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TRANSCRIPT OF PROCEEDINGS

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INDEPENDENT PLANNING COMMISSION

MEETING WITH WAVERLEY COUNCIL

**RE: 194-214 OXFORD STREET AND 2 NELSON STREET, BONDI JUNCTION
PLANNING PROPOSAL REVIEW**

PANEL: **DIANNE LEESON
TONY PEARSON**

ASSISTING PANEL: **MICHAEL WOODLAND
REBECCA GROTH
MATTHEW TODD-JONES**

WAVERLEY COUNCIL: **TIM SNEESBY
GEORGE BRAMIS
JOHN WAKEFIELD
PAULA MASSELOS
ANGELA BURRILL**

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

DATE: **11.12 AM, FRIDAY, 9 NOVEMBER 2018**

MS D. LEESON: Look, welcome and thanks for coming along this morning. I understand that this might be one of the first issues that council's come to the Commission – or that has been brought to the Commission. We are going through a fairly new process at the moment, and that's around recording of our proceedings, and we have a statement that we will read out at the beginning of this morning's proceedings, and then we will get going.

So 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 a planning proposal that seeks to amend development controls and remove local heritage items to enable the redevelopment of 194 to 214 Oxford Street and 2 Nelson Street, Bondi Junction.

My name is Dianne Leeson. I'm the chair of this IPC panel, and joining me is my fellow commissioner, Tony Pearson. The other attendees at the meeting are Michael Woodland and Rebecka Groth of Keylan Consulting, who are assisting the Commission's secretariat with this project and 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 process of preparing advice. It is taking place at the preliminary stage of our process and will form one of several sources of information upon which the Commission will base its advice. It's important for the Commissioners to ask questions of attendees to clarify issues whenever we consider it appropriate. If you are asked a question and 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 also put up on our website.

So we will now begin. Our brief for this exercise is to provide advice to the department on the planning proposal and the gateway process before us. We have met with the Department of Planning this morning. We will meet with the applicant later today, and we will go out and have a look at the site to make sure that we fully understand the context and location that we're dealing with. So that's probably a bit of background to the way we will run this process, and then I think the Department's quite keen to get the Commission's advice, so we will, in due course, deliberate and provide our advice and get that back to the department as quickly and efficiently as we can.

I think, for today, for us, it would be good if you could start by outlining council's reasons for rejecting the planning proposal, and then that will lead us into a few issues around the site and council's confidence about some of the urban design outcomes and, you know, the suitability of that site for development, and then, I think, inevitably into the issue around the VPA and the status of that, and the public

benefit issues that might arise. So can we hand to council to outline your concerns – or, sorry, your reasons for rejecting the proposal?

MR G. BRAMIS: Okay.

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MR J. WAKEFIELD: Most of our presentation will be done by the officers. George is a very senior officer, council acting director at the moment. He's one of our longest-term planning staff who has been instrumental for many years in the strategic planning process and planning of our DCPs and LEPS, and is well versed in these issues. So Tim is his assistant.

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MS LEESON: Sorry, I should have said – and I get it wrong all the time – because we're doing a recorded transcript, the first couple of times if you speak, if you could actually state your name, so then George can manage the process.

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MR WAKEFIELD: So I'm John Wakefield, the Mayor of Waverley. I'm just doing this as a preamble to indicate to the officers that they have the floor, and they will run most of our presentation. The councillors will come in at the end - - -

20 MS LEESON: Thanks, John.

MR WAKEFIELD: - - - addressing issues of public interest. George.

MS LEESON: Okay.

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MR BRAMIS: Okay. George Bramis, Acting Director of Waverley Futures. Thanks, Commissioner. The summary, I suppose, to our reasons for refusal are that Bondi Junction is a high density urban environment. We accept that, and it has been a focal point for development over the last decade. We have prepared strategic documentation which identifies a commercial core and a high-density environment immediately adjacent to the core, and then there's a transition from that core high-density area down towards the entry and entry points into the commercial centre.

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And that transition is very important in order to ensure a good interface with the adjacent residential land. So Bondi Junction is one of the oldest areas in terms of development in Sydney. It is characterised certainly at the periphery with 19th century housing. There's a very consistent 19th century subdivision pattern, and that has really only been impacted relatively recently with the creation of Syd Einfeld Drive. Prior to Syd Einfeld Drive, that 19th century subdivision pattern existed both to the north and south, and that's created, obviously, a major change to Bondi Junction, the creation of that expressway.

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Having said all that and given you some context, the specific reasons for refusal are basically the unacceptable impacts that high rise development would have in this location. The location's quite sensitive. It sits as an entry adjacent to Centennial Park. It sits immediately to the north of the Mill Hill Conservation Area. And being on the northern side, it's overshadowing impact is going to be critical to both the

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public open space of Centennial Park and that Mill Hill Conservation Area immediately to the south.

5 MS LEESON: Excuse me. Would you mind just pointing out where the Mill Hill Conservation Area is?

MR BRAMIS: Yes. So it's basically all of this site, and it includes - - -

10 MS LEESON: It's that - - -

MR BRAMIS: Yes, it's all of this site here. In fact, it extends further. I don't know that you've got the heritage map. There's the heritage map here. So you can see the extent of the conservation area.

