



**AUSCRIPT AUSTRALASIA PTY LIMITED**

ACN 110 028 825

**T:** 1800 AUSCRIPT (1800 287 274)

**E:** [clientservices@auscript.com.au](mailto:clientservices@auscript.com.au)

**W:** [www.auscript.com.au](http://www.auscript.com.au)

**TRANSCRIPT OF PROCEEDINGS**

---

TRANSCRIPT IN CONFIDENCE

---

O/N H-1000969

**INDEPENDENT PLANNING COMMISSION**

**MEETING WITH DEPARTMENT OF PLANNING AND ENVIRONMENT**

**RE: COCKLE BAY WHARF REDEVELOPMENT (CONCEPT PROPOSAL)**

**PANEL:** **PETER DUNCAN**  
**PROF ALICE CLARK**  
**DR PETER WILLIAMS**

**ASSISTING PANEL:** **ROBERT BISLEY**

**DEPARTMENT OF  
PLANNING AND  
ENVIRONMENT:** **DAVID McNAMARA**  
**ANTHEA SARGEANT**  
**DAVID GLASGOW**

**LOCATION:** **IPC OFFICE**  
**LEVEL 3, 201 ELIZABETH STREET**  
**SYDNEY, NEW SOUTH WALES**

**DATE:** **10.41 AM, MONDAY, 4 MARCH 2019**

MR P. DUNCAN: Good morning and welcome. Before we begin, I'd like to acknowledge the traditional owners of the land on which we meet and pay my respects to their elders past, present and emerging. Welcome to the meeting today on the State Significant Development application 7684 for the concept of a commercial building envelope at Cockle Bay Wharf, 241 to 249 Watt Road, Darling Harbour, and stage 1 early works for demolition of existing building structures. My name is Peter Duncan, and I'm the chair of this panel today. Joining me on the panel is Professor Alice Clark and Dr Peter Williams. The other attendee today is Robert Bisley from the commission secretariat, who is assisting the commission on this project.

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 to the commission – on the commission's website. This meeting is one part of the commission's process of determining this application. It is taking place at a preliminary stage of the process and will form one of several sources of information upon which the commission will base its final decision. It's important for the commission to ask questions of attendees and to clarify issues whenever we consider it appropriate. If you are asked a question and you're not in a position to answer, please feel free to take the question on notice and provide any information in writing, which we'll then put on our website. Thanks. And we'll begin. David or Anthea, if you wish to present to start with - - -

MR D. McNAMARA: Yes.

MR DUNCAN: - - - and then we can go into some questions.

MR McNAMARA: Okay. Thank you.

MR DUNCAN: And we've got the material, so over to you.

MS A. SARGEANT: My name's Anthea Sargeant. I'm the executive director for key sites and industry at Department of Planning and Environment. So I just wanted to give a brief introduction of the project, and I'll hand over to David to talk a little bit more of the detail behind the project that we've assessed. So the project has been going for a number of years now. So 2016 was when we issued – I don't know if it was the secretary's environmental assessment - - -

MR McNAMARA: Think so, yes.

MS SARGEANT: - - - requirements back then or if it was DGRs. It was one of the two. And part of the reason why this project's been going on for a while is that there isn't really a modern environment planning instrument that applies to Darling Harbour. So some of the other bigger sites around Darling Harbour have gone through a process whereby a site-specific SEPP was prepared for those sites. That was there to guide the development of those sites. This site hasn't had such a

process. So, therefore, we haven't had a lot of tools that we could use to assess what form of development is appropriate for a site like this.

5 There is the Darling Harbour Development Plan, which is a very high-level strategy document. It doesn't really guide the future development of the site. So the report that we've referred across to the commission is for a very different project than what was originally submitted to us, and we'll talk through why that is the case. The project has gone out on public exhibition three times, and that's reflecting the different forms that the project has been presented to the department and the  
10 iterations that has occurred as a result of the department working with the Government Architect and the applicant to come up with a design that is appropriate for the site and its constraints.

15 Very early on in the process, probably about 12 months in, the department engaged an independent design expert, Professor Peter Webber, and worked very closely with the New South Wales Government Architect's office to look at some design changes to incorporate, again, what we think is a better development for the site than what was initially presented to us. The design changes looked at a number of different things such as height, bulk, location of the tower on the podium, and, as you can  
20 probably imagine – and we'll talk through this as well – every time you adjust one thing, it has a sort of follow-on impact in another area. So it's been a process of refinement that's been done in a workshop-style scenario with the – with Peter Webber, the Government Architect and the applicant. We've been more observers to that process, not necessarily actively involved in the design workshops itself.

25 We – our assessment of the project as it was exhibited for the third time looked at a number of key issues such as density, design excellence, the building envelope, how that building envelope sits within the podium, the impacts of that building envelope on issues such as overshadowing and view impacts. We also looked at heritage – the  
30 site is located very close to the heritage-listed Pyrmont Bridge, so that was another important aspect – but also parking, traffic, access and open space. So open space, again, is also a key issue that our assessment looked at quite carefully. So I might just ask David now to talk through a little bit more of the details around some of those issues that I've raised or mentioned.

35 MR McNAMARA: Okay. Thanks, Anthea. We've got a number of images in the packages before you. I'll refer to some of those as I go through, and firstly I'd just like to give a little bit of background to the site itself, and I think the image on page 2  
40 is a good one to start with. So the site, as you're probably aware, is located on the north-eastern corner of the Darling Harbour precinct, on the edge of Darling Harbour and Cockle Bay. It's quite an irregular-shaped site, and it's approximately two and a half hectares in size. It's a diverse context within which the site sits, and to the north of the site is the heritage-listed Pyrmont Bridge.

45 Moving back around to – as you move south through Darling Park, the IMAX site, Darling Quarter, Tumbalong Park and down to Darling Square, and swinging back around, as you move back up on the western side, the ICC theatre and the Exhibition

Centre and The Goods Line, there's been a significant amount of change and development in the last decade within that part of the precinct, and, as well, moving beyond the Western Distributor, the ICC Convention Centre and Novotel Hotel, further development and change there, and we've also currently – the department's got an unresolved application for the Harbourside Shopping Centre site.

