



## **TRANSCRIPT OF MEETING**

**RE: CENTRAL BARANGAROO EARLY WORKS – HICKSON ROAD  
INTERFACE (SSD-39587022)**

### **DEPARTMENT MEETING**

**PANEL:** JANETT MILLIGAN (CHAIR)  
SIMON SMITH

**OFFICE OF THE IPC:** BRAD JAMES  
OLIVER COPE

**DEPARTMENT OF  
PLANNING, HOUSING  
AND INFRASTRUCTURE:** ANTHONY WITHERDIN  
TOM PIOVESAN  
DAVID GLASGOW

**LOCATION:** IPC OFFICE – SUITE 2, LEVEL 15,  
135 KING STREET, SYDNEY, NSW, 2000

**TIME AND DATE:** 2:00PM  
THURSDAY, 23<sup>rd</sup> JANUARY 2025

## <THE MEETING COMMENCED

5 **MS JANETT MILLIGAN:** Good afternoon and welcome. Before we begin, I'd just like to acknowledge the traditional owners of the land on which we meet, the Gadigal people of the Eora nation. I pay my respects to their Elders, past and present.

10 So, welcome to the meeting today to discuss Central Barangaroo Early Works – Hickson Road Interface currently before the Commission for determination. The Applicant, Aqualand B Development Holding Pty Ltd, is seeking consent for the construction of the new retaining wall and associated works at the boundary of the site with Hickson Road.

15 My name's Janett Milligan, I'm the Chair of the Panel, and I'm joined by my fellow commissioner, Simon Smith. I'm also joined today by staff from the Office, Brad James and Oliver Cope.

20 In the interest of openness and transparency and to ensure a full capture of information, today's meeting is being recorded, and a complete transcript will be produced and made available on the Commission's website.

25 The meeting is one part of the Commission's consideration of this matter and will form one of several sources of information upon which the Commission will base its determination. It's important for commissioners to ask questions of attendees and to clarify issues whenever it's considered appropriate. If you're asked a question and you're not in a position to answer, please feel to take the question on notice and provide any additional information in writing, which we will then put up on our website.

30 So, I request that all members here today introduce themselves before you speak for the first time. And in the interest of having an accurate transcript, can we just make sure that we don't speak over each other.

35 So, let's begin. So, thank you very much. You will see the agenda in front of you. We just have a couple of things we'd like to talk to you about, and in relation to your assessment and recommended conditions, thank you. Can we just start with the issue of consistency with the Concept Plan. Is there anything else you'd like to say to us about that? We've seen the Assessment Report and your opinion that  
40 these works are consistent with the Concept Plan.

**MR ANTHONY WITHERDIN:** I think the report covers that issue ... Oh sorry, yes, my name is Anthony Witherdin and I'm the Director of Key Site Assessments. Yes, so as I was saying, I think our Assessment Report covers the  
45 issue quite extensively. I guess, so INSW are basically seeking to upgrade Hickson Road and then they're seeking to do works like renew the paving there, put street trees in, add street furniture and the like.

And so, the Applicant is seeking to install that new retaining wall on the boundary of the site, basically to protect those future upgrades to Hickson Road from any future construction activities within Barangaroo Central. And we've really turned our mind to that, and consider how it's consistent with the Concept Plan, and we are satisfied that it is consistent with the Concept Plan.

Barangaroo Central and the approved Concept Plan already permits mixed use development and redevelopment of that area, and its permissible works, and those works are really there just to protect those Hickson Road upgrades in the future. So, we were very much satisfied that it was consistent with the Concept Plan.

**MS MILLIGAN:** And the works don't sort of pre-empt or prevent anything?

**MR WITHERDIN:** No, no. Those works – we were satisfied those works are necessary, irrespective of what the final outcome may be for Barangaroo Central.

**MS MILLIGAN:** Okay. All right. Thank you for that.

**MR SIMON SMITH:** No, that was my question.

**MS MILLIGAN:** Yes. Okay. We appreciate that. The second item on the agenda is stormwater management. And we had a good look at that information. We also did a site inspection and sort of walked through some of that. Is there anything else you'd like to say to us on that issue of stormwater? We noted that you considered it one of the key issues when you had a look at the application.

**MR WITHERDIN:** Yes. Look, as you've probably gained from our report, the construction of the retaining wall cuts to existing stormwater drains. And so to manage that, that issue the Applicant is proposing to put a new stormwater drain around the site and those surrounding temporary works. And we considered that quite carefully because there was a slight increase in flood impacts associated with that stormwater.

