



TRANSCRIPT OF MEETING

**RE: OPAL ST IVES COMMUNITY CARE SENIORS HOUSING
(SSD-48028209)**

APPLICANT MEETING

PANEL: JANETT MILLIGAN (CHAIR)
KEN KANOFSKI

OFFICE OF THE IPC: KENDALL CLYDSDALE
TAHLIA HUTCHINSON
CALLUM FIRTH

**APPLICANT
REPRESENTATIVES:** JOHN COLE-CLARK (Opal Healthcare)
MOHAMMAD ASHARI (Opal Healthcare)
DANIEL WEST (Ethos Urban)
RENEE STAVROULAKIS (Ethos Urban)
LISA-MAREE CARRIGAN (Group GSA)
NOURA THAHA (Group GSA)
ONOFRIO MARZULLI (Midson Group)
HILARY PEARCE (Renzo Tonin & Associates)
JAKE JANSEN (PTC Consulting)
ANNA HOPWOOD (Tree IQ)
ANDREW FRANCIS (Henry & Hymas)

LOCATION: ZOOM VIDEOCONFERENCE

DATE: 9:30AM – 10:15PM
WEDNESDAY, 2ND JULY 2025

<THE MEETING COMMENCED

MR JASON COLE-CLARK: Good morning, all.

5 **MS JANETT MILLIGAN:** Good morning. So, we're just having everyone being admitted. Okay. So, good morning and welcome.

Before we begin, I'd like to acknowledge that I'm speaking to you from Gadigal land and I acknowledge the traditional owners of all the lands from which we
10 virtually meet today, and I pay my respects to the Elders past and present.

Welcome to the meeting today to discuss the Opal St Ives Community Care Seniors Housing State Significant Development currently before the Commission for determination. The Applicant, Opal Healthcare, is seeking approval for the
15 demolition of existing structures and the construction of a two to three storey residential aged care facility with ancillary services and basement parking at 285, 287, 287A, 289 Mona Vale Road and 1 Flinders Avenue, St Ives.

20 My name's Janett Milligan. I'm the Chair of the Commission Panel, and I'm joined by my fellow commissioner, Ken Kanofski, on your screen. We're also joined by Kendall Clydsdale, Tahlia Hutchinson and Callum Firth from the Office of the Independent Planning Commission.

25 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.

30 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.

35 It's important for commissioners to ask questions of attendees and to clarify issues whenever it's considered appropriate. If you're asked a question and you're not in a position to answer, please feel free to take the question on notice and provide any additional information in writing, which we'll then put on our website.

40 I request that all members introduce themselves before they speak for the first time, and for all members to ensure that they don't speak over the top of each other, just to make sure that we have an accurate transcript of the meeting.

45 So, let's begin. So, as I said, welcome to you all. John, you have your team with you, and you might – we do have their names and where they fit into the project. You might want to introduce them, or you might just want to introduce each person as you refer a question to them; it's up to you.

MR COLE-CLARK: Okay, thank you very much. Thanks for having us this morning. Firstly, I'm John Cole-Clark, Head of Property Development at Opal

Healthcare. We have our project team with us and I might allow each participant to introduce themselves, starting with Ethos Urban, if I could.

MR DANIEL WEST: Thanks, John and Chair. Daniel West from Ethos, Director of Planning. And Renee.

MS RENEE STAVROULAKIS: Hi, Renee Stavroulakis, in planning.

MR WEST: Group GSA.

MS LISA-MAREE CARRIGAN: Thank you, Dan. Thank you, Chair and everyone. Lisa-Maree Carrigan, Director at Group GSA, we're doing the architecture and landscape architecture. And my colleagues are Noura Thaha, Associate Principal in Architecture, Anika Hoffman, Associate Director in Landscape are also here today. Thank you.

MR COLE-CLARK: I would also like to jump in and introduce my colleague, Mohammad Ashari, Senior Development Manager for this site's development. If I could then also defer to Andrew Francis.

MR ANDREW FRANCIS: Thanks, John. Yes, my name's Andrew Francis, I'm the Managing Director here at Henry & Hymas. We're the civil and structural engineers on the project.

MR COLE-CLARK: And Jake.

MR JAKE JANSEN: Good morning, everyone. Jake Jansen, Traffic Engineer with PTC Consultants.

MR COLE-CLARK: And Hilary.

MS HILARY PEARCE: I'm Hilary Pearce from Renzo Tonin & Associates, and we're doing the acoustics on the project.

