

MR C. WILSON: Okay. So we'll start straightaway. Before we begin, I would like to acknowledge the traditional custodians of the land on which we meet. 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 today. Welcome to the meeting today on proposals seeking concept approval for alterations, additions to the Intercontinental Hotel, Sydney. My name is Chris Wilson. I'm the chair of this IPC panel. Joining me is my fellow commissioner Soo-Tee. The other two attendees at the meeting are Casey Joshua from the Commission Secretariat and Matthew Rosel – Rosel, consultant for the Commission.

In the interest 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 is taking place at the preliminary stage of this process and will form one of several sources of information upon which the Commission will base its decision. 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 it on notice and provide any additional information in writing which we will then put on our website. I request that all 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, to ensure accuracy of the transcript. We will now begin.

Thank you. I guess, uh, for my – for myself and my fellow Commission – we've been through Council's submissions – those three submissions you've made over the last two years, '17 nine – '18, '19. Um, uh, I guess we would like to understand Council's concerns. We would like to understand your views on the Department's recommendations and recommended conditions of consent and any residual concerns you may have in relation to the proposal and the assessment. So - - -

MR T. SMITH: Um, with the commission's permission, I might just, uh, read an initial - - -

MR WILSON: Sure.

MR SMITH: - - - for the benefit of the transcript, that captures our concerns. I – I'll open with issues, um, about, um, conservation management plan, heritage and structure. And Vanessa will also follow up with some comments about, uh, uh, some access plan at the end of the submission. So - - -

MR WILSON: Yes.

MR SMITH: So - - -

MR M. SOO: Tony - - -

MR SMITH: Yes.

MR SOO: - - - introduce yourself.

5 MR SMITH: Sorry. Yes.

MR SOO: Yes.

10 MR SMITH: My name's Tony Smith. I'm the urban design and heritage manager
in the planning assessments unit at the City of Sydney. The site Comprises two
heritage items that are listed on both the, uh, Sydney Local Environmental Plan and
the New South Wales State Heritage Register. We have Transport House at 99 to
113 Macquarie Street and also facing 10 Phillip Street and the former Treasury
15 building at 115 to 119 Macquarie Street. Uh, and in addition to this, there are parts
of, um, the sites that do not have heritage listing, such as the tower of the hotel. Uh,
the two buildings are in most significant and prominent locations and, uh, they're
surrounded by heritage sites and important public spaces.

20 Uh, a summary of our heritage objection goes like this. Uh, Council's objections are
centred on the potential impact on the heritage buildings and su – insufficient
information in supporting the concept plan application. Firstly, the proposed
redevelopment will have a potential to affect the settings and significant views of
adjacent heritage items due to the bulk of the addition. Secondly, the proposed
25 addition above Transport House and associated structural upgrading to the existing
building will affect its internal significant space and fabric. Thirdly, the constru –
conservation management plans and structural reports contained in the application
are not able to provide reasonable certainty for the concept plan or the outcome of
the concept plan.

30 Uh, I'll talk about the conservation management plans first. Uh, a heritage
conservation management plan or CMP is a document that makes a thorough study
of the history and fabric of a heritage site, assesses its significance and sets up the
management policies necessary to conserve the heritage significance of the place.
CMPs provide mid and long term guidance for the conservation and development of
35 a heritage place. The CMP should be developed before any major works are
proposed and it should be used as a basis for the contemplation of any future
redevelopments. As a general practice, the CMP should be assessed independently
from a development proposal. In our submission, we pointed out that the CMPs
prepared by Urbis are inadequate in assessing significant views and vistas. And the
40 CMP policies appear to be set up to support a predetermined development outcome,
which is the outcome before you.

45 As requested in our submission, the CMPs for the Treasury building and Transport
House should be reviewed and endorsed by the City Council and the New South
Wales Heritage Council before the concept plan is approved. An approval of the
concept plan without endorsement of the CMPs will pre-empt the CMP policies and

jeopardise further discussions on the feasibility and the form of any proposed additions.

