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## TRANSCRIPT OF PROCEEDINGS

## TRANSCRIPT IN CONFIDENCE

O/N H-1031714

INDEPENDENT PLANNING COMMISSION

MEETING WITH CITY OF SYDNEY COUNCIL

RE: SOCIAL HOUSING 11 GIBBONS STREET, REDFERN

PANEL: STEVE O'CONNOR

WENDY LEWIN

ASSISTING PANEL: DAVID WAY

**OLIVIA HIRST** 

COUNCIL: MARIA O'DONNELL

MICHAEL SOO CINDY CH'NG

LOCATION: IPC OFFICES

LEVEL 3, 201 ELIZABETH STREET SYDNEY, NEW SOUTH WALES

DATE: 11.05 AM, MONDAY, 27 MAY 2019

MR S. O'CONNOR: Before we begin, I would like to acknowledge the traditional owners of the land on which we meet, the Gadigal people. I would also like to pay my respects to their elders past and present and to the elders from other communities who may be here with us today. Welcome to the meeting. St George Community Housing Sustainability Limited, the applicant, is seeking approval consider construction and operation of an 18-storey social and affordable housing development at 11 Gibbons Street, Redfern. My name is Steve O'Connor. I'm the chair of this IPC panel. Joining me is my fellow commissioner Wendy Lewin on my left, as well as Olivia Hurst from the Secretariat also, further on my left.

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In the interests of openness and transparency and to ensure the full capture of information, today's meeting is being recorded and a full transcript will be produced and made available on the Commission's website. This meeting is one part of the Commission's decision-making process. It's taking place at the preliminary stage of this process and will form one of several sources of information which the Commission will base its decision upon. It is important for the commissioners to ask questions of attendees and to clarify issues whenever we consider it appropriate.

If you are asked a question and are not in a position to answer, please feel free to take
the question on notice, provide any additional information in writing which we will
then subsequently place on our website. I request that all the members here today
introduce themselves before speaking for the first time and for all members to ensure
that they do not speak over the top of each other just to ensure the accuracy of the
transcript. So now we can begin. Thanks again for coming along. We do have an
agenda and I take it you've had an opportunity to know that we've got an agenda. So
who is it over to – just the introductions. Michael.

MR M. SOO: I will start off.

30 MR O'CONNOR: Thank you.

MR SOO: Hello, my name is Michael Soo. I'm an Area Planning Manager and I would like to thank the Commission for giving us – providing us with the opportunity to attend and to express the city's position. May I say from the outset that the City of Sydney strongly supports ..... provision of social and affordable housing and accommodation on this site. In addition to the two written submissions made to the Department of Planning, I would like to ..... follow-up statement to identify the key issues from the city's perspective. The site sits between Gibbons Street and Regent Street, two classified roads carrying more than 40,000 vehicles each per day.

The development must therefore address the infrastructure SEPP and also SEPP 65 and the Apartment Design Guide. This creates acoustic and ventilation challenges for a residential development. It is therefore essential that development meets the minimum amenity requirements recommended in the ADG, particularly the need for all habitable rooms to have acoustic amenity and natural ventilation. These include

the acoustic treatment of any proposed ventilation system with the need to enable each apartment to individually control their ventilation needs. Given the unique solution proposed by the applicant, it is strongly recommended that the whole system proposed be peer-reviewed by a suitably qualified, experienced and independent mechanical engineer specialising in residential ventilation systems.

It's also important to determine the effectiveness and suitability of the proposed system for the subject development and whether the system can adequately be powered by the extent of solar panels proposed on the roof, the number which is unclear as they are shown as indicative only on the proposed plans. The city acknowledges that the eastern side of the site is likely to be protected in the future by any future development of the neighbouring site 90 to 102 Regent Street and the efficacy of the centralised system with the acoustic environment becomes such that a resident can open the windows for natural ventilation. The other key issues for the city relate to building separation and setbacks.

It is recommended that building – that the building podium be set back a further 800 millimetres from the northern Marian Street boundary to ensure that the intent of the footpath widening controls in the Redfern Centre Urban Design Principle documents are met. This will avoid conflict with existing street poles, parking signs and alike to provide greater pedestrian amenity. This will also establish the ..... for the future development of the neighbouring site at 90 to 102 Regent Street. The western half of the tower block is recommended to be shifted generally south to ensure compliance with the required four-metre setback above the podium.

