

RE: Harry Triguboff's Meriton sues the Premier of NSW

Australia's largest residential property developer, Mr Harry Triguboff AO, is suing the Premier of NSW and other government agencies in an effort to compel the NSW Department of Planning and Environment to approve a planning proposal that Mr Triguboff's Meriton applied for in 2017.

Meriton's planning proposal is in respect of its development at 112 Talavera Rd, Macquarie Park NSW.

A Summons has been filed in the Land and Environment Court of NSW against four respondents - the Premier of NSW; the Minister for Planning; Secretary for the Department of Planning & Environment and the Greater Sydney Commission.

Meriton's General Counsel, Joseph Callaghan, said:

"Meriton is seeking a declaration and orders to compel the NSW Department of Planning to undertake its public duty and make a Local Environmental Plan increasing the floor space ratio and height control applying to land Meriton owns at 112 Talavera Rd, Macquarie Park.

An issue in the case will be the function of an 'assurance report' ordered by the Premier in late-2018 and whether that review can have any impact on a planning proposal as well-advanced as Meriton's.

Relevantly, Meriton's planning proposal was lodged in May 2017 and had already been endorsed by the Department of Planning on behalf of the Greater Sydney Commission before the Premier secured the Planning Legislation Amendment (Greater Sydney Commission) Act 2018, which introduced the concept of an 'assurance report' for the first time."

Mr Triguboff said of the proceedings:

"Meriton's proposal has already been approved by the government's bodies. It has been recognised as being entirely consistent with all of the government's publicly stated planning strategies and policies.

Those policies should not suddenly change because the seat of Ryde is in contention at the upcoming election. They can't move the goalposts like that. These developments take years to plan and build. The whole industry

needs some certainty that the rules at the start of the process are going to be the same at the end.

The Premier wants to give the proposal back to the Greater Sydney Commission, but the Commission has already endorsed it as complying with their policies which have been developed over many years with extensive community consultation and only adopted last March. In an interim report released last week, the Commission not only agreed to continue a stop on any new proposals but now think there should also be a “pause” on existing proposals in the area for 12 months for more studies which should not be the case on proposals like ours which is so far advanced based on existing policies.

There is \$78 million worth of community benefits wrapped up in this deal - 27 affordable housing units so that essential workers can live in the area, cash for roads, parks and sporting facilities. Not to mention GST, stamp duty and employment taxes all generated by the development.

The fact is that this is the right development in a significant area for NSW, the gateway to the northwest. Why shouldn't a young family be able to live closer to the city, next to hospitals, universities, train stations and shopping centres?

*Following public exhibition there were some 380 objections to the original proposal of up to 63 storeys, so Meriton amended its proposal and reduced the height to 42 storeys. What has now been submitted is much better than the one we're already allowed to build.**

I should add that there were reportedly 60,000 objections to the demolition of the ice rink next door.

There is no over-supply in the area because rents remain steady.

There is no more traffic created by our development because we are just replacing what were offices.

There is a bigger picture here. A thriving residential construction industry is a key indicator of the economic success of NSW, but both sides of politics seem to be in a race to the bottom when it comes to stirring up anti-development sentiment. They show no real leadership on this issue and I tell you one thing, they're going to miss the stamp duty when it's gone.”

*Overleaf is a diagram comparing the built form permitted by the existing planning controls, the original proposal and the final proposal (height reduced by 30%)

- End -

Media enquiries

Tia O'Brien

0438 482 973

Email media@meriton.com.au

meriton.com.au



14 March 2019

State Election poised to damage affordability

UDIA NSW CEO, Steve Mann, today called for certainty to be underpinning principles for planning decision making.

“Building our city takes many years and can only be achieved with a stable and predictable regulatory environment” Mr Mann said.

“The Department of Planning has labelled 2019, the Year of Consultation, following 2018, the Year of Communication.

“However, The Ryde Assurance Review, Environmental Planning and Assessment Amendment (Contributions Plans) Regulation 2019, and continued ambiguity about the status of Interim Occupation Certificates have all contributed to increasing uncertainty across the industry.

Insufficient consultation has led to unfair, retrospective legislation that is damaging housing affordability.

“There has been a continued failure to consult on savings and transitional provisions for the past two years.

“This election cycle we have seen rash announcements made at different periods from both parties. If these announcements are delivered, they must not be applied retrospectively; the industry goes through many years of layered approvals.

UDIA Research showed for land subdivision the average time from site identification to the first home being built was 7-10 years, due to a complex and antiquated planning system. In the December 2018 Quarter it took an average of [403 days for a DA to be approved by Sydney Planning Panels](#).

“Given the lack of consultation on legislative and regulatory changes, and above-mentioned slow approvals; we caution the government in making changes without adequate consultation and savings and transitional measures.

“The industry can invest millions of dollars into these proposals, seeking to align them with the community and government strategies.

“It undermines the integrity of the planning system to introduce changes that impact planning decisions that have already been made at the very end of the approvals process.

“Increasing uncertainty in NSW will shift capital to other states, which will have a profound impact on the NSW economy.” said Mr Mann.

Research by PwC commissioned by the UDIA last year shows just a 10% decline in housing supply sustained over 5 years would cost 190,000 jobs, \$25 billion in gross state product and \$2 billion in taxes and charges.

UDIA's election campaign, [Housing the Next Generation](#), is advocating for a world class planning system for NSW that will support housing affordability.

Media contact: David Naidoo | dnaidoo@udiansw.com.au | 0452 462 143