



New South Wales Government
Independent Planning Commission

TRANSCRIPT OF PROCEEDINGS

RE: NERINGAH SENIORS HOUSING & HOSPITAL
(SSD-45121248)

COUNCIL MEETING

PANEL: ADRIAN PILTON (CHAIR)
WENDY LEWIN
MICHAEL WRIGHT

OFFICE OF THE IPC: GEOFF KWOK
TAHLIA SEXTON

**KU-RING-GAI
COUNCIL:** SHAUN GARLAND
TAHLIA ALEXANDER

LOCATION: ZOOM VIDEO CONFERENCE

DATE: TUESDAY, 9TH JANUARY 2024
11:00 AM – 11:30 AM

TRANSCRIBED BY LAW IN ORDER

THE MEETING COMMENCED

MR PILTON: Let's kick off. Before we begin, I would like to acknowledge that I'm speaking to you from Gadigal Land, and I acknowledge the traditional owners of all the country from which we virtually meet today and pay my respects to their elders, past and present. Welcome to the meeting today to discuss the Neringah Seniors Housing and Hospital case, currently before the Commission for determination. The Applicant, HammondCare, is seeking consent for demolition works and the construction of an integrated seniors housing and health services facility at Neringah Hospital. The proposed development includes two five storey buildings comprising residential aged care facility and palliative care hospice beds, 57 self-contained dwellings for seniors, healthcare services, outpatient care administration facilities, 130 car parking spaces, landscaping and public domain works which includes the upgrade of Archdale Walk. My name is Adrian Pilton. I'm the chair of this commission panel. I'm joined by my fellow commissioners, Wendy Lewin and Michael Wright. We're also joined by Geoff Kwok and Tahlia Sexton from the Office of the Independent Planning Commission. In the interests of openness and transparency, and to ensure the full capture of information, today's meeting is being recorded and the complete transcript will be produced and made available on the Commission's website. This meeting is one 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. It's important for the commissioners to ask questions of attendees and to clarify issues whenever it's considered appropriate. If you're asked a question and are not in a position to answer, please feel free to take the question on notice and provide any additional information in writing, which we will then put up on our website. I request that all members here today introduce themselves before speaking for the first time, and for all members to ensure they do not speak over the top of each other to ensure accuracy of the transcript. We will now begin. Over to you.

MR GARLAND: Well hi, I'm Shaun Garland. I'm the Manager of Development Assessment Services, and we have Tahlia Alexander, who is the Executive Assessment Officer and the responsible officer for this referral and comments in relation to Councils submission. I'll hand it over to Tahlia. Tahlia will, go through the issues with you, answer any questions and the like. And if I can provide any assistance, I will, but I'll hand over to Tahlia.

MS ALEXANDER: Good morning. I just wanted to, before I start, I just wanted to double check that the commission has a copy of Council's three submissions. I just noticed that only one was on the Department's website.

MR PILTON: Checking.

MS ALEXANDER: It just, it mainly helps I guess, with what I'll discuss today, because some of the additional information provided through the assessment process has resolved some of the issues. So I can just kind of speak to our outstanding issues. So I just wanted to just outline that this time of the year, unfortunately, is when most

of our Council staff take annual leave. So unfortunately, we don't have our specialist officers today, including landscaping, engineering, public domain. So I may need to take some questions on notice or just refer you back to our detailed comments in the submission. But essentially I'll run through our key issues. So the number one key
5 issue would be the provision of a raised pedestrian crossing on Neringah Avenue South. So the road is actually quite steep. So we do have concerns with accessibility and safety for the users trying to access the services via Archdale Walk. We feel that the pedestrian crossing, the raised pedestrian crossing would help level out some of those steep cross falls. So we do strongly recommend that, we recommend the
10 condition that that raised pedestrian crossing is constructed. So we would strongly recommend that that is included in the Department's recommended conditions. Did you have any questions on that item?

MR PILTON: I don't have any questions. Wendy? Michael?
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MS LEWIN: No (crosstalk).

MR WRIGHT: No.