MS MILLIGAN: Okay. I think that's the group. All right. So, look, let's begin. We do have an agenda in front of us just to guide the discussion. We're also aware that you have some material in way of a presentation, a PowerPoint presentation. I'm going to suggest that rather than just run us through that, maybe you use that as a reference document to go to issues as they arise. If of course there is some introductory comments you'd like to make, we'd be very happy to hear them.

But I'd like to suggest the starting point before I pass over to you. We of course have noted the iterative nature of the development and the fact that particularly the built form has developed along the way in consultation with Council, Design Panel, responding to submissions etc. We noted also on Council's letter from, I think, December, your response to the issues and concerns that they raised, and then your revised EIS.

So, I suppose that's what we've particularly got in our frame. We're very happy to hear what you'd like to say to us, but we do want to spend most of the time focusing on what's seemed to be the issues, particularly around built form and amenity.

So, John, where would you like to start us?

MR COLE-CLARK: Well, I agree with you. I would like to focus on the amenity and built form and design, but I do first want to just make a few opening comments that Opal Healthcare is very excited about providing further care on this site. We think it's a fantastic site that's going to create a lot of fantastic amenity for our residents and also facilitate very high-quality care. There's an abundance of external spaces, which we'll talk about, and many activated spaces both internally and externally, including wellness, café, clinic in the home, and a number of other initiatives that form part of how Opal does its business.

So, we're very excited about it. But aside from those opening statements, I would like to, if it's acceptable to you, to defer to Dan and Renee in the first instance to talk about considerations around the planning framework.

MS MILLIGAN: Thank you.

MR WEST: Thanks, John. Yes, just before we get into how the proposal's responded to the Department of Planning's request for information and also resident submissions and Council submission. The revised design as we lodged it in April this year, last year, is effectively, in our view, a fully compliant scheme in terms of compliance with the SEPP.

Those parameters in terms of non-discretionary standards, one is floor space ratio for residential care facilities is 1 to 1; we're actually below that at 0.97 to 1. Also, in terms of height, we're fully compliant in terms of both the 9.5 metre height and to the 11.5 for services to 20% of the roof space. And the upper level setback which is 45-degree setback from the boundary to the upper level. Completely compliant with those.

The only thing – there is a clause 4.6 for height, and that was really something that we put in for abundant caution because ... It wasn't raised by the Department initially, but it was raised by Council in their submission. And it really goes back to the existing swimming pools on the site. And if you take the measurement from the bottom of those swimming pools, then we would exceed height in that component. And that was based on a recent court decision. So, in practical sense, it's not a non-compliance in our view, but we put that clause 4.6 for abundant caution.

And in terms of those other metrics, just so the Commission is clear, deep soil requires 15% of the site, we're 16.4. Landscaping, the SEPP requires 2,287 square metres, we're at 4,447, so almost twice the amount of landscaping. And communal

open space, we're almost three times the minimum as well. So, we are providing a significant amount of all those metrics.

5 So, I think the next step is, I suppose, going through the bulk and scale and the setbacks and what Opal and the design team have done to respond to the Department's feedback, Council and the residents as well, particularly in order to mitigate those concerns. This design process took almost five months to go through, which was very detailed and careful. We think we've come up with a better design, and it's absolutely a better outcome for both the site, the residents
10 and the surrounding community as well, in our view.

So, if the Commission is okay with this, we've got the presentation but it's more to go through those various issues to do with bulk and scale. Would that be all right to bring that up on the screen?

15 **MS MILLIGAN:** Yes, of course, thank you.

MR WEST: Thank you. Noura, would you be able to share?

20 **MS NOURA THAHA:** Yes. I am sharing. Let me know when you can see it.

MR WEST: Thank you.

25 **MS THAHA:** Are you able to see now?

MR WEST: I can see it.

MS THAHA: Okay, great.

30 **MR WEST:** Yes.

MS THAHA: Maybe we'll just quickly go through the built form and building separations and setback. But this diagram kind of shows or demonstrates all the building separation highlighted in this red dimensions between our neighbours and
35 us towards our boundary.

But the built form has been developed in response to the existing conditions addressing all the privacy concerns and setback. But through our process, what we have done is, listening to the Council's and the DPHI's concerns specifically
40 related to the privacy, bulk and scale, overshadowing, and also ensuring the internal amenity is enhanced and improved.

