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O/N H-1413399

**INDEPENDENT PLANNING COMMISSION**

**RE: PITT STREET SOUTH OVER STATION DEVELOPMENT  
PUBLIC MEETING**

**PANEL:**

**CHRIS WILSON (Chair)  
HELEN LOCHHEAD**

**LOCATION:**

**VIA VIDEOCONFERENCE**

**DATE:**

**9.58 AM, 22 MARCH 2021**

MR WILSON: Good morning, everyone, and welcome to the Independent Planning Commission's electronic public meeting into the state significant development application for the Pitt Street South Over Station Development. I'm Chris Wilson. I am the chair of this IPC panel. Joining me is my fellow commissioner, Professor  
5 Helen Lochhead. Before we begin, I would like to acknowledge the traditional custodians of the lands on which we variously meet, pay my respects to their elders, past, present and emerging, and to the elders from other communities who may be participating today.

10 Pitt Street Developer South Proprietary Limited, the applicant, is seeking 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. They are concurrently seeking approval for a modification to the concept  
15 approval. The site is located in the Sydney CBD at the corner of Bathurst and Pitt Streets. The proposal is located by the southern entrance of the Pitt Street Metro Station, which is currently under construction, in conjunction with the Sydney Metro City and the Southwest Metro Line works.

I note the Department of Planning, Industry and Environment, or DPIE, in its  
20 assessment report has recommended approval. The Minister for Planning and Public Spaces has asked the Commission to determine this application within eight weeks of receiving the final whole-of-government assessment report from DPIE. In line with regulations introduced in response to the ongoing COVID-19 pandemic, we have moved this public meeting online with registered speakers provided the opportunity  
25 to present to the panel via telephone or video conference. In the interests of openness and transparency, we are livestreaming proceedings on the Commission's website. A full transcript of the public meeting will be published in the next few days.

30 In terms of the Commission's role in the determination, the Commission was established by the New South Wales Government in March 2018 as a standalone statutory body operating independently of DPIE and other agencies. The Commission plays an important role in strengthening transparency and independence in the decision-making process for major development and land use planning matters  
35 in New South Wales. Key functions of the Commission include determining state significant development applications, conducting public hearings, public meetings for development applications and other matters, and providing independent expert advice on any other planning and development matter when requested by the Minister for Planning or the Planning Secretary.

40 The Commission is the consent authority for this state significant development application, because 50 or more unique objections have been received by the Department. It is important to note that the Commission is not involved in DPIE's assessment of the SSD applications, nor the preparation of their assessment reports.  
45 Commissioners make an annual declaration of interests identifying potential conflicts with their appointed role. For the record, no actual conflicts of interest have been

identified in relation to our determination of this development application. I have declared a perceived conflict of interest which has been published on the Commission's website. The chair of the Commission has considered the perceived conflict and determined that my nomination to the panel may proceed. You can find  
5 additional information on the way we manage potential conflicts on the Commission's website.

In terms of where we are in the process, this public meeting forms one part of the Commission's process. We have also undertaken a site inspection and met with  
10 DPIE, the applicant and the City of Sydney Council. Transcripts of all meetings and the site inspection dates have been published on our website. After today's meeting, we may convene with relevant stakeholders if clarification or additional information is required on matters raised. Following today's meeting, we will endeavour to make a determination as soon as possible, noting that there may be a delay if we find that  
15 additional information is required.

Written submissions on this matter will be accepted by the Commission up to 5 pm on Monday, 29 March 2021. You can also make a submission using the Have Your Say portal on our website or by email or post. The purpose of this meeting is for the  
20 Commission to invite interested parties, including stakeholders and members of the public, to make any submission they consider appropriate and would like the Commission to consider while deliberating on this application. The Commission is particularly assisted, however, by submissions that are responsive to DPIEs assessment report and recommended conditions of consent.

25 Before we get underway, I would like to briefly outline how today's meeting will run. First up, DPIE will present the findings of its whole-of-government assessment of the application. We will then hear from the applicant. We will then proceed to hearing from registered speakers in the order set out in the published schedule. I will  
30 introduce each speaker when it's their turn to present to the panel. All speakers were advised of their speaking time ahead of the meeting. A bell will sound when a speaker has one minute remaining. A second bell will sound when a speaker's time has expired.

35 It's important that everyone registered to speak receives a fair share of time, and as such I will enforce timekeeping rules. However, as chair, I reserve the right to allow additional time where it is needed to present new material. If you have a copy of your speaking notes or any additional material to support your presentation, it will be appreciated if you could provide a copy to the Commission via email. Please note  
40 any information given to us may be made public. The Commission's privacy statement governs our approach to your information. Our privacy statement is available on our website. Thank you. It is now time to call our first speaker. Mr Witherdin.

45 **MR WITHERDIN:** Good morning. My name is Anthony Witherdin, and I am the director of key sites at the Department of Planning, Industry and Environment. I am here today with my colleagues Annie Leung and James Groundwater. The

Department also engaged an independent planning consultant, Natasha Harras, to review and finalise the assessment of the proposal. The Commission has asked me to present at today's public meeting, and I will start with a high-level description of the site and the proposal. I will then provide a summary of the Department's assessment and conclusions on the key issues associated with the proposal.

So the site is located in the CBD on the south-eastern corner of the Bathurst and Pitt Street intersection. It is an L-shaped block which wraps around the heritage-listed Edinburgh Castle Hotel. Immediately to the south of the site is the Princeton apartment building, and immediately to the east of the site is the Eurotower apartment building. In addition to the Edinburgh Castle Hotel, the site sits near a number of other heritage buildings, including the former Speedwell House on Bathurst Street, the former Sydney Water building on Pitt Street, and the Metropolitan Fire Brigade building on Castlereagh Street. Now, the Pitt Street Metro Station is one of seven new stations approved as a part of the new Sydney City and Southwest metro lines, and the site sits above the southern entrance of the new Pitt Street Metro Station.

In June 2019, concept approval was granted for an Over Station Development on the site. This included a maximum building envelope, a maximum building height, car parking and land uses. Now, the proposal before the Commission today seeks approval for two things: firstly, to modify the concept approval, and secondly, state significant development approval for a residential tower. The modification application seeks approval to permit architectural façade elements to encroach on the approved building envelope and to include retail premises within the podium. The encroachments vary across different elevations of the building, with the largest elevation being up to 450 millimetres on the Bathurst Street frontage.

The SSD application seeks approval for the design and construction of a 39-level residential tower with 234 apartments and strata subdivision. The Department publicly exhibited both proposals in June last year and received a total of 87 public submissions and comments from Council and other agencies. The key issues raised in public submissions including the many impacts to neighbouring buildings, particularly overshadowing and privacy impacts. Concerns were also raised about the consistency of the proposal with the concept approval, visual impacts and building separation. So that provides a high-level background on the site and the proposal.

I will now move on to talk about the Department's assessment of the key issues associated with the proposal. The Department assessed the proposal against Council's planning controls for the site and the existing concept approval. The Department's assessment found that the proposal fully complies with Council's planning controls in terms of building height, sun access plane and floorspace ratio. The Department also considers the proposal is consistent with the concept approval as it is largely contained within the approved building envelope.

The Department notes the proposal includes some façade elements which project beyond the approved building envelope. However, these variations are considered to be minor, being up to 450 millimetres, and the projecting façade elements would improve the appearance of the building, would provide privacy screening for  
5 neighbours, and would not impact on the overall visual bulk of the building. The Department is therefore satisfied the proposal complies with Council’s planning controls and the minor variations to the concept envelope are acceptable.

