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TRANSCRIPT OF PROCEEDINGS

TRANSCRIPT IN CONFIDENCE

O/N H-1071424

INDEPENDENT PLANNING COMMISSION

MEETING WITH THE CITY OF SYDNEY

RE: BARANGAROO RESIDENTIAL BUILDING R5

PANEL: **JOHN HANN**
MARY O'KANE
XANTHE O'DONNELL
MATHEW ROSEL

DEPARTMENT: **ANDREW REES**
MARIE BURGE

LOCATION: **IPC OFFICE,**
LEVEL 3, 201 ELIZABETH STREET,
SYDNEY, 2000

DATE: **11.00 AM, THURSDAY, 5 SEPTEMBER 2019**

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MR J. HANN: Good morning and welcome. Before we begin, I'd like to acknowledge the traditional owners of the land on which we meet. And I'd also like to pay my respects to the Elders past and present. So welcome to the meeting today on a proposal for Barangaroo residential building 5, the applicant, Lend Lease
5 (Millers Point) Proprietary Limited is seeing approval for construction of a 30 story residential building containing 210 apartments including 48 apartments designated as Key Worker Housing with ground floor retail at Barangaroo South. My name's John Hann and I'm the Chair of this IPC Panel.

10 Joining me is my fellow Commissioner Mary O'Kane. And also joining me is Xanthe O'Donnell, our Principal Planning Officer with the Secretary and also our consultant with the Secretary, Xanthe – oh, sorry, Matthew Rosel. In the interests of openness and transparency and to ensure the full capture of information, today's
15 meeting is being recorded and a full transcript will be produced and made available on the Commission's website. This meeting is one of the Commission's decision making processes. It is taking place at the preliminary stage of this process and will form one of several sources of information upon which the Commission will base its decision.

20 It is important for the Commissioners to ask questions of the attendees and to clarify issues whenever we consider it appropriate. If you are asked a question and are not in a position to answer just, please, feel free to take that on notice and provide any additional information in writing and we'll put that on our website. Just, so you're clear on that. I do request that you introduce yourselves before you speak, for – for
25 the transcript, for the first time. And then, for the attendees to ensure that you don't speak over the top of one another, so we've got accuracy of the transcript. And on that basis, we shall begin. So it's most helpful for us if you could take us through, in the briefing, the key issues that – that you, you have. And then we can tease out any particular issues from – from there.

30 MS M. O'KANE: And we've – we've had the, we have the Department's assessment. So, you know, we've had the – the summary of the issues there.

MR A. REES: Sure.

35 MS O'KANE: But we're very keen to hear from you.

MR REES: Yep. Okay. Well, Marie, did you want to start now?

40 MS M. BURGE: Yep. So hello, my name is Marie Burge, Planner with the Department, ah, the Development Assessment Unit at the City of Sydney Council and joined by Andrew Rees, Area Planning Manager of the Major Projects Team within the same Development Assessment Unit at Council. We did not prepare
45 Council's original comments to the development. Nor did we prepare Council's comments to the response of submissions. I have, however, read through both and

reviewed the application in as much detail as I could have, given the short timeframe. I've read through the Department's Assessment Report as well.

5 And where they refer to the applicant's Supplementary Responses, Submissions or otherwise the, ah, RTS, I don't believe that Council was sent these documents for further review. So I can't talk to any possible design amendments that the applicant may have made to respond to some of Council's objections. I also couldn't locate any of the amended plans on the Department's website. It may have been a technical glitch where there was a folder that said, "Additional Information," but it was just a
10 duplicate of information that was already submitted. So some of the, ah, references in the Department's report, I can't verify.

In relation to Council's original objection, the only agenda, ah, matter of discussion, ah, was the matters raised in Council's objection dated, ah, 25th of November 2016.
15 Ah, so it's been almost three years since the original objection to the proposal was submitted by Council. The basis that Council objected has some relation to the Concept Plan MOD 8, which has been addressed in Court and has been resolved. Ah, the matters regarding permissibility are no longer relevant and Council doesn't wish to pursue this aspect of the objection.

