



TRANSCRIPT OF MEETING

RE: PATHWAYS CREMORNE SENIORS HOUSING (SSD-49472213)

DEPARTMENT MEETING

PANEL: KEN KANOFSKI (CHAIR)
SUELLEN FITZGERALD
DUNCAN MARSHALL

OFFICE OF THE IPC: KENDALL CLYDSDALE
PHOEBE JARVIS

**DEPARTMENT OF
PLANNING, HOUSING
AND INFRASTRUCTURE:** PAULINA WYTHES
PETER MCMANUS
TIA MILLS

LOCATION: ZOOM VIDEOCONFERENCE

DATE: 4:15PM – 5:00PM
TUESDAY, 25th FEBRUARY 2025

<THE MEETING COMMENCED

MR KEN KANOFSKI: Is that – have we got everyone we’re expecting?

5 **MR KENDALL CLYDSDALE:** I believe so, Ken. Paulina, we’re not expecting anyone else from your side?

10 **MS PAULINA WYTHES:** No, I think we’ve just got Pete, myself, and we should have Tia Mills, but she’s just as an observer, she’s a Senior Planning Environmental Officer.

15 **MR KANOFSKI:** She’s there in the background. So, look, before we do introductions, I might just do the opening statement and then we’ll get into introductions.

So, before we begin, I would like to acknowledge the traditional custodians of the various lands from which we’re meeting remotely. I’m on Wangal country, and I’d like to pay my respects to Elders past, present and emerging.

20 Welcome to the meeting today to discuss the Pathways Cremorne Seniors Housing (State Significant Development 49472213), the case currently before the Commission for determination.

25 The Applicant, Skermanic Pty Ltd, proposes to construct and operate a four to seven-storey seniors housing development comprising 58 independent living units, a residential aged care facility containing 41 beds and supporting ancillary uses, located in Cremorne within the North Sydney local government area.

30 My name is Ken Kanofski. I’m the Chair of the Commission Panel. I am joined by my fellow commissioners, Suellen Fitzgerald and Duncan Marshall. We’re also joined by Kendall Clydsdale and Phoebe Jarvis from the office of the Independent Planning Commission.

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

40 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’s important for the commissioners to ask questions of attendees and to clarify issues whenever it is considered appropriate. If you’re asked a question and you’re not 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 on the website.

45 I request that all members introduce themselves before speaking, although we’ll introduce ourselves after this opening statement, and that all members just try and ensure we don’t speak over the top of each other, just for the accuracy of the

recording and the transcript.

So, thank you again, and I might – I’ve also got – sorry, and I forgot to – did I introduce Suellen and Duncan?

5

MS SUELLEN FITZGERALD: Yes, introduced.

MR KANOFSKI: If I didn’t, then I will now, and then I might handover to you to introduce the team.

10

MS WYTHES: Thanks, commissioners, Ken, Suellen and Duncan, for having us here today. By way of introduction, I’m Paulina Wythes, Director of the New Social and Diverse Housing Assessments Team at the Department. And with me today I have the Project Lead for this particular project, Peter McManus, Team Leader, and Tia Mills, our Senior Planner who assisted Peter on the assessment.

15

So, by way of introduction, we’re here to brief you on the Pathways Cremorne Seniors Housing Project. And I thought we would run through, and Suellen and Duncan run through the project in an overview, if it’s okay. We wanted to – we highlighted, in terms of the agenda that was provided, highlighted some key matters, so we’re going to run through that.

20

But this matter’s been referred to you because of the number of objections received, over 50 objections, so 85 in total, so that’s why the IPC have it. And we’ve completed the Assessment Reports and on its merits, we have concluded that based on its merits it’s acceptable and recommend the proposal to be approved. Primarily due to a number of factors, including permissibility, the compatibility with the adjoining area in terms of the height. It will deliver a significant public benefit due to the public through site. And Pete will then outline the key issues in more detail.

25

30

So, does that sound okay in terms of an overview?

MR KANOFSKI: Perfect, thank you.