5 I'll next talk about the structural integrity and building upgrade issues for Transport House. Transport House is a remarkably in – is remarkably intact internally and externally. It is an outstanding example of a well-designed public building. The interiors were expertly conserved in 2009 and are now in an optimal state of conservation. Conserving the intact internal spaces and fabric of Transport House should be one of the aims of any redevelopment for this site. A major addition to
10 any existing building will trigger Australian standard compliant – compliance for its – requirements for structural adequacy. As part of due diligence process, a structural assessment of the existing building must be carried out and a pragmatic structural solution to any addition and any resulting upgrade to the existing structure needs to be specified prior to the approval of the addition.

15 We note the options to upgrading earthquake resistance of the existing buildings provided by both Arup and the peer review by Mott Macdonald are preliminary. There appear to be many contingencies in these options. Some structural solutions may have a major impact on the intact fabric and spaces of Transport House and
20 would have an unacceptable heritage impact. Both structural engineering firms conclude that more testing and investigation is needed to opt for final solutions or to inform final solutions. Until a resolved structural design is completed, the impact of the resulting mandatory structural works on heritage fabric and spaces cannot be properly assessed. Council has come to this position after a succession of proposals
25 to add floors above significant heritage items and cases where they have failed to adequately test the existing structure of the heritage item or adequately resolve the structural design prior to approval.

30 I'll give you two test cases. In the case of the former Red Cross House at 153 to 159 Clarence Street, which is another 1930s building, a similar vintage to this building, uh, pre-approval, on-site structural testing was carried out on significant reinforced concrete structure of the heritage building. The proposed additions were approved on the basis of this testing. Soon after the additions were completed, but fortunately before occupation, the existing columns began to fail. The structural testing had not
35 identified an inherent structural flaw in the existing structural columns. This necessitated major structural intervention to prevent the collapse of the building. These interventions had a negative effect on the internal heritage fabric. Had these interventions been anticipated in the original structural design and consent, it must be questioned whether the additions to the heritage item would have been approved in
40 their current form.

Another ex – case study is the recent, uh, concept plan approval of extensions to the David Jones store at 48 Market Street. Uh, Council required that a resolved structural design be submitted and approved prior to the approval of the concept
45 plan. This report was provided. The report identified that significant reinforcement was required to all columns under the proposed additional envelope, resulting in a much thicker cr – column cross-section. This would have an obvious visual impact

on the interior of the building, um, as it, um, identif – uh, yes – as – on the interior of the building, as the – the strengthening completely enveloped the existing columns – completely surrounded them with new structure, so they got much thicker. Um, it – the report also identified that the footings of the existing columns would also require significant reinforcement. Now, in the case of the David Jones building, the existing columns had lost all of their original finishes and decoration and the nature – the configuration and significance of the basement, um, allowed those footing en – enhancements to occur. Uh, the submitted and approved structural design would therefore result in potentially acceptable impacts and the consent authority approved the concept plan for that building on the basis of that detailed report and structural design.

These sorts of interventions, however – the sorts of inventions that David Jones – and which are similar to those proposed in the draft reports tabled – uh, submitted with the concept plan, are not possible in Transport House, which, unlike David Jones, has a fully conserved interior, including decorative columns, decorative ceilings and floors. Its basement also has areas of high significance. Structural reinforcements of the type identified for David Jones, and in the tabled reports, would have an unacceptable negative impact on the significant, uh, interiors of Transport House. So in our opinion, to approve any additions to Transport House on the basis of the currently submitted draft structural information would be a victory of hope over Council’s well-documented recent experiences with structure in heritage places. We therefore recommend the necessary testing and investigations are conducted and concluded prior to the concept plan approval, so that the heritage impact of the scope of works proposed can be fully a – can be properly assessed. A full structural analysis may potentially reveal that the proposed addition is not structurally possible without unacceptable heritage impacts.

