



AUSCRIPT AUSTRALASIA PTY LIMITED

ACN 110 028 825

T: 1800 AUSCRIPT (1800 287 274)

E: clientservices@auscript.com.au

W: www.auscript.com.au

TRANSCRIPT OF PROCEEDINGS

TRANSCRIPT IN CONFIDENCE

O/N H-940362

INDEPENDENT PLANNING COMMISSION

MEETING WITH THE DEPARTMENT OF PLANNING AND ENVIRONMENT

**RE: REQUEST FOR GATEWAY DETERMINATION REVIEW - VARIOUS
SITES WITHIN THE KENSINGTON AND KINGSFORD TOWN CENTRES**

PANEL: **JOHN HANN
STEVE O'CONNOR**

PARTICIPANTS: **DAN KEARY
BRENT DEVINE
MATTHEW TODD-JONES
MARCUS RAY
AMANDA HARVEY**

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

DATE: **9.38 AM, WEDNESDAY, 19 SEPTEMBER 2018**

MR J. HANN: John Hann.

MR S. O'CONNOR: Steve O'Connor.

5 MR D. KEARY: Dan Keary, it's K-e-a-r-y.

MR B. DEVINE: Brent Devine.

10 MR M. TODD-JONES: Matthew Todd-Jones.

MR M. RAY: Marcus Ray.

MS A. HARVEY: And Amanda Harvey.

15 MR: So you won't need to announce your appearance, your name, each time you speak, but maybe if you haven't spoken for a while it will transcribe

MR HANN: All right. Okay. We're good to go? All right. Okay, so good morning. Before we begin, I would like to acknowledge the traditional owners of the
20 land in which we meet and pay my respect to their elders, past and present. Welcome to the meeting today on the Gateway determination review request to increase the building height and floor space ratio controls and introduce new local provisions for the Kensington and Kingsford town centres under the Randwick Local Environmental Plan 2012.

25 My name is John Hann. I'm the chair of this IPC panel. Joining me on the panel is Steve O'Connor, and the other attendees at this meeting are Dan Keary and Brent Devine from KEYLAN Consulting, who are assisting the commission on this project, and Matthew Todd-Jones from the IPC secretariat. In the interests of openness and
30 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.

35 This meeting is one part of the commission's decision-making process. It's taking place at the preliminary stage of the process and will form one of several sources of information upon which the commission makes its decision. It's important for the commissioners to ask questions of the attendees and to clarify issues whenever we consider it appropriate. If you're asked a question and you're not in a position to
40 answer, feel free to put that back to us in writing as additional information and we will then put that back up on the website. So now we will begin. Look, thanks, Marcus and Amanda. What we would benefit from is if you could give us a short summary of the gateway determination and in particular pull out the key points for us, and then we will take it from there.

MR RAY: Okay. So I'm happy to do that, your Honour. So from my perspective there are two major issues in the Gateway determination. The Gateway determination does set a range of requirements.

5 MR HANN: Yes.

MR RAY: But the two major issues are – that are in issue, I think, are the ones relating to the overall dwelling numbers to be obtained in the area through the LEP. And the – that Gateway condition was an additional 600 dwellings be obtained. And
10 the second issue that's, really, I think in issue, is the community infrastructure charge which is a novel mechanism outside of the normal section 94 plans or section 94A plans, and so there are a range of issues with that particular charge. In relation to the first issue, the Gateway determination is very clear that it was up to council to where it would find the additional 600 dwellings. Since that Gateway condition was
15 imposed, there has been some discussion with council through the process, and as you are aware, all councils now have to implement their local strategic planning statements and councils in Sydney have to do that in conjunction with implementing the metropolitan and district plans - - -

20 MR HANN: Yes.

MR RAY: - - - including the housing strategy..... and some councils are on a two year track.

25 MR HANN: Yes.

MR RAY: And other councils are on a three year track to do that. Now, Amanda might have to jump in here when I get fuzzy with the detail. The government has selected – or is in the process of selecting up to 18 councils to help them with their –
30 that work. And that's with funding of 2.5 million. And they will be on the two year track. And the councils that don't receive additional funding will be on the three year track.