So there is a context of change in and around the site, and I think that's been important in the context of the assessment the department's undertaken and the iterative design process that they've worked through – is the context that Darling Harbour's constantly changed, and it has throughout its history, as well. It's got a history of change and evolution since its original inception. The proposal itself – if you move across through the images, I think – move firstly to image 4 before we get to the proposal. That just gives the context of the site with some other significant public spaces: Tumbalong Park to the south of the site, the Crescent Garden immediately to the east of the site, and then other significant spaces raised and issues raised in submissions, Sydney Square, which sits adjacent to Town Hall, and a proposed Town Hall Square, which sits along the existing Woolworths building on George and Park Street, extends back potentially as far as Pitt Street as well.

So the actual application seeks for demolition of the existing site, improvements and buildings and a building envelope that would have a maximum height of a hundred and eighty – RL of 183, which is reduced from the original proposal, which was 235, and you can see on image 5 in your pack, which is the image showing the various envelopes and the evolution of the envelope over time, starting with the EIS tower envelope, the largest, through an amended EIS and then a proposed tower envelope, which is what our assessment is based on, the evolution of the change in height of that building, and we'll come back to that diagram a little bit later.

It proposes a maximum GFA of 89,000 square metres, which is approximately 75,000 square metres of office, 14,000 square metres of retail, and there's between five and a half thousand and 12,000 square metres of publicly accessible open space. Now, the reason for that range is it depends on how you calculate what is public open space, what are areas for circulation, etcetera, and we'll touch on that in a bit more detail, but, in effect, five and a half thousand square metres of new what we consider publicly accessible open space and a significant amount of other publicly accessible areas.

Anthea mentioned earlier that the matter was on exhibition on several occasions. We had the original EIS in late 2016 and two thousand and – early 2017 and then an amended EIS in November 2017 and, finally, the RtS publicly notified in July 2018. So across those three occasions the application has been, in total, on exhibition for almost 120 days. So there's been a significant amount of public exhibition. Received around 50 submissions to the first exhibition and approximately 40 to the second and third subsequent exhibitions. In addition to those exhibitions, in December 2016 the department did hold a community meeting with local community groups and stakeholders to explain that original application and understand some of

those original comments, and that helped to inform the early views of the department around the proposal and some of the significant issues and the constraints of the site.

5 In terms of refinements to the application throughout the process, if you turn the page to the next diagram it again illustrates some of the evolution of the different refinements. It's undergone significant refinement since it was originally lodged. Following the submission of the amended EIS, which is the middle image and diagram on the page, the department considered a number of the submission issues that had been received and still had concerns about the height, the form and location  
10 of the tower and its potential impact on amenity and potential, in particular, overshadowing and private view loss.

So in consultation with the Government Architect, the department engaged Professor Peter Webber as an independent design expert to provide advice and review the  
15 revised proposal. That process included convening design workshops to allow the applicant to explore alternative design options for the site and also for Professor Webber to peer-review these different options and try review the proposal on a iterative basis. So three workshops were held, in February 2018 and then in late March and early May 2018, and, in response to the issues raised from the exhibition  
20 of the amended EIS and through the design workshop process, the applicant then made further significant changes to the proposal, and they, in our opinion, resulted in quite notable built-form heritage and amenity improvements.

25 And that's the scheme you see on the right of the page, which is the scheme that is the subject of our assessment report. Key changes were the reduction in height, the relocation of the tower, quite significantly, approximately 40-odd metres further south away from Pymont Bridge to improve its relationship with that state-listed heritage item, and that was one of the real significant drivers of this, and the work that was done was – you know, that was one of the significant issues, in addition to  
30 overshadowing and just the scale of the building as well.

This process also looked to help develop a more slender envelope, but one that had some flexibility for the final location of the tower so that the detail design process and the competition process had some scope to deliver design excellence in a variety  
35 of different ways. Also sought to increase setbacks from Darling Harbour from the promenade by a further five metres from three metres to eight metres to ensure it didn't overly dominate the foreshore promenade, and looks to redefine how you calculated the publicly accessible open space and ensure there was a significant area of open space that would benefit the public, and by moving a tower significantly to  
40 the south, it does create a north-facing large contiguous area of open space in between the tower and Pymont Bridge, and the benefits of that will be discussed a bit more detail, but overall, those final design changes were – the Department's view was that they resulted in quite significant built form heritage and amenity improvements.

45 In terms of the key issues for our assessment, there's a range of design-related issues that ..... around the density of the building, its built form, the overshadowing that the

building may cause both to nearby residents and further afield public open spaces or proposed public open spaces. There's also issues around views, open space heritage, and as Anthea said, these things are all interrelated. If you shift the position of the tower, as we saw throughout the process, if you shift that tower to make an  
5 improvement to views, you'll have a knock-on effect in terms of overshadowing, potentially heritage and other matters. So it has been a very much – you have to look at all these issues collectively, and we believe our assessment report establishes that this is a correct and appropriate form of development for the site, having balanced all those potentially competing and conflicting issues.

10 In particular I'd like to spend a little bit of time talking about overshadowing. It was a significant issues raised in many submissions, including submissions from the city of Sydney. And I'll start by talking about overshadowing of Town Hall Square. In a minute I'll show you some videos of that overshadowing. Pages 56 to 60 of our  
15 assessment report do deal with this issue in great detail, so make reference to those pages of the report. And as a high level summary, Town Hall Square was something raised by the city of Sydney. There's a long-held ambition for approximately 30 years for the city to establish some form of open space on that site, yet as of today, there remains no statutory planning controls to either protect overshadowing or to  
20 support the establishment of that square. The future square is still not part of any statutory planning scheme.

But nonetheless, we took the views of the city and their concerns about what potential overshadowing could occur very seriously, and we've done a lot of work  
25 with the applicant to understand exactly what times of the year this proposed building might have an impact on that potential future square, and we've also had regard to existing controls in council's strategies for other similar types of squares and open spaces within central Sydney, including, importantly, the adjoining city square and town hall steps.

30 The analysis that we've undertaken as outlined in our assessment report shows that the modified proposal will have an impact on the potential future square at two times of the year, just around the equinox. Both the periods of around 24 days, after 4 o'clock in the afternoon, and within that 24 day period, you effectively go from zero  
35 minutes impact on one day, scales up to approximately 14 minutes impact on the maximum day, and then back to zero by around – by the 25<sup>th</sup> day, for example. So it scales up and down across a 24 day period, and that happens just after the autumn equinox and just before the spring equinox.