I’ll now talk about visual impacts and setbacks. There are two main heads of consideration for visual impacts in relation to heritage: the impact – the impact on the addition – of the addition on settings and vistas from key adjacent heritage sites and the impact on the host building itself. Providing setbacks to any addition is an effective way to reduce its visual impact. To protect the settings as signi – of significant heritage buildings and the character of the civic precinct of Macquarie Street, the Sydney DCP envisions a 30-metre setback zone along the frontage of Macquarie Street. With this setback, the main vistas from the mat – Royal Botanical Gardens and Macquarie Street can be maintained. We support the draft consent condition requesting that the additions have a 30-metre setback from Macquarie Street.

To protect the settings of individ – individual heritage buildings, the Sydney DCP requires additions above heritage buildings, if an addition is appropriate at all, to have a 10-metre setback from the existing front wall. The proposed ballroom addition above Transport House, even after recent amendments, still does not satisfy this DCP control. We have concerns about the proposed connection of the ballroom with the InterContinental tower and extension of the southern brick pylon – stair pylon on vi – on the Phillip Street side. The connecting element, due to a lack of

adequate setback from Phillip Street, compromises the tower podium form of InterContinental Hotel and Diminishes the articulation between the tower and Transport House. The proposed addition to the existing south-western stair ruins the existing symmetry of the two se – stair pylons of Transport House facing Phillip Street.

We also want to point out that, uh, City Council's consent to a three-storey addition to Transport House in 1998 had a three-metre setback on the south Northern boundary and consequently it would impose less visual impact on the neighbouring Police and Justice Museum. It also had a well-resolved link with the InterContinental tower and was able to maintain the formal integrity of both the tower hotel and the – Transport House. We strongly recommend that if any addition is structurally possible, its setback from Phillip Street must be increased to no less than 8.5 metres across its full width. I'll now pass over to Vanessa.

MS V. CAGLIOSTRO: Um, Vanessa Cagliostro, City of Sydney. I'm going to talk about the, uh, sun access plane. So the proposal includes development above the Royal Botanic Gardens sun access plane and is prohibited under clause 6.17 of the Sydney LEP. The part of the proposal above the sun access plane includes the extension of the club lounge component at the top of the tower, uh, as the proposed new façade treatment was recently deleted from the proposal by the RtS – the Response to Submissions. The applicant is relying upon section 4.38, clause 3, of the Environmental Planning and Assessment Act to overcome this prohibition. This means on balance the development as a whole must have acceptable impacts.

Given the sensitive nature of the site, as detailed in the submission to the Department, and given that the proposed works are major and will be prominent, this is all the more reason that the proposal as a whole – and I stress as a whole because of the prohibition – should not have any adverse heritage impacts or visual impacts on views from Macquarie Street, Royal Botanic Gardens and Alfred Street. A stage 1 concept plan should have compliant setbacks and any variation should only be considered if design excellence is demonstrated through a competitive design process and a detailed stage 2 SSD application, and this process is yet to take place. It is therefore recommended, if approval is granted, that a – an additional condition be imposed requiring a minimum 8.5-metre to 10-metre setback along Phillip Street.

Um, overshadowing, I'll talk about that now. Minor shadows are cast by the proposed extension of the club lounge, which is above the sun access plane. However, these shadows are not cast over the Royal Botanic Gardens. I can confirm, however, the plans submitted for review as part of the RtS show that overshadowing to a small portion of open space land located between Macquarie Street and the Cahill Expressway, which is land identified as the Royal Botanic Garden, is caused by the po – proposed addition above Transport House, but this is below the sun access plane. It is also noted that this issue may be resolved a – as a result of the 30-metre setback requirement condition recommended in the draft condition and planners report. Thank you.

MR WILSON: So it's Michael?

MR SOO: That's it.

5 MR WILSON: Uh – uh – we have a few questions. I'd like to prosecute the issue about the structural integrity - - -

MR SOO: Mmm.

10 MR WILSON: - - - and the impact on heritage a little bit.

MR SOO: Yes.

