



## **TRANSCRIPT OF MEETING**

RE: 34-46 BROOKHOLLOW AVENUE, NORWEST PLANNING  
PROPOSAL (PP-2023-2049) – GATEWAY DETERMINATION  
REVIEW

### **APPLICANT MEETING**

PANEL: MR MICHAEL WRIGHT (CHAIR)

OFFICE OF THE IPC: KENDALL CLYDSDALE  
OLIVER COPE

APPLICANT  
REPRESENTATIVES: ASHLEIGH RYAN  
SIMON WILKES  
MARK HANNA  
TONY MOONEY  
MARCELLO COLOSIMO

LOCATION: ZOOM VIDEOCONFERENCE

DATE: 2:00PM – 3:00PM  
MONDAY, 26<sup>TH</sup> AUGUST 2024

**<THE MEETING COMMENCED**

**MR MICHAEL WRIGHT:** Good afternoon, everybody. Thank you for joining the meeting. Before we commence with introductions, I'm going to read out a formal statement to set the scene for this Proponent's briefing of the Commission.

So I'd like to acknowledge that I'm speaking to you today from the land of the Dharawal and I acknowledge the traditional owners of all of the country from which we virtually meet today and pay my respects to their elders past and present. Welcome to the meeting today to discuss 34-46 Brookhollow Avenue, Norwest Planning Proposal (PP-2023-2049), Gateway Determination Review currently before the Commission. The Commission has been asked to provide advice on whether condition 1A of the gateway determination for planning proposal PP-2023-2049 should be deleted.

My name is Michael Wright. I'm the chair of this Commission panel and I'm the only commissioner on the panel. So it's a one commissioner panel. I'm joined today by Kendall Clydsdale and Oliver Cope from the Independent Planning Commission.

In the interests of openness and transparency and to ensure the full capture of information, today's meeting is being recorded and a complete transcript will be produced and made available on the Commission's website. This meeting is one part of the Commission's consideration of this matter and will form one of several sources of information upon which the Commission will base its advice.

It is important for the commissioner to ask questions of attendees and to clarify issues whenever it is considered appropriate. If you are asked a question and are not in a position to answer, please feel free to take the question on notice and provide any additional information in writing, which we'll then put up on our website.

I request that all attendees here today introduce themselves before speaking for the first time and for all attendees to ensure they do not speak over the top of each other to ensure accuracy of the transcript. So we will now begin and we might just start by having the Proponent and the people supporting the Proponent introduce themselves.

**MR TONY MOONEY:** My name is Tony Mooney. I'm one of the owners, developer.

**MR WRIGHT:** Tony.

**MR MARK HANNA:** Commissioner, Mark Hanna, I'm senior legal counsel of the Proponent.

**MS ASHLEIGH RYAN:** My name is Ashleigh Ryan, I'm a director of planning at Urbis and I'm joined by my colleague, Simon, also a director of planning.

**MR WRIGHT:** Hi Ashleigh and Simon. Is that it for the Proponent?

**MR HANNA:** That's all of us, Commissioner. There is Marcello Colosimo on the line who's also a director of the Proponent.

**MR WRIGHT:** Okay. So can we start the meeting by handing over to the Proponent to talk to the planning proposal before the Commission.

**MS RYAN:** Thank you, yes. I'll share my screen and I hate to do that terrible thing of let me know that you can see it when you can. Okay, can you see that presentation now?

**MR WRIGHT:** I can see it. Thank you.

**MS RYAN:** Wonderful. Can you still see it full screen?

**MR WRIGHT:** I can still see it full screen, yes.

**MS RYAN:** Okay, wonderful. So thank you, Commissioner Michael and also Kendall and was it – sorry, it was Kendall and Oliver, thank you for joining us. So what we have is just a brief overview of the proposal, so I won't dwell too much as we all understand one of the critical points of contention between the Proponent and the Council position with the Department of Planning's recommendation is with respect of the strategic merit of having residential form part of this planning proposal.

So as I jump through these slides, the details of the planning proposal I'm sure will be familiar to you but fundamentally this is a mixed use proposal that does still involve a very substantial amount of non-residential floorspace proposed across three buildings on the site. The issue at hand is in relation to one building, being a 10 storey building located on the southern westernmost portion of the site, which contains an indicative number of 76 dwellings.

So the planning proposal does seek to increase the building height controls that apply across the site to facilitate this development and increasing the FSR development standard from the existing 1:1 to 2.4:1 with an incentive floorspace bonus.