15 MS LEESON: Thank you.

MR BRAMIS: And the same thing is on the northern side when you look at the Woollahra Conservation Area. So it is very sensitive from that perspective. It also involves four terrace houses, which are identified on the site – on the corner of the site, and the proposal, of course, is to demolish those and remove them from the schedule in the LEP.

25 MS LEESON: My understanding is that council would accept that, provided there was an acceptable design excellence outcome on the site; is that right?

MR BRAMIS: The council officer's report, which was prepared in October 2015, recommended that the planning proposal proceed to gateway, but only if there were some significant amendments to height, and, in those circumstances, that it would be acceptable for those terraces to be taken out of the heritage schedule as part of the planning proposal - - -

MS LEESON: And by changes to height, do you mean - - -

35 MR BRAMIS: Of the second tower.

MS LEESON: - - - drop from 36 to 25 metres?

40 MR BRAMIS: Correct. Of the second tower, which would be consistent with a Norfolk Island Pine. That advice went to council, but the council determined to refuse the application. So the position up until that point, and beyond that point, has been consistently to oppose any development in the area as being inappropriate as a high-rise site.

45 MR WAKEFIELD: But the council, as a governing body, rejected

MS LEESON: Yes. Thank you.

MS P. MASSELOS: And there is concern about the loss of those heritage houses.

MS LEESON: Sorry, and if you can just, for George's benefit - - -

5 MS MASSELOS: Sorry. Councillor Paula Masselos.

MS LEESON: Thank you.

10 MS MASSELOS: I'm one of the ward councillors who has been involved with this from the word go. There is very strong opposition by the community to the loss of those heritage houses, partly because it is in the conservation heritage zone, and the people who live there value that a great deal. So they don't want to see the loss of that.

15 MS LEESON: Okay. Thanks.

MS MASSELOS: Sorry, George. I interrupted you.

20 MR BRAMIS: That's quite all right. I mean, I'm happy to go over specific reasons, but, suffice, I think, to say that the position that the council has is that the development is inappropriate. There's been a significant pushback to high-rise development in Waverley over the last few years in particular, but consistently over the last few years, and consistently over this development. The area is already the most dense LGA in Australia, and the area has a population of around – between 90
25 and 100 people per hectare, which is consistent with some of the highest densities in Sydney.

30 So a significant increase such as is being proposed would potentially add a precedent that would lead to similar proposals on adjacent sites to the east, and the transition that I spoke about at the beginning would, therefore, be lost, and what you would end up with is a wall of development along that northern and potentially southern site. So the pressure for redeveloping and planning proposals stemming from any approval to this planning proposal, I think, would be significant.

35 MS LEESON: Okay.

40 MR T. SNEESBY: Tim Sneesby, Manager of Strategic Planning. I will just add one point – is one of the aims of our LEP is to provide an appropriate transition and building scale around the edge of commercial centres to protect the amenity of surrounding residential areas. It's one of the key aims of our LEP instrument itself, is that scaling down from that commercial core area, Bondi Junction, down to the edges.

45 MS LEESON: And I'm looking at the height of building map here, which shows that one further block to the east, you have 60 metres height and, south of that, 38 metre height, so you're looking to transition from that height to 15 metres one block further east. Yes. Okay.

MR WAKEFIELD: There's historic reasons why that – John Wakefield. There's historic reasons why that transition has occurred. A lot of the development around the – what was the Grace Brothers site Myer site at the core of Bondi Junction defined a density of commercial development which we've desired and supported to
5 a large degree, but the respect – we also have a buffer zone and transition zone – reflects the fact very quickly you're getting into low-rise residential sites and then Centennial Park. Also, this council has been through the different political parties that have controlled this council over many years and been consistent in the protection of that rapid – of course we recognise that it is a rapid transition. It's
10 rapid for a reason. We don't oppose development at Bondi Junction; we oppose overdevelopment of Bondi Junction.

MS LEESON: Okay.

15 MR BRAMIS: Commissioners, the only thing I would add is that when the matter went to the joint regional planning panel and subsequently through gateway and to exhibition, there was significant community opposition as a result of the public exhibition process, so the issues I've just raised were planning issues. The – what it didn't – what hasn't been expressed in the – and I'll just make this last point – is that
20 the issues raised as the biggest issues of concern by the community were related to traffic and parking. The intersection of Nelson Street and Oxford Street is already significantly congested, and there are heritage items and heritage area in between a lot of that high-rise development. A development of this scale is going to significantly impact that intersection and lead to and exacerbate a lot of that
25 congestion problems on Oxford Street and Nelson Street.

MS MASSELOS: And to the back into Leswell and all of those areas as well.

MS LEESON: You raised the JRPP, and their conclusion was to proceed to
30 gateway, and they were of the view that two towers at 36 metres was appropriate to ensure public – appropriate public benefit, and that the public benefit on offer might be diminished if one tower was reduced to 25 metres. Can we just ask what council's view is firstly of the public benefit offer on the table and whether you think that's acceptable, and then secondly, if it's not acceptable to council, leaving aside
35 the development issue for the moment, if we can talk about public benefit issue, what council would see as a minimum requirement for appropriate public benefit?

MR BRAMIS: Absolutely. The – actually, what I'll do is I'll allow Tim to speak on this but let me just – just before I do, I presented to the JRPP, and at that meeting,
40 I made a point of explaining to the panel that council has a policy. It's been a very successful policy as far as generating planning agreements for - - -

MS LEESON: Is this the methodology for the fifty-fifty share of uplift?

