



**New South Wales Government**  
Independent Planning Commission

## **TRANSCRIPT OF MEETING**

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

#### **DEPARTMENT MEETING**

COMMISSION PANEL:      KEN KANOFSKI (Chair)  
                                         SUELLEN FITZGERALD

OFFICE OF THE IPC:      JANE ANDERSON

DEPARTMENT OF      PETER MCMANUS  
PLANNING, HOUSING      BRENDON ROBERTS  
& INFRASTRUCTURE:

LOCATION:      ZOOM VIDEOCONFERENCE

DATE:      1:00PM – 2:00PM  
                 WEDNESDAY, 1<sup>st</sup> APRIL 2026

## THE MEETING COMMENCED

**MR KANOFSKI:** Before we start, I'd like to acknowledge the traditional custodians of the land on which we meet and pay my respects to Elders past and present. I'm on Wangal country.

Welcome to the meeting to discuss the Maronite Sisters of the Holy Family Marrickville Seniors Housing state significant development application (SSD-69377980) currently before the Commission for determination.

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

My name is Ken Kanofski. I'm the Chair of this Panel, and I'm joined by my fellow Commissioner, Suellen Fitzgerald, and Jane Anderson from the Commission.

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

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

It is important for the commissioners to ask questions of attendees and to clarify issues whenever it is considered appropriate. If you'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 that the Panel considers require a formal response. Any subsequent response or information provided to the Commission will be published on the website.

And if today, before you speak for the first time, if you could just introduce yourself. I've introduced the Commissioners and the IPC, and, yes, just normal protocols of we'll try and, for the sake of the transcript, keep one person speaking at a time.

So, look, I don't know whether the best way to approach this is for perhaps the Department to give its kind of overview of what it thinks the key issues are and your consideration of those key issues, and then we can question probably as we go, issue-by-issue, I suspect is the most efficient way of doing it.

**MR MCMANUS:** That's okay, Commissioner. Would you like me to share – I've prepared a quick presentation.

**MR KANOFSKI:** Yes, that would be good.

**MR MCMANUS:** In my mind, it's quick, I hope it is quick. So, just let me know once that's available, that's all showing up. Can you see that yet?

**MR KANOFSKI:** Not yet. It says you've started screen sharing but I don't have anything, we don't have anything yet. There we go. We do now.

5 **MR MCMANUS:** Okay. Excellent. Okay. So, thank you. Good afternoon, thank you, Commissioners. My name is Peter McManus. I'm the Team Leader in the Social and Diverse Housing Assessments Team at the Department of Planning, Housing and Infrastructure. With me today is Brendon Roberts, Acting Director of the Social Housing and Diverse Housing Team.

10 Thank you inviting us today. Today we'll provide you a brief, I guess, overview of the Maronite Sisters of the Holy Family Marrickville Seniors Housing development at 28 Marrickville Avenue, as you introduced. We'll start with a quick overview of the site and the project and then go to, I guess, what our key matters of the assessment were.

15 As you would be aware, changes were made to the Planning System SEPP late last year, as such that the IPC or the Commission, sorry, are no longer the consent authority. Notwithstanding, and so that the Minister for Planning and Public Spaces is now the consent authority. As this application, however, was completed, exhibition prior to those changes being made to the Planning System SEPP, and would have typically been referred to the Commission, the project has been referred to the Commission for determination under the Minister's delegation.

20 As outlined in the Department's Assessment Report, the merits of the proposal have been considered in accordance with requirements under Section 4.15 of the Environmental Planning and Assessment Act. Our assessment has also carefully considered the issues raised in the submissions and the Applicant's response to those submissions.

25 The Department's assessment has concluded that we believe that the proposal is acceptable and recommends the proposal is approvable, subject to the conditions, on the basis that it supports State Government priorities to deliver well-located housing by delivering a 100-bed residential care facility to meet the changing needs of an aging population in an accessible location in Marrickville. It's permissible with consent and is consistent with the objectives of the SP2 Infrastructure Zone under the Inner West LEP. And it achieves design excellence in its architectural expression, use of high-quality materials, and good residential amenity.

30 It provides a bulk and scale that is well resolved and presents an appropriate built form in relation to the adjoining development, would not result in unreasonable overshadowing, view or privacy impacts on adjoining residential receivers or the public domain, and would deliver public benefits through generating 110 construction jobs and 50 operational jobs.

