



New South Wales Government
Independent Planning Commission

TRANSCRIPT OF PROCEEDINGS

RE: WENTWORTHVILLE NORTHSIDE WEST CLINIC EXTENSION
(SSD-17899480)

DEPARTMENT MEETING

COMMISSION PANEL: DIANNE LEESON (Panel Chair)
 ADRIAN PILTON

OFFICE OF THE IPC: JANE ANDERSON
 OLIVER COPE
 HEATHER WARTON

CUMBERLAND CITY
COUNCIL: JAI SHANKAR
 BALA SUDARSON
 OLIVIA YANA
 JESS WATSON
 MICHAEL LAWANI
 DANIEL CAVALLO

LOCATION: VIA VIDEO CONFERENCE

DATE: 10.30AM, TUESDAY, 24 JANUARY 2023

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MS LEESON: Before we begin, I would like to acknowledge that I am speaking to you from Ngarigo Land, and I acknowledge the traditional owners of all the country from which we virtually meet today, and pay my respects to their Elders past and present.

Welcome to the meeting today to discuss the Wentworthville Northside West Clinic Extension Project currently before the Commission for determination. The applicant, Ramsay Health Care, is seeking approval for redevelopment of the Wentworthville
10 Northside West Clinic, including the demolition of an existing two-storey building at the rear of the site, and construction and operation of a four-storey extension to the existing stage 1 clinic building. The proposal includes alterations and additions to the existing building, landscaping, tree removal, new car parking, and infrastructure improvements.

My name is Dianne Leeson. I'm the chair of this Commission Panel. I'm joined by my fellow Commissioner Adrian Pilton. We are also joined by Jane Anderson and Oliver Cope from the Office of the Independent Planning Commission, and Heather
20 Warton, who is assisting the Commission. In the interests of openness and transparency, and to ensure the 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.

This 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 is important for the Commissioners to ask questions of attendees and to clarify issues whenever it is considered appropriate. If you are asked a question and are not
30 in a position to answer, please feel free to take the question on notice, and provide any additional information in writing, which we will then put up on our website. I request that all members here today introduce themselves before speaking for the first time, and for all members to ensure that they do not speak over the top of each other to ensure accuracy of the transcript. We will now begin.

So, welcome, again. I've introduced the Commission representatives today. It's probably appropriate if we hand over to Cumberland Council and just get an introduction from you and then we'll start into our agenda more formally.

40 MR SHANKAR: Thank you, Commissioner. We've got the Council team here. My name is Jai. I'm the Acting Director of Environment and Planning for Cumberland

City Council. We've got Bala Sudarson, who's Council's Senior Development Engineer. We've got Michael Lawani, who is Council's Coordinator of Major Development Assessment, and we've got Olivia Yana, who's Council's executive assessment planner.

MS LEESON: Thank you. And we might just need - I don't think we've got Michael's details for the record, so we might just need to get those later. I don't have them, they might be in the office, but if we can just clarify Michael's details.

10 MR SHANKAR: I'll clarify them and I'll send them to you, Commissioner.

MS LEESON: Thank you. Okay. So we've got this application before us for determination, principally because it was a Council objection to this proposal. We've got the benefit now of the Department's assessment report and their recommended conditions of consent, so their view is that the proposal is approvable with conditions. I'd like to hand over to Council for a few minutes to address any particular issues in response to the Department's assessment report, and conditions, if you've had an opportunity to go through those, and then you have the agenda, as I've said, so then we'll touch on the built form issue, which seems to be, really, a height exceedance
20 issue, from what we can tell, some car parking and some flooding, and we'll probably wrap some landscaping issues into that as well. So if we can get Council's overarching comments on the assessment report and draft conditions, that'd be great.

MR SHANKAR: Thank you, Commissioner. So we've had a brief look at the Department's assessment report. Largely, the majority of the issues that was raised by Council in its comments back to the Department have been looked into and reviewed, especially the engineering matters. We do have some recommended engineering conditions with slight amendments, and which I can send through to you at a - well, after this meeting. That basically sort of summarises conditions for the application to
30 proceed with approval, and largely all the other issues that was raised in terms of landscaping and the like having resolved.

Now, the only outstanding matter that Council - I wouldn't say disagrees, but would be the bulk and scale of the building, in terms of the height exceedance of the allowed height, and the FSR.