We aren't proposing a change of land use to the site but rather we're proposing an additional permitted use be added to the schedule of the LEP to allow for one residential flat building on the site with the maximum number of dwellings. And we are also including a proportion of affordable housing on the site, which comprises 5% of the total residential dwellings as affordable housing for 10 years.

So as you alluded, we are here to discuss really the removal of one condition of the gateway determination which was the Department's imposition of condition A, which states there, "Remove the proposed inclusion of additional permitted use of

residential flat buildings on the site” and we’re here to articulate why that’s such an important part of the proposal and that it does in fact have strategic merit.

5 So the site you’ll be familiar with but point I just wanted to raise here is that the site is located at the far southwestern corner of the Norwest business park. It’s located immediately adjacent to the Norwest metro station and it is located between low and medium density residential development on its southern and western side and then you can see The Hillsong Church on its northwestern side there.

10 It’s a very large site, in addition. It’s a very large, consolidated site in the context of Norwest and it can facilitate a significant amount of redevelopment, as been articulated and supported through the planning proposal. So you can see there on the zoning map how it is at that southwest edge of the precinct, surrounded by R3  
15 medium density zoned land and you see where I’ve just put the star, which is the location of the proposed residential building, right at the far edge of that site.

20 This is looking at the site from the north, so just orientated yourself to the north of the site and the building that we’re primarily discussing is the building on the west, which is the 10 storey building, the residential footprint as proposed. So you can see there that it forms just a portion of the development and you see the other three commercial buildings included in this image.

25 Zooming in to what that residential building is, you can see here a ground plan image, where we’ve extrapolated the residential floor plates above that 10 storey building. So you can see there that the residential floor plates, they do comply with all of the Council’s relevant standards insofar as apartment mix, apartment sizes, natural cross-ventilation under the ADG, solar access under the ADG and so forth.

30 But as I understand, it’s not a point of contention with respect of the site’s specific merit of this proposal. The site is clearly suitable for residential when it comes to the amenity that can be achieved for that residential building and you can see here just an overview of some of the numerics proposed within that residential  
35 building, so the achievement of solar access and so forth.

We’ve also included here some sections, so you can see in section A where it’s cut and the far western portion of the site, that it does actually present closer to a 4 storey building when read from that surrounding residential R3 medium density zoned land, which is quite consistent with what we’re seeing in the New South  
40 Wales government’s housing reform packages for low to mid-rise housing. And then you can see the building does step up and you see the land falls away, so it does read in section B as a little higher, but again we’re talking quite a modest scale of development for a residential building in an urban renewal area.

45 So bit of the timeline, I won’t dwell too much. Suffice to say, this proposal has been in with the Council a long time. It was lodged in March 2019 and the Proponent has worked quite closely with the Council to revise the scheme so that it was something that the Council could support. So there’s been a lot of effort and

a lot of negotiation has occurred with the Council to ensure that they were comfortable that the proposal did in fact achieve strategic merit, something that the Council does support. So we were quite pleased with that and we were quite surprised that the Department have arrived at a different view, which I'll take you through now. So again, strategic merit is the key reason that we're here today.

So I think fundamentally, one of the concerns from the Department has been the potential for inconsistency with the district plan and the local strategic planning framework that applies to the site. And as you can see, we're fully supportive of the Council's conclusion that the proposal, given its large site area and the way that we've proposed building forms, we can achieve a significant amount of employment floorspace on the site that far exceeds the targets that are articulated in a range of longstanding strategic documents that apply to the precinct. We achieve a greater amount of jobs targets and in commercial floor plate than both what was the existing controls and what would be articulated as required by Council's strategy.

So as a fundamental, you can see on the next slide, what the current LEP would allow and the various targets that the strategic planning framework did accommodate and you can see that the current proposal does achieve even the highest jobs targets in the North West Rail Line Corridor Strategy, which was set as a maximum. So we do have a significant amount of employment floorspace that is achieved on the site, notwithstanding the proposed 10 storey building on that southern westmost corner of the property. So as we can see, our view is that we do in fact align with the strategic merits of the planning framework when it comes to supporting and encouraging employment density in this precinct.

But we also are responding to government's priorities for housing supply and as the Commission will be familiar, the latest version of the local environmental plan making guideline, released by the Department of Planning, did include new additional tests to demonstrate strategic merit, which included being a response to key government priorities, especially where the strategic planning framework had not been updated to respond to the government priorities, in addition to changes to population and demographic trends and associated needs such as housing or jobs.

