what you're saying – and I think from what the department said previously – it's not that, it's – you're trying to achieve good urban design outcomes for sites and the larger the site the larger the development and the smaller the site the smaller the  
40 development so that you can ideally get an – a sort of an outcome that sites can be developed but how big their development is depends on how big the site is and whether you can then achieve amenity, urban design sort of outcomes. Is that a fair summary or - - -

45 MR COLOGNA: Yes. I - I think that's a fair summary but I might just put it in my own words for clarity. I think there's two issues that I think council officers are trying to achieve when we're recommending the application of the sliding scale in

the CBD planning proposal and the first is to set up a framework that gives an incentive for amalgamation because obviously if you get a – you’ve got two small sites next to each other and they can both only get 6 to 1 there is an incentive for them two to get together so that the two sites can then benefit from 10 to 1.

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What that then drives are much better urban design outcomes because you’ve got a large site where you can achieve all the setbacks and all those sorts of things. And so that’s the first issue is putting in place a framework that provides the right incentives for the right investment decisions to get – which then lead to good urban design outcomes. The second issue is that the – and that comes to how you set up the sliding scale as into – as – as how much FSR you give a site that is – that is smaller than the ..... and that is making sure that the density on the site is appropriate for the scale of the site.

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15 So one is about putting in right – the right incentives to get the right investment decisions and the second is about making sure that the scale of development on the site is consistent and commensurate with good outcomes where the size of the site is a key ..... factor. Does that make sense.

20 MS TUOR: Yes.

MR PILTON: Is there an overall council vision for the urban design of the CBD, I mean, in terms of heights of buildings and bulk and all that kind of stuff.

25 MR COLOGNA: So in order to answer that question I would have to take you back to a study that’s referred to as the Architectus study. So - - -

MR PILTON: I haven’t heard of this study.

30 MR COLOGNA: Okay. Look, I’m not going to be able to do the dates off the top of my head but somewhere around 2013, 2014, council engaged a team of consultants involving Architectus and I think SGS Economics who were the – essentially it was the very starting point for the body of work that has ended up in the CBD planning proposal. And as part of the Architectus study they had a look at what  
35 sort of planning regimes should be put in place in Parramatta and they went through and tested models where you had no FSR and no height; a height but no FSR; and an FSR but no height.

40 And if I can – you know, it’s a very long study, but if I was to going to try and crystallise it in one sentence or one paragraph, essentially what they were looking for was tall, slender, well spaced towers in the CBD and so they thought that in order to do that, you didn’t really need to restrict height because the – their assessment was that when you restrict height, that height can sometimes result in fatter buildings, the building have to expand laterally rather than ..... height and so their recommendation  
45 was that you would have a regime where you would have an FSR but no height limit. In practice, the height limit is set by the aeronautical limits but for the purposes of the planning just – discussion and justification, it was that you should try and

promote height rather than width of your towers and that you would then apply a set of standards that encouraged the development of tall, slender towers.

5 Now, one of the issues – well - sorry. One of the reasons why sliding scale was  
important in that context is that if you get a lot of small sites and you then have to in  
order for them to be able to be developed give concessions on the set-backs, you end  
up with towers that might not be as tall but which are not well spaced because you  
have to – the only way to give them the FSR is to give concessions on the set-backs  
10 as per in this example where they're looking for a zero lot tower, so the tower  
basically comes right down to the boundary. Council's model is really to have a  
podium and then, you know, two, three, four storeys, depending on the context and  
the street, and then have the tower that then steps back from that podium which then  
– if that is then repeated on multiple sites gives you towers that are more ..... spaced.  
15 So if I had to give you a description of Architectus, that's basically the vision. A lot  
more technical in their discussion but that's the simple version from my perspective.

MR PILTON: Yes. Thank you.

20 MS TUOR: They're trying to avoid getting essentially a wall of towers because  
there's no separation, that they end up just being next to each other and you then get  
a wall.

MR COLOGNA: And you essentially get a wall of tall buildings side by side.