Now, I say that with, in a, from a Council officer point of view we've upheld the standard of the height and the FSR to the tee. That's more from a compliance point of view, but in terms from a planning point of view, I know there is obviously a scope up
40 to 4.6 for the Department to consider, which I understand they have and, you know, the Department's happy with the 4.6 that has been submitted. If - it's obviously up to

the IPC to determine whether that's appropriate or not, but from a Council officer and a Council point of view, our view still remains that the height of the FSR needs to be compliant with the planning controls.

MS LEESON: So in a nutshell, does that mean Council's objection stands to the development as it's presented?

MR SHANKAR: To the height of the FSR, yes.

10 MS LEESON: Yes.

MR SHANKAR: The rest of the conditions that were raised have been resolved.

MS LEESON: Yes. Sorry, I should have been clearer on that. And do you request - -
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MR SHANKAR: So we've got an - sorry.

20 MS LEESON: Okay. I was just going to say, in a procedural sense, you've mentioned the conditions and you had some suggestions for those. We, at the end of this meeting, will round up a few issues that may have arisen and write to you to request that formally, and then we would like it if you could at all provide that to us by the end of the week, so that we can move to a determination as expeditiously as possible. So I'll just sort of put you on notice at the moment that we'd like any submissions arising from today's meeting by the end of the week, and I apologise, I know there's a public holiday in the middle of that, but we try and deal with these things as quickly as we can. So, sorry, so back to you on any further comment around the Department's assessment report.

30 MR SHANKAR: Yes. I've got Council's planner, they've looked at it, which is Olivia, to add a few more comments on what I just said.

MS YANA: Yes. So in relation to the Department assessment report, I'd just like to point out a few discrepancies that I found, and just seeking further clarification. So in terms of the presentation from the façade of the building, it has mentioned that the applicant has addressed the clearance issue that the substation had to any openings to the building. However, when you look at the view of the façade of the building, you can see that there are upper level windows above the substation, and there's actually an impression that there would be a glass wall around the substation.

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So in relation to providing sufficient clearance, Council supports that, in terms of having the clearance away from Council's borderline, but Council does not support the inclusion of installation of a glass wall within the front façade, because it would add into the bulk and scale of the development.

10 Secondly, the report also mentioned that the at grade car park is compatible with the existing built form. That has also similar presentation. However, when Council looked at the appearance at the back of the building, towards the stage 1 demolition that will be converted into car parking area, on the western side, that actually forms two storey of at grade car parking. So that doesn't really, you know, address in the assessment report, so that's pretty much the discrepancies that I would like to note.

MS LEESON: So if I can just come back to those for a bit of clarification. On the at grade car parking, your concern is that the Department's assessment report doesn't consider two storeys of car parking in the rear of the structure?

MS YANA: Yes.

20 MS LEESON: And is the concern visual impact? What is the nature of your concern?

MS YANA: It is a visual impact.

MS LEESON: Right. And the proposed landscaping, does that deal with it in any way to Council satisfaction, or could it be resolved more successfully?

30 MS YANA: Yes. So there is not really an actual elevation to show the extent of the two-storey at grade car parking on the plans if needed. In terms of the landscaping, they could address the ground level area, but potentially I can't really find anything to address the second storey at grade car parking that can be viewed from the back of the ---

MS LEESON: Have you been able to look at the photomontages that I think were in the assessment report and in the applicant's documentation that shows the significant landscaping there, and how the building will be perceived from the park? So do you still have concerns with that visual impact, notwithstanding the landscape that's there, the mature trees? And I know there are quite a few trees being taken out, which Council doesn't seem to have objected to. I'm just trying to understand better the visual impact, as you see it, the concern.

40 MR SHANKAR: Yes. So, Commissioner, if I am to summarise our concerns, it's the cumulative impact that it has on the additional time and the additional FSR

development scope, basically, to do with - so our objection largely is to the additional height and the FSR that the development proposes.

MS LEESON: Okay. And that's from the western elevation as well as the eastern elevation?

MR SHANKAR: Is it from the west - the east - - -

MS YANA: Yes, the western - yes.

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MR SHANKAR: Yes, the western elevation.

MS LEESON: Okay. All right. I think I understand that issue now. I'll just check with Adrian Pilton, the other Commissioner, on this matter, whether that's clear for Adrian.

MR PILTON: Yes. No, I understand the concern. I'll have to look at it in more detail.

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MS LEESON: Okay. Thank you. And can you just take us back to the issue around the substation location? I'm not sure if it was part of my audio, but I didn't quite catch the whole concern that you have, and maybe you can go through it again. I think I heard that you were comfortable with the location and the fact that it's now clear of Council's stormwater pipeline and easement, or will be.

MR SHANKAR: Yes. Our concern for the substation is not necessarily the location but the requirement for the substation to have a blast wall to comply with the standards, and if - - -

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MS LEESON: Right.

