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TRANSCRIPT OF PROCEEDINGS

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INDEPENDENT PLANNING COMMISSION

PUBLIC MEETING

RE: MEADOWBANK EMPLOYMENT AREA

PANEL: **GORDON KIRKBY**
PROF RICHARD MACKAY AM
ILONA MILLAR

PARTICIPANTS: **DAVID MOONEY**
DAVID WAY
SUE FRANCIS
CARLO DI GIULIO
JOE AGIUS
STEVE KENNEDY
KEVIN NASSIF

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

DATE: **3.01 PM, FRIDAY, 17 AUGUST 2018**

MR G. KIRKBY: Okay. So we're actually now recording. So

MS S. FRANCIS: Yeah.

5 MR KIRKBY: So it's a little bit, different, probably, to what you might be used to.
Okay. I think we're ready to start. Good. Okay. Good morning and welcome.
Before we begin, I'd like to acknowledge the Traditional Owners on the land on
which we meet and pay my respect to their Elders past and present. Today,
obviously, we're meeting about modification application MP09_0216, MOD3, in
10 relation to the Meadowbank Employment Area Concept Plan: Mixed Use
Residential/Commercial Retail Development, from Rothesay Avenue Developments
Proprietary Limited, the proponent, who is seeking approval to modify the concept
plan to allow serviced apartments, with associated changes to the ground-floor area
allocations for stage A.

15 My name is Gordon Kirkby. I'm the Chair of this IPC panel. Joining me is
Professor Richard Mackay and Ilona Miller, and we're assisted today by David
Mooney and David Way of the IPC Secretariat. In the interests of openness and
transparency, and to ensure the full capture of information, today's meeting is being
20 recorded, and a full transcript will be produced and made available on the
Commission's website.

This meeting is one part of the Commission's decision-making process. It is taking
place in the preliminary stage of the process and will form one of the several sources
25 of information upon which the Commission will base its decision. It's important for
the Commissioners to ask questions of attendees and to clarify issues wherever we
consider it appropriate. If you're asked a question and are not in a position to
answer, please feel free to take the question on notice and provide any additional
information in writing, which we will then put up on our website. We will now
30 begin. So welcome, everyone coming in. I guess we might just start the meeting. If
you could just give a quick summary of, I guess, the modification, just clarifying, I
guess, what was lodged and exhibited and how it's changed to what we're looking at
now: just a quick summary

35 MS FRANCIS: As in this modification?

MR KIRKBY: Yes.

MS FRANCIS: Well, this modification has not been modified since it was lodged.

40

MR C. DI GIULIO: Well, except for the height.

MR KIRKBY: The height.

45 MR DI GIULIO: Re-lodged.

MS FRANCIS: No. This particular modification hasn't been - - -

MR KIRKBY: So my understanding was it was lodged, went on exhibition, then it was amended coming through. It hasn't been re-exhibited.

5 MR DI GIULIO: Yeah.

MS FRANCIS: Oh, was it?

10 MR KIRKBY: Yeah.

MR DI GIULIO: Yeah. Yeah.

MS FRANCIS: God. Lost track. Sorry.

15 MR DI GIULIO:

MR KIRKBY: That's all right.

20 MS FRANCIS: Seriously, sorry. Yes. So this is - - -

MR KIRKBY: Yeah.

MS FRANCIS: So bottom line is – my apologies. Lost track of where we've been on this. Bottom line is we are now fully compliant with the envelope as approved by the PAC last time we were here. The number of dwellings is within the cap.

25 MR KIRKBY: Yep.

30 MS FRANCIS: The parking spaces are within the cap. Really, what this application seeks is to add serviced apartments as a permissible use, because we argue that it's not picked up by the term "commercial" in the condition, and that because of the capacity within the envelope that isn't otherwise captured by the retail – the commercial – "reasonable amount of commercial" and the 42 dwellings that are left, that we are seeking to fill the gap with serviced apartments, capturing the remainder of the 3300 square metres of commercial floor-space not otherwise captured in the 35 10,000 square metres which we have been granted by the concept approval; and there's an additional 1300 square metres available in the envelope that we're putting to the serviced apartments.

40 MR KIRKBY: Okay. One thing I did forget to do at the start – I keep forgetting the recording. It might be good if you could just introduce the team, so we've got all their names.

45 MS FRANCIS: Yeah. Fair enough. Fair enough.

MR KIRKBY: Yeah.