10 In terms of overshadowing, the Department notes the proposal will overshadow the Princeton Apartments. However, the Departments considers the overshadowing impacts are reasonable given the proposal fully complies with the height and floorspace ratios and controls for the site and any permissible development on the site would result in similar overshadowing impacts, given the Princeton Apartments sit directly to the south of the site. The Department also notes that the earlier concept  
15 proposal included solar analysis, which found that increasing the building separation between the proposal and the Princeton Apartments would not improve solar access to the Princeton Apartments due to their orientation and layout.

20 The Department is also satisfied that the current proposal, which includes increased setbacks from the eastern boundary and a smaller podium, results in improved solar access to the Princeton Apartments compared to the concept approval. In terms of privacy impacts, the Department notes a number of amendments were made to the proposal in response to the concerns raised about privacy. This includes removing the communal open space from the podium and replacing it with landscaping that  
25 would not be accessible, relocating the balcony on the south-eastern unit of each level away from the Princeton Apartments, providing fixed louvers to bedroom windows facing towards the Princeton Apartments, and ensuring all windows along the southern elevation facing the Princeton Apartments cannot be opened.

30 The Department has also recommended a condition requiring additional screening be provided for windows at each end of the southern elevation to prevent overlooking towards the Princeton Apartments. With these proposed measures in place, the Department is satisfied the proposal would not result in adverse privacy impacts. In terms of building separation, the Department notes the approved building envelope  
35 provides a 12-metre setback to the southern boundary next to the Princeton Apartments. This is consistent with the shared building separation requirements in the apartment design guide.

40 The Department notes the current proposal would encroach on the approved 12-metre setback by up to 150 millimetres, or 15 centimetres. This encroachment again relates to the façade elements of the building. The Department considers the proposed encroachments are minor and they will not result in any significant impacts on the Princeton Apartments compared to the existing concept approval. Importantly, the Department notes the windows along the southern elevation of the  
45 proposal would still be set back 12 metres from the boundary of the Princeton Apartments, and, as mentioned earlier, these windows will be provided with fixed louvers to avoid any privacy impacts.

Further, despite the minor encroachments on the setback, the submitted solar analysis demonstrates that the current proposal would result in less overshadowing impacts compared to the approved concept envelope. Finally, in terms of design excellence, the Department is satisfied the proposal would achieve design excellence, as it is supported by the Design Review Panel, which was chaired by the Government Architect and includes a member from the City of Sydney Council. It incorporates high-quality materials and finishes to integrate with the approved metro station and nearby heritage items, and its height and scale is compatible with other tower developments in the CBD.

The Department's assessment therefore concludes the proposal is acceptable, as it complies with the planning controls applying to the site. It is consistent with the concept approval, with the exception of some variations which are considered to be minor and acceptable. Overshadowing impacts are reasonable considering the context of the site. A suite of measures would be provided to protect privacy of the adjoining apartments. And finally, the proposal achieves design excellence. So that provides a high-level summary of the Department's assessment of the key issues associated with the proposal. The Department's detailed consideration of these issues and all other issues associated with the proposal can be found on the Department's assessment report, which is available on our website. Thank you for your time this morning.

MR WILSON: Thank you. Mr Witherdin, just a lot of the submissions – the majority of submissions raised the issue of relation to compliance with the concept plan. The Minister imposed a condition on the concept plan, B3H, which requires consideration of increased solar or better solar outcomes. Is that your – what is the intent of that – what was the intent of the condition, and how has that been met?

MR WITHERDIN: Annie, would you like to elaborate on that question?

MS LEUNG: Yes, sure. So, thank you, Commissioner, and thank you, Anthony. Just looking at – I just want to confirm, in terms of the condition that the commissioner wanted us to elaborate on, are we looking at B3E, which deals with the - - -

MR WILSON: Initially I would like to talk about B3H.

MS LEUNG: H. Okay. So B3H refers to addressing compliance of SEPP 65 and the apartment design guideline. So if we look at the whole of the condition B3, it refers to a range of built form consideration, which are criteria for the applicant to consider when they are developing the design within the approved building envelope. And given it is a residential development, SEPP 65 and ADG would be the relevant consideration when they are designing their built form.

MR WILSON: Okay. And the Department, obviously, in making a recommendation, is satisfied that they've met that condition – the Minister's conditions.

MS LEUNG: That's correct. So the Department's assessment report includes a review of the consistency of the proposal against the concept approval, as well as an assessment against SEPP 65 and ADG.

5 PROF LOCHHEAD: May I ask a question?

MR WILSON: Yes.

10 PROF LOCHHEAD: And do you feel that this has been fully interrogated and all options have been really fully explored?

15 MS LEUNG: So within the same condition, as I earlier mentioned as well, in condition B3, there is also specific reference to consideration of options that would deal with solar access, both in terms of impact to Princeton Apartments, but obviously in relation to compliance with ADG, a range of design options were also canvassed through – especially in particular, through the Design Review Panel, in terms of solar access for the proposed apartments themselves as well.

20 MR WILSON: Okay.

PROF LOCHHEAD: Perhaps if you just fully explore how they've mitigated the impacts of lack of solar access in particular.

25 MS LEUNG: So there's a number of different solar analyses has been completed, both through the concept approval assessment as well as the design of the current proposal. It is acknowledged in the Department's assessment that, given the orientation of the site, the density of where the proposal occurs, the permissible density and the compliance and the height limit applying for the site, there will be overshadowing impact caused by the proposal to Princeton Apartments, which is directly south of the site. A number of investigations were completed in the concept approval.

35 One of the identifications was that a further building separation between Princeton Apartments and the proposal is not effective in mitigating solar overshadowing impact to Princeton Apartments. However, the concept approval required an additional three-metre setback from the rear boundary, which was as part of the requirement of the concept approval, which would result to improvements to solar access to Princeton Apartments. And further to the requirement of that additional setback under the concept approval, the concept approval also asks for further exploration of design options to, when the detailed design of the proposal are developed, to further improve solar access to the Princeton Apartments.

45 And one of the specific options that the condition B3E asks the proposal to explore is the consideration of the articulation of the building from Pitt Street. The applicant has provided solar analysis that deals with the articulation of the building from Pitt Street, but it has found that an additional setback further than the three metres required by the concept approval would actually deliver better solar access

improvement to the apartments of Princeton Apartments than an articulation of the building from Pitt Street, and that's where the Department is satisfied the options as required and the consideration as required by B3 has been met by the proposal, but also at the same time the design as is presently proposed would deliver a better solar access outcome to Princeton Apartments than the approved building envelope.

5 PROF LOCHHEAD: Okay.

MR WILSON: Okay. Thank you. That's all – the only questions we have at this point.

10 PROF LOCHHEAD: No, no, what about the conditions?

MR WILSON: Conditions.

15 PROF LOCHHEAD: You would have noted that the applicant has asked for some amendments to the conditions. Do you have any comment about those amendments to the conditions?

MR WITHERDIN: To my understanding we haven't seen any of those comments at this point.

PROF LOCHHEAD: Right.

25 MR WILSON: Okay. So what we will do separately is we will send a separate letter to the Department with a request for confirmation on whether or not you agree or otherwise to those recommended changes to the conditions.

MR WITHERDIN: Yes, that's fine. And we can reply in writing.

30 MR WILSON: Thank you. That's all we have for today from the Department. Thanks, Mr Witherdin.

MR WITHERDIN: Thank you.

35 MR WILSON: I will now call on Mr Carolan from the – on behalf of the applicant.

MR CAROLAN: Good morning. Can you hear me okay?

40 MR WILSON: Yes. Hello, Mr Carolan.

MR CAROLAN: Thank you, Commissioners, Mr Wilson and Professor Lochhead. Good morning, everyone. My name is Chris Carolan, and I'm representing the applicant for the Pitt Street South Over Station Development stage 2 application. We very much appreciate the opportunity as applicant to speak at the public meeting. We share the Commission's recognition that community participation is an integral

part of building trust in the decision-making process for complex and contentious state significant development in New South Wales.