20 Further, Council's comments regarding the application being lodged prematurely is not necessarily relevant any more as some time – time has passed, ah, and a number of applications have now been approved that address many issues that have been raised by Council in the past. This doesn't, however, reduce Council's concern
25 regarding a number of urban design and amenity issues that are still relevant with the current proposal. So in relation to clarification about the planning issues and the MOD 8 Concept Plan Appeal, clarification has since been provided regarding the siting and qualities of Hickson Park and the basement.

30 The specific issues regarding aspects of the park and public domain treatments are not subject to great assessment in this application, because it is a separate SSD. However, it's important to note that, yes, since preparation of Council's original submission; details have been provided in the form of various other SSD
35 applications. The underlying impact that the development will have on the public domain that is still outstanding is, we feel, the lack of podiums, and its impact and – and wind mitigation impacts. The other outstanding issue is addressing pedestrian connection and desire lines to the new Metro station.

40 It's understood, however, that the planned location for the station entry and pedestrian connection is a matter that should be more addressed more closely with Barangaroo Central and the public domain SSD. So I guess, it's not as closely relating to this specific building as it is to more public domain issues. The issues in relation to Council's submission for urban design and built form. We've, we would like to focus on three main issues, the lack of building podiums, wind impacts and
45 noncompliance with SEPP 65 in the ADG. In relation to the lack of building podiums, I can only reiterate what has been said in the past, that the absence of

podiums to the towers is contrary to the principles of human scale, breaking down bulk, ah, and mass and wind mitigation strategies.

5 We have seen successful wind mitigation results and positive urban design outcomes with the inclusion of podiums on other buildings within Barangaroo South. And the General Building Forms and Design Criteria set in the Concept Plan, we believe, also allows for, ah, quite significant podiums to be provided to this development, as well. As we've previously raised, the lack of podiums have been consistently downplayed by the Department. And the impacts of large towers without a podium can have
10 severe impacts on the public domain. Leading on then into - - -

MR HANN: And by that, sorry to interrupt, you mean wind in particular?

15 MS BURGE: Wind, yes.

MR HANN: Okay.

MS BURGE: Yes.

20 MR REES: Both wind and visual, as well.

MR HANN: All right.

25 MR REES: Yes, John. Yep.

MR HANN: Okay.

MS BURGE: Excuse me. Ah, in relation to wind, Council further reiterates that wind impacts, ah, as a result of the development have not, um, adequately been
30 addressed or tested against the proposed built form. The Department have mentioned several times throughout their report that the development is justified, as it's consistent with the approved concept plan. A review of that wind assessment that was submitted for, ah, with the MOD 8 Application, however, seems to provide a large podium spanning almost the entire perimeter. Since then, the design of that, ah,
35 building form has been amended to remove the majority of the podium and concentrating it only to the south eastern corner of the development. We've got a picture here. This is taken from the Wind Impact Assessment that was submitted originally with MOD 8 showing the R5 building with quite a significant podium.

40 MR HANN: Yep. Yep.

MS O'KANE: Oh, yeah.

45 MS BURGE: And that's about the same height as the building - - -

MR HANN: Oh, yeah.

MS O’KANE: Yeah, yeah.

MS BURGE: - - - to the south.

5 MR HANN: Yes.

MS BURGE: Ah, and it does span much, much more around the building than it’s – it’s currently proposed to be.

10 MR HANN: Okay.

MR REES: So that was the wind test done for the original - - -

MR HANN: Yeah.

15

MR REES: - - - Concept Plan, yeah, mmm.

MR HANN: Yeah, thanks.

20 MS BURGE: Um, the – sorry?

MS X. O’DONNELL: Could we get a copy of that?

MS BURGE: Yeah.

25

MR REES: Yes, that’s for you.

MS O’DONNELL: If that’s okay? Lovely, thank you.