15 MR WILSON: I guess – it's – it's a bit of a catch 22, isn't it. I mean, we're going to have to go through – CMAs are going to have to be drafted. We're gonna – be design excellence. There's go – gonna be a competition. I presume if you do that structural integrity now, i – it's – it's a preliminary stage – I'm – I'm just being devil's advocate here. Um, that would have to be updated, wouldn't it, once you go through that process.

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MR SMITH: It would need to be updated.

MR WILSON: Or you'd have to do it fresh – fresh – fresh analysis.

25 MR SMITH: It would – it would certainly have to be updated and a fresh analysis would be necessary, but it – it achieves a key threshold as to whether an addition is even possible. So in the case of David Jones, that's now proceeded to a stage 2 DA. And when that – that DA was submitted, lo and behold, the columns have now got even thicker. And those – already identified – but much thicker than those in the
30 structural report, so - - -

MR WILSON: So – so the structural outcome in relation to David Jones is affecting the other elements of the proposal?

35 MR SMITH: Yeah. So it's – a – again it's still acceptable in the David Jones case, but it just goes to show that even with that rigorous structural analysis prior, it was – it involved drawings and reports, um, onsite testing, none of which has been done for this site. Um, even then, uh, with that rigour, the columns still got thicker. Now, in this case it is acceptable, because the – reduce the number of columns that needed to
40 be thicker, so it's still an acceptable outcome, but it does go to show that once the stage 2 does come in, there is a revision of the structural design.

Um, I suppose a key thing – for the transcript, I'm holding up a photograph. This is the key space in Transport House that is going to be – the – the proposed envelope
45 was above – stone – stone finish columns, a decorative ceiling. There – there was no scope for adding – thickening those columns, adding cross bracing, or any structural elements without actually destroying or significantly damaging that fabric, so – and

the characteristic office floors on every floor, actually, are quite intact. So that – that’s our concern.

5 MR WILSON: What was it in relation to – Council’s concern issued, uh, some time ago. I can’t remember when it was. How were they proposing to do the structural, uh – maintain structural integrity of the – of Transport House - - -

MR SMITH: I think - - -

10 MR WILSON: - - - in that - - -

MR SMITH: I might – I – I don’t think it was done at all, which was remiss at the time. And that’s why we’re trying to learn from that error, in this case. And it was in 1998. I might just refer – uh, Hui Wang, my colleague, is a heritage specialist in
15 our team.

MR WILSON: That’s okay.

MR SMITH: He’s also an engineer. You might want to expand on – on that.
20

MR WILSON: Yeah.

MR SMITH: Yep.

25 MR WILSON: Okay.

MR H. WANG: My name is Hui Wang, heritage specialist, City of Sydney Council. I just think it’s a fundamental issue about existing structure. This depends on the extent of addition to the existing building. Also depends on the use
30 of the addition. So if we consider the addition is minor or is not a significant addition, so according to Australian standard for, uh, strengthening existing buildings, that is Australian standard AS 3826–1998. Basically so existing structure, not able to be updated to the current requirement. Basically they can still use – uh, treat it as an existing building, the earthquake resistant load could be two-third or
35 one-third of the new equivalent new building. So if the building addition is minor major structure strengthening to use is in building. So the fabric will be impact. Okay.

MR SMITH: But this – but this proposal isn’t minor.
40

MR WILSON: Mmm.

MR SMITH: Yep. I don’t - - -

45 MR WANG: covers a ballroom - - -

MR SMITH: Mmm.

MR WANG: - - - is like a – a public, uh, gathering space, so it's considered is a type of suite structure. So is a highly significant structure, so they must, uh - - -

5 MR WILSON: Because the – the amount of people who - - -

MR WANG: Yes.

MR SMITH: Both high dead loads and also high live loads – everyone - - -

10 MR WANG: Mmm.

MR SMITH: - - - gets up dancing, you know what I mean.