40 But overshadowing is all predominantly after 4 pm, and effectively by 4.30 or 4.35, other buildings that exist overshadow the square. So it is limited. There is no overshadowing from this building on that square for at least 45 or 44 weeks of the year. There's no overshadowing of the square in summer, which we understand to be one of the principles the city is seeking to achieve, an open space that has some  
45 light through to sunset in some months. I might just bring up the videos now just as an illustration. We – these were prepared for us by the proponents, and I'll leave a

copy of these with you. They just do help – I'll run through this more slowly. Just got to change the settings. Well - - -

MR .....: What's that?

5

MR McNAMARA: I can't actually - - -

MR DUNCAN: You need .....

10 MR McNAMARA: I can't see the whole thing. Yes. Can't get it on screen. It's too big. One sec.

MR R. BISLEY: You press play and then pause it.

15 MR McNAMARA: Yes, I can't actually do that because the - - -

MR BISLEY: Down the bottom middle.

MR DUNCAN: Pause there.

20

MR McNAMARA: I should be able to change the speed. That's what I'm not going to be able to do.

MR BISLEY: Okay.

25

MR McNAMARA: But I was able to do that in previous versions. Apologies. So it's going to move pretty quickly.

MR DUNCAN: Yes.

30

MR McNAMARA: What this is, is a study that shows at approximately 4.20 or 5.20 in the summer months, the overshadowing on the proposed future Town Hall Square and the overshadowing undertaken by the proposed development. This area here I'm highlighting with the cursor is the proposed Town Hall Square.

35

MR DUNCAN: So that proposal, David, is where – where you just had that pointer, that's where the current Woolworths.

MR McNAMARA: Yes. That's the current Woolworths site. So that - - -

40

MR DUNCAN: So it's removed as part of the square.

MR McNAMARA: George Street. Yes, George Street Park. This is assuming all that built form is removed.

45

MR DUNCAN: Yes.

MR McNAMARA: And then throughout the year, you can see in summer months as you move through into winter, around April, that red overshadowing is the additional overshadowing created by the building.

5 MR DUNCAN: Time of the day, then?

MR McNAMARA: 5.20 in the afternoon - - -

MR DUNCAN: Afternoon. Yes.

10

MR McNAMARA: - - - on the 5<sup>th</sup> of April.

MR DUNCAN: Yes.

15 MR McNAMARA: In a couple of days time, it'll change to 4.20, daylight saving.

MR DUNCAN: Yes.

MR McNAMARA: And you'll see once you get towards mid-April, the building has no effect, and other buildings continue to overshadow the space - - -

20

MR DUNCAN: Yes. Yes.

MR McNAMARA: - - - all the way through June, July, and then through late August, the same event will happen in reverse, the overshadowing for the proposed building taking up part of the square at that time of day, and then by early September, again it's gone, and then once you get through to October and through to the summer months, there's significant solar access at that time of day.

25

30 PROF A. CLARK: And can we play it, please.

MR McNAMARA: Yes.

PROF CLARK: .....

35

MR McNAMARA: And I'm sorry I can't slow it down a bit. It's much easier when you can run it slower. So it is a short amount of impact. There's another video I've got that shows a bit more specifically on one of the worst days where this building has an impact – this is ..... on 4 April throughout the day. You will see in the morning you've got the Citibank building which sits immediately – and this is the ANZ tower. Both those buildings have an impact on that square through the morning until just before lunchtime, and then you will see around lunch time significant amounts of sunlight through the space until the early afternoon – that's 1 o'clock, 2 o'clock, and around 3.30 you will see town hall and – starting to – just starting to encroach upon the site, and at 4 o'clock – the proposed building hasn't, at 4.04, quite  
45 – but about 4.05 it does, and you will see the red - - -

MR DUNCAN: Yes.

MR McNAMARA: And then within around 20 minutes or so, about 4.35 actually, it's all gone again. So it is – and that's one of the days – we will just run through that again. So whilst there is an impact, there is still significant solar access to the square for a significant portion of the day. And, furthermore, this is – not only is the scheme as we're looking at it now what has been revised and significant reduced the impact that earlier, original proposals did have – if I take you to one of the drawings in the drawing pack – we will probably go to that one on page 4 again that we looked at earlier that showed the different iterations. One of them that shows the EIS tower envelopes. The proposed tower envelope, shown as the blue line, sitting with – inside that is indicative tower massing.

MR DUNCAN: Okay.

MR McNAMARA: We have assessed the overshadowing based on that whole larger envelope – the worst case scenario, and that's what has been shown there. That's what's discussed in our report. But what the indicative massing shows, if you actually apply the relevant controls around GFA, etcetera, that is a form of massing that you might achieve at stage 2. It's within the envelope. You cannot fill that envelope and comply with all the further assessment requirements and design requirements that have been applied to the site. The restrictions were placed on in terms of the width of the building. What the detailed design will do is look at where you shuffle and shift the form within. It might look at curving it vertically or horizontally, but we're very confident that what we've assessed is, by far and away, a worst-case scenario.

There will be improvements. It's just are they improvements, at what time of the year do the overshadowing, what extent of the overshadowing – that's the whole purpose of the design competition in detailed stage 2, but we're very comfortable that the impacts – not only are they a worst case scenario, they – that those impacts are acceptable impacts, that the design refinements have resulted in a level of impact that's acceptable, and that they don't warrant further design amendment and they wouldn't warrant refusal of a concept application. There are a range of further assessment requirements and design guidelines which will help establish the maximum overshadowing controls as they've indicated through their application, hold them to that as a maximum, but also seek to have further refinements and improvements made.

DR P WILLIAMS: Sorry, David. To just interrupt the question – so the shadow diagrams you're showing us there are based on the proposed tower envelopes – the third iteration of that.

MR McNAMARA: Yes.

DR WILLIAMS: And I think, from memory, that has things like – a width that might be 80-odd metres width?

MR McNAMARA: The indicative – the actually – yes. The envelope – the concept envelope has a significant width, but the actual indicative tower mass is 53.