30 MS BURGE: Ah, so we feel like the results that and the conclusions that were made, ah, were not then amended to relate to an amended Building Form and the Wind Report that was provided in this application seems to rely, heavily, on that – the results in the original MOD 8 show that adequate comfort criteria can be achieved, but not necessarily reflecting the same built form as - - -

35

MR HANN: Right.

MS BURGE: - - - what they were basing their comments on.

40 MR HANN: Okay.

MS BURGE: Yeah.

45 MR HANN: Do you have any particular comment about the mitigation measures that are proposed in terms of, with, particular on the north western - - -

MR REES:

MR HANN: - - - elevation.

MS BURGE: I think the, well, the wind assessment that was submitted with this suggests the reliance of trees to ameliorate the wind impacts. That's going to be the
5 main technique that they would rely upon.

MR REES: And a detail of the café, a portable wind structure, which is yet to be determined.

10 MS O'KANE: Mmm.

MR REES: So it's a little unclear.

MR HANN: Okay.

15

MR REES: In our opinion, those sorts of measures are the – the last resort.

MS O'KANE: Mmm.

20 MR HANN: Mmm.

MR REES: It's always preferable to have a built form that actually deals with the wind mitigation and at the same time achieves a more consistent and coherent street wall effect that has already been well established along the – with the buildings to
25 the, further to the south. And, um, this would be the first shear tower along Sussex Street, pretty much, until you've reached south down towards the PricewaterhouseCoopers buildings - - -

MS O'KANE: Yeah.

30

MR REES: - - - near Market Street are the only ones that also, ah, have that shear wall. Everything else has a - - -

MR HANN: Right.

35

MR REES: - - - relatively low scale.

MS O'KANE: Mmm.

40 MR REES: And that's what we'd like to see repeated and that's what was reflected in, I think, the original Concept Master Plan.

MS O'KANE: Yep.

45 MR REES: And also shown in the – the Visions and Principles of the Barangaroo South Design Guidelines which, their overarching control is to make the Barangaroo very much an – an extension of the CBD.

MS O’KANE: Mmm.

MR REES: And the, the controls which we’ve had, consistently, since 1996 have always asked for a street wall maximum height of 45 metres. And it’s just
5 disappointing to see that we’ve come this far with this development without, really, a – a genuine attempt to provide a – a podium. So it’s both wind and – and, and visual, as well.

MR HANN: Okay.

10

MS O’KANE: Mmm.

MR REES: Consistency.

15 MS O’KANE: And do you want to elaborate a little bit on when the trees are fully grown as opposed to in the – while, while they’re growing too. I mean, or is it just, the whole issue is, you know, about wanting the – the podium is a, and a built form is a much better way of dealing with the matter?

20 MS BURGE: It’s a much more definite and consistent way of dealing with it.

MS O’KANE: Sure. And, okay, accepting that - - -

MR REES: Yep.

25

MS BURGE: Yes.

MS O’KANE: And parking it, do you want to comment a bit on the - - -

30 MR REES: The actual trees?

MR HANN: The trees and the, you know, even through the development phase - - -

MR REES: Mmm.

35

MS O’KANE: - - - because that takes a while, even if the advanced specimens are put in.

40 MR REES: Yes. Most concerned, I think, um, the main directions, as you know if you read the Wind Report, is from the south west.

MS O’KANE: Mmm.

MR REES: But also from the north east.

45

MS O’KANE: Yeah.

MR REES: And I think in combination with the buildings that have already been approved, um, R5 and - - -

MS O’KANE: Yeah. R was - - -

5

MR REES: Anyway.

MS O’KANE: Yeah. Yes, the other two - - -

10

MR HANN: Yeah.

MR REES: But they’re the other two, the taller ones.

MR HANN: Yeah.

15

MR REES: Um, you could clearly see that they’re basically going to shield the wind or funnel the wind down.

MS O’KANE: Mmm.

20

MR REES: And that’s going to put a lot of stress on those trees.

MS O’KANE: Yes.

25

MR REES: I think that, um, ah – in fact, our wind section in our DCP doesn’t really recommend shear buildings, for that very reason - - -

MS O’KANE: Yeah.