35 Just very, very quickly, site – just in terms of site context, as you can see on the screen there, the site comprises multiple buildings which accommodate two residential care facilities known as Villages 1 and 2, the St – oh, I'm going to ruin this again – St Maroun's Pre-School and St Maroun's College and Convent. The site's narrow land-

locked configuration surrounded by low-density residential development and it has two street frontages to Wardell Road and Marrickville Avenue.

5 The development the subject of this application – sorry, the development site, the subject of this proposal, is located at the southeastern end of the larger site fronting Marrickville Avenue. And the immediate context includes St Maroun’s College to the north within the site, and single dwellings one to two storeys in height fronting Pine Street, Challis Avenue and Marrickville Avenue.

10 In terms of the statutory context, so I’ll just go to the next slide, the site’s predominantly zoned SP2 Infrastructure, as I mentioned, however, this is a small portion fronting Wardell Road which is zoned R2 Low Density Residential under the Inner West LEP. Seniors housing is permissible with consent under the SP2 zone under the Housing SEPP and is consistent with the zone objections as mentioned  
15 before.

The maximum building height on the site is 9.5 metres under the Inner West LEP. A maximum FSR of 0.6:1 applies to the site. And the proposal is classified as SSD under Section 4.36 of the EP&A Act.

20 I’ll just go to the proposal. So, very quickly, demolition, as you read out before, demolition, earthworks and landscaping as early works, construction of a four-storey residential care facility comprising 99 bedrooms which will comprise or house 100 beds, ancillary chapel/multi-purpose space, dining facilities and admin facilities, and a  
25 single level of basement car parking beneath the structure as well.

30 The key refinements, sorry, I should just quickly add, key refinements made to the proposal post exhibition included minor design changes to improve room and circulation accessibility, the inclusion of a turnaround bay in the basement, the addition of marked waiting zones and vehicle warning signage to improve vehicle safety in terms of those through movements at the front of the site there.

35 So, I’ll just quickly get into our key assessment matters for discussion. So, built form, obviously height, density and setbacks, visual impact, overshadowing and privacy, the heritage boundary wall, the impact on existing trees, and traffic, car parking and servicing.

40 So, I’ll start with built form. So, the site has a maximum height of 9.5 metres under the Inner West LEP and it also, being the Inner West LEP, also specifies an FSR control of 0.6:1. The Housing SEPP also provides an FSR non-discretionary development standard of 1:1. The proposal seeks an FSR for the entire site, i.e. it includes the schools, the convent church, and the residential care facility village, which complies with the non-discretionary development standard.

45 As you will be aware, the development proposes a maximum building height of 15.52 metres, which exceeds the LEP height control by over 6 metres, representing a variation of approximately 63%. The Applicant has submitted that compliance with the building height and development standards are unreasonable and unnecessary in the circumstances. And the Department has considered the variation or the request for

variation to be acceptable, as the additional height is of a design response that concentrates the building form to the centre of the site.

5 The design incorporates generous building setbacks of 10 to 15 metres from site boundaries, with the fourth storey set back further at the southern corner, and ensures the retention of the majority of existing mature trees which contribute to reducing the visual bulk and scale. It's consistent with the built form outcomes that could be accommodated on the site under the SP2 zone and is compatible with the surrounding context, the appropriate setbacks, landscaping and articulation. And it maintains  
10 reasonable levels of amenity adjoining the properties in terms of visual impact, overshadowing and privacy.

Were there any questions regarding built form, height and FSR?

15 **MR KANOFSKI:** No.

**MS SUELLEN FITZGERALD:** No.

20 **MR MCMANUS:** No? Okay. So, just there in terms of the setbacks as well and the density, sorry.

**MR KANOFSKI:** Sorry, yes, I guess the only question on setbacks is obviously, just Council's request to set back the western corner of the fourth floor.

25 **MR MCMANUS:** Yes.

**MR KANOFSKI:** What was your – how did the Department consider that?

30 **MR MCMANUS:** I think in the context of the proposal, it had already been set back significantly from the site boundaries in order of, I think, it's 10 metres from this southwestern boundary. There was some set back of the upper fourth storey, as mentioned, and that is recessed quite a bit – there's a terrace up there with deep-set planters that, I guess, prevent people or occupants from actually getting close to the edge and, I guess, having any opportunities for overlooking to the neighbouring  
35 properties.

Those neighbouring properties fronting Challis Street are typically set back even further, or the main, I guess, built form. Yes, the private open space of those properties is directly adjoining behind the boundary wall, but they are also set back, oh sorry, set  
40 below the level of the boundary wall that exists on the site. And we felt as though the combination of the proposed 10-metre setback, the existing vegetation, as well as the design element of the fourth storey setback at the corner, plus the separation between the built forms, to be an acceptable outcome and didn't require any – or didn't request any further amendments from the Applicant in that respect.

