



TRANSCRIPT OF MEETING

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

COUNCIL MEETING

PANEL: JANETT MILLIGAN (CHAIR)
KEN KANOFSKI

OFFICE OF THE IPC: KENDALL CLYDSDALE
TAHLIA HUTCHINSON
CALLUM FIRTH

KU-RING-GAI COUNCIL: LUKE DONOVAN
SHAUN GARLAND
GEOFF BIRD
VINCENT OOI

LOCATION: ZOOM VIDEOCONFERENCE

DATE: 10:00AM – 10:45AM
THURSDAY, 3rd JULY 2025

<THE MEETING COMMENCED

MR SHAUN GARLAND: Hello, Panel.

5 **MS JANETT MILLIGAN:** Good morning.

MR GARLAND: We may not be in focus just at the moment, sorry, I don't know what's happening there. A background issue.

10 **MS MILLIGAN:** It's okay, we can see –

MR GARLAND: There we go. Sorry about that. My name's Shaun Garland. I'm the Manager Development Assessment Services.

15 **MR LUKE DONOVAN:** Luke Donovan, Team Leader of Development Assessment in the South Team.

MR GEOFF BIRD: And Geoff Bird, the Senior Landscape Assessment Officer.

20 **MS MILLIGAN:** Okay. Good morning. Look, before we begin, I'd just 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 virtually meet today, and I pay my respects to their Elders past and present.

25 So, welcome to the meeting today to discuss the Opal St Ives Community Care Seniors Housing State Significant Development that's currently before the Commission for determination. The Applicant, Opal Healthcare, is seeking approval for the 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
30 Vale Road and 1 Flinders Avenue, St Ives.

My name is Janett Milligan. I'm the Chair of the Commission Panel, and I'm joined by my fellow commissioner, Ken Kanofski. Also, we're joined by Kendall Clydsdale, Tahlia Hutchinson and Callum Firth from the Office of the Independent Planning
35 Commission, who are assistants.

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.

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.

45 It's important for the commissioners to ask questions of attendees and to clarify issues whenever it's considered appropriate. So, 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 up on our website.

I request that all members here today introduce themselves before speaking for the first time, so thank you for those introductions already, and that all members ensure that they don't speak over the top of each other, to ensure that we get an accurate transcript.

So, let's begin. So, again, thank you very much for meeting with us. Perhaps to give us a starting point, can I say that we've looked in detail at Council's material, particularly the letter at the end of last year. We've also looked in detail at the response the Department asked the Applicant to provide to each of the issues raised by Council, and of course we've now come to a revised EIS which we've looked at.

So, I think probably the starting point for the discussion, if this suits you, is for me to ask Council to talk about the issues that remain for you, what your concerns are, given some of the changes and adjustments that have been made since you wrote the letter at the end of last year. So, that we can have a conversation about those and maybe pick your brains later about your thoughts on if and how any of those issues could be addressed.

So, let me pass it over to you.

MR DONOVAN: Thank you very, Commission. Thank you for the opportunity today to address you. We do really appreciate it here at Council to be given this opportunity, so once again thank you.

I guess I should start off by saying that I've had the opportunity to review the Department's report as well as thank you to Callum for sending through the plans that form part of the recommended conditions that the Department put forward.

So, I think I probably should also say that we do acknowledge and thank the Applicant for the changes that they made throughout the application process. And we do, well, we are mindful that they did make a number of changes in response to Council's original submission. So, we do appreciate that a number of the original issues that were raised by Council were subsequently addressed in the response to submission package.

I guess in terms of the issues that remained, certainly from Council's viewpoint, is that we have particular concerns about the setback and interface with both of the street frontages, that being both Mona Vale Road and the cul-de-sac at Flinders Avenue.

We acknowledge that this proposal is a permissible form of development within the R2 zone. However, Council's particular concern is ensuring that the built form gives regard to the established streetscape and setback character within this existing development within the R2 zone.

We feel that there are pinch points along both frontages where we think the development could increase those setbacks from both those frontages. So, in the case of the Mona Vale Road frontage, the northwestern corner and its relationship to the Mona Vale Road frontage is of particular concern to Council. There is a driveway

entry point there, I think it's noted as entry 01. That setback there is in the order of – I think it's about 5.6 metres, I can get that exact setback for you. We acknowledge that –

MS MILLIGAN: We have it in front of us here, so that's fine.