Now, we quite frankly feel as though our proposal fits squarely within the strategic merit test that has been introduced by the Department of Planning in that we do respond explicitly to the key priorities of government, which is providing housing right next to a metro station in a form that suits a medium to mid-rise development and can integrate with surrounding residential uses. Notwithstanding – I won't go through all of the evidence that has been provided around demand for commercial floorspace.

Again, noting we are delivering a significant amount of employment floorspace, but we can support the feasibility of the development and support the government's priorities to deliver housing supply in close proximity to public transport by the inclusion of these 76 dwellings within the site. We all know that Norwest can be challenging to arrive at the metro station, even now, as successful

as it is, the car park's clogging up and are very busy even at 7.30 in the morning. We're proposing residential in walking distance of the metro station, which will significantly improve the accessibility of that station for new dwellings. You can see there consistency with the Central City District Plan was supported by the Council.

We achieve all of the relevant objectives around employment growth and so forth, so I won't dwell on those any further. But any slight inconsistency, the Department did raise there's a potential for inconsistency, not that there was, but a potential for inconsistency but as was supported by the Council, any inconsistency with the district plan, which is now outdated and is being revised, is justified given that there is a unique circumstance for this particular site, where there is a logical transition in both scale and land use to the residential properties to the south and west.

As you can see, we are retaining the underlying zoning of what was the B7 business park and now the SP4 zoned land across the site and we're really including only a very minimal amount of residential in the context of a larger site, less than 20% of the floorspace as residential. We've got here consistency with the Council LSPS, which the Council itself has resolved, but I think most relevantly and most interestingly is the Norwest Precinct Plan, which is being finalised at Council's meeting of 9 July.

And Council did acknowledge in the Norwest Precinct Plan that there is a number of site specific planning proposals that are being progressed and so the document itself did not propose to replicate that, so of course you're not going to see a clear line. The Department was like, "Well, the Norwest plan doesn't specifically include this proposal." But that's because it's going through its own planning proposal, which the Council had already acknowledged.

But importantly, you can see in the latest version of the precinct plan, that Council's of the view that there's scope to further investigate permitting a limited amount of ancillary residential development on key sites within this precinct. And any such proposal is to have regard to specific criteria including the proximity to the metro station and consolidated land area. Now, I appreciate there's a lot of words on the screen here but fundamentally we're at a site that significantly interfaces with residential development that is also in close proximity to the metro station. It is a site that has quite a large consolidated area that can still deliver the jobs targets that the Council and the state government were already looking to achieve.

Whilst it is not my role here to try and advocate whether this could or could not be used as a precedent, but the Council itself has articulated very clear tests about in what circumstances they would consider residential in the Norwest precinct suitable. Quite high standard and quite high bar, I would argue, and a bar that this proposal does certainly meet, through to its unique location, site amalgamation and ability to interface with those surrounding residential uses.

And you can see there on the final slide that there was a reference to the planning proposal, noting that this proposal had previously been supported by the Council on this land, including the 76 dwellings. So it does acknowledge that and we believe that that further supports that the project does have strategic merit, both from its identification in the Norwest precinct plan, which is now final, and also the changing government circumstances and changing demographics, which is identified as a strategic merit test in the LEP making guideline.

I won't dwell on the site specific merit because I think we are all in agreement, but just to cover it off that the site is well suited for the redevelopment, including residential, both from environmental constraints perspective, built form, [non-transcribable] public transport and traffic impacts and so forth.

And so in direct response to the government's or the Department's determination report, I repeat here again, the Department raised a concern with respect of potential for inconsistency with the strategic plans and we've tried to – addressed how we in fact do align with those strategic plans and where any inconsistency may be found or there may be potential for, it is supported through the Norwest final precinct plan and also the strategic merit tests articulated by the LEP making guide.

But you can see there, I'll go through further, the Department did make reference to there being a limited commercial development outcome. I'd like to highlight again that it's 38,000 square metres of non-residential commercial floorspace, which is significant in the context of the Norwest business park, over three and a half thousand jobs created through this floorspace.

The proposal is proposing twice as many jobs than could be potentially delivered under the planning controls and the proportion of site which is proposed for residential uses is definitely in the minority of the proposal but it does provide a transition both in built form, land use and also assisting the feasibility of development by providing a mix of uses and again residential, next to a metro station, it's what we're all here to do at the moment, it's aligned with all of the strategic priorities to meet the National Housing Accord, which the state government has signed on to.