We did about 11 key moves to address these ones. For example, the item number 1 is talking about increasing the setback from 3 metre to 4 metre; this is towards the
45 283 Mona Vale villas. What it does is it helps to retain most of the existing trees along that boundary line, creating a great length of buffer zones by nature of those trees being present there.

In addition to that, we have also increased the back along, the item number 2, along the western boundary along, in this regard. What it helps is there is an established very well large tree, so that varies – the setback there varies from 3 metres up to 7 metres and also enhances the existing vegetation that can be retained on site.

Further to those, we have also reduced the building footprint, thereby reducing overall GFA and FSR to 0.97 to 1; that's well under the 1 to 1 compliance.

And moving onto the details of all these changes. This one, what you're looking at, is a site layout which kind of establish how the built form is sitting in a really good garden setting with the deep soil surrounding all around the boundary with thick vegetations either existing or newly planted trees. Also it shows the quality of the communal area internally that we have provided here.

If you focus on the pedestrian safety and the access, vehicular access, a predominant entry is from Mona Vale Road. This is in response to the community consultation that we had done. All the pedestrian and vehicular entry are from Mona Vale Road. And the safety of the pedestrian was also considered to ensure that they have a real defined separated entry and access point directly from the Mona Vale Road.

Then further to that, we have also looked at the sight lines, which has established in our drawings where we have considered the AS28.91 to ensure the sight line and splay are maintained without any obstruction. All this provides a safe and secure access for the pedestrian front of Mona Vale Road. And the entry point for the pedestrian is starting next to the bus stop, so they don't have to cross the vehicular driveway, then can come directly and safely enter.

We also have a view from the Mona Vale Road looking towards the poker shed, giving you a glimpse of how the built form is fully articulated. Now, going through the series of interfaces towards the 283 Mona Vale Road, we have gone through extensive study, understanding every single building interface towards our boundary. With that, what we have established is this 4-metre setback is well in advance of retaining the trees.

In addition to that, in consultation with our acoustic consultant, we have provided an acoustic wall immediately next to the vehicular driveway that takes them to the basement. That limits any noise that arises from that area, and all these sections demonstrate how well the built form is set back from the boundary and providing no overlooking or overshadowing impact to those villas, as I said, these are in continuation to other villas. This one is talking about villa number 2 and 4.

Further looking at the northwestern boundary, which is over here. Now, our immediate neighbour, or neighbouring interfaces are driveways for the neighbours, and they also have an established series of trees. Our response to that interface was to ensure that we are maintaining a good tree protection zone all

within the guidelines providing by our arborist consultant, to ensure our development does not create any health impact for these trees' wellbeing.

5 We have also looked at any privacy and overshadowing along the side as well, we have more than 3 metres setback. And moving onto the middle ground here, which is towards the middle section of our property. We are analysing two conditions, which is the northern boundary and the west-eastern boundary conditions.

10 With the northern boundary conditions, would be edified as that – we can quickly go through that. The conditions we have established is the built form that we have immediately to the north of us have their primary open space and living area all facing north. The [unintelligible 00:16:28] address the rear setback zone, which is already having a thick vegetation along here. In response to that, we have addressed the setbacks by increasing the setback about 5 metres in the middle area and ensure there are no overlooking or privacy issues. In addition to this, we also have a level difference. So, that also helped us in favour to ensure our built form scale is also quite comparative from their scale.

20 And moving to the western – eastern setback. With the eastern setback, we have about 6 to 6.5-metre setbacks on. This offers a good, deep, solid soil to reinstate all the trees and also maintain some of the existing trees like lemon myrtle, all in that zone. And none of the windows for the homes for the residents are placed towards those boundaries; it's all placed internally, looking into the internal courtyard that also has varied level of amenity provided throughout.

25 That's the view from the northern setback, showing how the scale is much in comparison to the existing scale of the residential character of the neighbourhood.

30 Moving down to the very south corner of our site, which is the Flinders corner, so Flinders Avenue is right around that corner. The condition around here is protection of one of the well-established trees, and also the setback around here varies from about 4 metre all the way up to 8 metres, just in response to the site topographical condition. Also maintaining the tree and the hedges along that side. And the section here can't demonstrates how much we are away from the existing building or existing neighbouring house, and we are not creating any overshadowing or any form of overlooking for that zone.

40 That's the view from the Flinders Avenue which shows that our development is set in a very beautiful garden setting which kind of reflects the existing character of that area.

Moving onto the detailed studies that we had done to ensure amenity for our residents are also maintained for the communal area. We have – sorry, go ahead.

