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TRANSCRIPT OF PROCEEDINGS

TRANSCRIPT IN CONFIDENCE

O/N H-938340

INDEPENDENT PLANNING COMMISSION

MEETING WITH BURWOOD COUNCIL

**RE: REQUEST FOR REZONING REVIEW TO LAND AT 68- 72 RAILWAY
PARADE AND 2-2A, 4-10 OXFORD STREET BURWOOD**

PANEL: **DIANNE LEESON
CHRIS WILSON**

PARTICIPANTS: **MATTHEW TODD-JONES
MARIANNA KUCIC
JOHN O'GRADY**

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

DATE: **9.58 AM, THURSDAY, 13 SEPTEMBER 2018**

MS D. LEESON: Okay. Let's get started. So we do have some formalities. Yes. So we have some formalities. So before we begin, I would like to acknowledge the Traditional Owners of the land on which we meet and pay my respects to their Elders past and present. Welcome today to the meeting on the rezoning review requests of a
5 planning proposal that seeks to amend the Burwood LEP 2012 in relation to development controls applying to land at 68 to 72 Railway Parade and 2 to 2A and 4 to 10 Oxford Street, Burwood. My name is Dianne Leeson. I'm chair of this IPC panel. Joining me on the panel is Chris Wilson. The other attendee of the meeting is
10 Matthew Todd-Jones from the IPC Secretariat. 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
15 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 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
20 answer, please feel free to take the question on notice and provide any additional information in writing, which we will then put up on our website. So we will now begin. And I should just preface, I suppose, that the recording is a new adoption of the Commission, and we're all getting used to it, but that, as I say, I think it is in the interests of openness and transparency that it's there and on the record.

25 So let us begin. We very much appreciate you coming along to provide some information and advice to us today. We have a few things that we'd like to get through and some particular questions, but it'll probably turn into a fairly casual conversation, more of a discussion, a conversation, than an interrogation put you
30 at ease. So I think to kick off, can you briefly summarise the process that we've been through to date, that you've been through to date, a bit of the chronology and background to it, just so that we're clear in our minds.

MS M. KUCIC: Sure. I might be testing my memory with the dates. But a pre-
35 planning proposal was put to council in a sort of informal way, to council officers. And that's probably going back to 2017, although I'd have to check the dates precisely. Then a planning proposal was submitted to the council. A part of that assessment – council engaged Cardno to undertake a planning and urban design
40 assessment. But they were also – there was some internal referrals for things like heritage and traffic.

MS LEESON: Sorry to interrupt.

MS KUCIC: Yeah.

45 MS LEESON: Did the Cardno work look at strategic merit? Or was it mostly around urban design, and site-specific?

MR J. O'GRADY: It was largely urban design.

MS LEESON: Yeah.

5 MR O'GRADY: We did an overview of the strategic positioning of the site in relation to the two town centres. But it was largely based on a merit assessment of the urban design performance.

10 MS LEESON: Okay. No, that's fine. Thank you. Thanks. Sorry, Marianna.

MS KUCIC: So Cardno's assessment recommended a lower height, sort of at 12 storeys on the corner stepping down to 10 and eight at the sort of wings of the building. That was put to council in a council report that I wrote in part and that sort of summarised Cardno's comments and put to council that we give the proponent an opportunity to revise that proposal down to that 12 storeys and progress the planning proposal from there. But at that council meeting, the elected council resolved not to support the planning proposal and not to support, you know, the changes that were recommended by Cardo. Yeah.

20 MR C. WILSON: Can we just clarify that, because it's - - -

MS KUCIC: Sure.

25 MR WILSON: try to understand it, because from the paperwork – it sort of suggests that council didn't turn their mind to the alternative; they just made a decision on the proposal as submitted. That sort of comes through as

MS KUCIC: Yeah. Well, the planning proposal itself presents three options.

30 MR WILSON: Yeah.

MS KUCIC: None of those options were the ones the Cardno supported. I think, if I'm not putting words in the mouth of Cardno, the sense was the proponent had done a great thing by amalgamating quite a few blocks.

35 MR WILSON: Yeah.

40 MS KUCIC: Maybe there was a reasonable reason for, you know, a bit of additional height in that location – not to the extent that they were seeking, certainly not the 18 storeys that they were after.

MR WILSON: Yeah.

45 MS KUCIC: And I think the second option was 12 - - -

MR O'GRADY: We saw - - -

MR WILSON: Yeah. I understand there were three options.

MS KUCIC: Yeah.

5 MR O'GRADY: Yeah.

MR WILSON: And I understand – I guess – and I'm not necessarily talking about
the merits or otherwise of those options. I guess what we're trying to understand is
10 did council consider anything beyond the 18 storeys? Did they consider the
alternative?

MS KUCIC: Well, that was part of the report that was put to them.

MR WILSON: I understand that. But - - -
15

MS KUCIC: They saw the planning proposal. So yes.

MR WILSON: Okay.

20 MS KUCIC: They considered all those. And they certainly would've considered
the 12 storey option that was recommended by the council officer report.

MR WILSON: Okay. Okay.

25 MS KUCIC: But the elected council ultimately resolved not to, you know, support
any of those. Yeah. And it was left there.

MR WILSON: Okay. So clearly – it doesn't come out of the paperwork clearly.
But council clearly made a decision on the 12 storeys.
30

MS KUCIC: Yes.

