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INDEPENDENT PLANNING COMMISSION

COUNCIL MEETING

RE. PITT STREET SOUTH OVER STATION DEVELOPMENT

REFERENCE NO. SSD 8876 MOD 2 and SSD 10376

PANEL: **MR CHRIS WILSON (Chair)**
PROF HELEN LOCHHEAD

OFFICE OF IPC: **MS CASEY JOSHUA**
MS KATE MOORE

COUNCIL: **MR ANDREW REES**

LOCATION: **VIDEOCONFERENCE**

DATE: **3.48 PM, TUESDAY, 9 MARCH 2021**

MR C. WILSON: Before we begin I would like to acknowledge the traditional owners on the lands in which we virtually meet and pay my respects to their elders, past, present and emerging. Welcome to the meeting for Pitt Street South Over Station Development. Pitt Street Developer South Proprietary Limited is seeking
5 planning approval to construct a 39 storey residential tower above the Pitt Street South Metro Box including retail and communal residential spaces within the approved metro box.

10 They are currently seeking approval for modification to the concept plan. The site is located in the Sydney CBD at the corner of Bathurst and Pitt Street. The Sydney Metro City and Southwest Metro Line is currently being constructed on the site. At the completion of the metro line works the Pitt Street Metro Station will occupy the site. The proposal is located above the southern entrance to the Pitt Street Metro Station. My name is Chris Wilson. I'm the chair of this Commission Panel. I am
15 joined by my fellow commissioner, Professor Helen Lochhead. We are also joined by Casey Joshua and Kate Moore from the Office of the Independent Planning Commission.

20 In the interests of openness and transparency, and to ensure the full capture of information, today's meeting is being recorded and a full transcript will be produced and made available on the Commission's website. This meeting is one part of the Commission's consideration of this matter and will form one of several sources of information upon which the Commission will base its determination. It is important for the commissioners to ask questions of attendees and to clarify issues when
25 considered appropriate. If you're asked a question and I'm not in a position to answer please feel to take the question on notice and provide any additional information in writing which we will then put up on our website.

30 I request that all members here today introduce themselves before speaking for the first time and all members ensure they do not speak over the top of each other to ensure accuracy of the transcript. We will now begin. Well, Andrew, we know who you are, so you don't need to introduce yourself.

35 MR A. REES: Okay.

MR WILSON: So welcome.

MR REES: Thank you.

40 MR WILSON: We sent the agenda. The first thing we would really like to discuss, I guess, is the department's – sorry, the council's response to the department's assessment report and recommended conditions including whether or not council is satisfied of those conditions that – I mean, council made some recommendations in relation to conditions whether or not they've been satisfactorily incorporated and
45 whether or not there's any residual concerns in relation to the development by council of council or from council.

MR REES: Okay. So, yes, we have looked at all the conditions. There is one condition around condition B9A and that's in response to concerns about privacy and looking from apartments to the south, the Princeton Apartments. The department's condition recommends that all windows on the southern elevation feature either
5 external privacy screens or fixed obscure glazing, including kitchen and living rooms. Fixed glazing for apartments would negate natural crossflow ventilation for those apartments that are provided with two aspects and fixed obscure glazing would also contravene objective 4B(1) of the Apartment Design Guide associated with SEPP65, which states that:

10 *All habitable rooms are naturally ventilated.*

So should the consent be granted the city is of the opinion that that condition be amended to only require external privacy screens and delete the option for fixed
15 obscure glazing.

MR WILSON: For your information, the applicants sought that amendment to that condition as well.

20 MR REES: As well? Okay. That's good. The other matters that have been brought up: so we brought up issues regarding service, access and waste management, the signage zone above the Bathurst Street façade not being consistent with our development control plan and should be subject to a separate DA, the applicant should submit NatHERS stamp plans and questions around the provision of bike
25 parking on level 2 of the proposed as well as the safety of access to cyclists through the loading dock. We note that all of those have been adequately handled in the conditions. The waste has been dealt with on condition E9 which specifies that the owner must ensure that the private contractor be used for the waste removal and that that occur prior to the OC or the commencement of use.

30 The above awning signage it hasn't been approved and that's followed up in the draft conditions under the limits of consent under condition A6A and NatHERS is also now included in the stamped plans with the BASIX. So there's no further issue there. And in relation to bike parking, I note that condition B35 requires a safety
35 audit for the cyclists moving within the loading dock and we're happy with that as well and also condition B9 of the draft consent requires a relocation of 12 retail bike parking spaces for customers and staff from level 3 to level 2 in proximity to the retail end of trip facility. So all of those conditions adequately address our RTS matters that we brought up. Thank you.

