



**New South Wales Government**  
**Independent Planning Commission**

**TRANSCRIPT OF PROCEEDINGS**

RE: PRESIDENT PRIVATE HOSPITAL (SSD-10320)

**DEPARTMENT MEETING**

COMMISSION PANEL: MS DIANNE LEESON (Panel Chair)  
PROFESSOR RICHARD MACKAY  
PROFESSOR HELEN LOCHHEAD

OFFICE OF THE IPC: PHOEBE JARVIS  
GEOFF KWOK

DPE: ALAN BRIGHT  
GABRIEL WARDENBURG  
SUZANNAH BYERS

GOVERNMENT ARCHITECT NSW: RORY TOOMEY

LOCATION: VIA VIDEO CONFERENCE

DATE: 12:30 PM, TUESDAY, 29 NOVEMBER 2022

**TRANSCRIBED AND RECORDED BY APT TRANSCRIPTIONS**

MS LEESON: Good afternoon. 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 redevelopment of President Private Hospital currently before the Commission for determination. The applicant, Macquarie Health Corporation Limited, is seeking approval for the redevelopment of President Private Hospital including demolition of existing single-storey buildings including locally heritage-listed item Hotham House and construction of a new three-storey building with two basement car parking levels.

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My name is Dianne Leeson, I'm the Chair of this Commission panel. I am joined by my fellow Commissioners, Professor Richard Mackay and Professor Helen Lochhead. We are also joined by Phoebe Jarvis and Geoff Kwok 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 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.

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It is important for the Commissioners to ask questions of attendees and to clarify issues whenever it is considered appropriate. If you are 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 that they do not speak over the top of each other to ensure accuracy of the transcript. Let us begin.

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So thank you for coming along. We still don't have Alan online yet but hopefully he'll be able to join us sooner than later. We have issued an agenda to you which was finetuned late in the piece to accommodate a few issues and particularly to acknowledge that we may not have representatives from Government Architects Office. So today to start the meeting the department's going to give us a 15-minute update or thereabouts on the assessment process and the overview of that and any relevant conditions of consent and then we'll move into built form and urban design in which point we'll pick up with you, Rory, more around the work of the State Design Review Panel in the early phases of developing up the proposal. So we can hand across to you, Gabriel and Suzannah, to take us through the department's assessment.

MR WARDENBURG: Right. My name's Gabriel Wardenburg, I'm the Team Leader for State Significant Acceleration. I will just share my screen so I can get a PowerPoint going. Okay. So that's all showing up for everyone?

MS LEESON: Yes, we can see that, thank you.

MR WARDENBURG: Great. So my plan for the slide pack is just to talk through each of the key issues and the conditions that we recommended for consideration and I've tried to match it up somewhat with the agenda but I'd encourage you to, you  
10 know, speak up, interrupt, ask questions if you need to. So I've just got an overview of the site which I won't dwell on but I think it's important to note the CIV value, the investment that this brings to Sutherland, the number of in-patient suites being 110 and 72 mental health in-patient suites which brings a new form of health service to the LGA in terms of a private mental health facility and also may alleviate existing pressure on the existing services.

On the figure I also have three buildings shown in the bottom left which I'm just highlighting with my mouse cursor. So those three buildings would be demolished as part of this development. Over here where my mouse cursor is, is the existing  
20 operating theatre which would be retained and over here in the south-west of the site there's an existing sort of rehabilitation spa that's also being retained and I just note these because they are important in terms of informing the adopted design for the hospital.

Over in the bottom right on the slide I'll just note the building design but also retention of the Cooks Pine which I understand formed a key consideration during the iteration of the design for this hospital and in the top right we've got the proposed built form which I think you'll be familiar with.

30 MS LEESON: So, Gabriel, if I can just ask one quick question there. When you mentioned the hydrotherapy pool and on these western side of the site is it your understanding that that datum there is effectively the datum of the hospital theatres, the existing theatres that sets the levels for the rest of the site?

MR WARDENBURG: I believe that the existing operating theatres would be retained and that those levels - those existing levels would be retained, yes.

MS LEESON: And so that's dictating the layout of the precinct and the levels?

40 MR WARDENBURG: I would have to take that on notice in terms of I don't know whether it's dictating but in terms of flooding impacts certainly, you know, those

levels are being retained and that was an issue that came up during assessment but in terms - - -

MS LEESON: Thank you. We'll take that up with the applicant.

MR WARDENBURG: Yeah, but in terms of which informed which, whether the design came first or both operating theatres I'd have to take that on notice, yeah.

10 MS LEESON: Thank you. Thank you. And I'll just note for the transcript that Alan Bright has now joined the meeting.

MR BRIGHT: I'm sorry I was a little late.

MS LEESON: Thank you. Gabriel, back to you.

MR WARDENBURG: No problem. And then we've just got - while I'm on this slide we've got a proposed access from Presidents Avenue which is to the south of the site and Hotham Road on the east. So that would be in the north-east and sort of middle-east of the site and the proposed configuration is an access that sort of skirts around  
20 the back of Hotham House or coincides with the rear of Hotham House.

So the second slide just shows the in-patient accommodation and a breakdown of beds that are being provided by the hospital and their distribution in terms of services which you can see on the screen. And then I've just got a slide again on built form which I think we can get to later or we could turn and sort of get into it but - so essentially I'm just showing here the configuration in the bottom left. Some modifications that were made through the design iteration process and informed by the SDRP in the top left in terms of switch and façade and building material and to the right on the screen I'm just showing the building heights that are adopted by the applicant for this design which I  
30 think is worth noting in terms of the stepping towards the south-east.

So the building heights step up towards the south-east and step down towards the residences in the north and west to accommodate, I suppose, amenity and a range of better design outcomes, I suppose, for the site. So this, yeah, coloured diagram just makes that stepping up and stepping down a little bit clearer. And then from here the slide pack moves on to each of the key issues in our assessment report and so I can do that or I can - we can talk about the design issues if that's your preference but I don't mind either way.

40 MS LEESON: Why don't you just take us through this.

MR WARDENBURG: Yeah, cool. Okay. So in terms of looking at heritage value for the site there was some difference in opinion and interpretation amongst specialists through the course of both the listing of Hotham House and between the applicant and various interpretations so we did engage an independent specialist to peer-review that work and confirm both the local significance of the item and also that it did not hold significance at a state or national level which we considered to be important in terms of considering the merits of the project and the outcomes for the site.

10 The specialist review also identified that Hotham House is not the only item of its type identified within the LEP and we found that during the course of our assessment the location of Hotham House within the site did present some unique challenges in terms of design, both in terms of hospital function and also in terms of access to the site or access around the item. Another key constraint noted by the applicant was the change in the levels across the site and due to the item's location it did pose some challenges to the applicant in terms of identifying alternative options including options for retention which were considered or explored by the applicant during the course of the assessment and I've just noted this photo shows the Cooks Pine that's proposed to be retained and under the proposal would be retained as part of a heritage interpretation strategy for the site.