15 MR WILSON: The pool was proposed in that – in this part of the section, uh, for Transport House.

MR CHEONG: I think it's deleted.

20 MR SMITH: It's deleted.

MR WILSON: Yeah. I think that's - - -

MR SMITH: It has all been deleted.

25 MR WILSON: Yes.

MR SMITH: Okay.

30 MR WILSON: Okay. I – I accept that – Council's position on that. Do you have any questions, Soo-Tee?

35 MR CHEONG: Um, yeah. I think Mott Macdonald provided four options. I think the, uh – the option 4 is a utilise the lateral strain capacity of the InterContinental Hotel to addition assist make loads imparted by the wind structure. It says that, uh, uh, the increased vertical gravity load so by upward extension, however it's – it's more likely to be able to achieve this with minimal impact on heritage fabric. Wou – would you agree with that statement? It's a - - -

40 MR WILSON: That's option – it's the large page.

MR CHEONG: Uh, option 4.

MR WILSON: Yep.

45 MR WANG: Uh, I think I agree with him, because they uses, uh power to – to support the new addition as well and, uh, lateral resistance. So they don't only past to the new building. So the vertical load, basically, is only need some new

columns. So – because the lateral – lateral resistance need a very, like, massive, uh, structure to support the horizontal movement of the building, but the vertical new columns. It could be heighten you some more spaces and resisting space.

5 MR SMITH: It's possible, but I think one of the issues with option 4 is that if you're going to, um, um, transfer lateral load to another building, you also have to be satisfied that within the building it can with – uh, so the – that may wind up adding – wanting to turn some of the existing building floors into diaphragms – into stronger diaphragms – and as I've said earlier in the submission, both the ceilings and the
10 floor finishes are significant, so you can't really pour a slab - - -

MR WILSON: Mmm. Mmm.

MR SMITH: If they need to stiffen up the fourth floor, to – to tie the thing together,
15 they can't really do that like it's possible to do in some other buildings where they don't have significant floor initially, so that's the issue. It's – it – to – the idea of using the adjacent tower to tie that in – at – at the interface, might be okay, but it's what – what other things, if it's tied together, but this is all going to shake apart, um, that's still not – may – may still resulting in – in, um, unacceptable impacts. And it's
20 also only one of the options. And it might – because of the eccentricity of this building, the tower might still not work, when they actually have to do the – when push comes to shove. Yeah.

MR WANG: I think, uh, under option 4 they have to do a proper assessment to the
25 tower building for the earthquake resistance they have to

MR WILSON: Okay.

MR WANG: - - - like a study - - -
30

MR SMITH: Mmm.

MR CHEONG: Um, but would you consider the Transport House being a – actually later building than, uh, the example you just gave us, uh, the David Jones building,
35 that Transport House would have actually more substantial, uh, structural strength, uh - - -

MR SMITH: No, it's – it's actually about the same date. I think it might even be a little earlier than David Jones. They're – they're all late thirties designs, so they're –
40 they're – the three buildings we've talked about are all more or less within five years of each other. I can take that on notice, if you'd like me to confirm, but they do have very different structural systems, um, um, the - - -

MR WANG: I think they – it, uh – uh, for, uh, taking the, uh – the load, the
45 excessive load, into consideration, that, uh, resulted in the deletion of the swimming pool. I think that's the major fact – factor to, uh, to allow the, uh, structural, uh, workable – for the addition.

MR SMITH: Deleting the swimming pool - - -

MR WANG: Yeah.

5 MR SMITH: - - - no doubt helps the situation. Yes.

MR WILSON: Okay. Matt.

10 MR ROSEL: Uh, yep. So my name's Matthew Rosel. Um, just, uh, wanting to, uh, get a bit more clarification on, uh, the concern from Council about the connection between the ballroom and the tower. And then also on the, um, addition above the pylon, so for the transcript I'm just holding up level 10.

MR WILSON: Yes.

