



New South Wales Government
Independent Planning Commission

TRANSCRIPT OF MEETING

**RE: CROWS NEST OVER STATION DEVELOPMENT SITE B
(SSD-61400212)**

APPLICANT MEETING

PANEL: JANETT MILLIGAN (Chair)
DR SHERIDAN COAKES

OFFICE OF THE IPC: JANE ANDERSON
CALLUM FIRTH

APPLICANT REPRESENTATIVES: ANDREW PIGOTT (Willowtree Planning)
ROBERT HUXLEY (Third.i Group)
ADAM MARSHALL (Third.i Group)
ANNA LIMNIOS (Third.i Group)
BRETT MAYNARD (Stantec)
REBECCA DRACUP (Stantec)
SUNNY HONG (Stantec)
SAQIB JAVED (Robert Bird Group)
JAMES KENT (Robert Bird Group)
DEREK SHOLES (Woods Bagot)
ANIA LLOYD JONES (Woods Bagot)
LAUREN BOYSEN (Arup (Wind))
BEN WHITE (Pulse White Noise Acoustics)

LOCATION: ZOOM VIDEOCONFERENCE

DATE: 11:00AM – 12:00PM
WEDNESDAY, 11th MARCH 2026

<THE MEETING COMMENCED

5 MS JANETT MILLIGAN: Good morning, everybody, and welcome. Before we begin, I'd like to acknowledge that I'm speaking to you this morning from Gadigal land, and I acknowledge the traditional owners of all the lands from which we're meeting virtually today, and I pay my respects to their Elders past and present.

10 So, welcome to the meeting today to discuss the Crows Nest Over Station Development Site B, the project currently before the Commission for determination. The application is for the development of a 122-dwelling residential tower above the completed Crows Nest Metro Station within the North Sydney local government area.

15 My name is Janett Milligan and I'm the Chair of the Commission Panel. I'm joined by my fellow commissioner (on screen), Sheridan Coakes. And we're also joined by (on screen) Jane Anderson and sitting beside me are Callum Firth, both from the office of the Independent Planning Commission.

20 In the interests of openness and transparency and to ensure a full capture of information, today's meeting is being recorded, and a complete transcript will be produced and made available on the Commission's website.

25 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.

30 It's important for commissioners to ask questions of attendees to clarify any issues whenever it's considered appropriate. If you're asked a question and you're not in a position to respond, you may take the question on notice. And then following the meeting, the Commission will advise you in writing of any questions that you've taken on notice that the Panel considers require a written response. Any subsequent response or information provided to the Commission will then be published on our website.

35 I request, there's quite a big group of us meeting this morning, so I request that all participants rather than introduce themselves at the beginning of the meeting, can I just ask that if you're speaking, can you introduce yourself before the first time you speak. And we all need to remember not to speak over the top of each other, so we get an accurate transcript.

40 We have a full list of people who are involved in the meeting today. So, Andrew, rather than go round the table and do an introduction for everyone, I think if we can just introduce each person before they speak. So, let's get underway. And I understand that you have a presentation for us which is an overview of the application and its amendment. Thank you for that, we're interested in seeing that.

45 And we're particularly interested in the two issues that Council have particularly raised with us, which is of course is the bulk and scale of the building and the setback. And interested to know, as you went through the amendments, how you thought about that and any responses to the issues that they'd raised. So, let's turn over to you for maybe up to 20 minutes for your presentation. Thank you.

MR ANDREW PIGOTT: Thank you very much, Commissioner. My name is Andrew Pigott. I'm a Town Planner at Willowtree Planning. Before I get to the presentation, I understand that Third.i would just like to make some brief introductory comments, so I'll hand over to Adam to do that.

MR ADAM MARSHALL: Hi, everyone. And, firstly, thank you for meeting us on site yesterday. Just a quick brief to get into the true discussions and why we're here. We secured this project back in the end of '22 and we've been working design and planning and here we are today.

In that process, all of the three-year period, we've gone through five STRPs, RTSs, and multiple discussions to come up to today's scheme and where we are right now. And I guess we're very excited about getting to this point and obviously moving forward to starting works on site and delivering what we see as a monument in Crows Nest in the village area.

So, I think it's worth noting that through this process, we have worked very hard with the Department to shut down contentions and find really good design solutions that they are not satisfied with. And hopefully after today we can talk about the technicalities of that and prove to everyone here in this group that this scheme is compliant and it is well suited for approval.

I'll hand it over to Andrew to get into the nuts and bolts.

MR PIGOTT: I will attempt to share my screen and just go through the presentation that we've prepared. Can people see that?

MS MILLIGAN: Yes, thank you.

MR PIGOTT: Thank you. Just some brief introductory statements. So, we see this as an exemplary transit-oriented development which is positioned directly above Crows Nest Metro Station. It delivers on-site affordable housing at 5% of the total gross floor area of the residential component of the building. It's a high-quality, design excellence achieving architecture, fully consistent with the strategic planning framework in existence at Crows Nest, fully consistent with the concept approval, and fully consistent with the North Sydney LEP development standards.

