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O/N H-1060158

**INDEPENDENT PLANNING COMMISSION**

**MEETING WITH CITY OF SYDNEY COUNCIL**

**RE: STAR CASINO REDEVELOPMENT MOD 13**

**PANEL:**

**DIANNE LEESON  
ADRIAN PILTON  
STEPHEN O'CONNOR**

**ASSISTING PANEL:**

**ALANA JELFS  
JOE BELL**

**COUNCIL:**

**GRAHAM JAHN  
VANESSA CAGLIOSTRO**

**LOCATION:**

**IPC OFFICES  
LEVEL 3, 201 ELIZABETH STREET  
SYDNEY, NEW SOUTH WALES**

**DATE:**

**9.10 AM, THURSDAY, 15 AUGUST 2019**

MS D. LEESON: All right. Well, good morning and – and welcome. Before we begin, I would like to acknowledge the traditional owners of the land on which we meet, the Gadigal people of the Eora Nation. I would also like to pay my respects to their elders, past and present. Welcome to the meeting today on the proposal  
5 whereby The Star Entertainment Group Limited, the applicant, is seeking approval to modify the project approval for The Star Casino at 20-80 Pymont Street, Pymont, to provide a new hotel and residential tower within the existing casino complex. My name is Dianne Leeson. I am the chair of this IPC panel. Joining me are my fellow commissioners Stephen O'Connor and Adrian Pilton. We are assisted by Alana Jelfs  
10 from the Commission Secretariat and – and Joe - - -

MR A. PILTON: Bell.

MS LEESON: - - - Bell from Mecone Consulting, who are assisting the  
15 Commission secretariat on this project. Other attendees at the meeting are Graham Jahn and Vanessa Cagliostro from the City of Sydney. 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-  
20 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 the question on notice and  
25 provide any additional information in writing, which we will then put up on our website.

So as we begin, I would ask that each speaker introduces themselves before they speak for the first time and, although we are a small group, we don't talk over each  
30 other, so that the transcripts can actually be accurately recorded. So we will now begin. So thank you, Graham. Thank you, Vanessa. We have sent you an agenda of the things that we would like to discuss today and, I think, we can probably dive straight into those, which – we have your submission and we're very happy to go through the – the key points of that that you'd like to reinforce, and then, I think, to  
35 talk about council's vision for Pymont and – and we'll see how we go.

MR G. JAHN: I can see you've got it there. Okay. So I'll start off. So my – for the record, my name is Graham Jahn, director of city planning and development and transport at the City of Sydney. I am the director responsible for design excellence  
40 and competitive design processes in the Sydney LGA and I'm also responsible for strategic planning. I've also served as the national president of the Australian Institute of Architects. So on the outset, I would say I don't envy your task. Dealing with one of the last part 3A modification applications, which was broadly reviled and repealed in 2011 when the Coalition came in. I also don't envy dealing with the web  
45 of legal entanglements that the wider discretionary powers of the minister in the former director general role has under part 3A and once had – and – and also the

transitional arrangements in both the Act and the regulations to deal with its repeal and the legal qualification that exist over exercising certain functions and where we are now. So I really don't envy you.

5 So, yes, part 3 allows the determiner – the – the commission to disregard development standards in the LEP, but it doesn't require them to be disregarded. It is up to the decision maker whether – or how much – due regard should be given to them as well. It is a bit different when it comes to prohibited uses. It does depend on  
10 the Sydney Harbour Catchment REP, that places an overriding public interest onus on waterfront developments. Either way, I'm sure you could agree with me that this is a massive building proposal for the locality. It's wide at girth. It rises directly from the footpath for more than 200 metres over the height limit, a limit set in 2012, and unlike some other major projects, such as, maybe, the Harbour Bridge or the  
15 Sydney Opera as waterfront icons, this is essentially a privately-held mixed use tower of apartments and hotel rooms, and this is a very important public interest distinction when it comes to disrupting the scale and planning intentions.

Now, obviously, amendments can and are made to the LEP through major product  
20 SEPPs, via self-repealing SEPPs, via concept plans and by planning proposals made under part 4, and I ask – or I share this question – what purpose does the proposal serve? Now, part of the scope is rearranging the core gaming and gambling functions which sit at the heart of a casino, as regulated by the Casino Control Act. A good part of the proposal is introducing residential use to the site and another part  
25 of it – you might say the cherry on top – is the proposed Ritz-Carlton hotel, and I don't think it's unreasonable to observe that 33 to 35 levels of residential compared to 22 levels of visitor accommodation is what is driving the scale of this project. That is the 33 to 35 levels of residential, and so it begs the question – what is the justification and strategic merit for a mixed use, majority residential tower in this  
30 location?

Now, I'm quite sure that you'll hear from others and their consultants invested in the project arguments that Sydney needs a more high-end hotel and this is the place for it, but is it? There are many other places fit for that very strategic vision in the city  
35 and, notwithstanding its exact location or is – what is – is meant to be a waterside park, Crown is building hotel rooms on the western side of the CBD. Wanda, later Yuhu, are also constructing high-end hotel rooms in the northern part of the CBD at Circular Quay – Alfred Street, and SC Capitol have a competition-winning resort hotel planned on the eastern side of the CBD. So I use these examples to point out  
40 that the very hotel market that is being sought by The Star is being satisfied by other projects that legitimately have exploited the planning vision and controls of the city.