15

MR ROSEL: Um, I assume you're referring to this connection on the northern side of the tower between - - -

MR WILSON: Yes.

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MR ROSEL: - - - between the ballroom and - and the tower and then also this pylon.

MR WILSON: Yes.

25

MR ROSEL: Um, if you could just step us through the - exactly the concern on that, that would be helpful.

MR SMITH: You're probably best to speak to that

30

MR WANG: Yes. I think probably we look at the - what Council approving in '98. So - - -

MR SMITH: So for the transcript we're holding up one of the 1998 plans.

35

MR WANG: Um, so it can clearly read that there's two separate building and this is, uh weak link in terms as - - -

MR SMITH: Uh - - -

40

MR WANG: - - - the building.

MR ROSEL: Um - - -

45 MR WILSON: Yeah.

MR WANG:

MR WILSON: Okay. Yeah. Yeah.

MR WANG: as the two different, uh, buildings.

5 MR ROSEL: Yep.

MR WANG: And, uh, with, uh, the – the other proposal, basically joins other two – the addition with the tower together and, uh also. You have to really pump
- - -

10 MR SMITH: It's thick.

MR WANG:

15 MR SMITH: It's thick here. It was 1998 that was kind of - - -

MR WANG: Mmm.

20 MR CHEONG: Can we have a look at the axonometric view of that?

MR ROSEL: I don't think we have one. We have this view here, which gives an axonometric, but it's from the corner of Philip and Bridge, so we don't - - -

25 MR WILSON: Must be one from other side of that one, no?

MR CHEONG: No, that would - - -

MR ROSEL: To a degree, but it's - - -

30 MR SMITH: This shows a bit of – I suppose, sort of, the point that I made earlier about ruining a symmetry of this. You've got this element that pokes up in front of this, and instead of having a very orderly arrangement, you wind up with a less orderly arrangement.

35 MR ROSEL: And you're talking about the – the disorderly arrangement – you're particularly referring to the part above the pylon?

MR SMITH: Yes.

40 MR ROSEL: Yes.

MR SMITH: But also the lack of setback to that. This is almost lining up with the tower, so - - -

45 MR ROSEL: Could I ask with – was it 98 – the original approve?

MR WANG: It says approved in ninety – the exact date of approval is 99.

MR ROSEL: 99.

MR SMITH: Yes.

5 MR WANG: So the year number is 1999.

MR ROSEL: From a pedestrian's perspective, do you think that a pedestrian would be able to visually see that setback between the ballroom and the tower very clearly in the sense that you have the pylon, you have the tower, and then it's maybe four –
10 five metre – storeys above ground. Would the approval – that setback that you're wanting emulate here – do you think that little setback would still be perceived by a pedestrian walking along the street?

MR WANG: I think the Transport House and InterContinental Hotel can be – is
15 visible enough on the street – on Philips Street. So it two to two. I think one is the builders as well, so we still – it's a – I think there's not a clear separation between the two buildings.

MR SMITH: So you will be able to - - -
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MR CHEONG: I think if you look at it, you know, the diagram is probably not very clear in showing separation. In fact, the two buildings still have the separation. There is a gap here still being maintained, and not until you reach that level – that gap has been - - -
25

MR WANG: Yes, yes.

MR CHEONG: - - - abridged. So one matter – you're saying that from the pedestrian point of view you would still see the separation quite clearly between the
30 two buildings.

MR WANG: Yes. If it was a different material, the city will consent to a separation, but we think if it's a there's articulation between the two buildings, because it will be much stronger under - - -
35

MR SMITH: It's really this wall element here. It just makes that pylon read as a – properly as an element in the round that hasn't been interfered with, and it seems that if it was possible to achieve that before, it seems reasonable to see if it's possible to achieve that again.
40

MR ROSEL: So it sounds like to me that the critical part is the extension over the pylon first and foremost.

MR WILSON: Would you agree with that?
45

MR SMITH: Yes.

MR WILSON: Okay.

MR SMITH: And also the setback of this itself.