45 **MR KANOFSKI:** Okay. I don't have anything further on that.

**MR MCMANUS:** Okay. Thank you. Visual impacts. So, concerns have been raised or concerns were raised in public submissions regarding the bulk and scale and adverse

visual impacts. As you just mentioned, Commissioner, Council had recommended further increasing setbacks or side setbacks to the upper most fourth floor to reduce the visual bulk and scale.

5 The Applicant submitted a visual impact assessment which concludes that the visibility of the development is limited due to existing vegetation and buildings and the boundary wall surrounding the site. The Department considers the proposal would not result in adverse visual bulk and scale impacts on the surrounding properties due to adequate separation, and the visual screening afforded by the trees and the retained  
10 heritage wall, and the building articulation provided on the design.

So, overshadowing. The shadow diagrams demonstrate that the rear yards of the properties west in Challis Avenue are free from shadow after midday in mid-winter. Residential properties to the southeast in Marrickville Avenue will be overshadowed  
15 after 2 p.m. at mid-winter.

In this respect, the Department considers that the development would result in acceptable solar impacts because additional overshadowing from the proposal would be limited in extent and duration, and all affected residential properties would continue  
20 to receive a minimum of 3 hours of direct solar access between 9 and 3 p.m. at mid-winter, which exceeds Council's solar access controls.

In terms of privacy. Public submissions raised concerns regarding overlooking from the Level 3 terrace and balconies and the loss of privacy. The Department considers  
25 the development would not result in unacceptable privacy impacts because the design of the development incorporates 10 to 15-metre building setbacks to the residential boundaries. Just for context, the ADG criteria recommends a minimum 9-metre setback for apartment buildings to low-scale residential development zones, so this would exceed those requirements if it were to be a residential flat building.

30 Twenty-five to 45-metre building separation is provided to the dwellings along Challis Avenue and Pine Street. The design mitigation measures include planters, thin walls, inset window lines, and narrow Juliet balconies, as well as the retention of the existing trees on site, all of which would help mitigate any potential privacy impacts.

35 Impact on the existing trees. So, public submissions raised concerns regarding the loss of existing trees on the site and the potential impact of the development on the trees proposed to be retained. The proposal seeks consent for 4 of the existing 37 trees to be removed, leaving 86% of trees on site to be retained. Of note is one additional tree is  
40 being separately approved for removal under a previous DA related to the school. So, that total if you will represent 5 out of the 37 when combined with the school DA.

The Department considers the high retention rate of the existing trees will ensure that the visual buffer to the adjoining properties will be satisfactorily maintained. The  
45 Applicant's Agricultural Development Impact Assessment Report has recommended a range of tree protection measures, including specialist construction methods and supervision by a project arborist. The Department has recommended a suite of conditions to ensure these existing trees are retained and protected during the construction process. As well as there's a further two additional trees proposed – one

within the courtyard and one in the communal terrace. However, obviously they won't be of a substantial size that the existing trees are for some time, I would suggest.

5 Move onto the heritage boundary wall. So, public submissions raised concerns regarding the proposal's impact on the stability of the boundary wall. Sorry, I just had a call coming through. The Applicant submitted certification confirming that structural works completed to date to the existing wall are structurally sound. The remainder of the structural works along the site boundaries outside the development area are to be completed in accordance with the school DA, which is separate to this project.

10 This SSD application proposes works only to the boundary wall at the Marrickville Avenue entry, to add a dedicated pedestrian gate and improve safety and accessibility for residential care facility staff and visitors. To ensure the ongoing structural integrity of the boundary wall, the Department has recommended conditions of consent be imposed requiring protection of the boundary wall during construction, and that a suitably qualified structural engineer confirm the structural integrity of the boundary wall prior to occupation or prior to the Issue of Occupancy Certificate for the development.

20 **MS FITZGERALD:** Peter – Ken, if I can just jump in with a question. Just for clarification really, so the number of immediately adjacent residents who made submissions after the exhibition on this, talking about this problem with the wall.

25 **MR MCMANUS:** Mm-hm.

**MS FITZGERALD:** The works that have now been completed as part of that school DA are relatively recent, yes?

30 **MR MCMANUS:** Yes.

**MS FITZGERALD:** So, those issues and concerns of the residents were all before these additional stability works were completed. Is that right?