MS LEESON: Graham, can I just chip in there just to tease that out a little more. I think in your submission, you said that the council had done its own demand analysis  
45 of hotel rooms in Sydney. We heard yesterday from the applicant that they've also done demand analysis based on tourism projections over the next, I think, 15 years or so, and we're talking enormous numbers of hotels, not just hotel rooms, that will be

needed, and that was, admittedly, across the country, I think, but we – I certainly got the sense that they are telling us there's a very strong demand for high-end hotel rooms in Sydney. Can you just outline what analysis you have in that hotel demand space and – and, indicatively, what kind of room numbers might be coming out of these other developments.

MR JAHN: Okay. So generally speaking, there is a tendency for investors or some investors to go more upmarket or to aim for more stars or more luxury or discretionary spending of their market than the market might be willing to share with them. The hotel work that we did identified that it was more at the middle and lower to middle market, particularly with the convention and entertainment facilities and exhibition facilities coming on stream that needed to grow in order to serve the – particularly the international and the domestic travelling attendees of those three facilities in Darling Harbour and, for example, businesses that would fly their staff to Sydney, typically from Korea, China and other Asian countries as a reward to spend a few nights attending a conference and a few nights visiting some other attractions in a, sort of, week jaunt to this continent, have a fairly restricted price band within which they're vouchered for their hotel room and it's in this band where the significant growth is around visitor accommodation attendances that aren't being met by the hotel industry.

So as a consequence, the large format high-end – traditional high-end hotels, such as the Intercontinental and what is now the Four Seasons, formerly The Regent, end up having to discount their room stock to get the occupancy rates up and this discounting practice by those high-end existing hotels is cannibalising the new medium market hotels, who have to rely on selling their room rates at the same – at the same price for what is relatively recent financing. So it – you know, it's a complex equation around – yes, there's growth in tourism. No one can quantify what the Airbnb market is doing for what otherwise would be a legitimate hotel market. There is an issue with high-end hotels having to discount their inventory late in the piece, but the solid growth from the facilities built in Sydney for convention, exhibition and entertainment is definitely in a Asian business market that rewards their staff and they are not at the high-end.

MS LEESON: Okay. Thank you.

MR JAHN: Okay. Okay. So I was mentioning just prior to that discussion about how Crown was building high-end hotel rooms on the western side, Wanda and later Yuhu – who bought the Wanda project – are doing the same at Circular Quay, and SC Capital from Singapore are doing the same – are planning to do the same on the eastern side. They've published their competition-winning design by Woods Bagot. So, to summarise, the City of Sydney does not support this project as lodged. It does not, in our view, have sufficient strategic merit that the department's assessment should be overturned and approved, and in this specific instance, we support the department's assessment as being thorough and appropriate. Now, the City has made two submission, as you're aware, on the 9<sup>th</sup> of October 2018 and on the 17<sup>th</sup>, and I

just wanted to note in relation to those submissions – just some – some facts that are relevant, I think.

5 The Star casino is subject to the Casino Control Act administered by the Minister for Customer Service and it's located on land owned by Property New South Wales on behalf of the New South Wales government. Unlike the Crown Resort Restricted Gaming Facility through its own amending act locating it in Barangaroo South, the Star proposal was not the product of a complicated, confidential, but nevertheless successful unsolicited proposal to the New South Wales Government. And for 10 Crown, the upshot was a legally binding framework agreement with the New South Wales Government in 2013/14. It was entered in 2013 and amended in 2014. This agreement controversially pre-empted any consideration of planning approval or alternative sites.

15 And the agreement essentially required Crown to build a six star hotel along with the other uses that they were planning on. So the department's assessment report at the time and the commission's determination by Briggs, Pregram and Hahn – who are the three commissioners – in July 2016, regarded the legally binding prelude as immutable. And I presented the City's position to those commissioners as I do to 20 you today. I raise this because the Star's proposal – in a legal and a merit context – is completely different. Firstly, the Star's proposal is recommended for refusal by the New South Wales Department of Planning because, in our view, it's the only conclusion a proper planning assessment could reach.

25 And secondly, there is no amendment to the planning controls for the site as there was at Barangaroo and no approved concept plan that supports the project. So this is an application which is both contrary to the zoning – floor space and height controls for the site – to an extent that the planning framework is almost irrelevant and can be ignored. But the merits of the proposal are poor. And not such that a lack of 30 planning consistency can be ignored or forgiven. And it does not have the binding agreement and legal drivers behind the Crown Casino project.

So if the commission were to approve in this instance – and I'm not suggesting that you would – but – but it would have much wider implications for Pymont 35 Peninsular and beyond. Whereas the Crown height influence is relatively contained on the western side of the CBD and north of the Barangaroo South Commercial Towers. So when we made our original submission to the department, the City of Sydney was concerned that a modification application made through the tail end of the repeal Part 3A for such a scale of modification was inappropriate. And that was 40 the position we put to the department. We also pointed out the technical deficiencies, um, such as it being made out of time, that the cut-off date was the 1<sup>st</sup> of March and the modification wasn't dated until the 13<sup>th</sup> of August – five months later. That was our submission to the department then.