It responds to and reinforces the future character of the Crows Nest TOD Accelerated Precinct, maximises housing supply in a fantastic location, and does not impose any unreasonable impacts on adjoining properties or the public domain.

So, this is the site here, showing the concept approved footprints. Site A, Site B and Site C. We're actually dealing today with the detailed development application at Site B which is known as 25 Hume Street, Crows Nest, 1,871 square metres, and sitting on top of the existing Metro Station at Crows Nest.

This image shows the approved concept approved building envelopes for Site A, Site B and Site C in the context of St Leonards there, in the background. And this

image shows Site B particularly in the context of the TOD rezoning and the envelopes that are achievable under that current rezoning. Clearly demonstrating the significant change that is to occur in this location, representing significant uplift over and above the built form that's there now, responding to the investment in infrastructure that the government has made in that Metro line. Really showcasing here that our building will be genuinely dwarfed by some of those larger built forms, particularly across the other side of the Pacific Highway.

This height map shows Site B, again just in the context of those bigger buildings, noting that the 155-metre height at Site B is an RL. So, the building height above ground level is approximately 65 metres in the context of the surrounding development with a building at 126 metres to the west across the Pacific Highway, 63 metres across Hume Lane, and 57 metres to the site to the south, just really showing that our building will not be overly barge and bulky in the context of that uplift occurring in the precinct.

By way of background. Recognising that the critical state significant infrastructure for the Metro was approved in January 2017, and as we all saw yesterday, is now up and running. The concept approval followed that Metro approval for the over-station development at Crows Nest, which approved building envelopes for Site A, Site B and Site C. And there was also a modification of note that redistributed approved car parking, to remove all car parking from Site A and allocate an additional 23 spaces to Site B, reducing the overall parking in the precinct from 101 spaces down to 78 spaces.

The construction of the residential tower at Site B will result in 12,987 square metres of residential GFA, a floor space ratio of 7.43:1, height of an RL maximum of 158, providing 122 dwellings including 5% affordable housing, 40 one-bedders, 63 two-bedders, 19 three-bedders, parking space for 78 cars, 156 bikes, and 2 motorbikes, with an estimated development cost of \$85 million.

In terms of the policy context, shop-top housing is permissible with consent in the mixed use zone of the North Sydney LEP. And the proposal is declared state significant development via the clause 19 of Schedule 1 of the Planning System SEPP.

The exhibition of the development application took place from November through to December in 2024. There were only 5 public submissions, 1 objection, 4 in support, and 1 objection from Council. And there were advice responses from 10 government agencies.

Following a round of responding to submissions, there was a subsequent – and following the Amending Report, there was a subsequent exhibition that ran from the 5th of September to the 18th of September. Again, really a minor amount of public response, with 1 objection again and 2 submissions in support, Council maintaining their objection, and 8 advice responses from government agencies.

I must say, in my over 25 years of planning, this is the smallest amount of submissions in objection and most amount in support for a development of this scale and type that I've come across within my career. So, I think it really demonstrates the great work that's been done with the Crows Nest community on the journey through this process

from the Metro work through to the concept approval and all of the work that the Council did as well in relation to the strategic planning work with the community, and that Third.i has done in engaging with the local community as well. And that's really reflected in the minimal amount of objections that have been received throughout the two exhibition periods.

DR SHERIDAN COAKES: Janett, can I just jump in there with Andrew?

MS MILLIGAN: Of course.

DR COAKES: Andrew, just on that. I mean, obviously we know through exhibition, certain period obviously are actively watching that you've spoken about that engagement you've done throughout the process, and I noticed in some of your documentation in the EIS that you've talked about a range of engagement.

What has been the outcomes of that feedback? I know the Department hasn't requested an engagement outcomes report as part of your, given that broader engagement that's been done, but you did allude yesterday when we were on the site visit that there's been some engagement with key groups. And, you know, has there been engagement with the local businesses, for example, who may be disrupted by the project development and so forth? I'm just interested in a little bit more detail there, if you can.

MR ROBERT HUXLEY: I can probably add to that, because I spoke at the meeting. Hi, I'm Robert Huxley from Third.i Group. How is everyone? About, oh, it was a long time ago, it was probably 12 months ago plus, I went and spoke to the Progress Association, the Mayor of North Sydney Council was there, the local member not just for state but federal were also there. We gave them an update on the development.

We also spoke about our interaction on the affordable housing and how we were talking to the relevant unions at Royal North Shore, being the HSU (which is the Health Services Union) and also the Midwives Nurses Union and how we were going to prioritise the affordable housing for workers at Royal North Shore. And clearly, you know, the community were very, very supportive about what we were putting forward.

It wasn't just, in terms of the affordable housing, writing a cheque, we were obviously across both our sites looking at providing housing for that health area down there which obviously at the moment there's a health crisis because they can't get staff who can live in the local area, they can't afford that. So, we walked them through our scheme, you know, in terms of we weren't seeking SSDA in terms of trying to get the 30% increase. We've stayed within the what's being put forward, and yes, clearly the community who previous were probably anti seeing this style of development are clearly on board because of what I've just mentioned.