MS LEESON: As one of the three options.

35 MR WILSON: As one of the – I - - -

MS KUCIC: Well, it was probably almost a fourth option, in a sense.

MR WILSON: It was a fourth option.
40

MS LEESON: Sorry. As a fourth option.

MR WILSON: Yeah.

45 MS LEESON: Yes.

MS KUCIC: Yeah, because that was the option that was put by council's consultant.

MR WILSON: Yeah.

5

MS LEESON: Yes.

MR WILSON: So they clearly made a decision that they thought that was inappropriate as well, did they? Okay. All right. That doesn't come through on the paperwork, does it?

10

MS LEESON: Not that clearly, no.

MR WILSON: Not that clearly. No. Okay.

15

MS LEESON: So that's helpful. Thank you.

MS KUCIC: Yep.

MR WILSON: Thank you. Okay. Sorry. I interrupted

20

MS KUCIC: No, not at all. So – yeah. In terms of process, we probably covered it, then. So once the kind of SAAF assessment and Cardno assessment occurred, it was reported to council, the elected council, which is the normal process.

25

MR WILSON: Yeah.

MS KUCIC: They're asked to consider it on its merits. And – yeah. It was refused.

MR WILSON: Okay.

30

MS KUCIC: And then at that point – that's when the proponent took it to a rezoning review.

MR WILSON: Right. Okay. Fair enough.

35

MS LEESON: Okay. I mean, I guess we're then interested in the reasons that council refused the proposal, or reasons for the refusal.

MS KUCIC: Yep.

40

MS LEESON: The few that we'd like you to talk to are the justification for the uplift or otherwise and relationship to strategic plans and the PPP or, sorry, the PP, how that – does that, in council's view, compromise the hierarchy of the two town centres, being Burwood and Strathfield?

45

MS KUCIC: Yep. If you don't mind, I can - - -

MR O'GRADY: Okay. Yeah. Sure.

MS KUCIC: Yep. So council's key concerns were that the planning proposal does pre-empt the results of further strategic work that's anticipated for the Burwood town
5 centre and the Strathfield town centre. There's work currently underway by the Department of Planning and the three councils on what's called the plan precinct - - -

MS LEESON: The plan precinct.

10 MR WILSON: Yeah.

MS KUCIC: - - - for Burwood, Strathfield and Homebush. And we're concerned that while this is in that precinct that's been looked at, it's very early days.

15 MR WILSON: Could we just - - -

MS KUCIC: Yep.

MR WILSON: The department confirmed that it may not – it's not confirmed yet
20 whether it's in or out.

MS KUCIC: Yeah. So – exactly right. So there's – on the website, there's - - -

MR WILSON: Yeah.
25

MS KUCIC: - - - this - - -

MR WILSON: It's indicative only.

30 MS KUCIC: - - - indicative - - -

MR WILSON: Yeah.

MS KUCIC: - - - area that's been looked at. But the boundaries have – of that sort
35 of study area - - -

MS LEESON: Yet to be confirmed.

MR WILSON: Yet to be confirmed.
40

MS KUCIC: - - - are still being confirmed. So in a sense, given it is quite close to the railway corridor, I'd be surprised if it wasn't - - -

MR WILSON: Wasn't.
45

MS KUCIC: - - - in that kind of - - -

MR WILSON: Okay.

MS KUCIC: - - - general looked-at area.

5 MS LEESON: And because it's between the two stations.

MS KUCIC: That's right.

MS LEESON: Yep. Okay.

10

MS KUCIC: But what we're concerned about is – it's very early days in that work: that if something's allowed on this site, it may pre-empt, you know, the results of that planned precinct work. It may be inconsistent with what's decided in that planned precinct work. I expect that that planned precinct will sort of come out with, you know, staging and heights and densities of what's considered appropriate. So that's, yeah, one of our concerns, at least. We're also concerned that the height is considered excessive. I mean, certainly the highest of the three proposals that were put was 58 metres, or 18 storeys, essentially. The site sits between the Burwood town centre and Strathfield town centres. The Strathfield town centre in the Burwood LGA has a height limit of 30 metres, as does the perimeter area of the Burwood town centre. So those two edges of the town centres are 30 metres.

15

20

MR WILSON: Yeah.

25 MS KUCIC: This is a parcel - - -

MR WILSON: Yeah.

30

MS KUCIC: - - - you know, between the two centres that is almost double that. So, you know, again, we're concerned that it's going to sort of stick out like a sore thumb. And it is in quite a sort of prominent location. Perhaps when you go out to see the site, you'll see it's right along the railway corridor. And the railway corridor in that spot is in a cut – cutting. So it's quite a sort of broad corridor, where you see a lot of use from a distance. And it is going to look out of place, I think, when you pass by either on the road or on the railway corridor.

35

MS LEESON: Not directly related to this; but we see, and the department confirmed, that a gateway determination's been made for – is it called Burwood Place?

40

MR WILSON: Burwood Place, is it?

MS KUCIC: Yes.

45 MR WILSON: Yeah.

MS LEESON: At 144 metres.

MR O'GRADY: Yeah.

MS KUCIC: Yeah.

5 MS LEESON: Does council have any thoughts around whether that's going to create precedent or impetus - - -

MR WILSON: Strategic context.