45 Nevertheless, um, the, ah, the – the application has progressed, um, and so we are dealing with it as it is. So the City of Sydney's objection as the plan making authority for the Pymont Peninsular is that the use is prohibited in the zone. The

application includes 204 residential apartments across 33 to 35 levels. And under Sydney Local Environmental Plan 2012, the site is zone B3 commercial core where residential accommodation is a prohibited use. Now, it was appropriate because residential use on a 24 hour entertainment venue of this scale with indoor and outdoor spaces for events already generates conflicts with the passive – with the, um – with the surrounding, ah, residential neighbourhood, let alone locating, um, a passively ventilated residential tower on top of the 24 hour venue.

And, so the residential use for this site is quite specific. That it's not consistent with the objectives of the zone and they haven't provided sufficient justification or strategic merit, um, to support the introduction of 33 floors of residential on top of a 24 hour indoor and outdoor entertainment and gaming facility, which have to have the windows open. Now, residential is the majority of the floor space in the tower. I – we – I, I think you could better call it a residential tower with ancillary hotel use, based on both floor space and number of floors. And if it was approved, it would be vastly inequitable for all other developers, land holders and investors operating in the Sydney CBD or, in fact, Greater Sydney.

On the issue of tower height, the proposed tower is more than eight times the maximum height permitted in the LEP. And as stated earlier, there is appropriate planning mechanisms to test additional height, but they – those mechanisms – whether they be major project steps or planning proposals to amend the LEP – draw out the issues with the community in Pyrmont, um, about a changing scale and its impacts – how that could be tested and modified – rather than just putting a design up cold and expecting the process to deliver a rezoning, in effect. Because what I've described is a process that has to be followed by every other applicant.

UNIDENTIFIED MALE: Mmm.

MR JAHN: Some other important points that we have made in our submissions is that the residential tower form does not, in our view, contribute positively to the Pyrmont skyline. Rather, it's inconsistent with the surrounding buildings both in height and form. And it's quite clear from the view assessment that Cockle Bay is not a context of towers in that Pyrmont locality. And, of course, most applicants will try and draw a wider view to take in as much other building stock as possible, um, to try and contextualise the height of their buildings. I recently had an architect proposing towers at Waterloo, but his section included the Sydney CBD up until the Crown Resort Tower just to contextualise it.

Having said that, the tower form has a high impact on both other dwellings, buildings and other public spaces. And without elaborating on them at this point – because they're touched on in our submission – that those issues needed to be settled through a planning proposal or through a concept plan or other form of pre-emptive study in order to evaluate – to find what could be an acceptable hotel component, um, for The Star. And the last point is that when you are proposing the only tower – and let's say it's in a 28 metre height control, that's 238 – the concept of view sharing doesn't really have any basis because you're the only tower that's impacting on our views –

on whatever the existing views may have been. And they're transferring them from those that have lost their views, effectively, to the occupants of the new tower, who will then have the views. And this is not, ah, a reliable interpretation of what, ah, view sharing is, um, or – and we don't believe it would stand up in court.

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MS LEESON: Graham, if I paraphrase that, you're saying it's not a view sharing approach. It's a view transfer - - -

MR JAHN: It's a - - -

10

MS LEESON: - - - approach.

MR JAHN: - - - view substitution, yes.

15

MS LEESON: Yes.

MR JAHN: Exactly. So I'll just – if I, ah, touch on – in this, ah, section dealing with our major concerns – that we do have the Sydney Regional Environmental Plan – that's the Sydney Harbour Catchment 2005 – um, that applies to the site. It's one we're very familiar with and, um, it's particular for, ah, applying in foreshores and waterfront precinct areas, which the applicant self-declares they are in. And it does state quite clearly that Sydney Harbour is recognised as a public resource owned by the public and to be the – protected for the public good. And part B says that the public good has precedence over the private good whenever and whatever change is proposed for Sydney Harbour and its foreshores. So we did cover that in the attachment to our submission from the City. And it's an important planning principal that has been applied to all development and it is still current for the proposed – the proposal.

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So I won't, now, go on. But I'll just remind the commission that, ah, we have touched on issues such as: the significant overshadowing by the development, the lack of certainty around the neighbourhood centre component, inadequate detail to assess conformity with the ADG for the major residential component, um, traffic turns and circulations from Jones Bay Road, cycle facilities, loading, public domain; landscaping and green roof, green seam and green wall – which is a whole other area – overall insufficient environmental performance, the calculation of contributions, ah, the affordable housing contribution and inadequate dealing in the application on stormwater, flooding and the green treatments and their maintenance.

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So, um, I'm just going to conclude this part by saying that at more than 200 metres over the height control and delivering an additional 49,000 square metres of GFA, we would say approval of this application would represent the most significant departure from valid planning controls in New South Wales history. This recommendation for refusal by the department is the only assessment conclusion that can be arrived at. The draft Central Sydney Planning Strategy is designed to accommodate hotels and other productive uses. Specifically, they are being built, are in the midst of rezoning or are in the pipeline. And the special treatment of this

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applicant would be extremely unfair to those that have followed proper process and have committed large investments both domestically and internationally in hotel projects. Now, you asked the question, um, “what is Council’s vision for Pymont?” and how the proposed project addresses that vision, including Council’s view on Pymont as a global waterfront precinct.