5 MR WILSON: Because it makes it look like a single mass.

MR CHEONG: Yes, because it's drawn to - - -

MR WILSON: Yes.

10

MR CHEONG: - - - by the

MR SOO: From the existing phot taken from the Cahill Expressway, looking at that corner that you're interested in and – to answer your question, can a pedestrian see it? Yes, they will be able to see it.

15

MR WILSON: So is this - - -

MR SOO: That's from looking generally south from the Cahill Expressway.

20

MR ROSEL: I suppose I was particularly interested in the actual separation between the tower itself and Transport House. So as you were walking along this street – Philips Street – and if you were to glance up and you have Transport House here and the tower on the other side, would you see – would you still be able to the see the gap between those towers - - -

25

MR SMITH: Yes.

MR ROSEL: - - - amongst those buildings?

30

MR SMITH: Look, I'm not sure if there's material in the submission for that. I would think that because of the position of the First Government House Site and that space in front of it where you're looking from that space – so you're not relying on the width of Philips Street; you're looking at it from a distance, so it might – I mean, with the commissioner's permission, we can put a 3D upon the phone and have a look at it, but I don't know if that's very helpful. Yes. I may as well do that while we're talking - - -

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MR WILSON: We're happy for you to do that.

40

MR SMITH:

MR ROSEL: big photo - - -

45 MR WILSON: That would be helpful.

MR ROSEL: - - - from Alfred Street. Alternatively, you could take that on notice and send us - - -

MR SMITH: Sure, sure.

5

MR ROSEL: - - - if you can't get that up.

MR SMITH: I'll just see what comes up here, Commissioner.

10 MR WILSON: What's its function, Soo-Tee?

MR CHEONG: I think it's just linking - - -

MR WANG: It's linking - - -

15

MR CHEONG: - - - that to the kitchen.

MR ROSEL: Yes.

20 MR WILSON: Right. So - - -

MR ROSEL: And then – and stair core.

25 MR CHEONG: Yes, you want to maintain the integrity of that pylon. Yes. So would you – if – just for argument's sake, if that link is being constructed in a very transparent way, would that help, or you would rather see the link is taken away and connected through there?

30 MR WANG: I would like to see it set back in the corner. There's a tower very clear from what – from the bottom to the top. It's all clear tower's corner is very expressly expressed.

35 MR SMITH: So, for the transcript, I'm just showing the commissioners Apple Maps 3D. We can't really get down low enough, but you can see that the corner of the First Government House Site, and you can see the corner of the pylon, if you like, there, so I should imagine that – also, because of the elevation of the street that - - -

MR ROSEL: Falling down, yes.

40 MR SMITH: There's Pitt Street, so I can only assume that if you're standing in this space and then cross to the west site of Philip Street and start to come down, you've got a pretty clear view of that, because of the height of the street. I think you would probably establish that once you've got down in front of the building, it might be a little harder to see it.

45

MR ROSEL: So it's that oblique view that - - -

MR SMITH: Yes.

MR ROSEL: Yes.

5 MR SMITH: And it is a building in the round. It's not a heritage façade, so we don't want to lose that sense of a very intact, complete building that's complete with its interiors and – even those stairs themselves are actually heritage listed, and so - - -

10 MR ROSEL: Yes. Okay. Thank you for that.

MR SMITH: We could – if the commissioners would like us to take it on notice and just submit a couple of photos from those viewpoints - - -

15 MR ROSEL: Yes, that would be helpful.

MR SMITH: - - - would that help you with that?

MR ROSEL: We'd appreciate that.