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This has the advantage of increasing the separation between this building and the building to the north but also improving the pedestrian wind environment on the ground. In noting the likely future redevelopment of the neighbouring site to the east on Regent Street, the centrally located eastern tower protrusion should be removed so as to equitably share the required ADG 18-metre building separation between the two sites. Under the current proposal, the subject site borrows amenity from the site to the east which prejudices future redevelopment of that site.

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The setback on Gibbons Street and the southern boundaries are generally acceptable to the city. Finally, the city maintains that the commercial ground floor uses which are clearly independent of the social and affordable housing should be subject to development contributions under the Redfern-Waterloo Authority Contributions Plan and of the Redfern-Waterloo Authority Affordable Housing Contributions Plan 2006. Thank you.

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MR O'CONNOR: Very good. Anyone else like to make a comment at this stage? Okay. Given those couple of recommendations, I think it would be useful if we could get a plan in front of us and you could just speak to each of those points you made about additional setbacks, about the amenity being borrowed from an adjoining property just so we're really clear about which part of the project you're talking about.

MS C. CH'NG: So Cindy speaking. This is a plan prepared by the applicant. I'm an urban designer, City of Sydney.

MR O'CONNOR: Thanks, Cindy.

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- MS CH'NG: This is a plan of provided by the applicant and it actually shows the surrounding development, existing and future, and it also shows where the setbacks should be. So this is a plan of provided by the applicant and it actually shows the surrounding development existing and future and it also shows where the setbacks should be. So this is the level where the common urban space is and then so effectively this is the tower where a four-metre setback is required. And you can see on 7 to 9 Gibbons Street that has been provided and they've also provided a four-metre from Gibbons Street.
- And so there is there's this gap that has been allocated here. And in effect no habitable room is reliant upon this. Both the ADG and the urban the design principles the urban design guidelines for Redfern talk about there's no need for a side setback so if this could be shifted which you can do comfortably that will still get its ventilation from the quiet side. It would be good if this could as well as long as there's no ..... blocking of it in terms of this apartment impacting on the ability for this apartment to get light in there.

MR O'CONNOR: So we're talking about an 800 millimetre shift - - -

- MS CH'NG: That's at the ground level. That's for the ..... so we're just talking about an 800 mil shift here so that there's a three metre clearance and this, again, has been reflected along here. They've got a 3.5 to their glass line and that just gives them three metre clear from any obstructions.
- 30 MR O'CONNOR: And you're proposing that to be achieved by just shifting everything or by reducing the size of this building?

MS CH'NG: That will be up to the applicant to balance out.

35 MR O'CONNOR: So that whole length of the side is 800 mil to Marian Street?

MS CH'NG: Yes. And when I speak to the four-metre upper level setback, it's from the street wall that's provided from the podium.

40 MR O'CONNOR: Yes, so can we go back to that now?

MS CH'NG: Yes. So .....

MR O'CONNOR: So here you would like to see – can you just explain again what you're looking for.

MS CH'NG: Basically, to shift across so that we get the four metre upper level setback.

MR O'CONNOR: Okay.

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MR SOO: From the – from the adjusted podium.

MS CH'NG: Yes.

MR O'CONNOR: And you think there's the capacity to do that because they've got a generous setback on this boundary.

MS CH'NG: Yes. And in a – no habitable room needs to rely on that side setback for light and air. They can do it this way. And whilst in a – on balance, if you – if we can get something a little bit closer we will then get a gap between this development and the future development on 13 to 23 Gibbons Street.

MR O'CONNOR: Are there any plans for what's proposed there at this stage?

20 MS CH'NG: Yes, it's student housing.

MR O'CONNOR: Right. Okay. And I think the next point, Michael, you raised, was the ventilation system and the – would you like to see a peer review or - - -

25 MR SOO: Just to finish off - - -

MR O'CONNOR: Sorry.

MR O'CONNOR: --- since we started on building separations and setbacks, there's also ---

MS CH'NG: This is the other area where a greater setback is required, and because the ADG talks about equitable separation, the centreline of the road is the most equitable between here and 90-102 Regent Street. But in addition there's also an existing three storey residential apartment building across from the lane. And, again, this is something for the applicant to balance out. And, your Honour, there are various ways of achieving it.