5 We further recognise that the Commission provides an additional level of scrutiny in the determination of major development applications, especially where there is a high level of community interest. Ostensibly we understand the primary purpose of this meeting is to enable the Commission to hear the participants' views of the Department's assessment report and recommendations, including the proposed consent conditions. We further understand that this is not the forum to talk about the 10 objections received. However, we would like to respectfully acknowledge that the majority of community speakers today did lodge an objection to our stage 2 application.

15 The Pitt Street Developer South is an entity owned by Oxford Properties Group, a leading global real estate investor, asset manager and developer headquartered in Toronto, Canada. Oxford Properties is in turn owned by OMERS, the Ontario Municipal Employees Retirement System, which is a defined pension plan or superannuation fund. It is important for us to mention that Oxford's motivation for this project – indeed, all of its projects – is to fulfil the pension promise to its 20 members, to provide safe and sustainable pensions for the municipal workers of Ontario. As such, this project represents a considerable investment of the highest standard globally and a commitment to the emerging build-to-rent asset class in Australia.

25 Oxford is showing leadership by committing to Sydney CBDs purpose-designed build-to-rent development. It is vital for Sydney to attract international investment, especially as we emerge from COVID-19. Build-to-rent is a well-established sector in the US and Canada, and more recently in the UK. Oxford owns and manages over 30 10,000 apartments globally, with buildings in cities such as Toronto, Montreal, New York, Washington and Boston, as well as a growing portfolio in the UK. It provides benefits to renters in areas of customer service, community and flexibility.

For investors like Oxford, the attraction in build-to-rent is that it is a single 35 ownership structure with a focus on long-term stable returns. This is as opposed to build-to-rent apartment developers who are looking for sales and short-term returns. Oxford is more interested in creating quality buildings for the long-term in connected locations, developing superior assets that will attract and retain renters and thereby fulfilling the investment returns of the pension fund members. This is an important project for our city. Given Australians are continuing to be challenged by housing 40 affordability, build-to-rent offers a long-term quality alternative with institutional ownership and market-leading onsite and asset management.

The Pitt Street South Over Development is one of three components of the Pitt Street 45 Metro Integrated Station Development, the other components being the metro station itself being delivered by our partners CPB Contractors, and the Pitt Street North Over Station Development, which is also being developed by Oxford Properties. We take very seriously the responsibility to have carriage of the first new rail station

development in our city for over 40 years. Sydney Metro undertook an extensive selection process before choosing Oxford for the Pitt Street project. Members of the project team have been working on this opportunity for over three years.

5 We have invested significantly in the project and through this time we have worked hard to balance the interests of all stakeholders in conceiving the best possible design and balanced development. In relation to stakeholders, we have actively, authentically and consistently engaged with stakeholders and the community since our appointment in September 2019. In relation to Pitt Street South, we have  
10 engaged specifically with 32 separate stakeholder groups. During the exhibition period, we undertook over 10,000 letterbox drops, held open community forums and specific meetings with key groups. The feedback we received during this process led us to modify our application and our response to submissions.

15 Over the past two years we have undergone significant design review by two separate distinguished panels. Firstly, the Sydney Metro Design Excellence Evaluation Panel, which was during the tender period. The panel was chaired by the acting Government Architect and included members from the City of Sydney and other distinguished architectural leaders. Post award of the contract, the project was  
20 reviewed on multiple occasions over a 12-month period by the Sydney Metro Design and Review Panel, chaired by the New South Wales Government Architect and similarly included members from the City of Sydney and other distinguished architectural leaders.

25 The Department's assessment report notes that the Design and Review Panel awarded design excellence to the project both on lodgement of the development application and subsequently for the modified design in the response to submissions. The applicant also consulted regularly and authentically with the City of Sydney during the design development phase. The feedback received was incorporated into  
30 the design as lodged in our development application. We note that the City objected to the stage 1 development application but did not object to our stage 2 application. The stage 1 development application was lodged by Sydney Metro in August 2018 and subsequently approved by the Minister for Planning in June 2019.

35 The stage 1 consent established an approved building envelope which became the starting point for ourselves. As it stands today, the Pitt Street developer has chosen to underdevelop the site in three key areas. Firstly, the current application only utilises approximately 87 per cent of the stage 1 approved envelope in volumetric terms. (2) the current application does not utilise the maximum floorspace ratio  
40 under the Sydney LEP 2012. And (3) the current application does not utilise the maximum allowable height of the stage 1 approved envelope. These are noted throughout the Department's assessment report.

45 We believe the Department undertook an extremely thorough and comprehensive assessment. The SEARs issued to us by the Department in October 2019 required us to prepare a significant application, which resulted in us lodging 52 separate reports. The Department's assessment of these reports was detailed, substantive and wide-

ranging. The subsequent RTS request saw us lodging a further 11 reports, as well as responding to the Department's two further requests for information and lodging another 10 reports. We note the Department has recommended the project as approvable subject to conditions.

5

The Department's recommended consent consists of 202 conditions. As stated previously, we are respectful of the Department's recommendations, given the extensive and comprehensive assessment that they have undertaken over a significant period of time. In the main, we are comfortable with the recommended conditions given the nature, location, size and complexity of this project. Accordingly, we have sought to modify just five of the 202 conditions. We acknowledge the Department's assessment report is a comprehensive document which deals with all aspects of the project. We note that the Department has assessed the merits of our proposal, taking into consideration issues raised in the public and authorities' submissions, as well as our response to these.

We further note the Department is satisfied that the impacts have been satisfactorily addressed by our proposal, our revisions, and the Department's recommended conditions. They have stated that our proposal will provide additional housing with excellent access to jobs, services and public transport within the CBD. They have found our proposal provides an appropriate built form in response to the constraints and opportunities that applied to the site, including the surrounding heritage sites, and that the development achieves a high standard of design, is appropriate within its urban context, and is supported by the Sydney Metro Design and Review Panel chaired by the New South Wales Government Architect with representation by the City of Sydney.

That the built form envisaged is generally consistent with the stage 1 approved building envelope. They acknowledge that overshadowing impacts the neighbours to the south. However, the extent of the impact is considered similar to any reasonable development of the site in accordance with the applicable planning controls and materially less than the impact of the stage 1 approved envelope. That we as applicant have demonstrated that the built form achieves the specific design objectives outlined in the established design guidelines, the conditions and requirements of the stage 1 approval, and the relevant objectives of the ADG. That we have amended the design in response to the advice of the Sydney Metro Design and Review Panel and that both the panel and the Department consider our proposal exhibits design excellence. And we finally acknowledge the Department's assessment concludes that our proposal is in the public interest.

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In conclusion, we believe the Pitt Street South Over Station Development will be a wonderful contribution to our city, and a historic one, given its build-to-rent use and its connection with the future Pitt Street Metro Station. On behalf of Oxford Properties and the project team, I would like to thank the Commission for the opportunity to speak today and outline the project from our perspective. Consistent with the primary purpose of this public meeting, as previously stated, we are generally comfortable with the Department's assessment report and

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recommendations, including the proposed consent conditions. Thank you very much.

5 MR WILSON: Thank you. Mr Carolan, just in relation to the envelope that was approved by the Minister in 2019, I understand the envelope is a maximum, and that you've said an 87 per cent volumetric fill, so you've cut the building back somewhat. We've heard from the Department and we've heard from yourself previously that it was unviable or unrealistic to have a greater separation distance from the Princeton Towers, primarily because – I think because other buildings preclude advantages or further improvements on solar access even if you do increase that separation. Can you elaborate on that, please?