The National Housing Accord, which identifies that we do need to deliver a significant amount, 377,000 new dwellings by 2029 and it's hard to imagine how we could do so without looking for and identifying site specific scenarios where we can deliver a more affordable – sorry, more residential densities in sites in close proximity to metro stations. Also the amenity of the proposal has been fully supported insofar as ADG's assessment and it has been supported by the local Council.

The Department also raised some concerns with respect of the limited for potential commercial development opportunities. Again, the further away that we go from the commercial core of Norwest business park, the harder it is to lease, as I'm sure you can imagine. The demand for commercial floorspace has changed since the

proposal and those strategic documents, the district plan and the region plan were drafted and we know that it is more challenging to propose commercial floorspace in the Norwest business park when there are vacancies in Parramatta and in other non-CBD cores for traditional commercial office.

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So we think that the proposed amount of commercial office that this planning proposal delivers already exceeds what we believe the demand to be on the site and as noted, we do achieve all of the employment targets set for the site in the strategic documents. So the additional use of residential in our minds does not undermine the ability to achieve a significant amount of commercial development on the site or surrounding.

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The location of the site may not be appropriate in terms of housing, again we would fundamentally disagree with that statement, noting again the proximity to the metro station and proximity to existing residential zoned land. 20% of the site, again we are only proposing a small amount of development as residential but it is fundamental to the proposal.

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And then the Department has also made reference to creating an undesirable precedent and as I articulated before, the Norwest Precinct Plan does articulate a series of test by which the Council would consider residential in this precinct. They're quite high bars, bars by which this proposal does meet in terms of land area, of course in terms of the ability to achieve the jobs targets, proximity to the metro station and so forth.

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So we feel as though the proposal, as supported by Council, is a reasonable balance between the delivery of jobs targets and fundamentally residential, which aligns with government's priorities to meet the National Housing Accord in addition to the Murdoch Review into the metro, which of course related primarily into Metro West but it did identify that we need to find and support land use planning decisions that support housing adjacent to metro stations and infrastructure.

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So then I understand and I'll hand back to you now with respect to the rest of the agenda, we understand that there are some key issues that the Commissioner would like to discuss, which we've articulated here on the screen. But for now, I might just stop sharing my screen. Simon, before I do, was there anything further from your experience that you would like to highlight or touch on in response to the Department's report?

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**MR SIMON WILKES:** Thanks, Ash. Just briefly, just I guess going on from that [non-transcribable] - as you're saying, Ash, it is a competitive landscape on those things and it is a challenge getting businesses out to places like Norwest. The historical point of difference for Norwest, as prescribed in the 1992 masterplan, was an oversupply of car parking. Thankfully, the world's moved on a lot since then to what is it that's actually going to get activities out there.

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So beyond the matters that even Ash has talked about, some of the other matters in



the submission, we've also just identified just the importance of vibrancy and safety and activation, really achieving that 18 hour economy. So I guess the residential side of things is not seen from our perspective or from a client perspective as a threat to the commercial side of things but rather the other way, an enabler as well. So really safety, that competitive landscape and a point of difference are just key considerations, I guess, moving forwards.

And The Hills for many years has taken a cautious approach and we agree that a cautious approach for the last 10 years has been probably the correct approach but it's not a position of saying no altogether to residential side of things as well. So it's just around that, thanks Ash.

**MR WRIGHT:** Yes, thank you, Asheigh, thank you, Simon. That was really comprehensive and really useful for the Commission in its deliberations in this matter. I'm just wondering, Tony, Ashleigh and Simon, whether we could get a copy of that slide pack post this meeting for our own records. That would be really, really useful.

**MS RYAN:** I'll send it to yourself, Oliver, if that's preferred.

**MR WRIGHT:** That would be great.

**MR OLIVER COPE:** That's fine. Thanks, Ashleigh.

**MS RYAN:** Great.

**MR WRIGHT:** Thank you so much. Can we just – so a lot of the items we've put out for specific discussion you've kind of dealt with already in some respects. Can I ask a question about the demand for commercial floorspace in the Norwest and obviously I understand that the nature of work has changed somewhat post-COVID and I notice, some of the documentation I've seen from the Proponent has talked about the feasibility of the development of the site. So I suppose the question is to what extent is the residential component critical to feasibility of the development of the entirety of the site?