45 MR BRAMIS: Yes, it is.

MS LEESON: Good, because we'd like to talk about that as well.

MR BRAMIS: Yes, and I'm happy to talk about that as well, but I just want to
50 throw to Tim for the detail to answer your question, but just before I do, the – and I

explained to the panel that this was a precedent case for us because we have yet – and we hadn't at that point and we still haven't negotiated a planning agreement with a planning proposal. So our intention was that this would set a precedent which would then act as – procedurally would be incorporated into our policy position for
5 the future. The difficulty with applying a planning agreement to a planning proposal, given the voluntary nature of planning agreements, is with a development application, it's a little bit simpler because have the terminating ability. Well, through the local planning panels.

10 But with a planning proposal, that – the decision-making ability sits with the Department of Planning. And the department has not – has been reluctant to tie any planning proposal decision of the VPA. And that has led to significant delays and a lack of clarity by the applicant about their intention. Effectively, our position is that we have a planning agreement value of \$10.5 million, and they have offered
15 \$400,000 for the purposes of affordable housing. The details of that process I'll hand over to Tim.

MR SNEESBY: Tim Sneesby, Manager – Strategic Planning. So the original public benefit offer that was on the table included a three and a-half metre road
20 dedication, public plaza, through-site link. They're a number of things which - - -

MS LEESON: So the – I'll just ask Tony if he can pass that drawing up that shows – there are two drawings that you – we've actually got, just so we're all clear.

25 MR SNEESBY: So, I mean, in the first instance, there's a question mark as whether a road dedication, public plaza and a through-site link are something that would be typically required as a part of a development like this in the first instance, but notwithstanding that point, in the initial public offer, they also put forward that they would dedicate to council a 50-space car park with bike parking, showers, to be
30 owned and operated by council. So that's a value of around \$4 million, for example, as well as those other items, as you mentioned with the JRPP, and they said that they were concerned that reducing that 36-metre height would reduce the public benefit that was possible to negotiate. So, therefore, it went through the gateway with that 36-metre height. Following gateway, the applicant updated their public benefit offer
35 to be the same but they deleted the public car park of 50 spaces, so straightaway they struck out about \$4 million of value from that public benefit offer.

MS LEESON: The public benefit offer that we've been given access to is in a package of information. It has four items on it. It doesn't include a car park. It has
40 land for the purpose of the road widening and traffic improvements on Oxford Street frontage. It has a creation of the pedestrian cycle through-link or through-site link, sorry, creation of the public plazetta – new word for me, – and public domain works in terms of paving, lighting, street furniture, and public art. Is that the offer that's currently with council?

45 MR SNEESBY: That's right.

MS LEESON: Okay.

MR SNEESBY: So pre-gateway, it was the exact same offer but with an extra item, which was the dedication of a public car park. Fifty spaces. So I guess what I'm trying to put in context here is the value that's being offered, so I'll continue. So we went throughout our process of the value sharing process and we suggested that,
5 based on our calculations, a public benefit offer equivalent to around \$10 million was a reasonable outcome. The applicants, again following our policy, went through their own numbers and suggested that about a dedication of \$400,000 for affordable housing would be sufficient, and as a part of that, they costed the road dedication, they costed the through-site link and a public plaza, as well as the public domain
10 works as well. They costed all of those and added those. And so I think, in total, that was around three and a-half million dollars, and so they – \$3 million for all of those physical works and the road dedication and plus the other half a million dollars was that \$400,000 for affordable housing.

15 MS LEESON: And did I understand you to say that you consider what those items are – that I just read out would normally be part of a development application process, not necessarily a VPA, and I'm not trying to - - -

MR BRAMIS: Commissioner, we don't - - -
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MS LEESON: - - - construe what you've said, but I'm just trying to understand - - -

MR BRAMIS: We – we don't think that they should be included in the calculation in the calculation for a VPA, simply because they're – they would be part and parcel
25 of any – of any future site specific DCP. The – the creation of a through site link is something that we felt was an appropriate solution, design outcome, not only because it controls the orientation of the building and controls where shadow falls, but it also provides a – a – you know, a – a good public space, protected from wind, with sun
30 provision. But they'd all be requirements of the – of a site specific DCP or incorporated within an LEP. So the – you know, setting aside planning agreements, that would – that would be something that would be a given.

MS LEESON: Thank you, thank you.

35 MR SNEESBY: Obviously, as well, with the public domain works, they'd have to

MS LEESON: They'd have to do that.

MR SNEESBY: - - - they couldn't leave the public domain in their own
40 development bare.

MS LEESON: No.

MR SNEESBY: And so just – can – if I can just - - -
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MS LEESON: Sorry - - -

MR SNEESBY: - - - finalise in terms of, what's a reasonable public benefit offer, the – the last couple of points I wanted to make is that we've successfully negotiated
50 VPA – a number of VPAs under our current value sharing position and, for example,

only two blocks away, a development is exceeded the – the height by two extra floors, I believe, and it provided a – a VPA of four and a-half million dollars, to upgrade the public domain within Bondi Junction. It was a complete streets program. So that’s just to put that in context and, lastly, if we – if we look at the district plans which talks about five to 10 per cent of – of value – of uplift going
5 towards affordable housing. We did our own calculation of that and 10 per cent of uplift of this development would equate to around seven dwellings for affordable housing, which is a value of around eight million dollars. So – so we’re just trying to consider what’s reasonable public benefit offer and we don’t believe what’s on the
10 table currently is.

