



TRANSCRIPT OF MEETING

MARONITE SISTERS OF THE HOLY FAMILY, MARRICKVILLE SENIORS HOUSING (SSD-69377980)

APPLICANT MEETING

COMMISSION PANEL: KEN KANOFSKI (Chair)
 SUELLEN FITZGERALD

OFFICE OF THE IPC: JANE ANDERSON

APPLICANT
REPRESENTATIVES: SISTER ELHAM GEAGEA (The Maronite
 Sisters of the Holy Family Village)
 SISTER LOUISE EL TAWM (The Maronite
 Sisters of the Holy Family Village)
 SISTER CLARA ISHAK (The Maronite Sisters
 of the Holy Family Village)
 PHILLIP RYAN (The Maronite Sisters of the
 Holy Family Village)
 AMANDA HARVEY (Mecone)
 AMBER NEHAL (Mecone)

LOCATION: ZOOM VIDEOCONFERENCE

DATE: 11:00AM – 12:00PM
 WEDNESDAY, 1st APRIL 2026

THE MEETING COMMENCED

5 **MR KANOFSKI:** Before we start, I'd like to acknowledge that I'm speaking to you from Wangal country, and I acknowledge the traditional owners of the lands from where we're all virtually meeting today and pay my respects to Elders past, present and emerging.

10 Welcome to the meeting today to discuss the Maronite Sisters of Holy Family Marrickville Seniors Housing state significant development application – that's a bit of a mouthful – number SSD-69377980 currently before the Commission for determination.

15 The Applicant, The Maronite Sisters of the Holy Family Village, proposes the demolition of an existing 54-bed residential care facility and construction of a four-storey 100-bed residential care facility located at 28 Marrickville Avenue, Marrickville in the Inner West local government area.

20 My name is Ken Kanofski. I'm the Chair of the Commission Panel. And I'm joined by my fellow Commissioner, Suellen Fitzgerald.

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.

25 This meeting is a part of the Commission's consideration of the matter and will form one of several sources of information upon which the Commission will base its determination.

30 It's important for the Commissioners to ask questions of the attendees and to clarify issues whenever is considered appropriate. If you're asked a question and you're not in a position to answer, you may take the question on notice. Following the meeting, the Commission will advise you in writing of any questions taken on notice and that the Panel considers requires a formal response. Any subsequent response or information provided to the Commission will then be published on the website.

35 I request that all participants today introduce themselves. I think we've all met at the site visit ...

40 **MR RYAN:** Except me.

45 **MR KANOFSKI:** Except for you, Phillip, yes. So, perhaps you might introduce yourself just when I'm finished. And just for the accuracy of the transcript, we just try – we'll try not speak over each other during the meeting as much as we can. But Phillip, you might introduce yourself and then we'll introduce ourselves on our side.

MR RYAN: Yes, certainly. Look, my role was part of working with the sisters and the village putting in the application. And I am now ongoing as a project manager helping them through to this phase of the project.

MR KANOFSKI: Okay, thanks, and welcome. As I said, Ken Kanofski, I'm Chair of this Commission Panel. Suellen Fitzgerald is my fellow Commissioner, and Jane Anderson from the Commission has joined us today.

5 So, with those introductions done, I guess the question I have is, and you would have seen the agenda items today which are the things that the Commission would like to consider. Would you like to comment on those? I'm not sure whether you prepared anything or not. But perhaps a way to proceed is for you to comment on those and then we can ask further questions as we go.

10 **MS NEHAL:** Sure, yes, we're happy to. Yes. Firstly, just in regards to the Department's Assessment Report. I think we are very appreciative that they've recommended for the IPC for a recommendation of approval. And I note that there is a section later in the agenda to discuss the recommended conditions of consent, so once we get to that, I'm happy to provide a couple of comments there.

15 But firstly, yes, we're pretty happy with how the Department has received and assessed our application. And we're pretty aligned with what the Department has said in terms of their assessment of the key issues for this project.

20 Commissioners, I'll go through each of the key issues. Is it better for me to bring up a key issue and for you to state any comments or queries that you had?