MR SHANKAR: - - - and, and the visual impact, the blast wall sitting within the front of the site.

MS LEESON: So the blast wall --forgive me that I don't, I haven't looked at this one - the blast wall would be between the substation and the building, or on the street side of the substation?

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MR SHANKAR: So this - the blast wall would be basically sort of shielding the actual substation itself, but the location of the substation as well is sitting right below

the rooms as well, in terms of the - I guess the safety point of view that could be potentially an issue for the occupants of that room directly above that substation.

MS LEESON: Okay, thank you. And is that something that Council thinks could be dealt with by conditions requiring it to be - its location to be reconsidered?

MR SHANKAR: Yes. Look, we've got no concerns with the, we've got no concerns with that, yes, primarily none. But subject to the, it can be compliant with the relevant standards.

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MS LEESON: All right. We'll have a close look at the recommended conditions around that and your comments and give that some further thought. Thank you. They were the only two issues you had on the Department's assessment report, is that right, Olivia?

MS YANA: Yes.

MS LEESON: Yes. Okay. Thank you.

20 MR PILTON: Sorry, could I just check, are you now happy with the number of car parks provided?

MR SHANKAR: No. So, Commissioner, like, we largely are satisfied with the number of spaces provided. It's just the front of the western elevation, the visual impact of having an upgrade.

MR PILTON: No, I understand that. Thank you.

30 MS LEESON: Yes. So initially Council sought compliance with the RTA Guide to Traffic-Generating Development, which was 102 spaces. Your letter of last September to the Department has peeled that back to 95 spaces, which the Department couldn't answer why that change was made by Council. But if I understood you, are you now comfortable that 77 spaces is appropriate for this development, and reliance on some on-street parking, if it comes to it, of the shortfall of 18?

MR SHANKAR: Yes. So, Commissioner, largely our engineers have looked at the shortfall, and we are satisfied with the shortfall, because the traffic management plan that's been provided, we've reviewed and we're satisfied with that.

40 MS LEESON: Okay. So you now have no more concerns with the number of parking spaces being provided?

MR SHANKAR: That's right. And I'll get Council's senior engineer to confirm.

MR SUDARSON: Yes, Commissioner. They are enforcing a condition in the development that provides a clear travel plan. So part of the development, they are going to impose to minimise if there is an impact there needs to be street traffic, street parking, on-street parking, so we are satisfied with their proposal.

10 MS LEESON: Thank you. That's very helpful. We've talked about built form, largely through the comment on the Department's assessment report, and that the height exceedance is in the bulk and scale. Is there anything further you wanted to add on that?

MR SHANKAR: No, nothing else, Commissioner. I'll just check with the team that we're okay with our points.

20 MS LEESON: Yes. All right. This could be quite a quick and efficient meeting. Two other issues - and I apologise, one wasn't on the agenda, but I'll raise it now. There's a concern of the Department, of the Department's recommended a deferred commencement on this development, to resolve BCA compliance issues, that they're not satisfied that the applicant has proven that there can be compliant egress from the building in an emergency. Part of that is related to a Council position to not grant access through the fence to the park in an emergency situation. Is that correct?

MR SHANKAR: That's right. That is correct.

30 MS LEESON: Okay. And - sorry, I've lost my train of thought. My phone rang, I'm sorry, I was trying to deal with that. No, I think that's fine on the BCA compliance issue. The last thing that we wanted to touch base with you, then, of, was around flooding and the flood modelling that's been conducted. Now, I think we just wanted to clarify with Council that you're comfortable with the report and the recommendation as made in the ACOR consultant work last year, and so long as conditions are applied appropriately, that Council is now satisfied that flooding can be appropriately managed across the site?

MR SHANKAR: That's right, Commissioner. We're satisfied, and the updated conditions of consent will be forwarded to yourself by the end of the week.

40 MS LEESON: Okay, thank you. So in the letter that, your last letter of September last year, we do, on a quick look through that, note that most of those issues have been raised or have been addressed by conditions. So we will formally come back to you

today or tomorrow about any adjustments or recommended changes to those draft conditions that we can then have a look at and take into account. And I think that's probably the most expeditious way of dealing with this, given that the bulk and scale issues in the car parking and flooding, which were our key concerns, from Council's initial correspondence, have actually been addressed. So I don't really think we need to belabour the meeting if there's not much more that Council wants to raise with the Commission at this point. But before I go down that path, I just want to double-check with my fellow Commissioner that there are no further questions from him. I think we did have some issues around landscaping, and that might be the last one we want to explore.