MS LEESON: That – your calculation on affordable housing contribution on – on the 10 per cent, is that included in the 10.5?

15 MR SNEESBY: No.

MS LEESON: That’s additional?

MR SNEESBY: No, that – that was just - - -
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MS LEESON: Or different?

MR SNEESBY: That was a separate exercise that we did in our planning proposal report to understand what a reasonable public benefit offer would - - -
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MS LEESON: Okay.

MR SNEESBY: - - - could look like.

30 MS LEESON: Thanks.

MR SNEESBY: So it – that’s just to put it in context. That’s not on the table at all.

MR BRAMIS: That was based on the GSE’s five to 10 per cent of value uplift through planning proposals for affordable housing.
35

MR WAKEFIELD: Would you mind – sorry, John Wakefield. Would you mind, George, going through a bit of a history of how we’ve viewed the LEP in this area and the history behind the original LEP and what I want to – would like to emphasise
40 here to the Commission is, that we are not without respect to reinforce the need to review our own zones and controls, and a reasonable sort of outline came through years ago. We went through a new process as a result of this original proposal, to review the whole LEP and controls in this area, with respect to their proposal. And to also community outcomes and the history.

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MR BRAMIS: Well, the history of this is that Bondi Junction was, of course, the boundary of Bondi Junction was down the middle of Oxford Street, so you had Woollahra to the north and Waverley to the south for many, many years. There was a boundary readjustment where the boundary was shifted to Syd Einfield Drive and that coincided around 2007, 2008, with the Department of Planning’s push for a
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standard instrument template LEP. So we decided that this would be – we would concentrate our – our work on delivering the metropolitan strategy, as it was then, in Bondi Junction, and then use that information – I beg your pardon.

5 MS LEESON: That's all right. It's usually mine.

MR BRAMIS: Use that – use that information to inform a comprehensive LEP as part of a second round. So all of our strategic planning was centred on Bondi Junction, around that 2010 period and – and we delivered all of our housing and
10 employment targets on Bondi Junction, and that was where that strategic concept of controlling height and floor space by tapering down towards the edges became our – our policy position, and that was – that was supported by an urban design study, an economic assessment, traffic and transport surveys, community consultation, obviously, and engagement was very important, as well. So, you know, the – the – a
15 complete heritage review. So all of that environmental study led to that standard instrument template. That was adopted by the Department of Planning and eventually gazetted. It was one of the first standard instrument template LEPs gazetted. Twenty - - -

20 MS LEESON: That was 2012?

MR BRAMIS: 2010.

MS LEESON: 2010, sorry.
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MR BRAMIS: And then it was subsumed into the Waverley LEP 2012 a short time later. Now, that – that process also included an additional urban design study that was asked for by the Department of Planning. The Department increased heights and FSRs beyond what our expectations and – and recommendations were to – to an
30 increased number of sites, what they felt was key sites, and their justification was, you know, I – I – I couldn't really understand the justification, beyond they felt that there was capacity. So – but the proviso was that we would be able to undertake an additional urban design study, funded by the Department, which we did. It reinforced – that study reinforced a lot of our thinking about how we should control
35 development in the future in Bondi Junction, and that was incorporated with the 2012 LEP.

MS LEESON: Okay.

40 MR WAKEFIELD: And more recently – sorry, John Wakefield, and more recently the design – the word I can never get right – charrette - - -

MS LEESON: Charrette.

45 MR BRAMIS: Charrette. Design charrette process.

MR WAKEFIELD: Charrette.

MS LEESON: Which was very controversial.
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MR WAKEFIELD: George, do you want to go through - - -

MR BRAMIS: Yes, okay.

5 MR WAKEFIELD: That was – that was the most recent - - -

MS LEESON: And this led to the West Oxford Street precinct plan.

MR BRAMIS: Plan, correct.

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MR WAKEFIELD: Plan.

MS LEESON: Is – is that adopted yet? Is that - - -

15 MR BRAMIS: No.

MS LEESON: Right.

MR BRAMIS: It – it was – it was never – it was never adopted. So when the
20 applicant approached Council, think it was back in 2014, 15, late 2014 probably. We
went through – we – we – we wanted to look at the site. We felt that the strategic
process we had undertaken as part of the LEP process I've just described really
focussed on the central part of Bondi Junction. Our position at the – at the periphery
was always to ensure a good interface with that low-rise residential area, so that's –
25 that's the transition. That was our position. A design charrette was arranged by – by
Council. Three expert design teams were commissioned and two out of the three
teams felt that there was some merit in – in reviewing those controls and permitting
an increase edge. For example, the government architect's report at the time, who –
who were coordinating that charrette, talked about a continuous six storey or 20
30 metre edge along Oxford Street with a much smaller footprint development up to
about nine storeys, or 28 metres, along the Syd Einfeld frontage, to a maximum
depth of about 30 metres. So it was – that was the information that was presented to
Council, but it was never adopted as a policy position.

35 MS MASSELOS: And they were highly controversial within the community,
anyway. The charrette was not well considered by the community.