10 MS LEESON: - - - for increasing height, in a strategic context, from Burwood towards this site?

MS KUCIC: Probably not so much towards this site. So Burwood Place is a little bit different. But it is in the commercial core of the Burwood town centre.

15

MS LEESON: Yep.

MS KUCIC: And I think the reason council issued that gateway determination is it is a key site. It's probably the largest site that will ever be developed in the Burwood town centre. And it is quite different. And there's quite a lot of community benefits, public benefits, that are being offered there as well, even though it's not quite sort of resolved on. But we're talking about, you know, 2000 square metres of public open space and - - -

25 MR WILSON: Yep.

MS KUCIC: - - - you know, an addition to the library, a public park. And so it's on a different scale, I suppose.

30 MR WILSON: And it's close – it's right on the station, isn't it? Or - - -

MS KUCIC: Not right on.

MS LEESON: Very close.

35

MS KUCIC: Maybe - - -

MR O'GRADY: It's adjacent to the station.

40 MS KUCIC: - - - 50 metres.

MR WILSON: Yeah.

MS KUCIC: Yeah. Really not far.

45

MR WILSON: Well, how - - -

MR O'GRADY: It's - - -

MR WILSON: 50 metres? 100 metres?

5 MS KUCIC: 50, I would say.

MR WILSON: Yeah. Okay.

MS LEESON: Yeah.

10 MR O'GRADY: Yeah. It's diagonally opposite - - -

MS KUCIC: Yeah.

15 MR O'GRADY: - - - the station.

MS KUCIC: Yeah.

MR WILSON: Yeah. Yeah. It's not over the station, but - - -

20 MS LEESON: Very close.

MR O'GRADY: Very close.

25 MS KUCIC: Yeah.

MR O'GRADY: Yeah.

MR WILSON: - - - as close as you can get without being on it. Yeah.

30 MR O'GRADY: It's an appropriate place for height.

MR WILSON: Yeah.

35 MS KUCIC: There's really one big key development in between the station and it. But it's also being redeveloped. So very close.

MS LEESON: So the strategic merit for that one, in council's view, is very strong and doesn't have really any - well, I'm not trying to put words in your mouth. I'm
40 trying to find out if it's the case. They don't translate to this particular site. You know, they couldn't - - -

MS KUCIC: Yeah.

45 MS LEESON: - - - translate to this site - - -

MS KUCIC: Yeah.

MS LEESON: - - - I think is council's view.

MS KUCIC: And I should probably preface anything I say with Burwood place – is that it's still in negotiation. I think while council did issue the gateway determination
5 or, sorry, the resolution to proceed to a gateway determination, it was very much of the mind that – “Well, let's get the community involved and see” - - -

MR WILSON: Yeah. Okay.

10 MS KUCIC: - - - “what they think.” It was that step to - - -

MR WILSON: Yep.

MS KUCIC: - - - go to public exhibit rather than really necessarily giving it the tick
15 of approval – which – you know, a lot of residents are feeling that that's what council's done – because there's been a good solid couple of years of negotiation in terms of what scale is appropriate, what floor plates are appropriate, white kind of
- - -

20 MR WILSON: Okay.

MS KUCIC: - - - urban design controls we'd have there and what benefits would be delivered to the community. So, I mean, that's another one that – while it is often held up as – “Well, council's working on this huge site” - - -

25 MR WILSON: It doesn't necessarily – I guess - - -

MS KUCIC: - - - it's not imminent and certain, I suppose.

30 MR WILSON: Yes. So I guess our question, I think, is does that set any, you know
- - -

MS KUCIC: Yes.

35 MR WILSON: - - - overarching strategic context in relation to this proposal? And we have to consider that, I guess, as - - -

MS KUCIC: Well, we've also kind of considered that question in respect to some of the rezoning proposals that are within the town centre and council's view has always
40 been that Burwood Place is quite different. It's off the chart in terms of like the density that's being proposed and also what's being delivered to the community. So you can't compare that with other kind of developers who are trying to double height and density, but are not sort of giving anything back or doesn't - - -

45 MR WILSON: Sure.

MS KUCIC: - - - you know, achieve anything. And, as I said, it is inner core, so if we were to increase height and density anywhere, that would be the logical point to do it.

5 MS LEESON: Okay.

MR WILSON: And so there's nothing happening – there's – around the core, there's a 30-metre height limit, isn't there? What's that - - -

10 MS KUCIC: Yes.

MR WILSON: So there's nothing happening in there strategically or - - -

15 MS KUCIC: Buildings, but nothing much higher than what's permitted - - -

MR WILSON: Okay. All right.

20 MS KUCIC: - - - than – like, on occasion, we do allow some developments that may be one or two storeys above - - -

MR WILSON: Okay.

MS KUCIC: - - - that permissible height.

25 MR WILSON: Yes.

MS KUCIC: Council have a policy called Bonus Development – actually, I've lost it.

30 MR WILSON: Yes. No. I appreciate that, but it's marginal.

MS KUCIC: Yes. Yes.

35 MR WILSON: Whatever it is, it's marginal. Yes.

MS KUCIC: It's up to 10 per cent additional FSR.

MR WILSON: Yes. Okay. So a bonus FSR.

40 MS LEESON: So a bonus scheme in a sense.

MS KUCIC: Yes. That's right. Yes.

45 MR WILSON: What's the bonus for? Is it for delivering affordable housing or something or - - -

MS KUCIC: For public benefit.

