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**TRANSCRIPT OF PROCEEDINGS**

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TRANSCRIPT IN CONFIDENCE

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O/N H-1199011

**INDEPENDENT PLANNING COMMISSION**

**MEETING WITH DEPARTMENT OF PLANNING, INDUSTRY AND ENVIRONMENT**

**RE: DONCASTER AVE STUDENT ACCOMMODATION**

**MATTER NUMBER: SSD 9649**

**PANEL: ILONA MILLAR  
DIANNE LEESON  
CASEY JOSHUA**

**DEPARTMENT OF PLANNING,  
INDUSTRY AND ENVIRONMENT: MATTHEW ROSEL  
AMY WATSON  
ANTHONY WITHERDIN**

**LOCATION: VIDEO CONFERENCE**

**DATE: 12.45 PM, WEDNESDAY, 13 MAY 2020**

MS I. MILLAR: Okay, well, in that case, what I'll do is formally open the – the meeting for the purposes of the – the transcript. Um, and so good afternoon everyone and – and welcome. Ah, before we begin, I would like to acknowledge the traditional owners of the land on which we meet and pay my respects to their elders  
5 past, present and emerging. Ah, so welcome to the video conference today to discuss the proposed student accommodation at numbers 4 to 8 Doncaster Avenue, Kensington. Um, as you are aware, this proposal is located in the Randwick local government area. My name is Ilona Millar, and I am the chair of this IPC panel. Joining me today is my fellow commissioner, Dianne Leeson, and also Casey Joshua  
10 from the Office of the IPC is in attendance.

In the interests of openness and transparency, and to ensure the full capture of information, um, today's video conference is being recorded and a full transcript will be produced and made available on the commission's website. Um, this video  
15 conference is one part of the commission's decision-making process, and it's taking place at the preliminary stage, um, of our, um, consideration of this proposal and will form one of several sources of information upon which the commission will base its decision.

Um, as you're aware, we've provided, um, some initial questions on notice in our letter to the department of the 8<sup>th</sup> of May, um, but it is also important for the commissioners to ask, ah, further questions of the participants in this meeting to clarify issues, um, as they emerged or when we consider it appropriate. So if you are asked further questions today and are not in a position to answer these, please feel  
20 free to take the question on notice and provide any additional information in writing. Um, if we do request additional information and it's submitted in writing, this will then also be placed upon our website.

Um, to ensure the accuracy of the transcript, um, if everyone in today's meeting  
30 could please introduce themselves each time before they speak, and for, ah, participants to ensure that they do not speak over the top of each other. Um, and in that respect, um, I would suggest if everyone could put themselves on mute if they're not specifically speaking and responding to questions, um, to facilitate a clearer transcript of the matter.

Um, so with that, um, background information and opening, um, we will now begin. Ah, we have provided a brief agenda for this meeting, um, which – you know, what we would be seeking to do is to get a brief overview of the department's assessment and the – the findings in that assessment report, and then if the department could  
40 respond to the specific questions that we provided in our letter of the 8<sup>th</sup> of May. Ah, so with that, I'll hand over to, um, Anthony or Amy.

MR A. WITHERDIN: Yeah, thank you. Ah, so my name's Anthony Witherdin. I'm the director of key sites assessments and my team, ah, carried out the assessment  
45 of, ah, the project. And thanks for the opportunity this afternoon to brief you on the proposal. So I'll be opening with a brief, ah, ah, overview of the department's

assessment and recommendation and then, as you mentioned, we'll move on to answer the questions that the IPC raised in their correspondence. So, essentially, the proposal seeks approval for a three-storey student accommodation building, um, and it's within Kensington, ah, and it's within close walking distance, or about 1.2  
5 kilometres, from the University of New South Wales. And we also note that the site is very, ah, close to the new light rail service.

Um, now, the application is being referred to the IPC because council object to the proposal, and that's mainly on the grounds of density, ah, built form and design, and  
10 car parking. Ah, the department received 10 public submissions on the proposal, and the key concerns raised in public submissions are traffic, parking, ah, operational impacts and overshadowing. And in terms of the department's assessment, the department has, ah, undertaken a detailed assessment of the proposal and, ah, the department's concluded that the proposal is acceptable.