MS LEESON: Did the community participate?

40 MS MASSELOS: Absolutely.

MS LEESON: Yeah.

MS MASSELOS: Was absolutely very – and there were lots of very loud voices
45 about what they saw the outcomes were and it was not – they were not happy.

MR WAKEFIELD: And a unanimous rejection - - -

MS MASSELOS: Yep.

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MR WAKEFIELD: - - - by the governing body, the Council itself.

MS LEESON: Okay. Okay. Just back, if we can, to the public benefit issue and the question of the access cycle link through the site. Council, I think I read somewhere,
5 would – would look to have that dedicated to Council. Is that – there was a question of dedication of land to Council. I just would like you to explain to us Council's rationale for – or the pros and cons of dedication from the Council's perspective, I suppose.

10 MR BRAMIS: Hasn't – the question hasn't been resolved. It's still one of those issues that we probably need to resolve through this VPA process. The pros and cons are, they could dedicate the land to Council. We'd be responsible for cleaning and maintaining it.

15 MS LEESON: That's true.

MR BRAMIS: You know, so it adds no value. It would be there irrespective of – of whether we owned it or not. And it would need to be maintained by us, irrespective of whether there was a dedication because it would be – it would be perceived as
20 public space. So the dedication itself, in terms of the valuation, to me is a bit of a red herring.

MS LEESON: My line of questioning, I suppose, is more along the notion of genuine public access to some corridor or whether council has views that being
25 within a development, that level of public access that council would want might be compromised.

MR WAKEFIELD: The question is from where to where?

30 MS LEESON: There's really nowhere that anyone wants to go.

MR BRAMIS: Yes.

MR WAKEFIELD: Public access with what to what?
35

MS LEESON: Yes.

MR BRAMIS: Yes.

40 MS MASSELOS: It doesn't really go anywhere, does it?

MR BRAMIS: It doesn't. It really serves a – it serves for public space, public space, and it serves – the access serves as a separation between any new high-rise development and the existing Edwardian shopfronts. So it provides a separation
45 between those two building forms, and it provides an opportunity for a north-facing plaza, effectively, that could be used for retail – a retail space and a focal point for pedestrian use. From that perspective, it's positive, not just from a community perspective, which is why we advocated it, but it's also good from a retail perspective because it activates the rear of the Edwardian shops. It activates the
50 frontage of the ground floor of the second tower. And it provides vehicular access to

the underground car park. So there's – fundamentally, it's good for the development, it's good for the public space. You know, the dedication issue is one that, frankly, we haven't resolved yet.

5 MS LEESON: Okay. That's fine. Thank you. I'm asking all the questions at the moment. Tony - - -

MR T. PEARSON: No, I covered off the areas that I was interested in, so - - -

10 MS LEESON: And from the secretary, any – have you got any questions or - - -

MR M. WOODLAND: I do. Michael Woodland, Keylan Consulting. George, I just had one question on the back of the comment you made around the public benefits. In the council report – and I will quote – you talk about – maybe not you
15 per se, but the report talks about:

There is an opportunity to convey the following alternative public domain improvements/public benefit works as part of a plan agreement negotiations.

20 And there's a couple of items listed there. Has council formed any view on what may be an appropriate public benefit for this site, notwithstanding your concerns around the built form?

MR BRAMIS: I will pass that question to Tim.
25

MR SNEESBY: Sorry, is the question in summary - - -

MR BRAMIS: Can we just have a look at the - - -

30 MR WOODLAND: Certainly.

MR BRAMIS: At the report.

MR SNEESBY: So - - -
35

MR BRAMIS: Right. Okay.

MR WOODLAND: So I'm trying to establish - - -

40 MR BRAMIS: Yes, yes.

MR WOODLAND: - - - is there any identified public benefits that that council has turned their mind to for this particular area - - -

45 MR BRAMIS: Yes.

MR WOODLAND: - - - notwithstanding the comments you've made around the urban design built form?

MR BRAMIS: Okay. So – George Bramis. That reference is a reference to one of the outcomes in a design charrette process. And the outcome that was being referred to involved linking what is effectively a piece of public land owned by Transport which sits immediately to the west of this site and is separated by the site by a
5 slipway off Syd Einfeld Drive that allows vehicles to turn left in front of the site and go back into Oxford Street or York Road. The - - -

MR WAKEFIELD: Is that

10 MR BRAMIS: Yes, it does. So the concept was that there would be an opportunity perhaps to reconfigure this road and close that slipway in order to, you know, consolidate that site. So this slipway wouldn't exist. We – as part of the ongoing review of that design charrette recommendations, that project was passed on to our traffic team. However, it hasn't really led to anything. It was just seen as being too
15 difficult. We needed – we couldn't do it. Council couldn't do it. It would really need transport to drive that sort of – it's all transport land. They met with significant opposition from Sydney Buses, who see that as a really important opportunity perhaps for buses in the future to bypass Bondi Junction and get into the bus interchange. So there are a number of issues that really meant that that particular
20 proposal wasn't viable or feasible at this time.

MS LEESON: And it arose out of the charrette process.

MR BRAMIS: And it arose out of the charrette process. Correct.
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MS LEESON: Okay. Michael? Rebecka? Matt? Any secretariat questions that you would like to raise?