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I'm just showing here on the next slide the potential building conflict between the design and the local heritage item. I won't dwell on it but I'll just note, I suppose, that the key issue for the site was site access and how to provide that site access and how to integrate it into the hospital without losing considerable services. So I think through assessing a range of options it was apparent that an alternative design would result in substantial reductions in the scale of this development. So we can talk about that at the end if you like.

30 So once we concluded our assessment and it was clear with - or it's proposed by the applicant that the item be demolished we looked at options to interpret the heritage values of the site and the applicant's proposed interpretation strategy suggests that some original features, materials, building materials and the like could be retained and reused through an interpretation strategy but I believe that would require further detailed design or further iteration through an actual heritage interpretation strategy and I've just got on the next slide the proposed conditions that we've recommended to require that outcome and we can refer to these later during discussions if you like but the main elements here are a heritage interpretation plan that would be further developed in discussions with the applicant and Planning and describing, you know, in greater detail what items would be retained as part of that strategy and then we've also

40 recommended a condition around heritage photographic archival recording.

I should note just that retention of the Cooks Pine was also recognised during the assessment as providing some value in terms of both heritage retention and also I think being a key point of reference throughout the design iteration and, you know, the design outcomes for the site.

MS LEESON: You might just need to keep - thanks - moving onto the next one.

MR WARDENBURG: Sorry, yeah, keep me the time, that's no trouble at all.

10 MS LEESON: Thank you.

MR WARDENBURG: So these are the points that you've raised in the agenda. I thought it might be useful just to talk about some before and after modelling predictions and that might guide our discussion later on. So I've just got in front of me the one per cent AEP hazard modelling results and the outcomes from the proposed conditions and I'm just flicking between them and what these show, I would say, is a - you know a moderate change with most of the changes occurring on site and minimal change occurring within Presidents Avenue itself in terms of hazard level classification.

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Now, I've got the same slides for the PMF event and as with any PMF results the results are slightly exacerbated in terms of consequence but again the changes are quite moderate and in terms of offsite impact I would say fairly minimal. There is some concern noted around the impact to Presidents Avenue, of course, and I think it is clear that there's some afflux around the discharge - the point of discharge from site and during the course of our assessment discussions with the applicant and discussions with our specialist while this is an issue that could be further addressed through design iteration, I think it's important to consider that this PMF result that I'm showing here is the worse case and that during typical - well, more frequent flooding results the

30 results would be quite different but also what I mean is that during those more frequent occurrences some of the design, or an alternative design could move those impacts further towards the intersection, so further downstream and towards the intersection and so during our discussions it was considered that this - having water discharge here further away from the intersection during those more frequent events could be of some benefit and because there was no sort of significant change in hazard level, that outcome was considered acceptable under the provision that, you know, the flooding impacts at the site are sort of addressed through the recommended conditions and just before I get to the conditions I'll just talk about the pooled water to the north.

40 So the applicant did identify some potential flooding in the north-west of the site and that shows us sort of pooled water to the major north-west of the operating theatres. It

was apparent both through our own independent specialist interpretation and the applicant's that this may be as a result of some modelling margin of error and that that afflux may be in part due to model predictions but that in any event, if that water did occur at this location it was likely to be of low flood velocity, pooled water and would be - wouldn't be part of the direct flow path for the floodwaters .

10 Nevertheless, we did require the applicant to address this and they've addressed it through a concept overland flow path which I believe exists on site currently but likely not in a well-defined form and so the conditions that we've recommended seek to formalise that and confirm those outcomes through further modelling and I've just got the full condition up here for reference which we can maybe discuss in greater detail later.

I'll just move on just to keep to time. So perhaps more briefly I'll just talk about noise. The proposal is compliant during - is generally compliant during operation. There are some minor exceptions; I believe the loading bay which we've also conditioned for, but there are substantial exceedances during construction and I've got the duration of each phase of construction up on the screen as well with the relevant exceedances.

20 So we did note those during our assessment and recommended conditions requiring the development of a noise management plan and the mitigation measures proposed by the applicant that they be further developed and adopted for the site through that as well as a community consultation strategy that specifically identifies or addresses those potential impacts and also some ongoing monitoring to ensure that those impacts are adequately managed.

30 Again I'll move onto traffic to keep the time. The summary is that during operation, to cooperation there is no reduction in level of service for Presidents Avenue and Hotham Road intersection, so the key intersection for this site, and through consultation with the applicant the splayed driveway design was proposed by the applicant and the department considers that this design would meet the requirements of the site but has recommended a condition requiring a road safety audit to be completed to confirm some of the assumptions around the suitability of this configuration or splayed driveway versus a slip lane.

40 With the splayed driveway some of the issues that we considered were that the majority of traffic movements occur during the peak AM, peak PM period and during these periods there's queuing that occurs from Presidents Avenue likely to the location of the driveway itself and that due to this traffic would likely already be moving at quite slow pace and under these conditions a splayed driveway as opposed to a direct

turn would likely appropriately manage those risks and again that would be confirmed by a road safety study.

That's also made on the basis of the existing intersection performance and the traffic movements and the ability of that intersection to accommodate those and I think it's worth noting also that the current road geometry is quite constrained in the fact that proposing a slip lane at this location could be quite challenging just because of the geometry. So Presidents Avenue at this location begins to turn to the north slightly and looking at this location and inserting a slip lane in those conditions could be quite  
10 problematic in terms of the footprint that you'd need to accommodate that type of geometry and slip lane for that entrance.

So I think primarily, you know, the slip lane is supported based on - sorry, the splayed driveway is supported on the basis of, you know, the traffic modelling, the current site conditions and that the safety outcomes would be adequately addressed but I do just note those challenges around any configuration providing a slip lane. And these are the conditions that we've recommended addressing the road safety audit and also a condition here regarding parking. So just to mitigate queuing in parks associated with vehicles accessing parking from Presidents Avenue.  
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So there was a concern around vehicles that are accessing the site and that they would feasibly be able to access all 168 parking spaces, I believe it is, I might have to check that number, and again we considered that acceptable based on the - just based on the sort of low traffic numbers compared to the peak traffic movements and the current intersection performance and likelihood for queuing at that location during those peak times. I think that's it.

MS LEESON: Thanks, Gabriel. Thank you very much for that overview. You  
30 caught on quite a few issues that we will explore in some more detail so we'll get to those in due course but that's been helpful, thank you. Let's now turn to built form and urban design and welcome Alan. We can see you in larger format now. So particularly, I think, we want to explore the State Design Review Panel process and, in particular, how from the first meeting of that group with recommendation to retain and incorporate Hotham House, it moved to the second meeting and the third meeting where it was effectively evolved to a demolition and some interpretation and, Rory, can I turn to you to give us your view on that and how that process came about - how that outcome came out, rather?