**MS RYAN:** And Mark, I might need to hand over to you as the developer. I understand that from the long history of the proposal, there was a substantial amount more of residential that was included as part of the development and that has been kind of dwindled away by the Council to ensure that it is a predominantly commercial led scheme. So I think there's no doubt that including residential in the current market does improve the feasibility of the overall development.

**UNKNOWN SPEAKER:** Improves feasibility, yes, yes.

**MS RYAN:** Mark, is there any more specifics you could provide or help?

**MR HANNA:** Yes, we can't provide exact specifics just because I don't have them with me and Marcello will be able to assist as well but Commissioner, it's

more that, as Ashleigh touched on, it started with a lot more residential and the justification for it, we say, is pretty clear with the site's suitability and its merit. We think next to a metro station, what we're proposing for residential, 76 units is probably a very much under development for residential of the development.

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So as we know, there's a lack of commercial demand across New South Wales and that's highlighted by the state government now transitioning a lot of commercial buildings to either affordable housing type buildings or residential flat buildings. So the Proponent understands that the commercial market is slowly suffering and it might continue to suffer. So we have tried to balance the feasibility and we're not saying that the 76 units makes it completely feasible. It really doesn't make it feasible, it just assists with the feasibility of producing that commercial.

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Commissioner, you might see that with the timelines we've provided, there was almost 400 units proposed on the site and that made the commercial and mixed use feasible. So that would be a more feasible number. With the modest residential units that we're offering and that's been through almost five or six reiterations with the Council, we've tried to find the absolute bare minimum where we can deliver the employment and the commercial that we've proposed but really we can't see how we could do it without the units that we're offering. It doesn't necessarily make the proposal feasible on numbers.

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There might still be a loss and we take into account that some of these units might be either vacant or some of the commercial space might be vacant for periods of times, just with interchanging of market. But with the numbers and the feasibility that we've been able to undertake from the Proponent's side, it's still not feasible but it's a development that we can produce based on this compromise of numbers that was supported by the Council. Marcello, was there anything else you wanted to add from an operational Proponent perspective for the Commissioner's assistance?

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**MR MARCELLO COLOSIMO:** Sure, thanks, Mark. Thank you, Commissioner. I think from our point of view, I suppose we have some other commercial property in the park that we have advice from real estate agents quite recently that the market is very tough and it's very tough to – and there's a lot of space and it's tough to lease out and the prices are coming down. And therefore then the idea of new stuff getting built, it's just not getting built because of that.

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So we have another site in the park and one, it's empty, and two, quite a large developer has a block next door and he's put that up for sale and other side of that was Woolies head office and they've moved out half of their operations and that's been for lease for maybe two and a half years on the market now. So the new stuff's not getting built because of that, because the demand's not there and I suppose, as Mark said, it doesn't make it overwhelmingly feasible but it goes in some way.

But the main part we sort of see because we live and we work and we grow in this

area is that it feels the best spot to have because you're opposite the metro station. And I pass three metro stations on my way into work and all three of them are full for car parking and that's at 7.20 in the morning.

5 And so you've got people have to walk 2 kilometres to get to the station, whereas here they'd be walking 50 metres. And for all those things that the government seems to want to be doing, from our point of view, we seem to tick those boxes, so we were quite confused. But I think Ash has really done a good job in putting that case forward.

10 **MR WRIGHT:** Can I ask a related question then in terms of the affordable housing component of the proposed residential tower, 5%, is the intention – and in terms of the [non-transcribable] feasibility, obviously affordable housing is offered at a below market rental rate, is it the intention, Marcello for that set of units to be managed by a community housing provider?

15 **MR COLOSIMO:** Mark, I put this to you if that's okay.

20 **MR HANNA:** Yes, that's fine. We actually spoke about this earlier today. Ashleigh, maybe you can concisely put to the Commissioner our position.

25 **MS RYAN:** Yes. To be managed by a community housing provider, that's the standard definition for affordable housing in New South Wales and so while, as far as I can tell within the PP we haven't worked through head leases with CHPs to date, that is the expectation, that it would be managed for a period of 10 years, which is the offering.

30 **MR WRIGHT:** Thank you. And Ashleigh, you mentioned earlier that initial assessment indicated that the design of the tower was going to meet the apartment design guidelines. That would include the affordable units?