MR O'CONNOR: Okay. Were you involved at all in the – they went through a design review process, the government architect.

MS CH'NG: No.

MR O'CONNOR: Does council get involved in that at all?

MS CH'NG: We have a representative, but - - -

MR SOO: As an observer, your Honour.

MS CH'NG: As an observer.

5 MR SOO: But it wasn't any of us.

MR O'CONNOR: Right.

MS W. LEWIN: In that process does the observer make a report back to you in a formal sense?

MR SOO: In a formal sense? No. They do share the notes taken form the design review panel, but nevertheless, we form our own independent view of each proposal.

15 MS LEWIN: Thank you.

MR O'CONNOR: Okay. Does that take care of the urban design issues that you wanted to raise? All right. So, Michael, you mentioned the mechanical ventilation system and the belief council has that it needs to be peer reviewed because you called it a "unique" system. Something like this hasn't been done before, or - - -

MR SOO: I haven't come across it myself.

MR O'CONNOR: Yes.

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MR SOO: Any of the developments that I've overseen.

MR O'CONNOR: Is the main concern whether the solar panels will supply sufficient power to make it functional in all conditions, or is it actually the ventilation system itself, that you have concerns about.

MR SOO: Well, the ADG calls for natural ventilation. This is not natural ventilation. It's, I think the department has described it – is a hybrid system.

- MS CH'NG: So the ADG prioritises noise and pollution or acoustic amenity, rather, and natural ventilation. And then it gives dispensations for other things like solar and cross ventilation, and in this instance it's a mechanical system and, you know, that already says that it's not natural ventilation, so there's a reliance on energy in order to deliver this system. However, in this case they've got PVs and they've said it's kind of, I guess, a closed system where the PVs provide the energy. So for us there's a lot of unknowns. We don't know if there's sufficient PVs. We don't know about the efficacy of the PVs.
- We don't know what happens if in the future because, I mean, none of us are engineers. You know, the quiet side. They open their windows. Does that affect the system? And there are a number of measures combined in both, you know, of the diagram and the mechanical drawings which require probably a bit more detail in

terms of acoustic attenuation between the apartments through this centralised system as well as fire. They will need, you know, colours. And also their acoustic report that has other measures in terms of double-glazing and other things. So it's about someone bringing all of those together and ensuring that that system can work in lieu of being able to achieve acoustic amenity and natural ventilation through careful siting and design.

MR O'CONNOR: Yes. That was the challenge, I think, that you mentioned. The very busy roads that this development faces, and according to the applicant, just the air quality and the issue of natural ventilation and acoustics create quite a bit of tension.

MS CH'NG: Yes.

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15 MR O'CONNOR: Yes.

MS CH'NG: Yes.

MR O'CONNOR: Okay. And you also mentioned about the – yes, that issue of borrowing the amenity from a neighbouring property. Can you just explain what you were referring to there. Was it these properties? Yes.

MS CH'NG: Yes.

25 MR O'CONNOR: Okay.

MS CH'NG: And these as well to a degree because they've got bedrooms and they've provided the correct setback - - -

30 MR O'CONNOR: Yes.

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MS CH'NG: --- from a built form point of view from here. And so, you know, in politeness, so should this development. And what happens as a result of that high blank wall is, you know, limited – in order to deal with that visual impact they've then had to resort to other measures such as limiting the openings, positioning them. There are highlight windows to bedrooms. And, you know, if you have to find an

alternate solution to overcome a problem, which I think can be quite easily adjusted

or, then it's not exhibiting design excellence.

MR O'CONNOR: Okay. Thank you. We might go on to some of the other issues, and there might some duplication on this, but just to run through the agenda that we've set out, the – there's by necessity, by the project that they've come up, this – there's the necessity to look at variations to development standards which go to the setbacks that we've already addressed. They've gone about doing a SEPP 1

justification. So I take it you're not satisfied with that SEPP 1 justification. You would like to see greater setbacks provided.

MS CH'NG: Yes.

MR SOO: Yes.

MR O'CONNOR: Okay. The privacy concerns, are they anything specific? I mean, you've talked about what you believe are some inferior techniques they've had to revert to, but are there any specific privacy issues that cause concern?

MR SOO: I think it's fair to say that if our recommended setbacks are provided, and obviously we're to care for management of windows and their relationship with neighbouring developments - - -

MR O'CONNOR: They would be overcome.