20 MR PILTON: Go ahead. Thank you.

MS ALEXANDER: So I guess the next key issue is, Ku-ring-gai has a rich landscape character. So that includes, tall trees on all sides of buildings, generous landscape setbacks. So the other key issue we have is the service driveway along the
25 northern side setback and insufficient screen planting along that boundary. There is a residential flat building to the north, so we feel that that service driveway is inappropriate in that location and it doesn't comply with our Development Control Plan. The other setback which we don't support is the, the front building setback is acceptable, however, the basement encroaches substantially within that landscaped
30 area. So our landscape officer has concerns that due to that encroachment and the amount of walls within that area that we won't be able to get viable canopy trees within that area. So we feel that the development won't be able to, I guess, be consistent with the landscape character of Ku-ring-gai.

35 MR PILTON: Okay.

MS ALEXANDER: So we feel that there is scope to reduce the basement. There is an excessive amount of car parking proposed, which is well above the DCP requirements and requirements of the SEPP. So we do feel that there is scope to
40 reduce that, the basement. And that would achieve, I guess, two good outcomes, in terms of increasing tall trees within the front setback as well as reducing, you know, the number of private car use. It is very close to the local shops and public transport. So we feel that, the amount of car parking proposed also undermines the green travel plan targets. Any questions on that point?
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MR PILTON: Not for me. Wendy? Michael?

MS LEWIN: No.

MR WRIGHT: No. Thank you. It's clear.

5 MR PILTON: Please go ahead.

MS ALEXANDER: Other issues are non-compliances with the ADG, which the Department's assessment report has acknowledged. So I can run through those non-compliances. So the first one is natural cross ventilation. The architect is relying on
10 notches within the northern building, to achieve natural ventilation for a number of apartments. So that's inconsistent with the recommendations in the ADG. So when those apartments are excluded, the proposal doesn't comply with the minimum recommendation for natural cross ventilation. The other issue is in the southern building, there's a communal pathway at ground level, which is in very close
15 proximity to a number of bedrooms. So the Applicant has tried to address this issue through providing privacy screens on those windows, however, we do have concerns that those privacy screens would restrict, daylight access and ventilation potentially. There the main amenity issues that we have. And the, I guess, the final built form issue would be heritage. So a heritage advisor has recommended that the proposed
20 face brickwork is changed to a more red orange tone to reflect the reservoir. And Council has recommended a condition to address that, however, that's not included in the Department's recommended conditions. So that's, I guess, our main issues with the proposal. We can move to conditions of consent, I think that was on the agenda, unless there's anything else you wanted to discuss?

25 MS LEWIN: Archdale Walk.

MR PILTON: I was going to say Archdale Walk - it's probably an appropriate time to discuss that.

30 MS ALEXANDER: Okay.

MR PILTON: What are Council's views on the way it's proposed?

35 MS ALEXANDER: So our public domain team, in principle based on the plans that are submitted, they don't have any major concerns. So that would be subject to a Roads Act approval. However, there's also some works that are required on the Australia Post site. Given that's private land that will require a separate DA. So I guess this kind of moves into the conditions of consent. So Council strongly
40 recommends that it would be a deferred commencement consent if the IPC are of the mind to approve the application. The reason being is they need to satisfy Clause 26 of the Seniors Housing SEPP, which talks to the, providing access to shops. So that is a precondition, so there is a little bit uncertainty given the separate DA is required to the Australia Post site in order to comply with Clause 26. We have had a previous,
45 similar DA within our local government area, which was approved by the court, which relied on works to private property and that was also a deferred commencement consent. So we would strongly recommend that the IPC consider

that, but yeah, in principle, the public domain team don't have any issues with the draft plans, subject to, some detailed requirements that Council have specified in their recommended conditions.

5 MR PILTON: Okay. Thank you. Anything, Michael?

MR WRIGHT: Could I just - thank you Adrian - can I just get back to, the issue you raised Tahlia about that raised pedestrian crossing? Did I hear you say that Council's view is that, that would level out the issue with the gutters and people actually
10 crossing that roadway, in addition to, providing additional traffic safety. Was that was that what you said?

MS ALEXANDER: Yeah. So our public domain team, they have issues, it's quite a steep road, so for someone who's mobility impaired, it's going to be quite difficult for
15 them to cross that road. So they feel that if it was a raised pedestrian crossing with kerb blisters, they might be able to level that out a bit so it's a bit easier for people to cross the road. So it's not just, I guess, road safety visibility, it's also for access. So without providing that critical crossing point, it kind of defeats the purpose of upgrading Archdale Walk and providing that accessible link to the shops. So we feel
20 it's really important that that raised crossing does form part of the proposal.