MR WOODLAND: The only question I had was - - -
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MS LEESON: Clarification?

MR WOODLAND: - - - around the mechanism of public benefits. The department in their gateway report - - -
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MS LEESON: Yes.

MR WOODLAND: - - - alluded to the fact that should a public benefit be agreed, not through a VPA. It may be done through a DCP or a VPA at the DA stage. Does
40 council have any views on that?

MR BRAMIS: We do. The issue of a VPA with a planning proposal, our position has been that the planning proposal should not proceed prior to the finalisation of any VPA negotiations. There was no way that the department could tie a VPA to any
45 decision. They don't have the power to do that. However, we advocated to the department and the Greater Sydney Commission on this issue. The Greater Sydney Commission took up our cause and approached the department. And as a result, it has created the delay in the department making the decision.

So it has all boiled down to this issue. But I think the referral to the IPC basically is for the department to seek your advice about how they should proceed. And it seems to me relatively straightforward. I would think the advice that you provide the department, you have two options. You can either refuse the planning proposal, for a
5 lot of the reasons that we've outlined today. And in that case, the council would be very happy.

MS LEESON: And the committee.

10 MR BRAMIS: Or you could support the planning proposal, and the council and the community would be very unhappy. However, if you do recommend that the planning proposal should proceed, my advice would be that it should be subject to a planning proposal being negotiated and agreed to in compliance with council's policy.

15 MR SNEESBY: Planning agreement.

MS LEESON: The agreement, yes.

20 MR BRAMIS: I beg your pardon.

MS LEESON: Thanks, Tim.

MR BRAMIS: I'm confusing planning proposal and planning agreement. Yes, it
25 should be subject to a planning proposal being agreed to in compliance with council policy, which would be a 50 per cent split in value uplift.

MR SNEESBY: And can I just add to your comment as well, Michael, is that we've
30 spoken to our solicitors about the security of the VPA, and I think one of the key issues with the reason why you need a VPA to be entered into before gazettal is that there's nothing to compel the developer to enter into a voluntary planning agreement post-gazettal. So that's – generally, when VPAs are negotiated as part of planning proposals – and they're done all the time across all councils in Sydney and outside of Sydney – they're entered into prior to gazettal.

35 MR WAKEFIELD: I believe that reduces itself down to a request, a wish we had, clearly, that you would defend our current LEP as it is. That's the best way to maximise the public benefit. Our LEP as it exists without the planning proposal, refusing the planning proposal, will yield the maximum public benefit. We have
40 experience with this. We gave – I was mayor seven years ago. That's that period where we got two floors under a VPA from a development in we have an open mind about these things. We are flexible. But the baseline to us is the defence of the LEP. So I might ask, if it's okay with you – we're coming to an end now.

45 MS LEESON: Yes.

MR WAKEFIELD: So I was going to ask the other two councillors - - -

MS LEESON: Thank you.

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MR WAKEFIELD: - - - who are the ward representatives.

MS MASSELOS: I'd like to start, please, if that's okay. I'm Councillor Paula Masselos. I think the issue of public benefit is a really important one, and it's how
5 we define it. And I think a lot of the angst of the community is the definition of the public benefit, as defined very narrowly, is not how the community sees public benefit. The addition of 50 car spaces, well and good. It's not even happening now. The reality is when you look at the location, it's on one of the most congested sites traffic-wise in Bondi Junction. York Road, Oxford Street, Syd Einfeld Drive. It's
10 often a gridlock, and we're adding so many more cars by virtue of these two developments, and while it's all well and good to say the railways station is just down the road, the buses are just there, the reality is changes in the bus timetables and the buses and what's actually happening with public transport is meaning more people are actually getting in their cars because the buses are becoming more
15 irregular, shall we say.

The train station is highly congested. The developer talks about adding road width, but when you actually look at that location, they're talking the width only to be wide
20 enough to turn into the development, so you go like that down to a bottleneck of two lanes. It's already highly congested. The residents are also highly concerned about safety. One of the precinct convenors had their six year old son actually knocked down at the pedestrian crossing just up from this development. Actually, it was in the Nelson Street – in front of the Nelson Hotel, which is at the edge of this development here. And, you know, the child was quite hurt. And so straightaway,
25 people are saying, "Well, you know, there's even – with more cars on the road, more congestion, what's happening with our children?" Because there's a – there is a flyover, a walkway over the top of Syd Einfeld Drive to get to a school, so it is an area where there are young children who are going to school. So - - -

30 MS LEESON: That accesses – sorry. That accesses a school on the northern side.

MS MASSELOS: Yes.

MS LEESON: Okay.
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MS MASSELOS: That's Woollahra Public School. The – so what is the public benefit? You know, you've got to think more broadly around that. There are concerns about more cars, the quality of the air and the air pollution that's there. There's a lot of concern about the impact of overshadowing on Centennial Park.
40 That corner of Centennial Park is actually used quite a lot by the families. It's like an extension of their backyard. The overshadowing there casts the – that part of Centennial Park into quite a significant shadow, and I also know the Centennial Park Trust is very unhappy about the development and what's actually happening.

45 There is, I understand, in terms of the Centennial Park and what it's meant to look like, that on the – you're not meant to see high-rise on the horizon, apparently. You're meant to be in the park and see a vista. And, in fact, you can actually see the high rises looming over the park quite significantly, and I know that the park trust is very concerned about the encroachment of the ring of high-rise, so that's a concern.
50 We've talked about congestion, the overshadowing.