MR TOOMEY: Yeah, certainly. It took a bit of refreshing the memory, it was two  
40 and a half years since the most recent meeting. As I recall, and from reviewing the material that we have on file from each of the three sessions the material that was



presented in SDRP 1 was very preliminary and there is reference in the advice letter from SDRP 1 to the fact that we had agreed to meet with them at an early stage and I think a lot of the thinking that included retention of Hotham House that was discussed at meeting 1 was based on a fairly undeveloped proposal. Some of the key things that we did give advice about at SDRP 1 stage was that there seemed to be - the project seemed to be very driven by car parking at that point and the built form seemed to be almost secondary to the provision of the car parking which was a bit of a marker for the discussions that would occur in subsequent meetings where a lot of it was around getting vehicles on and off the site and getting people in and out of cars and getting people from parked cars to where they needed to go in the hospital.

I think they might've presented a bit of blue sky thinking to us at SDRP 1 about the retention of the building and we encouraged them and our advice included encouraging remarks about the retention and integration of Hotham House, the use of Hotham House as a symbol and a provider of identity for the hospital and potentially that it could be used as a principal entrance to the hospital.

When they came back to us at SDRP 2 essentially the message they gave us was that it was impossible to deliver the program and retain Hotham House and the arguments, as I recall, around that were partly to do with the size and location of Hotham House. It's a tricky site, it's an L-shape site with two quite heavily-used roads forming the southern and eastern boundary; residential neighbours to the west and the north, significant level changes, drainage easement running through the south-western corner.

So they're kind of doing a backflip, somersault in the pike position to get a hospital on the site in the first place and they also elucidated to us as part of their staging and development strategy that they were planning to retain an existing operating theatre in the south-western portion of the hospital which came up in the discussion a short while ago in this meeting around the determination of floor levels. Again we question the - we questioned it from a design perspective but also from a feasibility and practicality perspective as to whether preserving that operating theatre, saving the cost of reinstating it later would end up being a commercially - a sensible choice because we felt that they were - to a certain degree, the tail was wagging the dog and they were having to perform all sorts of gymnastics around that operating theatre in order to retain it.

When you look at all of the constraints operating on the site, including that operating theatre and where it's located right at the kind of junction of the south-western branch of the L and the north-south branch of the L along Hotham Road we suggested to them that they could get a kind of a driveway around behind Hotham House, there was a

sort of a porte-cochere and that Hotham House could potentially form some of the day functions or sort of lower intensity clinical functions like consulting rooms and things like that and still be able to provide a kind of identity and a sense of arrival and a sense of locality and belonging to the development but we were essentially told at that point that if they were being in - forced to retain Hotham House or the retention of Hotham House was imposed on them as a condition that the project wouldn't stack up and so it became a - the discussion sort of hinged at that point.

10 The thing with SDRP is we have an advisory role, we don't have a statutory role, we're not assessing planners, we're not able to impose conditions on project teams. We make recommendations and we respond to the proposals that are presented to us, sometimes with support, sometimes with conditional support, sometimes with strong opposition on design terms but we don't have any statutory role whereby we can tell the applicant what to do and we have to act in good faith on the advice that they give us around the factors that are driving their project and the development of their proposal.

20 So between SDRP 1 and 2 they did more work, they came back to us and said notwithstanding your advice from SDRP 1 we can't retain Hotham House and I think we had a fairly lively discussion with them at that point but the advice that ended up being issued in writing following SDRP 2 accepted that they wouldn't be able to proceed with the development and retain - yes, Helen.

30 PROF. LOCHHEAD: So when they said it's not feasible - I mean, first of all, I want to unpack the need for an upgrade drop-off. I mean, there are plenty of precedents of, you know, a low-grade drop-off. They go directly into a lift and then you can still exit without going into the paid parking and many hospital examples or day surgeries of that. So I'm not quite sure why the upgrade car parking - it's a bit like the tail wagging the dog as the same way as you suggested with the retention of the theatres but on what basis did they say it was not feasible? Did they present to you a number of options which clearly demonstrated that the yield would be diminished by X number of square metres or the functional relationships would be diminished or what was the basis on which they presented that argument?

40 MR TOOMEY: They did show us different diagrams. One of the hallmarks of this project on reviewing the material from all three of the SDRP meetings was that they were not strong visual communicators and their presentations weren't very well - very coherent or very well put together. So they generally showed us a mixture of 3D cutaway drawings or plans. I think their main argument with Hotham House was that if it were to be retained then space around it needed to be created in order for its retention to be meaningful and with the dimensions of the site at the location of the

house it made it very difficult to have the kind of connections that they needed between the southern and the northern parts of the hospital and have those functional and useable if they were leaving breathing room around the heritage item to retain it and that seemed feasible, they have shown - I mean, there were drawings which you may not have seen as a panel that were tendered to the SDRP, which I can provide under separate cover if you want to have a look at those to understand the process better.

PROF. LOCHHEAD: That would be great.

10

MS LEESON: We'll formally request those, thanks, Rory.

MR TOOMEY: Yeah. I mean, again the great frustration of chairing State Design Review Panels is often you can see a much better way of doing things but it's not the remit of the panel to tell the applicants and we give advice which is intended to guide them down what we consider to be the best design pathway but we can only deal with what they put in front of us and, yeah, it was a frustrating project this one, I have to say, as a Chair watching it.

20 They didn't have any landscape strategy in their first session with us. We insisted that they incorporate a landscape strategy and then what they showed us in terms of heritage and the response to the heritage item at meeting number 2 was an entirely landscape-based strategy where the house was removed. So - and we did discuss a number of iterations with them but I do recall requesting options and not receiving satisfactory responses to those requests at each stage of the design review process.

MS LEESON: Just to be clear, I think I've just heard you say that the design review panel was clearly of the view that they felt a workable outcome is available with the retention of Hotham House. Leaving aside financial issues, from a site design and  
30 layout perspective, you believed the workable outcome was achievable with retaining Hotham House?

MR TOOMEY: We did but I would caveat that by also saying that no one on the panel was a clinical planner and no one on the panel had the sort of expert knowledge to really confidently make that statement. I think what we were urging - - -

MS LEESON: Okay.

MR TOOMEY: What we were urging the project team to do was to explore that  
40 further and show us their workings.

PROF. LOCHHEAD: Yes. I mean, I guess probably to put it in a different way, as you would have been we were seeking to see options which demonstrated quite clearly that a range of options had been interrogated and extinguished because no matter which way you look at it the only one is the one that is actually being presented as the final application. We haven't actually got enough evidence before us to see that and we were just trying to unpack whether your panel had actually been privy to other options which we may not be aware of.