MR WILSON: Yes, yes. Okay.

MS KUCIC: So the – it's a generally a monetary contribution and that goes towards
– yes – public benefits, open space, community facilities, road improvements. There
5 is a schedule that kind of goes along with it.

MR WILSON: Can we just talk about public benefits for a second while we're on it
..... is that all right?

10 MS LEESON: Yes. I think that's - - -

MR WILSON: Just – in terms of public benefits of this PP, I understand it was
really just the nine affordable housing units, was it?

15 MS KUCIC: There was an offer, but council didn't want to go down the path of
negotiating a VPA on their site. Initially, the offer that was put was sort of put to us
in terms of the sooner council approves or progresses the rezoning, the higher the
contribution of benefits. We didn't think, for probity reasons, that was really
appropriate. I mean, council is expected to follow a process and it's not about, you
20 know, progressing faster so that the developer can, I don't know, develop sooner, but
- - -

MR WILSON: Okay. But in terms of the – okay. Yes. I understand what you're
saying.
25

MS KUCIC: Yes. So there was a letter that went back to the proponent - - -

MR WILSON: Yes. Sure.

30 MS KUCIC: - - - saying, "Look, we're a bit iffy about what you've put to us. We
don't really want to negotiate a VPA. Let's just, at this stage, consider the planning
proposal on its merits", and, of course, when it went to council, there wasn't a VPA
negotiated or anything like that.

35 MR WILSON: Okay.

MS KUCIC: But one of the things we have continually raised in rezoning reviews is
that, wherever there is this VPA offer by a proponent and then council knocks it back
at the council meeting stage, there's always this chance that they're going – the
40 proponent will go to the rezoning review and then that offer, whatever it was, that
was made will be lost, because the rezoning review doesn't really consider a VPA
and not in position to negotiate it - - -

MR WILSON: But a rezoning review, I would have thought, considers the public
45 benefit and I – anyway, it's in that context.

MS KUCIC: Yes. Yes. But it is - - -

MS LEESON: And we saw that concern expressed in the general manager's letter to the department.

MS KUCIC: Yes.

5

MR WILSON: Yes. We understand that.

MS KUCIC: And that's really why we raised it, so that if the Commission – or the panel was of a mind to progress the planning proposal, we would like to know that, okay, then the door is open to negotiate that VPA and it's exhibited at the same time as the planning proposal so that any public benefits that are being offered aren't lost.

10

MR WILSON: So I guess my question is what was the quantum of public benefits that you thought were coming in with the planning proposal?

15

MS KUCIC: The offer was about one point - - -

MR WILSON: You don't have to give any detail. I'm just interested in terms of - - -

20

MS KUCIC: Yes.

MR WILSON: - - - you know, affordable housing.

25

MS KUCIC: It was around \$1.7 million worth of affordable housing.

MR WILSON: Right. Okay. Which I think is the nine units.

30

MR O'GRADY: Wasn't there a small parcel of open space they offered as well on Railway Parade?

MS KUCIC: I think a metre setback.

35

MS LEESON: I think there was a setback on Railway Parade.

MR O'GRADY: Yes.

MS KUCIC: Yes.

40

MR O'GRADY: Yes.

MS LEESON: A bit of landscaping.

45

MR O'GRADY: Which they were going to dedicate to council.

MS KUCIC: Yes, yes.

MR O'GRADY: Yes.

MR WILSON: For what?

5 MS KUCIC: I would have to - - -

MR O'GRADY: Well, it's very difficult to say. There's no real - - -

MS KUCIC: A wider footpath.

10

MR O'GRADY: Yes. Wider footpath. They saw a connection back to the station, but there's not a connection there at the moment. It's not possible to get a connection through there, so.

15 MS KUCIC: Yes.

MR WILSON: Okay. That's right. So that was there

20 MS LEESON: It was presented as a – my interpretation – it was presented as a potential to start a better connection - - -

MR O'GRADY: That's right. Yes.

25 MS LEESON: - - - back towards the station - - -

MR O'GRADY: Yes.

MS LEESON: - - - and this would be perhaps the first key in that process.

30 MR O'GRADY: Yes. The council would have to acquire some Department of Education land, because the setback to the school wasn't – is not consistent. So there would have to be a further acquisition to get that continuation.

35 MS LEESON: Speaking of the school, can you confirm – you've got a diagram there.

MS KUCIC: I've got some aerial photos and bits and pieces - - -

40 MS LEESON: Some aerial photographs.

MS KUCIC: - - - so depending on what you - - -

MR WILSON: Good ones.

45 MS KUCIC: - - - would like to see.

MS LEESON: Can you confirm for us what is the school boundary? I mean - - -

MS KUCIC: Sure.

MS LEESON: - - - we saw that there was - - -

5 MS KUCIC: I wonder if that's going to be a better one.

MS LEESON: - - - some shadow analysis done and we would be interested in council's consideration of the overshadowing.

10 MS KUCIC: Well, maybe the – so the other thing I should mention is, one thing that has happened since the planning proposal – since the planning panel considered this planning proposal in May is that the planning panel, under a separate process, considered a development application for the site and they have approved a development application for 10 storeys at the corner that steps down to eight and six.

15

MR WILSON: Council have approved it or it went to the panel?

MS KUCIC: It went to the panel.