MS LEESON: And we understand that Council has just, um, put on exhibition its draft statement – ah - - -

10 MR JAHN: Yes.

MS LEESON: - - - Strategic Planning Statement so - - -

15 MR JAHN: Yes.

MS LEESON: - - - will you cover that - - -

MR JAHN: Yes.

20 MS LEESON: - - - within this?

MR JAHN: I’m happy to.

25 MS LEESON: Thanks, Greg.

MR JAHN: So, um, the – you know, the most topical point is that the draft central Sydney planning strategy, which was developed over three years and was considered by the Central Sydney Planning Committee and council in 2016 proposes additional height and additional floor space for visitor accommodation and commercial uses, and it specifically does not include the Pymont peninsula. So that strategy to support visitor accommodation of all stars and commercial use of all affordabilities extends from Circular Quay to Cleveland Street, in an enlarged definition of the CBD, but does not extend down the Pymont peninsula.

35 MS LEESON: Just on that definition of CBD, does your definition of CBD extend to the Pymont peninsula?

MR JAHN: No.

40 MS LEESON: No.

MR JAHN: So it’s important to remember Pymont was the subject of one of the earliest urban renewal schemes in Sydney and it did attract federal funding. It has resulted in the complete change of uses from industrial and warehousing to mixed use and predominately strata residential. It does have, in addition, three small conservation areas as well, but the upshot of that renewal program is that it’s now one of the densest mixed use locations in Australia. So with Ultimo, Pymont, it’s



sitting up there with Kings Cross, Potts Point and a location in Melbourne as the three most intensely occupied neighbourhoods, statistical neighbourhoods, in Australia.

5 MS LEESON: We have had reference to the greater Sydney commission and their eastern district plan - - -

MR JAHN: Mmm.

10 MS LEESON: - - - and housing targets. Have you got any comment on how Pyrmont's meeting those targets for housing, in according with the eastern district plan?

15 MR JAHN: Yes. So, um, our capacity study, which we've undertaken and have appended to the local strategic planning statement that you referred to - - -

MS LEESON: Mmm.

20 MR JAHN: - - - demonstrated that we have the capacity for 56,000 additional dwellings, and I'll just put that into more clarity: 50,000 dwellings, private dwellings, and 6,000 non-private dwellings, which refers to co-housing, group housing, boarding housing and student housing, in our existing controls. So we can meet the zero to five and five to 10 targets with ease and we project that we do not have to amend our planning controls because of the wealth of capacity that exists  
25 within them in order to meet housing targets. Now, currently, we are over our housing delivery. We have over-delivered because we've ridden a boom, largely in – Green Square is being rolled out more quickly than had been anticipated and the pipeline is quite considerable – so stage 1's that have already been approved going through competitions and onto stage 2's – is already considerable in the pipeline. So  
30 we see housing delivery continuing. The thing that we've focused on in our LSBS is our support for, in particular, in the broadest sense, jobs capacity - - -

MS LEESON: Mmm.

35 MR JAHN: - - - and jobs capacity goes to hotel workers and the jobs that they provide, retail environments and the jobs they provide, cultural and the jobs that they provide and obviously commercial and tech hub and all those things, enterprise space. So the average, and you asked about the LSPS – the average of all those uses with different floor space ratios from 9 or 10 square metres in the commercial to 20  
40 or 30 in the retail and so on, is that we're aiming for a capacity of 200,000 additional jobs in the LGA, of which around 90 or 90 to 100 is in the city. So there are roughly an even split between within the 10 station served city centre and the surrounding areas in our LGA, such as the Ultimo, Pyrmont precinct of the GSC, the Botany Road corridor, which we're going to revisit, ah, which is co-located with the, ah,  
45 ATP - - -

MS LEESON: Mmm.

MR JAHN: - - - um, and the, um – and the, um, Central Station, Haymarket, which has been – which we’re supporting, ah, which the Premier and the state government has, um, defined as a technology hub. So, ah, we’re confident that those jobs targets can be met broadly by those four or five areas and that our existing controls without  
5 rezoning can meet our residential targets. So the next question was the term global waterfront precinct. It is not a term we have or use. It doesn’t have planning currency for Cockle Bay. As far as I know, it’s not contained in any Greater Sydney Commission document, New South Wales Department of Planning documents or City of Sydney documents. If there were a global waterfront precinct – not that  
10 we’ve suggested one – I think it might be around Circular Quay.

MS LEESON: Just on, sort of, the global waterfront precinct, it’s been put to us that it would encompass the Darling Harbour precinct and then, by extension, the Pymont, but when we’ve talked to the proponent, they’ve indicated that their view is  
15 that Pymont, this side, is actually part of Darling Harbour. Does council have a view on whether you would describe this as being part of Darling Harbour?

MR JAHN: Well, it’s – it is not included in the Darling Harbour, um, boundary - - -

20 MS LEESON: Mmm.

MR JAHN: - - - and it is the site of the former Pymont powerhouse electrical sub-station and it has a proximity to Pymont that suggests that it probably more correctly belongs to Pymont than Darling Harbour as such, but I wouldn’t be too semantic  
25 about that - - -

MS LEESON: Mmm.