15 MR CAROLAN: Sure. So obviously we weren't the applicant for the stage 1 application, but during that consideration there were a number of solar studies done as part of that application and assessment. Consistent with that, it was important for us to engage the same solar consultant so that all the knowledge that he had gained through the stage 1 we could effectively piggyback from in terms of the stage 2. For all the different, let's say, organisations that we're accountable to, including the community through the stage 2 consideration of the application, the Design and Review Panel, the City, Princeton Apartments, and the Department itself, we considered a number of scenarios, some instigated by ourselves, some instigated by the Department.

25 And you will see in the response to submissions and in the RFIs a number of scenarios that we undertook in terms of the setbacks to the east and the west and in terms of the impacts in terms of overshadowing in Princeton Apartments. Furthermore, in terms of the question that we were put on notice by the Commission itself, we provided a further report, and we tried to make that as plain English as possible, because it's very technical in terms of where we're getting into at the moment. And we lodged that with the Commission last Thursday. And what that did was provide a bit of broader context, because overshadowing is not overshadowing in itself. There are defined parameters around overshadowing. Princeton Apartments is a building that has been there for some time, and its orientation actually impacts the ability or not, in terms of overshadowing to living spaces.

35 So what we did in our submission to you is we looked at the living spaces and we looked at all spaces that were habitable. We also looked at different hours, so as well as the prescribed hours in compliance, we looked at different hours. And then for the compliant times, we looked at different moves into the building to give you some understanding and appreciation that even significant moves don't have a large impact or much of an impact on overshadowing compared to our application. And we also would like to state that I think the number is about 168 minutes of additional solar that Princeton will earn over and above the stage 1 envelope, and that has been included in our recent submission as well.

PROF LOCHHEAD: Can I ask a question? One of the things that was – thank you for that additional information, but most of it was written, and so it was very difficult to actually assess on our own account the demonstrable evidence of the options that you presented, because it was all written information as opposed to graphic  
5 information. One thing that was actually presented quite fully was the articulation of the façade and the depth of the façade elements from 450 to 300 to 250. And I was wondering – and then the density of those façade elements; a lot of time and effort put into that.

10 But there also is a quite clear differentiation in the modelling of the building into four distinct volumes, and while the north-east and north-west elements are quite high in amenity in terms of solar access, light, views, etcetera, the south side obviously is much more compromised. And yet in terms of the ability to model a variation and have maybe slimmer façade elements or greater glass-to-solid ratio, you didn't seem  
15 to explore that in any of your options, which seems like an obvious option to have interrogated. So could you explain why you didn't explore that, and, if you did explore it, why you didn't actually further that.

MR CAROLAN: Thank you, Professor Lochhead. Yes. We wanted to take out  
20 some vertical elements of the GRC facing east that impact the south-east apartment. What I would like to note is that it is our understanding that this will be the first BASIX 30 residential building approved in the city. I cannot emphasise enough how challenging it is to get to BASIX 30 within the physical environment of the Sydney CBD and all the other things we're attempting to balance. If we take one GRC  
25 element off an apartment, that apartment will no longer be compliant with BASIX 30. That is how sensitive it is.

If we were to remove the GRC element, we would have to put back a solid element in the façade of the same scale. It is that fine-tuned in terms of the BASIX. If the  
30 requirement was not BASIX 30, then we would have more flexibility in relation to the number of GRC elements. We looked at moving GRC elements and maintaining the same level of solidity in the façade to maintain the BASIX 30, but in terms of that – what we might call that eastern façade at the southern end, we looked at some areas ourselves and with Bates Smart, and there were none that provided improved  
35 amenity and maintained the BASIX 30.

PROF LOCHHEAD: Even a shallower depth of the façade elements?

MR CAROLAN: So the way BASIX works is that it is about the width that  
40 expresses in the façade. You are correct, if we reduce the depth of the GRC, we could maintain the BASIX. Yes, that is possible. We then have a scenario, though, that we have different depths of GRC elements in different parts of the façade, which architecturally, given the feedback from the DRP, was not a direction that we followed.

45 PROF LOCHHEAD: But could you just clarify, did you model it in terms of any improved benefits in terms of solar access or light?

MR CAROLAN: We believe there are marginal benefits in terms of solar access, because those elements are doing a number of other things in addition to solar access, and things that we've talked about, including privacy.

5 PROF LOCHHEAD: Okay. Thank you.

MR CAROLAN: Just in terms of your other question, in terms of our submission on solar access, if it's a benefit to the commissioners, we're happy to put drawings together to support those information slides.

10

MR WILSON: We would appreciate that, Mr Carolan.

PROF LOCHHEAD: Yes.

15 MR WILSON: If you could provide that to the secretary, we would appreciate it.

PROF LOCHHEAD: Thank you.

MR CAROLAN: We will do that, commissioners. Thank you.

20

PROF LOCHHEAD: Yes. In your package of information, one of the definitions or assumptions that you used was the compliance of one square metre of sun onto the living room glazing for two hours between 9 and 3. I fought the standard was on the – you know, one metre above the floor in the apartment. So I was just wondering where this definition of one metre of sun onto the glazing comes from.

25

MR CAROLAN: We didn't bombard you with the ADG definitions, but I'm happy to take that on notice and provide further clarification. As I said, we prepared this very much in plain English, knowing that it would be published on the website, so not just for ourselves but also for the community. But in terms of detail and the definition, we will follow that up in a separate submission.

30

PROF LOCHHEAD: Okay. Thank you.

35 MR WILSON: Mr Carolan, it might be just worthwhile articulating, I guess, your deliberations on the western element. I understand you went through a number of design iterations, and there was a specific requirement in the conditions for you to address the western elevation in relation to achieving, I think, an eight-metre setback or thereabouts, and the deliberations that went into deciding or determining or finalising where you are in your application. You did touch on – I'm sorry if I'm repeating myself, but you did touch it briefly in your presentation.

40

MR CAROLAN: Sure. So the goal was to enhance the solar access to Princeton Apartments by undertaking a number of scenarios. So that's the goal. The condition – one of the conditions asked us to look at an articulated western setback or the setback to Pitt Street as part of fulfilling that goal. Once you look at all the exercises and scenarios we did, it was evident that there was larger benefit gained by setting

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back the eastern façade than there was setting back the western façade. So we made a decision – the applicant made the decision to increase the eastern setback, as we described in the PAC.

5 And furthermore, after the second meeting with Princeton Apartments, they asked us to look at the balcony on the south-east corner, which we applied to the Design and Review Panel to move, and thereby taking, if you like, a further element off the eastern side of the building. On the western side, as per the PAC, we undertook a number of scenarios both with the DRP and the Department, and we also referenced  
10 some of the exercises that were done in the stage 1 process. And in relation to our recent submission, study 1 was in relation to the removal of what we call the south-west corner, so if you just increase the setback on the west by the level of encroachment of the envelope, then that increases one minute to nine apartments within Princeton, so just nine minutes in total.

15 The next study we undertook was an increase in the western setback at the corner, and that was an additional 1.5 metres in width – sorry, in depth of the setback, and 2.84 metres, which corresponded to a building module. And that gave an additional benefit of five minutes to just nine apartments. We then replicated a study that we  
20 understand was undertaken in the stage 1 application process and was discarded, and really it was a scenario testing at the extreme, and that was to increase the setback to the western façade of the building by its full length, by 1.5 metres. It makes the building unviable from a development point of view, because it wipes out a series of apartments in our development, but just to give you a sense of the limited benefit that  
25 that extreme measure provides is an increase in 10 to 17 minutes to living areas of 19 apartments.