MR PILTON: Yes. I'm just - what's Council's attitude towards the pretty dense planting along the fence line between the park and the facility? Are you happy with the sort of nature of the landscaping?

MR SHANKAR: Yes. So - - -

MS YANA: As long as it doesn't interfere with the stormwater access.

20 MR SHANKAR: So, Commissioner, Council's view is that we've reviewed - our tree management officers have reviewed the landscaping and we're generally satisfied, provided that it doesn't interfere with Council's stormwater access and I understand that forms part of the recommended conditions.

MR PILTON: Okay. Thank you very much. I don't have any more questions, Di.

MS LEESON: Okay. Thanks, Adrian. And I'll just quickly check with the office whether there are any particular issues that they would like raised in this meeting as well. Jane or Heather?

30 MS WARTON: Can I just clarify the issue of the blast wall? This is Heather Warton. Is your concern that they'll need a blast floor between the substation and the building, and this will be a tall structure that will be - as you put it - add to the bulk of the building?

MS YANA: That is correct. Yes.

MS WARTON: And so how much taller than the substation is that normally required to be? Or that's a BCA matter?

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MS YANA: This is a, this is a requirement from Endeavour Energy, so I think it's around six-metre radius, and because in the RFI response from the applicant, it stated that those windows are not alterable. However, there needs to be compliant with the fire rating requirement. I think that's my opinion, but you can double-check with Endeavour Energy.

10 MR SHANKAR: So, Heather, in terms of the blast wall itself, generally the energy - like, the provider's requirements is that it's generally higher than the substation itself, but then there's an angle that the wall goes through to protect the building, in case the, you know, God forbid that substation was to be impacted. So realistically, in a residential area such as this, Council's concerns is that that sort of, like - that blast wall, the visual impact that it has on the front would be substantial, because it's of a fairly generous height, which is sitting in the front of the building.

MS WARTON: Okay, thank you.

20 MS LEESON: Okay, thank you. And is there a way that that could be treated, if - so assuming a blast wall needs to go in there, whether it could be graphically treated, you know, for example, with a mural or treated in some way that Council, that it would minimise or reduce the visual impact? Has Council got any thoughts on that?

30 MR SHANKAR: Yes. So, Commissioner, in the past, the way we've dealt with it is, we've largely avoided, you know, the substation at the front of the site. I think, you know, we've insisted on the developers providing that underground, from memory. So that avoids the issue of the blast wall. Now, as you can probably picture and imagine, like, you know, you're talking about a substantial structure which is sitting in front of the building. It probably takes away from the visual amenity of the building itself, and, you know, whilst there can be some architectural or landscape treatment for that blast wall, Council's view would be that it would still be a structure which is sitting within the front of the building and it would still be a significant visual deterrent.

MS LEESON: Okay. And there's no real opportunity to put that underground in this instance, because of the overland flow. Is that right?

MR SHANKAR: Yes, that's right, because obviously there's - the parking is provided at grade. Yes.

40 MS LEESON: Yes.

MR SHANKAR: So we understand that, you know, there's a requirement for this height to be provided where it is, but, you know, in the residential setting, which is obviously the site zoned R4, concern would be the visual impact. Now - - -

MS LEESON: Yes. No, I understand. I think they've located it where it is at the request of Endeavour Energy, and now there's this issue of the visual impact because of blast walls associated with it.

10 MR SHANKAR: That's right. Look, you know, this site is of the nature where, obviously, one, it's flood affected, second, they don't have any basement car parking to put the substation underground, so, you know, it might be that the option is to obviously provide better upfront, but Council's view would be to minimise the impact, the visual impact of that blast wall in every way possible.

MS LEESON: All right. Okay. We'll take that onboard and we'll give that some due consideration in our deliberations. I'll just finally check with the office. Were there any other issues that you wanted to pursue a little more?

20 MS WARTON: No, I'm fine, thanks.

MS LEESON: Okay. Thanks, Heather. All right. Adrian, nothing else from you?

MR PILTON: Nothing from me, thank you.

30 MS LEESON: Okay. Thank you. All right. Well, thank you very much for attending our meeting this morning. We have covered the territory that we need to do. We will confirm with you what we would like from you by the end of the week in terms of comments on the recommended conditions, and unless there's something else from Council, we'll now formally close the meeting. Nothing? Okay.

MR SHANKAR: Thank you. Thanks, everyone.

MS LEESON: Thank you very much again and we'll follow up with that later around a submission by the end of the week. Thank you.

MEETING CONCLUDED