30

MR REES: - - - because it does put a lot of stress on landscaping.

MS O’KANE: Yeah.

MR REES: Um, so, yeah, we can only - - -

35

MS O’KANE: Yeah.

MR REES: - - - hope that the trees would survive. But, yeah, also being situated on top of a, um, an actual car park.

40

MS O’KANE: Yeah.

MR REES: So we really need to get the – the depths of the soil right. Not too deep and, and not too, too shallow. So – yeah, so that’s always a question mark as to how, how well they succeed in growing.

45

MS O’KANE: Thank you.

MR REES: Mmm.

MR HANN: Thanks, Andrew.

5 MS BURGE: Ah, they were the main issues regarding podiums - - -

MS O'KANE: Mmm.

10 MS BURGE: - - - wind impacts, non-compliance with SEPP 65 - - -

MS O'KANE: Yep.

MS BURGE: - - - and the ADG. Ah, Council agrees with the Department's
15 statement that the ADG does not require strict compliance with its controls and thus
it provides design guidance to further, ah, guide a development. In this case,
however, it is quite disappointing to see that a freestanding building that's limited by
very few physical obstructions can't achieve almost 100 per cent compliance with
the provisions of the ADG. And that – provide adequate amenity to all of its
20 residents. Council doesn't accept that the departures of the design, regardless of how
small or negligible those departures may appear.

Or we don't accept the – the Department's justification that they're – they're close
enough to the control so thus they, they are acceptable. Although, we accept some
25 departures are minimal, the cumulative impact of these non-compliances may have a
larger impact on residential amenity than what has been suggested by the
Department. I've just – to, to summarise the, the non-compliances that we've
highlighted that the – the upper levels lack appropriate visual privacy building
separation, neither communal space areas achieve appropriate solar access during
winter. Ah, inadequate solar access information, um, has been provided, that
30 Council hasn't been able to verify.

I'm not sure if they have provided, ah, additional information later on in a
supplementary response. There are smaller apartment sizes, mainly in the living
areas than that have been, ah, that are recommended. There are smaller balconies.
35 48 apartments sharing one lift over 17 floors with no adequate alternative
arrangements that have been provided up front to be assessed. Ah, complicated
access to residential and bike storage areas. Unclear, detailed - - -

40 MR HANN: What do you mean by that, "complicated"?

MS BURGE: Ah, we recommend that bike storage, residential storage areas, mainly
bike storage should be located as close to the ground floor as possible so people
don't have to travel to the bottom basement to, to access that storage area. Where, in
this case, they're scattered throughout the, the basement areas. And they think the
45 retail, that non-residential component is still quite unclear with the location and what
is actually being provided in terms of bike storage and end of trip facilities. I can get
to that a little bit later.

MR HANN: Sure.

MS BURGE: Unclear detailed design of – of the common spaces, themselves. And the – the limited amount of apartments that can achieve natural cross ventilation. We
5 have raised in the past that using mechanical alternatives and plenums to achieve compliance - - -

MR HANN: This is the ducting? The, yes.

10 MS BURGE: - - - it doesn't - - -

MR HANN: Okay.

MS BURGE: - - - we don't think that achieves what natural compliance, natural
15 cross ventilation is. Further Council's objection to the location and amenity provider for key worker housing is maintained. They're severely disadvantaged when compared with the non Key Worker Housing counterparts when considering access to basic amenities. The proposed single lift to be shared over 17 floors and 48
20 apartments is not appropriate. And making alternative arrangements when a lift is out of order creates unnecessary hassle for building management, especially, because of how they are to be separated. To, yeah, to provide appropriate equal access isn't something that, that we, we could really see working, ah, very smoothly.

Ah, these two residential components of the development, being Key Worker
25 Housing and Non-Key Worker Housing rely on separate entries, basement storage areas, circulation spaces and common open space and could, essentially be, potentially, treated as two separate developments within one site. And when you apply the ADG controls to that one component, we question whether any of those apartments could achieve ADG compliance. Further, correspondence from City
30 West Housing that was provided to the Department suggests community housing providers prefer buildings containing Key Worker Housing to be fully independent from other housing types to reduce costs.