35

MS WYTHES: Great. So, I’ll handover to Pete as the Project Lead for a bit of the context – and I know you’ve all read the report, but it’s really to outline some of the thinking, and please feel free to stop us, and it’s more open for you to ask us questions. Over to you, Pete.

40

MR PETER MCMANUS: Thank you, Paulina, and welcome. Thank you, commissioners, for the opportunity to speak. So, I’m going to share my screen if that’s possible. I just have a very quick and succinct presentation that I’ll go through. So, if you could just let me know if you can see that.

45

MR KANOFSKI: Yes. Yes.

MR MCMANUS: Okay. So, as we can see, so the site shown on the right-hand

side there is located on the northern side of the Cremorne Town Centre, shaded in red. It has an area of 7,355 square metres, or 0.3 if we're going down to that level of detail. And has quite large frontages on Parraween Street and Gerard Street.

5 Currently, the site contains six dwelling housings and detached dwellings as well as a residential flat building which has 18 strata-titled dwellings within that as well. Important to add –

10 **MR KANOFSKI:** Hmm, have we got a frozen ...?

15 **MR MCMANUS:** ... shown by the Cremorne Town Centre. And then a mix of residential built forms on Gerard Street, including residential flat buildings ranging in height between 4 to 15 storeys, as well as a scattering of detached dwelling houses 1 to 2 storeys in height.

20 Just in terms of statutory context, so the site is zoned R4 High Density Residential under the North Sydney LEP 2013. The site also contains six local heritage items at 78–88 Parraween Street, shown there in the orange, including two semi-detached dwellings and four cottages. Those items were gazetted midway through last year, around the 17th of May 2024. Those dwellings, in terms of their gazettal, followed the lodgement of two Interim Heritage Orders by Council over the site, 50–56, 70–72, as well as 78–88 Parraween Street, as well as the subsequent planning proposal. And that process occurred roughly around the sort of the beginnings of the origins of this same State Significant Development Application and was finalised after the exhibition of the original EIS.

25 As I'm sure you are all aware, the proposal for consent in front of us today, the Applicant is seeking approval for a seniors housing and development including the demolition of all existing on site – apologies, all existing dwellings on the site, except for 78–88 Parraween Street, tree removal, and excavation and remediation.

30 The retention and adaptive reuse of those heritage items, as well as the construction of four buildings ranging in height from four to seven storeys containing two basement levels, 58 independent living units, 41 residential care facility beds, ancillary facilities including a café at the corner or ground-floor corner of building [audio glitch 00:09:26] and Gerard Streets, in the alignment of Ada Street to the north.

35 And just in terms of [audio glitch 00:09:42] amended by the Applicant following the exhibition of the proposal in response to the heritage items, the Applicant formally requested the amendment to the application on the 13th of August last year. And the Department approved the amendments to the application later in the month, on the 30th of August.

40 So, that's a brief – that's a site plan of the site that we're discussing today. So, we can pause and come back to them as needed. But I thought we'll just probably move onto now the key issue, or the key other matters that have been identified by the Commission agenda. So, those are to do with the heritage, particularly of the

5 dwellings and the Orpheum. The built form and scale, including the proposed height exceedance. Visual impacts, including impacts to views. Internal residential amenity, including separation. Solar access and overshadowing, and then other matters, if you'd like to discuss those as well. Including the through-site link, traffic and parking, landscaping and tree removal.

So, I'll just pause it there. Was there anything that we wanted to – did you want us to move to talk to the key issues outlined in your agenda?

10 **MR DUNCAN MARSHALL:** You're muted, Ken.

MR MCMANUS: All right, Ken, yes, sorry, you're on mute.

15 **MR KANOFSKI:** Sorry, my apologies. Yes, Peter, if you just speak briefly to each one. And then we might, commissioners, if it suits you, we might ask questions as we go through each item, because that's probably an efficient way of doing it.

20 **MR MCMANUS:** Sure thing. Okay. If we move onto the first key item, which is heritage. So, as you can see there on the image there, we have a plan of the site showing the proposed demolition with the six heritage listed dwellings to be retained, or the front portions of [audio glitch 00:12:06], showing how those proposed dwellings are to be adaptively reused and integrated into the residential care facility building number 1.