MR WRIGHT: Thank you.

MR PILTON: Thank you. Wendy?

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MS LEWIN: No.

MR PILTON: No? Okay. Perhaps you could continue to the conditions of consent?

MS ALEXANDER: Okay. I won't read out word for word all of our requirements. I can follow up with a written submission and also our conditions were attached to our submission. I'll just find the right document. Bear with me. Sorry. So condition B1, which is under the heading Design Amendments. So we would recommend that subpart E is added that to that condition to change the colour of the brickwork to a
35 red or orange tone to reflect the Sydney Water reservoir as previously discussed. Condition C7, at Part C - we recommend the wording 'and in the vicinity of the works covered by the Roads Act' is added so it's not just street trees directly in front of the site that should be protected, it's any works, any trees in proximity to the upgrade of Archdale Walk as well. Condition C11 - so it refers to a service called
40 Dial Before You Dig. That service is no longer available. It's now a national service called Before You Dig Australia. So the wording should be updated to reflect the new service. And the wording also needs to be changed, because the service doesn't actually certify that the approved plans don't impact on their services. They provide the Applicant with the location of the services and then they need to demonstrate to the Certifier that there won't be any impact. So there's some wording that needs to be
45 tweaked there. Condition D24, which relates to the Geotechnical Report. The new design and building practitioners regulation. The wording has been changed to

ground anchors so the reference to rock anchors should be changed to ground anchors for consistency. We would recommend that a - sorry condition B22 - which recommends that a road safety audit is conducted to, I guess, assess whether that pedestrian crossing is required. We would request that that is deleted, and replaced with a condition that requires a raised pedestrian crossing.

MR PILTON: Can you just expand on that, please?

MS ALEXANDER: Yes.

MR PILTON: Why not to have the audit?

MS ALEXANDER: Well, the Department's assessment report doesn't agree with Council's view that the raised pedestrian crossing should be provided. They've left it to a road safety audit to determine whether that that crossing should be provided. Council's concern is that that road safety audit will only focus on safety, and it won't focus on accessibility and access. So we feel that the outcome of that RSA will essentially say that a crossing is not required because it'll be assessed under the relevant, I guess, Australian standards. So that's why we feel that that condition should be replaced with a condition that actually requires the raised pedestrian crossing to be constructed.

MR PILTON: Thank you I understand. Okay. Yep.

MS ALEXANDER: So condition B29 that refers to separate approval being required for the upgrade of Archdale Walk, it only refers to a separate Roads Act approval. It needs to also include some wording to state that a separate DA is required for works on the Australian Post site.

MR PILTON: Okay. Yep.

MS ALEXANDER: Condition B28. I think it's one of the Department of Planning standard condition that just specifies that separate approval must be obtained for the Roads Act. Our engineers and public domain team have recommended condition that includes some specific design requirements, which would assist the Applicant in preparing their application. I won't read that out because it's quite long, however, it is in the Council's submission dated the 1st of September.

MR PILTON: Okay.

MS ALEXANDER: What's the condition number? It's the condition for the Construction Traffic Management Plan. Sorry I can see if I can find it. But essentially, our engineer has concerns with construction vehicle movements during school hours. So typically we would prevent construction vehicle movements during school drop off and pick up. We also recommended that this requirement was imposed on a previous SSD application in our LGA that wasn't included in the final conditions. Council has received substantial complaints regarding construction

impacts during school drop off and pick up as a result. So we would strongly recommend that as part of the Construction Traffic Management Plan, there's a requirement that prohibits construction vehicle movements during drop off and pick up. There may be circumstances where they might need to do concrete pours, so there might be certain circumstances where it might be appropriate. But we would just like to reiterate that previous SSD approval has caused a lot of residents complaints.

MR GARLAND: In those circumstances where there are individual needs, those can be covered by an out of hours work application, and we do that from time to time, so that can be covered separately, a separate process.

MR PILTON: Okay. Thank you.