In this instance, however, the Concept Plan for Barangaroo requires a certain
35 percentage of residential floor space to be provided as Key Worker Housing and produced on site. And the developers have chosen to provide that housing option, that is somewhat integrated with other housing uses and must accept that there will be additional costs involved in the upkeep. This, though, doesn't provide a concession to reduce the standard of amenity for those residents in order to avoid any
40 other – any other costs.

In terms of transport and access issues, in addition to our previous comments, being the proposed parking being excessive and unnecessary, it should also be noted that the proposed parking rates in the most recent Concept Plan modification were
45 granted consent prior to determination of the Chatswood to Sydenham Metro Project which was granted consent in 2017, January 2017. The approval and commencement of tunnelling works from early 2018 and/or rail infrastructure

project must be taken into account when considering parking rates and the encouragement of alternative transport methods for residents and visitors.

5 Ah, recently it's been observed, also, that the streets are becoming busier with the use of private cars, taxis, queuing along the streets to access surrounding car parks and wharves and increase in parking and potential increased queuing on the surrounding streets may exacerbate unacceptable street congestion and could, potentially, have a negative impact on public amenity, as well. In relation to bike parking, oh, no, still car parking, the Department notes in the report that an additional
10 nine car spaces should be provided for Key Worker Housing. Ah, however, we stress that any parking should be contained within appropriate, ah, levels and that there shouldn't be any additional, ah, parking spaces. The, the increase of parking on site we strongly oppose.

15 Ah, in relation to bike parking now, ah, the non-residential bike parking isn't shown on any plans, ah, that I have been able to locate, at least. The plan for the basement, B2, indicates an area for storage, for retail storage, but doesn't provide any further detail than that. Ah, and bike parking for retail and non-residential usage, uses should be provided, ah, in a secure location and not within the public domain. Also,
20 I couldn't see any adequate end of trip facilities located on the plans.

MS O'KANE: This is things like toilets and showers and things?

25 MS BURGE: Yep. Ah, moving onto - - -

MR HANN: Okay.

30 MS BURGE: - - - public domain issues, the issues that we raised in 2016 were mostly in regards to the R4A and R4B buildings and don't directly involve the R5 building. Ah, similarly, a lot of public domain issues have been addressed in the separate SSD application. Ah, but there hasn't really been anything relating to how Hickson Park will cater for desire lines to the Metro station, again, noting that it doesn't necessarily have direct involvement in this building. But that, it – it's still being left out. It hasn't been addressed anywhere that I've been able to see. In
35 relation to the health issues that we raised, I think they still stand.

They were more advisory that a building should be designed to incorporate adequate mechanical ventilation within the building to avoid any unnecessary works, ah, at a later stage, should a food and drink premises go in and – and require those, ah, types
40 of ventilation, um, aspects.

MR HANN: Okay.

45 MS BURGE: Ah, and then public safety issues - - -

MR HANN: Do, can I – I'm not quite clear on - - -

MS BURGE: Yeah.

MR HANN: - - - on the mechanical ventilation point you're making. You're
5 talking about that would be, should be, installed as part of the infrastructure, if you
like, for any future requirements - - -

MR REES: In the base build.

MS BURGE: Yeah.
10

MR HANN: In, in - - -

MR REES: Yes.

15 MR HANN: Yeah. Okay. But, but only in relation to the ground level? Ah, or are
you talking about throughout the building?

MS BURGE: So a food and drink premises, say, if it does go on the ground floor.

20 MR HANN: Yes.

MS BURGE: Ah, there are certain methods of how they funnel, um, their - - -

MR HANN: Their exhaust, if you want.
25

MR REES: Yeah.

MS BURGE: Exhaust, exactly.

30 MR HANN: Yep, yep.

MS BURGE: Ah, say if it was to go out to the side of building, there has to be a
certain distance from any - - -

35 MS O'KANE: Mmm.

MS BURGE: - - - other openings - - -

MR HANN: Yes, okay.
40

MS BURGE: - - - so it's much more difficult to coordinate putting in mechanical
ventilation as an afterthought.