The other thing I wanted to mention is that we don't impact every apartment within Princeton. And what we've sought to do on page 4 of our submission is just to  
30 identify all the living spaces within Princeton, those that we impact and those that we don't. So for example, there are 116 apartments within Princeton. 33 are not impacted by this development. So when we're talking about impacts, even though reports talk about 116 apartments, we actually only have an ability to impact 83.

35 So if you're talking about that extreme scenario that we did, study 3, that impacts 19 apartments out of the 83 that the stage 1 envelope impacts. So what this document tries to do is just to contextualise the discussion for you – in plain English, because the numbers can be very, very complicated and long – so that you can get a macro appreciation for some of the changes that we've looked at and what the  
40 consequences are. We're happy to do more, but we didn't want to bombard you with lots and lots of information.

MR WILSON: No, that's okay. Just in terms of the three-metre setback on the eastern side, is that in addition to the requirement in the concept plan for the three-  
45 metre setback, or is it - - -

MR CAROLAN: You will just have to let me just check my notes, Commissioner.

MR WILSON: I'm happy for you to take it on notice, Mr Carolan.

MR CAROLAN: I can probably do this - - -

5 MR WILSON: Actually, in your notes you said an additional one point – sorry, from three-metre setback to 4.5.

MR CAROLAN: That's right. So on page 11 – it was our application, so, you know, we initiated it. No one asked us to do it. We increased the setback to the  
10 eastern boundary from three metres to 4.5 - - -

MR WILSON: Okay.

MR CAROLAN: - - - and we reduced the podium, and that provided an extra 156  
15 minutes. We then had a chat, the second chat, with Princeton, who asked us to look at that other balcony.

MR WILSON: Balcony.

20 MR CAROLAN: Yes. And then we also reduced the depth of the western façade and we made an improvement to 168 minutes for 19 apartments.

MR WILSON: And that generally reflects your volumetric fill.

25 MR CAROLAN: That's right. So the reduction in the podium and the reduction on the eastern side, and then the other reduction obviously of the volume is the setback on the eastern side – sorry, on the western side above the heritage pub.

MR WILSON: Okay. That's all we have, Mr Carolan. We thank you very much  
30 for your time.

MR CAROLAN: Thank you, commissioners.

MR WILSON: We will now break and reconvene at 11.10. Thank you.  
35

**RECORDING SUSPENDED** [10.51 am]

40 **RECORDING RESUMED** [11.10 am]

MR WILSON: Welcome back, everyone. I would like now to introduce our next  
45 speaker, Ellen Robertshaw. Ellen, I think you're muted.

MS ROBERTSHAW: That's going to be the catchcry, isn't it? Apologies for that. I will introduce - - -

MR WILSON: Do you want to start again, Ellen, because we missed your opening statements.

5 MS ROBERTSHAW: You did. And that was purely to say good morning to  
yourself, Chris, and to Professor Lochhead. Good morning. Ellen Robertshaw. I'm  
a director at DFP Planning, and we have been assisting Princeton Apartments in  
relation to the Over Station Development since mid-2018, even before the initial  
concept application was lodged with the Department. At the initial meeting with the  
10 proponent for the Over Station Development, we were provided with a scheme which  
showed a building envelope with the south-eastern corner of the building chamfered  
or angled, shall we say, and that was a scheme that, although it wasn't properly  
modelled, seemed to have some sort of merit in terms of a development proposal  
which would minimise impacts on the Princeton Apartments development,  
particularly in relation to solar access.

15 We then were involved in assisting Princeton Apartments in providing submissions  
to the concept plan application, which, curiously, did not include a building envelope  
that had that chamfered corner. It was a block design for the Over Station  
Development. And that, as you would be aware, results in significant and, we  
20 contend, adverse impacts on solar access to Princeton Apartments. I guess that's the  
main crux of our submission. We think the solar access issues are coupled with other  
non-compliances with the ADG, in particular building separation, although I contend  
that the applicant has tested an increased building separation.

25 I haven't seen that testing, but they've contended that an increased building  
separation does not make any measurable improvement in terms of solar access to  
Princeton Apartments. I would be interested to see that modelling if it could be  
made available to us. But I guess more than anything, the solar access impacts are  
the most critical for the residents of Princeton Apartments. In our submission to the  
30 Department in relation to the concept design, we did identify that the fundamentals in  
relation to establishing the building envelope were critical at that point to ensure that  
adverse impacts on Princeton Apartments were avoided and to ensure that the  
expectations of the developer were appropriately managed. That doesn't appear to  
have occurred, and we have to contend that the stage 2 design is a development that  
35 fits within the – generally within the approved building envelope. I think the  
problem is way back in the concept design stage, but, yes, we might have to say that  
that horse may have bolted.

40 With the exception of the conditions of the concept approval which you, Mr Wilson,  
have identified, and Professor Lochhead, and that is condition B3, and specifically I  
draw your attention again to condition B3H and the wording of that condition, which  
requires a residential scheme for the Over Station Development to achieve  
compliance with SEPP 55 and the ADG. Now, by the applicant's own admission,  
and as detailed in the Department's report, the Over Station Development – not only  
45 does it not achieve compliance with the ADG for the actual development itself, it  
certainly does not achieve compliance for the Princeton Apartments building. I don't  
know if the – commissioners, do you have available to you a copy of the ADG?

PROF LOCHHEAD: Yes.

MS ROBERTSHAW: Yes, you do. That's great. If I could ask you to – have you got a PDF copy, commissioners?

5

PROF LOCHHEAD: Yes. Well, I've got – I have part of it on my computer. I don't have the whole thing. But I think I have the relevant sections that you're probably referring to.

10 MS ROBERTSHAW: Okay. I would like to refer you, if I could, please, to part 2F, which is building separation.

PROF LOCHHEAD: No, I don't have that then.

15 MS ROBERTSHAW: Okay.

MR WILSON: Can you share it, Ellen?

MS ROBERTSHAW: I can. I can share, yes.

20

MR WILSON: Is that – yes. I'm happy for you to share it.

MS ROBERTSHAW: That's probably within the ..... of my ability. No, "The host has disabled participant screen-sharing." Sorry. Is that possible to do that?

25

MR WILSON: They're just trying to - - -

MS ROBERTSHAW: Okay.

30 MR WILSON: They're working on it, Ellen. If you want to - - -

MS ROBERTSHAW: Not a problem.

MR WILSON: Now, you can share now.

35

PROF LOCHHEAD: Well, actually, we can just find it. You don't have a computer.

MR WILSON: I don't have a computer.

40

MS ROBERTSHAW: No, that's okay. I can – this one, I think. No, this one. Let's try this one. Are we on my screen?

PROF LOCHHEAD: It might take a minute.

45

MS ROBERTSHAW: Okay.

PROF LOCHHEAD: Here, you can share it with me, Chris.

MR WILSON: All right. Thank you. Okay. You can start - - -

5 PROF LOCHHEAD: We now – we have it.

MR WILSON: We have it now, Ellen.

10 PROF LOCHHEAD: What page are – it looks like it might be sharing now.

MR WILSON: Okay.

MS ROBERTSHAW: All right. Are we on?

15 MR WILSON: Yes.

PROF LOCHHEAD: Yes, yes. We can see that now.

20 MS ROBERTSHAW: Yay, technology works. Okay. So 2F is building separation. Perhaps if I can just draw your attention specifically to this, I guess, principle of building separation:

*Building separation controls should be set in conjunction with building height controls –*

25

no, that's not the one. Sorry. My apologies. No, it's this one. Sorry, this one:

*...ensures communal open space and private open spaces can have useable areas ... Within apartments, building separation assists with visual and acoustic privacy, outlook, natural ventilation and daylight access.*

30

And then if I can draw your attention now to that building – this section here in relation to the development criteria:

35 *Building separation may need to be increased to achieve adequate solar access and enough open space on the site.*

And “to achieve –” this one here, sorry – “and to achieving desirable urban form”. Then if I could take you to 3B, building orientation. I will just enlarge this for you.