MS FRANCIS: And I'll let them - - -

MR KIRKBY: That's my error

5 MS FRANCIS: No. I'll let them introduce themselves. So we'll start from this end.

MR S. KENNEDY: Apologies for just being a couple of minutes late. Steve Kennedy, Kennedy Associates Architects, part of the architectural team.

10 MR K. NASSIF: Kevin Nassif from Holdmark. We're the landowner.

MS FRANCIS: Sue Francis, the town planner on the project.

15 MR J. AGIUS: Joe Agius from Cox Architecture, part of the Cox/Kennedy team.

MR V. CASTRO: Vicente Castro, from Cox Architecture, part of the design team.

MR DI GIULIO: Carlo Di Giulio, City Plan Strategy and Development, Town

20 Planners.

MS FRANCIS: That's our team.

MR KIRKBY: Okay as you're probably aware, we have obviously been briefed

25 by the department; we've been briefed by Ryde City Council at a meeting yesterday; and we also had a public meeting yesterday.

MS FRANCIS: Yeah.

30 MR KIRKBY: We had five speakers. So we've heard their concerns. There may be a couple of things that have – came out of yesterday that we may question you on.

MS FRANCIS: Yep.

35 MR KIRKBY: Some of them may not be directly relevant to the modification you're seeking. But we may just seek clarification, to be able to address those issues in terms of our process.

MS FRANCIS: Well, we took seven points away from matters raised by the

40 community.

MR KIRKBY: Yep.

MS FRANCIS: And what I'd like to do is go through those.

45 MR KIRKBY: Yep. That would be good.

MS FRANCIS: And if we've missed any, then by all means remind us of what you think some response to.

MR KIRKBY: We can question - - -

5

MS FRANCIS: But the first issue we took away from it was a concern that serviced apartments were dwellings and should be considered as part of the dwelling cap. Now, we would say that as a matter of legal interpretation, serviced apartments are not dwellings, and they do not form part of the dwelling cap. And they're not intended to be used as dwellings. They are going to be run by a serviced apartment operator. And that they will be a separate entity within the development. They're not dwelling-houses. They cannot ever be used as dwelling-houses. And if it gives the Commission any degree of comfort, we would anticipate that they would be part of a stratum separated out of the residential and sort of in a separate strataing. So there is no intention – nor would they allowed to be, without any subsequent consent. And we don't intend to even contemplate that as an option.

MR KIRKBY: Okay.

MS FRANCIS: So that was that – so they don't exceed the dwelling cap, as a matter of fact and law. The traffic impacts we heard from the community were of concern. I think it's very important to bear in mind that there's a 10,000 square metre capacity for commercial uses commercial/retail. And if we were to simply just max out that 10,000 square metres without trying to put in an additional 1300, the traffic generation of 3300 square metres of retail is 413 movements total, pm and am.

25

MR KIRKBY: Yeah.

MS FRANCIS: Commercial is 66. Serviced apartments are 17. So actually, by using the remainder 3300 square metres of the commercial floor-space and using that for serviced apartments, we're reducing the traffic capacity and generation and parking demand from that particular building. We're not increasing it. We're actually reducing it over and above what we've actually got approval for. So it's exactly the opposite. And I appreciate the community is concerned about traffic. But in terms of what's approved and what we can do now, we're actually going to be less, by virtue of this particular use mix.

35

MR KIRKBY: Are you able to provide those calculations - - -

MS FRANCIS: I can hand those over to you now.

40

MR KIRKBY: That would be - - -

MS FRANCIS: The traffic engineer would have been great, to be here to talk about this. But - - -

45

MR KIRKBY: Is he still en route?