MR HANN: Okay.
35

MR RAY: So consequently as that whole process has well and truly kicked off, the department is no longer insisting on that the 600 dwellings be found in the corridor – those additional 600 dwellings be found in the corridor, and that could be part of a –
40 part – those additional 600 dwellings could be part of the future LEP revisions that come out of this work that all councils are going to have to do.

MR HANN: Okay.

MR RAY: I should say that the reason that the 600 dwellings was required
45 originally was because advice from Transport for New South Wales said it was clear that with the implementation of the light rail plus the additional bus routes, there was a much greater capacity along the corridor and that the council had not used the

correct figures for transport capacity, and that's where the issue of the 600 came from.

MR HANN: Yes.

5

MR RAY: So while that has been an issue in relation to his particular proposal, it's – from the department's point of view it's not longer an issue because we accept that – sorry, the – if I might just say that the proposal, the planning proposal, is a very narrow strip - - -

10

MR HANN: Yes.

MR RAY: - - - at Kensington and Kingsford. In fact, it's only half a block long, so it's, you know, it's particularly narrow.

15

MR HANN: Do we know why it was so narrow?

MR RAY: Really, I think that was council's choice, and it may – and they will have more detail on that. I assume it came out of some community consultation. It probably was not the preference of the department because it is particularly narrow.

20

MR HANN: Yes.

MR RAY: And, you know, a broader area might have actually been more suitable from the planning outcome, but decisions were made by the council and, you know, a scheme was developed.

25

MR HANN: Yes.

MR RAY: And so we had to deal with that scheme.

30

MS HARVEY: I might just add into that.

MR RAY: Yes.

35

MS HARVEY: So as part of the Gateway – the initial Gateway determination, the department appointed AJC to do a review - - -

MR HANN: Yes.

40

MS HARVEY: - - - of the urban design work that council did, and they also concurred that they felt that there was 600 dwelling capacity within the existing corridor and additional outside of the corridor. And party of that narrow area, they actually recommended some of the sites be expanded to full block, not half block, which were in some of the cases, particularly in the north. They also thought that some of the key sites, that particularly the sites could accommodate additional development as well.

45

MR HANN: So when you say capacity, I mean, are you referring to transport capacity?

MS HARVEY: Floor space capacity.

5

MR HANN: Floor space capacity, okay, not the issue that Marcus mentioned earlier around transport capacity.

MS HARVEY: No. No, so the two bases by which we felt that 600 additional dwellings could be derived was based on both Transport's comments and also AJCs assessment on the urban design.

MR HANN: Right. So while we're on the topic, then, of capacity, if you like, and it goes to the nub of the – one of the key issues in the documentation for the request for the review for council, their latest letter that I – we had seen dated about, I think it's 15 August, talks about being able to source 600 – you know, not quoting it, 600 additional dwellings, but part of a process that would be undertaken in 2019. So that's clearly different to what's in their original review request. So what's the status of the discussions on that particular matter?

15
20

MR RAY: Well, so, I suppose, coming back to what I said before is that we accept because of this broader process, this additional process - - -

MR HANN: Okay.

25

MR RAY: - - - that council has to undertake, both to update its – to introduce a local strategic planning statement and update its LEP consistent with the district plans and the metropolitan plan, that the – those additional 600 dwellings could be found, for example, within 400 metres of the light rail. And that would be a suitable outcome. So not in the very narrow corridor that's the subject of these – this review and this planning proposal, but in the context. It would still be walkable. It would still reflect the additional transport capacity that's available through buses and through the light rail, and as this process is imminent and all councils have actually really - - -

30
35

MR HANN: Right.

MR RAY: - - - actually started on the process as of 1 July, then that would be a suitable mechanism by which they could find the additional 600 dwellings.

40

MR HANN: So is your understand that council's concern around transport capacity has fallen away, because that was one of the arguments that we've seen in the documentation around why 600 additional dwellings was problematic?

MR RAY: My understanding was that – my understanding was the advice to us from Transport was that there was clearly additional capacity – transport capacity, combination of light rail and buses - - -

45

MR HANN: And buses.

MR RAY: - - - to actually support an additional 600 dwellings. So that advice – I don't think that advice was available to council at the early stages of the
5 development of the planning proposal but it certainly was made available to council before the Gateway was issued.