25 As you're aware, the Applicant amended the proposed heritage listing of those six dwellings at 78–88 Parraween Street to provide a response that proposed their retention and adaptive use as part of the proposal. It acknowledges the strong heritage impact concerns raised by Council and the public.

30 In response, the Department engaged an independent heritage [audio glitch 00:12:41] heritage advice on the proposal. In that advice that Lisa provided the Department, it was then provided recommendations to ensure that the heritage cottages were appropriately protected during construction, including during works in terms of facades [audio glitch 00:13:00], as well as protection during excavation works and things like that to ensure there wasn't any significant disturbance during that process.

40 On balance, the Department is satisfied the heritage impacts are acceptable and considers that the design [audio glitch 00:13:17] from the Applicant to protect [audio glitch] items is [audio glitch 00:13:24] to adjusting to the design from the original EIS to now, the application, and will allow for those buildings to be continued to be retained within the [audio glitch 00:13:34] landscape but also allow for those elements of the streetscape, or the historical elements, sorry, of the streetscape to be sort of brought back and enhanced and preserved under [audio glitch 00:13:48] of the site and its operation as a residential care facility.

I can pause there. Any questions or anything regarding heritage?

5 **MR MARSHALL:** Actually, Peter, if I could just ask a question at this moment. There's nothing, I mean, I understand the way in which the draft conditions have been prepared and the requirements in there with regard to heritage. But I was just wondering whether there might be some benefit in giving Council a consultation role when some of those key documents, like I think there's a draft schedule of works and the like.

10 **MR MCMANUS:** Yes.

MR MARSHALL: I just wondered whether you had any thoughts about the practicality of giving Council an opportunity to comment ...

15 **MR MCMANUS:** Yes.

MR MARSHALL: ... on those sorts of key moments in the heritage journey.

20 **MR MCMANUS:** Sure. Commissioner, I think that's a – yes, that's a welcome suggestion. I'm sure we wouldn't be opposed to having that kind of requirement drafted into the conditions. I guess from a functionality perspective, we wouldn't want the condition to be worded in a manner that left a decision-making process at a loggerhead, I guess.

25 **MR MARSHALL:** Yes, yes.

MR MCMANUS: So long as there is a definitive outcome and sure way that all parties can get along, I don't think we would have any concerns whatsoever.

30 **MR MARSHALL:** Okay. Thank you.

MR MCMANUS: That's okay.

MR MARSHALL: Nothing else from me.

35 **MR KANOFSKI:** Move on, Peter.

40 **MR MCMANUS:** Okay. Thank you. So, our next element was built form and scale. So, I can probably speak to this a little bit separately in terms of the height, but I can talk to them both at the same time if we need.

45 The Department acknowledges that the proposal does exceed the 12-metre building height control applying to the site. But also notes that the scale and heights of the proposal are generally consistent with the existing built form and character of the immediate surroundings.

The Department's also satisfied that the proposal meets the objectives of the R4 zone and will provide a built form character outcome that is compatible with the zone and that is compatible with the predominant built form that surrounds the

immediate location of the site.

5 The Department also considered as part of its assessment of the bulk and scale as well as consideration of the clause 4.6, any potential amenity impacts of the proposal and found that those impacts were acceptable and, on balance, considers the proposed bulk and scale of the development as well as the height exceedance to be acceptable under the circumstances.

10 So, shown in front of you is obviously the site elevations just from Parraween Street and Gerard Street. And then the next slide depicts the 12-metre height plane and provides a contextual overview of the proposal with respects to the adjoining built form, particularly the larger RFBs located on the immediate location on Gerard Street.

15 **MR MARSHALL:** Again, if I might jump in with a question, Peter. And, you know, I recognise the argument about other development along Gerard Street being above the current height limit. But I guess I'm just interested if you have any reflections – I mean, Council talked in its submission, I think, about the desired future character for this area, which is lower.

20 **MR MCMANUS:** Yes.