MR DONOVAN: Okay, great. Look, we accepted that the splayed frontage along with the proposed built form increases as one travels south along that frontage, so the setback significantly increases. But it's at that northwestern corner where particular concern is raised. For a development that would ordinarily be on the high side of a street, we'd be looking at an average setback of somewhere in the vicinity of 12 to 14 metres, which is pretty consistent with the established setback along that side of Mona Vale Road.

We just feel with the proposed three-storey form and that significantly reduced setback, there is limited opportunity for landscape treatment, which is another characteristic element of development within R2 zoned land. So, that is a concern that still remains with Council.

And then when one goes across to the Flinders Avenue frontage, we acknowledge that it is quite an irregular-shaped interface with that frontage which reduces, I guess, the frontage with 2 Flinders Avenue. But once again, similar issues arise that it is a cul-de-sac. The Department have acknowledged that it's probably referred to as the rear setback of the site, which is probably not disputed by Council, but nevertheless there would be an expectation that a similar situation of a 12-metre setback be established to that frontage.

And that's not uncharacteristic of some of the other dwelling houses that front that cul-de-sac; they are quite wedge-shaped allotments which enable kind of the building to be well set back from that cul-de-sac and driveway and an established landscaped area between the boundary and the built form. I just feel with the two-storey form, which I acknowledge is an improvement from the originally proposed three-storey form. But I just feel that that setback to Flinders Avenue doesn't allow for that deep soil and established landscape character to be provided to that cul-de-sac.

A number of deciduous trees are proposed within that frontage which also will further present the built form to that cul-de-sac. So, I'd just ask that the Commission kind of give some further consideration to potentially increasing that setback as well as the setback that I nominated along the Mona Vale Road frontage.

MS MILLIGAN: Thank you.

MR DONOVAN: Sorry, I should say, my colleague, Vincent Ooi, who is Council's Senior Development Engineer has also joined this meeting. We apologise for his lateness.

MS MILLIGAN: That's absolutely fine. So, am I thinking that the issues you've just talked about represent the residual issues from Council? That's where you're at?

MR DONOVAN: Certainly from a built form and setback perspective, that is what I've just kind of discussed. There are a few additional issues, but the primary one that Council see with this proposal is in its amended form, relates predominantly to those setbacks to both those street frontages.

There are some other minor issues that Council have raised in its November submission relating to sunlight and daylight to some of the central courtyard spaces, as well as some of the interface issues with the adjoining residential dwelling houses. So, I'm happy to touch on those issues if the Commission would like, now?

MS MILLIGAN: Yes, no, please. If they remain concerns for Council, we'd like to hear you talk about them.

MR DONOVAN: Yes, absolutely. So, obviously there's four internal courtyards that are proposed within the development, which Council acknowledges is a real positive to the development in that it provides open space. But one of the particular issues that Council have is that in the case of courtyards 1, 2 and 3, we just feel with the dimensions of those courtyard areas and the fact that, well, in the case of courtyards 1 and 2, for example, they're largely walled in by the existing proposed development.

We just feel that those two courtyards, 1 and 2, will not retain a high level of amenity by way of sunlight and daylight, because of their location within the site and their relationship to the proposed built form. In the case of courtyard 2, for example, it's particularly sunken in the northeastern corner of the site. And we question whether or not it will serve its function of providing a high level of outdoor space for the residents.

So, this has been alluded to within Council's submission that it's an issue that still remains. And we feel that whilst it's not as big of an issue to Council as the setback issue that I've previously touched on, from an internal amenity perspective, it's something that I think could still be improved. But we do acknowledge improvements have been made with respect to building separation and subsequent increases to the amenity of courtyard 4. But it's courtyard 1 to 3 which still we feel that won't retain a high level of internal amenity.

MS MILLIGAN: Okay. So, thank you for that. Can I just ask you if you have any reflections on the Applicant's response to that issue? And you also just said Council felt that those, the amenity of those courtyards still could be improved. Is there anything you'd like to say about how you see those improvements being made?

MR DONOVAN: I think probably out of the three that I've noted, courtyards 1, 2 and 3, I think courtyard 2 is probably the one with the least amenity, and that could –

MS MILLIGAN: That's the ground floor – I'm sorry, the ground floor.

MR DONOVAN: At ground floor level? Yes.