DR WILLIAMS: 53 metres. Yes.

5

MR McNAMARA: And we – they wanted to seek 60 metres. They wanted – and we said no, 53 is the indicative mass and we’re going to hold you to that. Happy for you to shift that north-south and allow that to be resolved.

10 DR WILLIAMS: Right.

MR McNAMARA: But hold them to a 53 – but the overshadowing was – effectively worked on a worst-case scenario, which was a northern option.

15 DR WILLIAMS: Yes.

MR McNAMARA: Which was that indicative massing pushed all the way to the northern edge of the envelope, and that was the worst-case scenario for overshadowing.

20

DR WILLIAMS: No. Not push back the 40 metres or whatever back from Pymont Bridge.

25 MR McNAMARA: But – well, no, within the blue concept envelope you push an indicative massing like the yellow massing shown on the diagram all the way to that northern edge. That’s the overshadowing caused.

DR WILLIAMS: Yes. Right.

30 MR McNAMARA: If they landed on a design that had the massing further to the south, there might be – there would be further changes to the profile of the overshadowing and expect it to be actually potential improvements. So I guess the key point is we’ve assessed the worst case. We believe that that, itself, is acceptable, but the benefit is that the worst case shouldn’t happen. It can’t happen if they  
35 comply with all the further assessment requirements. I just can’t define the improvements today because there’s a design competition process and a detailed application to be prepared.

DR WILLIAMS: No, I see.

40

MR McNAMARA: But we’re really confident we will get a better outcome than what we’ve assessed as being acceptable.

DR WILLIAMS: Okay.

45

MR .....: Yes. Thank you.

MR BISLEY: Sorry, can I ask, as well, with the city's draft planning strategies, has – it hasn't been exhibited; is it still with counsel to refine at the moment?

MS SARGEANT: It is.

5

MR BISLEY: Okay. Yes.

MR McNAMARA: So – and, look – and that's an interesting point, that unfortunately all these proposed controls that the city is suggesting haven't had the opportunity to be tested, to be consulted with on the community. They're not a statutory requirement for us to consider, but nonetheless we took seriously and looked at what the impact of this was, and it has been one of the key issues along with heritage and generally the design of the building that the department has been looking at throughout its assessment to try and ensure, and through this process – the iterative process and design changes – the level of impact – the impact days has gone down from around – it was around 70 with the original scheme; it's now down to 48, which is two 24-day periods around either equinox.

Other issues that we also have to look at very carefully throughout the assessment process include views; view loss from some of the adjoining residential residences, which is covered off in page 65 and around there in our report. Again, moving the tower location has various benefits and – benefits in terms of views, but our conclusion of that assessment is there are some affected properties, there's some view impacts, but on balance they still – most properties retain partial views including sky views and water glimpses, and the impacts are reasonable. We - - -

PROF CLARK: But – so, David, just to clarify, the view impacts that you're talking about are in relation to the residents at the Astoria Tower?

MR McNAMARA: Generally, yes.

PROF CLARK: Yes.

MR McNAMARA: Yes. And also we looked very closely at the Astoria Tower in terms of being a residential building, whether that would still receive three hours of sunlight – and it does. Whilst a lot of those properties have a reduction in sunlight, they had a very good, open outlook and they've benefited often from north and west-facing solar access, so they've had a reduction but they still retain approximately three hours or more on the most affected day, and a lot of those apartments have windows to the north as well as the west, and not relying solely on western windows.

MR DUNCAN: So further question to that – so the Astoria Tower is approximately here on this diagram on page 4. It's the views through there that will be impacted?

PROF CLARK: Yes, yes.

MR McNAMARA: yes, and there's some images within the assessment report that will show – and, again, it shows the concept envelope, the worst-case scenario. So depending on where the final tower form fits within that - - -

5 MR DUNCAN: Yes, yes. Okay, yes.

MR McNAMARA: Those view impacts will be further defined and understood at a later date. But, again, we're comfortable that the worst-case scenario with the larger envelope that we've assessed – that those view impacts are acceptable.

10

MR DUNCAN: That's on page 67 of your report. Yes.

MR McNAMARA: Yes, correct.

15 MR DUNCAN: Okay.

MR McNAMARA: Just moving through into the issue of open space, the provision of significant public open and accessible open space on the site and improved site permeability is a key driver of the design refinements the department has sought. It's strongly supported and believe it represents a significant public benefit. The dual benefit of improving the heritage setting of Pymont Bridge by pulling the tower back further to the south was the creation of a large north-facing piece of open space. It allows for approximately five and a half thousand square metres to the north of the tower. There's another secondary space of around 1000 square metres to the south of the tower.

25

What it does help do, as well, is tie in Pymont Bridge and provide much better accessibility as it's outlined in our report through to the city for pedestrians and cyclists in particular. The space will be available 24 hours a day, seven days a week. It will be still be managed by the proponent, but with all relevant legal entitlements for public access 24-7. It will have a range of different places – now this, again, is something that needs to be designed further through the detailed design process to ensure there's a good range of spaces.

30

35 MR DUNCAN: Yes. Just a quick question while you're there.

MR McNAMARA: Yes.

MR DUNCAN: We're looking at the diagram 41, does it actually link in with the Crescent Park. Is that – was that - - -

40

MR McNAMARA: It can, yes.

MS SARGEANT: Yes.

45

MR DUNCAN: It can. Yes.

MS SARGEANT: Yes.

MR McNAMARA: Yes, that's definitely the intent.

5 MR DUNCAN: So is it actually all on almost one plane or it might have .....

MR McNAMARA: It will be a series of planes.

MR DUNCAN: Okay.

10 MR McNAMARA: And I think that's one of the detailed design issues - - -

MR DUNCAN: Okay.

15 MR McNAMARA: - - - that will be worked through, but obviously it will need to have an accessible path of travel and at least through – through at least one or more ways, but I think it does really tie in the existing – as outlined in our report – pedestrian connectivity for cyclists through that area is a little bit convoluted.

20 MR DUNCAN: yes.

MR McNAMARA: It's going to be under more strain and capacity in the future as the western side of Darling Harbour is going to be more heavily used and developed and I think it's a real benefit of this that it can provide a strong linkage back through

25 to the remainder of the CBD.