10 MR TOOMEY: The best answer I can give you to that from recollection and from the review of the material that I've undertaken before this meeting is that they did show us some options analysis but we didn't consider it adequate or comprehensive enough and, I guess, in the post-briefing in-camera discussions amongst the panellists we were of the view that if there were a will to retain Hotham House there would be a way to do it but we didn't necessarily feel that this applicant was the applicant who would go there. So I think the kind of custodial relationship that an application needs to feel with a heritage item in order for them to do the work to retain, restore and integrate it we didn't feel we were going to be able to get that sort of relationship stimulated between this developer and this heritage item.

20 PROF. LOCHHEAD: Just on a more pragmatic part of that question at the beginning about parking and traffic management to get people in and out of the site as being a very key driver of the site layout. So I go back to the first part of my question was, was there an imperative to actually have an at-grade porte-cochere kind of entry or was that not talked about or was it just assumed as a cost of entry or what about the idea of a separated at-grade entrance, so you just go in. I mean, there's quite a lot of grade across the site so you could actually come in at the low part, do that underneath and then come out without interfering with the grade - I mean, ground level with big driveway.

30 MR TOOMEY: My recollection, and again this is, you know, somewhat supported by looking at the material but still there are gaps in my memory of the precise contents of our discussions but we talked to them a lot about the different needs of different users of the hospital and the hierarchy of needs in terms of arrival and they were putting a lot of thought into where different users would park and how that would then connect them to the parts of the hospital they needed to go to such as, you know, staff parking directly accessed into clinical spaces and so forth and I think the notion of a drive-in drop-off front door-type arrangement was never considered necessary for all vehicles but for some and that the provision of that kind of front arrival and drop-off seemed to be a priority for them as operators or as, you know, as proponents but there were  
40 several parking areas designated within the site with different relationships to different parts of the building and direct access from some of them into the hospital and so

forth. I think there was, from memory, a mental health carpark that was associated directly with that part of the in-patient - - -

PROF. LOCHHEAD: And then there's the hydrotherapy pool.

MR TOOMEY: Yeah, yeah, and there was - in the first version they showed us they had a lot more on-grade car parking a lot less building footprint and that was when we made a comment, I think, at SDRP 1 that we felt that car parking was driving the master plan outcome and they needed to deprioritise the vehicles and prioritise - we  
10 actually made a comment about making more of the site publicly assessable whereby people in the community could come and sit on the lawn and enjoy the trees and, you know, be there in the grounds of the hospital rather than that being an on-grade carpark. So that was specifically in relation to a large proposed on-grade carpark at SDRP 1 down in the south-eastern corner on the corner of President and Hotham which they did change and improve between then and the second session.

MS LEESON: Did you have a follow-up or - - -

PROF. LOCHHEAD: I've got a couple of other questions. Do you know the  
20 proximity of the new wings to the adjoining houses behind? You know, there's quite a sort of the mental health wing - - -

MR TOOMEY: Yeah.

PROF. LOCHHEAD: - - - and it comes down and the existing buildings of the - are quite close from the - - -

MR TOOMEY: Yeah.

30 PROF. LOCHHEAD: - - - southern side of the fence and then there's the eastern side. Did you have an issue - did you talk about that at all - - -

MR TOOMEY: We did, we - - -

PROF. LOCHHEAD: - - - as part of the interface?

MR TOOMEY: Yeah, definitely. We - it's interesting, looking at the pack that was shared with me this week by the DPE Assessments Team I saw the sections with the  
40 louvres and the half-window and eyelids and things to create, you know, better privacy relationships there. We talked about that at a much earlier stage from a kind of a built form and massing sense and we did - we did achieve some improvements in that

regard between sort of meeting 1, 2 and 3 in that I note I think they had more tall built form concentrated to the western boundary and we encouraged them to have a terrace for a large part along that boundary and to pull the built form back to the - towards the east.

10 There were parts where there was always going to be close proximity to neighbours. I don't recall what advice we gave them at that stage, I think it was much more at that point a discussion about organisation of built form and GFA more so than particular window to window-type relationships. We were speaking at a bit of a higher level but the issues were certainly flagged and they formed part of the comments from the panel to the applicant.

PROF. LOCHHEAD: Just one more question. So the other one was the overlap flow paths. I mean, Gabriel says, well, you know, it's going to be pretty bad whatever you put there but did you talk about, you know, sort of landscape, water sustainable urban design kind of strategies to manage or slow down water retention on site to mitigate that overland flow at all in your comments?

20 MR TOOMEY: I can't confidently answer that, Helen. I know that we spoke to them about the south-western corner and an easement or a drainage - piece of drainage infrastructure that was there underground and about the building responding to that but in terms of water-sensitive urban design overland flow I'd have to review the comments more closely to answer that question.

MS LEESON: Rory, we might move on to heritage but we'd really appreciate if you could stay on the line for that. You mentioned that you've received the pack this week from the department just to refresh your memory to meet with us today.

30 MR TOOMEY: Yep.

MS LEESON: Having looked at that, there are some relatively minor exceedances in the scheme of things of heightened controls associated with this proposal. Have you had an opportunity to have a look at that and what your reflections or what your thoughts on that might be in terms of the exceedances? 1.7 metre exceedance.

MR TOOMEY: I must've - - -

MS LEESON: In the north.

40 MR TOOMEY: I must've missed it because I had a good look at the sections around building height and I didn't note any exceedance there and they had a number of

diagrams where they were showing - in the long sections everything appeared to be under the height lines. Whereabouts is it above the heights?

MS LEESON: On the northern section of the site.

MR TOOMEY: Right.

10 PROF. MACKAY: It's Richard Mackay speaking. It's in the north-eastern corner. So as you look at the Hotham Avenue elevation it's the right-hand end and it's a 1.75 exceedance there and I think it's also that part of the site that's zoned R and, therefore, there is a plot ratio exceedance as well.

MR TOOMEY: Right. Look, I mean, I'm looking at the east elevation which is the Hotham Road view and there's a duplex under construction at number 59 immediately to the north.

PROF. MACKAY: Now built?

20 MR TOOMEY: Now built.

MS LEESON: Yes.

MR TOOMEY: Yeah. I don't remember - I don't think we commented - I don't think there were height exceedances at the time when we were looking at it as a panel. And again I apologise, I would have to take that on notice to answer that confidently.

MS LEESON: No, that's fine. My question was more around looking at it now and -  
- -

30 MR TOOMEY: Yeah.

MS LEESON: - - - that dual-occupancy is completed to the north - - -

MR TOOMEY: Yeah.

MS LEESON: - - - your thoughts on that level of exceedance. Now, it's really the relationship between that north-east section of the building and the residences over the back.

40 MR TOOMEY: And the neighbour. Yeah. Look, I think in the scheme of things it's probably acceptable because it's to the south and because of the topography. I mean,

they could be asked to compress their floor to ceiling height in that level and to mitigate it potentially but I wouldn't see that as one of the key design issues of the - - -

MS LEESON: I just thought we'd take advantage of your expertise while we had you and I'm sorry to have put you on the spot.