MS MILLIGAN: Thank you.

5 **MR DONOVAN:** Yes. I think with the redesign of home 5, particularly those three single bedrooms that face south onto that courtyard, potentially with maybe the deletion or redesign of those three single bedrooms, you could open up that courtyard a little bit further to the north, which would improve the level of amenity to that space. It is a very shallow-depth courtyard, which really reduces that level of northeastern light.

MS MILLIGAN: All right. Okay. So, you're talking about – I'm sorry.

10 **MR DONOVAN:** I think it'll be serviced as well by a number of those rooms. So, there'd probably be an expectation, certainly from Council's point of view, that it would be used. And as a result, we would expect a higher level of amenity.

15 **MS MILLIGAN:** Okay. So, I just want to make sure I'm understanding what you're suggesting. So, when we look at courtyard 2.

MR DONOVAN: Yes.

20 **MS MILLIGAN:** You're talking about the three bedrooms that are the closest to that courtyard.

MR DONOVAN: Yes, on the northern side.

25 **MS MILLIGAN:** Yes. And so they have terraces that open out onto a walkway, a pathway, that then connects to the courtyard.

MR DONOVAN: That's correct, yes.

30 **MS MILLIGAN:** And just tell me again how you envisage the redesign of those three bedrooms to assist the amenity of the courtyard?

35 **MR DONOVAN:** They could be either potentially deleted, removed from the proposal, or potentially could be, for example, the one at the eastern end at a minimum could be removed. That would allow for a greater level of northeastern light into that space. Because it is a relatively shallow depth communal courtyard 2 in a north-south direction.

40 **MS MILLIGAN:** All right. Thank you for that. Okay. So, that's the communal courtyard issue. So, can I just go back and ask if you had any reflections on the Applicant's response to you raising that concern? They talked about perhaps the slightly different needs of residential care residents, in terms of access to solar.

45 **MR DONOVAN:** Yes, look, I certainly accept that, and I understand that the needs for these particular residents will be slightly different. And I do accept that they have made some changes to the design of the building to as far as possible maximise sunlight and daylight to the courtyards. However, just in my professional opinion, I'm just not sure that they've quite gone far enough in maximising the internal amenity to those courtyard spaces.

MS MILLIGAN: Okay, thank you, thank you for that.

MR DONOVAN: I think there's probably one more issue, Commission, if I may touch on now, please.

MS MILLIGAN: Yes, please.

MR DONOVAN: That's in relation to the interface with both the northeastern and southeastern neighbours. So, in the case of the northeastern neighbours, at the end of the architectural package you might note some horizontal privacy louvres have been proposed to a number of the balconies in order to try and maintain an acceptable level of privacy with the adjoining residential neighbour.

I accept that that is one measure that could be put in place in order to preserve privacy. However, I think at the proposed setback of approximately 3 metres from the balcony line to that boundary, I just feel that those horizontal privacy screens may not provide the necessary level of privacy, given that there are between four and six balconies that will face that northern neighbour that have a number of – with a northeastern neighbour, I should say, and I apologise – has a number of their living spaces facing this development. That northeastern neighbour I refer to is 293 Mona Vale Road.

MS MILLIGAN: So, we did – we had a good look at that issue raised by Council. And we noted the response from the Applicant. So, what they've done in response to Council's concern, it seems, is take a fine-grained look at where the privacy risks might be.

They identified that they were in the middle of that particular block of housing. And they've moved the middle rooms back, so they've increased the setback – I think it was to over 5 – 5.4. So, what was originally a 3-point something setback, they've actually moved three of the rooms back. So, the setback to the start of the balcony is 5.4, and that apparently is the part of the building that potentially would be overlooking the living spaces of the residents beyond that boundary.

Do you have any observations on that? And if I just would say one other thing. We also, from the plans, see that all the balconies along that edge have the screening treatment.

MR DONOVAN: Yes, no look, I think the central balconies at 5.4 is certainly a significant improvement. However, those four outer balconies, approximately 3 metres, I think will have the opportunity to have some direct overlooking into those southern living room windows of 293. And I just question potentially the effectiveness of those horizontal shelf privacy screens.

MS MILLIGAN: Okay. Is there anything more you can say about that – do you have any information about a more effective treatment? If the Commission were of a mind to approve the application, are there ways that the privacy screening on those balconies could be improved?