25 **MR KANOFSKI:** Yes, I think probably the most efficient way is if you want to make some opening remarks on each issue.

MS NEHAL: Yes.

30 **MR KANOFSKI:** And then we'll follow up with further questions if we need to.

35 **MS NEHAL:** Sure. So, the first item on the key issues agenda was in regards to built form and specifically bulk and scale. And so, we note as well as the Department that we've provided quite generous setbacks to the neighbouring dwellings, so around about 10 to 15 metres, which are being quite significantly set back as well with the tree canopy that you saw at the site visit, we think reduces the perceiving bulk of the building. We note that a majority of the mass of the building sits below the canopy line and doesn't significantly impact the skyline of the street.

40 We note that visibility due to the heritage wall and surrounding development makes the building appear visually recessed. And then we note that design measures such as the articulation of the building as well as the setbacks to the upper levels break the building form and reduce its apparent scale.

45 We do note that the development is quite visually prominent than what is currently on site at the moment, knowing that we're going from a one-storey development to a four-storey development. However, noting everything that I just said in regards to setbacks and the vegetation that's on site and how we're aiming to retain the majority of that vegetation, we consider that to be a justifiable response in terms to the built form. And

we note that the Department in their Assessment Report were also on the same trajectory in terms of their assessment.

Happy to take any questions in regards to built form.

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MR KANOFSKI: Yes, just one from me. I mean, Council in their submission said they would like the fourth floor set back further – I think it's the western corner. Do you have any comment on that?

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MS NEHAL: Yes. I think with that fourth floor specifically, we note that we have set that back. I think just in terms of being able to fit all the mechanical ventilation in as well, we note that, yes, the setback of that fourth floor was considered and will have been able to accommodate that on other areas of the fourth floor. But the western setback in particular did end up compromising the design of the building, and therefore we didn't proceed with setting that back further.

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MR KANOFSKI: Okay. Suellen, any questions from you?

MS SUELLEN FITZGERALD: No, nothing from me, no.

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MR KANOFSKI: Okay, we'll move onto the height variation, clause 4.6 variation.

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MS NEHAL: Yes. So, we note that under the Inner West LEP, the development, the permissible building height is 9.5 metres. And then we also note that the proposal is 15.52 which exceeds the height control by 6.02 metres, a variation of 63%. So, as a result, we provided a clause 4.6 variation and we note that the extra height as part of the development actually enables a better design outcome to what is currently provided on the site. And we note that we've concentrated the majority of the bulk of the building to the centre of the site, and utilising those setbacks that we mentioned previously, as well as the vegetation to our advantage to protect the neighbouring amenity and also keep the landscaping character of the site.

30

We note that a fully compliant height would result, in order to facilitate the development as a whole, would require smaller setbacks. And as a result, that may lead to – most likely will lead to tree loss and also impacting that visual buffering that we've been very grateful to have with the mature trees on the site.

35

We note that it's an SP2 Educational Establishment Zone, which is right next to us as well with the school, and they typically accommodate a larger building footprint. And so, the scale of the building that we're proposing is also aligned in terms of the neighbouring development, being the school. And we note that we believe the height exceedance is mitigated through the setbacks, the landscaping and the articulation of the building as well.

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MR KANOFSKI: Thank you. I don't have anything further on that issue. Suellen?

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MS AMANDA HARVEY: Could I just add something else that, just for also context. Under the Housing SEPP, there's a non-discretionary standard for 11.5 metres, so that gives an additional height afforded to seniors housing projects, and I think it's fair to

say that gives an idea that it's acceptable to be greater than what maybe the Council's 9.5 metres. So, we've addressed that in the clause 4.6 as well.

So, the differential is only 2.466 metres from that non-discretionary standard as well. So, I think it's fair to say that there's always been contemplation by the Housing SEPP to allow for additional height for these types of projects.

MR KANOFSKI: Thank you, thanks Amanda. Let's move on to the next item.