40 And in the objectives of 3B-2:

*Where an adjoining property does not currently receive the required hours of solar access –*

45 which is the case with Princeton Apartments –

*the proposed building ensures solar access to neighbouring properties is not reduced by more than 20 per cent.*

5 And clearly the development does not achieve that objective, by the applicant's own admission. So we contend that the development has not achieved compliance with concept – the conditions of the concept approval in relation to B3H in that it does not achieve compliance with the ADG. The non-compliances of the actual Over Station Development with the ADG are detailed in the Department's assessment report, and I won't go through those, because it's more important that – sorry, apologies.

10 MR WILSON: That's all right.

MS ROBERTSHAW: Were the commissioners provided with a copy of the submission?

15 PROF LOCHHEAD: Yes.

MR WILSON: Yes.

20 MS ROBERTSHAW: Okay. So I don't need to ..... - - -

MR WILSON: I have your submission in front of me, Ms Robertshaw.

25 MS ROBERTSHAW: - - - in detail. Thank you. Okay. Just picking up on a couple of points that Mr Carolan made in his submission, and unfortunately we weren't provided with a copy of the additional information that the applicant made available to the IPC, so I did get a little bit lost in that discussion in relation to some of the options that had been modelled by the applicant.

30 MR WILSON: Ms Robertshaw, it's on our website, so if you feel free to further look at that information and provide additional information if you wish.

35 MS ROBERTSHAW: Okay. Thank you very much. We will do that. I understand the applicant has offered to provide that in a graphic form as well as in the written form.

MR WILSON: That's what we've asked for.

40 MS ROBERTSHAW: Yes. And will that also be available on the - - -

MR WILSON: Of course. That will be on the website.

45 MS ROBERTSHAW: Great. Thank you very much. Okay. Just a couple of points I would just like to point – that Mr Carolan made. Have I gone over time?

MR WILSON: That's all right. Finish what you - - -

MS ROBERTSHAW: Okay. Sorry. He did acknowledge that – he did acknowledge that 33 apartments within Princeton Apartments are not impacted by the proposed development. Without seeing that information, I can only imagine that those apartments are the ones on the southern elevation of Princeton Apartments, so  
5 were not going to be impacted. And the fact that the changes that the applicant has made to the building envelope have increased the quantum of solar access to Princeton Apartments by – I think the figure was 169 minutes – that needs to be, I guess, quantified in terms of which apartments and how many apartments are receiving – are now receiving the minimum two hours and which ones are receiving  
10 less or more, as the case may be. If it turns out that one apartment is receiving sunlight for the whole day, that’s not exactly a satisfactory outcome in terms of a solar access or solar impact perspective. But other than the matters that we have already raised in our previous submission to the Department in relation to this, I don’t think there’s any more I can say.

15 MR WILSON: Can I just ask one question, Ms Robertshaw. The chamfered design you saw, that was never made public or – it’s not a public document.

MS ROBERTSHAW: Well, there certainly was a presentation to the Owners Corporation of Princeton Apartments. I don’t know how public other than that.  
20

MR WILSON: That’s okay. We can follow that up with the applicant.

MS ROBERTSHAW: Thank you.  
25

MR WILSON: Thank you. Thank you, Ms Robertshaw. We appreciate your input today. I would like now to introduce our next speaker, which is Joe Damjanovic.

MR DAMJANOVIC: ..... in Princeton on the north-east – one of the north-east  
30 apartments. I’m also chair of the building from the SC. Just thought I would declare that as well. We have been working for some time in the interest of the owners as well as my own personal apartment to achieve a reasonable outcome for Princeton with the adjacent building next door. We’re certainly not anti-development by any means, but we do respect that there’s rules and guidelines that are there to protect  
35 owners going forward, and it appears with this one, it has been largely of the opinion that the separation is – won’t be available, how it appears to us.

We feel as a government or government involvement with this development, we feel that there should be more of an example to the public, and to us especially, that good  
40 governance overrides developers’ profits, I guess. We’re of the view that at this stage the best outcome we could hope for is to actually chamfer or cut the south-east corner off the building. For every metre that’s reduced, that corner of the building, that will provide a lot more solar access onto our building, almost the whole vertical side, so every metre we get another metre of sunlight straight down that side of the  
45 building, and that’s with minimal impact on the developer, I would imagine.

For example, if it was a six metre by six metre chamfered corner, then it's 36 metres. Because it's a triangle, divide that by half; they're losing 18 metres per floor. So the reality for the next – from now on there will always be that solar benefit to Princeton with minimal impact on the development. The development would still go ahead.

5 The footprint would be largely where it is except for the higher levels, with a corner cut. So on behalf of myself and the owners of the building, you know, we would like to appeal to your good judgment to consider minimising the impact on the solar access. It has been suggested to me we've apparently got about 50 or 55 apartments with solar access for the two hours in winter when it's meant to be.

10

If the development goes ahead as is, from that 50-odd apartments we will be down to four or five apartments that would achieve the same outcome. So chamfering that edge at the very least would supply a big number of extra apartments with the adequate sunlight. We've asked the developer to do some more modelling and to show us, because they've got the software. And my advice was it's too difficult at this stage to do our own modelling; it takes too long, apparently. So we've asked the developer to do some modelling for us with some better solar outcomes. So they've indicated they will do that, which is good, and we're glad about that. But we have said from the start to the developer that we would like to see our considerations certainly considered as far as solar access and separation of buildings.

20

Yes. So the reality is, our main concern is that we would like to consider the building separation – please consider from sort of a corner cut, I guess, on the south-east, or a chamfered cut. It would aesthetically marry up with the building to our south. They've got a similar cut on their building, on the Telstra building at least to our south, so I guess from a planning perspective it would look good, I would imagine, across that line. And it sends a clear message to the public that, you know, that government developments don't get away with stuff outside the guidelines or to the max, anyway. I understand it's the middle of the city and they are guidelines and we can't rely on them as law, but we would like that – you know, take that into consideration, especially being a government-related development, to be a good example and to show that, "Okay, we can drop a few metres on each level and still supply Princeton the enjoyment of their sunlight that they enjoy today."

25

30

35 So I guess I can't really add any more to the aspect than that, but just to ask the developer to provide that modelling to us if possible on different scenarios, on maybe up to six – it has been suggested to me by a lot of owners, a six-metre cut on the southern side to a 16-metre cut on the eastern side or somewhere there in between, especially a six-metre – even a six-metre by six-metre cut would only equate to be 18 metres per level and provide a generous amount of sunlight back to Princeton. And I would look forward to viewing that modelling and seeing the cost impact for the developer as well. So I thank you for your time today.

40

MR WILSON: That's okay. Can I ask you one question, Mr Damjanovic.

45

MR DAMJANOVIC: Yes.

MR WILSON: The request for modelling, when was that made and - - -

MR DAMJANOVIC: It was only about a week ago, to be honest.

5 MR WILSON: And that commitment – and the commitment that was made by the applicant?

MR DAMJANOVIC: They said they would look into it. I can send the letter if you wish. I can forward on the letter – the response we got. I can just bring it up quickly  
10 now if you wish.

MR WILSON: We're happy to take a copy, if that's okay.

MR DAMJANOVIC: Yes, okay. All right. I will get our planner to forward it on  
15 with our request and their response.

MR WILSON: Yes. I appreciate that.