MR MARSHALL: This is really only with regard to Building 4.

25 **MR MCMANUS:** Yes.

MR MARSHALL: I just wonder how you thought through the Council position or the Council's view that they are looking for a different future character for ...

30 **MR MCMANUS:** Outcome.

MR MARSHALL: Yes.

35 **MR MCMANUS:** Of course. I think, notwithstanding the 12-metre height control, and yes, it is acknowledged that the existing tower forms were most likely [unintelligible 00:18:13] delivered for the most part under a previous statutory planning arrangement, would not have benefited from a 12-metre height control.

40 But with respects to the zone itself and the objectives of the zone, and then even extending as far as to the local character statement for the Waters Neighbourhood within the North Cremorne town centre. It lends itself or the proposal lends itself to being generally consistent and compatible with the desired objectives and outcomes of the LEP and the policy of the character statement.

45 And in terms of Council's position, it's acknowledged that, yes, Building 4 in the most respects is the one that is breaching and departing from Council's 12-metre height control. I think we, the Department's view is more likely that the objectives of the zone don't necessarily line up with the height control and the desired future

character. We are of the opinion that the proposal as presented is generally consistent and acceptable. The impacts associated with the proposal, or I should say, sorry, the massing and location of Building 4 has been undertaken in a manner to minimise its impacts as much as possible.

5

We feel the design outcome is also commendable and would provide a positive contribution to that location. Not this specific scheme, but a scheme of a similar massing and arrangement, including the through-site link was presented to the State Design Review Panel early in the process, during at which time the SDRP panel members commended the site arrangement and the massing, and that did include actually a taller eight-storey building, not a seven-storey building where Building 4 is located.

10

So, I think in conclusion and on balance, the Department felt that the proposal did stack up against the objectives, contrary to obviously Council's wishes in terms of not supporting an outcome like this.

15

MR MARSHALL: And sorry, can you just remind me. Why did it drop back from eight to seven, what was the reason the ...?

20

MR MCMANUS: I wasn't exactly involved in the project at that stage, so that part probably skips my mind.

MR MARSHALL: Yes.

25

MR MCMANUS: But I think there were a couple of issues. There were some rooftop privacy issues that were proposed under the original proposal. And we sought that they be removed and reduced. And I think in the balance of rearranging the built form and mass to retain the six cottages, I think that was the arrangement where they could shift the bulk and scale a little bit around. So, Building 3 towards the sort of east on Parraween Street was brought forward a little bit.

30

If you recall or if you had a look at the original EIS and the architectural plans there, there were some existing dwellings that location were sought to be partially retained. So, the GFA distribution has probably more than likely contributed to the ability to reduce the height of Building 4 there.

35

MR MARSHALL: Okay, thank you.

40

MR MCMANUS: Thank you. Is that it on built form and height?

MR KANOFSKI: Yes, happy to move on. Duncan's covered a couple of areas that I wanted to explore. So, thank you for that.

45

MR MARSHALL: Sorry.

MR KANOFSKI: No, it's good.

MR MARSHALL: I stole your thunder, Ken.

MR KANOFSKI: No, all good.

MR MARSHALL: Okay.

MR MCMANUS: Okay. So, I'll just move onto visual impacts and [audio glitch 00:22:00], in terms of visual impacts, and noted these were thoroughly considered by the Department in its assessment.

The scale and built form of the proposal is considered to present an acceptable built form outcome along the Gerard and Parraween Street streetscapes. And we are of the opinion that it wouldn't result in an adverse visual impact when compared to a compliance scheme.

The retention and enhancement of the façades and front yards of the heritage cottages will also contribute to the visual streetscape and the presentation of the development to Parraween Street. The Department also had consideration of the proposal from adjoining surrounding residences, with respect to view impacts.

Overall, the Department found that the proposal would not result in unacceptable adverse impacts to these existing outlooks from these properties when compared to the compliance scheme. As you can see on the images, there's a few snapshots there just with respects to the presentation along the streetscape in comparison to a compliance scheme.

I'll pause there, if there's any questions or discussion points? No? Okay.