15 Now, in terms of the key issues, um, I'll just touch on the proposal's strategic context, ah, density and design, and – and car parking as being the – the key issues the department addressed in its assessment. So in terms of the strategic context of the proposal, ah, the department considers the – the student accommodation  
20 development is appropriate for this site, um, as it's located close to the University of New South Wales. I think it's – as I mentioned earlier, it's about 1.2 kilometres, ah, walking distance, so it's got close access to a – a long standing, um, educational establishment. And, ah, the site has excellent access to public transport, um, and that connects, ah, the site, ah, not only to, ah, the university, but, ah, ah, other key areas  
25 within the city. So the department feels like, ah – or – or considers, I should say, that student accommodation, um, really fits within the strategic context of this site.

In terms of density, while the proposal exceeds council's FSR controls, the department's undertaken a – a detailed assessment of the proposal and whether or not  
30 the floor space ratio proposed was acceptable. Ah, and the department has concluded that, ah, ah, the proposed floor space ratio's acceptable because, ah, the proposal won't result in any unreasonable visual amenity or traffic impacts, and we'll elaborate on that a bit further when we answer the IPC's questions.

35 Another key issue was building design, and, ah, the department's assessment concluded that the proposed design is acceptable. The proposed design was amended on a – on a couple of occasions, um, and they were mainly around, ah, needing to address, ah, the Government Architect's comments that they raised about the proposal. And we can, ah, talk about a bit further, ah, when we answer the questions,  
40 ah, later. Um, and the department considers that the design of the proposal, ah, appropriately responds to the development pattern in the street, and also, importantly, it responds to the existing heritage items on the site, and it retains, ah, an important tree and it responds to flooding. So the department also considers that, ah, the proposed design, ah, fits well within the street and it manages those site constraints.

45 Ah, in terms of car parking and traffic impacts, um, while the proposal, ah, ah, seeks approval for less car parking than council's controls, ah, the department considers

that, ah, the site's excellent access to public transport, um, ah, warrants, a – a –  
suppressed car parking rate. And, um, also, that – that results in less traffic impacts,  
ah, within the surrounding, um, street network, and the proposal provides, ah, for  
good, ah, bicycle parking and things like that to, ah, enable students to access the  
5 university and – and public transport.

So that were – they were a summary of the department's key issues that we  
considered, and, ah, for those reasons, we – we concluded that the proposal was  
acceptable. And we've also included a – a suite a conditions to manage, ah, and  
10 mitigate other impacts. Ah, so if there's no questions on that summary, um, we're  
happy to move onto the – the questions that the IPC have raised.

MS MILLAR: Great. Thank you very much for that, Anthony. Um, yes, if you're  
able to – to move on to the – the questions. Um, I – I note a couple of the – the first  
15 couple of questions deal specifically with the clause 4.6 variations, um, so perhaps if,  
um, we group those questions before then turning to the design and the – the – the  
Government Architect, um, review process.

MR WITHERDIN: Sure. And do we have Matt on the line at all yet, maybe?  
20

MR M. ROSEL: Yep.

MR WITHERDIN: Hi, Matt, how are you?

25 MR ROSEL: ..... I apologise – yeah, I'm good. I apologise I wasn't able to  
connect. I think there's a – a problem with my internet, um, so the – the computer  
was dropping out. So hopefully you can all hear me now.

MS MILLAR: Yes, we can, thank you. Thank you very much for that.  
30

MR WITHERDIN: Great.

MR ROSEL: Okay. Okay, well, um, I'll take you through the, um, the  
commission's condition – ah, sorry, I apologise, the commission's questions. Um, so  
35 looking at the first question. The – the first question raised by the commission was,  
um, in request of the department to elaborate on the justification for the FSR  
departure. So, um, the proposal seeks for a development which exceeds the FSR for  
the site by approximately 2000 square metres, which is an increase of almost, ah, 52  
per cent. So that the department considers that an acceptable density is informed by  
40 the appropriateness of the built form and having regard to potential impacts such as  
traffic generation, immediate impacts and demand on future and existing  
infrastructure.