40 MR WILSON: So – okay. So we will move on then to just some of the key themes on which the Commission is interested in. Obviously, solar access for – to the Princeton Apartments is one issue for the Commission. I guess, from a council perspective and council's role, obviously, in development in the CBD, does this –
45 does this type of, you know, inconsistency and the ability to, you know, meet the objectives of the ADG on sites like this and sites where they've built does this – has this – does this occur elsewhere?

MR REES: Yes, it does. Yes. There has been several DAs that I've been involved with. Probably the last one that – of note would have been 505 George Street, which is above the Hoyts Cinema. So there was residential to the south, southwest and southeast that would have been affected. So we do look carefully at the impacts but,
5 I guess, at the end of the day, being in the CBD context, strict compliance is always never going to be possible. Yes. So we've had to provide a little bit more – I guess, a bit more of a lenient view on that than we would say when we're dealing with development in Brownfield sites down in our southern – southern employment areas and so on.

10

MR WILSON: Okay.

PROF H. LOCHHEAD: Can I just ask a more broad - - -

15 MR WILSON: Of course.

PROF LOCHHEAD: More broad question. So bearing in mind we've got a review of the ADG design and places SEPP, will the city be making a submission to actually look at highly dense, you know, downtown locations because there's always
20 this difficulty where you've got a standard and you've got consistent noncompliance. So what is – what would be a reasonable standard in the future? So I'm not asking you to answer that now but I guess I'm just asking – this comes up time and time again and you're always caught between a rock and a hard place with someone sitting on the other side of the table - - -

25

MR REES: Yes. Well, we would like to be able to make a submission on that, Helen, yes. So we will definitely be discussing that internally and coming up with an approach. Yes.

30 PROF LOCHHEAD: Yes.

MR WILSON: Well, it's not a standard though, is it? It's a criteria and guidance.

PROF LOCHHEAD: No, no – yes, yes. Like – yes. It would be a policy position
35 that you would have to have but - - -

MR WILSON: Yes.

PROF LOCHHEAD: And I know it's – I know it's very particular but it – I mean, I
40 don't know what percentage of city CBD developments comply, probably most of them wouldn't, would they?

MR REES: No. No, they wouldn't.

45 PROF LOCHHEAD: Yes.

MR REES: So – yes. That’s – that’s the difficult thing. So I know that in the ADG, where it deals with solar access, it talks about some interpretation that we’ve had about if you do – don’t get two hours, how much can you reduce that amount of overshadowing by. I don’t know whether that has been looked at in this instance by
5 the department and, really, whether that’s - - -

MR WILSON: So put in more criteria for two hours?

MR REES: Well, only an interpretation of it. Yes. Yes. So perhaps that might be
10 something - - -

PROF LOCHHEAD: Yes.

MR REES: - - - that could be formalised, yes.
15

MR WILSON: Yes.

PROF LOCHHEAD: Okay. Yes. I mean – because, I guess, you do – in your submission you didn’t really sort of focus on that lack of compliance with the solar
20 access. So I just - - -

MR REES: That’s correct.

PROF LOCHHEAD: - - - sort of thought you gave up have the department
25 because – you didn’t give up, you just knew it was

MR REES:

PROF LOCHHEAD: But, I mean, it would have been – it was – the – it was
30 surprising that you didn’t make any kind of - - -

MR REES:

PROF LOCHHEAD: - - - commentary about it.
35

MR REES: Yes. Well, I think our main commentary was back with the concept plan. I think a lot of work was done there to ensure that it did comply with the solar access or sun access plan to Hyde Park but the discussion about the impact on the Princeton Apartments, which are notable because they’re – have windows right on
40 the boundary which wouldn’t – and a zero setback to that northern boundary or the southern boundary of this site, yes, is – makes it very difficult. So, yes, we basically
- - -

PROF LOCHHEAD: But also there’s – but also the apartments in the – in the
45 proposal – the southern apartments in the proposal.

MR REES: That’s right, yes.

PROF LOCHHEAD: Okay. Do you have any questions?

MR WILSON: Not really.

5 PROF LOCHHEAD: Okay. All right.

MR WILSON: Just in terms though, council has been represented on the – firstly, the DEEP and then the DRP all the way through, have they?