MS SARGEANT: And Crescent Park is fairly underutilised now and I think it's only really utilised by the workers within these buildings. I think there's some - - -

30 MR McNAMARA: It's a bit under - - -

MS SARGEANT: - - - access restrictions now, so it does make it - - -

MR DUNCAN: It's almost publicly unknown, too, isn't it?

35 MS SARGEANT: Yes, it is.

MR McNAMARA: It is publicly unknown.

40 MS SARGEANT: Yes.

MR DUNCAN: Locked in.

MR McNAMARA: Yes.

45 MS SARGEANT: Yes.

MR McNAMARA: Yes. So and the other benefit of this space is that it's going to have exceptional solar access, so it will be able to be used all year round and designed well and designed for issues such as wind and so forth, it will be a space that can be used by people in a number of different ways.

5

DR WILLIAMS: Sorry, David, what will help me, I suppose – you might get to it, I'm not sure – but you touched on it before, the rationale for the difference between the five and a half thousand figure and the 12,000 figure. What's the basis of the difference between – so it sounds like some is genuine 24/7 - - -

10

MR McNAMARA: Yes.

DR WILLIAMS: - - - publicly accessible, the open space, the other is in a slightly not quite at the same level.

15

MR McNAMARA: So there's a few different things. Obviously, if we think about – and it might be all the way up the end. Yes, it's the very last diagram shows in a bit more detail the public open space.

20

MR DUNCAN: That's 15, diagram 15.

MR McNAMARA: Yes.

MR DUNCAN: Diagram 15?

25

MR McNAMARA: Yes. So you can see here, throughout the area shown in red, which is the public open space, there's a number of areas which are shown as pathways and circulation space, and so forth, which aren't included in the five and a half thousand. There will also be – you can see some sort of red umbrellas which are effectively outdoor seating and the like, which we didn't want included in the five and a half thousand square metres; it's kind of privatised - - -

30

DR WILLIAMS: Sure, yes.

35

MR McNAMARA: - - - space. You can – yes, it is public open space if you pay. So we wanted that excluded from the definition. The applicant originally wanted it included, so that's not included in the five and a half thousand. Some of the main pedestrian circulation spaces are also excluded. But again, the final form of each of those – you can see there's a number of – and the applicant will be able to probably

40

talk to you about this in their vision in much more detail. But there will a number of different themes and styles and types of places throughout the overall area.

45

PROF CLARK: David, what's the proportion of – you know, you've mentioned these red umbrellas here that you pay and then it's public. What's the proportion of that that needs to be retained through that design process, so - - -

MR McNAMARA: So what the – the controls will establish the minimum of five and a half thousand as - - -

PROF CLARK: And that's - - -

5 MR McNAMARA: Or what I guess I could call genuine - - -

PROF CLARK: Yes.

10 MR McNAMARA: - - - publically assessable open space, and the definition excludes outdoor seating areas, so that's one thing that we sought to change throughout the process was to introduce a stricter definition.

PROF CLARK: And that will follow through the creative process - - -

15 MR McNAMARA: Yes.

PROF CLARK: - - - of people coming in for this tender and making - - -

20 MR McNAMARA: Yes, yes. Correct. It's one of the key design guidelines and one of our – effectively, our conditions of the approval is to hold them to that definition.

MR DUNCAN: Well, just to be clear, how would you get to 12,000? Just I get the

25 minimum - - -

MR McNAMARA: Yes.

MR DUNCAN: - - - what would need to happen or how - - -

30 MR McNAMARA: Well, I think what they were saying is the 12,000 represents the area that's not the building.

MR DUNCAN: I see, so everything else that's public is included in that.

35 PROF CLARK: Yes.

MR McNAMARA: That's right. That's right.

40 MR DUNCAN: So the boardwalk or anything - - -

MR McNAMARA: Correct, some of those.

MR DUNCAN: - - - on their site.

45 MR McNAMARA: Yes, correct.

MS SARGEANT: And this area over here as well.

MR McNAMARA: And the area down to the south as well, so - - -

5 MR DUNCAN: Okay. I get it. Yes.

MR McNAMARA: They should be able to give you – I don't have it in the package here today, but they should be able to present quite a detailed breakdown of what makes up the 12.

10

MR DUNCAN: I understand that.

MR McNAMARA: Yes.

15 MR DUNCAN: Yes.

MR McNAMARA: Okay.

DR WILLIAMS: David, again, begin to touch on the boardwalk with this one.

20

MR McNAMARA: Yes. And this diagram shows it – with the boardwalk with both – originally, they wanted simply a three metre setback and we wanted to push that back by a further five metres to eight. They also did, as part of their earlier application talk about an extension to the boardwalk.

25

DR WILLIAMS: Was it a five metre extension?

MR McNAMARA: It was approximately a five metre extension, and we haven't supported, as noted in our report. We hadn't supported that extension. We felt, in effect, they had established a setback for the building and needed the extension to provide an appropriate promenade width. We said, "We don't need the extension. Push your building back." So we insisted on a three metre setback moving to eight.

30

DR WILLIAMS: Yes.

35

MR McNAMARA: And by – then you wouldn't need the boardwalk extension was effectively the rationale.

DR WILLIAMS: Okay. So all the tree plantings they've got here - - -

40

MR McNAMARA: On that particular diagram?

MS SARGEANT: Yes.

45 DR WILLIAMS: On page 15. I'm sorry, page 15, and it shows the tree plantings, or on figure 42 on page 73.

MR DUNCAN: That's probably a good one to - - -

MR McNAMARA: All needs to be reconsidered in response to the further assessment requirements and the conditions of consent, the setting it back further.  
5 And there would still need to be an opportunity for, potentially, for tree planting along there. I think that detail design issue would need to take account of a number of factors, including the wind environment, and so forth, and the design of the broader public domain as a more unified design response, which will come through the competition and detailed stage 2 application.

10 MR DUNCAN: So if I could just further clarify that the edge of the boundary on that diagram on page 15 is where the – is the boundary of the sites where the, sort of, edge of the yellow and the red line is? Yes, yes.

15 MR DUNCAN: Yes.

MR McNAMARA: It may not be the best diagram - - -

MR DUNCAN: Okay.