MR HANN: Right. Okay. Because it does differ, according to the documentation, from their own expert EMM and I think the reports which concluded - - -
10

MR RAY: Yes.

MR HANN: - - - somewhat differently from the - - -

MR RAY: And my understanding – and you correct me – was those reports were done before Transport provided that advice.
15

MR HANN: Yes.

MS HARVEY: Yes. I think the other thing to note in the EMM report that they provided as a supplement to – as part of their Gateway review didn't look at any of the intersection changes that were also going to happen and I think Transport had indicated, as part of the initial advice that we got that there was capacity, was that perhaps overlook that as part of that initial and subsequent review.
20

25

MR HANN: Okay.

MS HARVEY: So it wasn't just about the fact that we had public transport availability, it was also the ensuing changes to the actual road network.
30

MR HANN: Okay. Thanks, Amanda.

MR O'CONNOR: If I can just ask a question – maybe I'm getting a little confused. There seems to be capacity within their narrow defined study area for 600 additional dwellings and council is now saying we think we can provide those dwellings by looking just outside that corridor. But surely that should be an additive thing, not, well, don't give us the 600 in the corridor, give us 600 outside because there probably was capacity for more outside anyway.
35

MR RAY: So I – I suppose the – I suppose, on reflection, the – while the AJC work demonstrates that there is capacity within that narrow corridor, the fact that the corridor is a narrow – a very narrow corridor and its two isolated components, you know, separately – Kensington and Kingsford – seems to suggest to me that – I mean, suggests to me that really the planning should have been on the wider basis.
40
45 Okay. And I have taken the view that – I mean, there would be certain consequences about height that would necessarily flow and the scheme – and, you know, perhaps

it's – on reflection, it would have been much better if Transport had been much more closely involved with council in the early development of the scheme.

5 But the scheme has been out to community consultation, it has won a couple of awards for urban design and the community have clearly taken views about heights and overshadowing and in those circumstances, I think that it would be more appropriate not to insist that the – those additional 600 dwellings are actually in that very narrow corridor, provided that they are provided, you know, within about 400 metres of the transport infrastructure along Anzac Parade.

10 MR O'CONNOR: Thanks. That's very useful. Could you just elaborate a bit more maybe, Amanda, in relation to that community consultation that has happened because I wasn't aware that there had a community consultation phase - - -

15 MS HARVEY: They - - -

MR O'CONNOR: - - - because we're pre-public exhibition of a planning proposal.

20 MR RAY: Yes. So there was a community consultation phase pre the planning proposal.

25 MS HARVEY: It was done as part of the strategy. So you will notice in the documentation that council has there's a strategy and then there's the actual planning proposal itself and the strategy was the thing that went out to the community. So they have had some engagement in getting that work done and, as Marcus indicated, they also engaged someone to do that work and try to find a well-resolved scheme for the area.

30 MR O'CONNOR: Yes.

35 MS HARVEY: Just further to your point about housing and – the local strategic planning statement work requires the councils to do a local housing strategy and all the councils in Sydney are embarking on that right now, primarily to demonstrate that they can achieve their short, medium and long term housing targets that the GSC has now sort of indicated to them. So I think by enabling the 600 dwellings to be found within or in the vicinity of this particular narrow corridor can be done perhaps more holistically with the work that they have got to do for the rest of the LGA. And so looking at the district plan, Randwick is a, like, a very key strategic centre for them and so – and it extends beyond just this particular corridor so council could actually do a bit more of a framework in looking at that.

45 Additionally, the Greater Sydney Commission is working with the council and the department and other stakeholders like the university to do a collaboration area at the moment. Most of that relates to governance and structures and so forth but it's a collaborative working effort to try and look at opportunities to strengthen both the university and also the hospital leveraging off the light rail and other infrastructure in there and trying to put a new – I suppose a place strategy in place to make that area

more – work a lot better. But also, too, part of that is housing so – and that goes across, you know, a larger area than just this area.

5 MR O'CONNOR: And I take it that reference, Marcus, to the 2.5 million, the 18 councils being selected for the two year strategy, Randwick is on that two year timeframe.

MR RAY: No.

10 MS HARVEY: No.

MR RAY: No.