MR DONOVAN: Look, I accept that it's obviously northeast facing, so you'll be trying to maximise light to those balcony spaces for the residents. I'd probably ask that maybe the Commission consider whether 5.4 could potentially be maintained for the full length of that building that faces that northeastern boundary?

MS MILLIGAN: Okay. All right, thank you for that.

MR DONOVAN: It's just because there is – one further point is that there is obviously the access path as well along that northeastern side of the building which probably does also limit opportunities for natural screen planting along that boundary. So, I guess the width of that landscape plant is probably in the order of, probably one to one-and-a-half metres. So, I think the selection of landscape species along that boundary is not quite so important from a natural privacy perspective as well as the design of those buildings and potentially, as I say, the setback of the balcony edge to that boundary.

MS MILLIGAN: Okay. So, you just talked about the landscape screening and the species, was there any fine-grained comment or information you'd like to give us about the proposed screening? I take your point that the space is reasonably narrow, but I just wondered is there anything you wanted to say to us – I know you've got your landscape expert at the table – anything you wanted to say about what that landscape screening ideally might be?

MR BIRD: If I can interject. From a landscape viewpoint, reduced setbacks obviously reduce the soil volume and the deep soil landscape area within those setbacks, which then influences the planting that can then go in. So, when you've got a narrower setback, you can – shrubland can go in, but you're not getting the filtering of small trees and so on.

So, when you have increased setbacks, it means you can get small trees or larger trees, medium sized trees in those setbacks, which then provides additional filtering without necessarily taking away solar amenity. And certainly when you've got more than one storey, on one hand, you want shrubland to help provide a denser screening. But in turn, the denser screening, if it's – depending on its height and so on – can then affect the solar amenity to ground floor while providing amenity to the upper floors.

So, and it is a fine balance between. I haven't got the landscape plan directly in front of me now, so I can't sort of tell you the exact species that they're proposing. They're certainly having a mix, by having increased setbacks in that sense aids landscape amenity through the soil volume through those spaces. And certainly for trees in planting.

The other thing to consider from Council's viewpoint is that under our tree preservation policies and so on, we have a 3-metre exemption rule. So, plantings that are within 3 metres of the walls of dwellings are exempt. So, sometimes the intent of a landscape design will be to have trees and plantings, but sometimes their viability is queried, because they will be planted too close to the dwelling in some circumstances,

and are exempt under our policies, so there's no broader protection of those plantings when you've got a 3-metre or less setback.

MR GARLAND: Exempt from requiring approval.

MR BIRD: Yes. Exempt from requiring approval from Council.

MS MILLIGAN: So, just to make sure I've understood your point. So, you were saying that those plantings, they're perhaps more difficult to maintain the plant health and they're exempt from the policy, so you're worried about loss?

MR BIRD: That can certainly occur, yes. And it's loss in the sense of you may have a resident at a lower level who's losing sunlight once the tree or plantings removed. With a greater than 3 metres of the dwelling, then obviously they will be consent required through Council's process to remove trees and so on. When they're less than that, the obviously they're exempt, so that means you don't need outside consent for removal of those plantings.

MS MILLIGAN: Right. Thank you for that. That was very useful. Okay. So, can we just come back and work out where we are. We're dealing with the other issues that Council had. And we've talked about the sunlight and daylight and the internal courtyards. We've talked about the interface to that northeast neighbour. The southeast neighbour, yes, we've talked about.

MR DONOVAN: Sorry, sorry, Commissioner, we haven't really touched on the southeastern neighbour. It's Luke Donovan again.

MS MILLIGAN: Okay, let's do.

MR DONOVAN: A similar exists in terms of the design of those rooms that do face the southeastern residential property. Whilst I appreciate that the setbacks are certainly greater in some respects than the northeastern relationship with its neighbour, the balconies do directly face that common boundary.

So, I think also with the pathway and retaining structures and staircases, there is also that limited or reduced opportunity for landscaping within that southeastern setback zone. Also with the design of the existing house, as I mentioned in opening, it has a substantial setback from Flinders Avenue, that southeastern neighbour, its dwelling house is well setback. So, they'll have direct views across the front yard of this southeastern neighbour.

So, I just ask that the Commission give some consideration to that in its deliberations.

MS MILLIGAN: So, the privacy concerns you're outlining there are about overlooking the front garden of number 2?