35 **MS RYAN:** Yes. The allocation of the affordable units could be subject to discussions and ongoing consideration with the CHP, but yes, they could be located in any portion of the building. Typically what we do with developments that include a portion of affordable housing is identify them in a location where they've got commensurate amenity, so you're not only providing the south orientated apartments as affordable housing, that it's a balance or a mix of amenity across the building.

40 **MR WRIGHT:** The other notable aspect of the planning proposal is some of the public domain proposed. Now, my understanding is there was a plaza proposed as part of this development, a commitment to submit the proposal to a design competition, amongst other things. Maybe Ashleigh or Simon, can you just elaborate on those elements a little further?

45 **MR WILKES:** Yes. Within The Hills, there's a range of different design excellence processes and those things and generally we haven't seen too many matters to actually go through a design competition as such. There is The Hills

Design Excellence Panel and there's obviously [unintelligible 00:30:35] and the like and a real strong focus on sustainability. So the bulk of the proposals we've seen thus far have gone through The Hills hosted Design Excellence Panel.

5 **MR WRIGHT:** And this proposal would go the same route then if it was approved?

10 **MR WILKES:** That would be the general expectation. My understanding is that's correct because I don't believe we – need to confirm, but I don't believe we'd be triggering SDRP type processes or design competition per se, that's my initial expectation.

15 **MR WRIGHT:** Thanks. Thanks for clarifying that for us, Simon. And then just in terms of some of those public domain outcomes, could you just elaborate on those a little further?

**MS RYAN:** Mark, is that something that you could elaborate on from your history of the proposal when working with Council?

20 **MR HANNA:** I can. I guess, Commissioner, the basis of the mix is that people want to not only work, live but also be able to shop or get themselves to amenity in a way that doesn't include public transport. So the plaza's more of providing a vibrant life, what we could say, to a place that if it was just purely commercial, you wouldn't find the kind of community aspect that you find in a city. So you  
25 work above pubs, shopping precincts, et cetera, brings everyone from work down, you stay within the precinct.

It gives more opportunity to not only the tenancies to survive but also the residents to meet. It offers more of a community essence, similar to what's happening in the  
30 Chinatown kind of precincts, Ryan's Bar in the city, where you come down, you can shop, you live, so you live close if you're in a residential component. So it more gives a sense of community and a bit of vibrancy to the area, especially close to a metro station. I'm not sure if you've been out to Norwest, Commissioner, but it's not very lively.

35 **MR WRIGHT:** Yes, I was actually out there last Friday having a look at the site, so I'm familiar with it.

40 **MR HANNA:** Yes, so you might've seen that a lot of it's predominantly hardstand, so you've got your buildings and the hardstand around. So we're trying to integrate with that walkthrough. So say if someone that lives in the residential component of the development goes to the metro station, assuming that the residential component's supported, you would make through a series of vibrancies that would be communal open space, we'd potentially have walkways, greenery  
45 areas, places to break out, professionals like maybe could probably study down there, take your laptops and if you wanted to – there'd be a lot of people around.

So it's more adding a sense of community vibrancy. People don't want to just

work and leave, especially when we've got a mix of uses. So you wouldn't just leave the site. So it would provide a more – it's more of a vibrancy kind of feel that we're trying to – we haven't seen somewhere in The Hills yet that has a real cities like Parramatta like feel and that's what we're trying to push through with this proposal.

**MR WRIGHT:** I see. Could someone give us a bit of an overview of the engagement you've had with Hills Shire Council on this proposal and –

**MR HANNA:** So we've had a number of engagements –

**MR WRIGHT:** – where they're up to. Yes, sorry.

**MR HANNA:** Yes, so we've been engaging with The Hills Council for maybe five, six – since 2019. So it hasn't been a one way street where the Council's directed anything. It's been an open discussion for a long time. I've personally been involved the last year and a half to two years but in the last two years we've had numerous meetings with the Council, trying to find either the compromise or a satisfactory development that not only fits the Council's merit but also assists us in developing it.

And we feel like we've found that balance with all our meetings with the Council planners, the general manager, we've met with a series of different Council stakeholders over the last few years to come to a proposal that could be supported. Commissioner, you'll see that we started with a number of apartments and that number's been reduced in order to find that balance for the site. It's not that – you know, we're not thrilled with the 76 units, to be honest, but it is a balance and more of a modest proposal in our view and the Council completely supported it.