20 MR CHEONG: Yes, I think possibly the problem is solved anyway.

MR SOO: Okay. Do you have any - - -

25 MR WANG: Yes, just going back, the 30 metre setback from Macquarie Street – I refer to your – council's letter – 26 June to the department. The last paragraph under the heading of Leisure Impact states that – I quote:

30 *The proposed addition to Transport House and the podium addition at the tower corner have a 20 metre setback from Macquarie Street. The Sydney DCP 2012 stipulates that any addition to the Treasury Building site is to have 30 metre setback from Macquarie Street. If this requirement is met, the proposed addition will be less visible from Macquarie Street, and its impact on the Treasury Building could be considered acceptable. The department has recommended a condition be imposed on the building envelope of the addition*
35 *on top of Transport House. The condition requires a setback from Macquarie Street to be 30 metre with a minor reduction in the 30 metre setback permitted if the development exhibits design excellence through a competitive design process.*

40 Would you consider such condition adequately addresses council concern?

MR SMITH: Yes, I think – do you want to take to this, Michael?

45 MR SOO: I would suggest a condition should be – simply say 30 metre setback – should, following the design competition – should the winning scheme, or one better word have a reduced setback, that should be part of the consideration of the

detailed application, you know, at that point in time. But, you know, it should be clear that the concept approval is 30 metre setback.

MR SMITH: It's certain.

5

MR SOO: Yes.

MR SMITH: And the applicant is able to do a concurrent amendment to the concept plan if everyone thinks that's appropriate and borne out by design excellence.

10

MR WILSON: Okay. Thanks. So just one more question on overshadowing: notwithstanding the prohibition, the department's report suggests that most of – well, the additional overshadowing falls on that small island in between – council's view that that's reasonable or not?

15

MS CAGLIOSTRO: We've - - -

MR WILSON: Notwithstanding we understand there's a prohibition.

20

MS CAGLIOSTRO: Yes. Yes. We have looked into that. We can confirm with the department that that's correct. The additional overshadowing from Transport House falls over that little island.

MR WILSON: And the road - - -

25

MS CAGLIOSTRO: Yes.

MR WILSON: - - - and the footpath.

30

MS CAGLIOSTRO: Yes. And because it's not caused by the part of the tower that exceeds the sun access plane, it's more acceptable than if it were from the part of the building that exceeds the sun access plane - - -

MR WILSON: Yes.

35

MS CAGLIOSTRO: - - - because that would be part of the prohibition as well.

MR WILSON: Okay.

40

MR SOO: I will – sorry, as Vanessa said, with the 30 metre setback - - -

MS CAGLIOSTRO: It may deal - - -

45

MR SOO: - - - that may deal with that issue. I mean, we – it simply hasn't been tested.

MR WILSON: Sure.

MR CHEONG: Although that part of the Botanic Garden is part of the Botanic Garden, but the Botanic Garden Trust is not objecting to that overshadowing – that part, anyway.

5 MS CAGLIOSTRO: Not that I can recall.

MR CHEONG: I think - - -

10 MS CAGLIOSTRO: Yes, the planner from the department would be - - -

MR SOO: Yes, best placed - - -

MS CAGLIOSTRO: Yes, that's the person to - - -

15 MR SOO: - - - to confirm that.

MS CAGLIOSTRO: - - - answer that question, because they would receive the submissions from - - -

20 MR SOO: Yes.

MR WILSON: Okay. Matthew, anything else?

25 MR ROSEL: No, nothing from me. Thank you.

MR WILSON: Yes?

MR CHEONG: That's it from me.

30 MR WILSON: We appreciate you coming in. Really, we do. Thank you very much.

MR SMITH: Thank you.

35 MR SOO: Thank you.

MR WILSON: So just follow up action will be – you were going to provide us with those – showing articulation of that bit here.

40 MR SMITH: Yes, so photographs from the south-west, if you like - - -

MR WILSON: Yes.

45 MR SMITH: - - - of that area, just to show how visible it is - - -

MR WILSON: Sure.

MR SMITH: - - - from the - - -

MR WILSON: I appreciate that. That would be good. If you could send that to
Casey.

5

MR SMITH: Yes.

MR WILSON: Thank you very much. Thank you for coming in, commissioners.

10 MR CHEONG: Thank you.

MATTER ADJOURNED at 1.37 pm INDEFINITELY