35 **MR MCMANUS:** Correct. I think in terms of a sequence of events or sequence of timing, the school DA had obviously been assessed and determined by Council. Significant concerns were raised during that time around the structural integrity of the wall. When the Department undertook its site inspection, it was clearly evident that there was a significant lean to certain sections of the wall.

40 **MS FITZGERALD:** Into the care facility?

45 **MR MCMANUS:** Away from the care facility and into the adjoining properties, yes. So, hence, I guess the severity of the submissions or the severity of the concern raised in the submissions received, so during that time obviously the Department received this SSD application and those works had not been undertaken in terms of, I guess, shoring up the wall. And I think there was a lot of concern from those residents that those works would be delayed and wouldn't take place.

But since that time, you're correct, Commissioner, the works have now been completed, and we've received that Structural Integrity Certificate from the structural engineer. Obviously, there's still some concerns surrounding, I guess, these works that will take place and whether or not they will also impact on the integrity of the wall.

And that's why we've recommended a little bit out of sync, because there's not, I guess, a lot of works proposed to the boundary wall by virtue of this DA, but to ensure that everything is above board, we've sought that additional certification be received or provided prior to occupation being issued.

So again, the only work – and I guess as part of the school DA as well, they sought approval for the widening of the vehicle entry off Marrickville Avenue. So, this will just tail onto that and add in the pedestrian gate to the right-hand side of the vehicle entry side.

**MS FITZGERALD:** Thanks, Peter, that explanation of the timing of submissions versus the works, that's helpful. Thank you.

**MR MCMANUS:** Okay, thank you.

**MR KANOFSKI:** Because certainly the wall wasn't leaning when we were there on Monday.

**MR MCMANUS:** No. It's a big wall too, so I would be a little bit worried if that was leaning into my property as well.

I'll just move onto traffic, car parking and waste servicing. So, the proposal generates a total of 30 peak hour vehicle trips. This is considered negligible in the context of existing traffic volumes within the broader road network. Traffic survey results show that the nearest intersection of Marrickville Avenue and Livingstone Road will continue to operate at a satisfactory level of service A. And the application also includes a Green Travel Plan to promote sustainable travel and reduce reliance on private vehicle movements.

In terms of the vehicle access for the development, that will be all from Marrickville Avenue through the new or soon-to-be upgraded widened gates for the residential care facility. And there will be limited access though for eight staff for the school, so only a handful of school staff will access the gate via that section of the site. There will be no student access, no kiss-and-drop or no regular school traffic at that location.

In terms of vehicle parking, the proposal includes 35 car parking spaces including 21 in the basement spaces and 14 spaces provided at grade, and this complies with the non-discretionary development standard under the Housing SEPP as well.

And just on waste. Under the proposal, waste and servicing vehicle access will be significantly improved compared to the existing procedures, and allowing activities to be contained on site. Loading, waste management and servicing vehicles would access the site at the ground level loading dock, as you can see there on the screen, with the widened entry of Marrickville Avenue facilitating improved access. The largest vehicle expected to visit the site is an 8.8-metre long medium-rigid vehicle which would be



used for private waste collection. To ensure safe and efficient operation, the Department has also recommended the preparation of a Car Parking, Loading and Servicing Management Plan.

5 And in terms of construction impacts, the Department acknowledges that construction impacts and noise levels are likely to exceed noise-effected levels and may also result in highly noise-effected levels being exceeded. Accordingly, appropriate management plan conditions are recommended to ensure these potential impacts are managed.

10 Low-vibration excavation methods and vibration monitoring are also proposed to be applied in certain circumstances to minimise the potential vibratory impacts on neighbouring properties and the heritage wall. And the Department is satisfied that subject to the appropriate conditions, the development can be constructed without causing structural damage or unreasonable amenity impacts in relation to noise and  
15 vibration.

I think that's it, so.

20 **MR KANOFSKI:** Just, Peter, did the Department have a look at – there were a number of submissions about construction parking.

**MR MCMANUS:** Mm-hm.

25 **MR KANOFSKI:** Did the Department have a look at that issue?

**MR MCMANUS:** The Department, I guess, in terms of assessing construction impacts, the consideration of construction parking is considered at that point or during the broader context of how we look at construction impacts. Construction parking specifically, we can't necessarily control everyone who wishes to drive to site,  
30 however, through the management plan we encourage that there be appropriate measures in place to support car sharing, carpooling and things like that those measures to, I guess, appropriately get staff or construction workers to site.