MS NEHAL: Yes. So, that was the clause 4.6 FSR variation. So, we note that, as Amanda mentioned, under the Housing SEPP there are non-discretionary development standards. And the non-discretionary development standard for residential care facilities under the Housing SEPP is 1:1.

We also note that under the Inner West LEP, the FSR mapped for the site is 0.6. And as a result, we have prepared an administrative clause 4.6, noting that the FSR of the building does exceed, the 0.6:1 outlined in the Inner West LEP, however, is lower than what the non-discretionary development standard is.

We also note that the FSR was calculated on a total site area inclusive of all the buildings on the site, so that is the school building, Village 2, as well as the convert and church. And we note that it is compliant with the non-discretionary development standard in the Housing SEPP.

MR KANOFSKI: Thank you. Anything, Suellen? No, okay. Thank you.

MS NEHAL: Okay. So, the next item – and I have broken the amenity impacts into overshadowing, privacy impact, visual impacts and then other amenity impacts that adjoining residential properties. If you're happy with that breakdown, I'm happy to kind of continue and ...

MR KANOFSKI: Yes.

MS NEHAL: Easy. So, in regards to overshadowing. So, we note that there were community concerns about overshadowing and specifically about solar access off the development and their impacts to surrounding buildings.

So, we note that the proposal meets and also exceeds the 2-hour solar access control as well as we note that the affected properties of overshadowing to the building receive at least 3 hours of sunlight between 9 a.m. and 3 p.m. in mid-winter. Even though that the building may create additional overshadowing impacts, we note that the overshadowing is limited in duration and mainly occurs during the morning to the western properties and later in the afternoon to the southern – southeastern properties, sorry.

We note that the shadow impacts shift throughout the day and ensures that the same properties aren't continuously affected. And then we do note that, yes, the proposal does increase overshadowing, however, we're of the belief that solar access remains

adequate with, as I mentioned, all affected properties still receiving at least that 3 hours of sunlight between 9 a.m. and 3 p.m. in mid-winter.

MS FITZGERALD: Mm-hm.

MR KANOFSKI: All right, yes, nothing further from me on that.

MS NEHAL: Thank you. We'll just move on to privacy. So, we note that privacy impacts were also comments that were raised by community. And there, we also note the generous setbacks that we're providing as well as the vegetation as well as the heritage wall, that all provide substantial separation to the surrounding developments.

We also, within the design of the development, utilise design features such as planters, inset windows and then limited use of Juliet balconies as well to reduce overlooking into neighbouring properties. We note that the upper-level terrace is set back and screened to minimise views to neighbours, and then we also note that the mature trees – the majority of the mature trees are being retained to provide additional visual screening.

We're of the belief that the overall separation of the building which is between 25 to 45 metres is adequate and that the privacy impacts are very minimal as a result of the development.

MS FITZGERALD: Mm-hm.

MR KANOFSKI: Nothing further from me.

MS NEHAL: Thank you. We'll go to visual impact. And a lot of the same arguments for built form and bulk scale we'll be referencing in terms of visual impact. So, we note that a VIA was completed, and we also note that as part of the site visit, you were able to go into the backyards of one of the developments and see the view impact and view loss that can come from the development.

We note that, again, the existing mature trees definitely do shelter quite a significant amount of the development. We also note that the view lines definitely from some of the developments that are built to the boundary wall, that heritage wall, don't have as much of a view impact loss.

We note that, yes, we've got the setbacks for 10 to 15 metres which creates that significant separation from the surrounding neighbours. And we note that most of the massing does sit below that canopy line, which allows for the building to visually appear smaller than what it is.

MR KANOFSKI: Okay. No, I think we're okay.

MS FITZGERALD: Mm-hm.

MS NEHAL: Okay. And then just to note amenity impacts to adjoining residential properties, we do note that as a result of the development, we're increasing parking on

the site. So, therefore it allows for additional parking to be freed up on Marrickville Avenue and so that results in a positive impact to Marrickville Avenue to allow for all of that parking to be allowed inside the development.

5 And furthermore, we note that the bins will no longer be collected from the gate line of Marrickville Avenue where the property sits, and they will be collected internally which provides quite that benefit to the surrounding neighbours when the Applicant and the sisters don't need to wheel out the bins and keep the bins there overnight.