20 MR WILSON: Sorry. The regional panel.

MS KUCIC: But even – yes – that's right.

MR WILSON: Yes.

25

MS KUCIC: But even council officers supported it and recommended approval of that, because, essentially, there was even an earlier development application for the – for like a permissible, like, eight storeys and it was quite bulky, and so the proponent came back thinking that if they massaged it a bit better, they would achieve better shadows and council saw, you know, that as reasonable.

30

MS LEESON: Right.

MR WILSON: So that was one of our questions actually.

35

MS KUCIC: So what has been approved is - - -

MR WILSON: That was the status of that DA. Yes. Was that a – it wasn't a boarding house DA though, was it?

40

MS KUCIC: No.

MR WILSON: No. It was mixed use, was it, or – no – it couldn't be mixed use. It must be commercial.

45

MS KUCIC: There's a commercial unit at ground-floor, I believe, but it's mostly residential.

MR WILSON: Well, then, it must be – yes – it must be residential.

MS KUCIC: I think I have the details. Let's - - -

5 MR WILSON: Yes. Okay.

MS KUCIC: It's – yes – 10 storeys, part six storeys and part eight; 124 apartments – residential apartments; one retail premise on ground floor; and three basement levels.

10 MR WILSON: Okay.

MS KUCIC: Yes. So that was the development application that went to the planning panel.

15 MR WILSON: And we've been through the history. There has been previous applications which have – sort of – as they bought land, they kept coming back with a - - -

20 MS LEESON: Modified

MS KUCIC: Yes.

25 MR WILSON: - - - with a more consolidated comeback with a modified proposal.

MS KUCIC: Yes, yes. Sorry. Going back to your question about the school boundary.

30 MS LEESON: Thank you.

MS KUCIC: So it goes down here to Hornsey Street.

MS LEESON: Yes.

35 MS KUCIC: So it includes this whole section: Conder Street, Railway Parade, as far as the subject site here. So the subject site goes to number 10 on Oxford Street, then it takes in this – this is their playground area – it comes over to Stanley Street and sort of around this cul-de-sac and then back down to Hornsey.

40 MS LEESON: Okay. Thank you.

MR WILSON: So where is the playground?

45 MS KUCIC: So the school buildings are all in this sort of section - - -

MR WILSON: Yes.

MS KUCIC: - - - and that's like a covered outdoor learning area and that's the school playgrounds.

5 MR WILSON: We noticed at 3 pm that the shadows from the 18-storey tower come all the way to this building here, so that would mean - - -

MS KUCIC: Yes. So - - -

10 MR WILSON: - - - from 12 to - - -

MS KUCIC: - - - all the shadows are there, if you like.

MR WILSON: Are they?

15 MS LEESON: Have you spoken with the Department of Education at all? Are they aware of this proposal? They presumably would have been consulted on the one that has been approved at 10 storeys.

20 MS KUCIC: I can't speak to that. I could get back to you in terms of the development application. In terms of the planning proposal, because it hasn't even gone to the gateway determination - - -

MR WILSON: Yes.

25 MS LEESON: No.

30 MS KUCIC: - - - there has been no public exhibition, not formally anyway, and no consultation with agencies formally, but what we do know in the DA, there was a lot of community objection. So I think I've got the details - - -

MR WILSON: I guess what we're trying to understand – we are trying to understand the impacts in term of – I mean, the site-specific stuff - - -

35 MS KUCIC: Yes. Look, the - - -

MR WILSON: - - - and we're also trying to understand what the views of education might be in terms of those impacts on their interests.

40 MS KUCIC: Yes. Well, certainly, the biggest concern was shadowing of the playgrounds and overlooking.

MR WILSON: Yes.

45 MS KUCIC: And they were the elected council's concerns as well - - -

MR WILSON: Yes.

MS KUCIC: - - - the amount of shadowing on the playgrounds - - -

MS LEESON: Yes.

5 MS KUCIC: - - - and what implications that would have. So, in consideration of the DA, the proponent was required to submit this additional material in terms of shadowing that demonstrated that the approved development, which I think is the blue - - -

10 MR WILSON: Yes.

MS KUCIC: No. Sorry. The blue is the additional. The purple is what was previously approved for the eight-storey approval - - -

15 MR WILSON: Okay.

MS KUCIC: - - - and that, you know, the shadowing wouldn't be significantly different. It is a little bit more. It's not less.

20 MR WILSON: That's probably at 3 o'clock too - - -

MS KUCIC: Yes.

MR WILSON: - - - so it must be, I would have thought.

25

MS LEESON: It is 3 o'clock.

MR WILSON: Yes. Okay.

30 MS KUCIC: And so when the planning panel considered that development application recently, they determined it to be reasonable.

MS LEESON: Sorry, just so I'm clear - - -

35 MR WILSON: On the basis - - -

MS LEESON: - - - the purple is the - - -

MR WILSON: Eight-storey.

40

MS LEESON: - - - eight-storey development. The blue - - -

MR WILSON: Approved.

45 MS KUCIC: Yes, approved.

MS LEESON: Okay.

MS KUCIC: And the blue is now - - -

MR WILSON: Recently approved.

5 MS KUCIC: - - - the 10-storey - - -

MS LEESON: 10-storey approved.

10 MS KUCIC: - - - at the corner, approved, recently approved, yes.

MR WILSON: Just recently, yeah.