15 MS HARVEY: They applied for the funding. We have had four of the five councils announced that applied for the funding and there's one yet to be announced. So Randwick may or may not be on that list.

MR HANN: Right. Okay. Which means, if it's not, that will be three years.

20 MR RAY: That will be a three year - - -

MS HARVEY: Correct.

MR RAY: Yes.

25

MS HARVEY: Yes.

MR HANN: Yes. Okay. Yes. Okay.

30 MS HARVEY: But they're still required to do their local housing strategy over the course of next year.

MR HANN: Yes.

35 MS HARVEY: And they're still required to do their local strategic planning statement draft by the mid next year and have it finalised - - -

MR HANN: Hence their letter then in terms of - - -

40 MR RAY: Yes.

MS HARVEY: Yes.

45 MR HANN: - - - referring to 2019.

MS HARVEY: Correct.

MR RAY: Yes. So they are required to do that work - - -

MR HANN: Yes.

5 MS HARVEY: Yes.

MR RAY: - - - on the housing strategy and the local planning statement.

10 MR HANN: All right. Okay. Is there – your understanding – in relation to the transport capacity, given that what you’re saying is that public transport’s advice and their – was available prior to the documentation of the review request, have you had discussions as to why the review request has, as one of the reasons, that there’s inadequate transport capacity?

15 MS HARVEY: My understanding – and I wasn’t at the department at the time so I will – based on what I have – information and talking to my colleagues. There was a lengthy negotiation with the Gateway for this particular planning proposal. So to resolve the issue, part of the work AJC was done but also the transport work was provided to council at the time, before the Gateway determination was made.

20

MR HANN: Right.

MS HARVEY: So my understanding is that council were aware of that advice.

25 MR HANN: Okay. Okay. No, thanks for that.

MR RAY: And council presumably has a view about that advice - - -

MS HARVEY: Yes.

30

MR RAY: - - -

MR HANN: Okay. Yes.

35 MS HARVEY: And I understand council has been consulting with Transport since they received the Gateway - - -

MR HANN: Yes. Yes.

40 MS HARVEY: Regardless of the fact that they have put in a Gateway review.

MR O’CONNOR: So a lot of that discussion was all about the density issue. The other issue identified was the community infrastructure charge. Do you want to talk to us a bit about that?

45

MR HANN: Yes. That would be good to understand that.

MR RAY: So there's a number of issues about the community infrastructure charge. So the mechanisms for raising contributions are well settled under the Environmental Planning and Assessment Act and they are a section 94 plan, a section 94A plan, a voluntary planning agreement, and there are controls on voluntary planning agreements in that you can't have a local environmental plan or a development consent condition that requires anyone to enter into a voluntary planning agreement. So the proposal here is twofold. So there is a proposal to increase – so the section 94A levy is generally set at one per cent across the state. It – in a few city centres, so such as Parramatta, Liverpool, Wollongong, Newcastle - - -

10 MR O'CONNOR: Newcastle.

MR RAY: Yes. Gosford. There is a higher rate, but generally – and those decisions were made some time ago, in 2007/2008. So the council has asked for an increase in its – in the rate, to 3 per cent. So that's one component.

MR O'CONNOR: Yes.

MR RAY: And that's not the subject of this review, because that's the subject of a separate application to the department. It would require the Minister to amend the regulation which caps the section 94 rate of one per cent.

MR HANN: So it's simply – it's their intent, should they be successful in gaining that approval, apply it to this particular - - -

25 MR RAY: Yes. So it would apply to this particular - - -

MR HANN: But it's a separate process.

30 MR RAY: It's a separate process.

MR HANN: Okay.

MR KEARY: No. Sorry, Marcus, it would apply only to this – the land subject to this plan proposal, or to the whole city?

MR RAY: That's my understanding.

40 MS HARVEY: That is - - -

MR KEARY: Okay.

MR RAY: It's only the land subject of the planning proposal.

45 MS HARVEY: Yes. I think there was some reference in some of the communication that they would like to expand upon that - - -

MR KEARY: Right.