10 So, in terms of those two points as well, we think that the proposal provides quite high amenity impact – sorry, quite a low amenity impact to adjoining residential properties.

MR KANOFSKI: Yes, okay. Thank you. We might move onto heritage.

15 **MS FITZGERALD:** Ken, I might just ask – I didn't see how many additional car spaces there's going to be over the current situation. Do you have that information?

MS NEHAL: So, Sister Elham or Phillip, could you please remind me how many car parking spaces we have at the moment? The best of my memory, I think we have
20 potentially 11 or 12 spaces internally?

MR RYAN: Yes, correct, yes. So, all the new space has been created is the entire basement to parking.

25 **MS FITZGERALD:** Right, okay, great. Mm-hm. Terrific. Thank you for that.

MS NEHAL: So, that will be 35 car parking spaces in total. So, that's the 21 in the basement will be additional to what is currently provided.

30 **MS FITZGERALD:** Yes.

MR KANOFSKI: Okay, thank you.

MS NEHAL: So, to heritage.
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MR KANOFSKI: Mm-hm.

MS NEHAL: So, we do note that a Structural Certificate has been provided in regards to the structural stability of the wall. And as we walked around the site, you noticed the
40 heritage works that have been done to ensure the structural stability of the boundary wall. So, as we note, those works have been completed.

We also note that as part of the Department's recommended conditions of consent under section E, there are additional conditions in regards to protection of the heritage wall that the Applicant are very willing to continue and maintain and recommend to
45 keep those conditions within the conditions of consent. So, in terms of that, that's in regards to certification of structural integrity before occupation of the heritage wall, and protection of the heritage wall during construction.

In regards to the item of removal of part of the boundary wall for pedestrian access, we note that the proposed development under this specific SSD is in regards to the pedestrian access and that the actual widening of the heritage wall has been approved under the school DA. So, we note that this proposal only involves a minor modification, noting the pedestrian gate to the heritage wall, and that the conditions of consent that the Department have recommended provides that safeguarding that all construction will have to be compliant to ensure the safety and the structural integrity of that wall is kept.

MR KANOFSKI: Okay. I'm fine with that.

MS FITZGERALD: Yes.

MS NEHAL: Okay. In terms to traffic and access and specifically noting service vehicles and pedestrian access to the school site. So, in general we note that the proposal will only generate 30 peak hour vehicular trips, which is negligible relative to the existing traffic of the site.

We note that the intersection nearby, noting Marrickville Avenue and Livingstone Road will still continue to operate at a level of service of A, which is the highest at the moment. We note that [unintelligible 00:24:35] Council and Transport for NSW didn't raise any major concerns in regards to traffic, and that the Green Travel Plan is encouraged.

And we noted at the site visit that there's about a 58 to 75% of workers at the moment who use public transport and walk from Marrickville Station in order to get to work. So, we've got quite a high split in terms of active and public transport use in comparison to car use into the site.

In terms of service vehicle access, as part of the application we provided swept paths into the basement and through the development. And so, those swept paths were able to show that service vehicles are able to enter and exit the site, including ambulances, which is very important and necessary for this kind of development.

We also note that pedestrian access is not provided as part of – pedestrian access for the school, sorry, is not provided as part of this development, and that gate there is for access only into the village. And so, there will be a management plan to ensure that pedestrian access will not be provided to the school at that entry point. And it's mainly, as you saw on site, there is no pedestrian access into the site, it's only the gates for the vehicular access that the workers and any visitors have to use at the moment, so it's rectifying that current issue that is on the site at the moment.

MS FITZGERALD: Mm-hm.

MR KANOFSKI: Okay. Thank you. To landscaping.

MS NEHAL: Yes. So, we note the main issues here are about tree removal, tree planting and tree protection. So, we note as part of this development, it's the removal

of four existing trees on the site to accommodate for the development, and we pointed those out to you as we were walking around the site.