MR TOOMEY: Not at all.

10 MS LEESON: Thank you. We might move on to heritage now, I think, in the interests of time and we'll Richard, I think, to take the lead on the heritage discussion with your background in heritage but we'll, no doubt, chip in as needed.

PROF. MACKAY: Thank you, Chair. Could I perhaps come back to Gabriel and to the department's representatives and, I guess, just ask the big picture question. Did the department actually at the end of the day form a view that the retention of Hotham House would preclude an orderly appropriate hospital development on the site?

20 MR WARDENBURG: I'm happy to respond to that, Alan and Suzannah. So for us it was important to ensure that all options to retain Hotham House had been adequately explored by the applicant. During the RTS and RFI process we required the applicant to prepare an options assessment for the site, so looking at options to retain Hotham House. There is also a technical study around the building code and also the condition of the house broadly and those studies, while there was variance, overall concluded that the building could be retained physically at some cost but feasibly it could be retained and that there could be an alternative use proposed for the building.

30 So we recognise that during the course of our assessment what we found looking at the options for the retention options assessment completed by the applicant, the options described by the applicant during the SDRP process and the engagement process was that there was - that the location of the item did pose a considerable constraint to the site given the current site layout and the levels and the intended access and scale of this development and ultimately that this development - that it was unlikely that this development could proceed at the proposed scale and with the proposed level of services while retaining Hotham House in a useful or beneficial context.

40 So providing adequate setbacks to the item, providing both a useful and, I suppose, well-thought-out layout for retention appeared quite challenging, particularly for this applicant through the engagement process and on that basis it appeared that the alternative options that we - that may be available would ultimately result in a different project being proposed and like Rory has suggested previously, you know, we require the applicant to propose alternatives and we've considered the alternatives



that they have proposed but ultimately we've not seen any alternatives that could sort of achieve the same level of service and number of beds and mental health facilities on this site with the current layout and configuration.

MS BYERS: Could I just add to Gabriel's comment if that's okay. I'm Suzannah, sorry, the Principal Planning Officer. Like Gabriel was saying we reviewed the options analysis, we also got an independent heritage advisor engaged by the department to review the applicant's heritage documentation to get, I suppose, a second opinion on the options analysis presented to us. We also looked at the option of the retention of Hotham House, what would needed to be done to the house and it became clear that it would need quite significant upgrades in terms of complying with the BCA and quite a lot of work done to the heritage item which may also, I suppose, devalue the heritage item due to the work that would be required to be made to that item.

Yeah, it was also presenting to us that it would present a lot of challenges to the hospital layout in terms of the functions that the hospital could provide and what it was really trying to achieve in terms of providing additional - like a mental health facility that is not available - there's not a mental health facility available in the Sutherland Local Government Area and the increase in beds, that was quite a key consideration for the hospital.

PROF. MACKAY: Thank you both. I think it would be helpful if we could just kind of focus on the heritage issue rather than the balancing of heritage versus hospital. Can I just perhaps first ask about the design option report that was done as part of the response to submissions. On my reading of that report what it demonstrates is that retaining Hotham House doesn't work very well with the design that's already been done but it does not contain any design studies which commencing from the proposition that Hotham House as an existing heritage item would be retained and would inform the design. I mean, it seems to me it's actually a retrospective examination that proves why the design that's been done doesn't facilitate the conservation of the house. So would you mind commenting on that please.

MR WARDENBURG: Yeah, I'm happy to talk to that. So we looked at, I suppose, a number of options that were apparent through the course of the assessment and that would include earlier options presented to the SDRP and consider those in terms of the context of the site and the location of the item. You know, we rely on the applicant to develop options and to explore those options and to, you know, consider the feasibility of those options and received clear advice that alternative options were not feasible for this site based on the requirements of the applicant and so the - I'd agree that options study focuses primarily on the conflicts between the item and the current design but

we did receive clear advice from the applicant through our engagement that there was no viable alternative option from their position that provided the same level of service and scale.

10 PROF. MACKAY: Thank you for that. Yes, I note that the statement of heritage impact that was submitted as part of the original application, as part of its concluding remarks indicates that detailed feasibility studies have been undertaken to test the potential for the whole Hotham House to be retained and incorporated the hospital. Is it those - are those studies, the documents, Rory, that you were referring to perhaps or that Gabriel was referring to easier because I don't think those studies have been made available to the Commission.

MS BYERS: Sorry, it's Suzannah here. Those studies were requested by Geoff. So I've just sent them - the response through today because based on that - by GBA Heritage they've referred to a feasibility study in that document so I've gone back to ask the applicant do we have a copy of the feasibility study and they've provided the options report back to me so I've just sent that through about an hour ago.

20 PROF. MACKAY: Suzannah, thank you, we've received that. Of course, we already had it as part of the response to submissions.

MS BYERS: Yes.

30 PROF. MACKAY: And, I guess, I'm relatively persistent but this is a very fundamental determinative issue for this application. That study that was sent today in response to the request for the reported feasibility studies postdates them by more than a year. It can't have been the document referred to in the Statement of Heritage Impact because it did not exist at the time that the Statement of Heritage Impact was lodged. So it is really - it would be very helpful, I guess, to the Commission to understand, taking on some of Rory's earlier comments, exactly what is driving the removal of the heritage item.

40 In that regard, in the presentation from the department one of the things that was said on one of the slides is that this is not the only item of its type in the LEP. There are some submissions before the Commission, particularly from Sutherland Shire Historical Society that suggest that, in fact, it is the only - leaving aside debates about duck farms, it is, in fact, the only federation cottage of the period in Gymea and it seems to me also that nowhere in the instrument itself, certainly not in clause 5.10 or anywhere else is there anything that says there's a test about being the only item. IN fact, what the instrument says is that the heritage item should be retained and

conserved. So could I invite the department to just expand a bit on what the relevance would be of it not being the only item and it seems to me that maybe it is.

MR WARDENBURG: It's probably two things I'll comment on there. The first is that we have identified, I suppose, a range of options previously through our assessment and consideration of all of the material and I think I'll take an action there or a question on notice to respond to the IPC with what clarification we can provide around the alternative options, whether formalised by the applicant through an option study or just provided through the course of the assessment and I believe it would be the latter and those options typically demonstrate a substantial reduction in services on 10 the site and also a less-intense development for the site but that nevertheless may be useful context for the IPC. So I've taken action on that. Regarding - - -

MS LEESON: Can I just - sorry.

MR WARDENBURG: Yep.

MS LEESON: Sorry, go ahead.

20 MR WARDENBURG: No, no, just regarding the second point and the value of the heritage item, I would just say that we wouldn't dispute the unique characteristics of the item and the value of the item itself and that at a - you know, at a higher level the assessment is primarily a decision between the value of the item, which it does have, it certainly does have, you know, local heritage significance, and the strategic merits of this project and, you know, the services that it could provide to the local community. So that's the primary driver around our recommendation in the assessment report.