Ah, the department's, um, assessment at, ah, section 6.2, ah, concludes on this matter  
45 that the proposal has strategic merit as its provided – as it provides for increased  
affordable housing choice for students, has excellent access to public transport, and  
is conveniently located to educational institutions and shopping facilities. Ah, also

the – the building height and scale is appropriate in its context, um, particularly the site. And noting, ah, the existence of taller, flatter blocks on the opposite side of Doncaster Avenue, ah, amenity impacts, including operational impacts, overshadowing, privacy and private view loss, ah, have been minimised and are  
5 acceptable. And finally, the proposal would have limited impact on the road network. Um, so taking all those together, the department concluded, ah, that the FSR, um, exceeding from the site, was – was acceptable and the overall department was appropriate in that regard.

10 Um, if there's no questions, I'll – I'll move onto the commission's second question, um, which sought clarification of the Government Architect's review process and how the recommendations made by the Government Architect have been included into the development. Um, so this application didn't trigger a design excellence  
15 competition requirement under the Randwick LEP. Ah, however, the applicant did seek the advice of the Government Architect by the lodging the application. And following the submission of the application, the department referred the EIS onto the Government Architect for its review. Ah, the Government Architect provided comments on building layout and built form, landscaping and public domain, and  
20 neighbouring amenity.

Ah, in response to the comments provided, the development was amended, um, prior to submission and also throughout the process of the application, and the key changes include amending the shape of the building form from an S shape building footprint to an E shape building foot – building footprint, um, increased setbacks  
25 from the street to align with the frontage of the heritage terraces, increased setback from adjoining 20 Doncaster Avenue to improve its solar access outlook, ah, reduction in front fence height from two metres to 1.2 metres to improve visual permeability, and amendments to building materials. Ah, the Government Architect has confirmed it supports the bulk and scale of the development, the verticality of the  
30 elevation, building articulation, use of materials, and the relationship to the heritage terraces. Um, if there's no questions, I'll move onto the third of the commission's questions .....

35 MS MILLAR: Well, thank you for that. Um, just to confirm – and – and, Casey, perhaps you – you already have the answer to that – um, have we got all of the – the correspondence between the department and the Government Architect?

40 MR ROSEL: Ah, I'm not sure if that was sent over with the referral that was sent to the IPC.

MS JOSHUA: It's only what - - -

MR ROSEL: Okay.

45 MS JOSHUA: - - - was visible online.

MR ROSEL: .....

MS MILLAR: Okay. If – if – perhaps if we can just, as an – as an action item, um, make sure that we've got the – the full suite of correspondence with the Government Architect.

5 MR ROSEL: That – that's fine. I'm – I'm sure we'll be able to send that across to you. That shouldn't be a problem.

MS LEESON: Ilona, if I might just have one quick clarification on the comment around the Government Architect's, um, suggestions on fence heights.

10

MS MILLAR: Sure.

MS LEESON: Matt, can you explain where that fence height issue was, um, and particularly if it had any - - -

15

MR ROSEL: Yeah.

MS LEESON: - - - relationship to the heritage buildings?

20 MR ROSEL: So, originally, as, um, as submitted as part of the EIS, the application included a 2.1, approximately, fence height that went around the entire, ah, site boundary, um, and that was originally proposed by the applicant to, um, enclose, um, small elements of – of open space for the students. Um, the Government Architect considered that, um, that divorced the, um, the development from the street and  
25 created a – somewhat of a, um, fortress-like enclosure. And, um, it was because of that, they recommended that the fence height be lowered, um, down to, you know, a – a standard fence height so that you could, um, gain views across the – across the site and towards the heritage buildings as well. Um, but it was primarily to – to ensure that, um, you know, there wasn't a fortress-like development around – ah,  
30 sorry, fencing around the site itself.

MS MILLAR: And then, sort of following on from that question, the, ah, fence, or the, um, treatment at the – in front of the – the heritage buildings, will that remain the – the same, ah ..... fencing that is – is currently there as – as upgraded, um, um, you  
35 know, with the, ah, restoration of tho – that item?

MR ROSEL: I believe that's the case, yes, but it, um, – I haven't got those plans directly in front of me at the moment. It's something I could come back to you on, if you like, just to confirm a hundred per cent that that is the case. My belief is that it  
40 is, though.