Now, the other thing it is – there are people who live there. It is a community. The heritage conservation area, as I said, is very loved. People value those buildings and that conservation zone and they want to keep those values as a community. And,
5 interestingly, there are a number of lovely heritage houses at the back here. Where are we? On the other side of – yes. When we're sort of looking at Grafton Street, Leswell Street, there are some beautiful old houses there, and they also will be significantly overshadowed, and there's also a potential domino effect we're seeing along the high-rise.

10 MS LEESON: Sorry. Grafton Street's on the northern – north-eastern side.

MS MASSELOS: Yes, it's just at the back.

15 MS LEESON: Yes.

MS MASSELOS: Okay. So it's just at the back here. It's here.

MS LEESON: This is Grafton Street through here.
20

MS MASSELOS: Yes, so it's all of these areas in here.

MS LEESON: Yes.

25 MS MASSELOS: And, as you can see here, Nelson Street – this is where the kid got knocked over, just there. So all of this here, all these community – the people here are concerned about the potential, because the building is here as well that's been developed, so there's a direct impact on these buildings there as well. The community are not averse to development, but they want it to be sensitive and they
30 want it to be within the LEP guidelines. They are very, very clear that they want the LEP to be defended, and that's been a consistent message that has come through. As you can see, there are – I mean, I've had, what, over 700 submissions when the first – I think it was the gateway – the first gateway process started.

35 The community is organised. They've set up a community group to save West Oxford Street. They've had rallies. It's got a significant number of people there. They're pretty angry, and they actually want to ensure that their public amenity is preserved. There are young families in the area as well as older people, and so they are very concerned that whatever happens in that space is something that's not going
40 to impact on the safety of their children, the safety of their older people, and the other thing is that a lot of these buildings that are built are quite expensive to buy into, so it's actually changing the nature and dynamic of the community as well, so they're not getting that lovely, diverse community that people are after and have moved into the area.

45 And I think the other thing is we've already met our housing targets, haven't we? And so this is actually above and beyond what we've been expected and asked to do in terms of our planning. And if you look at Grafton Street, there are even – our commercial core there is actually being taken over by residential towers, and there
50 are, what, 21 storeys in the one of the buildings, I think. So, you know, the

community is saying, “Well, we’re losing even more of our amenity because, you know, the developers are encroaching on our spaces, our living areas; they’re going way above the LEP. It’s time to have our LEP defended,” because it’s almost like council’s instruments are not being regarded or considered, and we want that defended.

MR WAKEFIELD: Thank you.

MS A. BURRILL: Thank you. Councillor Angela Burrill. This development has been nicknamed the twin towers by the local community. There is a significant amount of angst about it. It – the bulk and scale of it is just ridiculously high for the area. There is a natural rise as you come into Bondi Junction from Oxford Street from – if you’re driving from Paddington, and the tower that has been proposed on Oxford Street at 36 metres would actually look even higher because of the rise in the topography. I’ve had a look – council prepared some CAD drawings of the proposal at 36 metres, and I was absolutely horrified when we – when I had a look at them. It looked like a monolith sitting on the landscape there.

And I understand the community’s – they are absolutely horrified by this idea. I agree with – concur with all of the points made by Councillor Masselos. The overshadowing, the amount of parking and traffic issues that it would create, and just the amount of people, additional people, that it would bring into that area would be significant. It is currently a really lovely, quiet community area with a lot of heritage buildings. It’s got a really nice local community there. It would completely change the whole area, and I just think the – there is absolutely no amount of community benefit that could ever ameliorate the local community for building such a huge couple of buildings in that location.

The location has got the bus depot across the road. Council has just – I think we’re about the commence building a separate cycle path on the opposite side of the street. We have over 1000 cyclists driving past every morning and every afternoon. There is the Woollahra Public School. The catchment runs right down to Birrell Street, right through the Mill Hill Conservation Area, so there’s a large number of families that live in the Mill Hill Conservation Area, that their children walk directly past that area and across that bridge. So that’s a significant community concern with the parking, traffic.

As was mentioned previously, the congestion in that intersection is unbelievable. Right now it is at capacity. The RMS changed the signalling to make the crossing safer, but they have highlighted that, really, we need to do something about that traffic in that area because it is terrible right now. And that is without any development. The proposal of putting a plaza in that area – the community just don’t think that that – they would ever use it. They are – in fact, I think they would probably boycott it because of the amount of unhappiness about this development, so I don’t – I – yes, I think that is not going to give them anything. There are also a huge – a large number of developments in Bondi Junction that are currently being built between Newland Street and Denison Street. If you go and have a look, almost every section around that area is either already built into a ten – is it 10 to 15 storeys in that area?

50

MS LEESON: Yes, something like that.

MS BURRILL: Yes, it's around 10 to 15 storeys, up to Nelson Street.

5 MR BRAMIS: - - - think it's 38 metres, isn't it?

MS BURRILL: And they're currently being built right now. The feedback that we're getting consistently from our local community, and this is on all sides of politics – we're getting a consistent feedback that Bondi Junction is overdeveloped already, that we need to stop the development in the area. It is just over the top. And if you go out there and – I mean, I know you're going to drive up there this afternoon.