MR HANN: Okay.
45

MS BURGE: Rather than incorporating it within the building and directing it
straight to the roof straightaway.

MR HANN: Okay.

MR REES: But, to answer your direct question, John, yes, it is to do with the retail
uses - - -

5

MS BURGE: Yes.

MS O’KANE: Mmm.

10 MR REES: - - - not the residential.

MR HANN: Yeah.

15 MR REES: We could only hope that they are going, if they are – you are going to
approve this, to allow the, the plenums, that they would be - - -

MS O’KANE: Mmm.

20 MR REES: - - - shown in the image and building plans.

MR HANN: Yeah, yeah.

MR REES: Yeah.

25 MR HANN: All right.

MR REES: But, noting that the details of that aren’t really shown here at all in the
drawings - - -

30 MS O’KANE: Mmm.

MR REES: - - - it’s just mentioned as words, at the moment.

MS O’KANE: Yeah.

35

MR REES: So - - -

MR HANN: Yes. Because the, as we understand it - - -

40 MS O’KANE:

MR HANN: - - - the application doesn’t include any retail fit out.

MS O’KANE: Mmm.

45

MR HANN: That’s to be - - -

MR REES: No.

MS BURGE: Yeah.

5 MS O’KANE: But that’s a moot point, yeah.

MR HANN: - - - the subject of a separate DA - - -

MR REES: Yeah, yes.

10

MR HANN: But yeah, it’s a fair point you make.

MS BURGE: Yeah. It’s, we’ve seen it in the Darling Harbour Live - - -

15 MS O’KANE: Mmm.

MS BURGE: - - - Darling Square, where they designed a building to provide for that if in the future, a food and drink premises did go in. So they had the – a similar - - -

20

MR HANN: Right.

MS BURGE: - - - ah, aspect - - -

25 MR HANN: Yep.

MS BURGE: - - - where a separate application has to be, ah, submitted for the specific use of fit out.

30 MS O’KANE: Mmm.

MS BURGE: But the base building provided that infrastructure, ah, so - - -

MS O’KANE: Yeah.

35

MS BURGE: - - - they didn’t have to punch out a hole - - -

MS O’KANE: No.

40 MR HANN: Sure.

MS BURGE: - - - in the side of the building.

MR HANN: Yeah.

45

MS O’KANE: Good.

MR HANN: Yeah, no, no.

MS BURGE: Ah, in relation to public safety issues, ah, some CPTED issues have been resolved with the changing profile of the public domain.

5

MS O'KANE: Mmm.

MS BURGE: Raising planter beds or lowering planter beds or raising the, the, ah, ground level. Ah, however, we still maintain some of the comments that we made regarding security management plans being implemented and adequate consultation with police and other CPTED consultants being implemented in an overall design, rather than being an afterthought.

10

MS O'KANE: Yes.

15

MS BURGE: And that's, that's us.

MS O'KANE: Good, thank you.

MR HANN: Yeah. No, thanks, thanks, Marie. Thanks, Andrew. Ah, Mary, have you got any - - -

20

MS O'KANE: No, nothing.

MR HANN: - - - any particular things to add to that? Um - - -

25

MS O'KANE: It's raised some important issues, I think.

MR HANN: Yeah. Look, you have, it's really appreciated.

30

MS BURGE: Thank you.

MR HANN: Um, that's given us some, some good points to ponder. Ah, so thank you very much for - - -

35

MR REES: Thank you.

MR HANN: - - - making the time to come and - - -

MR REES: Yep, yep.

40

MS O'KANE: - - - brief us - - -

MR REES: Yeah.

45

MR HANN: - - - we appreciate that.

MS BURGE: Thank you.

MR REES: That's all right.

5 MR HANN: Ah, and we'll call the meeting closed, Caitlin, thanks.

MATTER ADJOURNED at 11.26 am INDEFINITELY