So, yes, there was not just one meeting. We have gone back and spoken to that Progress Association a number of times over the last two years. So, yes, the community are certainly supportive of what we're putting forward.

DR COAKES: And just, Robert, just in terms of, obviously the project, particularly in a construction phase will have impacts on local businesses and so forth, has there been much contact with those groups as part of the engagement?

5 **MR HUXLEY:** Yes, look, it was something that was raised during the process. I think one thing that – and I think Adam mentioned it yesterday – Kurraba Point was a development that we'd done previous where the local community were saying they had massive issues with that development down there because there was one way in and out, and how we as an organisation provided a bus. We also provided, if anyone had to wait a period of time, we gave them a coffee voucher for free coffee. So, the mayor got up and spoke to the Progress Association about how in the past we have listened when there is issues and dealt with those.

10
15 So, in terms of our construction methodology and in terms of, our preference is obviously to use Pacific Highway, clearly in the mornings, you know, is an issue, but after 9 o'clock I think everyone's aware that if we can use that more than Hume Street, is the preference. But that's something that we're obviously going to work through our construction for our CC.

20 **DR COAKES:** And I did note that in your SIA, for example, there was a recommendation for a Community Engagement Plan to be conditioned and assume that's standard for you in terms of development.

25 **MR HUXLEY:** Yes. I think one of those things I think we said before construction started, we'd go back and sit with the Progress Association again, and the Mayor and all the councillors are very active, they turn up to all those meetings. So, yes, we're happy to go and sit with them and present our construction methodology when it's completed and signed off.

30 **DR COAKES:** Yes, great, thank you.

MS MILLIGAN: Okay.

35 **MR MARSHALL:** And just worth noting, if we don't engage with the community throughout the process, our job is very hard, the builder's job is very hard. We do have a very strict policy about how we undertake this engagement in every construction site that we do. Every single job regardless of where it is has key stakeholders that we do meet with on a monthly basis. We also have websites that provide feedback and updates to the community and have a landing page where they can actually make contact with the right people or send an email. We've learnt our lesson for many years now, and engagement with community is paramount in our eyes.

MS MILLIGAN: All right. Let's move on with the presentation, thank you.

45 **MR PIGOTT:** Thank you. This image here shows the approved building envelope approved via the concept approval and the detailed design of the building sitting comfortably within that approved envelope.

Some of the key particulars. The maximum height being an RL of 155 with an allowance for plant lift overrun and a roof feature at up to 158. Again, the proposed design fully complies with that requirement. Similar with GFA, 13,000 square metres of resi GFA, we're at 12,987, so complying there. And building envelope efficiency is a requirement for the concept approval, and that's a requirement that means that the envelope is approved but they only wanted to see 80% of that envelope volume consumed by the building. And so, 78.6 is achieved in terms of the volume of the building that's proposed on site.

In terms of design excellence, there's a clause in the North Sydney LEP that requires the proposal to exhibit design excellence. The concept approval approved a design excellence strategy. As Adam referenced in his opening commentary, there's been extensive engagement with the State Design Review Panel through the process.

Some of the key features that were worked through with the SDRP was the cleared delineation between the tower and the station box through materiality and shadow lines, vertical modulation and distinctive visual breaks, setbacks consistent with the approved building envelope and a high standard of architectural design including material and finishes.

That ultimate outcome of achieving design excellence was recognised and supported ultimately by the Department, which we certainly welcomed that conclusion and that finding, given the extensive work done across the journey.

This image shows the building separation between Site B and the adjoining building to the south and to the west across Clarke Lane achieving the ADG building separation requirements and also demonstrating that those sites can be developed to their FSR targets. This shows a similar relationship at higher levels, just again consistent with that ADG requirement for those setbacks for those buildings.

MS MILLIGAN: Can we just pause there and talk about setbacks. Because clearly, it has been a key issue for Council from the beginning and remains so. And as they would say and as we have observed, the setback burden, I guess, is assumed to be picked up by the adjoining sites in future developments.

So, can you talk to us what thinking went on about addressing the setback issue as you modified the building, as you amended the building, as you tweaked the design, and can you comment on Council's position that the setbacks have to be met by the other site, the adjoining site to the south and the one across Clarke Lane in the future, with some significant impact on their future developments?

MR PIGOTT: Yes, happy to do that. So, as we discussed yesterday, the construction above the existing Metro box is very challenging from just a structural point of view. If we look at this section here, you can see the requirement for the transfer slab to be extended to bear directly on the perimeter column walls of that Metro box.

Given those constraints, it's very difficult, if not impossible, to achieve any built form outcome at Site B without, with increased setbacks, and that's just the reality of the physical structure that's on that site at the moment. We looked at, through the process

with the SDRP, opportunities to increase those setbacks, but it's just, from a structural point of view, proved too challenging.