MS HARVEY: If they have the opportunity. But I will let Council comment on that. I think the thing that's key about this is twofold. Firstly, is that the actual
5 height and floor space is not uplifted until you pay the community infrastructure contribution. So it was their intent that you don't get that height and uplift until you enter into a voluntary planning agreement for the specified amount of floor space uplift that you obtain through development consent, which is rather unusual. The
10 other part of it I think is that the actual works that they've listed wouldn't, and don't, classify under a central – a central work list, and some of the – I suppose, for a better word, they're a bit fanciful in terms of the actual works.

MR HANN: Yes.

15 MS HARVEY: And unusual that we wouldn't see them in an – ordinarily in a section 94 plan, or other – even within – in terms of a public benefit that are attached to them, is potentially questionable.

MR HANN: Yes.

20 MS HARVEY: The other concern we have, and we've raised in our report, is if money were collected could they have been better spent on essential works? Have – or would these works be better put into other public domain improvements and other thing that would derive a direct benefit to the new – you know, the new people and
25 workforce coming into this area as a result of the development? And we've outlined that in quite a bit of detail.

MR HANN: Yes. Can you give us some examples of the fanciful contributions that they're

30 MS HARVEY: There's an experimental, water sensitive, urban design thing that they wanted to implement. There are two pneumatic waste systems that, particularly, are mentioned for either of the town centres. If you're aware of what a pneumatic waste system is.

35 MR HANN: No, I'm not. No, I don't know what that is.

MS HARVEY: I will explain. So when a development is done, usually high-rise development, they have this particular – it's a suction based type waste system, that
40 you put it into a vacuum and it then collects it to a particular point, and at that point the truck comes to collect it from that collection point. And it's to try and, I suppose, reduce the opportunity to have bins either within the development as a normal – large bin or smaller bins that sometimes can go with having an apartment development.

45 MR HANN: Is that – is that something that's up and running and operating in local government?

MS HARVEY: It's experimental, so at the moment I understand Penrith Council are running a trial for that at the moment.

MR HANN: Okay.

5

MS HARVEY: And are looking to see whether or not they can seek developers who would be willing to trial or do it in their developments. They're some of the two – the other - - -

10 MR RAY: I understand that Council are looking at dealing with the a fact that their – that it will be more difficult for garbage trucks to come along ANZAC Parade, because of the light rail, and so they're looking for another solution. So I certainly wouldn't characterise it as fanciful in that sort of sense, and I – you know, I'm sure that they are – you know, I'm sure that they are – you know, trying to explore all the
15 options for, you know, those things. But at this stage it would be a very big system and it's not within the essential works list.

MR HANN: Right.

20 MR RAY: And there may be other ways that Council could deal with that issue that would be less expensive.

MR HANN: Okay. So it's a nice to have, but it doesn't fit within the prescribed essential works.

25

MR RAY: No.

MR HANN: Yes. Okay.

30 MR RAY: I mean, the other thing that I think I should say – the Department will be happy to share this advice through our respective legal branches – is that the way the charge – the community infrastructure charge is expressed in the planning proposal requiring the entry into a VPA is - - -

35 MR HANN: Illegal.

MR RAY: illegal.

MR HANN: It's not voluntary, because it will be a condition.

40

MR RAY: It will be a condition.

MR O'CONNOR: Which you can't apply.

45 MR HANN: Yes. Okay.

MR RAY: And the other issue I would like to – I think is worthwhile, is that not all the infrastructure directly relates to individual sites.

MR HANN: Yes.

5

MR RAY: So I know that there is – there is some commentary in the Council's papers about it's analogous to Green Square, and it's clearly not. Green Square, the planning regime at Green Square is quite different, where all the development, all the infrastructure, is tied to individual sites. The LEP is made, and there's a process of actual undeferral where most of the sites were deferred, and eventually there's a negotiation, and there's the voluntary planning agreement put in place, and sites are undeferred from the proposal. That's not what's proposed here.

10

MR O'CONNOR: So I take it you will get your legal section - - -

15

MR RAY: We will send it.

MR O'CONNOR: - - - to send it to our legal advisors?

20

MR RAY: Yes.

MR O'CONNOR: Great.

MR RAY: Yes.

25

MR HANN: Thank you.

MR RAY: And we have raised that matter with Council, and our initial preference was for Council to look at section 94.