25 MS TUOR: Right. They ..... sort of, like, low scale podium, tower, tower, tower,  
tower with separation between them?

30 MR COLOGNA: So that's the model that essentially has evolved as a result of  
consideration of the Architectus model. The other thing that Architectus did was  
also make a recommendation that the FSR should be 10:1 for the core area of the  
CBD which basically runs from Church Street down to the river and then identify  
two areas of 6:1 on – to the north and south of .....

35 MS TUOR: Did that study and the economic study that accompanied it look at a,  
sort of, threshold of where you may not get incentive to actually redevelop and  
therefore you get sites being just left?

MR COLOGNA: I - those studies were done before I came to council - - -

40 MS TUOR: Yes.

MR COLOGNA: - - - so I'm not familiar with them in that level of detail given the  
time that ..... I could provide written advice if the panel thought they needed it, but I  
don't know off the top of my head.

45 MR KEARY: What are the applicable set-back controls for this site? Are they in  
the DCP?

MR COLOGNA: One of the issues we have in terms of assessing planning proposals in the current context is the existing DCP was put in place for the FSRs and heights that in place now.

5 MR KEARY: 2011?

MR COLOGNA: Yes.

MR KEARY: Yes.

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MR COLOGNA: So, essentially, what we are doing with planning proposals is undertaking in a review to see whether the controls in the existing 2011 DCP are still appropriate for that site, so – and, in some instances, they actually are because – I will give you an example. Along George Street, there's some principles that we're trying to achieve in terms of set-backs that apply whether the building is yea tall or lower, but in other circumstances, we might recommend to council that with this DP, we need a site-specific DCP to override the aspects of the current DCP that are not appropriate to the higher density that is – council is considering at that point in time. And so in terms of the DCP, it is the current DCP controls. Please don't ask me to tell you what they are off the top of my head. But, certainly, this wouldn't be consistent with those - - -

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MR KEARY: Right.

25 MR COLOGNA: - - - from memory.

MR COY: So if you refer to the report of 9 May 2016, it does go in – it does provide an assessment there and does speak to the DCP controls. And it does also refer to the fact that the planning proposal as we assessed it would require the other sites that weren't – that were considered to be amalgamation opportunities in that assessment report to have to provide those set-backs to this development - - -

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MR KEARY: Given the zero set-back - - -

35 MR COY: Correct.

MR KEARY: - - - proposed?

MR COY: Yes.

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MS TUOR: And not directly relevant but - - -

MR COLOGNA: Well, can I just point - - -

45 MS TUOR: Yes. Sure.

MR COLOGNA: - - - provide a point of clarification? I think – if I can – do you have a copy of that report available to you at all?

5 MS TUOR: Have you got a - - -

MR PILTON: It's this one here.

MS TUOR: Which tab of - - -

10 MR PILTON: It's tab ..... A ..... 1.

MR COY: We're referring to pages 7, 8 and 9 of - - -

15 MR COLOGNA: Which page?

MR COY: - - - 9 May 2016.

MR COLOGNA: Yes. And, in particular - - -

20 MS TUOR: ..... A .....

MR PILTON: That's what he's talking about there.

25 MR COLOGNA: Yes. So, essentially, the – thank you, Josh, for reminding me about that section of the report. So figure 7 essentially shows an indication of how the applicant says – suggests that those sites can all be developed in the future even if their site goes along, so essentially they would be the pink building and the grey building could then be the response from the adjoining sites when they amalgamated at some point in time. If you go then to the next page – and, thanks, Josh, because  
30 this, sort of, illuminates the tall, slender tower and the amalgamation issue – is that A and B is an indication of the proponent's scheme and option 2 gives you some sort of flavour for what the vision is for council where those sites are amalgamated and then you get more generous setbacks and a tower element that – or a buildable area A plus B that is more in the form of a slender tower not attached to other towers, whereas if  
35 you go back to figure 7, you end up with – from our urban designs point of view, a slab of building – relatively tall buildings going along the whole edge of the street.