So we've been dealing with the council and seeking the Council's response to the Department that they still fully support the residential units on site. They've also amended their strategic direction in order to assist the Department and the Independent Planning Commission to make a decision on that change of circumstance. So at the time they weren't saying it wasn't in their strategic pathway, it's just that this site was being dealt with in another avenue and now that that issue's been brought to light from the Department, it wasn't any of our doing, it was the Council amended their precinct plan and put it in final form.

So we think that based on all those discussions, the Council are fully supportive of where we've ended up and they've also assisted guide some of the design, the interface between – and also, Commissioner, where the residential is proposed on the site is also crucial that it's not proposed directly across from the station. It's towards the further part of the site. So more interface between the residential R2 zones behind the site. So you wouldn't want a towering commercial building over residential component anyway. You know, it wouldn't be good planning.

So we thought we would transition and locate the residential building towards the rear of the site and that's been an ongoing discussion with the Council about

where should the residential be, where should the commercial be and that flows into the plaza feel of how you walk through the development and what shops you might see and what opportunities you might have to either shop, enjoy the atmosphere. There's always going to be a bit of lively around. There might be a bar, there's going to be a range of mix of uses that will add to that community feel.

**MR WRIGHT:** I understand. Thank you. It's not a matter for the Commission to consider but just for context for me, looking at some of the documents, my understanding is there's been some discussions between the Proponent and Council about a voluntary planning agreement. And obviously you don't need to go into any detail today but I just want to confirm that's correct?

**MR HANNA:** Yes, that's correct.

**MR WRIGHT:** Yes. Could I just go back to the question of – because it was raised by the Department as a significant matter, precedents, and I know, Ashleigh, you dealt with that and Mark, you talked about the Norwest Precinct Plan. Of course, that's adopted by Council, yet to be a planning instrument because it will need to obviously be picked up in a planning instrument formally for it to be considered thus.

So can we just go back to that question of precedent. I'm thinking, having been over to Brookhollow Avenue and walked past the site and there are a number of other commercial sites I think further to the southeast, I think. Apologies if I've got the directions wrong but on the other side of the railway line there. Just views about obviously looking at the Norwest Precinct Plan, there's that threshold of agglomerated site of at least 4 hectares, amongst other things. Has there been further assessment done on that precedent issue and how that might play out, noting the commentary that we've had on the Norwest Precinct Plan.

**MS RYAN:** Simon - I can pull up –

**MR HANNA:** No, you go, Ashleigh.

**MS RYAN:** I was just going to ask if you wanted me to pull up the aerial –

**MR WRIGHT:** That'd be great. Thank you, Ashleigh, yes.

**MS RYAN:** Just to – and Simon, you might be able to speak to this better than anyone.

**MR WILKES:** Yes, happy to share some insights into that. I guess, as you say, if you go along Brookhollow Avenue, yes, it's a relatively narrow strip between the railway line and the residential precinct. We've actually worked on pretty much nearly every single one of those properties along there with various planning proposals and DAs and the like and I guess as a general reflection, I guess they are more fragmented in ownership as you go further along that interface there.

It's more difficult to actually achieve the sort of depth you'd actually need for a residential component plus a commercial component whilst still achieving solar access and amenity and all those kind of type things as well, which is partly what's really driven The Hills saying that 4 hectares gives you that flexibility to sort of be able to properly masterplan on a site, so as you go along –

**MR WRIGHT:** Sorry Simon, is it the case that this site is unique because of its size in that context?

**MR WILKES:** It's definitely one of the larger land parcels, there are other ones getting up towards that but it's definitely unique in its size. And I guess for a test of undesirable precedent, if somebody else were to be able to replicate it, would be a bad outcome? The answer is maybe it wouldn't be a bad outcome. So I guess so if somebody did and you got the same outcome, would it be a bad outcome? Not necessarily. So I guess is probably how we look at the undesirable precedent test.

**MS RYAN:** Yes.

**MR WRIGHT:** Yes, which reminds me of another point that the Department's put forward in relation to this planning proposal, that is that there is other significant areas of land already zoned for either R3 or R4, particularly in Marketown. Comment on that please?

**MR WILKES:** I guess if we look at more of a housing supply around Norwest, you sort of talk to The Hills and they say well historically there's been 11 or 1,200 other apartments sort of coming, just generally. If you look at The Hills more generally in terms of housing targets, it's between 50 and 100,000 more people moving out to The Hills.