45 **MS MILLIGAN:** Would you mind if I just interrupted you there, and we might just deal with what we've seen so far.

MS THAHA: Sure.

5 **MS MILLIGAN:** Thank you very much for all of that. So, can I just sort of go through that. So, in terms of the southern boundary which adjoins the villas, we understand, increasing the setback and the acoustic wall. The acoustic wall, we noticed Council had a preference for that to come towards the villas, but I gather that, one, it's more effective where it is, and it also allows for planting between the wall and the residents in the villas. Have I interpreted that correctly?

10 **MS THAHA:** That's absolutely right. So, the position of this is placed based on our advice from the acoustic consultant, to make sure it's more close to the source where the noise is generated. And there are established trees, there are existing trees – these are existing trees, so if we are putting it closer to the boundary, we will have to remove these trees.

15 **MR COLE-CLARK:** And Chair, if I can just add to that. It was also informed by our significant consultations with our neighbours to that boundary, whereby they were concerned that vegetation would be lost, and so we wanted to do our best to maintain as much as possible on that elevation.

20 **MS MILLIGAN:** All right. Thank you for that. Then on the northern side, you talked about that boundary being the battle-axe driveway. But what happens beyond that?

25 **MS THAHA:** Beyond that we do have ... if I can ... there.

MS MILLIGAN: Mm-hmm.

30 **MS THAHA:** So, there is a battle-axe driveway and beyond that we have the houses with their primary open space facing the Mona Vale Road, that's their orientation. So, that's about more than 12 metres from our site.

MS MILLIGAN: Okay. And then when you get to the end of that battle-axe driveway and we're looking into the – yes, there.

35 **MS THAHA:** Yes.

MS MILLIGAN: And so are you saying, are the balconies – yes. Can you just talk us through the treatment on that face?

40 **MS THAHA:** Okay. So, the corner from here looking towards that diagonal area – I might just take you through this section there.

45 **MS CARRIGAN:** If I could just jump in to say, Chair, that that corner, we've actually stepped back the built form there. We have the side of the resident rooms that are in that home, so you can see that lot when Noura comes to that page, the upper most room that's facing north is set back one bay from the southern. The southern room is facing into our own courtyard area.

And so Noura perhaps on the top left of the screen that you have there, you can see the interface with the house. So, I'm not sure, Chair, whether you can see – oh yes, on the far left, the position of the home. So, it's a side interface on the east there, and we've orientated towards the north where there's that strong buffer.

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MS MILLIGAN: And the balconies there are screened?

MS CARRIGAN: Yes.

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MS THAHA: We do have horizontal louvres to ensure – and privacy louvres – to ensure there is not too much overlooking, if there is anything. We have studied – sorry, go ahead.

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MS MILLIGAN: Just for my information. Horizontal louvres obviously can be closed by the resident, adjusted, are they adjustable?

MS THAHA: No, not adjustable. Fixed and permanent so they are not manipulating the location of it.

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MS MILLIGAN: I understand. Thank you. All right. And then if we move to the northeastern boundary.

MS THAHA: Yes.

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MS MILLIGAN: Which is the one that adjoins the property in Flinders.

MS THAHA: Yes, this one here.

MS MILLIGAN: Thanks. And you've also adjusted setbacks ...

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MS THAHA: Yes.

MS MILLIGAN: ... and you've made the point that there are no windows along that.

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MS THAHA: That's correct.

MS MILLIGAN: But can I ask you about the stairwell. I think the shortest setback is a 3.4 to a stairwell.

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MS THAHA: That's correct. They use our fire egress stairs.

MS MILLIGAN: And that's glazed, I understand?

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MS THAHA: It has – it's not glazed, it will have privacy louvres just to let the light in. And it's open stair.

MS MILLIGAN: Okay. It's an open stair?

MS THAHA: Yes.

5 **MS MILLIGAN:** So, is there the potential for overlooking – I know people are just going up and down the stairwell, but is there a potential for overlooking? Because that is adjacent to the back garden of that property, I think, looking at that.

10 **MS THAHA:** In that corner?

MS MILLIGAN: Yes.

15 **MS THAHA:** The fire stairs are not in common use, it's only in the event of fire that we would anticipate people are using it. And the residents, from my understanding, will not be using any of these stairs.

20 **MR COLE-CLARK:** I could probably add to that. I mean, those fire stairs will be secure unless in the event of an emergency, in which case the fire door will unlock and egress can be achieved.

MS MILLIGAN: I understand.