30

MR HANN: So that was one of the questions we put to you: what would be satisfactory to the Department? This – there is – it's already provided for, in terms of applying section 94?

35

MR RAY: And that - - -

MR HANN: And you would be satisfied with that - - -

MR RAY: Yes. Absolutely, yes.

40

MR HANN: - - - mechanism? Okay. Does that cover adequately, from your point of view the two key issues that you initially spelt out?

MR RAY: I think the two – yes, I think the two key - - -

45

MR HANN: Because, I mean – okay.

MR RAY: Yes. I think the two key – the key issues – there’s a couple of other things that Amanda might take you through.

MS HARVEY: Sure.

5

MR RAY: Just to clarify.

MR HANN: Okay.

10 MS HARVEY: So there were other conditions but they’re probably secondary, as Marcus is mentioning. So the first one relates to condition 1(b), which is the opportunity sites.

MR HANN: Yes.

15

MS HARVEY: So as a consequence of the Department’s refusal to accept the CIC, and enabling that unlocking height and floor space based on payment, we said that the Council should establish actual firm height and floor space controls. There wasn’t – in this description, or it probably wasn’t made clear in our condition, that
20 what we meant was to set those and for the opportunity sites additional two stories, where the – where the developer, rather, achieved design excellence. And so we proposed to reword that so it’s clearer - - -

MR HANN: Okay.

25

MS HARVEY: - - - that they establish the height and floor space controls for the site and, where there’s an opportunity site, if they want to embark on additional stories – of two stories, they can then do that through a design excellence mechanism.

30

MR HANN: Okay.

MS HARVEY: So that – we’ve proposed to reword it so it’s clearer. That’s our recommendation. We understand - - -

35

MR O’CONNOR: Can you just give us an idea – the liberation of opportunity sites, it’s not a – design excellence opportunity is not a broad thing. It’s only on certain sites.

40

MS HARVEY: It’s only for those sites.

MR O’CONNOR: Are there many sites?

45 MS HARVEY: No. There’s about eight in total, and they’re situated at corner sites and in close proximity to the nodes for the light rail.

MR HANN: And they’re spelt out in the documentation, I think, aren’t they?

MS HARVEY: Correct.

MR RAY: They are.

5 MS HARVEY: And they're all the same node, same opportunity sites, that Council have nominated.

MR HANN: Okay. All right. So that would need rewording.

10 MS HARVEY: Yes. And we - - -

MR HANN: Unambiguous, let's say.

MS HARVEY: Yes.

15

MR HANN: Yes. Okay. All right.

MS HARVEY: To reduce that. The other one got two. The public authority consultation requirements, Council - - -

20

MR O'CONNOR: This is two?

MS HARVEY: Correct. Condition 2.

25 MR O'CONNOR: Number 2; is that right?

MS HARVEY: Yes.

MR O'CONNOR: Yes.

30

MS HARVEY: Council wanted to have this removed because they were already undertaking that consultation. It's usual practice for us, in any gateway determination, to identify which public authorities are consulted with, whether this be a planning proposal led by Council, or by a proponent. We see that Council are already undertaking that work to satisfy the condition of consent, so we don't really see the need for the condition to be removed. And it will need to be fulfilled at any time once the finalisation of the LEP is done anyway, so we can demonstrate there has been adequate consultation undertaken.

40 MR HANN: Because their response is – which I'm looking at here. It says, well, look, it's all going to be done anyway by the time it reaches this case. It will be – although, to quote the Planning and Assessment Commission, but what you're saying is for good orders sake there needs to be a record that it has been done.

45 MS HARVEY: Correct.

MR HANN: Is that right?

MR RAY: Yes. Yes. Even if it, in fact, is done before the review from the IPC.

MR HANN: All right. Well, that answers our questions around that. We had that sort of marked down as to clarify that.

5

MS HARVEY: Yes.

MR HANN: Okay.

10 MS HARVEY: Condition number 3 was a request to have the planning proposal resubmitted that solves for review.

MR HANN: Yes, yes.

15 MS HARVEY: Again, another standard practice often when we would acquire a number of changes to the planning proposal, and so it's our process that we review that, and then we just let them know it's adequate in order for them to proceed to exhibition.