MR JAHN: - - - but I do think, (a), well, it can’t be said that it’s within the  
30 boundaries of Darling Harbour redevelopment area. That’s a given.

MS LEESON: Yes.

MR JAHN: And it is on the site of what was formerly called the Pymont electricity  
35 generating works and has got part of that heritage still retained on the site, and, um, it’s more broadly – and you can see how they pitched that community centre – about serving, um, the surrounding neighbourhood, um, community. So that’s kind of a combination of factors that I think, in answering your question, I say that it is more likely outside of the Darling Harbour than a waterfront.  
40

MS LEESON: Yes. And not, sort of, considering a fixed boundary, but I think - - -

MR JAHN: Yes.

45 MS LEESON: - - - that that blurring between where does Darling Harbour finish in terms of tourism, hotel, entertainment type facilities - - -

MR JAHN: Mmm.

MS LEESON: - - - and where does Pymont begin in terms of residential mixed use lower scale - - -

5

MR JAHN: Mmm.

MS LEESON: - - - and the positioning of the site relative to those. So just trying to understand council's view of where you see this site most logically fitting in there – that sort of context.

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MR JAHN: Yes. So we wouldn't see it in the Darling Harbour precinct.

MS LEESON: Mmm.

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MR JAHN: It's in the Cockle Bay section of Darling Harbour, which is the furthest zone and there is, um – yes, there is a transition, but it's in the context of quite intensively developed mixed use, ah, um, renewal projects, um, strata plans that have been introduced into Pymont significantly since those 1990s renewal – was undertaken. You've got the CSR site, which was industrial sugar refinery that was converted to residential and other uses. So there is a mixture of building scales over time, decisions made over time, but broadly, it is a very intensively developed residential mixed use area, a little bit more on the residential side in Pymont and a little less on the residential side in Ultimo.

20

25

MS LEESON: Okay. Thanks, Graham.

MR JAHN: Now, the next question is how would council envision the contribution of approximately 5.7m being allocated if the projects proceeds. Council to comment on the proposed contributions public benefit.

30

MS LEESON: So I think what we're trying to understand here is, um, the applicants' requirements under affordable housing regimes, developer contributions regimes, and then their public benefit offer, if you like, which is essentially the neighbour centre, and council's comment or view around the adequacy of the – the statutory contributions - - -

35

MR JAHN: Mmm.

MS LEESON: - - - and then we'll probably talk about the neighbourhood centre in a little bit more detail across a couple of other issues around management and tenure and things like that - - -

40

MR JAHN: Mmm.

45

MS LEESON: - - - but – but just trying to tease out the – as I say, the statutory side of contributions and whether they’re meeting council’s, um, requirements, and then a more general conversation around public benefit offer.

5 MR JAHN: Mmm. Okay. So I guess the first thing in answering that question is we don’t want to see the project proceed.

MS LEESON: No. I understand.

10 MR JAHN: Just for the record. Um, it – whatever contribution is properly calculated, and we have not turned our mind to that, nor has the department, based on evidence in their report. They’ve just accepted the – at this stage, the, ah – the suggestions made by the proponent. And, of course, the proper calculation is the result of credits made for floor area of different uses, ah, against additions made for  
15 the floor area of proposed uses and so on to calculate what the contribution might mean. Um, that contribution, if it were properly calculated and constructed and made in accordance with our 2015 contribution plan, um, would join the other money in that contribution plan, which is proposed to allocate about \$800m in its 15-year life from 2015 to 2030 towards a whole range of uses, obviously including open-  
20 space acquisition, cycleway construction and, um – and the, um – the list of uses contained in the plan. So it would be – this – this would just be another project, another contribution towards a significant sum that we have to, um, expend. So I don’t see that being any different.

25 MS LEESON: Mmm.

MR JAHN: It would be, um, a contribution towards the significant costs that divide into two groups, essentially: open space acquisition on the one hand and capital works on the other. They’re all listed and approved in our contribution plan. Um,  
30 I’ll come to the, um, neighbourhood space perhaps in a minute. The next question is what works in the public domain would council want to see undertaken if the project proceeds? Well, again, I will – I will begin to answer that by saying we don’t want to see that project proceed. Um, the public domain, including street improvements on all sides for both pedestrians, um, active users such as cyclists and vehicles,  
35 including landscape improvements, would normally be part of any public domain improvement plan. And quite a comprehensive plan, I would have thought, would need to be agreed with the City of Sydney if, as you say, the project were to be proceed.

40 The next question: what tree planting would council want to see undertaken, including private and public land if the project proceeds? Well, again, we don’t want to see the project proceed, but I – I would say given the – the, um – the criticality of the intervention and the scale shift that such a project, if it were to be – if it were to be approved on the ad hoc basis that has been proposed, I think they – they should be  
45 required to – to fund the Premier’s priority of planting one million trees to 2022.

MS LEESON: Okay.

MR JAHN: That would be an important component in the trade-off.

MS LEESON: Thanks, Graham.

5 MR JAHN: And the last question is how does council envisage the neighbourhood  
centre will benefit the local community if the project proceeds? Well, of course, we  
don't want to see the project proceed, um, but we have significant concerns over the  
security, the cost of use, of this proposed neighbourhood or community component.  
10 Now, we sat down with them and we said, "Any other project that was proposing a  
community benefit would secure it. They would secure it on title. They would  
secure it by covenant. They would secure it so there is some element of permanency  
about what the intended use is". That was turned down.