MR KEN KANOFSKI: So, it won't be used as an alternate access point?

25 **MR COLE-CLARK:** No, no, they're fire stairs. I mean, we wouldn't want fire stairs to be readily accessible by residents. As much as our residents are given around-the-clock care and supervision, we don't want the ability for residents to wander into those stairs. That would not be a safe outcome.

30 **MR KANOFSKI:** Yes. Okay.

MS MILLIGAN: Can I just be really, really clear about – there's a stairwell.

35 **MR COLE-CLARK:** Yes.

MS MILLIGAN: And it has glass that has then – it's an open stairwell, no glass, but it has a privacy louvre.

40 **MS THAHA:** Yes.

MS MILLIGAN: So, can you – is there the potential for overlooking?

MS THAHA: From the stairs?

45 **MS MILLIGAN:** From the stairs into the garden of the adjoining property.

MS THAHA: The privacy louvre angles are positioned in such a way that it's very hard to see through in an angle, which is about a 45-degree angle, which

limits the view. It blocks anybody seeing through it. It's only the reflected light. Yes, thank you.

5 **MS MILLIGAN:** Okay, thank you for that. I just needed to be clear. Okay. That's been helpful. Ken, do you have any residual questions on the issue of setbacks/privacy?

10 **MR KANOFSKI:** I mean, I guess it's just an overall observation from what would be a resident's point of view of ... At the nearest points, this building is going to be a lot closer to other residents than what is normal in that area, which is I suspect kind of what they're perceiving. And I say that – I haven't obviously done a detailed study, and I say that just from looking at the schematics though. The setbacks are kind of less than what is normal in that area.

15 **MS CARRIGAN:** May I make a comment, Commissioner?

MR KANOFSKI: Yes.

20 **MS CARRIGAN:** In this area now since we have lodged the scheme, there are adjacent residential aged care facilities. There's a Hammond Care that is about five residences down from this, along to the south on Mona Vale Road. There's also the well-established Bupa. And there is a church and a school across the road.

25 So, actually in our urban design analysis, whilst the residential existing single dwelling typology is prevalent in St Ives and along Mona Vale Road, it is absolutely mixed in terms of character. So, there are a variety of built form and interfaces. So, the Hammond Care which is only a few sites down from us, has commensurate setbacks to us and does not –

30 **MR KANOFSKI:** It has similar setbacks to its surrounding residents?

35 **MS CARRIGAN:** Yes, yes. And the Bupa site, which is on the other side of Mona Vale Road, by the corner of Clayton, actually has I would say probably less setbacks. And the school and the church opposite as well have quite varied setbacks with stronger presentation to Mona Vale Road than do the typical residential homes from the '70s and the '80s.

MR KANOFSKI: Right.

40 **MR COLE-CLARK:** And Lisa-Maree, if I could, I think you will talk to this far better than I, but throughout the design process, Commissioner, we looked at numerous orientations of this building on the site so as to minimise the perceived bulk and scale to our neighbours. And you'll note that the fingers of each neighbourhood running east to west was a very deliberate design approach to
45 minimise the perceived bulk and scale from our neighbours. Lisa-Maree, you may be able to talk to that a little more eloquently than me, or Noura, sorry.

MS CARRIGAN: Look, the green fingers is the conceptual basis upon which the homes relate to the courtyards. And as Dan noted at the beginning, we actually provide over 200% of the required landscape area, and certainly from a communal internal and external space, are close to three times the required.

So, whilst we are, say, less than a 10-metre setback that you might get for a single dwelling, we feel that we are appropriately set with really strong offers which are definitely in line with the character of the area. So, all of our boundary interfaces have not just – have the existing landscape retained as much as possible, but augmented landscape, to really have deep green buffers, which is the key characteristic of not just St Ives of course, but the upper north shore. We believe it's actually a good contextual fit.

MR KANOFSKI: Thank you. Thanks.

MS MILLIGAN: Thank you. So, maybe we can go back, I think you were about to talk to us about solar access and shade/shadows.

MS THAHA: Yes, I might just flick the page to that. So, with regards to the solar access, this particular page is talking about the solar access within other communal areas for the residents.

For the external communal area based on our accommodation study where we have done a lot of shadow analysis on our views, we have identified that in the mid-winter, all this communal area will receive at least 2 hours of sunlight for about 60% of the total communal area.