MR DONOVAN: That's correct.

MS MILLIGAN: Council doesn't, I'm thinking, have concerns about overlooking of the living area or perhaps the back of that lot.

5 **MR DONOVAN:** No, they don't. By virtue, as I say, of the siting of that dwelling house on that adjoining property at number 2, and as I mentioned earlier, the wedge-shaped nature of that particular allotment.

MS MILLIGAN: Okay, I understand.

10 **MR CALLUM FIRTH:** Do you want to touch on the contributions?

MS MILLIGAN: Well, let me just see if Luke – Luke, where are you up to on your list of issues?

15 **MR DONOVAN:** I just have two more issues, Commission, if I could touch on those, please.

MS MILLIGAN: Please.

20 **MR DONOVAN:** Those are once again relating to the, let's call it the "southeastern wing" of the building. One of the particular changes that the Applicant made through the response to submission process was actually the lowering of that particular building. So, it relates – it results in some subterranean relationships with the existing ground levels. And as I say, because of the predominant southern orientation to those
25 rooms, the amenity will also be further reduced.

I appreciate that one of the reasons for the lowering of that particular wing was to reduce its scale and relationship to the adjoining properties. But as a result of that, it has resulted in probably some suboptimal conditions for those particular rooms. So –

30 **MS MILLIGAN:** We're looking at home A, correct?

MR DONOVAN: Sorry?

35 **MS MILLIGAN:** We're looking at home A, we're looking at the lower ground –

MR DONOVAN: That is correct, yes. So, I think those particular sections within that part of the building kind of illustrate that subterranean nature in regard to existing ground levels through that part of the site.

40 **MS MILLIGAN:** Okay, thank you.

MR DONOVAN: I'll just ask that the Commission give some consideration to that. And just finally, from my perspective, Commission, would be the – whilst, as I say,
45 this is not a major issue for Council but it's nevertheless an issue, and that is that high acoustic wall along the southern side of the driveway, the main in-and-out driveway on the southern side of the Mona Vale Road frontage.

5 The perspectives show, I guess, the height of that wall and its visual prominence to the streetscape. So, I think there's probably an opportunity within that frontage to kind of alleviate some of the built elements or certainly an opportunity to soften the visual appearance of some of those built elements through maybe increasing some landscape opportunities.

10 There's a lot of driveway elements which I appreciate for the proposed use is required. But it is quite a long frontage, and I think there's an opportunity, certainly the way Council see it anyway, is to increase some landscaping either side of that acoustic wall and either side of the driveways, and circular entry elements to the design.

15 **MS MILLIGAN:** Yes, we did look in some detail at Council's issue and the Applicant's response. The siting of the wall – I know Council had suggested perhaps it could move slightly that would allow greater space for landscaping adjacent to the driveway.

20 And the response from the Applicant is about the siting of the wall for maximum acoustic effect, and also it has secondary impact of allowing the landscaping to be on the other side of the wall which, I guess, improves the amenity for the neighbours on that boundary. So, it's a slightly complicated issue. So, Council's issue is really about the visual impact of what is a long piece of build infrastructure down the side of that driveway.

25 **MR DONOVAN:** That's correct, Commissioner. I think the landscape elevation that was submitted with the response to submission package, it's drawing L8201 issue D kind of illustrates, I guess, the visual prominence of that acoustic wall. And we accept that there's a need for the acoustic wall. However, I think you're correct in saying it's the location of that particular wall and its relationship with landscaped elements that is of particular concern to Council – whether it can be softened in its visual appearance, that could be something that would assist Council.

30
35 Nothing that this will be a highly visible development when viewed from the public domain, given the length of the frontage. So, I just ask that the Commission in its consideration look at whether there's any opportunity that could be given to the design and the treatment of that particular wall.

MS MILLIGAN: Okay. Thank you for that point.

40 **MR DONOVAN:** And just finally, if I may, Commissioner, I didn't get to touch on one issue, and that is the entry character along Mona Vale Road frontage. As I understand it, the pedestrian entry to the site for visitors and the like will be limited to effectively driveway entry 01, which is, as I touched on earlier, was the northwestern corner of the site.

45 Having been to the site a number of times myself, I've often parked on Killeaton Street, which has meant that I've had to kind of – would have to walk past the driveway entry 02 before entering the site at the northwestern corner. I just ask whether or not there's any opportunity to look at an alternate pedestrian entry path

alongside entry 02, to alleviate the need to walk the full length of the site before entering the building.