5 That being the case, when those setbacks became an issue, there were additional measures put in place by way of landscaping particularly to the balcony areas of the units to the west across Clarke Lane, to mitigate those issues. There's also screening able to be achieved and the offsetting of those balconies able to mitigate those privacy and amenity issues for the adjoining sites.

10 **MS MILLIGAN:** So, can I ask this question. I understand the point you're making about the transfer slab, having to go side to side. So, can I just ask you to clarify, given that, the ability to increase the setbacks, was it purely a structural issue or was it also one of yield and viability in terms of maximising housing within the development?

15 **MR PIGOTT:** Yes, that's obviously a factor. I mean –

MR MARSHALL: Andrew, sorry mate, do you want to start at the very beginning and how we got there under the planning instrument that we're working under or the concept approval? Like, go from the beginning and take them on the journey, and the structural elements sort of came into play. Do you want to talk through from the beginning?

MR PIGOTT: Referencing the existing concept approved envelope – is that what ...?

25 **MR MARSHALL:** Yes, in relation to the uplift that came later.

MR PIGOTT: Yes, sure. So, I think what Adam's referencing there is there was obviously the existing approved concept for this site and that approved an envelope which we're working with. Subsequent to that, the Crows Nest TOD provisions were introduced that introduced significant uplift, and effectively didn't have regard for that existing concept approval in terms of any consideration of the built form that was going to be delivered on Site A, Site B and had already been delivered on Site C.

35 So, that was, I guess, a source of frustration, given that that was certainly known that these approvals existed and these envelopes were in place when that TOD uplift occurred, and there was effectively no regard for those approvals being in place.

MR MARSHALL: In that – I'll just jump in now, the structural engineering part. So, that was how it all commenced. Now, just to give a bit of colour around the structural engineering part. In the station box right now, we have, we're working on getting handover with Metro on the box.

45 Now, without getting into too much detail, this building is – it has tolerance but it's designed to its nth degree to function, and any kind of movement away from where we are right now puts a lot of pressure on the reinforced walls, the columns, the load paths in the station box.

So, I've got Saqib here now from RBG who is heavily connected with the station design and now is leading up the OSD design, who might give a bit more colour on the

structural engineering part which is a very real situation that we have to understand here when we're talking about further steps. Saqib, are you online, Saqib?

5 **MR SAQIB JAVED:** Yes. I am Saqib, Senior Associate at Robert Bird Group. I'm currently the Lead in Structural Design of this job. So, if you can see on this page, the black solid lines, they are the station box walls, perimeter walls. So, when the station was designed, they have nominated set point loads where we can impose extra loads, and they're all basically landing on the perimeter box.

10 So, there is no other option where we can land new columns internally. So, what we have to do to make this building work is to basically extend the same columns which are already planted on this perimeter wall, the black thick walls in the basement. So, the green one needs just an – is an extension of those perimeter columns or walls, however you want to say, and that has to go all the way up and then you can have a
15 transfer slab which bears on it.

The issue which we're dealing with – the original design is down to the nth degree, as Adam has said, and then there is no other option where the existing structure wall's designed in a way that we can allow for setbacks. So, the perimeter columns need to sit
20 on the perimeter wall, there are no other loading points where we can impose, we can build this form.

MS MILLIGAN: So, that's on the right of the diagram that I'm looking at, at the moment, where I can see that the vertical wall sits right on top of that structural
25 strength in the box. Take me to the other side of the design.

MR JAVED: So, on that side of the design there was a limited set of loads they have nominated on the drawings of the core wall. So, the central wall is not shown in the sketch. So, in order to use the load on that central core wall, we basically need to
30 extend over slabs to help with the deflection in the car parking slabs. If we don't do that, basically then we are going to increase the slab deflection in the car parking slabs, which will trigger thicker slabs, which will again overload the station box, the core box.

35 That's the reason we need to extend our slab a little bit as counter level to help the deflections in the mid span, which is basically bearing on the central core wall. That's the reason why we need to extend it further towards the left, to mitigate the central or mid-span deflection.

40 **MS MILLIGAN:** So, above the transfer slab, was there any – did you have any more freedom, I suppose, to think about setbacks, particularly on the left of the design we're looking at?

45 **MR JAVED:** So, on the upper, like, on the typical floors, because our main structural system or the supports are on the perimeter of the box, we try to land as many as transfer columns or residential columns on that grid, which is the perimeter of the building. So, if you see the structural screen, the way it's designed, because we have a limited capacity in the central support, in the centre of the station, we try to share loads to that external perimeter or external box. That's why our transfer columns on the

residential floor basically sits on those black, the green lines, like on the edge of the building.

5 So, unfortunately, we don't have much freedom because we want to land more load on the edge of the building. There they have told us the original points of where we can impose our loads, that's where we are sitting right now.

10 **MS MILLIGAN:** All right. And maybe if we just come back to you, Andrew, do you want to make one last comment about the trade-off between yield and setback?