MS MILLAR: Okay, great. Um, Di, anything else or shall we move on to - - -

MS LEESON: Ah, no, I – I'm fine with that, thanks. I just had a quick look at the  
45 drawings and it does look like it's the existing metal railing to be retained, but if Matt could confirm, that would be good. Thank you.

MS MILLAR: Okay, great.

MR ROSEL: No problem, I will do. Um, okay, if there was nothing else, I'll move onto the – the next questions, um, from the commission. Um, so the commission's  
5 questions number 3 and 4 relate to the provision of oversized student rooms. Um, so the affordable housing – or, sorry, the Affordable Rental Housing SEPP provides for a minimum and maximum room size standard of 12 square metres and 25 square metres. Um, the SEPP doesn't actually provide a reason for the space standards, however, the department considers the likely objectives to be to – to be to provide a  
10 minimum level of amenity for each room, um, preventing oversized rooms to ensure affordability, and also to prevent occupant crowding in rooms.

Ah, the proposal originally sought a mixture of undersized and oversized rooms, however, in response to concerns raised by the department, ah, the proposal was  
15 amended and now complies generally with the SEPPs room – ah, the SEPPs room size requirements, except for two rooms in the heritage terraces and three rooms within the build – ah, new build component. Ah, the department has accepted that the two oversized rooms within the heritage terraces are appropriate as to install additional petitions and services to accommodate smaller rooms may have adverse  
20 impacts on the heritage fabric.

Um, the applicant has justified the provision of oversized rooms in the new build component on the basis that those rooms are insignificant, in terms of the context of the total number of rooms provided. Notwithstanding this, the – the applicant has  
25 advised that it would be willing to accept the condition requiring the design be amended to remove the oversized rooms in the new build component. Ah, the department, ah, considers the removal of the three oversized rooms in the new build component is appropriate, as the building is located on a large site which is generally unconstrained, and in that context, it's reasonable that the proposal should be  
30 required to meet the room size space standards in the SEPP. Um, if there's no questions on that point, then I'll move onto the following question from the commission with regard - - -

MS MILLAR: No, thank you, Matt. That's, um, I think that's – that's clear. And, um, I think we – we had the benefit of speaking with the applicant this morning, um, on this point, so I – I think we – we understand how that, um, can – that design requirement can be addressed now.

MR ROSEL: Okay, great. Okay, well, the next question from the commission was  
40 number 5, which seeks clarification about solar access impacts to number 20 Doncaster Avenue and the department's, um, second dot point in its paragraph 6.4.23 of its report. So, um, the department carefully considered the overshadowing impacts on number 20 Do – ah, Doncaster Avenue, and concluded the northern elevation of that building would maintain an approximately three – pardon me,  
45 approximately three hours of sunlight in mid-winter, um, and that exceeds the ADG recommended requirement of two hours. And on that basis, the department concluded the overshadowing impacts can be considered acceptable.

Ah, with regard to the second dot point in the paragraph, um, the department notes the surrounding street scene is dominated by buildings on narrow lots, and this results in Doncaster Avenue having a – a fine grain of – of built form character. Um, in addition, the six-metre setback between the proposed building and number 20  
5 Doncaster Avenue is similar in width to the – the actual width of adjoining lots. Now, the – the department was concerned that increasing the separation between the proposed building and number 20 Doncaster Avenue may actually result in a, ah – or create an awkward built form relationship and result in a greater gap between buildings than what would be expected, noting the character of this street. Um, and  
10 in that – in that regard, it – the department felt that, um, the built form relationship as proposed – as it proposed and amended is acceptable.

MS MILLAR: Okay, thank you for that. Just a follow on question in respect of the – the impacts, um, compared to the existing proposed – ah, sorry, the – in –  
15 compared to the approved development for the site, um, what is the, sort of, poten – the – the increase in, um – or the change in impact, um, in terms of solar access for the – the property at 20 Doncaster Avenue?

MR ROSEL: So the – the actual impacts are – are very similar. Um, due to the, um,  
20 the design of the original approval and the proposal, the overshadowing impacts occur in slightly different locations to – in terms of different windows, but in terms of the actual overall amount of hours received, it is – it's largely the same. Um, so, it's – it's just a case of, um, you know, in effect, that it – it's a very similar approach, um, in terms of impacts, but, um, just slightly changed due to the – the form of the  
25 building.