5 **MS MILLIGAN:** So, is your concern there that people are walking across the driveway?

10 **MR DONOVAN:** That is one safety concern, for sure. Because it will be a high use in-and-out driveway at that lower end of the site, at the southern end. So, I just ask whether or not some further consideration could be given to potentially an alternate pedestrian entry at that southern end of the site.

15 **MS MILLIGAN:** Okay. But just to clarify, your concern is that people are walking across the driveway, and I understand that point. Or is it that the driveway is not visible? I mean, people are walking across driveways not uncommonly on a footpath. Is your concern that the visibility is restricted, or is it just the fact that people are walking across a driveway to get to that entry point? If of course they've parked in Killeaton, if they're in Douglas, they're coming the other way.

20 **MR DONOVAN:** Yes. You're absolutely correct. The issue is twofold. It's a safety and visibility with vehicle exiting the basement and then going over the footpath and then onto Mona Vale Road. That is the – that is one wing of the concern. And the second wing, as I said, is the reduced or conflicted central pedestrian entry point to the site, in that it appears that the only entry path for pedestrians is alongside the ambulance driveway.

25 So, I just ask whether or not there's an opportunity whether it be, as I say, alongside the main entry 02 driveway at the southern end or centrally potentially within the site frontage to provide an alternate entry point to the site.

30 **MS MILLIGAN:** It's in the centre of the site, people are still walking across the driveway if they've come from Killeaton.

MR DONOVAN: That's right, yes. Yes.

35 **MS MILLIGAN:** Okay. All right. Thank you for that. So, is that the end of your list, Luke?

40 **MR DONOVAN:** I personally have nothing further, Commission. Thank you for the opportunity, again.

MS MILLIGAN: Yes, not at all. We had one issue we'd just like to ask you about, and that's the issue of contributions. Is there anything else Council wanted to say on that issue?

45 **MR DONOVAN:** I just wish to thank the Department for including that condition within its draft conditions of consent. It was a concern that was raised by Council in that we just wanted certainty that the percentage of residents within this development were going to be of a high-needs nature that wouldn't need to seek to rely on public

infrastructure and community facilities. So, we thank the way that the Department have drafted that condition, which would address Council's concern with contributions.

5 **MS MILLIGAN:** So, from Council's point of view, that issue is resolved, thank you.

MR DONOVAN: By way of condition, yes, that's correct.

10 **MS MILLIGAN:** And you've just used the word "conditions", so can I finish by asking if there are any comments Council wanted to make on the recommended conditions generally, anything you would like to say to us there?

15 **MR DONOVAN:** I might go first and then I might pass it over to my colleagues, if that's okay. I'm generally comfortable with the conditions, Commission. There's probably only one condition that I didn't see within the draft condition set. And that was the requirement for the consolidation of the lots that form this particular site. It is a condition that would often be imposed by Council in situations where a particular development site encompasses multiple lots, for those lots to be consolidated.

20 **MS MILLIGAN:** And typically, when would you see the consolidation happening throughout the development?

25 **MR DONOVAN:** You could leave it to the Occupation Certificate stage, if the Commission was of that mind. That is not an unreasonable point in time to ask for that to be registered.

MS MILLIGAN: All right. Look, thank you for making that comment. And your colleagues, also any comments on conditions?

30 **MR BIRD:** Yes. From a landscaping point, Commission, I note that the condition A1, while it is a plan listing condition, it does not include the arborist report. There's no approval of the Applicant's arborist report within the consent. It references the report, it does not actually approve it. So, I would recommend that condition A1, the title might need a slight adjustment to include documents rather than just plans, and that the
35 arborist report should be included within that condition. So, it's very clear that that report and its recommendations and requirements form part of the consent.

40 Also from a landscaping point, and trees particularly, the condition C2 reaches the CTMP, so Construction Traffic Plan, basically, doesn't refer to any tree protection requirements. Council would ordinarily or normally include that when the CTMP is undertaken and when they – to review by Council, is that those works include the required tree protection fencing and the requirements to be included within those plans, to ensure that there's no conflict between, say, truck movements, vehicular
45 movements, site sheds, etc., with the tree protection outcomes for the site.