So, internal residential amenity. So, the Department assessed the proposal having regard to not only State Environmental Planning Policy Housing 2021, we also had regard to the Seniors Living Urban Design Guide as well as the Apartment Design Guide. Having regard to those EPIs and policies, the Department concluded that the proposal had been designed to provide a high level of amenity for future residents.

The Department is also satisfied that the proposed independent living unit apartments are generally consistent with the key ADG design criteria, with the exception of building separation, for which potentially privacy issues have been appropriately addressed through either the lack of window openings (i.e. blank walls) or the location and design of balconies and windows which have been either offset or architecturally screened to preserve privacy.

On balance, the Department is satisfied that the proposal provides acceptable setbacks and building separations to ensure satisfactory visual, privacy and amenity levels for future residents in adjoining properties will be achieved.

So, we'll just go up to a schematic building separation setback diagram there on

the first image. And the second image is just a quick overview of the solar and cross-ventilation compliance with respects to the independent living units regarding the ADG design criteria.

5 So, are there any discussions regarding internal amenity at all needed? No. Okay. I'll move on.

10 Solar access and overshadowing. The Department acknowledges the concerns of the Council and the public relating to the overshadowing of the through-site, and also the lower ground level of the residential care facility building, as well as the potential for shadowing impacts on adjoining residential properties.

15 Notwithstanding these concerns, the Department's assessment of overshadowing impacts on the adjoining properties and the through-site link has concluded that the proposal would not result in any unacceptable or adverse overshadowing impacts. The Department also considers internal solar access levels have been achieved, noting that more than 70% of all the independent living unit apartments have been designed to be satisfactorily in line with the Housing SEP as well as the design criteria in the ADG.

20 So, I can talk to this more if we need. So, I've just got three snapshots of the overshadowing so, I mean, it's not necessarily anything in great detail.

25 **MR KANOFSKI:** Just a kind of question for me is, at what level does that solar access become an issue? I mean, obviously these sites are always going to struggle. But where's the line in the sand?

MR MCMANUS: So, I guess in terms of –

30 **MR KANOFSKI:** I know it will vary from site to site, but ...

MR MCMANUS: No, of course. With respects, Commissioner, are you – can I just clarify, are you talking about overshadowing impacts on adjoining residential properties primarily?

35 **MR KANOFSKI:** No, I was really talking about solar access for the properties themselves actually.

40 **MR MCMANUS:** Within the proposal?

MR KANOFSKI: Yes, within the proposal.

45 **MR MCMANUS:** So, based on the information that we've been provided and in terms of the details provided by the Applicant and what we've assessed, the independent living units have been shown – sorry, the independent living units are within Buildings 2, 3 and 4 were assessed as being over 70% compliant in terms of the ADG criteria, which requires more than 2 hours or no less than 2 hours sunlight to the main living spaces.

5 I guess in terms of where we draw the line, we're looking to see primarily when there's an ADG-level compliance requirement that they're striving to achieve those minimum benchmarks and design criteria outlined within the ADG. In addition to that, the provisions relating to seniors housing development within the Housing SEP require, I believe it's 2 hours solar access to those areas of – sorry, I'm just double checking ...

10 So, we've got in our non-discretionary development standards in the Housing SEP which require more than 70% of the apartments receive a minimum of 2 hours sunlight. And again, the proposal was shown to meet those requirements. And from that perspective, being a non-discretionary development standard, we're not able to seek additional requirements of the Applicant.

15 Off site, all existing residential properties were maintained to have more than 2 hours solar access, particularly during the mid-winter. So, on balance we felt that it was acceptable.

20 **MR KANOFSKI:** Yes, it was kind of like 94% or 100%, I think, or something, from memory, so yes. Okay. Thank you. I'm just, yes, I'm just trying to get a sense ...

25 **MR MCMANUS:** Yes, I think this is an easy site, there's probably worse sites in the world.

MR KANOFSKI: Yes.

MR MCMANUS: So, see how we go. I'll just skip through those.