MS LEESON: Thank you.

15 MS KUCIC: That's all right.

MS LEESON: And it's a public school, so it's a primary school.

20 MS KUCIC: Yes.

MS LEESON: Okay. All right. Thank you.

MR WILSON: Excellent.

25 MS KUCIC: You did ask about the sort of community submissions. Just on that DA when it went to the planning panel - - -

MR WILSON: Yeah.

30 MS KUCIC: - - - they considered written submissions during the public exhibition, 25 submissions and a petition of 608 signatories. So there's quite a lot of, you know, community interest, mostly coming from the school community.

35 MR WILSON: Okay. And the – you haven't got the key issues there? Can you remember what the key issues were? Just – overshadowing is obviously one.

MS LEESON: Overshadowing and overlooking by the sound of it.

40 MS KUCIC: Yes.

MR WILSON: Yeah.

MS KUCIC: I believe so. I didn't attend this because I don't work on but - - -

45 MR WILSON: No, that's okay. No, that's okay. We can - - -

MS KUCIC: Yeah.

MR WILSON: - - - look at – we can chase that up. Appreciate that.

MS LEESON: Okay. What else have we got? I don't think I have anything. I mean, they were the key issues for the formal - - -

5

MR WILSON: Yeah.

MS LEESON: Chris, did you have any other - - -

10 MR WILSON: No, just in terms of Cardno's work in – we appreciate that it was a design review, but I guess council's view at the time, council officers' view was that it was a – it's a reasonable site for renewal?

MS KUCIC: Yes.

15

MR WILSON: Yeah.

MS KUCIC: Yep.

20 MR WILSON: They've consolidated?

MS KUCIC: I think we'd certainly seen the merit in the amalgamation of quite a few lots.

25 MR WILSON: Yeah.

MS KUCIC: We appreciate the effort that the owner would have gone to to acquire all of those lots, rather than sort of leaving an isolated site or, you know, a smaller development there.

30

MR WILSON: Yeah.

MS KUCIC: So yeah. Yes.

35 MR WILSON: I think the proponents suggest this – and you don't have to comment if you don't want to. I'll ask you to. But the proponents suggest that this is a good spot for a hub, and I'm not quite sure what they refer to in terms of – what would you understand that to be, I mean, as a residential hub? It's in their documentation. What does that mean?

40

MS KUCIC: I'm not sure what they would mean - - -

MR WILSON: I'll ask them. That's okay.

45 MS KUCIC: - - - by that.

MR WILSON: Yeah.

MS KUCIC: There wasn't a lot of commercial development in the proposal. As it is being a residential area, we don't allow too many residential – sorry, commercial-type uses anyway.

5 MR WILSON: Yeah.

MS KUCIC: I can't imagine it would be much of a hub. You would - - -

10 MR O'GRADY: I mean, suppose the - - -

MS KUCIC: - - - generally walk to one of the - - -

MR WILSON: It's just self-serving retail which is permissible, isn't it?

15 MS KUCIC: One of the centres - - -

MR O'GRADY: Yeah.

20 MR WILSON: Just – yeah.

MS KUCIC: - - - for services.

MR WILSON: Yeah. Yeah.

25 MS KUCIC: There would be very little need for sort of services - - -

MR WILSON: Okay.

30 MS KUCIC: - - - or, you know, real intensive commercial development there.

MR O'GRADY: That might be right, but I guess the only justification for that could be that it's essentially halfway between the two town centres.

35 MR WILSON: Yeah.

MR O'GRADY: So if there's going to be a point where you would have some activity, it could be there, but it'd be fairly minimal.

40 MR WILSON: Yeah.

MR O'GRADY: I think, you know, the – a café, a childhood centre. The childcare centre we thought was appropriate on - - -

45 MS LEESON: Yes.

MR O'GRADY: - - - the ground level, given that it's next to the school. But the – so the fact that it's next to the school and it's essentially halfway between the two town centres would be the only argument - - -

5 MR WILSON: Yeah.

MR O'GRADY: - - - that we could see for calling it a hub.

MS LEESON: Okay.

10

MR WILSON: So just one more question for – I guess it's for you - - -

MR O'GRADY: Yeah. Yeah.

15 MR WILSON: - - - in terms of Cardno's work. So council obviously understood that there was some merit in having this – a renewal site and you looked at it from a – I know you looked at it from an urban design. But in terms of your consideration of the strategic merit, you must have formed some view before – I mean, so what was the key driver for the 12 storeys in terms of – was it purely design or was it –
20 you know, did you find that there was some wider strategic context?

MR O'GRADY: Well - - -

25 MR WILSON: And I know you've probably already answered this, but - - -

MR O'GRADY: It's not so much wider. Well, we could see an argument for height on the corner.

30 MR WILSON: Yeah.

MR O'GRADY: And - - -

MR WILSON: As a site, but just - - -

35 MR O'GRADY: Yes.

MR WILSON: Just as a landmark site or something or - - -

40 MR O'GRADY: Well, if you're going to put height somewhere on that - - -

MR WILSON: Yeah, yeah.

MR O'GRADY: On that – on that site - - -

45 MR WILSON: Because the impacts are less.

MR O'GRADY: - - - the corner is the place for it.

MR WILSON: Yeah.

MR O'GRADY: And 12 storeys – we found that 12 storeys wouldn't have a negative impact on overshadowing.