- MS FRANCIS: But that's the 3300. One – obviously, if you add on 1300 - - -
- MR KIRKBY: Yeah.
- 5 MS FRANCIS: But the fact of the matter is it's based on 42 serviced apartments, which is filled by 4600 square metres
- MR KIRKBY: So your point is if it was a different form of commercial, it would generate - - -
- 10 MS FRANCIS: More.
- MR KIRKBY: The cap would generate more than the serviced apartment with the additional 1300 - - -
- 15 MS FRANCIS: Yeah. Absolutely.
- MR KIRKBY: Yeah.
- 20 MS FRANCIS: So by putting in this use, we're actually reducing the capacity that we could have.
- PROF R. MACKAY: And this is prepared by - - -
- 25 MS FRANCIS: This is Glen Varley - - -
- MR DI GIULIO: Traffic consultant.
- MS FRANCIS: - - - who's been the traffic consultant on this particular job, and the one who's stuck in traffic. So whilst we understand the community's concerns in this respect – and look, there's a lot of development going on in Shepherds Bay. And it's still going on in Shepherds Bay. And there's a lot of movement. And there's a lot of - - -
- 35 MR KIRKBY: We were down there yesterday.
- MS FRANCIS: Yeah.
- MR KIRKBY: Yeah.
- 40 MS FRANCIS: So you know, there's a lot going on. But in terms of this particular application on this particular site, in terms of these mix of uses, it actually is better than we could otherwise build. We must always bear in mind that notwithstanding the concept approval, the council has this land zoned under the ADP. It is zoned – a
- 45 2.7 to 1 floor-space ratio and a height of four to five storeys. That equates to 80 to 100 dwellings. So outside of this concept approval, under an LUP, you could develop a building of 80 to 100 dwellings. Now, we don't want to do that, simply

5 because we think this is a better outcome, both architecturally – both in terms of public domain and in terms of the mix of uses, because under the LUP, you would have no public plaza; you'd have 80 to 100 dwellings, roughly; and you would have no design excellence, because it's not a specific requirement. So in all respects we think this is the better outcome, and consistent with the previous PAC envelope.

10 There was a suggestion we heard that serviced apartments would increase the demand on open space. We would say that's not the case. We would say serviced apartments, by their very nature, are not heavy users of public open space in the context of how they're used. People come in, stay, go to business and go home. They're not used as a public open space. There was a question as to where the community centre was, I understand. The community centre is built in stage 2-3.

15 MR KIRKBY: Yes.

MS FRANCIS: And, in fact, the only reason it's not open is because council haven't signed off the public domain works yet.

20 MR KIRKBY: Okay. So – yeah. One of the questions I had was around that, because the previous modification obviously looked potentially at it being a monetary contribution. So I was going to ask where that was at, whether it - - -

25 MS FRANCIS: Okay. So what happened last time – and there's a lot of water under the bridge. But the council wanted it in 2-3. We actually thought there might be some better locations for it.

MR KIRKBY: Yep.

30 MS FRANCIS: But the council insisted. On subsequent discussion with council, council actually agreed that actually, in fact, that location wasn't as good as it could have been. And so we relocated it, within 2-3, to a better location. It is physically built. It's there. It's just been finished off and fit out. The only reason it's not in occupation, to be used by the community, is simply because council hasn't signed off the public domain works, which go to the broader issue of stage 2-3. Once that's
35 happened, it's handed over to the council and it's there.

MR KIRKBY: Okay.

40 MS FRANCIS: It's built. It's physically there. And that was – just to – that was council's choice, to have it in 2-3, not in this location.

MR KIRKBY: Okay. Yeah. Well, the condition pretty clearly puts it in 2-3. So that clarifies that.

45 MS FRANCIS: There was a raised issue, apparently, from the council, I understand, in relation to ADG and SEPP 65. You'd appreciate this is a concept approval, and, as department keeps telling us, "We don't know about what's inside it." But you can

be assured that the architects have tested the envelope, because they need to know that it can work. And perhaps you guys – by all means – please comment. But as far as I understand, it's perfectly capable of satisfying ADG - - -

5 MR AGIUS: Well, when we design a building and lodge a DA, it will be SEPP 65 compliant.

MS FRANCIS: Well, there you go.

10 MR KIRKBY: It is a matter for the next stage.

MS FRANCIS: Exactly.

MR AGIUS: Yes. Yeah.

15

MR KIRKBY: It's really at this point being of a view that it could be designed.

MR AGIUS: Correct.

20 MR KENNEDY: We are confident that it can.

MS FRANCIS: Yeah.

25 MR KIRKBY: And obviously the serviced apartments are a different beast anyway. So - - -

MS FRANCIS: Yes, they are. They are. And as I said, that goes to the issue of whether they could have been dwellings. That's not the intention.

30 MR AGIUS: But having said that – I mean, our intention would be, even though we're not required to, to make the serviced apartments as SEPP 65-compliant as well.

MS FRANCIS: From an amenity perspective.

35

MR AGIUS: From an amenity point of view. Yeah.

MS FRANCIS: Yeah. Yeah.

40 MR KIRKBY: They're the northern-facing ones anyway. So they're probably the easiest ones in the envelope.

MS FRANCIS: Exactly.