40 So I think that illustrates from an urban design point of view the principles of Architectus reflected in option 2 versus the outcomes if you then start to move away from that by allowing concessions to your sliding scale .....

45 MS TUOR: And – yes. Just – not necessarily that relevant but I suppose we're just wondering about this having above ground car parking and how any building in the CBD could achieve design excellence if it has got above ground car parking? Is that something you're looking at in the DCP or - - -

MR COLOGNA: The issue of above ground car parking isn't just one of urban design. It's also an issue for us in terms of flooding. So Parramatta and the Parramatta River and the PMF – there's a lot of discussion about whether or not we should have basement car parks that in events even over and above the 1:100 –  
5 everybody seems to agree that up to the 1:100, you should make sure you design the car park – the basement car park so that it cannot be flooded, which you can do with ramps and other measures, but there's some debate about whether or not in the PMF area, you should have basement car parks because in an event higher than 1:100, they can fill up with water at a practical level. So the debate isn't only about urban  
10 design. But, certainly, from an urban design point of view, it would – our urban design is a much more comfortable and our DCP framework now is – it envisaged that if car parking is above ground, that it would be sleeved, so that you don't end up with blank walls to public places and ..... frontages.

15 MS TUOR: So, again, if you have a larger site, you could actually have - - -

MR COLOGNA: That's exactly where I was going to go. You could have – if you  
- - -

20 MS TUOR: - - - commercial uses or whatever on the outside and the parking hidden behind it?

MR COLOGNA: That's exactly right. So the sliding scale essentially also works on that level. Your point is exactly where I was going to go. By promoting larger sites  
25 – if you do have aboveground parking, you have all sorts of design options to then sleeve them and get better urban design outcomes, if it is deemed for whatever reason that car parking needs to be above rather than belowground.

MS TUOR: And this isn't in the PMF, though, is it?

30 MR COLOGNA: It's not. But, as I said, there's - - -

MS TUOR: Yeah.

35 MR COLOGNA: - - - a broad debate about the whole - - -

MS TUOR: Debate. Yep. Yeah.

MR COLOGNA: - - - CBD and our policy framework around whether, you know,  
40 there are – you know, the urban designers would come back and say in your pure, perfect world, all the car parking would be belowground. The drainage engineers think differently. And so the planners are trying to work out how we make this work. That's essentially - - -

45 MS TUOR: Yep.

MR COLOGNA: - - - what's happening. And so whilst this isn't in the PMF, any debate about aboveground car parking is always dealt with in terms of, "Well, why can they do it there and we can't" - - -

5 MR KEARY: Yeah.

MR COLOGNA: - - - "do it here?", sort of thing. So you end up just having to come up with a policy framework that addresses all of those issues, and in the best way possible.

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MR COY: The report of the 9<sup>th</sup> of May 2016 also refers to commentary about parking. I guess one of the challenges with this site is that to achieve council's vision with the podium and the tower setback, to get your parking on the site, given the height and density they're after, I think you'll be looking at something of around

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eight storeys of aboveground parking, which then would have an impact on the podium form as well.

MS TUOR: Because you're looking for lower podiums, are you? More like four storeys? Or - - -

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MR COLOGNA: .....

MR COY: Dependent on where - - -

25 MR COLOGNA: Yeah. Look - - -

MR COY: - - - you are in the CBD.

MR COLOGNA: It's - that's - sorry, Josh. I'm just going to interrupt for a minute. Because this building just comes straight out of the ground without too much - you know, essentially without a lot of setbacks - there is some with respect to the designer who came in. They'll argue that there's some bending in the building. But in terms of the car-park levels, it's just an extension of the principle that they're looking to put everything on the boundary. The issue Josh is coming to certainly

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applies for larger sites. But on this one, it's so constrained and so narrow that essentially it just has to come straight out of the ground. And the applicant envisaged that the adjoining property would then meet that and, you know, essentially hide some of that blank wall, in their option that I talked about a little while ago.

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MS TUOR: Did you also look at just issues to do with the amenity of the apartments that they're proposing? Because our brief look at it - we find it hard to understand how a three-bedroom apartment would actually get light to ..... all the rooms.