15 **MR PIGOTT:** Yes. I think there really was, as has been outlined, no ability to introduce increased setbacks given those structural constraints that we're working with. And on that basis, that's why the built form appears the way it appears. Notwithstanding that, the built form is very articulated.

20 There's the design that has been produced by Woods provides three, almost appearance of three separate columns. As we talked about yesterday, they're oriented to the south to the views of the harbour and the bridge etc. And they worked really hard to be able to introduce those columns and have those separated built forms between them to allow the appearance of a building that is articulated and broken up to not appear as a uniform concrete structure. And that was worked through significantly with the SDRP throughout those five meetings. Not sure if Woods are on the line, if you guys wanted to add some detail around that approach?

25 **MR DEREK SCHOLES:** Hi, Derek from Woods Bagot. So, it's really, Andrew, just talking about the way that the building is orientated to the southwest, trying to open up a lot of those views to really maximise the aspect towards the city.

30 **MR PIGOTT:** Derek, the three columns approach with the separated built form in between to get the, you know, wind circulation and shadow effect on the building as well.

35 **MR SCHOLES:** Yes. So, really we wanted to try and just improve the natural ventilation for those apartments and also the cross-ventilation for those apartments. Really, it was a strategy about reducing the mechanical systems and improving the kind of wellbeing of the residents with a greater connection to landscaping and fresh air coming through that, eliminating smells through common spaces and circulation corridors and so on.

40 **MR PIGOTT:** And really modulating that built form and breaking up the appearance of the building.

MR SCHOLES: Yes.

45 **MS MILLIGAN:** All right. So, we've moved on to talk about amenity, so let's keep going with that. And the ventilation of course is an important issue for all of us. And we saw the original designs where you had cross-ventilation to a reasonably high proportion of the units because of open corridors. Just talk us through the way that changed and why that changed and how you responded to that.

MR PIGOTT: Do you want this one, Derek?

MR SCHOLES: Do you want me to do this one, Andrew?

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MR PIGOTT: Sure.

MR SCHOLES: So, really, the change in the strategy was really about – we went through a process with regards to the wind mitigation that was coming through the building. And just trying to kind of make sure that we were addressing a lot of those issues that were raised by the wind consultant.

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So, as you can kind of see here, there's an operable ventilation system that, in more kind of storms or high wind moments, the operable louvres can drop down to maintain a reasonable level of residential occupant comfort through those communal corridors. That was kind of the main thing and, yes.

15

MS MILLIGAN: And are they automatically opened and closed?

MR SCHOLES: They're generally on a stay-open and there will be like a little sensor that will be fixed to the side of the building which will monitor the wind speeds.

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MS MILLIGAN: I understand, okay. All right. Okay. Thank you for that. And so, that resulted in a lower percentage of the dwellings being naturally cross-ventilated. So, can you just talk through some of the changes you then made?

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MR SCHOLES: Yes. So, we ended up, because some of those corridors started to decrease, and then the introduction of the doors which were closing in part of the corridors, at one point we did have, like, windows that were opening onto those corridors, but we had to eliminate that once they started to reduce and become more enclosed.

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DR COAKES: And Derek, just carrying on from Janett's question, so is there the intention then for those maybe apartments that don't receive as good cross-ventilation, we talked a little bit yesterday on site around that foil-coil system, so is the intent for that type of system to then be fitted for those apartments?

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MR SCHOLES: Yes. So, just to kind of explain a little bit better with how that system works. What it is, is it was really brought in as a means to ensure that the residents can get fresh air while they're in their apartment. And it's dealing really with the, what is it, the noise coming from the Pacific Highway. So, the way that it works is with the fan-coil unit, which is in the apartment, generally the air kind of re-circulates through the return air that's with it.

40

In this system, what we kind of have is another air duct which is pulling fresh air in through a point that's, generally it wouldn't be on the face of the façade, because that would also bring the acoustic noise in, so it'll bring it in from a quieter kind of source and it brings that fresh air directly into the return air duct of that air conditioning system. And it's filtered and acoustically attenuated.

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5 **MR MARSHALL:** Derek, can I get Ben White – I brought Ben White here, Ben White’s our acoustic engineer, who can talk through obviously the history of what’s allowable, what was in the concept master plan approval, and where we got to now in more detail from an acoustic and fresh air perspective or a natural ventilation perspective. Ben, are you there?

MR BEN WHITE: Yes, I’m here. Can you hear me?

10 **MR MARSHALL:** Yes, we can hear.

MR WHITE: You should be able to see me too.

15 **MR MARSHALL:** We can.

MR WHITE: Yes, so thank you for the opportunity. I guess I can talk to the acoustic requirements which is, I think, where a lot of this is triggered. So, I’ll stick to my lane in that regard and let others fill in where they need. So, acoustically what we’re required to do is do the assessment of noise from what is a busy road, it’s obviously defined as a busy road, it carries more than 20,000 annual average traffic, which is well over that.