Additionally, all these spaces have been formatted in a way so that they get the sunlight – they have the choice between sunlight and also respite areas. The residents can choose within the courtyard whether they want to sit in the shade or go up to a sun area where they get more sunlight. That was an overall design that we have done to ensure the residents have the choice as well as the getting of sunlight, so that's a very high amenity area for the courtyards.

MS MILLIGAN: And can I just interrupt to ask you a question not about the courtyards but regarding the issue raised by Council about subterranean – rooms that are set lower and their access to light, so into the room, not the courtyards.

MS THAHA: Okay. So, that specific unit that Council is raising is along this corner here, which is the southwestern – south [unintelligible 00:30:48] south boundary, southwestern corner boundary. The subterranean condition, all the rooms are not subterranean, as you can see in the section that we have.

All the habitable rooms are above it. And what the subterranean condition interfaces along here are pretty much a corridor or a courtyard, and also we have landscaped terraces all around it on grade for these rooms, so they have access to their open garden outside, which is on grade. Yes.

MS MILLIGAN: I understand. Thank you. Okay. Was there any more you wanted to say about ...?

5 **MS THAHA:** Maybe one more with the overshadowing impact. So, similar to the accommodation study we did for the solar, we also did a bit of an accommodational study for overshadowing impact predominantly for our older residents, older neighbours that are also adjoin that boundary.

10 Based on an analysis, we have identified that all these residents, or residential houses get minimum 3 hours sunlight during the winter solstice, as per the DCP. The marginal increase are not impacted to their current existing amenity.

15 Apart from that, we can also talk to you about the tree removal. Anika, would you like to jump in there?

MS ANIKA HOFFMAN: Yes –

20 **MS MILLIGAN:** I'm not sure, I'm just sort of looking at the time. Maybe we can come back to that. But can we just pursue a couple of other issues that were of interest to us.

MS THAHA: Mm-hmm.

25 **MS MILLIGAN:** Maybe we could talk, just to make sure we've got time to cover it, can we just leave the built form for a moment and maybe talk about construction. And Ken, I might ask you, I know you've had some questions about construction workforce and processes.

30 **MR KANOFSKI:** Sorry, I was just having an issue with my screen, I couldn't find a cursor to turn my mic on. Yes. So, I guess a couple of questions. In terms of the, I mean, the noise study shows some substantial construction noise impacts. I guess the question I have is, what are the things we're going to do to mitigate those, and also to kind of to work with the local community during the construction process to mitigate the impacts of the construction noise?

35 **MR COLE-CLARK:** Commissioner, I might lead the way with the working with the neighbours and then if I could defer to Hilary to provide some input on assessment of construction noise. But it is standard process for Opal Healthcare to be heavily consulting with our neighbours before we initiate construction activities, and during we have a communications consultant that works with us to ensure that we're keeping our community informed as to what works are coming up, the nature of those works, how we're mitigating any concerns around noise.

40 We also charge our appointed contractors with liaising regularly with the neighbours on upcoming construction activities. And we find that works very successfully; we do choose the right contractors for delivery of our projects. And so it's a case of constantly keeping them informed of what is being planned, and doing our best to work with them, acknowledging that sometimes construction

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activities, certain construction activities need to occur, but we try to work with them so that any level of disruption is minimised and anticipated.

5 In terms of the actual noise outputs, this is something that I know that we workshopped heavily with Hilary, our acoustic consultant, and I might have Hilary talk a little bit more about the assessment of construction activities from an acoustic perspective. Hilary?

10 **MS PEARCE:** Thanks, John. So, Hilary Peace, Renzo Tonin & Associates. Yes, we've proposed to manage the construction noise in accordance with the Interim Construction Noise Guideline. So, there will be periods that are noisy, we know that, and consultation with the neighbours is part of the framework for the ICNG. And that's informing them of when those noisy works are likely to occur.

15 Depending on the methodologies proposed by the building contractors, the construction management would be updated with the schedule of works and the expected periods of the noisy works so that consultation can be undertaken with the neighbours. Sometimes that does instigate the use of things like respite periods. But things like respite periods really need to be used with care, because
20 you want this building to be constructed efficiently, and misuse of respite periods can lead to excessive – to the construction period being excessively drawn out.

25 So, whilst it might marginally reduce impacts on a given day, it could lead the construction program to blow out and extend the duration, the number of weeks over which the works are impacting the neighbours. So, it's about that keeping the lines of communication open and making sure that it's the best for project and best for neighbourhood fit as well.

