



TRANSCRIPT OF MEETING

TOWN HALL SQUARE – REQUEST FOR ADVICE ON STATE OR REGIONAL PLANNING SIGNIFICANCE

COUNCIL MEETING

COMMISSION PANEL: RICHARD PEARSON (Chair)

OFFICE OF THE IPC: JANE ANDERSON
 GEOFF KWOK

CITY OF SYDNEY KIM WOODBURY
COUNCIL: KIRSTEN MORRIN
 MARCIA MORLEY
 ANNA FIELD
 ANNELIESE KORBER (Norton Rose Fulbright)

LOCATION: ZOOM VIDEOCONFERENCE

DATE & TIME: 2:30PM – 3:30PM
 WEDNESDAY, 23rd SEPTEMBER 2026

THE MEETING COMMENCED

5 **MR RICHARD PEARSON:** So, before we begin, I would like to acknowledge I'm speaking to you from Gadigal land, and acknowledge the traditional owners of all the lands from which we virtually meet today, and pay my respects to Elders past and present.

10 I'm Richard Pearson. I'm the Chair of this single-member Commission Panel, and we also have Jane Anderson and Geoff Kwok from the Office of the Independent Planning Commission.

15 Welcome to the meeting today the Minister for Planning and Public Spaces request for advice on the State or regional planning significance of the City of Sydney's Town Hall Square Project. I want to be clear, this is the sole matter the Commission has been asked to provide advice on and there is no consideration of the merits of otherwise of the project, other than to the extent that it goes to consideration of the State or regional significance of the project.

20 In the interests of openness and transparency, and to ensure the 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. The 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 advice.

25 We've provided an agenda for today's meeting, which will form the basis of discussions. It's important for the Commission to ask questions of attendees and clarify issues whenever appropriate. If you're asked a question and not able to answer, you can take that on notice. Following the meeting, we will advise you in writing of any questions taken on notice that the Panel considers requires a formal response, if any.
30 Any subsequent response or information provided to the Commission will then be published on our website.

35 I request all participants today introduce themselves before speaking for the first time, and for all members to ensure they do not speak over the top of each other, to ensure an accurate transcript.

40 So, we'll now begin. We have got the agenda which was sent out to you. Opening statement – that's me, that's done. Introductions. So, I've introduced the Commission. Kim, or if someone would like to introduce your attendees, that would be appreciated.

MR WOODBURY: Thanks. I'm Kim Woodbury and I'm Chief Operating Officer with the City. Kirsten?

45 **MS KIRSTEN MORRIN:** Yes. I'm Kirsten Morrin, the General Counsel of the City of Sydney. And Anneliese Korber from Norton Rose Fulbright is here today as an observer.

MR WOODBURY: Okay. And Marcia?

MS MORLEY: Hi, I'm Marcia Morley, I'm the Executive Manager of Project Development and Delivery at the City of Sydney and I'm joined by Anna Field.

MS ANNA FIELD: I'm Anna Field. I'm the Development Manager for the project.

MR PEARSON: Okay. Terrific. Thanks, everyone. So, we did also notice we received a letter from Council today.

MR WOODBURY: Yes.

MR PEARSON: We have all read that. So, thank you for that. So, if we go back to the agenda – a brief overview of the proposal by Council. I think we're all pretty across what's proposed, but if you wanted to just give us a brief overview, perhaps talk to your correspondence today in relation to the State or regional planning significance question.

I would also be interested in talking, and your correspondence does go to this to some extent, about what sort of state agency approvals or commitments are required as part of delivering the project. It would be interesting to talk about that as well.

Regarding Council comments on the Department's report, I think that's covered in your correspondence, but I'm happy to pass it back to Council.

MR WOODBURY: Yes. Thanks, Richard. First of all, I just had one clarification – on your, you mentioned the transcript of this meeting would be put on your website.

MR PEARSON: Yes.

MR WOODBURY: Is that a typed transcript or is that a recording of the minutes of the meeting?

MR PEARSON: Jane?

MS JANE ANDERSON: I can speak to that. Jane Anderson here. It will be a typed transcript that records the meeting. Yes.