15 MR SOO: Yes.

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MR O'CONNOR: Yes. Okay.

MS LEWIN: So there's visual privacy. Acoustic privacy, do you have any specific considerations in relation to that?

MS CH'NG: There is an acoustic privacy issue that we've spoken to between bedrooms through the recess, but considering the – how noise affected this – it's going to be a competition between the external traffic noise and the noise from your neighbours if you – you know, if you should choose to open your windows.

MR O'CONNOR: Now, the bicycle parking provisions. I think council said there's a significant deficiency, in your view, in terms of the 80 - - -

30 MS M. O'DONNELL: Maria – my name is Maria O'Donnell.

MR O'CONNOR: Thanks, Maria.

MS O'DONNELL: I'm a specialist planner for the city. In terms of the bike parking facilities, we have some initial concerns about the number being proposed in relation to the scale of the development, and we did have some discussions with the proponent about that. We came to understand that they are proposing a form of bike share scheme as well as increasing the numbers following those discussions with them, while still not meeting the DCPs requirements.

MR O'CONNOR: Yes.

MS O'DONNELL: In addition, they're proposing a bike park scheme which in principle could be supported. At this stage we have limited information about what that scheme involves and one of our main concerns about that was that the – there would be some form of priority for residence over any other members of the community that might be able to avail of that bike service, and that the occupants of

the development should be prioritised and encouraged, in fact, to use those forms of transport.

MR O'CONNOR: And so that was a concern to you, that they would be given priority, or - - -

MS O'DONNELL: So that was one of our concerns when they raised the idea of a bike share scheme.

10 MR O'CONNOR: Idea of it, yes.

MS O'DONNELL: Given that we have limited information, that is one of the concerns, I guess, that we don't how they want to deal with that, but that is something that we would like them to consider if this idea is pursued.

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MR O'CONNOR: And the number of bike parking spaces council would have liked to have seen with this project?

MS O'DONNELL: Look, ideally it is our preference that it meets the requirements of the DCP, as we would suspect of any other development of this scale and type. We appreciate that their objective is to, you know, maximise activation on the street and that bike parking can occupy a large proportion of ground level space that would otherwise be for uses to activate those spaces. In the circumstances of the case, they have increased the number from originally which is an improvement and a move in the right direction which we support.

MR O'CONNOR: Yes.

MS O'DONNELL: And perhaps with more information on this proposed bike share scheme. It could be acceptable.

MR O'CONNOR: Yes. Okay. The mechanical ventilation system we have talked about. I think I'm clear. I don't know if Wendy is clear or has any additional questions, but I'm clear now on what your concerns are and what you would like to see happen there in terms of the peer review.

MS LEWIN: Yes.

MR O'CONNOR: The developer contributions, you also mention, Michael. Now, there are two different sorts of contributions aren't there? There's the affordable housing contribution and then contribution that deals with the public realm. There are – the department has recommended conditions that would require both those contributions but gives the option of a – works in kind to be able to offset the public domain. So you weren't – council wasn't satisfied with the way that condition was worded or - - -

MR SOO: I will just deal with the – my words, the regular contribution, firstly.

MR O'CONNOR: Yes.

MR SOO: I will deal with the affordable housing secondly. With the regular contributions, yes, we do acknowledge that there is a condition on there. We haven't see the – how the numbers have been worked out, you know, putting aside dollar figures.

MR O'CONNOR: Yes.

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- MR SOO: Our position is that the ground floor retail and commercial spaces and the café space should be subject of a contribution. Whether there's an option you need to do, works in kind as you've described it, Stephen. I guess the test will be whether the works in kind are over and above that normally that resulting from a regular you know, it's a normal consequence in the proposed works, as I say it, are a normal consequence of the development. There are and I think propose that's over and above, yes, what would ..... you know, consequential improvement on a public domain. With affordable housing, the same issue. Our council position is that the ground floor retail, commercial and café spaces should be subject for contribution, you know, full stop. Maria may have you got anything to add to that?
  - MS O'DONNELL: I don't think so, just that we would request that the requirements of the plan be enforced and I agree with Michael's comments in that regard.
- MR SOO: Sorry, I just wanted to add. I mean, I've got of the two plans here. I reread them this morning, and to me it's clear that the retail spaces on ground floor are not exempt from the need for contribution. Yes.
- MS LEWIN: Have there been other any precedents that would support no contributions being paid?