So in terms of if the question is "Is The Hills meeting housing targets just generally?" Well, yes. But that's not actually the basis of what I think Ash has quite eloquently described, which is there aren't too many sites which are right next door to a train station with the level of amenity and accessibility and actually being able to activate and bring those jobs with it as well. So yes, if that's a broad comment.

**MS RYAN:** Yes. And I think the other thing I would add to that is yes, The Hills Shire Council, compared to most other councils and I do think The Hills should be commended for this, they were one of the few councils that were achieving their housing targets. However, as of earlier this year, new housing targets were set in order to support the achievement of the National Housing Accord for 377,000 new dwellings for New South Wales that I mentioned before and those housing targets are again increased.

And so there has already been an assumption of the number of apartments that have been delivered in the past five years to meet the previous targets but we now need a new supply within the next five years. And so when we look at some of the R3, when we look at some of the other policies that have been announced by the

state government, truthfully we're seeing a lower uptake in potential redevelopment for housing in those zones because of the costs of amalgamating land and of course also the cost to redevelop for residential apartments.

5 So I should say my professional view is that it's going to be quite a challenge to meet those new housing targets if we're relying only on the low to mid-rise housing policies and some of these TOD policies around 37 stations of which half have not yet been finalised. So in terms of securing a density in apartments that can be delivered, we would see a larger site that is already amalgamated and ready for redevelopment next to a metro station as being a more favourable development outcome than the redevelopment of R3 lands within the next five years to meet those housing targets.

15 **MR WRIGHT:** Thank you very much.

**MR HANNA:** And Commissioner, the number that we're seeking, you wouldn't probably conclude that we would take away from those R3 matters for housing targets. So say it's supported and there's 76 units proposed, 76 units wouldn't be a big dent in –

20 **MS RYAN:** Yes.

**MR HANNA:** – the target that they're meeting. So if they're saying that there's going to be other areas, well it's only 76 units that we're proposing. We're not proposing thousands of dwellings here to take away from the opportunity. And the other small point that we just wanted to make was that we're not proposing a nominate use for the zoning. It's just an additional permitted use. So the precedent questions, the bar is high in order to meet it, so it wouldn't be that now that this site can have residential, every site on Norwest Boulevard can have residential or the bar's a lot higher than that.

**MR WRIGHT:** Thanks, Mark. Just Kendall and Oliver, I can't see the agenda in front of me at the moment. Have we traversed most of the matters that we raised?

35 **MR KENDALL CLYDSDALE:** Yes, that's right, Michael. Excuse me, we've pretty much covered off most things there. Is there anything else, Oliver? I think we've covered most of that off. Ashleigh's presentation as well captured a lot of those and just to let you know as well, we publish that on the Commission's website once it's received, so that forms part of the presentation and the documentation for the meeting.

**MR WRIGHT:** So I think I've asked all the questions that I need to ask. Kendall and Oliver, anything that you require clarification on?

45 **MR CLYDSDALE:** Nothing from myself, Michael.

**MR COPE:** Yes I think it's all been covered. Thanks, Michael.



**MR WRIGHT:** Before we close the meeting, any other commentary from anybody else on the other side of the table?

5 **MR COLOSIMO:** No, thank you for the time, Commissioners.

10 **MS RYAN:** Thank you, Marcello. All I really wanted to say is we feel like we're ticking all the right boxes, we're delivering a lot of employment floorspace in a challenging market that we're committing to. The proposed residential is quite modest in the grand scheme of things and we're proposing residential in a well-serviced area that can further activate the site next to a metro station, next to residential zoned land.

15 Like, we feel like we've got the Council on board, we feel like we're doing all the right things that aligns with all the government priorities, so we're really keen to just proceed with a mixed use scheme and hence why we've put in this gateway review request to hopefully have that condition reconsidered and we do really thank you for your time, Commissioner Wright, and also to yourselves, Kendall and Oliver, for supporting the process. And yes, if you do have any other further questions that arise from your assessment, please feel free to reach out to Simon or  
20 myself or the Proponent, Marcello and Mark as well. So thank you.

25 **MR WRIGHT:** Thank you, Ashleigh, Simon, Marcello and Mark. It was very useful. As I say, a key item in our consideration of this matter. Thank you for your time.

**MR HANNA:** Thank you, Commissioner.

**MR WRIGHT:** Can I ask Kendall and Oliver stay on the line, please.

30 **MR WILKES:** Thank you.

**MR HANNA:** Thanks, Commissioner.

35 **MR WRIGHT:** Good afternoon.

**>THE MEETING CONCLUDED**