20 MR McNAMARA: - - - for us to define the boundary.

DR WILLIAMS: Yes, I mean, and perhaps that diagram - - -

25 MR DUNCAN: It probably does what - - -

DR WILLIAMS: - - - is really just to show those two spaces.

MR DUNCAN: - - - answer my question. I just wanted to know what that actual  
30 - - -

MR McNAMARA: Because there's a better diagram - - -

MR DUNCAN: - - - width is possibly.  
35

MR McNAMARA: There's actually a better diagram we could go to. It's number 7.

MR DUNCAN: Number 7. Yes. So the width of the what I would say is the pink colour extension to the boardwalk, is it, not the extension you're talking about?  
40

DR WILLIAMS: The extension seems to be an orangey colour.

MR McNAMARA: It's a – yes.  
45

MR DUNCAN: That's right.

MR McNAMARA: Yes, yes, which is not being supported, so you're looking at that area of pink.

MR DUNCAN: So that area there.

5 MR McNAMARA: We can just confirm, I know it's referenced somewhere in the assessment report, but I just have to – I think it's of the vicinity of - - -

MR DUNCAN: That's the extension there.

10 DR WILLIAMS: That's right.

MR McNAMARA: - - - five metres.

15 MR DUNCAN: The Druitt Street Bridge. So it's the pink piece. I was just – is that broadly in line with what's already there, that sort of - - -

MR McNAMARA: Yes.

20 MR DUNCAN: - - - width of the width of the pedestrian way?

MR McNAMARA: So, yes. They were – they were proposing, if you go to page 79 of the report, there's a diagram that shows what they were proposing, which was a 5.4 metre extension. The existing promenade is around 11 and a half metres.

25 MR DUNCAN: I see. Yes, I've got it.

MR McNAMARA: And so that gives a better understanding.

30 MR DUNCAN: Yes.

MR McNAMARA: So effectively we've asked for the building to be pushed back further, which meant the need for the boardwalk extension falls away.

35 MR DUNCAN: So you've asked for it to be pushed east.

MR McNAMARA: Yes, yes. They wanted a three metre setback for the building. We've asked them to push that back further to eight.

40 MR DUNCAN: Okay.

MR McNAMARA: Yes.

45 MR DUNCAN: Okay. What about the – any question you want to ask about the management of the open space and - - -

DR WILLIAMS: It's just – it's obviously there's no dedications involved whatsoever.

5 MR McNAMARA: No. As the report outlines, no dedications to the City of Sydney or any other authority. It would be managed by the proponent, but through the detailed planning process, effective covenant to the restrictions on title can be imposed, management plans can be enforced to ensure genuine 24/7 public access, maintenance of the space. They'll be paying for the delivery of this space as part of their project and that will all be a burden on them as the developer to maintain and  
10 own and operate that space.

MR DUNCAN: Is that the same arrangement for Crescent Park or is it a different arrangement again?

15 MR McNAMARA: It's – well, it's a privately owned space - - -

MR DUNCAN: It's privately owned.

20 MR McNAMARA: - - - is my understanding, yes.

MR DUNCAN: Okay.

MR McNAMARA: Slightly different ownership essentially.

25 MR DUNCAN: So this would be somewhere between full public ownership and that.

MR McNAMARA: Yes, yes. The – for a public – for a public point of view, you wouldn't understand whether it's privately owned or privately owned.  
30

MR DUNCAN: Okay.

MR McNAMARA: That should be the outcome that's being sought.

35 MR DUNCAN: Yes.

MR McNAMARA: That's where you want to get to, that when you walk down there, you don't realise that it's run by a private investor rather than the City of Sydney.  
40

MR DUNCAN: Yes.

MR McNAMARA: And there will be opportunities for the City of Sydney and others to have input into the materiality and the design, the type of that space, how it integrates with the broader public domain and the city's public domain pallet for materials and so forth, how it integrates with the rest of Cockle Bay and Darling  
45

Harbour, so it is – you know, does appear to be one space, not just an individual privatised space.

5 DR WILLIAMS: I noticed you made the point that council's asking for a planning agreement. Is it necessary seeing there's nothing being dedicated?

10 MR McNAMARA: Our view is that the public benefits, both of this significant amount of public open space as well as this other social and economic benefits of the development itself, in terms of jobs, etcetera, that in particular, the public benefit of this piece of open space is significant. If the development's worth circa \$650 million, if you, as a rule of thumb, applied one per cent, that would be six and a half million as a contribution. You can ask the proponent the exact figure, but the public open space delivery will be well in excess of six and a half million. It will be many tens and tens of millions of dollars and we believe that is a significant public benefit  
15 of its own right that is more substantial than a contribution and the other public benefits associated with the economics, the jobs and the other benefits that this will provide in terms of connectivity for people into other areas, sort of outweighs the arguments to say, hey, a VPA or some other type of agreement should be imposed.

20 DR WILLIAMS: Yes.

MR McNAMARA: David, just with regards to the management of the public space, does this group manage other public spaces in Sydney?

25 MR McNAMARA: I know – well, there's a consortium of different developers, including AMP and others, who have - - -

MS SARGEANT: GPT.

30 MR McNAMARA: - - - various holdings – GPT – so they each have various holdings throughout the city.

PROF CLARK: And are they successfully managed?

35 MR McNAMARA: I believe so, but I think you should ask them for some examples of other spaces that they are currently managing as individuals. This is a consortium. I don't know if this consortium itself has any other projects, but - - -

40 MS SARGEANT: Yes. I don't think that they do as a consortium.

MR McNAMARA: But AMP, in particular, do have a number of both projects on the ground and projects that they've developed. GPT have a number of projects and precincts that they're developing and have under management, so we would certainly be comfortable that, no matter who is the owner or operator, there can be enough of a  
45 mechanism built into the detailed approval in terms of management plans and strategies for the management of the space that that will ensure and, nonetheless, they are all high-quality developers, so, yes, we've got no concerns about that.

There's other detailed design issues we could talk about. The report goes into a lot of detail to, sort of, work through the interrelationship of the density, the heights and so forth and the acceptability of that, but at the same time, I'm appreciative of your time and questions you might have, so I would be happy if you - - -

5

MR DUNCAN: Focus on questions.