MS MILLAR: Great, thank you. Um, Di, any – any other questions on the impact on number 20?

30 MS LEESON: Yes, thanks. It was just in relation to the large tree in the – the rear yard of number 20. Do you know offhand whether that was, ah, taken into account in the solar access considerations?

MR ROSEL: Um, I would have to take that on notice, to be honest. I – I don't  
35 recall offhand.

MS LEESON: The – the applicant, this morning, suggested that it wasn't, and typically wouldn't be. Is – is that, from the department's perspective, um, a nor – the normal approach?  
40

MR ROSEL: Ah, it – well, it's certainly an approach that can be taken. Um, obviously, trees can be removed over time. If it's deciduous, it can lose its leaves. And these aspects will change the amount of sunlight reaching buildings and windows, etcetera. Um, it's a – I suppose by not including the tree, it's providing a –  
45 a – a pure form, I suppose, of – of overshadowing analysis.

MS LEESON: Yeah.

MR ROSEL: Um, so - - -

MS LEESON: Do you know what - - -

5 MR ROSEL: So - - -

MS LEESON: But is it a deciduous tree?

10 MR ROSEL: Um, I don't recall offhand, um, to be honest, no.

MS LEESON: That's all right. Thank you. That – that was all, thank you, Ilona.

MR ROSEL: Okay. Okay, so I'll move onto the next question from the  
15 commission, which was number 6, um, and that question asked whether further  
consideration is required in response to the current COVID-19 orders. Um, so just in  
terms of a bit of background, the COVID-19 orders allow for construction works on  
Sun – Saturdays and Sundays and public holidays. Um, these allowances –  
allowances are temporary and would override any approved construction hours that  
20 exist in permissions at the moment. Um, the department considers as these orders  
are temporary, it's, ah, it's necessary to recommend conditions relating to  
construction hours and associated mitigation measures in the event that the  
construction of the development is delayed to a time when the COVID-19 orders no  
longer have effect. So because of that, we – we believe the recommended conditions  
25 relating to construction hours, etcetera, are appropriate.

MS MILLAR: Great, thank you. Nothing further. It was just good to get that  
clarification of how the orders made interact with the – the existing, um, proposed  
conditions for construction hours. So that's very helpful.

30 MR ROSEL: Okay. So the – the next question, um, was number 7 and that relates  
to flooding impacts to the heritage terraces. Um, so the – the heritage terraces have a  
finished floor level which is approximately 21 centimetres below the one in 100-year  
flood level. Um, and the floor levels of those buildings is fixed due to their heritage  
status, and therefore, those buildings will continue to be subject to flooding in the  
35 future during flooding events. Um, the – the ground floor level and finished floor  
level of the new building will be raised up by about a half a metre above the one in  
100 year flood level, and without mitigation measures, flood waters would be  
increased by approximately 10 centimetres as flows divert around that new building  
40 onto – or heading towards Doncaster Avenue.

So to ensure the development doesn't adversely, um – sorry, does not, ah, have an  
adverse impact in terms of increasing flooding impacts, um, the proposal includes  
mitigation measures, um, which – which are comprised of permeable site fencing to  
allow the free flow of flood waters, ah, the incorporation of voids with permeable  
45 covers in the basement to convey flood waters through the site and mimic existing  
flood behaviour, and dedicated flood transfer areas around the footprint of the

building, which are, um – which would not have any obstructions to allow for the free flow of flood waters as well.

5 Um, so the department considers the proposed mitigation measures allow the site to continue to flood and would not adversely obstruct, ah, flood flow paths and therefore are – therefore minimising the increase in flooding in levels to both the heritage building and the neighbouring properties. Ah, in – in terms of conditions, the department has included all of council’s recommended flood and drainage conditions, um, and particularly, I draw your attention to condition B25, um, which  
10 requires the drainage and flooding works to be approved by council, um, prior to, ah, the .....

MS LEESON: That answers it well from my perspective, thanks, Ilona.

15 MR ROSEL: Okay.

MS MILLAR: Great, thank you. Nothing – nothing further from me on that.