MR SOO: I'm not aware of away, but, you know, I do development centre, Redford-Waterloo authority area, obviously assessed by the Department of Planning rather than the City of Sydney.

MR O'CONNOR: And it is the development authority that administers that scheme, isn't it? It's not council.

MR SOO: It's UrbanGrowth.

MR O'CONNOR: UrbanGrowth. So when they collect contributions under that scheme, do they do that, do works, or do they provide the money to council and council does works? What? How does that operate? Do you know?

45 MR SOO: I - - -

MS O'DONNELL: I'm not familiar with how the money is distributed or who takes charge of doing the works, paying for the works. I'm afraid I'm not familiar with that.

5 MR SOO: Same. Yes, same with me.

MR O'CONNOR: Okay. Do you think you could check up on that matter and get back to us, just so - - -

10 MS O'DONNELL: Sure.

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MR O'CONNOR: --- we're clear whether the Redfern-Waterloo Development Authority is just, basically a mailing place to collect contributions and hand them over to council or whether they actually – the authority that then takes those moneys and does whatever works are required with those moneys? I would just like to be clear on that point. Nothing further on developer contributions from you?

MS LEWIN: No. No.

- MR O'CONNOR: Okay. And the final thing that we want to raise was there were a number of requests from the applicant in terms of changes to draft contributions in the department's report. And a number of those conditions were suggested by council. So we just want to get some feedback. Have you had the chance to look at those that correspondence from the applicant where they requested changes to certain conditions?
  - MS O'DONNELL: Yes. So we've reviewed their responses and issues taken with the draft conditions. I would draw your attention to the ones that we, in particular, would like to comment on.

MR O'CONNOR: Yes. That would be great.

MS O'DONNELL: And where I don't comment, you can consider that we're happy.

MR O'CONNOR: Yes. Okay.

MS O'DONNELL: I would take you to – we've spoken already about the contributions.

MR O'CONNOR: Yes. Yes.

MS O'DONNELL: So I feel that's covered.

45 MR O'CONNOR: Yes, consider them dealt with.

MS O'DONNELL: In terms of B22, so page 3 of 12.

MR O'CONNOR: Yes.

MS O'DONNELL: It refers to details of the stormwater disposal and drainage. We feel that it should remain that the on-site stormwater detention system is in accordance with the council standard requirements. But we're happy that it is prepared in consultation. It's our preference that it is submitted to the council, but we are happy with a situation where we can be consulted and have input on those arrangements.

10 MR O'CONNOR: Okay.

MR SOO: When Maria says it's our preference that council remains the - - -

MR O'CONNOR: Approval authority.

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MR SOO: --- authority signing off on an asset on the basis that obviously we're the custodians of those assets.

MR O'CONNOR: Yes.

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MR SOO: And, otherwise, I do not know the skill set of the Department of Planning. The may not have the skill sets and experience to deal with these public domain elements.

25 MR O'CONNOR: Yes, that's acknowledged.

MS O'DONNELL: Going to condition B27, page 4 of 12.

MR O'CONNOR: Yes.

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MS O'DONNELL: Referring to the flood design certification report. Council's review of the proposal didn't go into a detailed assessment of those – of the flooding situation on the site, so the proposed deletion of parts B to E, we aren't comfortable that – that is something that shouldn't be applied to the site or considered as part of the information submitted to satisfy that condition. Again, part of the land is in the public domain and in the future charge of the city and it should be reviewed in consultation with the council at a minimum.

MR O'CONNOR: Okay. So you're not happy with those issues being deleted?

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MS O'DONNELL: Yes.

MR O'CONNOR: Fine.

45 MS O'DONNELL: In terms of condition B48, page 5 of 12, in relation to storage and handling of operational waste, we believe that as council will be collecting the

garbage for the residential component, that the development should be required to comply with the requirements of the city's policy for waste and new developments.

MR O'CONNOR: So they were asking for it to be removed altogether, but you're saying, no, you would like to retain it.

MS O'DONNELL: Yes.

MR O'CONNOR: Good.

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MS LEWIN: Your last question on that just now.

MR O'CONNOR: Yes, by all means.