MS LEESON: Thanks, Gabriel. Can I just clarify, when you said the retention and looking at the options would result in a less intense development outcome and 30 services, is that because of the drainage issue - associated with the drainage issue on the south-west corner where there's less development potential? Is it a transfer of space issue there?

MR WARDENBURG: I believe that that is a constraint present on all options that I've seen in that the south-west of that site is always utilised as a carpark. I'd have to confirm that but through most options that I have looked at the south-west remains a carpark and so is not used for built form.

MS LEESON: No. And it's accepting that that's a constraint and that if you take that 40 constraint and you took the constraint of the heritage building remaining on site - - -

MR WARDENBURG: Yeah, and - - -

MS LEESON: I'm not trying to put words in your mouth but you end up with a less intense development outcome.

MR WARDENBURG: So you're lose the north wing under - you know, at least under one option you would lose the entire north wing and I think the main challenge that I see, and not being an urban designer myself I make these statements with some  
10 trepidation, but you end up with quite a narrow corridor going from south to north and so somehow you need to overcome the access configuration of a hospital and, I suppose, a preference for a central location of core services and so this is spreading out from that core. So you have to accommodate this very narrow corridor that goes from south to north on quite a constrained site, like the layout being that reverse L shape and having flooding impacts in the south-west. It just makes for, yeah, a constrained site and that's reflected, I think, in the design.

MS LEESON: Thank you. Thank you.

MS BYERS: I would also say it would also redistribute the bulk and scale to different  
20 parts of the site than impacting the adjoining the residential properties as well. So by the retention of Hotham House that would be something that would need to be considered as well which is - yeah, we assessed in quite detail the bulk and scale and the relationships to the adjoining context.

PROF. LOCHHEAD: Did you discuss with the proponent the demolition of the operating theatres because that - I mean, that seems to be a bit of a tail wagging the dog part of the site, you know, and even the hydrotherapy pool, when we visited both those facilities which are seen as given constraints more so than Hotham House are quite past their use-by date in terms of current best practice and, yet, they seem to be  
30 fixed elements. Was that put to the proponent at all?

MR WARDENBURG: My - this has been quite a long project so whether it's - whether we've actually put that proposal to the applicant I'd have to check but what I would say is that we recognised the need to retain a functional operational hospital during construction, that was a preference by this applicant and I believe that the operational theatres themselves are relatively recent or have been upgraded relatively recent - I think you notice through what Rory said, but it's - yeah, it was clear that they've spent some time in upgrading those theatres and they were looking for a  
40 solution where they could retain an operating hospital design.

PROF. LOCHHEAD: We did know that one of the operating theatres were operational when we visited and they were all being used for storage.

MS LEESON: We'll follow that up with the applicant.

PROF. LOCHHEAD: So it would be good to know that.

MS LEESON: Richard, you - - -

10 PROF. MACKAY: Could I just finish off on the heritage questions and perhaps then  
Rory can make an escape. I'm just interested in the mitigative strategy please and just  
pursuing that a little bit in that on my reading the Cook Pine is not actually associated  
with Hotham House during its significant sort of phase of construction and occupation,  
it's actually a post-war addition and so I'm just very interested - I mean, it's very easy  
for applicants to say, oh well, we're demolishing the house and we will do an  
exhibition and we will put some decontextualised bits of the house on display with a  
tree that was planted quite recently. So it seems to me, you know, leaving aside the  
big question about the balancing of the demolition of the house with the benefit from  
the hospital facility, what's the intent of the interpretation because to my mind, and  
20 having done rather a lot of these, it seems very tokenistic, sort of lipstick on a pig if I  
could put it that way.

MR WARDENBURG: I believe the origins for that would be that that pine, you  
know, would carry some significance in terms of design outcomes. It's been a fairly  
central point of focus through the - both during the SLP and just design iteration and  
I'd acknowledge that the points you raise around it being a late addition but  
nevertheless I believe that it does form part of that curtilage and provides some value  
to that site and as a useful centre point for any sort of interpretation strategy and I say  
that not to overvalue its retention, only to recognise the opportunities that are available  
30 to this development with the proposed configuration in mind.

PROF. MACKAY: Thanks. I mean, an obvious question to ask is that if the tree went  
could you actually do some clever things with the levels and use Hotham House itself  
as the drop-off?

MR WARDENBURG: That was discussed. I don't believe we'd have documentation  
on it but the feedback was that that was - it would be unfeasible based on the level  
changes for the site, that the grades are too steep to accommodate a drop-off and that  
the building itself would be unsuitable for that use. I'd have to actually find  
40 documentation if that's needed.

PROF. MACKAY: Thank you.

MS LEESON: Thank you. Thanks. Thanks, Gabriel. Thanks, Rory, I think we've probably concluded on heritage and urban design-related issues so if - you're welcome to stay, of course, for the remainder of the meeting but we're going to move on to matters like construction, traffic - construction, traffic, parking and the like.

10 MR TOOMEY: If I can just during the questions over the last few minutes I did find in the SDRP advice from the third meeting from, let me see, March 2020 we did make a general statement under landscape that all planting and surface treatments must consider water-sensitive urban design principles. So that's just in response to your question from earlier. So we had - it is there in the advice from the SDRP but only in a fairly generic kind of form.

MR WARDENBURG: Rory, I'm just going to add onto the back of that that the conditions we're proposing around flood mitigation do require consideration of widening the swale and lengthening it to mitigate those offsite impacts. Consideration of them.

20 MR TOOMEY: Right.

MS LEESON: Thank you.

MR TOOMEY: Thanks all.

MS LEESON: Thank you very much. Thanks for your time.

MR TOOMEY: Happy to respond to any written requests that may emerge from the meeting afterwards.

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MS LEESON: Thank you very much.

MR TOOMEY: By for now.

MS LEESON: Thanks. Bye. Okay. We might move on. I realise it's quarter to 2.00 and we're scheduled to complete at 2.00 so we'll be as efficient as we can with questions but if we need to carry on a little bit longer is that all right with the department? Do you have the availability?

40 MR WARDENBURG: I do.

MR BRIGHT: I have to leave at 2.00.

MS LEESON: Thanks, Alan. But Gabriel and Suzannah, are you able to stay a little longer if we need to?

MR WARDENBURG: Absolutely.

MS BYERS: Yes, that's fine.

10 MS LEESON: Thank you. So we might move on to construction impacts and the proposed construction staging and car parking. As we understand it, and I think the slide you presented earlier, Gabriel, makes it a little clearer, the intention is to construct in three discrete zones and I think we've gleaned that first phase would be to demolish, excavate and build in the northern section and get that up and running before then moving to phase 2 and to phase 3 respectively. Is that an accurate understanding of the proposed - how the proposed stage is intended to work? They'll continue to have an operating hospital at all times in some form or another, they're not going to shut down completely and that would be the duration of each - I think it was -

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MR WARDENBURG: I believe so.