30 So, this is one of the other matters. So, the through-site link. The through-site link, throughout all design iterations of the proposal, the Applicant has sought to include and deliver the through-site link and as you can see there on the image on the left, the through-site link provides a brand new mid-block connection to connect through to the Cremorne town centre and [audio glitch 00:29:29] views and vistas down to the north along Ada Street.

35 The through-site link was also commended by the State Design Review Panel as being a wonderful addition to the proposal. To ensure that the through-site link remains accessible, the Department has recommended a condition of consent (excuse me) requiring the imposition of a strict or covenant over the site to the benefit of Council, to make sure that the through-site link remains publicly accessible at all times.

45 The positioning of the through-site link will also – I've already said, apologies.

While concerns have been raised regarding overshadowing, we acknowledge that within the through-site link. The shadow analysis provided shows that satisfactory levels of solar access will be achieved and in addition to that, the placement and

location of certain bench seating and seating elements and gathering elements within that space will be able to take advantage of sunlight and the access to solar throughout different times of the day, not necessarily where the main solar is being cast during that time.

5

Were there any questions regarding the through-site link? No. Okay.

10 Traffic and parking. So, the Department acknowledges the concerns that have been raised regarding traffic as well as a lack of parking. During operation, the proposal has been assessed to only expect an additional 16–19 vehicle movements during the a.m. and p.m. peaks. These additional trips have been assessed as not impacting on the existing levels of service of the surrounding intersections, and they'll continue to operate at levels of service of A and B, which are still considered to be very good.

15

The single-entry access point on Gerard Street, I believe, is it?

MR KANOFSKI: Parraween.

20

MR MCMANUS: Sorry, on Parraween Street, sorry, I'm getting confused. Was also modelled to show a high level of efficiency and so there weren't any concerns raised in that respect by the Department.

25

The proposal will provide a compliant number of car parking spaces, including 77 independent living unit spaces and 11 residential care facility spaces. The proposal will also provide 20 bicycle parking spaces, 10 motorcycle spaces, as well as the one ambulance bay which is a requirement under the Housing SEP.

30

The Department also notes that the retention of the heritage items at 78–88 Parraween Street will also result in the removal of 17 existing driveway crossovers as part of the whole development as a whole along the Parraween Street streetscape. And this will generate the opportunity for additional on-street parking for the local community, if Council sees fit to reinstate them in that manner.

35

Any questions regarding traffic and parking?

MS FITZGERALD: I had one, Peter.

40

MR MCMANUS: Yes.

MS FITZGERALD: You said the parking's compliant. Do you have any comment on the level of visitor parking provided to this type of facility?

45

MR MCMANUS: Well, I guess in terms of the parking and the visitor parking provided, it complies with what's required under the SEP. Commissioner, are you seeking our position on whether or not we consider that to be satisfactory generally speaking, or whether or not more should have been provided in this instance given its location?

MS FITZGERALD: I guess, the former rather than the latter. You've said it's complying. Under the Housing SEP, is there a level of visitor parking – is there a minimum visitor parking under the SEP or not?

5

MR MCMANUS: I would have to quickly double check for you, but ...

MS FITZGERALD: Yes.

10

MR MCMANUS: During the assessment, the parking was compliant and the spaces were amended to comply between the EIS and the subsequent amended development application, to ensure full compliance. And it being a non-discretionary development standard, we would have mandated that the Applicant do comply.

15

So, I can take that on notice and confirm with you that it does comply. But I'm confident that it is in full compliance with the Housing SEP.

MS FITZGERALD: Thanks, Peter, that'd be handy just to know that it complies.

20

MR MCMANUS: Yes.

MS FITZGERALD: And to your further point, is the Department satisfied that there is the right level of visitor parking provided in the development?

25

MR MCMANUS: Having regard to the senior housing applications and their operations, we've noticed that the total quantum of parking provided is typically in excess of what's actually required for these facilities.

30

And I only know this from the standpoint that I was part of the team that rewrote the Seniors Housing Policy a couple of years ago, and there were significant representations made by seniors housing providers in relation to the-then car parking controls. And we were taken to numerous basement car parks to see excess parking spaces and they sort of just arms wide open, "See, this is what we're talking about."