MR WOODBURY: Okay, all right. Thanks. All right, so perhaps what I suggest that, yes, we have provided a response to the information requested based on the agenda. So, I might give a brief introduction and then ask Kirsten to actually just go through some of the content and how it relates to the project overview items.

So, just first off, the City just wanted to make it clear that we have not requested the proposal be called in under Section 4.36(3) of the Environmental Planning and Assessment Act. First of all, we haven't lodged any development application to date. We have been working for a number of months developing development application documents to lodge, and we're currently looking to – we're anticipating to lodge no later than the 2nd of October.

So, I might hand over to Kirsten and I think she will address most of your questions, but happy to take any further questions after that.

MR PEARSON: Thanks, Kim.

MS MORRIN: Yes. Thank you, Commissioner, and I won't read out the full statement which you've indicated that you've read, but just to take you to the key points in there. So, as Kim foreshadowed, we have been working towards the lodgement of the development application, but at this stage the project scope is as set out in the documents which relied on in the Departmental Report, and that's been approved by Council, and as you foreshadowed, everybody is generally familiar with the concept, which is to demolish the buildings and to create a public square in that space.

Based on the estimates – the work done to date on the development application – the estimated development cost is around \$94 million, depending on which calculation you use, depending on whether it's an SSD calculation or a DA calculation, they both come out around that \$94 million mark, which would put it in the – if it was a development application – in the CSPC development train, as you're familiar with, Commissioner.

Under the City of Sydney Act, all development over \$50 million goes to the CSPC. And we had planned for around a six-month assessment timeframe with full 24-days of public notification. The process for development that is lodged by Council is governed by our council-related development applications policy, and that sets out a process involving independent planners for a major development of this stage. And those independent planners have already been engaged by the City and been working on pre-DA advice to the Proponent. And this is the process that we've followed for all our significant development in recent years.

The CSPC has a majority of NSW government representatives and it has strict Code of Conduct requirements on all members in accordance with the City of Sydney's Code of Conduct.

Just speaking to the City of Sydney's capacity to assess major development of this nature, the City has on no less than six occasions been designated – sorry, delegated from the Minister the assessment and consent authority functions on SSD, and we've set out the details of those occasions in the letter. The total indicative value of those developments was over \$2.6 billion; that was as at the time of assessment, ranging from 2015 to 2024.

The City is not aware of any other council that's been delegated SSD applications, and this speaks to the City's capacity to assess complex development. So, we also received delegation in 2020 to assess the Green Square Public School development which is on City-owned and a co-development with Schools Infrastructure and the Department of Education, which speaks to our capacity to separate our roles appropriately and assess Council-related development.

Our key position in relation to this application is that should the project be subject to an SSD process, we expect that that is an assessment undertaken in a transparent,

genuine, fair and impartial manner. That the assessment project does not delay the project's program. That previous planning and design work undertaken by the Applicant is appropriately recognised and considered. And with any requirement for rework or additional work being minimised as much as possible. That any additional assessment requirements are strictly related to valid matters for consideration under the Environmental Planning and Assessment Act, as well as being reasonable and proportionate to the nature and merits of the proposal. And that the public benefits associated with the delivery of the square are given appropriate weight in the determination process.

We've already committed substantial public investment to the project, and we consider that any transition to the SSD development pathway should only be where it can be demonstrated that there are no adverse impacts on project delivery or timeframes. Any resulting delays or additional assessment requirements will increase our project cost and ultimately be borne by the ratepayers. We are committed to the timely delivery of this project and we are seeking certainty on our planning pathway to ensure the most efficient use of our public funds.

In relation to the next part of our letter, it goes to the consideration of matters in the Departmental Report. Would you like me to continue there, or would you like to pause for questions?

Sorry, you're on mute, Commissioner.

MR PEARSON: Yes, sorry, I was just getting your letter out at the time. Just one query I did have. You've got \$94 million and in other documents saw \$150 million?

MS MORRIN: Yes.

MR WOODBURY: So, the \$150 million is the Council budget, which is Council has fully budgeted for, debt-free, so not taking out any loans. But the estimated development cost is the cost that's calculated by a qualified quantity surveyor in accordance with the normal development application or SSD. And as Kirsten said, they both come out at \$94 million or thereabouts, very close.