MS LEESON: - - - nine, 10 and seven months for each stage?

MR WARDENBURG: Yes.

MS BYERS: Yes, that's correct.

MR WARDENBURG: That's my understanding.

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MS LEESON: Okay. Thank you. One of the issues that's been raised in submissions is the impact of parking on local streets during construction, and you may have called it up in the presentation when you flipped through the draft conditions, are the recommended conditions including matters like all construction parking must be contained within the site?

MR WARDENBURG: I believe so.

MS BYERS: Yeah.

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MR WARDENBURG: I'm just checking right now. Yes, it is. So it's C15-G.

MS LEESON: Thank you. Thank you. And with respect to the proposed work zone on Hotham Road we went out on site on Friday, we had a site visit which was very useful, Hotham Road does appear quite narrow and local, there's a construction zone, you know, proposed on Hotham Road just north of President Avenue. In your experience it is feasible to remove a construction zone like that to within the site as well?

10 MR WARDENBURG: I believe - I believe so absolutely but it would depend on the actual construction layout and the staging proposed and I believe that may be - it may be more suitable to make a decision on that once the staging plan is further developed. So there's a staging plan condition and there's also the Construction, Traffic, Pedestrian Management Sub-Plan and both of those may provide opportunities to reach a decision based on the actual detailed design program for construction but this site does have existing open space essentially available to it and so on that basis I would've thought that that may be feasible but I think the applicant will need to respond to that.

20 MS LEESON: Thank you.

MS BYERS: Could I also add in terms of the Hotham Road work zone. So the applicant did say that during the construction before President Private - sorry, before President Avenue, the splayed driveway is constructed that vehicles will be travelling up Hotham Road; however, after the President Avenue driveway is opened then that will reduce also the number of vehicles on Hotham Road. The applicant did also state that there would be a maximum of six truck movements per day on Hotham Road. So like Gabriel was saying as well, that we've put that in a construction traffic management plan for the applicant to ensure that that does occur, that no - you know, there's not an increase in vehicles apart from those truck movements, that there's no  
30 more, I suppose, increase in truck movements without them coming back to the department and letting us know.

MS LEESON: That would require that President Avenue access point to be constructed early on in the piece though when they're still wanting to keep that part of the hospital in operation, like the hydrotherapy pool and the rehab facilities?

MR WARDENBURG: Yep. So that was a concern - - -

40 MS BYERS: That's right.



MR WARDENBURG: - - - that it could come quite late and so the condition, I suppose, prevents its use for that purpose until that road is constructed and those relevant approvals are sought and obtained for the slip lane as well.

MS BYERS: Yes.

MS LEESON: While we're talking about that splayed access point and where it's a slip lane or a splayed access point, the independent peer review that the department commissioned recommended that either President Avenue access be denied full stop  
10 or a slip lane be introduced or there be barriers within the carpark basement to prevent access between President Avenue and the carpark and the basement carpark and vice versa. They are the three options that your peer reviewer put forward. You've accepted the view of the applicant that a splayed driveway is acceptable. Can you talk us through that a little more?

MR WARDENBURG: Absolutely. So I believe that study identifies the risks that are apparent on that site in relation to traffic. We did talk through those issues with the specialist and ultimately we were not convinced that there was substantial safety concerns regarding the splayed driveway and that those - that the benefits of a splayed  
20 driveway versus a slip lane could not be clearly articulated. So we considered that in our assessment as well as the actual volume of traffic that would use that driveway and so while those constraints exist and while there may be - so while I would recognise that a slip way may address those concerns and improve safety, it was not clear that that improvement was necessary for this project given the traffic volumes and given the existing configuration of Presidents Avenue and the site and so those were potential measures that could be considered but certainly the splayed driveway, you know, meeting with our traffic consultant it didn't pose any particularly - - -

MS LEESON: Sorry to interrupt. Is that the traffic consultant that did the peer review  
30 for you?

MR WARDENBURG: Sorry. Our independent traffic specialist, yes.

MS LEESON: TTPP?

MR WARDENBURG: Yeah, exactly.

MS LEESON: Yes. Okay.

MR WARDENBURG: So meeting with them and that's the basis of the road safety  
40 audit. So, sorry, that's why we applied the road safety audit condition because there

was no elevated safety risk around the splayed driveway but we sought to confirm that for a road safety audit prior to its commissioning and regarding the separation of the underground carpark again that sort of responds to the traffic volumes accessing the site because safety appeared to be the primary driver for the slip lane, whereas the traffic volumes are actually quite low for Presidents Avenue itself. So I think it would be like a thousand to a hundred in terms of rough numbers and rough movements and the level of service certainly wasn't impacted and I spoke to that during - - -

10 MS LEESON: We had the benefit, as I said earlier, of going out and looking at the site on Friday morning, we were just on sort of 9 o'clock or thereabouts, and it was our observation that the traffic was fairly tearing down President Avenue and so if there was a green light phase the traffic was moving at considerable speed and we did, in fact, witness a vehicle coming into the driveway and I think that raised considerable concerns amongst those present on site as whether a splayed driveway might or might not be appropriate.

20 You've recommended a condition with that road safety audit. If the road safety audit determined at the end of that that a slip lane was the more sensible then I guess you wouldn't have a concern with that and my second part of that when you talked about the basement and the volume, at the moment if it's only surface parking that's served by the President Avenue access point of around 20 vehicles but if there's no barrier between the basement carpark and President Avenue directly there could be 168 vehicles. So I'm not sure that I'm exactly on the same page as you by saying that the volumes are not insignificant. They are not significant.

30 PROF. LOCHHEAD: And also I'm not quite sure what you mean by doing a road safety audit prior to commissioning. I mean, commissioning usually means it's already built and you're just giving it a last sort of dress rehearsal. So what does that road safety - when - at what point is a road safety audit done? Is it done in the design phase or in the pre - - -

MR WARDENBURG: I can provide further for the clarification around that. There's standards and it can be done at a number of stages through design and following.

40 MS LEESON: I think at the end of the day we as a panel have concerns around the President Avenue access and how that might be managed. I think we'd like to get a bit more clarity on the safety - you've recommended that safety audit but it's an issue that we're very concerned about, I think, in terms of the safety and how that driveway crossing would operate. Do you have any more questions on that?

PROF. LOCHHEAD: No, no, it was more that but I didn't understand what a road safety - when the road safety audit would be done.

MS LEESON: When it would happen.

PROF. MACKAY: I think perhaps this is a question the department could take on notice, if you like, but I share Helen's concern that if an audit is warranted shouldn't the audit be informing what's - - -

10 PROF. LOCHHEAD: Design.

PROF. MACKAY: The design to which consent is granted. I mean, and a way of sequencing that, you know, so that, you know, maybe - I mean, I'd need to get advice on how to do it technically but maybe the audit has to be done, then the design has to be signed off and then the Secretary has to sign off on the design informed by the audit before construction. Sorry, I put a question mark at the end of that and say, you know, would the department care to comment, I guess.