20 MR ROSEL: Okay, great. Um, so the final two questions from the commission, um, 8 and 9, relate to potential vibration impacts to number 20 Doncaster Avenue, um, and it – it draws our attention to the geotechnical report and asks the questions whether Doncaster Avenue – number 20 Doncaster Avenue has been considered in terms of, you know, those vibration impacts and mitigation measures. Um, so the – in the department’s assessment, it’s considered vibration impacts and has imposed  
25 conditions to address those impacts, ah, on adjoining properties during construction. And conditions have also been imposed, ah, in relation to pre-imposed construction dilapidation report and review.

30 So, um, the – the key conditions are – are conditions B6, which relate to site stability; ah, C12, which requires a construction noise and vibration management plan during construction; and then D21 and D22, um, which sets vibration limits and requires vibration monitoring. Um, sorry, as well, um, C, ah, 7 to C9 and E14 relate to the requirement for dilapidation reports. Ah, the department’s confident, subject to those conditions, that, um, ah, vibration impacts can be appropriately monitored, limited  
35 and –and addressed through the – the construction stage.

MS MILLAR: .....

40 MS LEESON: Ilona, I have a follow up question, if that’s all right?

MS MILLAR: No, absolutely. Go ahead, Di.

45 MS LEESON: Um, I notice with, ah, C8, you’re talking about, um, Transport for NSW, it being a joint, ah, dilapidation inspection. Is that als – it’s silent in terms of C7. That being the case, what would be your expectation of normal practice for, um, ah, the – I know the owner is required to give approval for access to their site, but

can the owner be present or have a representative present as Transport for NSW would like on the light rail stabling yard site?

5 MR ROSEL: Um – sorry, I’m just quickly having a look at the condition.

MS LEESON: Well, C7 says that there will be an inspection.

MR ROSEL: Mmhmm.

10 MS LEESON: D9 requires the owner’s consent to access the site – or permission to access the site and a process around if that’s denied, ah, but is it – the one ..... a question around whether the owner of the site is allowed to have – in this case, number 20, is able to have a representative present when that inspection’s undertaken.

15 MR ROSEL: I don’t see why they would be, ah, prevented from having a representative present. Um, I think it’s something we can take on notice and come back to you. Um, it’s not something I’ve come across before, to be honest. Um - - -

20 MS LEESON: And the - - -

MR ROSEL: - - - so it’s something that - - -

25 MS LEESON: Sorry. And a follow up question to that is, in terms of post construction, the condition requires it prior to occupation. Now, given a whole lot of angst that’s been happening across Sydney and Mascot and places in recent times, is there anything propo – there’s nothing proposed post occupation, like two or three or five years down the track. Is there any, um, intention by the department or consent authorities to impose those sorts of conditions? And – and would you, in this  
30 instance?

MR ROSEL: Ah, again, it’s something I’d probably like to take on notice and we can come back to you.

35 MS LEESON: Thank you.

MS MILLAR: Okay, thank - - -

40 MS LEESON: That’s all from me, Ilona.

MS MILLAR: - - - thank you for that.

MS LEESON: Sorry.

45 MS MILLAR: Okay, great. Well, I think that that – that answers the – the initial questions that we posed to – to the department, um, in our letter of the 8<sup>th</sup> of May. Um, we’ve had the benefit of discussions this morning with the applicant and with

the – the council, and so we do have a – a couple of additional follow up questions that comes from those discussions, um, and appreciate that these may need to – to be taken on – on notice as well. Um, the – the first is coming back to the, um, ah, clause 4.6 variations. Um, the current variations and the discussion and assessment have  
5 focussed on – on FSR and the, um, the – the room sizes.

Um, has there been any consideration by the department in respect of the need for, um, a – a variation, um, and justification for that – that variation with respect to – to height? Um, we heard this morning from the council that they considered that, um,  
10 there were, um, certain height exceedances which hadn't been, um, um, addressed through the – the usual, um, um, process with a – a 4.6, um, variation, um, particularly, I think, with respect to plant overruns, um, that exceeded the – the 12 metres height limit. So is that something that you're able to – to speak to?