10 MR REES: That's correct, yes. Graham Young, our director, has been involved. So – and we've had several meetings with the proponent to go through the – all their detail but, yes, we're generally satisfied with the – with the design now.

MR WILSON: So you're satisfied it achieved design excellence?

15

MR REES: Correct. Yes.

PROF LOCHHEAD: So actually – I just – I could ask you about – you could ask about the setbacks, whether that had been something that had been discussed with council but I can't remember what the exact dimensions were. Chris, I'm going to rely on you for that.

20

MR WILSON: Well, I guess – I guess one of the issues where we're grappling with is whether or not increased setbacks will result in planning outcomes that are – that are justified. You know what I mean? I guess the – both the department and the applicant have told us or advised us, and in their documentation, that I think they did some sensitivity analysis in terms of setbacks particularly on the western side which – which demonstrated that if you set the building back either further back from Princeton or further back from Pitt Street that the gains are marginal; is that your understanding?

25

30

MR REES: That's – that's our understanding as well, yes. Yes. So I think, in terms of dealing with the overlooking issue, the architects have included the deep reveals, which will sort of negate wider angle views. But I guess the trick there was to deal with the adequacy of natural ventilation into the apartments themselves and we note that they've now done a – had a report from CPP about the flow rates going through or natural ventilation and I think they're changing the – or improving the flow resistance by removing the casement windows and reversing them to swing inwards. So – yes. So that, we felt, was a good compromise to deal with the issue of – well, making sure the amenity for everybody, both for the future occupants of this building and also the Princeton Apartments was taken care of. So – thank you.

35

40

MR WILSON: Okay.

45 PROF LOCHHEAD: And one thing I – I mean, I did ask them about the modelling or balancing the modelling and the depth of the façade and the – these sort of quite small openings with the light and amenity and ventilation. So, I mean, you were

satisfied that they're quite – they're quite deep reveals, like, 450, which is about that big, so - - -

MR REES: Yes.

5

PROF LOCHHEAD: - - - it's nothing significant and they're quite small openings. I mean, the – there's ones which are like 600 wide. So you're not going to get a lot of – you know, I mean, and I noticed the light is coming straight this way, you're actually getting a lot of light – direct light being shielded and I acknowledge that there might be some late afternoon summer sun but not to the extent you would expect in other sites because of all the surrounding towers. But you're satisfied that, on balance, the amenity – loss of amenity is reasonable compared to the other architectural and privacy issues that you think were - - -

10

15 MR REES: Yes, we agree. Yes. That's - - -

PROF LOCHHEAD: - - - more - - -

MR REES: That's correct, Helen. Yes.

20

PROF LOCHHEAD: Okay.

MR WILSON: There are conditions on noise. You're satisfied that noise can be addressed particularly in relation to the plant?

25

PROF LOCHHEAD: And the opening windows.

MR REES: Yes. Those conditions are reflective of what we would normally put down on our developments. So, yes, the – I think they've made - - -

30

MR WILSON: Okay. And you've found that those conditions are effective in the sense that, you know, there's mitigation measures that are – that can be applied that if there's – if there's problems with noise, they can be applied and they're effective?

35 MR REES: Yes. Yes, Chris.

PROF LOCHHEAD: All right. Yes. So do you require external fixed – I think we're sort of inclined to agree about some – a fixed glazing and the glass. But do you require external privacy screening on living spaces or only on bedrooms and bathrooms and sort of more private spaces? What's your normal - - -

40

MR REES: We would normally do it just for primary living areas. Perhaps with bedrooms we would, you know, just rely upon, you know, the use of - - -

45 PROF LOCHHEAD: Blinds?

MR REES: - - - blinds. And bathrooms are normally – can be smaller or made highlight windows. In this case they’re recommending all the windows regardless of their – them being either a kitchen, living or bedroom or bathroom. So I guess that’s one way to do it. It’s – so we wouldn’t have any objection to that.

5

PROF LOCHHEAD: Okay. All right. Okay. I don’t have any - - -

MR WILSON: I don’t have any – Andrew, we don’t have any – any more questions and, if we do – if we do come up with any more questions for council, we will put them in writing.

10

MR REES: Okay. Thank you very much.

PROF LOCHHEAD: Okay. Thank you.

15

MR WILSON: Thanks.

MR REES: All right.

20

MR WILSON: Thanks, Andrew.

MR REES: Okay. Bye-bye.

MR WILSON: All right.

25

MATTER ADJOURNED at 4.04 pm INDEFINITELY