5 We note that the site contains 37 mature boundary trees, with 86% of those being retained, and they will continue to provide shade and screening as well as canopy cover to the site. We note that the two replacement trees that are being proposed within the courtyard and within the terrace, and we believe that those are adequate positions to ensure that we're not impacting any of the tree root zones by planting new trees and then also impacting the existing roots. So, providing them within the building footprint
10 as well allows for that (a) additional planting, but (b) no impact to what is quite significant mature trees surrounding the site.

15 We note that as part of the conditions of consent, there are several conditions in regards to tree retention and tree health and tree protection zones to be set up to ensure that those mature trees on site are not impacted as the development is built. We note that with arborist supervision, as identified, as a requirement under the Department's recommended conditions of consent, that tree retention and tree health will be supported. And noting specialist construction methodology to be utilised as part of the construction of the building to ensure that those tree roots and those trees themselves
20 are not impacted.

MR KANOFSKI: Just a couple of questions on the trees, because they do feature heavily in terms of the mitigation for a whole range of other things. I guess the question is, how much will the canopies need to be trimmed back to accommodate construction, you know, including cranes and all of that type of thing? Do we have a
25 view for that?

MS NEHAL: Phillip, I might get you to answer this one.

30 **MR RYAN:** Yes, I think the, if we're reviewing the report, there's certainly a bit of trimming, it's only 10–12% on that internal side. In terms of construction, there's no proposal to, you know, take out exceptionally more bits just to allow for a crane. And that'll be part of the construction methodology, which could primarily, because it's a, you know, the donut design with the courtyard, what they would likely do is set up a
35 crane in the middle of the site so it can – it's inside that canopy effectively.

MR KANOFSKI: Okay. And the other question I have is, they are mature trees, is there a kind of planned replacement strategy in place? Because obviously trees don't last forever, and I'm not an expert so I don't know what the likely length of those, or
40 the lifespan of those are, but it would be quite problematic if they all had to be replaced around about the same time.

MR RYAN: Yes, there is no, yes, plan of replacement going forward, I've got to say. Whenever there's any even trimming for the sake of safety on site, the entire
45 neighbourhood rings Council and there will be a Council person there within 15 minutes, it's such a reactive area. I guess no one's actually asked or even approved the concept of doing a – it probably would have to need a – we'd probably need a DA just to do that, I would think.

MR KANOFSKI: Yes.

MR RYAN: But it's a good point.

5 **MR KANOFSKI:** Yes. Suellen?

10 **MS FITZGERALD:** Yes, just further on that point too. On site we noted the four trees to be removed and the reasons for them, and we also noted that the closest boundary probably is the Challis Avenue boundary. How practical would it be to replace the tree that you're proposing to remove on the Challis Avenue boundary, which is the one that was learning over the proposed building? Is that a practical option?

15 **MR RYAN:** I think in the design in that area, there was also, by doing that, made an opportunity for an outdoor courtyard area for the dementia wing. So, the trees are great but having some less trees allows for a bit more openness as well, so that's where the proposed terrace area and courtyard for the dementia-specific secure wing.

MS FITZGERALD: Mm-hm, okay.

20 **MS NEHAL:** And just a follow-up question for you, Commissioner. In terms of replacement, are you looking for like-for-like tree or a substantially similar tree in that area?

25 **MS FITZGERALD:** Well, Amber, I think like-for-like. I mean, they're old trees, and the one that's being removed there is a eucalypt of some type. So, there wouldn't be an opportunity for a like-for-like replacement, there could be an opportunity for a much smaller tree to be planted there. I guess that would be the only opportunity. Also, it's, you know, a deeply shaded and I imagine pretty difficult situation for a tree to get hold. But much smaller pot-sized trees could possibly do that.

30 It might also make some impact on the point that Ken raised about succession planting.

35 **MS NEHAL:** We'll note that. I do note that there is quite a bit of landscaping that we've introduced as a result of the including that dementia ward there, but yes, we'll note that.

MR KANOFSKI: Thank you. Anything further, Suellen?

40 **MS FITZGERALD:** No, Ken.