15 MR WITHERDIN: Ah, in terms of, ah, the – we – we – we can double check in terms of the variations to the height, ah, standards, 'cause, um, ah – we're happy to have a look into that in terms of, ah, a 4.6 variation, but, ah, we have, ah, assessed the proposed height in quite a bit of detail and we were, um, comfortable with a – a  
20 three storey, ah, building height on that site, particularly given, um, the surrounding development in that area. Ah, opposite the site, there's three and four storey residential flat buildings. Um, to the rear of the site, there's that large, ah, wall that separates, um, the site from the – the rear transport, ah, infrastructure. Ah, so we were very, ah, comfortable with the overall height of the building, ah, from a merits point of view. Ah, but in terms of, ah, that – that variation, we can have a look into  
25 that further and – and get back to you.

MS MILLAR: Great, thank you. That would be – be good if you were able to – to follow up on that point. Um, the second issue that came up, um, was in respect of, um, privacy, um, on the – the southern boundary and, um, whether there was any,  
30 um, treatments proposed to the – the louvre windows. Um, appreciate that the – there are, um, angled windows on that, um, southern façade, um, but would – has any further consideration been given in – to the issue of privacy and overlooking to number – number 20 Doncaster Avenue?

35 MR ROSEL: Ah, so those, ah – yeah, those windows were designed to be angled, um, to direct views away from, um, number 20 Doncaster Avenue. Um, in terms of additional, um, prevention of overlooking, I'm just looking through the conditions just quickly now to remind myself, um, but I don't believe that we had another  
40 condition that would, um, for instance, require the addition of louvres or ..... glazing, um, to those windows. Um, obviously, one thing to keep in mind is that, um, those windows are – are one single window to one single student room, so the more, um, ah, treatments that would be placed – or required to be placed on those windows, um, the less amenity that would be provided, um, to the internal ..... in those bedrooms. Um, but I can take on – we can take on notice and – and come back to you in terms  
45 of, um, whether any other parts of the building – ah, sorry, other, um, treatments were proposed. Um, I just can't see them at the moment on these conditions.

MS MILLAR: Okay, thank you for that. Um - - -

MR WITHERDIN: And just on that point, um, we also took into consideration, um, number 20 in that it's just a – it's a single storey building, and a lot of those, um, ah,  
5 dwellings have very shallow, ah, rear yards. Um, and, ah, so we – we took all those, ah, factors into consideration when – when we were, um, considering privacy impacts.

MS MILLAR: Great, thank you. Now, Di, any further questions, um, arising from  
10 our discussions this morning or anything else that the – the department has raised?

MS LEESON: I don't think so, Ilona. I'm just trying to flip through my notes from this morning. I think we've covered most of them. Um, yeah, I can't see anything else in my notes at the moment. If needs be, we can come back to the department,  
15 I'm – I'm assuming.

MS MILLAR: Um, the one other point that I do believe we were discussing, ah, with the council was in respect of, um, the, ah, the role of the circulation pathways in – in – and whether that was included in the calculations of, um, of open space. Ah,  
20 again, it may be something to – to take on notice that, you know, is there – um, can you recall if, um, blue circulation pathways were included in that calculation or – or excluded?

MR WITHERDIN: We'll have to - - -  
25

MR ROSEL: .....

MR WITHERDIN: Yeah, we'll take that on notice.

MS MILLAR: Okay, great - - -  
30

MR ROSEL: If I could just - - -

MS MILLAR: Mmhmm.  
35

MR ROSEL: If I could just quickly raise something quickly. Just in terms of the window treatments, um, condition E8, um, of the draft consent, um, recommends that screen planting be included along the southern setback, um, that – and that would be located between Doncaster – 20 Doncaster Avenue and – and the proposed building.  
40 Um, and it's felt that that screen planting would also add additional, um, protection to, ah, potential overlooking, um, from the proposal as well. So, um – and condition E7 requires all the treatments proposed by the, um, the applicant in terms of window treatments to be, um, undertaken in accordance with the – the drawings provided.

MS MILLAR: Great, thank you. Now, I think from our side, Casey, we've got a few, um, items that we'll be coming back to the department just to, um, formally request, um, some follow up on. Um, so I think we – we'll try and get that to the  
45

department as quickly as – as possible, um, so that we can, um, move through our consideration of this – this matter. Um, is there anything else from an administrative perspective that we need to raise on this call?