MR DAMJANOVIC: Because we actually – I actually got – we actually got our  
20 planner to do some mock-up modelling as well, just so that we're thinking on the right track, I guess, and – because from our apartments you can virtually draw a line straight up. You can see where the corner of the building will be, and every time you take a few metres off that corner it makes a considerable amount of more space where the sun will be able to poke its head through on the side of our building. So  
25 we're hoping for an outcome to that effect.

MR WILSON: Okay. If you could provide the Commission with what you've requested from the applicant, we would appreciate it.

MR DAMJANOVIC: Okay. It was earlier on, too – it was suggested to us to put a chamfered edge on it. I remember going to a presentation down at Goulburn Street, I think it was – Goulburn Street and Castlereagh Street, I think. This is one of the presentations. They had a picture of the building with a cut edge, and I thought to myself, "Well, that's not the end of the world." Now, they have had us in mind, but  
35 – and then we saw the later designs, they're built right out to the envelope, so I'm a bit disappointed there.

MR WILSON: Okay. I think that was mentioned by our previous speaker as well, that same presentation.  
40

MR DAMJANOVIC: Okay. Good. All right. Well, thanks for your time today, and I will forward on that request that we made to the developer.

MR WILSON: Mr Damjanovic, there was also some information that has been  
45 provided by the applicant and put on the Commission's website. You may also wish to view that.

MR DAMJANOVIC: Yes, we will. Yes, for sure.

MR WILSON: Thank you.

5 MR DAMJANOVIC: All right. Thanks very much for your time. Thank you.  
Bye-bye.

MR WILSON: I would like now to introduce Craig Chung, who's our next speaker.  
Good morning, Mr Chung.

10 MR CHUNG: Thank you. Yes, thank you, Chair. Yes. My name is Craig Chung.  
I'm a councillor on the City of Sydney Council. I represent my own personal views  
today, not those of the Council, and some of these views have been formed by  
15 reviewing the documents and also speaking with neighbouring properties as well. I  
echo many of the concerns that have been raised today about solar access. And if I  
could draw the panel's attention to the stage 1 consent issued by the Minister,  
particular condition A24. And throughout that section there, that stage 1 consent  
refers specifically to maximising sunlight access and the views for the adjoining and  
20 surrounding properties. And I bring that to your attention because the draft consent  
didn't contain that, and that has been specifically changed in that stage 1 consent.  
Maximising sunlight and articulating built forms – at 24C(1)(c):

25 *Articulating built forms for the Pitt Street boundary of the site should be  
designed to maximise solar access to the living rooms of Princeton Apartments  
between 9 am to 3 pm at winter solstice.*

Unfortunately, it appears that the current application hasn't taken really note of that,  
because the built form doesn't provide any attempt to maximise the sunlight there.  
And I think there are two parts to that, but firstly I just remind the panel of what the  
30 last speaker said, that at the moment about half – roughly half of the Princeton  
Apartments get their minimum two hours of solar access at the winter solstice. And  
with this current proposal, that will be reduced to about five per cent, six apartments,  
will meet the ADG requirement for the two-hour solar access.

35 Now, you know, it seems that, you know, this is not just a small amount of wiggle  
room in the ADG. This is actually quite substantial, 40-odd per cent, you know,  
reduction in the amount of apartments that receive the two-hour sunlight at winter  
solstice. So, you know, I don't think that it's appropriate that this property impacts  
the adjoining property so significantly. I think there are two reasons, or at least two  
40 solutions, perhaps, to fixing this. The first is the setback. And looking at the  
setback, I think that the current setback is 12 metres. The ADG required 24 metres.

Now, I respect that the Princeton Apartments were built in a time before the ADG,  
but that separation has been put in there for a reason, obviously, to allow for privacy,  
45 acoustics and solar access, amongst other things. The second solution – and again,  
referencing the stage 1 consent about maximising sunlight, this has already been  
raised today and I think it's an appropriate solution that the panel could consider and

ask for the developer to look at this, and that is that slice, if you like, off the corner of the property on the eastern-southern corner.

5 A number of figures have been thrown around, I noticed this morning, but a six-metre cut on the southern side of the proposed building and a 16-odd-metre length on the eastern side of the proposed building, I think that that as a rough number – I remind you, I'm a mere councillor, not an architect or a developer, but I think probably a 12 or 13 hundred GFA reduction over the entire property if that was done. That's, like, a five and a half per cent reduction in the total GFA of that property.  
10 And that would deliver a significant additional amount of sunlight, remembering that that property is to the immediate north of Princeton, so it's that prime sunlight that it's going to be missing out on. So at least that would alleviate that. I note that the developer has been – some of the previous speakers have said the developer has committed to doing some modelling on this. I think that that would be entirely  
15 appropriate.

Again, reference has been made to the building to the immediate south of Princeton that also has a sort of sliced off corner, presumably for sightlines and for solar access. So it's not without precedent. In a city like the City of Sydney, it is busy and  
20 it is dense, but when we have the opportunity to make some modifications, particularly at the urging of the stage 1 consent, we're now considering this, that we can make some changes to the property which has a small impact on the GFA for the development but will have a lasting and lifechanging effect on the Princeton Apartments by allowing the solar access that's appropriate. Thank you.

25 MR WILSON: Thank you very much, Mr Chung. I would now like to introduce Mr Patrick Knight, our next speaker.

30 MR KNIGHT: Mr Chairman and the panel of experts, thank you very much for your time. I am Patrick Knight. I am owner of a unit in Princeton. A previous speaker has already presented facts and figures about the impact of sunlight access reduction and unsatisfactory separation between the two buildings, so I'm not going to talk about those. I'm here primarily to put a face on the people who will be impacted by this new development. First of all, I am not young and upwardly  
35 mobile, as most people think people who live in the city are. I am over 60 and I am a self-funded retiree.

Okay. So ..... I will be spending most of my time in my apartment during the day, and a reduction of sunlight would definitely have impact on me. And I am not – I  
40 call myself a nobody, right, and I'm sure quite a lot of people living in the city are a similar status, similar arrangement as me. So hence, briefly, I would like the panel of experts to really consider us, consider the impact on us, on the humans who will be living in the city, with your fair and respected – a fair judgment ..... that respects the history of the city, as well as respects the residents who will be living in the city.  
45 That's all I want to say, and thanks very much for your time again.

MR WILSON: Thank you very much, Mr Knight. I would now like to introduce Ben Shepherd. Ben.

MR SHEPHERD: Thank you for that introduction. I hope you can hear me okay  
5 over the drilling. Apparently there's a development next door that's causing some  
noise issues here. So before I start, I would like to thank the IPC for this  
opportunity, and also I would like them to know that I have been approached by  
numerous people from Princeton Apartments who are unable to attend this meeting  
today due to work, other commitments or language barriers, and they will be lodging  
10 further submissions in writing for your consideration. So I don't propose to mention  
all matters in which the applicant has failed the conditions of the development  
consent, SEARs and apartment design guidelines, because these have already been  
comprehensively set out in our objections to date, which I understand the IPC is  
obliged to consider.

15 I would like to make it clear that we're not anti-development, a view I believe I share  
with the Princeton executive committee, and we have previously mentioned that to  
date. We support sensible, sustainable, balanced and compliant development.  
However, this application does not meet any of those criteria. Through my  
20 involvement in this process, I have learned that state significant development isn't  
something that benefits the people of the state nor is even held even to the same base  
planning standards as other developments. Rather, it's a way to recover the costs of  
underlying infrastructure, projects to be sold to the highest bidder without any regard  
for good design or sustainability or without any real connection to the infrastructure  
25 which qualifies it as state significant.