- MS LEWIN: On that point, or your point, it's a the proposal is to access the ..... and remove waste on the from their land through this access way, private driveway and gateway and so on. Is that something that council is wishing to have further discussions with the applicant on or is this something that is not acceptable?
- MS O'DONNELL: I think when we met with the proponent and they described this arrangement, in principle I don't we didn't have an issue with it. It is private land. I think what we didn't review at great length is the allocated area in terms of the volume of storage, bulky waste, and those arrangements internally that would need we didn't review them in detail so going afford, any approval should ensure that it complies with those individual and specific requirements of the policy. But in terms of the general arrangement for waste drop-off and collection, that was supported in principle, I believe, from my recollection of those discussions.

MR SOO: I think there have also been some practical issues in terms of the gates, whether they're locked. Who opens the on collection day.

MR O'CONNOR: Yes.

MR SOO: When a council is given a key – so there's a number of practical issues that need to be sorted out with council as to service provider.

MS LEWIN: Yes, that was part of the next question, if that's all right.

MR SOO: Yes.

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MS LEWIN: Thank you. Yes. All right.

MR O'CONNOR: Good.

45 MS LEWIN: Thank you very much.

MS O'DONNELL: Okay. Condition C41, page 6 of 12. So it refers to design plans and hydraulic calculations for any changes to the stormwater drain system to be submitted to RMS. We maintain that that condition should be adjusted to also require approval after a minimum consultation with the City of Sydney given that William Lane is under the city's ownership and management. Condition E19, page 9 of 12, we would request that the condition remains that the works as executed, plans and documentation is submitted to council, and in accordance with the city streets technical specifications and documents given that council is the custodian of the public domain areas.

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MR O'CONNOR: Yes, same logic. The - - -

MS O'DONNELL: Yes, exactly.

15 MR O'CONNOR: Council – that the department may not have the expertise anyway.

MS O'DONNELL: Agreed. That's the same for condition E20. In terms of rectification of identified defects, we maintain that condition should be kept as worded. Condition E36, page 10 of 12, again that relates to operational waste management given that council would provide the service for the residential component. It should be submitted to and approved by the city.

MR O'CONNOR: Good.

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MS O'DONNELL: And that is it.

MR O'CONNOR: There was one there I think I was going to query that you didn't mention. Was it E48. You didn't mention C38. That's page 5 of 12.

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MS O'DONNELL: C38.

MR O'CONNOR: Which is to do with traffic works. And their current condition says that:

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It must be referred to and agreed by the Local Pedestrian, Cycling and Traffic Calming Committee of council prior to any works.

And they were suggesting that it should be changed so that it talks about consultation with that committee but approval by the secretary.

MS O'DONNELL: Our position is that it requires – it may require ..... approval by the relevant roads authority and should be referred to and agreed in consultation with the Local Pedestrian, Cycling and Traffic Calming Committee. And so that condition should remain as worded.

MR O'CONNOR: Yes. I thought that would be your response. I just wanted to make sure - - -

MS O'DONNELL: Yes. Apologies. An oversight.

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MR O'CONNOR: - - - we didn't assume something that wasn't correct. You left it out intentionally because you didn't have a problem.

MR O'CONNOR: Apologies.

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MR O'CONNOR: Okay. That's very good. I don't know that I have any other matters or questions. Do you, Wendy? Anything that you were keen to get council's feedback on this morning?

- MS LEWIN: No. I think my concerns have been covered generally. We have spent quite a bit of time discussing privacy issues, setbacks, servicing, so on and the ventilation system and have requested information to support our consideration, so, no, I don't think there's anything extra at this point.
- 20 MR O'CONNOR: Thank you. Olivia, do you have anything you want to raise?

MS O. HIRST: No, nothing.

MR O'CONNOR: Okay. And if – have you got any questions for us before we wrap this up?

MS CH'NG: No. But could I also ask if – whether the peer review or a little more information gets asked about the ventilation, that they also consider cleaning and maintenance.

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MS LEWIN: Yes, of course.

MS CH'NG: Yes.

35 MS LEWIN: Absolutely.

MR O'CONNOR: Good. If that's the case, then thank you for your time and I call this meeting to a close. Thanks, Emma. And thank you for making the effort of coming over and bringing all your plans with you. You've obviously been pouring over it for some time.

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[11.42 am]