5 MS JOSHUA: No. Just in summary, I have recorded that we need some further  
advice on, um, the Government Architect comments – I couldn't locate them on the  
website; they may be there, but if we could just get confirmation of that  
10 correspondence – the fence heights around the heritage item; the tree in the rear of  
number 20, in relation to solar access assessment, and the opportunity for the owner  
of number 20 to be involved in the inspections for dilapidation investigations; um,  
the potential height departure, to the development standard; and the landscaping  
question about whether the circulation pathways were included in the calculations.

15 MR WITHERDIN: Just in relation to the tree, um, I'm just looking at a – a Google  
Images, um, ah, street view and it just – it was taken in July 2019 and it's got a very  
good, ah, image of that tree to the rear of 20 Doncaster Avenue. And it appears from  
that image that it is a deciduous tree. In terms of overshadowing impacts on the  
vegetation, it's not something, um, that we normally take into consideration. Um, we  
20 will, um, however, take, ah – you know, consider impacts on vegetation on a case by  
case basis, particularly where there's a really important tree like a – a Moreton Bay  
fig or something in the – in the public realm. So we'll – we'll consider those, but  
that's on a case by case basis. But in terms of the impacts on that tree, um, it's – it's  
something that we wouldn't think there would be a significant impact on that tree.

25 MS MILLAR: Um, and I think, from our perspective, it's not so much of a  
consideration of the – on the – the impact on the tree, but whether the tree contributes  
additional overshadowing, um, to – to the, um, open space at the rear of number 20.

30 MR WITHERDIN: Yeah. So, look, in terms of that, ah, important winter time  
period when that – in terms of the worst case scenario when we look at how bad – or  
what the level of impact would be on, um, on the amenity of a property, um, that  
being a deciduous tree, ah, it would still allow for light penetration or sunlight to  
penetrate into that – that rear yard and in the useable open space towards the rear of  
the property.

35 MS MILLAR: Okay, great.

40 MS LEESON: Sorry, Ilona, there was one other issue that we touched on earlier and  
that was in regard to boarding house approval now – or approval as a boarding  
house, and effectively as being used as student accommodation. Council flagged that  
there's a lack of definition of student accommodation. There was a sense – a  
question mark over protecting the development for student accommodation into the  
future and not converting to, um, other – other use, other residential use. The  
conditions appear to capture it, that it will be required to be student accommodation  
45 into the future. We weren't clear, though, whether it was intended that that should  
also be, um, a – a matter that's picked up on title. Does the department have a view?

MR WITHERDIN: Ah, so the proposal's been, ah, assessed as a student accommodation and that's, ah, what the approval picks up on. Um, in terms of whether it would need to go on title, um, we would have to consider such a restriction. Um, it, ah, the department wouldn't normally put a restriction on that, so  
5 we – we would have to consider, um, ah, that a bit further, ah, knowing that if there was to be a change of use, there'd have to be, potentially, subject to a separate approval. But, ah, we'll have to come back to you on that.

10 MS LEESON: Yeah. No, I – I accept that there would need to be, ah, a separate approval to convert. Thank you.

MS MILLAR: Okay, well, I think that is, um, probably it from – from our side. Um, I'd just like to thank, um, thank you all for participating, um, today and providing us with that, um, very, sort of, comprehensive, um, analysis of the – um,  
15 your assessment of the development and the, ah, responses to – to the questions that – that we raised. Um, Casey from the – the office will be in touch with, um, a formal request for that additional information. Um, and, you know, if we can ask for, you know, the responses to be provided as – as quickly as possible, um, that would be  
20 great given the timelines that we're working to for the, um, determination of this matter. Um, but if there are any – any questions about that process, please – um, you'll obviously be, ah, in touch with – with Casey. Um, so with that, I'd like to thank you again, um, and I'll close the – the meeting for the purposes of the transcript. Thanks.

25 MS LEESON: Thanks, Ilona. Thank you everybody.

MS JOSHUA: Thank you.

30 MR WITHERDIN: Thank you.

MS A. WATSON: Thank you.

**ADJOURNED**

**[1.29 pm]**