MS LEESON: We're going out there this afternoon.

15 MS BURRILL: Yes, you will see - - -

MS LEESON: On the train.

20 MS BURRILL: Yes, you will see how many developments there are already, the amount of cranes, the construction that's going on in that area right now. It is overwhelming, to be honest, to the local community.

MS LEESON: We are going out there this afternoon, and we've got a view of, you know, walking around the site and having a good feel for it. Is there anything in particular that you would suggest we look at?

MS BURRILL: I think – look, when you come out of - - -

30 MS LEESON: To – is there anything that - - -

MS BURRILL: When you come out of the Bondi Junction Station, look down Oxford Street, because you would be able to see the tower. That tower would be the same height as the nearest buildings if you – that was what the CAD showed, is that the tower would actually look like it was the same height as the nearest buildings - - -

MS LEESON: Okay.

MS BURRILL: - - - when you're standing on that

40 MR WAKEFIELD: So I think, Ms Chair, to answer your question more specifically is to get on to the other side from the development and look at the residential neighbourhood that you are standing on, heritage nature of the neighbourhood, small and little park that you will be standing beside, and turn your back to the proposed development and look at what we regard as the place that needs to be protected. This is the buffer zone gradation heights that we've been trying to achieve.

MS MASSELOS: Can I ask, are you actually going to be speaking with the community at all?

5 MS LEESON: It's not our intention to have a public hearing, no, or to speak to the community outside.

MS MASSELOS: Or whether there's any merit to consider inviting the coordinators or the convenors of the Mill Hill Bondi Junction precinct. There are two people. And whether it's worth hearing firsthand - - -

10 MR WAKEFIELD: Can I suggest, Paula, that we represent the community

MS MASSELOS: I know. I was just asking the question.

15 MS LEESON: I mean, we have some flexibility in how we do these reviews. We've been asked for advice by the Department of Planning. I would hope that you can represent the community in making these representations. We will take that on notice. We will think about that and see where we get to in our deliberations. And if we think that's important for us, then we may well do that, but we will need to think
20 about our best approach, given the nature of our review is really giving some advice to the department.

MS MASSELOS: Okay. Thank you.

25 MR WAKEFIELD: If you wouldn't mind, I would just – I would like a minute to sum up.

MS LEESON: Certainly.

30 MR WAKEFIELD: Thank you. On this issue Paula addresses, the public interest, the definition of the public interest, of course, has been rather a nebulous concept for quite a long time, although the Department of Planning has attempted to define that as a geography of interest around the development. But I think, in terms of what
35 we're dealing with here now and the nature of its impact on that localised area as represented by two or three ward councillors – the third couldn't be here today. She had another appointment to go to. So all three ward councillors have concern, Labor, Liberal and Green representatives, representing 100 per cent of the voters of that area, as articulated a moment ago by the two ward councillors here.

40 At our initial meeting with the department, which gave rise to this meeting, we had representatives, three ward councillors, another ward councillor with a specific interest who is also the – a candidate for the state seat of Coogee, the current elected representative of the state seat of Coogee, which is Bruce Notley-Smith, myself and
45 officers. The community of interest, the public interest was defined by the representatives that were in attendance at that meeting and who have appeared here, and they are unanimous opposed to what's occurring in this proposal. Council as a whole has rejected this proposal on a number of occasions and in different ways through the design process and through the original PPP that came to us that was refused. Our officers are very open-minded about this. They try and get a balanced
50 position down the middle and they provide us with very good advice, untainted by

political influence, I would say to you. And I pride myself as mayor in ensuring they're left in their silo to deliberate.

5 They've brought us advice, balanced advice, and we believed that the public interest was much greater than any argument about a public benefit, because we don't believe the public benefit is of sufficient nature, particularly as it has now been whittled down to substitute for what is occurring here. We have a vision of a future character. It has been enforced and reinforced time and time again by our planning processes and our decisions. The future character is to create steep gradation from the core, a very intense core where Myer's international – I should say Westfield's international flagship shopping centre – this is not a regional shopping centre. This is a super-regional shopping centre that draws people from across the state into it.

15 We have a view of the future character of Bondi Junction which has its dominant retailing function with subsidiary office function, secondary high-density residential, and then quickly it gradates down to low-rise, heritage-protected residential zone on the fringe of a national – there's a nationally protected centennial park on the other side. This is our view of the future character, and it has been reinforced time and time again by decisions we've made and by our interest across the working spectrum in the outcomes of this proposal. We see it as a bit of a test case to protect our LEP, and we ask of you – and if I can repeat – we ask of you to help us defend that LEP. That's the way we can then fight for the maximum benefit for the public out of this development and, at the same time, protect the interests of the community and the public interest as defined by the representative of the council. That's all I have to say.

MS LEESON: Thank you very much, John. That has been put very eloquently, and we do appreciate councils' views and thoughts on this, and you've given us plenty of food for thought.

30 MR WAKEFIELD: Thank you.

MS LEESON: So we will get about our business and – look, thank you again for coming along. It has been quite insightful for us. We will see where we get to next.

35 MR WAKEFIELD: Thank you.

MS MASSELOS: Thank you.

40 MR BRAMIS: Thanks very much.

MS MASSELOS: Thank you very much.

45 **RECORDING CONCLUDED**

[12.09 pm]