MR KANOFSKI: No? Thank you. So, we'll move onto construction impacts.

45 **MS NEHAL:** Yes. Firstly, I note that we took a question on notice at the site visit in regards to the location of parking of construction vehicles on site. We do note that at this moment, as a result of the DA not being approved as of yet, we haven't – the Applicant has not yet taken a builder on board in order to continue that work.

We do note that under the Department's recommended conditions of consent, that there is a construction and traffic sub-management plan which outlines requirements

and details for parking and access for construction workers. So, we do note that there is a recommended condition of consent there where in that sub-plan that will be prepared, if this is approved, they will address the construction impacts and specifically on where cars are to park as a result of building the development.

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We do note that, yes, there are those parking spaces available at the school and we do note that that will be part of the consideration once that construction sub-management plan for traffic is made, those spots will be taken into consideration.

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In terms of construction impacts including traffic, parking, noise impacts and specifically for the residents of Marrickville Avenue, we do note that as part of the Construction and Management Plan as well as the Acoustic Report that was submitted with the EIS and amended through the RTS and post-lodgement process, construction may temporarily exceed those noise thresholds. But those impacts will be managed through scheduling community consultation and mitigation.

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We note that low vibration, excavation and monitoring will be utilised near sensitive receivers, so specifically on the boundary levels of the site. We do also note that majority of construction will be located within the centre of the site, as the development is located within the centre of the site. We note that with the conditions provided by – sorry, the recommended conditions provided by the Department, the Construction Environmental Management Plan, that will need to be prepared as well as the several sub-plans for noise, vibration, traffic, air quality, waste, and soil and water, will all need to be prepared to ensure that the impacts of traffic, parking, noise and specifically amenity for surrounding developments will be addressed.

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We note that those works won't be able to proceed with unreasonable amenity impacts or structural harm to surrounding developments. We note that the Department's conditions also reference standard construction hours and then compliance with the Interim Construction Noise Guidelines, which will manage impacts and we do not seek to amend those standard construction conditions or any of the hours that they've recommended for our development.

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MR KANOFSKI: Thank you. Suellen?

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MS FITZGERALD: No, nothing on that, Ken.

MR KANOFSKI: Okay. Thank you. I think we sort of talked about most of those issues on site the other day.

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MS NEHAL: Yes.

MR KANOFSKI: Waste management.

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MS NEHAL: Yes. So, we note that vehicular access will be provided from Marrickville Avenue and specifically waste management and waste vehicles will come through the access from Marrickville Avenue. We also note that that gate will be widened, and it's just the sliding gate to provide better access into the site.

We note that the waste vehicles are limited to an 8.8 MRV (medium-rigid vehicle) to collect waste from the basement in the loading zone. We note that this overall is a much better outcome to what is currently being done on the site, with the waste being collected from Marrickville Avenue and the bins being left out outside of the property.

We note that also in terms of operations, an Operational Management Plan will be prepared and I note that that is also conditioned under the Department's recommended conditions of consent. And specifically that the operations of both deliveries via small-rigid vehicles as well as waste collection and any access in and out of the site will be managed through that plan.

MR KANOFSKI: Okay, thank you, it sounds like a better scheme than you've got currently, so.

MS FITZGERALD: Mm, mm.

MR KANOFSKI: Operational noise.

MS NEHAL: Yes. So, we note that currently the ... Sorry. The operational noise that will be generated as a result of the development is specifically the mechanical plants, the vehicular movements as well as the roller doors. We note that these will make minimal indoor and low outdoor noise impacts.

We note that acoustic screening is proposed at the rooftop to screen the mechanical plant. We also pointed out the location of the mechanical plant as part of the site visit, and we note that the mitigation measures that we've proposed and that are included within the Department's recommended conditions of consent will ensure compliance with the NSW Noise Policy for Industry at nearby sensitive receivers.

We also note that the architectural plans have taken on board the Acoustic Report's recommendations, which will prevent adverse impacts to neighbouring amenity.

MR KANOFSKI: Suellen, you're okay? Community consultation.