MR PEARSON: Okay.

MR WOODBURY: So, that's the development cost that would be lodged with the development application, that's what it is. Now, the City is always fairly conservative in our development of budgets, to make sure that we've got projects fully covered. So, that's all I'll speak to that. But the development cost is 94 million.

MR PEARSON: Okay. That clarifies that. Okay, thank you for that. And we're probably going to come to this down the track, but one of the points I'm unclear on is the connection to state infrastructure, so the Metro Town Hall Station, light rail. Your letter said you had been in discussion with state agencies, but I think I've seen elsewhere that the project scope does not include those connections, I guess those underground connections. Can you talk to that or were you going to come to that?

MR WOODBURY: We can talk to that. So, there are no proposed underground connections from the development site to either the Town Hall Railway Station, Metro, and the only other major state infrastructure obviously is the Cross City Tunnel which is about 14 metres, from memory, below, so it's well below the existing basements, so we're not proposing to touch those basements. And then the other one is light rail. And light rail is – it's probably a further distance away from light rail than the current Metro site opposite Wynyard.

MR PEARSON: Okay. So, well, maybe I'll let Kirsten continue and we'll come to that maybe in the second half of the presentation.

MS MORRIN: Yes. So, the next part of our letter depicts a site area which shows that the boundaries of the lots, all development will take place within the boundaries of the lots. There is a map, or a plan, in the Department's Report which has indication of development outside of that area. There is only ancillary works happening outside of the lot boundaries; all works will be within the boundaries – just to clarify that.

MR PEARSON: Mm-hm.

MS MORRIN: In relation to the matters for consideration, we note and support the Department's assessment of the significant benefits of the proposal, which form the majority of their report. We do raise a concern about the flagging in that, under the heading of item 4, for heads of consideration, relating to the reference to the loss of existing commercial spaces.

We are not aware of any statute, environmental planning instrument or planning principle allowing the consent authority to consider what is a permissible change of use by removing that floor space as a relevant consideration in the way foreshadowed in that Departmental statement. So, we're concerned about the flagging that this matter of significant consideration for future discussion, as potentially leading to the error of taking into account irrelevant considerations both at this stage and in the future assessment of the project. So, we would ask the Commission to consider that aspect.

And then we turn to the coordination with the state agencies. So, we do agree that transport state agencies in particular are crucial to the project. This is not exclusively. We've also been working with other agencies such as Ausgrid and Sydney Water in relation to the project, but we focused because we understand that's the primary concern is around the transport agencies on that in our letter.

So, we've been proactively engaging with all of those agencies and related entities for a considerable time. This is not limited to what's set out in the letter, but has gone on from beforehand, but we have been having specific briefings on the detailed project scope since April with all representatives. And there's a coordination group being led by Transport for NSW working on the project, and our staff. So, we are already taking a coordinated and consolidated approach to the project as we go through.

We think it's important to bear in mind as part of the benefits of the project that once constructed it will form a hub for all those different forms of transport right in the

centre of the CBD. A pedestrian and interaction hub for all the different forms of transport.

And as I say in the letter, regardless of the planning pathway, we will continue to proactively engage with all of those agencies through the approval process.

In conclusion, we are confident that the proposal will be demonstrated to be entirely consistent with applicable planning controls and all planning instruments regardless of what pathway it's considered under. And we do request again that any call-in process be fair, transparent and not involve additional unnecessary costs or delays on the project.

I've set out in the letter a bit of a history of how long the project's been going for. We have invested significant sums of money in acquiring these sites since 1985. The very first site that we did acquire in that year was 540 George Street, being the building partially occupied by Woolworths. So, that is how long the – and the reason for the acquisition was clear at that time. We've had it in our strategic plan since Sustainable Sydney 2030 was published in 2008 following extensive public consultation. And our plans are in fact for three squares, and this is the central square in that three-squares model through the middle of central Sydney.