35

So, in that respect, so long as the parking is appropriately managed, and we have recommended conditions, operational management plan conditions that pertain to traffic and parking, I think we would be of the opinion and comfortable that even though the minimum number of visitor spaces and parking in general has been provided, that it would suitably cater for any visitor demand in the long term.

40

And that would also be a responsibility of the end user in terms of managing that appropriately so that it doesn't create any off-site impacts, particularly around Parraween Street, noting that that's a bit more of a community-feel street, and we don't certainly want overflow and spill and conflict between pedestrians and vehicles in that location.

45

MS FITZGERALD: Thanks, Peter. And could you just reiterate what you said, there was a – did you say that you had in your conditions a requirement for a certain operational plan that was going to cover this?

5 **MR MCMANUS:** Yes. So, we have a – off the top of my head, I have written this down somewhere ... It's an operational traffic and parking management plan, I believe it's called, I can clarify that for you, but it's certainly in the draft conditions.

10 **MS FITZGERALD:** Okay.

MR MCMANUS: And we can come back to that. But it would be a plan and that is effectively cementing in what they have proposed versus what they have had approved. And then they would be burdened by ensuring that they are operating in
15 accordance with the plan.

MS FITZGERALD: Thanks. No need to come back to us on that. I'll have a look at that closely ...

20 **MR MCMANUS:** Okay. No problem.

MS FITZGERALD: ... in the conditions. Thank you.

MR MCMANUS: Thank you, Commissioner, thank you.

25 Now, I believe the last item was landscaping and tree removal. In terms of the trees, the Department acknowledges that there's a significant number of trees proposed to be removed from the site. What is important to note is that a large number of those trees were either introduced or invasive species. Notwithstanding
30 the removal of those trees, the complimentary replacement of 183 new tree species, we feel, is satisfactory to overcome and compensate the loss of those trees. And that maturity will contribute to a 45% tree canopy cover across the site, which I think we can probably all agree is quite a unique and welcome outcome for a site in this sort of urban context.

35 The Department also notes that the biodiversity – or BCS, I'm unsure of their new name, they keep changing their name – granted the project biodiversity development application report waiver, as well as the Department, on the basis that the site was highly urbanised and that the existing vegetation on the site was
40 not naturally occurring and nor did it provide a potential for threatened species habitat. So, in balance and on based on the landscaping scheme proposed, the Department felt that the proposal was acceptable and provided an acceptable landscape design response in the context of the site and its settings.

45 And I think that's it from me.

MR KANOFSKI: Thank you, Peter.

5 **MR MCMANUS:** What I can do is I can take us back to our draft conditions, so if there's anything that we need to discuss. That's an overview of our draft conditions. If you like, I can briefly go through those in terms of how we've responded to the key concerns raised in public submissions as well as the key concerns raised by Council in terms of how the draft conditions are responding to those.

10 **MR KANOFSKI:** I don't think that's necessary. I think we've read that, the draft conditions. Commissioners, [unintelligible 00:38:53].

MS FITZGERALD: I agree, Ken, I think we'll go through those independently.

MR MCMANUS: Are you happy for me to stop sharing so I don't take up ...

15 **MR KANOFSKI:** Yes.

MR MCMANUS: ... expensive screen real estate. Okay.

MR MARSHALL: Ken, I did have one question about conditions, if I may?

20 **MR KANOFSKI:** Yes, absolutely.

25 **MR MARSHALL:** And it really reflects on a discussion that the Commission has had more recently about the scope of conditions and whether there's a bit of diving into the weeds, if I can put it that way, in some conditions where separate approvals or separate processes are or will be in place and what the role of these conditions of consent need to be.

30 And I guess the thing that sparked my interest was, for example, the food preparation and premises conditions, which seemed to be quite detailed and kind of replicating what I assume exists in other [cross-talk 00:40:01].

MR MCMANUS: Legislation?