20 MR HANN: All right. Okay.

MS HARVEY: And the last condition is condition 7 which is the timeframe, and we're happy to extend that for a time that either the IPC deem suitable or extending that timeframe, particularly given it has taken some time to get to this point with the Gateway review, so it just restarts the process for them and enables them to have enough time.

25

MR HANN: Okay. All right. Thanks, Amanda. So you've covered in depth quite a number of the points that we wanted to raise with you. I think we've got more to consider around the transport and capacity, just in terms of timing, and, obviously, that will be questions for the council when we meet them later today. We might not need to come back and talk to you about that, so we will see how – the response from council.

30

35 MR RAY: Sure. And if you do need to have a talk to us again, we're, of course, happy to come.

MR HANN: Where we talk about consultations this is more to do with the communication discussions the departments had with the council. On the key matters that the council have based their review request on – you've talked us through some of them, but is there still ongoing discussion on some of these in terms of resolving them, or are you poles apart on it on some of them?

40

MR RAY: Well, I think, as I've said, that it's really the form of the community infrastructure charge - - -

45

MR HANN: Yes.

MR RAY: - - - that is presenting most concern to the department at the moment, and we've really not been able to – while we suggested to council section 94, we've not been able to resolve that aspect.

5 MR HANN: Okay.

MR RAY: So that to me - - -

MR HANN: That remains unresolved as it stands today.

10

MR RAY: That remains unresolved.

MR HANN: Okay. All right.

15 MR RAY: And is clearly a matter for your review.

MR HANN: Thank you. There were a couple of other points, Steve. Do you want to take them question we had?

20 MR O'CONNOR: Yes. Just a few. There's an issue raised in the council's submission about the height of buildings causing an issue with aircraft flight paths, etcetera. Do you have any comments or feedback you can give us on that?

25 MS HARVEY: I understand when AJC did the work that they had taken that into account. One of the tests is the OLS from the Sydney Airport. The heights can be determined under a planning proposal that are greater than what the OLS would enable, but I understand that the heights don't exceed that at this stage.

30 MR RAY: My understanding is that was a particular issue around the sites at Kingsford.

MS HARVEY: Correct.

35 MR RAY: Not so much of an issue around the sites in Kensington

MR HANN: Right.

MR O'CONNOR: I thought it might have related just to the opportunity sites and those extra couple of storeys there.

40

MR RAY: Well, I think it does. I think it relates particularly in Kingsford.

MR HANN: Okay.

45 MR RAY: So there clearly are limitations there, and the department does not seek to, you know – any further height.

MR HANN: Sure.

MR RAY: Or, you know - - -

5 MR HANN: It has to comply, full stop.

MR RAY: Is appropriate. It has to - - -

10 MR HANN: Yes. All right.

MR RAY: Yes.

MR HANN: Do you see that as something that's still unresolved, though, from – in your discussions with council, or you - - -

15 MR RAY: Not really.

MR HANN: Okay.

20 MR RAY: I think that's resolved, and I think the clause that Amanda spoke of, the second clause, once the wording on that is clarified, that should – would council - - -

MR HANN: Yes. This is the one on consultations.

25 MR RAY: No.

MS HARVEY: No.

MR RAY: The one about the design excellence.

30 MR HANN: Okay.

MR RAY: Once that's clarified, I think that that should provide the council with quite some comfort.

35 MR HANN: Sorry. Yes. I know what you - - -

MS HARVEY: We're trying to reinstate what they wanted to do, but just in different wording.

40 MR HANN: Yes, yes.

MR O'CONNOR: And the second question I had – because the advice from Transport for New South Wales is so critical to understanding all of this. Is there
45 someone at the department that we could talk to directly. Can you give us a name or a contact?

MR RAY: So the best person to speak to would be Steve Murray. So he returns from leave on Monday or Tuesday.

MR O'CONNOR: Yes.

5

MR RAY: And so he was directly involved in – with Transport New South Wales, and he led three-way discussions between Transport New South Wales and the council as part of this

10 MR O'CONNOR: Great.

MR HANN: So – sorry – Steve is with the department.

MR RAY: He's with the - - -

15

MR HANN: Okay.

MR O'CONNOR: So he would have been here today if he wasn't on leave.