5

MR WILSON: Yeah.

MR O'GRADY: So if we were going to get height somewhere, that's where it should be.

10

MR WILSON: Okay.

MR O'GRADY: 12 storeys was a happy compromise.

15

MR WILSON: Yeah.

MR O'GRADY: It would have less impact on heritage items than the much taller building. It gave the opportunity to step the building a bit around its edges, so a bit of height on the corner, stepping down around the edges. And also, another compromise that we suggested was that on – it's Oxford Street, isn't it? On Oxford Street, that there could be a separation between buildings. Currently it's a wall of buildings and quite a quite residential street - - -

20

MS LEESON: To break up that length of façade and - - -

25

MR O'GRADY: That's right. Break up the length, which - - -

MS LEESON: through-site link.

30

MR WILSON: Yeah.

MR O'GRADY: - - - is something like 80 metres. It could be a through-site link. It could be just a lower element in the buildings to allow for - - -

35

MR WILSON: Just modulation, yeah.

MR O'GRADY: Modulation, because when you get there, you'll find that it's quite a suburban street.

40

MR WILSON: Yep.

MR O'GRADY: And - - -

MS LEESON: The photographs certainly look like that.

45

MR O'GRADY: Yeah. Yeah.

MS LEESON: But - - -

MR O'GRADY: So we saw that as a – probably a better benefit to the community
5 than what the proponent was suggesting, which was the setback onto Railway
Parade.

MS LEESON: Okay. I mean, I think your considerations appear all to be very site
local-specific than necessarily at the strategic level. Is that - - -

10 MR O'GRADY: I suppose the only - - -

MS LEESON: Is that fair?

MR O'GRADY: The only strategic argument we had was – well, one – well,
15 probably the main one was that we didn't see the merit in suddenly raising – the
merit of the proponent's argument that because there's tall buildings in Burwood, in
Burwood Place - - -

MR WILSON: Yeah.
20

MR O'GRADY: - - - that that's an argument for suddenly stepping up - - -

MR WILSON: Yep.

25 MR O'GRADY: - - - the building in the centre.

MR WILSON: Yeah.

MR O'GRADY: Stepping up the building in the centre, we couldn't see the logic in
30 that. And the danger is that it wouldn't be a single building. There would be a
precedent set there and other proponents would be looking for height, so you'd end
up with a wall of quite tall buildings out of the town centre, which is not what the
DCP considers is appropriate.

35 MR WILSON: Okay.

MR O'GRADY: So yeah, we couldn't see any strong argument - - -

MR WILSON: Yeah. No, that's fine.
40

MS LEESON: Yeah. Okay.

MR WILSON: That's fine.

45 MS LEESON: Thank you.

MR O'GRADY: - - - from a strategic at all for that additional height.

MR WILSON: I don't have anything else - - -

MS LEESON: No, that's - - -

5 MR WILSON: - - - Chair.

MS LEESON: Likewise, I think that's answered the questions we had. There weren't that many around it, to be honest. So thank you very much for your - - -

10 MR WILSON: Yeah, appreciate your time.

MS LEESON: - - - time. It's - we do appreciate you coming in.

MS KUCIC: Am I allowed to add just one more point - - -

15

MS LEESON: You feel free.

MS KUCIC: - - - to kind of close off - John was talking about sort of the heritage item. I'm - sorry, the heritage items. I'm also council's heritage advisor, and one of
20 the concerns that council also had is this sort of idea that - John, I'm going to take your - - -

MR O'GRADY: Go ahead.

25 MS KUCIC: - - - documents - that, you know, some ideas were presented in the planning proposal that, you know, all the buildings around that area are going to get taller. That's not necessarily what we're seeing happening in that precinct because just to the south of the site there is sort of this - so this is the subject site and the
30 school. There is a lot of heritage items, and this - - -

30

MR WILSON: Right.

MS KUCIC: - - - is a historic precinct where council's maintained a three-to-four-storey scale for any infill development there, and we've been applying that quite
35 strictly over the last few years in new developments. So it's not really a case where everything around this site is also growing and going to be substantially higher, and that was one of the, yeah, key points we were also making.

MR WILSON: Sure. So this will come out in your review process, you know, in
40 relation to local government housing strategies.

MS LEESON: The planned precinct - the strategy, your local strategies.

MS KUCIC: Yes, I would hope so.

45

MR WILSON: Yeah, so - and that's - my understanding, that - where's that up to? The department said that you're well-advanced in relation to that review.

MS KUCIC: So, I mean, the department are heading it. My understanding – I don't attend those. But they've engaged consultants, I think - - -

MR WILSON: Okay.

5

MS KUCIC: - - - Acon, to do urban design review and some of the sort of desktop studies on heritage and the like, and - - -

MR WILSON: Which will feed into you.

10

MS KUCIC: And a traffic consultant.

MR WILSON: Yeah. Yeah. Okay.

15

MS LEESON: So there's an audit, I think, under the department. They told us - - -

MR WILSON: LEP audit.

MS LEESON: - - - there was - - -

20

MS KUCIC: Yep.

MS LEESON: - - - an LEP audit underway and how that is consistent or otherwise with the district plan.

25

MS KUCIC: Yes. Yep.

MS LEESON: And a raft of studies that will accompany it to inform the new local - - -

30

MR WILSON: Local housing strategies.