But when we had a really close look at those impacts, the increase we find is very minor. It was largely only affecting the site, and it wouldn't increase the flood hazard experienced in those areas. We were very satisfied with that temporary solution was acceptable for this stage of works, noting that a more permanent solution will have to follow when future applications come online.

**MS MILLIGAN:** Any questions on stormwater?

**MR SMITH:** No. I'm satisfied with what we saw this morning and your explanation and your report.

**MS MILLIGAN:** We had quite a detailed conversation on site, just to understand where those stormwater drains were. One was functional, and one not fully so. So, that's all good. So, can we move onto the next item on our list, which was contamination. Simon, did you want to ask about that?

5 **MR SMITH:** Yes, sure, thank you. So, it's Simon Smith, the Commissioner. So, clearly there's been a history of contamination at this site and there's been an extensive cleanup program already completed. So, my question is just about how the operation of the conditions as drafted would be in practice.

10 So, looking at ... Yes, so the conditions C36 to C40, if you just take us through how that would work in practice should the project be approved. Taking into account how, or at least it's our understanding that the cleanup program that was done previously has been reviewed by the site auditor and signed off as being decontaminated. So, if you just tell us how it would work in front of us.

15 **MR TOM PIOVESAN:** So, Tom Piovesan, Senior Planner. Yes, so as you would have seen in our report, Barangaroo, yes, has quite a history of contaminants and has been the subject to a couple of staged SSD applications to go and remediate I guess, what was formerly a declared contaminated part of the site. That being said, and as a result of that, all of Barangaroo has an existing Remedial Action Plan. That plan does make some recommendations for further works, partly because the site is former hardstand but not all of it has been excavated since port uses  
20 stopped.

25 So, what the Applicant has done and what we've considered in our report is, essentially, they've done a consistency check against existing contamination documents and prepared some site-specific reports for this proposal. So, taking those series of recommendations of what occur onsite based on the known information but also the likelihood of encountering unexpected bits of contamination.

30 So, the draft conditions indicated, I guess, they seek to do a couple of things. The first is to capture the documentation that's been submitted to us, including any specific actions that that would take, whether that includes managing the fill that would leave or come onto the site. But also developing a way, a protocol to identify and handle unexpected hot spots that might occur outside of the declaration area that haven't been touched.

35 That being said, if, for example, some were identified, we're still recommending, again, they engage a site auditor to oversee the works they've flagged, but also the work they might have to do but weren't expecting to do. And with that in place, in terms of, I guess, condition C39, is then to remediate the site depending on if there is anything uncovered and prepare additional reports that would confirm that once those works are done, the remediation works are done, the site is safe, and then, I  
40 guess, there's a conclusion component to validate that part of the site that is temporarily excavated, then backfilled.

45 **MR SMITH:** That seems fine and understandable. So, is it your understanding that the work that's been done historically to cleanup and the work that's been done for the EIS to validate that work and integrate it within the intended future works, means that the proponent's not going to have to write a new Remediation

Action Plan when there already is an Remediation Action Plan, just that they're supposed to go about their work consistent with the plan as it is?

**MR PIOVESAN:** Correct.

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**MR SMITH:** Because I just didn't quite understand – so, with the draft condition, let's see C39, it sort of distinguishes between a stage of remediation and then a stage of construction. Whereas, which would be a kind of normal thing if you're putting up a new building or something, you'd be preparing the site and then be building the thing.

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Whereas here I would imagine you're going to start drilling for the pile holes, you may encounter unexpected contaminated material and you'd have to do all the actions that you've set out in the conditions. But there wouldn't be a preparatory stage of remediation before you actually started digging the holes. I just wanted to make sure that this is a practical arrangement that will enable the proper management of any unexpected contamination but wouldn't delay the commencement of those works etc.

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**MR PIOVESAN:** I think, from memory, there were some minor areas that they might have to remediate that they are aware of.

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**MR SMITH:** This is in the existing remediation plan.

**MR PIOVESAN:** Yes, the existing documents. I guess, given that component is known, we were just trying to prepare a framework particularly in C39 where there's some parts that are known. There's a potential that they'll uncover new components to then remediate that. And I guess, we've drafted this condition in a way where, you know, depending on the conclusion of it either we get a letter of interim advice or a Section B audit statement.

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**MR SMITH:** Okay. I just hadn't understood that there were some already known things that would need to be done as a preparatory step.

**MR PIOVESAN:** The existing RAP does – sorry, the Remediation Action Plan applies to Barangaroo as a whole. My understanding is it does acknowledge some works that would take place. The Applicant's additional documentation has had regards to those works and they've developed it a bit further with their specific development at the time.