45 MR AGIUS: Yeah.

MR KIRKBY: Yep.

MR KENNEDY: It underpins the concept of design excellence.

MR KIRKBY: Yeah. Yeah.

5 MS FRANCIS: Right.

MR KIRKBY: Okay.

10 MS FRANCIS: There were just two other little issues that – and they’re small issues, and you might have some – one was the safety issues in relation to the deceleration lane. Now, that’s already been signed off by the RMS.

MR KIRKBY: Yes.

15 MS FRANCIS: That matter was resolved, in effect, the last time. Nothing has changed. And it’s been signed off by the RMS. There was some concern that perhaps the design integrity panel hadn’t signed off on the last version of our plan that’s before you. That’s not correct. That’s been signed off. And if we need to give you details of that, we can.

20 MR DI GIULIO: No. They should have it

MS FRANCIS: But - - -

25 MR KIRKBY: So how does that process work? Just - - -

MS FRANCIS:

MR AGIUS: Do you want to go?

30 MS FRANCIS: Yeah. Well, what we did was we gave them the plans.

MR KIRKBY: Yep.

35 MS FRANCIS: They looked at them. They looked at the first set and then they looked at the second set. They looked at them individually. There’s three members. There’s Olivia Hyde from the - - -

MR AGIUS: Government Architect.

40 MR KIRKBY: Government Architect.

MS FRANCIS: - - - Government Architect.

45 MR KIRKBY: Yep.

MR AGIUS: Gabrielle Morrish

MS FRANCIS: Gabrielle Morrish. And - - -

MR AGIUS: And Chris - - -

5 MR KENNEDY: Chris.

MR AGIUS: - - - Johnson.

MS FRANCIS: Chris Johnson. So they all looked at plans. They all reviewed
10 them, made their comments and signed the

MR DI GIULIO: This is not the full signature of all of them. But it's got Gabrielle's signature on it.

15 MS FRANCIS: Yeah.

MR DI GIULIO: We did send it to - - -

MS FRANCIS: The others all electronically - - -

20 MR DI GIULIO: It has been sent to Department of Planning.

MS FRANCIS: Yeah. The department's got it.

25 MR KIRKBY: Okay.

MS FRANCIS: So these are their issues. It is there. We can give you a fully-signed version.

30 MR KENNEDY: Yeah.

MS FRANCIS: Department's probably got the fully-signed version.

MR KIRKBY: I mean – look, we can get it off them.

35 MS FRANCIS: Yeah. Exactly.

MR KIRKBY: That's fine.

40 MS FRANCIS: But the answer is they have.

MR CASTRO:

MS FRANCIS: The bottom conclusion – if I read the conclusion – sorry. It just
45 says:

The design integrity panel confirmed that the integrity of the original design competition winning scheme would be retained, albeit at a lower scale. The design ... noted that it would not require a further review for the purposes of the current 75W and that it will revisit the scheme as part of any DA.

5

MR KIRKBY: Okay.

MS FRANCIS: And whilst – you know, we were very mindful of the fact that whilst it's a DA – whilst it's a matter that gets picked up at DA, because it goes to the issue of design, we wanted to make sure that they were happy with the details that we intend to put into the DA at this stage. And that's why they were involved at an early stage. Now, they were the points that we picked up from the public. If the panel picked up any other issues that they want to ask questions on, by all means.

10
15 MR KIRKBY: I think you've covered them pretty well, actually, Sue. Do you have any

PROF MACKAY: Well, just a minor one. With the serviced apartments and the separate operator, it's intended that that'll be a completely separate operation with its own lift-well, etcetera?

20 MR DI GIULIO:

MS FRANCIS: Yes.

25 MR KIRKBY: Yes. I had noticed – at the moment, they're - - -

PROF MACKAY: Because I mean, the drawings as they're shown aren't quite – I mean, I appreciate that's probably yet to be designed. But - - -

30

MR KIRKBY: The next stage.

MR AGIUS: Well, there are ways – it doesn't have to be a separate lift-well. I mean, there are ways of configuring lifting to preclude access to certain floors that might be residential floors from the serviced apartments.

35

MR KIRKBY: Yeah.

MR AGIUS: I mean, as I said, when we design a building, obviously we'll drill into that. But it could be as you describe. But there could also be another means of dealing with the VT and security.