15 MS LEESON: Their current proposal indicates a 30 year commitment with review  
after that.

MR JAHN: Mmm.

20 MS LEESON: Yes.

MR JAHN: But how is that commitment secured?

25 MS LEESON: No. I – I understand, um, that what's been put is that there'll be a  
plan of management. Um, I think they indicated that that would be worked through  
with council. So there's a lot of work yet to be done - - -

MR JAHN: Mmm.

30 MS LEESON: - - - um, to secure the – the sort of commitment that council would  
need. At – at a broader level, there is a – already an existing facility within Pymont.

MR JAHN: Yes.

35 MS LEESON: Is there a need for additional community facilities within the  
Pymont area, and would this contribute to part of that need, or is Pymont currently  
well served?

40 MR JAHN: Across a range of uses, compared to other neighbourhoods, Pymont is,  
I would say, quite well served. Um, I think it would be fair to say there's always a  
desire for more by the community. Um, what it appears to me to provide is rented,  
rentable or, um – rentable space for meeting rooms. So - - -

MS LEESON: A desire for more?

45 MR JAHN: No. I – no. I think that what it offers is the ability to rent - - -

MS LEESON: Oh, sorry. I misunderstood.

MR JAHN: - - - meeting rooms, and - - -

MS LEESON: Yes.

5 MR JAHN: - - - there are a number of, um, ah, community based groups in  
Pymont, ah, like, ah, Pymont Action and, you know, other – other community  
groups who – who, um, have, ah, a desire to meet someone, um, and I imagine such a  
space, providing it was at low cost, could – would – would provide an opportunity  
10 for groups to have other choices where to meet and wherever they meet now.

MS LEESON: Mmm.

MR JAHN: However, they are active groups and they do meet now in – in other  
15 locations. So we're – we're not a very – we don't see a lot of dimension to this  
neighbourhood centre. Um, it's kind of like, um, a short-term, um, offering for a  
range of meeting and other needs, but it does not meet our test for longevity. We –  
we would never accept a community centre for 30 years. Thirty years is just 1990.  
The urban renewal project that went through Pymont, that created Pymont out of  
20 industrial and - - -

MS LEESON: Mmm.

MR JAHN: - - - it coming to its end.

25 MS LEESON: I mean, understanding that council objects to the proposal and  
doesn't want to see it happen, the applicant was telling us that they're looking at a 30  
year commitment with reviews, I think, at 10 and five years after that; looking at a  
plan of management that would be worked up and agreed with council; and a – I  
can't remember the name, but a neighbourhood advisory panel or something that's in  
30 place at the moment. Would council participate in those conversations around the  
management of it, the charging of it, the – the principles of – of management?

MR JAHN: Ah, yes. We would.

35 MS LEESON: Mmm.

MR JAHN: And we have, to date.

MS LEESON: Okay.

40

MR JAHN: We've tried to flush out and find out if this is just a – you know, if this  
is just a bit of sugar coating on the – what is a gambling and residential tower  
project, or is this a serious public benefit? At the moment, it doesn't meet our tests  
and we have a lot of public benefit dimensions within major projects. So - - -

45

MS LEESON: Thank you.

MR JAHN: - - - it's not specifically meeting a defined need. We haven't got, you know, on our list - - -

MS LEESON: Mmm.

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MR JAHN: - - - Pyrmont meeting rooms venue. Um, it's not saving the council capital expenditure. It's a nice to have, but it doesn't have a – it isn't a permanent public benefit.

10 MS LEESON: Okay. Thank you.

MR S. O'CONNOR: Um, Steve O'Connor. Can I just go back to one of your earlier comments, um, Graham, and it – it relates to the, ah, 2012 LEP, the – the – you mentioned the height controls in place on the site at the moment relate back to that 2012 LEP. It was put to us yesterday, um, by the proponent that the planning controls over that site date back to 1996 and haven't been revised since 1996. Could you comment on whether you believe that's an accurate statement, or was there a serious review undertaken in 2012 and it just endorsed whatever controls might have been in place?

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MR JAHN: So the whole of the LEP was reviewed in detail in 2012. A lot of places changed and some did not, because what was proceeding was felt to be appropriate, and, um, the site in questions falls into that category.

25 MR O'CONNOR: Thank you.

MS LEESON: Thanks. Were there other things you wanted to raise with us? I mean, we've put some things - - -

30 MR JAHN: Mmm.

MS LEESON: - - - to you and we will see whether there are any more commissioners' questions, but were there other thing that we didn't put on the agenda that you particularly want to convey to us?

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MR JAHN: It's, um – look, I – I think that I have covered what the city's concerns are with the Star Casino's proposal.

MS LEESON: Mmm.

40

MR JAHN: Sure, there can be – you know, there can be arguments for increasing hotel content, and certainly they could be explored, but this hasn't been explored in the right way. And then the significant residential component is basically a property play being justified by the hotel component on the top, and I've seen that before, but that's not sufficient justification. There's not a need to have expensive housing on the waterfront. What we do have a need for is affordable housing in this very expensive LGA, if anything. That's where the shortfall lies. Um, and so we're doing

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everything in our power, various levers, land sales and, ah – ah, support for CHPs and, ah, um, you know, Pyrmont itself had one of the earlier affordable housing schemes, um, in New South Wales, which we replicated in Green Square and we've proposed to replicate in other areas of the LGA to try and grow the stock of living solutions for particularly essential urban service workers that have – that have to work shifts, 24 hour cycle.