The significant uplift and growth in commercial floor space which is unlocked through the Central Sydney Planning Strategy is based on the development of this additional public space to support the delivery of that additional density. And then in 2021, that was when we formalised through the LEP the creation of the Sun Access Plan to protect sun access to this square. And that was the key final piece of the formal recognition of this project.

So, we look forward to receiving timely approval of a compliant proposal in accordance with the key legislative principles of enabling the orderly development of land regardless of which planning pathway we ultimately travel.

MR PEARSON: Thank you for that. So, just to be clear [audio glitch].

MS MORLEY: Richard, we just lost audio.

MR WOODBURY: Sorry, we just –

MR PEARSON: Can you hear me now?

MS MORLEY: Yes.

MR WOODBURY: Yes, we can.

MR PEARSON: You can hear me now? Okay, good. Thank you. So, just clarifying that the advice the Commission is preparing at this point about the State or regional planning significance of the project, and then the Minister, well, he's obliged to make it public, and then, you know, whether – it's not exclusively said in the guideline but

he will obviously consider it as part of his consideration as to whether or not to declare the project as state significant development.

5 The point you raised, I guess, about the economic impacts, and I think you raised the point about the Department referring to negative potential impacts of commercial floor space. There is a requirement for us to consider the economic impacts broadly of what's being proposed. So, that is part of – it's one of the five or six criteria under the guideline that we're required to turn our minds to in providing the advice to the Minister. But I appreciate your point in relation to that matter.

10 Just in relation to, you know, you want an open, transparent state significant development process – absolutely, yes, that's, that's the hallmark of the system and it has to be that. If it's called in, any project would be publicly exhibited for submissions. As to who the actual consent authority would be, whether it would be the Commission or the Department, that's a decision for the Minister through the process. It will
15 depend, I think, to some extent on the number of submissions received and/or Council's views at that point in time, as to who actually makes the ultimate decision on the project, should it be called in as state significant development.

20 But, yes, I guess I'd like to assure you that any process will be open, transparent and merit based in its assessment. That's, I think, the hallmark of the state significant development system, certainly as it's operated by the Independent Planning Commission, that is absolutely the case.

25 Anything, Jane or Geoff, at this point in time that we should seek to clarify with the Council?

MS ANDERSON: Richard, I think that clarifies everything that was put forward in Council's letter.

30 **MR PEARSON:** Yes.

MS ANDERSON: Yes.

35 **MR PEARSON:** I'm still – the one thing that I suppose I'm still a little unclear on is the extent to which transport agencies have signed up to providing those connections into their system. Or is that something that will be further developed through the development application process?

40 **MS MORRIN:** So, I think there isn't any actual connection through the lots. But there is aboveground – when we talk about connectivity, it's what the aboveground connectivity that the creation of the square offers, rather than any underground connectivity. Because we are not significantly touching the basement areas, or
45 engaging in any other excavation or anything of that nature, we do not foreshadow there being significant impacts on the operations of any of the rail systems through the construction process.

So, there's no interaction to a detail extent. There is certainly interface work and we – that's what we have been working on.

MR WOODBURY: So, the only interface, well, interaction work – just in addition to what Kirsten said – is the existing doorway from Woolworths at below ground, will be closed off, so there will be a wall put in there where that current doorway is. And I think we've got one other tenant just down there, a small doorway would be closed off. That's really the interaction.

There is no subservice connection apart from those currently, and we're not proposing to have any connection through there. Nor have we had Transport request a connection to date. Actually, a number of years ago we did talk to Metro when it was being built, to see if they wished to have a connection, and were advised they didn't want to have a connection at that particular point in time.

MR PEARSON: Okay, all right. So, if I'm a future user of the square and I wanted to access Town Hall Station, I would be crossing George to do that?

MR WOODBURY: No, no, you'd be going down the current portals.

MS MORRIN: Down the current stairs.

MR WOODBURY: There are two portals out the front of the future square, just outside Woolworths at the moment.

MR PEARSON: Okay, okay. So, they will remain. So, it's just –

MR WOODBURY: They will remain, and any change to that would be up to Transport when they probably redevelop the Town Hall Station, whenever they do a redevelopment there. And our team has been working with Transport team to make sure that we're not – that we're enabling future opportunities for them within their space.