30 I think that's all within the framework.

MR KANOFSKI: Yes, it is, but is it consultation in terms of would you consider changing your construction schedule due to noise feedback, or is it, well, we're just going to tell them when it's noisy?

35 **MR COLE-CLARK:** So, Commissioner, if I can talk again a little bit more to that. One of the ways in which we're trying to address this is, for this project we already have an appointment of early contractor involvement. So, we are working with the contractor already to understand construction methodologies.

40 What those methodologies may mean in terms of noise outputs, are there alternatives? Sometimes the answer is no, but sometimes the answer is yes. And so a good example is where amenities, the contractor's amenities, where they will be situated on the site. Now, that's not necessarily a construction activity but it is an aspect of construction that if placed right next to the boundary, could create some
45 disruption that is not conducive to working with our neighbours.

So, we're already looking at where we can place the amenities on the site to minimise disruption to the surrounding residents. Have we landed on a final

approach? No, not yet, we're in the very early stages of the development, and as you can see, the site itself is quite constrained in terms of access and getting to all areas of the site. So, that's a complication that we're having to wrestle with whilst still trying to minimise noise impacts.

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So, to your question, no, it's not a simple approach of just telling the neighbours, "This is going to be noisy, please prepare." We are looking at ways to mitigate it as well, but there are aspects that will be difficult to completely avoid. We're constructing a basement, there will be continuous piling required for that. We're certainly not driven piling, that is for sure. They're the sort of things we're talking about now.

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MR KANOFSKI: Yes, okay. And just on the access issue or related to the access issue, parking for your workforce. How do you envisage managing that? What's your peak workforce on site?

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MR COLE-CLARK: I think we could be up to about – we had that in our report actually, I think it was roughly about 150 site operatives.

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MR KANOFSKI: Yes, I think it was something like that number.

MR COLE-CLARK: Yes.

MR KANOFSKI: So, parking, presuming they can't park on Mona Vale Road or certainly not for the whole day anyway.

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MR COLE-CLARK: That's correct, that's correct.

MR KANOFSKI: So, they're going to park in the backstreets essentially?

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MR COLE-CLARK: Mm-hmm.

MR KANOFSKI: Is there anything you can do to try and mitigate impact to that on the community? Because it turns into quite an issue at construction sites all over the place.

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MR COLE-CLARK: Yes, look, it's something we've discussed with our neighbours during the early consultation period. Neighbours were concerned about that and with the recent construction of the Estia Care Community, that was a frustration for some of the neighbours, of tradesmen parking on the streets.

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But at the end of the day, this care community, if approved, will need to be built and people will need to drive to be able to undertake their jobs on the site. One of the ways in which we've tried to minimise disruption, particularly to Flinders Street, is that we're not looking to facilitate a site access with the exception – there may be some exceptions for construction activities near Flinders Street such as the stormwater connection, but otherwise the site access for construction will be off Mona Vale Road. So, that will in some respects minimise tradesmen accessing the

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site from Flinders Avenue. That's been made abundantly clear in all of our dialogue with our ECI contractor so far.

5 But as I said, there will be some activities. As you can see with the development fronting Flinders Avenue, there will be a stormwater connection required, there will be certain landscaping required down there. So, there will be short periods where there may need to be access to that southeast corner of the site. But aside from that, to the parking on the street, so I'm – you know, as I said, we need to be able to facilitate tradesmen getting to site and doing the job.

10 **MS MILLIGAN:** No, I take that point. I notice one of the – a submitter raised a safety issue with some of the feeder streets in that back area being very narrow. Would you ever consider in your transport plan for construction calling out perhaps streets that aren't suitable for parking, and requiring your tradesmen not to park in particular areas?

15 **MR COLE-CLARK:** Look, it's something I'll have to take on notice, if that's okay with everyone on the call. I mean, it's something that, you know, they're Council streets, so Opal doesn't have the jurisdiction to be preventing people from parking on Council streets. But certainly, as you say in our construction traffic management plans, it's something we can dialogue to understand what is possible. But I hope you can understand I wouldn't be comfortable in committing to that here on this call.

20 **MS MILLIGAN:** Yes, that's perfectly fine. Thank you.

MR KANOFSKI: Thank you. Nothing further from me, Chair.

25 **MS MILLIGAN:** Okay. All right. Look, we are in the last few minutes. So, I might just – John, back to you, to ask you what you would like to tell us in the last part of the meeting.

30 **MR COLE-CLARK:** Okay, well, thank you for the opportunity. At the risk of repeating my introductory statements, we are very, very keen to be providing high-quality care on this site, high-quality care for an area of Sydney and an industry in general that is in dire need of more care.