So I was extremely disappointed to see that the Planning Department had  
recommended approval of this application despite the applicant making no real effort  
to comply with the conditions of consent. The Department appears to have defined  
30 conditions and then completely disregarded them and undermined its own authority  
and process. This demonstrates an inherent bias and lack of procedural fairness in  
the way state significant developments are assessed. So coming into this process  
from outside the industry, I have discovered the inherent unfairness of government-  
backed development. It seems there is one rule for government and another for  
35 everyone else.

Developers are held accountable to the smallest alleged breach of the ADG, while  
state significant developments can flaunt every aspect of it with no recourse.  
Planning controls seem to be rigorously enforced against everyone except the  
40 government. This would not happen in most other industries and should not happen  
in this industry. So the application process that – the applicant proposes that 48  
apartments in Princeton will lose their access to sunlight if the development is  
approved. That's 48 family homes put into darkness for this development. The  
mental health impacts in similar circumstances are well-documented, and I would  
45 urge you to take this into account and be prepared to justify any adverse outcomes to  
each of the families affected.

The conditions of consent specifically require that the development be designed to maximise solar access and minimise solar impacts to the living rooms of Princeton Apartments. The conditions of consent also specifically require the development to comply with the requirements of SEPP 65 and the ADG. Neither of these  
5 requirements are optional or subjective in nature. Under the ADG, new developments must provide 70 per cent of apartments to sufficient solar access. As you know, the applicant proposes to provide solar access to 50 per cent of the new apartments. Half of the proposed new apartments will not receive sufficient solar access under the proposal. So half of the proposed new apartments – so this along –  
10 sorry, this along with the tiny proposed apartment sizes and tenant-only model is reminiscent of a high-rise slum.

The personal effects of the development in its current form are significant. In my apartment, which I'm sitting at today, I have 60 metres squared of north-facing  
15 windows in the living areas. I receive sunlight from the north in my living room and all of my bedroom areas. All of this is proposed to be removed by the applicant with no meaningful consideration of mitigating factors. Through my living room window I have views of Sydney Harbour to the north that is also proposed to be removed. From my understanding of planning controls, I found the application – the  
20 applicant's proposal to be entirely incompetent and fundamentally flawed, but that seems on the Planning Department's assessment to meet the very low bar of controls applicable to state significant developments.

We have been forced throughout this process to expend considerable time and effort  
25 in having our voices heard and to have the matter referred to the IPC today. There have been three rounds of submissions in total required, with 174 objections made in total. It is clear from the numbers alone that it is the consensus of neighbours that this application is fundamentally flawed in its current form. Rubber-stamping the application without holding the applicant to account would let every one of those 174  
30 parties know that their voices have been ignored. If this were to happen, we will be critically reviewing this decision and seriously questioning the apparent independence of the IPC. The message in our presentation today is not to feign outrage or stand in the way of development progression.

Putting all the other shortfalls aside, there's an opportunity here to promote decent, sustainable design by modifying the development to allow more access to natural light for both adjoining properties and new proposed apartments. For a development that is significant to the State, we should be advancing planning controls and design guidelines, not ignoring them. We are happy to work with the applicant to modify  
40 the proposed development and improvement of the area, but they have displayed an uncooperative attitude to us to date. I fully support the views and proposals of my fellow – the persons today making submissions, including Ellen and Councillor Chung. I will be keen to be involved in any further discussions to improve or modify the application by the applicant. So thank you for your time, and I remain hopeful  
45 that our views will be taken into account.

MR WILSON: Thank you very much, Mr Shepherd.

MR SHEPHERD: Thank you.

MR WILSON: I will now introduce our next speaker, Jorge Uzabeaga.

5 MR UZABEAGA: Hi, all. I'm Jorge Uzabeaga here. I'm the owner of 115 apartment on Princeton. I've written a letter. If you all don't mind, I will get my secretary to read it as per my language accent, so – it's very strong, so I will – if you don't mind, I will put Tara on to read my letter for you guys. Thank you.

10 TARA: Hi, all. My name is Tara. I'm reading Jorge's letter on behalf of him.

*Hi, my name is Jorge. I own apartment 115, which adjoins the north boundary of the Pitt Street South Over the Station Development. I have lived in Princeton for over five years. I purchased the apartment for its ample sunlight and great view. Let me start by saying that there is a lot of people in the building who would have liked to have presented today. However, they have work commitments, language challenges, or are of an age where they do not feel comfortable presenting in public. My understanding is that many will submit their presentations in writing for your consideration.*

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*I am here today to object to the proposed Pitt Street South Over the Station Development in its current form. I am not anti-development. I live in the CBD, so I do understand the constant requirement for improvement. However, I do object to poor developments that impact people's lives, which are not in the community's benefit. There are many aspects in this proposed development that need further consideration prior to the IPC giving consent, but none more important than the solar impact that the proposed development will have on the Princeton Apartments.*

30 *The loss of solar access to the Princeton is significant. Currently 54 out of 116 apartments, which is 46.6 per cent, most of these with a north-facing orientation, receive the minimum of two hours of solar access to their living rooms between 9 am and 3 pm in the mid-winter as required under the apartment design guidelines. If the Pitt Street South Over the Station Development is approved, then only six apartments out of the total of 116, being 5.2 per cent, will receive a minimum of two hours of solar access in their living rooms for those periods.*

40 *Therefore 48 apartments will be significantly impacted through the loss of solar access in their living areas. We in the building collectively and individually have engaged with the developer regarding the impact the proposed development will have on the solar access to our apartment, but they have done nothing to reduce this impact thus far. No attempt has been made by the developer to maximise the solar access to our apartment as outlined in stage 1 DA consent or comply with the apartment design guidelines. The Department in its current form will significantly reduce –*

45

sorry –

5        *The development in its current form will significantly reduce the amount of solar access to my apartment, which I am concerned will impact my family's health and wellbeing. Given the impact, I have no option but to sell and move to another place that provides solar access to my living area. Having been involved in this approval process over the last two years, I can't explain how disappointed I am that the Government has not intervened as yet. Governments have planning rules and guidelines that should be there to ensure good*  
10        *development and protect residents from potential impacts. This is not the case at all.*

15        *The Government seems to pick and choose the rules which they apply and ones they don't. In our situation it appears that the right to solar access does not need to apply. That would impact the amount of money that the developer and the Government will get. Planning rules should be here to protect us, and in this case they do not seem to be doing so. Who is going to protect us, the citizens that have been living here for 20-plus years? I strongly appeal to the IPC to reject the DA in its current form and to have the developer reconsider*  
20        *its design so that it has significantly improved the solar access to the Princeton Apartments.*

25        MR UZABEAGA: Yes, that's the end of the written letter that I have produced to the IPC.

MR WILSON: Thank you. Would you provide the IPC with a copy of your letter, please, Mr Uzabeaga?

30        MR UZABEAGA: Yes. Yes, sure. Yes, I will go and do that. No problem.

MR WILSON: Thanks very much. That ends the list of registered speakers today. I will now proceed with a closing statement. Thank you all. That brings us to the end of this electronic public meeting. Thank you to everyone who participated in this process. Helen and I have appreciated your input. Just a reminder that in the  
35        interests of openness and transparency, a full transcript of today's meeting will be made available on the Commission's website in the next few days.

The Commission will be accepting written comments from the public up until 5 pm on Monday, 29 March 2021. That's 5 pm next Monday. You can submit your  
40        comments using the Have Your Say portal on our website or by email or post. At the time of determination, the Commission will publish its statement of reasons for decision which will outline how the panel took the community's views into consideration as part of its decision-making process. From all of us – for now, though, thank you for watching this IPC electronic public meeting on the proposed  
45        Pitt Street South Over Station Development. From all of us here at the Commission, enjoy the rest of your day. Good morning.

**RECORDING CONCLUDED**

**[11.52 am]**