MS ALEXANDER: And there was two conditions that we had recommended that aren't in the Department's conditions, which relate to an easement for waste collection. So it's a standard condition that Council requires an 88B instrument for waste collection, either by Council or a contractor. So we would recommend that that condition is added to E, and is added as a new condition - E63. And the other condition relates to the maintenance of the basement pump out system. So it's just providing Council with a maintenance regime to ensure that that's regularly inspected and is in good working order. So we would recommend that that condition is added as E64. So I think they were our key issues with the conditions. Like I said, I can follow up with a written summary with all of the specific wording that we (indistinct).

MR PILTON: Ok terrific. There's no more concerns. Just looking down the list of key issues that I've got here - you don't have any more concerns about deep soil areas?

MS ALEXANDER: Sorry, yes (cross talk). Thank you for bringing that up. We did have concerns with how the deep soil was calculated. So the SSD application only relates to Stage 2 of the site, that is the site boundary is much bigger and includes Stage 1. So in the calculation of deep soil, they've included Stage 1. So we do have concerns that it's not a true representation of actual deep soil to be provided for this relevant SSD application. Our landscape officer also had concerns that much of the deep soil is fragmented and is of insufficient dimension. There's no large areas of deep soil.

MR PILTON: Is there anything else that you want to raise at this stage?

MS ALEXANDER: I'll just double check my notes.

MR GARLAND: But in the meantime, were the Department able to determine whether they received our other two submissions?

MS SEXTON: Yeah. So all three of Council's submissions are on the Department's website - they're just under the Agency Advice tab in the documents section, not in the submission section.

5 MR GARLAND: Thank you.

MS ALEXANDER: Great. Yeah, so I would recommend that the IPC review the last submission which just highlights (indistinct) the key outstanding issues that I've talked about today.

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MR PILTON: Thank you.

MR PILTON: I don't have any more questions. Wendy?

15 MS LEWIN: It's very clear. Thank you.

MR PILTON: I agree, it was a very good submission. Thank you. Michael?

20 MR WRIGHT: I think the question about Archdale Walk again, when we were down on our site visit a little while ago, we noticed that the surface of that walk was quite rough; broken up asphalt, effectively. I'm just wondering whether Council has a forward maintenance program for that walk, or whether there's a discussion happening with the Proponent about how that surface might be treated going forward.

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MS ALEXANDER: Okay, I would need to take that question on notice and check with our public domain team.

30 MR GARLAND: We certainly have a forward planning works program for all of our Council area. But in terms of the particular Archdale Walk. Yeah, we'd have to obviously take that on notice and find out if there's any sort of program near in time.

MR PILTON: Thank you.

35 MR WRIGHT: Ok, thank you.

40 MS LEWIN: Just on that, slightly outside of the program, but in response to your comment just now. In the works program for Council, would that include the interface with the street, generally, along the post office and Archdale Walk precinct?

45 MR GARLAND: I'd have to follow up with our operations team. Yeah, I'm not that familiar with their works programs, unfortunately, but look, they are constantly reviewing footpaths, roadways, road reserves, constantly. Obviously with places going through change, sometimes that's the responsibility of the developer, the development the land that relates to that frontage. Sometimes it's individual circumstances where the operations team has a regular maintenance program.

MS LEWIN: It's just really related to the broader interest in that precinct. But thank you very much.

5 MR GARLAND: Thank you.

MR PILTON: Thank you very much. It was a very clear presentation. It's nice and quick today. So thank you Shaun. Thank you Tahlia.

10 MS ALEXANDER: Thank you.

MR GARLAND: Thank you for your time.

MR PILTON: Sorry. Hold on a second.

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MS LEWIN: Are there any, there are no questions on notice, but this -

MR PILTON: There was a couple of questions on notice. Yeah.

20 MS LEWIN: We'll follow up?

MS ALEXANDER: So sorry, we -

MR PILTON: Do we have a date?

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MS SEXTON: We'll send you the questions on notice later, sometime this week.

MS ALEXANDER: Okay. And in terms of my written comments on the recommended conditions, should I provide a submission to the Department of Planning or directly to the IPC?

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MR KWOK: Directly to the IPC would be great. Thanks.

MS ALEXANDER: Okay. Thank you,

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MR GARLAND: Thank you.

MR PILTON: Thank you very much.

40 MR GARLAND: Thank you everybody.

MR PILTON: Thank you. Goodbye.

MR GARLAND: Bye.

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MEETING CONCLUDED