MR PEARSON: Okay. So, you're relying on –

MS MORRIN: And the – sorry, Commissioner.

MR PEARSON: Oh, just, you're relying on existing underground connections for the square, moving forward?

MR WOODBURY: Yes.

MR PEARSON: Sorry, Kirsten.

MS MORRIN: The only other temporary impact would be the temporary moving of some bus stops on Park Street, and this has also been the subject of a lot of discussion and agreement, I think, between Transport for NSW and staff.

MS FIELD: That's correct.

MS MORRIN: Yes. So, that's buses currently pull up on Park Street just before the George Street intersection – those will be just relocated one block down, I believe. Anna, is that right?

5 **MS FIELD:** They'd be relocated into the existing loading bay that is just 10 metres to the west.

MS MORRIN: Yes.

10 **MS FIELD:** Temporarily.

MS MORRIN: Yes, temporarily until the square is finished construction.

15 **MR PEARSON:** Thank you for all of that. So, are you saying you're pretty close to lodging a development application? Is that – that's where you started, I think, you're looking at ...

MS MORRIN: Yes.

20 **MR WOODBURY:** Yes.

MR PEARSON: ... October did you say?

25 **MS MORRIN:** The 2nd of October.

MR WOODBURY: The 2nd of October, so next week.

MR PEARSON: Right, okay. So, all the documentation's pretty well ready to go, yes?

30 **MR WOODBURY:** We're just finalising all the documentation at the moment.

35 **MR PEARSON:** Okay. Well, just in terms of our timeline, we'll be looking at providing advice to the Minister pretty much around that sort of timeline, I guess. The first week in October, Jane? That's what we're looking at, that's providing our advice on the State or regional significance of the proposal. So, I guess that there's no delays from our point of view, we'll be progressing this pretty swiftly. We've had the meeting now. I don't think we need to meet with the Department – they've submitted their report, which is pretty self-explanatory. Council is the Applicant as well as the Council, so we don't need to meet with anyone else on this. I think we're clear on
40 your ...

45 I mean, I guess what you haven't done is said whether you're in favour or not of the call-in. Do you have a view on that, or you're kind of agnostic, or you oppose it but you can live with it? How would you summarise it?

MR WOODBURY: We'll probably say that it's not our decision, and we didn't ask for it.

MR PEARSON: Mm-hm.

MS MORRIN: And we would say that the – we agree that the project is significant, but as we’ve set out in our letter, we are used to, and capable of, assessing significant projects.

MR WOODBURY: And we are concerned about potential delays, and both the time for realisation of the public benefit but also escalation of costs, which is always very pertinent in this day and age, that there’d be increased costs.

MR PEARSON: Sure. Okay, well, you do make all those points clear in your correspondence. I think as Jane replied to you today, we do make all correspondence received by the Commission public, so that will be made public on our website. The Minister will have access to that as part of his deliberation on whether or not to call it in as state significant.

Jane or Geoff, if there’s anything further we would need from Council? Or if Council has anything further you want to raise with us now? I’ll move to concluding the meeting otherwise.

MR WOODBURY: Yes, I don’t think we’ve got anything further to add.

MR PEARSON: Thank you, Kim.

MS ANDERSON: Can I just ask one further clarifying question? It just goes to your point Commissioner about, I guess, the connections with state infrastructure. Council, you mentioned the closing off of the access point to the current Woolworths basement level. What would be Council’s proposed, or envisaged, future use of that basement level?

MR WOODBURY: A lot of the basements will be used for deep-soil planting for trees. We’ll have 50% coverage of the square when the trees are fully enabled. That means 50% of the area or more will actually have to have deep-soil planting. And we also have to have – part of the basement needs to service the water feature, and obviously the reticulation water treatment system and the like, and just access to that.

MS ANDERSON: Thank you.

MR PEARSON: Thanks very much, Kim and Council. If there’s nothing further – it appears there’s not – so, thank you very much for attending, and thanks for your letter as well. And we will stay in touch with you on this as the process unfolds.

MR WOODBURY: Okay.

MR PEARSON: Thanks, everyone.

[Multiple people say thank you]

THE MEETING CONCLUDED