MS LEESON: - - - strategy that council will prepare.

35

MS KUCIC: Yes, so the LEP audit and the review of the LEP is probably a little bit different to the planned precinct work - - -

MR WILSON: Okay.

40

MS KUCIC: - - - that's underway. I envisage that the planned precinct work is – if it's thorough enough, is probably going to provide all the studies and documentation and supporting evidence that we need to provide uplift or rezoning or additional density to those kind of station precincts, so Strathfield and Burwood. And hopefully, if they are thorough enough, then there won't be much more studies

45

beyond that required for the LEP review.

MS LEESON: Yes.

MS KUCIC: It's certainly not - - -

MR WILSON: I see what you're saying.

5 MS KUCIC: - - - in that precinct. We'll probably be then, you know, putting resources towards the areas outside that kind of town centre precinct.

MS LEESON: Okay.

10 MS KUCIC: Yeah, and looking at that.

MS LEESON: Do you mind if we keep this – that document?

MS KUCIC: Absolutely. That's fine.

15

MS LEESON: That - - -

MR WILSON: That's helpful

20 MS LEESON: - - - aerial. That's really helpful.

MR WILSON: It's the clearest plan we - - -

MS LEESON: Yes, I know.

25

MR WILSON: That's very good. So - - -

MS LEESON: Is there any - - -

30 MR M. TODD-JONES:

MS LEESON: Sorry?

MR TODD-JONES: We'll scan that and it'll go up on our website. Is that okay?

35

MS KUCIC: No problem.

MS LEESON: Yeah.

40 MS KUCIC: That's fine.

MS LEESON: Thanks. Is there anything else that you wanted to raise with us?

45 MS KUCIC: I feel like I've covered off most of the points that I wanted to make. Possibly just to close that, I mean, council does believe that the panel made the right decision back in May to refuse this planning proposal. Certainly at the highest option, that 58-metre option, we thought was overreach and not appropriate for this

site, and probably also just making the point that with that recent development application approval for the 10 storeys at the corner, we think that's reasonable. Council supported that, so let's leave it there, I suppose, is what the message I'd like to leave.

5

MR WILSON: Is that what they sought? Was it the 10 storeys they sought, or did they seek higher and - - -

MS KUCIC: With the DA, that's all they sought.

10

MR WILSON: Okay.

MS KUCIC: And in fact, that was already kind of above the permissible height - - -

15

MR WILSON: Yeah. Okay.

MS KUCIC: - - - of what was about eight.

MS LEESON: Eight.

20

MS KUCIC: So there is kind of a limit with - - -

MR WILSON: Yeah.

25

MS KUCIC: - - - the DA how much - - -

MR WILSON: Was that a SEPP 1, was it?

MS KUCIC: Yeah. Yes, 4.6, clause 4.6.

30

MR WILSON: Yeah, 4.6. Right.

MS KUCIC: Yeah.

35

MR WILSON: I'm a bit old

MR O'GRADY: I think somebody else

MS LEESON: This is being recorded, Chris.

40

MS KUCIC: Would you like any other – you said aerials or anything like that? I'm not sure if anything's useful to you - - -

MS LEESON: I - - -

45

MS KUCIC: - - - but if it is - - -

MS LEESON: I think that one's very helpful.

MR WILSON: Yeah.

5 MS LEESON: And perhaps that - - -

MS KUCIC: I've got an aerial of the larger area where you can probably make out Burwood Station and Strathfield Station - - -

10 MR WILSON: Yeah, that's good.

MS KUCIC: - - - at the larger scale.

MR WILSON: Puts it in context.

15

MS KUCIC: And then council's maps of zoning, height and density - - -

MR WILSON: We might - - -

20 MS KUCIC: - - - and heritage if you like.

MS LEESON: If you don't mind, we might keep those - - -

MR WILSON: Is this - - -

25

MS LEESON: - - - because - - -

MS KUCIC: Absolutely. That's fine

30 MR WILSON: This will take - - -

MS LEESON: - - - we do have quite a few of them - - -

MR WILSON: But they're a smaller - - -

35

MS LEESON: - - - but at a much smaller scale - - -

MR WILSON: Yeah, this is good.

40 MS LEESON: - - - which is almost impossible.

MS KUCIC: Would you like that shadowing one too? I don't mind.

MS LEESON: Thank you very much.

45

MR WILSON: That's going to cause Matthew some work.

MS KUCIC: If you do want them electronically, Matthew, just let me know.

MR TODD-JONES: Okay. Thanks very much.

5 MR WILSON: Excellent.

MS LEESON: Thanks

MS KUCIC: Thank you for your time.

10

MR WILSON: Thank you.

MS LEESON: No, thank you - - -

15 MR WILSON: Thank you for coming in.

MS LEESON: - - - Marianna, John.

MR O'GRADY: Thank you.

20

MS LEESON: We appreciate that. That's been very helpful for us. So from here we're going to, as we say, talk to the – interview the proponent next, and then we will go out and have a look around the site this afternoon. We'll then form our advice and hopefully we'll do it sooner than later. We're not looking to make this a
25 long affair. So we will best endeavour to have something done in the not too distant future.

MS KUCIC: Thank you.

30 MS LEESON: Thank you. Thanks again for your time.

MR O'GRADY: Okay. Thank you.

35 **RECORDING CONCLUDED**

[10.32 am]