25 So, then we have to follow what is in the SEPP and the Department’s developments near rail corridors and busy roads. So, we go through the process of determining what’s called a noise-affected façade. Those standards say that where we can’t provide just an outside air source – and I’m not an air person, but I think it’s for natural ventilation, it says equivalent to 5% of the floor area – and achieve acoustic noise levels plus 10 dBA. It triggers the requirement to provide an alternative outside air source.

30 So, the standards then say that alternative outside air source can be done by a number of means, of which one is this methodology which we’re using, which is fresh air via mechanical means will happen to use a fan-coil unit because it’s already there with a fan. We could provide a designated fan or other system, but if it’s already there in the fan-coil unit, we’ll use that. It has an outside air component designed to comply with the BCA and AS1668 which is what all the standards refer to.

35 And therefore, we ticked that triggered requirement in the standards to provide the alternative outside air acoustically, noting we will also achieve internal noise levels when the façade is closed. So, if the occupants close their windows, they’ll have the quiet environment and hit the noise levels based on the standards. Does that answer –

40 **MR MARSHALL:** I guess it’s worth noting – sorry, Ben – the outside air source, the alternative that Ben or the team has put forward, does run separately to the heating and cooling system. And obviously, the occupants still have the luxury of opening windows and doors if required, so they’ve got options as well.

MR WHITE: Yes. And an important thing to note acoustically, the standards don’t require us to achieve the acoustic noise levels simultaneously with cross or natural

vent, we just had to provide the provision for an alternative outside air in the situation that the occupants choose to have a quiet environment. So, in other words, they're basically getting outside air with the façade closed. If they so choose, they can open the façade as well.

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MS MILLIGAN: Okay.

DR COAKES: And just one quick question. Is that then only applicable to certain apartments, and how many?

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MR WHITE: So, we've done the determination of what is defined as a noise-affected façade. It obviously includes all of the western façade facing the Pacific and it also includes some of the north and southern elements, and we detailed that in report what needs to be where. And we've also gone through with the design team to make sure that obviously those units have been identified and include the provision for the alternative outside air, which is then designed by the mechanical consultants.

15

DR COAKES: Okay. Thanks, Ben.

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MR WHITE: I guess it's also important to note that we're following on from what has been approved in the concept design when it was approved, and that's exactly – I've got it open in front of me actually. It's exactly what is noted in the concept design approval which was, I think it was actually done by the Metro, to be honest, because they, yes.

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MS MILLIGAN: Thank you. So, we've had a good conversation there about a number of amenity issues. You've talked about the re-positioning of units which really goes to the overshadowing and solar access issue. If there's anything else you wanted to say about that, please do so, otherwise we might move on just to make sure we can cover all the main points in the time that we've got left.

30

I'm going to suggest we go to car parking. There remains not an issue but a comment from Council about – an observation – that you chose to go to the maximum number of car parking spaces. You might want to comment on that. There is a residual concern about queuing in the lane even though we've all read the transport study. So, you might just pick up a few of those issues and talk to us about car parking.

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MR PIGOTT: Jenna, are you on the line, did you want to take that one? I'm happy to, if not. Sunny?

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MR SUNNY HONG: Yes. Sorry. Sunny here from Stantec, we're the traffic engineers on this project. Yes, you're correct, as part of the modification we now looked at moving all of Site A car parking into Site B and providing 78 parking spaces, which remains below that 79 maximum allowable in the DCP.

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As part of the process, we also did a queuing analysis looking at the 98th percentile queue, which resulted in about two vehicles. So, this was two vehicles outside the two vehicles within the car lift. Now, it's probably important to note that that's a 98th percentile queue, which is probably the worst-case scenario. So, the majority of the

time you're probably not going to be seeing a whole lot of queuing there. With that being said, obviously we can't guarantee that there won't be any queuing there as well.

5 But it's probably also important to note that we're looking at a driveway off Clarke Lane, it's a laneway, it's not a driveway off Pacific Highway which is a very busy road. Clarke Lane is also a one-way laneway as well, so the volume of vehicles through that lane is very low and likely really used by existing tenancies along Clarke Lane.

10 But we've also demonstrated in the design that in the event that there is queuing, a car can actually queue curb-side and through-traffic can get around those cars as well. There's enough width along Clarke Lane for that to occur. So, any queuing along Clarke Lane, which will be limited, won't be impacting through-traffic movement along Clarke Lane. So, we've demonstrated that in the design as well.

15 **MS MILLIGAN:** And still on car parking. Council made the comment that it is standard in BCP to have at least one carwash bay. Can we come back and ask you why that's not possible?

20 **MR HONG:** Yes, we did look at the carwash bay. I think – Third.i, did you have any comments on why a carwash bay wasn't provided? There was no mention of a carwash bay needing to be provided in the conditions of consent of the concept approval either, there was only mention about providing 58 – or I think it was 55 parking spaces for Site B. There was no actual mention about a carwash bay, which is probably, which is
25 the reason why we omitted that in the design.