40

PROF MACKAY: And then I would just like to be – I'd like to look at that whole deceleration sign-off from the RMS. So exactly where is that? And I realise it's not part of the current mod. But it's - - -

45

MS FRANCIS: Well, I mean, it is part of the current mod inasmuch as it forms part of what's going to happen on the site. It's all - - -

5 MR DI GIULIO: We had official sign-off from RMS.

MS FRANCIS: Yeah.

MR DI GIULIO: It's all been lodged with the Department of Planning. I don't know if I have it here. But - - -

10 MS FRANCIS: We can provide it if it's not here. But I mean - - -

MR DI GIULIO: There was an email signoff from RMS. So - - -

15 MR D. MOONEY: To the department?

MR DI GIULIO: To us, which we forwarded to the department.

MR MOONEY: To the department.

20 MS FRANCIS: Yeah. Yeah.

MR DI GIULIO: Yeah.

25 MR MOONEY: We'll

MR KIRKBY: We can

MS FRANCIS: Yeah. Yep.

30 PROF MACKAY: Okay. Thank you. I don't have any other questions.

MS I. MILLAR: My sort of questions were the community centre

35 MS FRANCIS: Yeah. Oh, no. There's definitely a community centre.

MS MILLAR: Yeah.

MS FRANCIS: And it's built.

40 MR KIRKBY: And you succinctly answered my list too, Sue. So you did your homework

MS FRANCIS: We listened this time. I mean

45

MR KIRKBY: That's good. Is there anything you want to add to us? I mean, the conditions the department's recommended are really the routine administrative "replace this claim with that". Is there anything - - -

5 MS FRANCIS: There were no issues in those. We were happy with the conditions. I mean, what you'll see here is the design that we've kept through, regardless of the size of the building, has been – historically we've kept the integrity of the design. The proponent is willing to develop this to that design, which you'd appreciate is – whilst we are only dealing – you know, with – not the details – but the design is to follow through. And it's very important, because the design has design excellence. 10 It incorporates the plaza. And it's something that the proponent wants to do to finish off Shepherds Bay, basically. This is the last site.

MR KIRKBY: Yep. Okay. David and David, any - - -

15 MR MOONEY: We're good.

MR D. WAY: We're good.

20 MR KIRKBY: Okay.

MR DI GIULIO: I think the traffic consultant may have a ride. Do we want to wait for him, or are we done?

25 MR: Are we better off without him?

MS FRANCIS: No

MR KIRKBY: Unless he's got something he wants to add further - - -

30 MS FRANCIS: I'm sure he doesn't have anything he wants to add. But what do you – no. Okay. Unless there was something he wanted to ask about the deceleration lane. That would be the only - - -

35 MR KIRKBY: No.

MS FRANCIS: But we have got sign-off. So - - -

40 MR MOONEY: We'll get the correspondence from the department. If we have any further questions, we'll follow it up.

MS FRANCIS: Yeah. We can follow it up. Yep.

MR WAY: Chase that up with Carlo.

45 MS FRANCIS: Yep.

MR KIRKBY: It's just that it was raised as a concern yesterday. And it's a tight part of the world, as you'd appreciate.

MS FRANCIS: No. No. Absolutely.

5 MR KIRKBY: So when you walk along it, you do sort of go, "How" - - -

MS FRANCIS: Yeah. I know. I mean, it literally is a deceleration – obviously we've reduced the intensity. We've got 42 dwellings there; the retail, which we anticipate is mostly going to be local, and it's going to be coming from the other direction rather than via the deceleration lane. That's just from a – that's a planning person's interpretation of how that will probably operate.

10

MR KIRKBY: Okay.

15 MS FRANCIS: Okay.

MR KIRKBY: Thank you very much for coming.

20 MS FRANCIS: Thank you. Thanks a lot.

MR AGIUS: Thank you. Thank you.

MR KIRKBY: Look, we've obviously been through all our briefings and meetings at this point.

25 MS FRANCIS: Yep.

MR KIRKBY: So if anything comes out of in the next thing, we'll just come back to you, Sue.

30 MS FRANCIS: Yeah. Yeah.

MR KIRKBY: Yeah.

35 MS FRANCIS: Absolutely. Absolutely.

MR KIRKBY: Sure.

40 MS FRANCIS: Any questions, please feel free. And we can answer them. Any pieces of any information – we can do that too.

MR KIRKBY: Okay. I declare the meeting - - -

45 MS FRANCIS: Thank you.

MR KIRKBY: Meeting closed.

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[3.21 pm]