With other developments, we find there is usually a conflict, simply because the professionals that are undertaking the CTMP don't know the protection outcomes. And there's very rarely any communication between the arborist and the people undertaking

the traffic plans. So, I would request that consideration be given to that being included as part of the CTMP, the requirements for tree protection to be shown within that plan.

5 I note that also condition 15, C15, doesn't include any of the tree protection requirements, such as the fencing and sign, and it's not required – tree protection is not required prior to construction, it's only during construction. So, again, I would suggest that Council's standard would be that the tree protection requirements and so on are put up prior to the construction works being undertaken, and demolition works and so on, so to ensure that those trees that are retained on site are actually protected during those other site works, sign on site. And that was reflected in Council's recommended conditions and the order of our conditions that were put forward for those outcomes.

10 And then likewise within the conditions, while there is a general condition, there's no specific referencing to the arborist requirements for handling, for root pruning, and for root investigations to be undertaken prior to, like, the bulk excavation and so on, to ensure that those trees that are retained are able to be viably retained. So, again, we'd request that those detailed considerations by the arborist for those retained trees be included within the consent requirements.

15 **MS MILLIGAN:** Okay. So, within that pre-construction documentation and measures section.

MR BIRD: Yes.

20 **MS MILLIGAN:** Okay, thank you for those comments and suggestions.

MR BIRD: Thank you.

25 **MR VINCENT OOI:** For engineering-wise, all engineering conditions are okay. I've had a look at it. One thing that I would like to point out for thoughtful consideration is that some of the easements that will have to be extinguished and re-established, will have to be done prior to – before the commencement of any conditions.

30 **MS MILLIGAN:** Okay. So, we're actually not hearing you quite as clearly as the others. Would you mind just re-stating that?

35 **MR OOI:** Yes, sorry, I will sit closer. Some of the easements on the property will have to be extinguished and then have to be re-established to ensure that the neighbouring properties and the easements function properly. And I will ask the Commissioner to have those outlined properly. Apart from that, all the engineering questions are done.

40 **MS MILLIGAN:** Okay, thank you, thank you very much.

45 **MR KANOFSKI:** Chair, just one question that strikes me as a bit more of an overarching question, is if we take Council's concerns with setbacks and the courtyards in total, if you like, if we go, you know, you'd like more setbacks on both street frontages, you'd like more setbacks from the neighbours, you'd like some parts of the building deleted to improve solar access to the courtyards.

Have you turned your mind to, at any level, into – yes, that would be quite a reduction in the development. Do you think there's anywhere – is it – is there anywhere that could be recovered from the Applicant's perspective in a design sense, in your mind?

MR DONOVAN: Sorry, Commissioner, was that a question directed to Council?

MR KANOFSKI: Yes, yes. So, just, so whether you'd turned your mind to, well, if you pull it in here and you pull it in there and you pull it in there, then it obviously gets smaller.

MR DONOVAN: Yes.

MR KANOFSKI: Then, you know, have you given any thought to – or contemplated how the Applicant might kind of offset some of that loss in a way that would be acceptable to Council?

MR DONOVAN: Oh, I certainly have, Commissioner. And look, I have – I certainly understand where the Applicant's coming from with their massing modelling in trying to, I guess, centrally locate, if I might use that word, the three-storey elements, kind of limiting the two-storey elements to the most sensitive interfaces, if I can use that.

MR KANOFSKI: Yes.

MR DONOVAN: I think probably a similar approach could be implemented to offset some of that lost, let's call it floor space. So there's probably some opportunities there to centrally locate some more of that three-storey form within the central part of the site.

MR KANOFSKI: Yes. So, you're thinking there'd be some opportunity to go up in particular spots in order to offset ...?

MR DONOVAN: Certainly, yes, I think so. I think, from memory, and I don't have the exact figures in front of me, but most of the breaches to the standards within the Housing SEPP in terms of height were limited to kind of some plant screening and the like, so there's probably some opportunity there to, as I say, probably uplift under the central buildings or central elements within the site.

MR KANOFSKI: Okay, no, thank you. Thanks, Chair.

MS MILLIGAN: Well, thank you, thank you all for that discussion. It feels as though we have exhausted the discussion we need to have, so let me just say thank you very much for your time this morning and the input you've given the Commission. It's been very helpful. Thank you very much.

[All say thank you]

>THE MEETING CONCLUDED