MS MILLIGAN: I understand that, but leaving that aside, in terms of the building and the amenity, is there any other comment about why not provide a carwash bay?

30 **MR MARSHALL:** I'm not an expert in the area, I'm professing that from the start. But I do understand that there's a separate line that's required for a car park bay. And the feedback I've had, we don't have provisions for that line to get rid of the toxic waste from what a car park bay would spit out, it's a separate line down all the way through the building. And obviously, we're building on a fixed structure with
35 provisions that have already been put in place for us to connect into. We can get some more information on that.

I guess, architecturally, Woods, Derek, if you want to talk about what it means architecturally to put a carwash bay, but I think it's very difficult based on connecting
40 into an existing provisioned building to support a carwash bay. And I would question practically the requirement and if it's needed as well.

MS MILLIGAN: Can I just say, I also am not an expert in this area, but presumably in any car park, there's oil dropping, there's a lot of things that might end up on that slab that over time might go somewhere. Particularly, this is an open car park so
45 presumably there will be rain at some point. So, you know, there must be some sort of drainage system that accounts for the fact that you're storing 70 or so cars.

MR MARSHALL: Yes, there are. Getting rid of nuisance water or subsoil drainage or water that hits the slab is dealing with water that's non-toxic. When you're washing your car with those chemicals, it's a separate line going into a separate tank that needs to be set up within the building below the car park, so it's already been built. And my understanding is we don't have the provisions to set up the carwash bays right now. As I said to you, I'm not an expert, but we can come back on that front. I know it's a very difficult thing to achieve.

MS MILLIGAN: Thank you. All right. So, do you want to move on from that?

MR PIGOTT: We can do that. We've sort of, yes, we've touched on quite a bit of those issues. Just circling back to the building separation without wanting to harp on it. The Department in their report gave a very thorough consideration of that issue and landed with an understanding that it was ultimately supportive of the separations as they were proposed.

In terms of solar access, again, you have 59% receive a minimum two hours of solar access between 9 a.m. and 3 p.m. in mid-winter, recognising that that's slightly below the ADG criteria. Considered acceptable given that apartments that don't achieve solar access have been oriented to take advantage of the views. All dwellings receive solar access in expanded hours from 8 a.m. to 4 p.m. in mid-winter.

Solar access is limited by the alignment of the built form and the orientation of the building, such that apartments fronting the Pacific Highway cannot receive solar access until after 3 p.m. in mid-winter. And all dwellings exceed the maximum ADG dwelling size and have access to communal rooftop terrace that exceeds solar access requirements.

These images here, a sun-eye diagram, so we're effectively looking at the building from the perspective of the sun as it moves around the sky from 9 in the morning, 10, 11, 12, 1, 2, 3. And you can see as the sun moves around to the north, you are only just getting to look at that western façade of the building along the Pacific Highway at 3 p.m. in the afternoon. And then as you move further around, you do see that view of those apartments fronting the Pacific Highway, indicating that you are getting some views from 3.15 p.m. to 5 p.m. of an afternoon in mid-winter.

Cross-vent, we've touched on, so look I won't spend more time going through those issues. Traffic issues, we've talked about parking. Waste management, again, just confirming that a private waste contractor with an 8.8-metre medium rigid vehicle can collect waste on site. The wind we've touched about.

Commercial and retail use will be included on the ground floor to activate that space and that street frontage. Affordable housing we've touched on. EV charging provision – just confirming there's provision included for each car space to add a charger.

And just confirming that Transport for NSW raised no objection and provided standard conditions of approval in their feedback to both exhibition periods of the application.

MS MILLIGAN: So, thank you for touching on all those points, but can we just sort of jump back a little bit to affordable housing. Council of course told us that their preferred position is in perpetuity, and they made the observation that most of the other projects are a minimum of 15 years. So, can you just talk through a little bit – I know that you’re going to say that concept approval was for a minimum of 10. But I’m interested to know what discussions you had or what thinking you gave to the affordable housing provision in the project.

MR PIGOTT: I won’t speak for Third.i, but I imagine that commercially when this site was offered to the market, the concept approval was available, the concept included a requirement for the provision of 5% affordable housing for a period of 10 years. No doubt that was factored into the commercial understanding of the proposition that was being offered by the government, and Third.i obviously moved forward on that basis.

Adam, I don’t know if you wanted to add anything over and above that? I think Florian touched on it yesterday in saying that 10 years is a minimum. There’s a lot happening in the affordable housing space and, you know, at that 10-year period, there may well be an opportunity to extend. Obviously bearing in mind also the relationship with Site A and the extensive affordable housing that’s been provided by Third.i on Site A, I think is also a relevant consideration.

MR MARSHALL: Yes, I think you nailed it, Andrew. And when you look at Site A what we’re doing in perpetuity is one of the biggest assets we’re handing over in the history of Sydney or New South Wales. So, I think Andrew’s covered all points on our position.

MS MILLIGAN: Okay. All right. So, at this point I’m going to ask Sheri, I’m going to flick back to Sheri to see how she’s going with the issues that she wanted to talk to you about.