MR McNAMARA: - - - wanted to focus on questions for us. Yes.

10 MR DUNCAN: Yes. Okay. Alice or Peter? Who would like to commence?  
Peter?

DR WILLIAMS: I think one of the important aspects is the width of the actual – what the final building ..... - - -

15

MR McNAMARA: Yes.

20 DR WILLIAMS: - - - and it appears to me that the suggestion from the department is that, perhaps within that location – you know, we don't want to sort of pre-empt what might be the better location but it seems to be more of a southerly massing of the – would that be correct – within that envelope or is there any - - -

MR McNAMARA: It's – yes.

25 DR WILLIAMS: The benefits and disbenefits. One or the other but - - -

MR McNAMARA: That's correct. There are benefits and disbenefits. There has been a significant benefit to pull it as far south as the concept envelope is. The indicative massing - - -

30

DR WILLIAMS: Yes.

MR McNAMARA: We know that the northern – if you put the indicative massing at the northern end, it has a slightly greater overshadowing impact.

35

DR WILLIAMS: Yes.

MR McNAMARA: Your view impacts – as you shuffle it north and south – it just depends on which apartment you're in.

40

DR WILLIAMS: Yes. Yes.

MR McNAMARA: So we've – I guess we've got a hunch that it might but until you see a final design - - -

45

DR WILLIAMS: That's right.

MR McNAMARA: - - - you won't know for sure. What we are comfortable is that you can put indicative massing anywhere within that envelope and you will get an acceptable outcome. The degree to which the impacts we've assessed as being acceptable can be minimised – that's where the variability happens.

5

DR WILLIAMS: So you've placed also a lot of emphasis on, you know, terms of approval and final build form controls and all that that would be decided at the DA stage or for the ..... application or applications but there are still nonetheless some basic fundamental parameters that you want included in the - - -

10

MR McNAMARA: Yes.

DR WILLIAMS: And I notice, for example, if you go to – I think it's condition C1 on page 15 of your draft consent instrument, there's things like – some basic building design elements like the maximum tower footprint, floor plate – but also the one on the – you know, maximum tower width fronting Darling Harbour of 53 metres, so you get that sort of – I think you call it “slim and elegant building” or - - -

15

MR McNAMARA: It is and that was a real driver throughout the process – is to try to define what a slim and elegant building looks like and, if you just take height off this building, all of a sudden, as you take height off these buildings, you've got to make them slimmer. We really felt some of these controls in C1 were derived from the parameters of the indicative massing as displayed in terms of that width, footprints, etcetera. So we wanted to hold to that because we felt the indicative massing did demonstrate an appropriate relationship between the height, the slenderness - - -

20

25

DR WILLIAMS: Caution. Yes.

MR McNAMARA: On balance, for quite a constrained site – I touched on this before but it is quite a constrained site because you've got the western distributor to the east and the south. That affects where you can sit structure. You've got the Darling Harbour seawall which encroaches underneath the site slightly and so it is a tricky site in terms of where you can move your structure and built form. So we felt that it was important to help try and define a really good indicative scheme and so we have built a lot more into these future assessment requirements than you might otherwise.

30

35

DR WILLIAMS: Yes. Yes. So what you've got is asking for a concept plan approval. DA basically wants an application for concept approval - - -

40

MR McNAMARA: Yes.

DR WILLIAMS: - - - but, nonetheless, there still are some prescriptions in there.

45

MR McNAMARA: Yes. And in the - - -

DR WILLIAMS: Well, some parameters which any future DAs would have to comply with.

5 MR McNAMARA: Correct. They will have to comply with those and, I guess, in the absence of a site or a set of either DCP or LEP-specific controls to prescribe some of those elements, we felt this level of detail is important and appropriate – to have the level of detail around the future-built form. It gives a strong guide to anyone who’s going to participate in the competition to the future stage to detail application – what the controls for the site are, effectively.

10 DR WILLIAMS: I gather also you can’t push the site any further back now to what you’ve asked for ..... core to ground level and you’ve .....

15 MR McNAMARA: Yes. And there is a diagram in the report and that was a lot of the work with – it might not be in the package of large diagrams but it is in the report.

DR WILLIAMS: It’s in the report at page 45.

20 MR McNAMARA: That was a lot – yes. Yes. Correct. And that’s a really good diagram that shows the western distributor and siding structure. I know Peter Webber, throughout his iterative process, really pushed them to find how far south could you push this tower.

25 DR WILLIAMS: Yes. Yes.

MR McNAMARA: There are benefits – certain benefits to it but it becomes a point where – and I’m sure the applicant will talk you through some of the implications of trying to go further south from a structural point of view and the extent to which you can cantilever over the western distributor and RMSs views on what you can build in and around the western distributor.

30

DR WILLIAMS: Yes.

35 MR McNAMARA: I would suggest that would be a very good question to put to the applicant when you speak to them around the issues they’ve had .....

MR DUNCAN: There was a building – the IMAX building actually cantilevered, didn’t - - -

40

MR McNAMARA: Yes. The - - -

MR DUNCAN: That was - - -

45 MR McNAMARA: It’s going between - - -

MR DUNCAN: Yes. I think they did allow some cantilevering at a certain level.

MR McNAMARA: Yes.

MR DUNCAN: But this looks like it's about as far as you can go because you've got that - - -

5

MR McNAMARA: Yes.

MR DUNCAN: - - - cantilever deck over the top as well.

10 MR McNAMARA: Correct. Correct.

MR DUNCAN: Yes.

MR McNAMARA: And then obviously you could talk to the proponent as well around – there's certain efficiencies of floor plates that they will be looking forward to get for the office building, so then that size of floor plate limits how far around you can move, but my understanding is it's potentially the structure and where you can land a structure to support a building which becomes the limitation as you go south.

20

MR DUNCAN: So the ILC will – well, it's noted on this diagram – I hadn't picked that up ..... before but that obviously - - -

MR McNAMARA: It comes well underneath the site.

25

MR DUNCAN: That's almost a cantilever in itself, I assume.

MR McNAMARA: Yes. Yes.

30 MR DUNCAN: Yes.

MR McNAMARA: Yes. So there are a number of structural issues around this site that don't make it easy to develop.