35 Notwithstanding, I'm happy to take that on notice and look if there's anything further that we can provide the Commission to help support, I guess, an outcome in terms of managing construction parking appropriately. Notwithstanding, we acknowledge that the site is extremely small and tight and would not, I guess, be suitable for a provision of that sort of parking on site given the need for vehicle movements and construction activities as well.

40 **MR KANOFSKI:** Yes, I mean, look, we might explore that a bit more with you just in terms of to the extent possible.

**MR MCMANUS:** Understood.

45 **MR KANOFSKI:** How construction parking could be accommodated. I think the residents are a bit, like, battle weary from other projects in the area.

**MR MCMANUS:** Yes, yes, there's been some rail upgrades and the like, I think, along Marrickville Avenue, which they've probably been living with for some time.

5 **MS FITZGERALD:** Just on that matter too, Peter. For a project like this, would there normally be a community consultation committee established? It's a fairly small number of residents who back directly onto it.

**MR MCMANUS:** Yes.

10 **MS FITZGERALD:** In other projects, I'm aware that that has been a critical part of the management of the construction works. In your view, is something like that required here?

15 **MR MCMANUS:** To be honest, I haven't been involved with enough projects to comfortably form a position that this would need something of that nature. I appreciate that there were 90-odd submissions, the majority of those were received from neighbouring properties surrounding the site, albeit not all from Marrickville Avenue which typically would be at greatest risk from, I guess, that interface of construction parking impacts.

20 But I think the Department would be happy to consider something like that being built into a Construction Management Plan condition, that it be prepared in consultation with those directly affected neighbours and that's something that we can certainly work with the Commission on in terms of exploring how that would look.

25 **MS FITZGERALD:** Thanks, Peter, we'll think about that. They talk about alerting residents to any out-of-hours work and generally letterbox communications.

30 **MR MCMANUS:** Yes.

**MS FITZGERALD:** We'll have a think about whether something more formal is required.

35 **MR MCMANUS:** Okay, understood, thank you. Was there any or were there any other conditions, sorry, questions, not conditions, sorry?

40 **MS FITZGERALD:** Yes, Ken, I might raise the issue of the screening from trees that we've been talking about. Peter, four trees to be removed, five in total, the replacements in the courtyard and on the terrace, a relatively minor impact on future screening from neighbours.

**MR MCMANUS:** Yes.

45 **MS FITZGERALD:** And we're aware of how critical that screening from mature trees is to mitigating the impacts on residents.

**MR MCMANUS:** Mm-hm.

**MS FITZGERALD:** We also note that some trimming of the existing trees is going to be required during construction. The Proponent talked about that being between 10 and 12% of the canopy to be removed during construction.

5 **MR MCMANUS:** Yes.

**MS FITZGERALD:** I guess we've been considering whether there might be a condition into the Landscape Management Plan or into the Construction Plan about limiting or minimising the amount of trimming that's actually done to those mature trees, to ensure that the visual screen, you know, survives the build.

**MR MCMANUS:** Is maintained, yes.

15 **MS FITZGERALD:** Yes.

**MR MCMANUS:** Yes. Sorry, continue, sorry.

**MS FITZGERALD:** And that possibly one of those trees, particularly on the very close Challis Avenue boundary, might need to be replaced.

20 **MR MCMANUS:** Okay.

**MS FITZGERALD:** Have you got views on those matters?

25 **MR MCMANUS:** No, I think that's reasonable, given that, I guess, the Applicant has placed a lot of belief in the fact that the trees will do a lot of the heavy lifting. I would still comment that the Department does still think that the scale and the setbacks is generally acceptable in terms of its central location, it marries in with the adjoining school development from a bulk-and-scale perspective. But I appreciate that the neighbours are seeing a larger form take place immediately adjoining their property.

30 I would – I've been involved in a similar situation with fig trees on the Sydney University site and we did condition that there be only certain trees or certain limbs of a certain size to be pruned, to ensure that the health and vigour of the tree wasn't lost through that process. So, yes, happy to consider something like that being built back into a condition of sorts. I would hope that any pruning though would be, I guess, internal facing and not external facing, so it would lessen the potential damage from a visual screening perspective.

35 **MS FITZGERALD:** Yes, thanks Peter.

**MR MCMANUS:** Okay.

**MR KANOFSKI:** Anything else, Suellen?

45 **MS FITZGERALD:** Not from my point of view.