35 We believe, and perhaps I'm biased, but Opal believes we provide very good care. The design of our buildings facilitates great amenity for our residents and also facilitates the provision of great care. There's a lot of thought that goes into our design, not just for resident amenity, but to be facilitating high-quality care. It's subtle in its nature but it's very important.

40 So, we feel, Opal feels the design team's done a fantastic job in balancing all of the complexities of this site, the planning legislation in aged care design. And so we've worked very hard to put forward something that we think is a fantastic – will be a fantastic outcome, and we hope that you see it similarly.

MS MILLIGAN: And are there any last comments you wanted to make on those dot points that came from Council's concerns?

MR COLE-CLARK: The dot points that came from Council's concerns ...

MS MILLIGAN: Oh sorry, on the agenda. So, we've talked largely about ...

MR COLE-CLARK: Oh, the agenda?

MS MILLIGAN: Yes.

MR COLE-CLARK: Sure.

MS MILLIGAN: Tree removal, stormwater, pedestrian safety, development contributions. So, are there any key points from that – unresolved issues that you'd like to talk to us about?

MR WEST: Just in terms of the development contributions, Chair, Opal accepts the condition that was a draft condition that was provided by the Department of Planning for the, effectively the exemption of developer contributions for a residential care facility, on the basis that there isn't a nexus between the residents being high need and the demand on local infrastructure.

As I said, where if at any point in time those residents, and it's not 100% of them are not high need and therefore they do have some demand on local infrastructure, then we'll need to – or Opal will need to advise the Department of Planning and contributions will be levied. We're in agreeance with that condition.

MR COLE-CLARK: And I would just add that 100% of our residents are indeed high care residents, that's something that I think Opal takes a lot of time to try to communicate to all stakeholders, that we are building – this is not retirement living, this is aged care. And hence the basis of what we put forward which thankfully the draft conditions seem to reflect, providing dispensation on those contributions.

MS MILLIGAN: Thank you. I had two sort of quick points, not of particular note, but the kitchen is in the basement, correct?

MS THAHA: That's correct. The kitchen is in the basement, it does have a partial visibility because of the level difference to the natural ground, there is.

MS MILLIGAN: And I noticed a comment in one of the submissions about the venting from the – the mechanical venting from the kitchen. Where is that and where does it go to?

MS THAHA: It goes all the way to the roof, and it's high about – it's located quite in the central portion of the development. It's somewhere in the middle much away from any of the backs or the ...

MS MILLIGAN: And it vents through the roof?

MS THAHA: Yes.

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MS MILLIGAN: Okay. Thank you. And look, just one residual comment in one of the submissions. On the northeastern boundary with the property on Flinders, I noticed a comment that in fact there is no fence between that property and the proposal. So, that's out of our jurisdiction, but I just thought I'd mention that because it seemed, given your approach to negotiating with neighbours, it just seemed to be an issue if you're aware of, you might sort of pick up.

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MR COLE-CLARK: Thank you for raising that. Noura, is that something you're able to speak to? Do you know what area was being referred to here?

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MS MILLIGAN: Look, you don't even – we don't even need a response from you. I'm just sort of raising that that property owner made the point that in fact there is not a fence along part of that boundary. It's important that they do have a fence between them and the development. So, as I say, it's not within the jurisdiction of the Commission, but I just thought I'd mention that in case you weren't aware of that issue.

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MR COLE-CLARK: Thank you very much.

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MS HOFFMAN: It is actually considered something we considered in planting. So, there's a substantial vegetation buffer along there that we're retaining. We have proposed the Opal secure fence line inside of that, but I guess in negotiation with the neighbours, there is the possibility that we could also put a boundary fence there, potentially a lower boundary fence, but that's something we can address with that property owner.

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MS MILLIGAN: Thank you for that. All right. So, look, thank you very much for the information you've provided, it's been very helpful, particularly to help us understand some of the amenities issues. Last chance for comments, John, from you and your team.

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MR COLE-CLARK: Not from myself, but I would extend it to the team if there's any final comments to be made.

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MS MILLIGAN: Okay, well thank you very much for your time.

MR COLE-CLARK: Thank you, we appreciate it.

MS CARRIGAN: Thank you, Chair and Commission.

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MR COLE-CLARK: Bye-bye.

MR KANOFSKI: Thank you.

>THE MEETING CONCLUDED