DR COAKES: Yes. Thanks for clarifying the charging, Andrew, based on that question yesterday. Just in relation, just one other comment, I guess, issue raised by Council was around the connection of the building to the public domain and to the Crows Nest Village. Can you just comment on that for us in terms of, you know, there was a recognition by Council, even the constraints, given the, you know, it’s sitting on top of the Metro. But yes, just could you talk to that in terms of how you’re trying to increase that activation between the building and the public aspects.

MR PIGOTT: Yes, sure. Look, I think, as you saw yesterday, what the box is, there’s the floor space that’s been provided. Woods and Third.i have worked really hard and are keenly motivated to ensure that that area is activated. There’s a really good ability to attract and activate that space with the retail and commercial space provided on the ground floor. There’s a few challenges, I think, in terms of levels that the guys were looking at on site yesterday, that they’re coming up with ways to ensure that there’s an ability to move in and out of the building easily and have that flow.

They want to see successful spaces on that ground floor, it’s obviously in everyone’s best interest that that area is activated, is attractive, is welcoming to the public, and is

successful for those businesses that are going to go in there, the residents in the building, and the Crows Nest community more generally.

5 **DR COAKES:** And just one last question from me, we do like to ask these questions, but around your connection to country outcomes and the integration of those in the design aspect. Has that influenced, for example, some of the colours that are used in the materials on the external part of the building? I'm just interested in some comments around that.

10 **MR PIGOTT:** Yes, sure. Derek, did you want to grab that one?

15 **MR SCHOLES:** Yes. So, really, the narrative was about Blue Gum Forest and that being kind of set at the top of the hill in Crows Nest, so a lot of that materiality and the kind of varied shade that happens on that terracotta cladding really starts to respond what that environment was in past times.

20 I just want to kind of raise one other thing with regards to the setbacks on Clarke Lane. We have been through a number of SDRP sessions where that was raised, and for those lower-level apartments. We mentioned it as well on site when we were walking down the laneway, starting to set those back too much just starts to really become a solar issue for those apartments as well on those lower levels. And ideally for us, we would have, it would achieve better solar outcomes for those apartments if they were back out close to the laneway.

25 **MR MARSHALL:** I think just adding more to that, Derek, and this is giving you a bit of understanding of what we've had to go through in this three-year period to get to where we are right now. The SDRP and the Department, firstly the SDRP, we have gone through multiple iterations of design to get to a point where they have comfort. And furthermore, the Department has been very good with us, helping us get to a point
30 where they're satisfied.

35 It's been very frustrating, but we understand now, everything we've been working for is to get their support and just to understand what that means for us as a developer. In three years, I can't even express right now what this has cost us to get to a point where key stakeholders are happy with what we put forward. But there's more than just that. We've actually had to, on the structural setback issue, it's not just our consultant structural engineer that we're dealing with, we're dealing with what it means on a Metro infrastructure consultant group as well.

40 So, my job right now is to try and balance what the stakeholders need, make the building work structurally for the OSD, and also make it work structurally for what's already been built down below. And in this three-year period, we're very comfortable that the stakeholders are – or most the stakeholders are very happy with where we got to, and they understand our limitations. And we pushed as hard as we can to get to this
45 point right now. Now, I hope the Panel here understand the work that's gone in to get to this point, when we're making a decision on where we've got to right now.

MS MILLIGAN: Yes, we have seen the history of the project. So, can we just finish by me asking you if you'd like to comment on the Assessment Report or any of the

recommended conditions. We have received your correspondence asking for some of the conditions to be amended where you perhaps think they don't apply. So, we'll have a look at those. But apart from that – or if you want to speak to that briefly, do that, but apart from that, is there anything else you'd like to say to us about the report or the suggested conditions?

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MR PIGOTT: I'd like to say I liked the report, I think it's a very well-considered report, it adequately captures the key issues that have been at the forefront of the assessment process and provides strong justification to support the proposal with a positive recommendation. So, we're really happy with the work that the Department has done on the journey and really thank them for the positive recommendation in that report as a really strong conclusion to the assessment process.

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In relation to the conditions, Commissioner, like you've identified, we've sent through some correspondence that we're just seeking some minor tweaks to some of the wording of those conditions to recognise the constraints associated with constructing an over-station development and just to allow some sort of staging to occur as part of that process. Happy to answer any questions you may have about any of those changes that we're seeking, but otherwise we'll just let them be on the record for your consideration.

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MS MILLIGAN: Okay. Look, I think we're happy to leave it there. So, I think that probably brings us to the end of the conversation. Thank you for the wealth of information you've given us in quite a short period of time, it's been very helpful. And so, thank you to you, Andrew and Third.i and the whole team, And, unless you've got any final comments, I think we'll end the discussion at that point. Thank you.

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MR MARSHALL: Appreciate your time, thank you everyone for joining.

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MR PIGOTT: Thank you. Bye.

[Multiple people say thank you]

>THE MEETING CONCLUDED