**MR KANOFSKI:** Anything else you want to add, Peter?

**MR MCMANUS:** I don't think so. I think I've probably talked enough, so I don't have anything else to add.

**MR KANOFSKI:** I think that's probably – nothing else we need to cover, Jane?

**MS JANE ANDERSON:** Commissioners, I just want to raise the point about conditions A5 and 9.

**MR KANOFSKI:** Ah, yes. The Applicant has raised the issue of whatever Section 94 contributions are called now, development contributions, and also the issue of the security deposit in the context of, I think, somewhat in the context of a charitable status but also in the context of, you know, that community facilities are provided on site. And I think in the case of security deposit, I guess they've submitted that they think it's excessive compared to the risk that's being borne by the Council on the public domain. Does the Department have a view on either of those two things?

**MR MCMANUS:** Yes. So, firstly, with respects to development contributions under Section 7.11, typically the Department is always guided by the relevant Local Contribution Plan and is more than welcome or more than happy, sorry, to consider variations or deductions based on the exemptions presented or the exemptions listed within the Section 7.11 plan.

I believe in this scenario, the requirements were not a not-for-profit or a social housing provider to be able to sort of qualify for an exemption of sorts, and the Maronite Sisters didn't qualify for those exemptions or reductions. And consistently in that respect, the Department has applied contribution conditions across the board for its seniors housing projects. So, we do provide exemptions, but we'll always be led by the Local Contribution Plan in that respect.

**MR KANOFSKI:** Yes, yes, and I was aware of one in a different place where there was an exemption, but it was actually provided for in the council – effectively, the council had exempted them.

**MR MCMANUS:** Right, I see, yes. I guess the other difficulty is the Local Contribution Plan is made up of a handful of components. So, simply seeking an exemption for one of the components or two of the components of what makes up the broader contribution amount would likely require us to go back to Council and have further discussion with them around what the calculation might look like so that we could formulate a figure suitable for the proposal.

**MR KANOFSKI:** So, is it fair to say then, without putting words in your mouth, but is it fair to say that the Department in effect applies the Contribution Plan and any exemptions that are outlined in the Contribution Plan.

**MR MCMANUS:** Correct. That is our typical approach, yes.

**MR KANOFSKI:** Yes, so you don't make a value judgement on whether there should be other exemptions or anything like that, you'll just apply the plan.

**MR MCMANUS:** Correct, we do, yes.

**MR KANOFSKI:** Okay. Thank you. Anything else on that, before we – sorry.

5 **MR MCMANUS:** Yes, just in terms of, sorry, Commissioner, in terms of the security deposit.

**MR KANOFSKI:** Yes.

10 **MR MCMANUS:** I guess that one's a little bit harder for us to judge on. They're a typical thing that Council impose where they fear that there's some potential damage or damage that could occur in their public domain. I guess in this instance it is only Marrickville Avenue, I don't know what the extent of their thought process is around where the risk is or whether it's only at the interface of the site and Marrickville  
15 Avenue or does it border along the extent of Marrickville Avenue. But we are happy to re-look at that one again or we're not, I guess, we can go back to Council and see if there's an alternate figure.

20 **MR KANOFSKI:** Yes, I think we probably, and we might write to you in this regard, I think we'd like you on that one, Suellen, to go back to Council and just seek clarification on how they see the deposit versus the risk.

**MR MCMANUS:** Okay, understood, we can do that, yes.

25 **MS FITZGERALD:** And also, Ken, my question for Peter on that was, has the question of the 7.11 contribution been canvassed with Council? Has the Department spoken to them about it or have you just applied the plan?

30 **MR MCMANUS:** We've just applied the plan in this instance, is my understanding, but I can take that on notice and get clarification for you on that matter as well.

**MS FITZGERALD:** Right.

35 **MR KANOFSKI:** To the extent it hasn't been canvassed, we probably wouldn't mind you canvassing it and getting Council's view.

**MR MCMANUS:** Okay, understood, we can do that.

40 **MR KANOFSKI:** So, we can see what the view is.

**MR MCMANUS:** Understood.

45 **MR KANOFSKI:** Okay. I think that's probably it. Thank you, Jane, for reminding me about that. Okay. Are there any other matters?

**MR MCMANUS:** Not from the Department's side, I don't think, no.

**MR KANOFSKI:** Okay. If there are no other matters, I'll declare the meeting closed and I'll thank you for your contributions which have been very helpful. Thank you.

**MR MCMANUS:** Thank you very much, Commissioners. Thanks, Jane.

**MS ANDERSON:** See you, Peter.

5

**MR MCMANUS:** Bye.

**THE MEETING CONCLUDED**