20 MR RAY: So he would have been here today, but he's on leave.

MS HARVEY: yes.

MR HANN: Yes. Okay.

25

MR O'CONNOR: All right.

MR RAY: And he would certainly be able to put you – if you needed to speak to somebody in Transport for New South Wales, he would be able to put you in touch with that person.

30

MR O'CONNOR: Thanks. That's all I had.

MR HANN: Did you have any comment about the 100 metre - - -

35

MR O'CONNOR: Well, I think we've raised that earlier on.

MR HANN: We've covered that, and we were satisfied

40 MR O'CONNOR: As I said, it's probably far too limiting initially.

MR HANN: Yes.

MR O'CONNOR: But it's a legacy that you've got to live with now.

45

MR RAY: The – and, look, one thing that I just – I think I probably did say it earlier, but I do really want to place on the record when the department issued the

Gateway determination requiring the additional 600 dwellings, it was very specific in its letter that it was a matter for council to find where those dwellings would be situated within the corridor. The department did not identify any particular sites that required additional hire for floor space. It did provide the AJC work, but was very clear that it left it to council to provide to make that determination. Now, obviously, we already discussed where we are with that now, but I just need that to be on the record.

MR HANN: Thank you, Marcus. One – it's probably the final matter, subject to Brent and Dan. We're aware that, look, there are a number of recommendations made in the original Connor Bear Morrison work which weren't taken up, and we just were interested – and we're interested to know what the background to that is and the rationale.

MR RAY: Okay. Well, we will have to – I don't think - - -

MS HARVEY: Do you know which ones?

MR KEARY: Is that there's a comment that the options considered in the Conybeare Morrison report weren't translated to the final option in the planning proposal and no explanation was given? So I think it was around some clarify around those disparities.

MS HARVEY: It just seemed obvious in the options that were done in the strategy. It didn't necessarily translate fully into the actual planning proposal, and maybe that's the – something you will need to ask council about.

MR O'CONNOR: We will be asking council.

MR HANN: Yes. No. We will go and talk to them about that. Yes, yes. It was a broad statement, but we would have to go back and look at the specifics of it, but we would be just interested to know whether there was any particular part – any particular of those options, you know, the broader options as to why they weren't taken up and whether you've had, you know, any detailed discussion with council about that. Okay. All right. Gentlemen, any other - - -

MR KEARY: The only question I would have is if the alternative to the 600 dwellings is now through the housing strategy process, is there expectation that transport capacity gets tested to the same extent through that process as it has been through this process? All those questions that – of back and forth with Transport for New South Wales about the light rail, bus services. Then you mention some intersection works, Amanda. Are those the sorts of things that then get factored into council's deliberations on their housing strategy as well?

MS HARVEY: Yes. So when council undertake that local housing strategy they will need to prove up the areas identified for additional growth. Council may or may not elect to do them in precincts or in part or holistically, but we would expect them

to undertake some transport studies to demonstrate that there is, you know, infrastructure capacity to support that additional growth, and it may be growth that's depending on the temporal nature of it, whether it's sooner rather than later, so that will be something that council have to flesh out. So the department has been

5 working with the councils through technical working group arrangements and to provide the opportunity to all the councils to get them engaged with Transport for New South Wales and RMS so that they can liaise with them as they're doing that work for the local housing strategy and the local strategic planning statement so they better understand the transport strategies that are in place and also how to coordinate

10 that with growth, both for housing and for employment.

MR HANN: Okay.

MR RAY: From my perspective, it's clear to me from the advice to Transport there is capacity along that corridor, and - - -

15

MR O'CONNOR: Which is what you would expect.

MR RAY: Which is what you would expect, and is – because it's a combination of buses and light rail, and I would expect the council – and I think the council has indicated that they would be happy to look at that as, like, a broader area. It may well be that they even find additional dwellings within the corridor. You know, some of those are covered within the planning proposal.

20

MR KEARY: The planning proposal.

25

MR HANN: All right. Dan, anything else? Brent? Steve?

MR O'CONNOR: No, not me.

30

MR HANN: All right. Well, thank you, Marcus. Thank you, Amanda.

MR RAY: Thank you.

MR HANN: We will call a close to the meeting.

35

RECORDING CONCLUDED

[10.21 am]