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MR COY: Well, paragraph 20 of the 9<sup>th</sup> of May 2016 - - -

MS TUOR: Yeah.

MR COY: And then that discussion continues in the Amalgamation ..... section.

5 MS TUOR: For – I think the paragraph 20 that I've got, which may be not right  
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MR PILTON: Yeah. It'll be the same one.

10 MS TUOR:

*Council officers have encouraged the applicant to explore - - -*

MR PILTON: Amalgamation.

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MS TUOR:

*...amalgamation - - -*

20 MR COY: It starts by saying:

*The applicant's urban design report does not provide clear floorplans;  
however, the built form indicated - - -*

25 MR COLOGNA: Have you - - -

MR PILTON: Hang on.

MR COLOGNA: Have you got a heading that says Development Control Plan and  
30 Apartment Design Compliance? So in your report of the 9<sup>th</sup> of May 2016 - - -

MS TUOR: Yeah. Oh, it's probably this page. Yeah.

MR KEARY: Yes, it is.

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MS TUOR: Yeah. Yeah. Yeah.

MR COLOGNA: Yep.

40 MR KEARY: Different paragraph numbers.

MR COLOGNA: Yeah.

MS TUOR: ..... 10, 11, 12.

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MR PILTON: Oh, I see.

MR COLOGNA: So - - -

MR PILTON: Okay. It's – yeah, 12.

5 MR COLOGNA:

*...applicant's urban design report does not provide clear floor plans; however, the built form - - -*

10 MR PILTON: Yeah.

MS TUOR: Yeah.

MR COLOGNA:

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*...indicated demonstrates compliance with the SEPP 65 cannot be achieved.*

That was relied upon ..... a means of achieving natural light and ventilation, which is inconsistent with the objectives of the ADG. So our urban designers reached the same conclusion.

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MS TUOR: Okay. And I think the other concern we had with it was just the ground level, the fact that it's occupied by loading dock car access with a very small lobby and no provision for things like garbage bins or plant or things like that, so it wasn't actually achieving a active frontage.

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MR COLOGNA: I guess the response I'd give to that is a bit of a repeat of the previous commentary, which is the larger the site, the more opportunity you have for activation and acceptable ground-floor arrangements for servicing and those sorts of things. And so it's another principle that underpins why a sliding scale is supported by council officers.

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MS TUOR: Any other questions? No?

35 MR PILTON: No.

MS TUOR: No? All right. I think that's probably it. I don't think we need any further information, do we?

40 MR PILTON: No. Thank you very much.

MR COLOGNA: No worries. Thank you for your time.

MR COY: Do you require us to be part of the site inspection? Or is that something you do - - -

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MR PILTON: I don't think so.

MS TUOR: I think we can - - -

MR COY: - - - on your own?

5 MS TUOR: - - - just do it ourselves.

MR COY: Yeah. Yeah.

MS TUOR: Yeah.

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MR COY: Great.

MS TUOR: Yeah.

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MR COY: All right.

MS TUOR: I mean, the only thing I wouldn't mind is if – that report that was done by Architectus and the economic consultants. If there is anything in that that looked at sterilising the sites, ie, that there may not be enough incentive to redevelop a site because you're not – like a small site, you may end up getting sites just left undeveloped. If they put their mind to that at all.

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MR COLOGNA: Okay. Well, we can certainly respond to that in writing.

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MS TUOR: Because I think that's ..... a little bit of the argument that the applicant is putting forward, that effectively they're saying their site – there won't be enough incentive to ..... redeveloped with a - - -

MR COLOGNA: Okay.

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MS TUOR: - - - quality building.

MR COLOGNA: Sure. We'll provide that response in writing.

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MS TUOR: Yeah.

MR COLOGNA: Yeah.

MR PILTON: Thank you.

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MS TUOR: Okay. Thank you very much.

MR COLOGNA: Pleasure.

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MR KEARY: Thanks.

**MATTER ADJOURNED at 11.24 am INDEFINITELY**