That's absolutely a burning problem, getting the gurney pushers and the nurses at St Vincent's a place to live that isn't in Wentworth Falls in Leura, where some of those ambulance officers tell me they have – so, um, we've been saying that there's a kind of compact that's needed between these high value enterprise, you know, interventions, such as this kind of – and the need to support, um, much greater affordable housing provision for their workers and for the other workers that will save their lives in the dense urban environment. And so I would say to you that this – that is a pressing and strategic issue, as opposed to waterfront housing.

MS LEESON: And that's presumably swept up in your strategic planning statement for the precinct?

MR JAHN: Absolutely. Yes.

MS LEESON: And we – we will have a look at that, to – to help inform us in our deliberations and thank you for that. We'll look that up on your website. Um, I think you've covered pretty much the issues that I wanted to raise. Steve, Adrian, are there any more

MR PILTON: Pretty comprehensive, I think. So - - -

MR O'CONNOR: Yes. Um, I've just got a question. It wasn't – it was something raised in your submission, but something you haven't touched on today that I recall, and that was just the whole, ah, basis upon which this project can be considered as a mod under, ah, part 3A.

MR JAHN: Mmm.

MR O'CONNOR: Um, I think in your submission you said you didn't think it qualified. It wasn't appropriate to go down that track. Would you like to expand on that?

MR JAHN: Yes. So we put it to the department, two things: one was we don't think you should modify a project in such scale using a modification application as – as opposed to a primary application for a – such a significant alteration of floor space and height and so on. But the second part was to do with, um, the technical aspects, and I did touch on them in my presentation - - -

MS LEESON: Yes.



MR JAHN: - - - that, um, mod, um – part 3A was repealed, as you know, in 2011. Minister Hazzard was very clear about why it was repealed, and there were transition arrangements made for certain sites that enjoyed the part 3A regime, and, um, one of them is the Star Casino site. Um, there was SEARs issued to The Star - - -

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MS LEESON: Mmm.

MR JAHN: - - - and I think that was in - - -

10 MS LEESON: There were two sets of SEARs.

MR JAHN: 9 May.

MR O'CONNOR: 2016.

15

MR JAHN: 2016. Um, and those SEARs stated that the modification application had to be exhibited within two years after the date of the SEARs first being issued.

20 MS LEESON: Or else the consultant had – or else the proponent had to consult further with the secretary in relation to the preparation of the assessment.

MR JAHN: Yes.

MS LEESON: Yes.

25

MR JAHN: So the – there's no evidence to us that the secretary made the deliberative move to extend the currency of those SEARs. And according to the time limit, the proposed modification should have been placed on exhibition no later than 9 May 2018. I did mention this in my - - -

30

MR O'CONNOR: You did. That wasn't my question, though.

MR JAHN: No.

35 MR O'CONNOR: My – my question was about how a change to the project of this size and scale, as you've just outlined - - -

MR JAHN: Yes.

40 MR O'CONNOR: - - - whether that's an appropriate use of part 3A.

MR JAHN: Yes.

MR O'CONNOR: Not – not the timing factor - - -

45

MR JAHN: I see.

MR O'CONNOR: - - - whether they got their application in on time.

MR JAHN: Yes. So, um, it comes down to whether or not a concept plan effectively – and this goes to a strategic intent or a strategic planning approach – but  
5 whether a concept planning approach is utilised in – in, um, progressing, ah, part 3A  
or part 3A modification. So I guess our view is that the modification being  
contemplated isn't, "How do we explore the height and the floor space granted to us  
under the planning controls in another way? Change the gaming rooms or alter the  
entertainment terrace, or how can we, um, upgrade the hotel rooms within the  
10 controls, for example?" That would be, in my view, a proper use of a modification  
application. But no. It's, "How do we put building 200 metres higher than the  
planning controls", as you know, and I'm just obviously stating the things that we've  
covered, "as a modification to the original" – the modification outstrips the original  
intent of what was granted.

15

MR O'CONNOR: And introduces a new land use.

MR JAHN: Yes.

20 MR O'CONNOR: Yes.

MR JAHN: To us, that is a misuse of modification request and in subsequent  
planning law, that's clearly spelt out. So it just goes to transparency and intent.

25 MR PILTON: Can I just – yeah. You – in your objections, you, um, said the  
proposal has got adverse wind effects.

MR JAHN: Yes.

30 MR O'CONNOR: The proponents claim that it doesn't.

MR JAHN: Of course they do.

35 MR PILTON: Do you have any further information that the study is wrong, or - - -

MR JAHN: I haven't found a proponent who says that they do have adverse wind  
effects. All right. Um, we pointed out – I'll just, if I can digress, for just a minute,  
we pointed out the adverse wind effects that would be experienced by the  
Barangaroo Tower, the tallest one, in association with Wynyard Walk, and then it  
40 was the physical design of bringing the tower to the ground with minimal podium  
that was going to cause that wind effect. And you can see the big structure that's  
been ..... up to ameliorate the down draft and wind effects caused by the tower's  
design on the public domain at Barangaroo. So there was a prediction. There was a  
discussion very specifically about this.