35 MR DUNCAN: Yes.

MR McNAMARA: And it is a significant constraint that we work within, but again, we're comfortable that, throughout our assessment and the work that we've done and the design evolution, it has come up with an appropriate and balanced outcome and an outcome that does balance the impacts and provide an appropriate form of development.

40

DR WILLIAMS: Just one last question, if that's all right, just to do, finally, with the public – publicly accessible open space. And I've noticed that you've requested or required that the – or suggested that the – Pymont Bridge, the pedestrian bridge should be retained ..... to Market Street. Just that whole issue about access from the other side of Darling Harbour or from the promenade itself, across the promenade or

45

across the deck with the open space. I mean, you – it can be at the – pedestrian or whatever – or cyclist or someone disabled in a wheelchair. You can be on the promenade and get access across, up the promenade, up the deck - - -

5 MR McNAMARA: Yes. And the exact - - -

DR WILLIAMS: - - - to something, for example - - -

10 MR McNAMARA: Yes. The exact form of that, whether it's through lifts, ramps, etcetera, will be worked out. There'll need to be an accessible path for travel - - -

DR WILLIAMS: Right.

15 MR McNAMARA: - - - but the exact nature and whether there's one or more forms, whether there's a lift and a ramp, I think some of that detailed design needs to be resolved.

20 MR DUNCAN: Because if you look at diagram 11, the Pymont Bridge part's maintained, but, potentially, across that wider open space - - -

MR McNAMARA: There'll be changes in levels.

MR DUNCAN: Levels. But - - -

25 MR McNAMARA: Yes.

MR DUNCAN: But people will be able to get through.

30 MR McNAMARA: Yes. Yes.

MR DUNCAN: The building – this site itself, I assume that'll be a little bit more difficult. You'll be passing through a building or something to get there. There's no access, obviously, across there. The only access can be between Pymont Bridge and there.

35 DR WILLIAMS: That doesn't have any access across, I think, the southern – that's - - -

MR McNAMARA: From the south to the north.

40

MR DUNCAN: Yes.

DR WILLIAMS: Or across to - - -

45 MR McNAMARA: Again, during different times of the day, through the building - - -

- MR DUNCAN: You would - - -
- MR McNAMARA: - - - is a potential possibility.
- 5 MR DUNCAN: - - - potentially go through the building and then out, but you can only go, really, out that way.
- MR McNAMARA: Yes.
- 10 MR DUNCAN: Yes. Okay.
- DR WILLIAMS: Sorry, Peter.
- MR DUNCAN: That's all right. Anything else? Alice, did you have any queries?
- 15 PROF CLARK: No.
- MR DUNCAN: One thing that I wouldn't mind being explained – I'm not so familiar with this design process in the next phase. Anthea, are you able to – or
- 20 David – are you able to explain how that actually happens? I was curious to know, too, would there be external input into that? You've already had Government Architect and Peter Webber involved. How does it actually – if this were to proceed and that occurred, how does it occur? Does council have input, for example?
- 25 MR McNAMARA: So there's a design excellence strategy - - -
- MR DUNCAN: Yes.
- MR McNAMARA: - - - that was prepared and submitted and subject to some
- 30 refinement throughout the process, and the Government Architect's office have signed off and endorsed that strategy.
- MR DUNCAN: Okay.
- 35 MR McNAMARA: In a high level, what will happen is there'll be a design competition that will be run. That competition will be informed by a design brief, which will have to be consistent with the terms of approval for the concept plan, and the design excellence strategy will step all this out. Normally, there'll be a series of competitors invited to join the competition. There'll be a jury, which will have a
- 40 membership outlined in the design excellence strategy of both, I guess, people who you would say are aligned with the developer but also independent people. It could – in some cases, it'll be a nominee of the Government Architect. In other cases, it could be a representative from the Government Architect's office.
- 45 MR DUNCAN: Okay.

MR McNAMARA: And often a representative from the City of Sydney asked to participate or to nominate - - -

MR DUNCAN: Yes.

5

MR McNAMARA: The city nominate a participant. So those competitors will be remunerated. They prepare entries, present to a jury. The jury would then meet and determine a winner, and one of the things we have imposed here is that whoever the winning competitor is, that they are retained to prepare the detailed drawings for the stage 2 application. A risk with competitions is that your competition's - - -

10

MR DUNCAN: Yes.

MR McNAMARA: - - - run and won and the - - -

15

MR DUNCAN: Yes.

MR McNAMARA: - - - developer then goes and picks a lesser-quality architect and the intent and the quality of the competition scheme is never seen through. So that's something that the city ensures and we are also ensuring: that that design-winning architect sees through the project. And once that competition process has been run and won, the next step will be for that – the winning designer to then design the stage 2 detailed DA, and that'll come back for further approval in the future.

20

MR DUNCAN: So this process has been developed along the way.

25

MR McNAMARA: Yes.

MR DUNCAN: So the developer and – he's quite well aware of it and - - -

30

MR McNAMARA: Yes.

MR DUNCAN: - - - I assume, comfortable.

MR McNAMARA: Absolutely. And it's consistent, broadly, with the standard approach that the City of Sydney adopt for - - -

35

MR DUNCAN: Okay.

MR McNAMARA: - - - design excellence.

40

MR DUNCAN: Okay.

MR McNAMARA: And they run a similar process of a stage 1 concept application, then you have a competition, and then the detailed stage 2 application.

45

MR DUNCAN: Okay. Yes. Good. Thank you. Any other questions at this stage? You're right, aren't you, Alice? No, I think that's all from me.

DR WILLIAMS: Yes, it's fine.

5

MR DUNCAN: Nothing more?

MR McNAMARA: Okay.

10 MR DUNCAN: Anthea?

MS SARGEANT: No. No, we're good.

MR DUNCAN: Okay. David?

15

MR McNAMARA: No. No. Look – and, obviously, you'll speak to the City of Sydney, at some stage, no doubt, and the proponent as well, and there are a lot of – it's quite a detailed assessment report. So as other questions may arise, more than happy to have some input into any further discussions as you go through your deliberations.

20

MR DUNCAN: Thanks for the offer. And we'll close the meeting ..... thank you.

MR McNAMARA: Thank you.

25

**RECORDING CONCLUDED**

**[11.36 am]**