MS NEHAL: Yes. So, we note that we've done quite thorough community consultation as part of this development. Specifically, we've done phone interviews, letterbox drops, door knocking. We've had a tollfree contact number as well as an online portal throughout the preparation of the EIS and still through to this day.

We note that those methods are for a development of this scale is quite high in comparison to what would normally be provided. So, we do note that, and we do note that, yes, there were several public submissions that did raise community consultation as an issue, but we note that we think that we've done more than enough to address (a) those concerns through the Response to Submissions and RFI process, but also having community consultation throughout the process. And we do also note that the Department is also in agreement of our community consultation being acceptable.

MR KANOFSKI: Mm-hm, okay. Thank you. All right. We might move on then to any comments you have on the conditions of consent.

MS NEHAL: Yes.

MR KANOFSKI: Or the Department's recommended conditions of consent.

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MS NEHAL: Sorry, let me just – there we are. So, we do note that as a result of the – we were able to review both Council's condition of consent that has been incorporated into the Department's condition of consent. We provided a letter to the Department on the 23rd of February just noting a couple of comment that we've had as part of the conditions of consent in which all except two were amended, which we thanked the Department for.

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I think the main conditions of consent that we want to raise with the Commissioners is condition A5 in regards to developer contributions, as well as condition A9 as a result of security deposit. So, we note that condition A5 requires section 11, 7.11 contributions to be paid for the development, and we note that that's a total of \$547,427. A lot of this money is broken down into open space and recreation as well as community facilities.

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So, we note that the nature of this aged care development provides the essential community services within the development. We note that we have provided a lot more open space for the residents as well as a terraced area, which is more significant to what has been provided on the site previously. We note that as the sisters had mentioned during the site visit, this facility is very much quite a high-end end-of-life facility and note that many of the residents would not be utilising the open space and recreation as well as the community facilities provided as a result of those contributions.

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So, we specifically note that 71.5% of the total contributions that are sought of the development are under the category of open space and recreation. As we noted, the development is specifically designed to accommodate elderly residents, especially those requiring high levels of care. Those residents are unlikely to utilise the local parks, playgrounds or sporting facilities in a manner that will generate additional demand. So, the development, as I mentioned, provides those internal communal spaces, landscaped areas and on-site recreational facilities that are tailored to the needs of the residents of the site.

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Given the absence of any direct or material impact on public space or recreational infrastructure, it is – we are asking if the Commission could consider removal of that contribution in its entirety, because it's quite a significant amount, and we note that it's not exactly relevant to this kind of proposal.

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We also note that community facilities takes about \$72,000 off that total amount of \$547,000. And we note that those communal facilities are provided within the development and noting that the development also has access to the church as well. I do note that the sisters currently do not utilise the church for the senior development, but hold any sort of prayers or mass within the site.

45

We note that the development accommodates to the full spectrum of residential needs for the residents. And as a result, we're also requesting the Commission to consider that contribution to be removed and only to be sought when additional demand is generated, which we don't believe that this kind of development is producing that additional demand.

We do also note Section 7.13 too of the EP&A Act, which notes that the consent authority must consider the contributions plan but is not bound to apply it rigidly. So, we do request that the Commission does note that a lot of what we're providing within the development will be used for the residents only and will not generate additional demand for open space, recreation and community facilities.

So, happy to take any comments on that one.

MR KANOFSKI: Just a question. Do you know if – some councils have a policy on the application of those contributions to this sort of development. Do you know if the Inner West Council has such a policy?

MS HARVEY: I can answer this one, Amber. They don't, but I think historically, funnily enough, the Department of Planning had its own Ministerial Direction under what was formerly Section 94E, if you remember back when 94 was 94, and in that it said that these types of social infrastructure projects shouldn't be subject to contributions. But since then, it hasn't translated into the EP&A Act and following on. So, it's up to the councils to determine that.

But I think, given what Amber's saying, that this development is self-contained and doesn't require those external community facilities and local provisions for services at a community facility, I think it's fair to say that it'll be reasonable and fair for the Maronite Sisters not to have to contribute to that.