45

It got built, got finished and it did have the downdraft effects, and they had to  
mitigate and put in, and that has been – it weakened the whole design by putting that

structure in. Now, with this project, this is kind of the worst of the worst worlds. This is a very, very high tower, the height of the CBD control. It's probably the absolute height that it can be under the air of Sydney Airport. It has an undercut base and it comes down to the surrounding public domain footpath without any setback  
5 from a podium to arrest the – the wind factor. And so it does not take the benefit of any surrounding CBD. It introduces friction into the environment that modifies the wind effects. Ah, it is a single tower exposed to the westerlies, the southerlies and the northerlies. It's almost all wind conditions which will hit that tower and produce significant wind effects on the footpaths and the surrounding environments.

10 MR PILTON: Thank you.

MR JAHN: And I guarantee they'll say that's not a problem.

15 MR PILTON: The – the other question is just how this – you said, ah – you talked about the adverse heritage impact on the GPO clock tower.

MR JAHN: Mmm.

20 MR PILTON: Would you like to expand on that a little bit?

MR JAHN: Mmm.

MR O'CONNOR: Is it just in the – just in the view from Martin Place looking - - -  
25

MR JAHN: Mmm.

MR O'CONNOR: - - - down towards it?

30 MR JAHN: Mmm. Yeah.

MR O'CONNOR: Yeah.

MR JAHN: It just happens to line up with Martin Place.  
35

MS LEESON: It – it was put to us yesterday that a building in Clarence Street – I can't recall the number – that's recently been developed actually impacts that view quite considerably already, and that therefore this proposal would not make it significantly more impacted. Is - - -  
40

MR JAHN: I don't know of that and, um, I – I can't bear any comment on that statement.

MS LEESON: Okay. We might have a look at that in more detail and if needs be  
45 - - -

MR JAHN: Mmm.

MS LEESON: - - - come back to you for comment, if – if we feel a need to.

MR O’CONNOR: Sure.

5 MR JAHN: Mmm.

MS LEESON: Thanks.

10 MR PILTON: I was looking to see if they have that, ah, illustration of the Clarence Street building.

MS LEESON: They presented - - -

15 MR PILTON: Yeah.

MS LEESON: a – an image to us yesterday.

MR PILTON: Yesterday.

20 MS LEESON: That’s right.

MR PILTON: Yeah.

25 MS LEESON: Um, okay. I think that’s covered – Adrian, have you got any more questions?

MR PILTON: I – I haven got any more questions.

30 MS LEESON: No. Okay.

MR O’CONNOR: ..... for me now.

35 MS LEESON: I think we’re pretty much through the issues that we wanted to cover.

MR JAHN: All right.

40 MS LEESON: Um, so thank you very much for your time, and apologies, again, we were a couple of minutes late. We’ve got the public meeting the week after next.

MS A. JELFS: 27 August.

MS LEESON: 27th.

45 MS JELFS: Yes. Not next Tuesday, but the Tuesday after.

MR JAHN: Mmm.

MS LEESON: So we're, um – where are you holding that?

MR O'CONNOR: Customs House.

5 MR PILTON: Customs – yeah.

MR JAHN: Oh, Barnett Longroom. Okay.

MS JELFS: Yeah.

10

MS LEESON: Is that a large room?

MR JAHN: It's a long room.

15 MS JELFS: Yes.

MR JAHN: It's probably a good room.

MS LEESON: We might have a look at that venue, actually, to - - -

20

MR JAHN: It's a – it's a good - - -

MS LEESON: It would be a good room for a public meeting?

25 MR JAHN: I think – I think it's a good room. Yeah. Yeah.

MS LEESON: Okay. Thanks.

MS JELFS: Yeah. It was recommended from council actually, I think.

30

MS LEESON: Okay.

MR JAHN: Mmm. Mmm.

35 MS LEESON: Okay. Thanks. So we have asked, um, the proponent and the department to present to the public meeting - - -

MR JAHN: Mmm.

40 MS LEESON: - - - and if council was of a mind to present, they'd be most welcome to present to the public meeting as well.

MR JAHN: Mmm.

45 MS LEESON: We've got submissions closing - - -

MS JELFS: To register to speak by 23 August.

MS LEESON: Yes.

MR JAHN: Mmm.

5 MS LEESON: So we just - - -

MR JAHN: Mmm.

10 MS LEESON: - - - leave that open to council to - - -

MR JAHN: Well - - -

MS LEESON: - - - form their - - -

15 MR JAHN: - - - if – if council was of a mind to – to participate, it may not be me.  
Um, is it open to whoever - - -

MR O'CONNOR: Yeah. Of course.

20 MS LEESON: Whoever council nominates. Yes. Exactly.

MR JAHN: Yeah. Okay. So I'll share that with the council, and, ah - - -

25 MS LEESON: All right.

MR JAHN: And, ah – thank you for that and see how we go.

MS LEESON: All right. And thank you for your time today.

30 MR JAHN: Okay.

MS LEESON: Thanks, Graham. Thanks.

35 MR O'CONNOR: Thank you.

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**[10.19 am]**