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**MR SMITH:** Okay. So, have they already provided you with what that Remediation Action Plan is, or is it something that you're expecting them to do, should they get consent?

**MR PIOVESAN:** So, we've referenced the reports they've provided us in the conditions, and, yes, we've tried to capture their Remediation Action Plan and their Remedial Works Plan.

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**MR SMITH:** So, some of those five documents or whatever there that you mentioned there, they're actually documents prepared in connection with this application?

5 **MR PIOVESAN:** Yes, basically, that's right.

**MR SMITH:** Some of them are quite old.

**MR PIOVESAN:** Yes.

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**MR SMITH:** Before the main works were done, and others are more recent, presumably just for this project, OK.

15 **MS MILLIGAN:** So, to summarise, So, the intent of these conditions are to bring into play as necessary, previous work done and to give a framework for how they need to address any unexpected finds.

**MR PIOVESAN:** Correct.

20 **MS MILLIGAN:** As they go ahead with this particular project.

**MR PIOVESAN:** That's correct.

25 **MS MILLIGAN:** Yes, that's clarified that for us, so thank you very much. Okay. If I can just move on now to other matters. And this one relates to community consultation. You may have seen we've had one submission from a community member who was questioning the consultation that was undertaken by the Applicant in relation to this project.

30 We noted your assessment that you felt that the consultation was adequate, and the submitter was querying that. So, I just wondered if you had any comment on the topic of the community consultation?

35 **MR WITHERDIN:** Okay, no worries. So, community consultation is embedded through the whole assessment process. It really starts with our SEARs requiring some level of consultation to be done, and the Applicant submitted an Engagement Report, as required by those SEARs, and it considered the Department's guideline for undertaking engagement when preparing an EIS.

40 And I note also included like a draft Community Relations Strategy that sort of outlines how they're going to manage future community consultation. And we had a look at those documents and were satisfied that that was a reasonable response from the Applicant for a project of this type and scale. Particularly noting that it's an underground wall, it won't be visible, it won't have any ongoing impacts to  
45 surrounding residents. And the purpose of that wall is really just to protect that public domain works that's going to occur on Hickson Road.

And also, it's just important to note, we've made all the documents for this project

5 available on our website and we've notified all surrounding neighbouring properties and relevant stakeholders for 28 days as a part of the assessment process. And also, it's just important to note, we've made all the documents for this project available on our website and we've notified all surrounding neighbouring properties and relevant stakeholders for 28 days as a part of the assessment process. And we've sent letters to the community and relevant stakeholders. We've had the Applicant respond to those issues that have been raised, and we've assessed everything carefully in our Assessment Report.

10 So, based on all of that, I guess we were very much comfortable and satisfied that the community and the other relevant stakeholders had sufficient opportunity to provide comments on the proposal, and they've been considered throughout the assessment – our assessment – as well.

15 **MS MILLIGAN:** It sounds as if you're saying that your conclusion had a consideration of proportionality to it. Is that correct?

20 **MR WITHERDIN:** Yes, yes, proportionality, and our guidelines even reference proportionality, in that the level of engagement, particularly done from an Applicant should be proportional to the type and scale of development and potential impacts that the community and stakeholders.

25 And looking at this particular proposal objectively where it's, as I said earlier, it's just a supporting wall underground, it's not really visible, it won't have any ongoing impacts, we were comfortable in that scenario.

**MS MILLIGAN:** Even though there is a 15-month period of construction, I suppose, with some sort of local impacts. You took that into consideration?

30 **MR WITHERDIN:** Yes, yes. Definitely. And there are requirements for ongoing consultation and, during noisy works in particular, I think there's requirements that surrounding residents are notified beforehand. The document, the draft Community Relations Strategy that the Applicant's prepared, touches on how they're going to manage those impacts.

35 I understand that construction practices can be disruptive, and it's important to make sure that the community is engaged all the way. And we were pretty satisfied that the conditions and the framework that the Applicant's put forward will do that pretty effectively.

40 **MS MILLIGAN:** All right. Thank you for that. Any questions on that?

**MR SMITH:** No.

45 **MS MILLIGAN:** All right. They were our four issues. So, thank you very much for providing additional information on each of those four. Before we finish, is there anything else you wanted to say to us about your assessment or the conditions, as drafted?

**MR WITHERDIN:** No, I think that's – I think that's it. I think you picked up on the key issues with your questions with the assessment. I think that's it.

5 **MS MILLIGAN:** Okay. Well, thank you very much. Thank you very much for meeting today.

**MR WITHERDIN:** Great, thank you.

10 **MR PIOVESAN:** Thank you.

**MS MILLIGAN:** Thanks.

**>THE MEETING CONCLUDED**