35 **MR MARSHALL:** ... required. I just, I mean, there's kind of a philosophical discussion that we might have, but coming to the specifics, I mean, I'm just wondering, are some of these conditions coming forward because agencies are wanting to stress these matters in the draft conditions of consent, or what's the context?

40 **MR MCMANUS:** So, I guess typically speaking, the standard Department of Planning, Housing and Infrastructure conditions probably do tow the line in terms of where you're thinking, Commissioner, we don't like to repeat the requirements of other legislation or other policies or anything like, which are a mandatory requirement in general.

45 Where there are more detailed conditions, they are most likely and in most cases, recommended draft conditions that we receive from either agencies or particularly

5 councils. Food preparation conditions are typically conditions that we would receive from local councils, and we typically will follow suit and impose those recommended conditions, particularly when it comes to matter around food preparation and those sorts of things, as typically their team, how that ends up being taking on a compliance or enforcement journey down the track when it comes to the operational aspects.

10 So, sometimes they reluctantly don't like to do that role if it's a condition imposed by us, and then obviously the burden falls back on the Department. Not that we don't have our own enforcement team that look after these applications and will monitor compliance and things like that. But when it comes to those more bespoke and finites of the details around those sorts of elements, typically we'll impose the conditions recommended by the councillors.

15 **MR MARSHALL:** So, it's kind of keeping good faith with the councils who want to see these given some prominence and priority.

MR MCMANUS: Certainly, yes.

20 **MR MARSHALL:** Okay. Thank you.

MR KANOFSKI: Okay.

25 **MS FITZGERALD:** Ken, I've only got just one issue just to close out, if I could.

MR KANOFSKI: Yes, absolutely.

30 **MS FITZGERALD:** There was some early talk in the report about flooding and the site being a [cross-talk 00:42:20] island and the SES was talking about evacuation routes and so on. That seems to have been resolved during the process of assessment. Can I just get some clarification from you that SES are now satisfied with the evacuation proposals and the flooding issue?

35 **MR MCMANUS:** So, in terms of the flooding issue itself, I think it's probably categorised as probably ponding or inundation of streets during those high rainfall events. The flooding itself wasn't direct [audio glitch 00:43:00] located adjacent – sorry, in front of the site, either as Parraween or Gerard Street locations. It was more probably along the way to other destinations and things like that.

40 **MS FITZGERALD:** Yes.

45 **MR MCMANUS:** The flooding depths and the like were categorised as either being acceptable for emergency vehicles to pass through, if that was needed. And at points where – or sorry, at times or periods of time where inundation was too deep for emergency vehicles to pass through, the SES were satisfied that it would be only for short periods of time and that a shelter-in-place strategy was acceptable ...

Well, the Department considers a shelter-in-place strategy for that shorter period of time to be acceptable. That's something that the SES, generally speaking, don't support across the board, shelter-in-place. But notwithstanding that, they were supportive of the Applicant preparing a Flood Emergency Response Plan as part of their response to submissions, which we were satisfied had addressed the concerns of the RTS. And we've also recommended a condition requiring the mitigation measures recommended or outlined in that Flood Emergency Response Plan to be implemented.

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MS FITZGERALD: Okay. Thanks for that, Peter, so that's not an issue for us to consider. Great. Thank you.

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MR KANOFSKI: Okay. Thank you. Thanks, Suellen. Anything else, commissioners? I think – Peter, that's been very helpful. Thank you.

MR MCMANUS: No, thank you.

MR KANOFSKI: Very good. Thanks very much.

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MR MCMANUS: All right. So, we'll come back to you, Commissioner, we'll come back to you regarding the car parking matter for the visitor parking and we'll confirm that with you. And we can probably do that today or first thing tomorrow morning. Otherwise, if there's anything else, please don't hesitate to reach out and we can come back to you.

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MS WYTHES: And we'll come back via your team there at the IPC, so Kendall. Great.

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MR MCMANUS: Okay. Thank you all for your time.

MR KANOFSKI: Thank you.

[All say thanks/goodbye]

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MR KANOFSKI: I think that's everyone gone.

>THE MEETING CONCLUDED