We did say that we were prepared to pay for some part of it, which was related to transport, drainage and to the administration of the plan, but that only accounts for \$83,400. Whereas I think, at the moment, 84.7% of the contribution relates just to recreation and open space and community facilities, which says to me that a large proportion goes towards those costs which will never benefit the Maronite Sisters and their operations.

MR KANOFSKI: Yes, okay. We'll certainly give it consideration as requested. Suellen, any questions on that?

MS FITZGERALD: Just, has this idea been put before the Council or the Department?

MS NEHAL: Yes. So, we have, in two responses, when Council provided their conditions of consent, we had responded to them to reduce the contributions amount, which to no avail. And then to the Department we had issued a letter to them noting the contributions amount, and they as a result also have not reduced it as part of recommending a set of conditions to the IPC.

MS FITZGERALD: Okay. Not responded or come back with a negative response?

MS NEHAL: Not responded.

5 **MS FITZGERALD:** Not responded. So, both parties, both the Council and the Department haven't responded to this proposal so far. Thank you.

10 **MS HARVEY:** There is the legal ability for the Council to waiver or reduce fees at their discretion. So, I think we've applied and sought their discretion in this instance. And maybe the Department, and not to speak for them, but has maybe been not able to negotiate that with the Council. We'd like to see that maybe that be resolved through the IPC.

15 **MR KANOFSKI:** Mm-hm. Okay. Thank you. We'll give that consideration. Any other comments on the conditions of consent – recommended conditions of consent?

20 **MS NEHAL:** Yes. So, condition A9, the security deposit. So, we do note that the security deposit was calculated at a 1% of total cost of works, which is \$422,580. We note that that is quite excessive as the security deposit is for – sorry, the security deposit amount does not contain the full scope of public domain works.

25 We note that the public domain works itself are the reconstruction of the footpath along Marrickville Avenue frontage only, approximately 40 metres, the construction of one vehicular crossing, and we note that there are no works along the Wardell Road frontage as the vast majority of construction works occur entirely within the property boundaries.

30 We note that the 1% security deposit rate to the total development does not reflect the actual limited scope of upgrades and potential risk to Council infrastructure, so our recommendation – and we'd like the IPC to consider – is a reduction of that security deposit from \$422,580 to \$20,000. We are happy with the inspection fee of \$404.80 to remain as is, but we would like the IPC to consider considering the limited scope to the Council's infrastructure upgrades that we're doing. We note that it's only the vehicular crossing and the footpath along Marrickville Avenue that we're impacting and
35 proceeding to upgrade. And we note that there is quite a low potential risk to Council infrastructure as a result of this development.

40 **MR KANOFSKI:** Just a similar question to Suellen's on the last one. Has this issue been raised previously and in what manner?

MS NEHAL: Yes. So, this issue was raised via a letter to both Council when they asked us to provide comments, as well as the Department when they asked us to provide comments. Both of those came back with no response and as the conditions of consent have been provided, there have been no updates to those recommended
45 conditions to reduce those figures.

MR KANOFSKI: Okay. I don't have any other questions. We'll consider it. Suellen?

MS FITZGERALD: No other questions, thanks Ken.

MR KANOFSKI: Okay. I think that was the last of your comments on recommended conditions of consent.

5 **MS NEHAL:** Correct.

MR KANOFSKI: Thank you. Are there any other matters that we need to discuss, that people would like to raise?

10 **MS NEHAL:** There are no matters from myself or Amanda. Phillip and the sisters?

MR RYAN: No, nothing from me.

SISTER ELHAM: Nothing for us, thank you.

15

MR KANOFSKI: Anything further, Suellen, that you'd like to ask?

MS FITZGERALD: No, Ken.

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MR KANOFSKI: Okay. Thank you. I will close the meeting and thank everyone for their attendance. Thank you sisters and thank you to the team for your attendance and for the information you provided, it's been very helpful.

MS NEHAL: Thank you very much for your time, we appreciate it.

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MR KANOFSKI: Thank you.

MR RYAN: Thank you.

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THE MEETING CONCLUDED