MR WARDENBURG: So the audit - - -

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PROF. MACKAY: Maybe on notice.

MR WARDENBURG: The audit is required prior to construction.

MS LEESON: Thank you.

PROF. MACKAY: Right. Well, that's very clear.

30 MS LEESON: That's fine. And then subject to that being satisfactory a splayed intersection is acceptable. If it's found that it's not acceptable then an alternative would need to be worked through. Okay. Thank you. We might just move to noise. Richard's keen to deal with noise while we've still got the benefit of you in our meeting. Alan, if that's all right, we'll jump around a little, we'll go to the noise and vibration assessment. Richard.

PROF. MACKAY: Thank you, Chair. And look, just a couple of questions particularly on the noise and the panel is especially focused on the construction noise and notes that the exceedances are very substantial, you know, in the high 30 decibels, you know, ultimately noise levels between 75 and 88 and appreciating that there is a  
40 draft consent condition that would - let me get my words right here, you know, require

noise management levels detailing the interim construction noise guidance which seems fine.

I guess my question is what surety is there that that's actually possible because given that there is rock excavation happening and given that the predicted exceedance ranges up to 39 decibels I'm concerned that that may be a condition that's not able to be fulfilled and shouldn't there be some more work done now rather than to pushing it into a construction environmental management plan or similar, that the levels of noise are really quite excessive during two of the phases of construction and wouldn't it be necessary to demonstrate that the mitigation can actually work?

MR WARDENBURG: We discussed this issue with the applicant at some length and we did suggest that perhaps the assumptions underlying the model are conservative and that the construction inventory could likely be reviewed and amended with alternative outcomes in terms of impact.

MS LEESON: Can you explain what you mean by construction inventory?

MR WARDENBURG: So the equipment that's used - - -

MS LEESON: Thank you.

MR WARDENBURG: - - - to inform the modelling. So both the number of items that you put into the model and that you overlap them in terms of when they're running and so I think that there would be opportunity there and I recognise that with the panel and the results that we see. Ultimately we recognise that there would be highly affected noise receivers in close proximity to this development and that the applicant would be required to demonstrate adequate mitigation measures, some of which are described in their assessment and impact assessment material and there's reference through our recommended conditions and they would need to demonstrate that prior to construction and that in most cases during construction of this nature, that is being a built form hospital of this sort of scale, it would be my experience that those exceedances are typically managed through respite periods and careful and more detailed planning of construction activities which at this stage has not yet occurred and so the conditions would, you know, require that to occur prior to construction. I do acknowledge that there are substantial exceedances proposed, you know, through the applicant's material.

PROF. MACKAY: Thanks, Gabriel. I mean, it just seems to me reading the assessment report that the assessment report identifies these exceedances and, I mean, it kind of underplays a bit because it talks about receiver R2 and R10 but R10 is, in

fact, four residential dwellings and R2 is, in fact, a pair of duplexes. So perhaps another four residential dwelling, so maybe eight residential dwellings affected. I guess my question is when you read the assessment report it sort of reports this and then goes to say these are the mitigative approaches that could be taken. What about the question of whether, in fact, those exceedances are so great and that amount of noise in a residential context is so great that this should be refused because it's too noisy?

10 MR WARDENBURG: I suppose that was discussed with the applicant, at least in terms of, you know, what I think is some conservative noise results and where that places the application. I believe - and we can confirm this in writing but I believe that their response was to commit to meeting the management levels within the relevant guideline and that is a very strong commitment and the condition would require the applicant to demonstrate how they would achieve that commitment prior to construction.

MS LEESON: Just to be clear, was that in discussion or is that part of their documentation that commitment?

20 MR WARDENBURG: I believe that that's documented and we'll take that on notice and respond, yeah.

MS LEESON: Yes, yes. I mean, it seems to be the applicant hasn't really helped themselves in the way they've set out some of their noise assessment because they just group it together and say, phase 1 is this period of time, they'll have rock-breaking and excavation but they don't say whether it's for three weeks out of six months or whatever the timeframe is, and there's no breakdown - no granularity by activity and duration to give a sense of how severe and over what period of time these impacts will - the severity is there but the duration of that impact is not clear and I think that would  
30 - that sort of information would've gone some way to allaying some of our concerns but I think we do share concern amongst the panel that they are very large exceedances and there's no demonstrable means of bringing those down and I think I note through the recommended conditions that, you know, there's nothing that requires the applicant to even sit down and negotiate with the people who are severely affected, whether there's something else that can be done. There's consultation but there doesn't appear to be any sort of seriously tangible effort at either a negotiation or a compensation. Is that a fair comment?

40 MR WARDENBURG: The condition - there is a community - community communication strategy which does identify construction noise impacts specifically and a requirement to set out any specific mitigation measures in discussion with

community members through that process but certainly measures such as compensation or alternative accommodation don't currently form part of the condition. So those things could be identified by the applicant as mitigation measures through the development of those plans.

MS LEESON: Thanks for that. We might go back to the traffic and - we might've pretty much finished traffic and parking unless you had anymore - - -

PROF. LOCHHEAD: No.

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MS LEESON: - - - questions. No. Then we might move to flooding which you'll be very relieved to know is the last issue on our list today, unless we think of something else between now and then. So you showed us some diagrams earlier and we understand that the applicant's done some assessment at the one per cent AEP and the one per cent AEP plus climate change, at five per cent and the PMF. I'm interested, particularly in light of recent events and more frequent and more intense activities of rainfall and this notion of climate change, how the department satisfied itself that the climate change allowances that the EIS includes are actually appropriate or adequate. Have you had a look at what sits beside - behind their assumptions about climate change?

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MR WARDENBURG: I'd have to take that on notice for this project. That's usually accommodated through a form of sensitivity analysis which is typically completed as part of the technical assessment but I'd have to take it on notice and confirm how that was addressed for this application.

MS LEESON: I mean, the principle's fine, one per cent plus climate change but it's understanding what does climate change mean and I don't think I could see in the documents how that - how the department had turned its mind to that and whether they considered that appropriate. So if you could take on notice that would be helpful.

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MR WARDENBURG: Certainly.

PROF. LOCHHEAD: The SES says that the risk assessment should consider the full range of flooding including the PMF and not only focus on the one - - -

MS LEESON: No, I absolutely agree with that and I just wanted to clarify the question around the climate change piece first and because I think the concern, or one of the things I'd really like to explore a little more is about this swale that runs from the west down through the south-west to the site and that comment or the questions before about the one per cent, five per cent and PMF were, you know, a lead-up to this

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because you say or it's assessed that at the one per cent AEP there'll be an additional 100 to 200 millimetres of water on President Avenue because the swale won't be - sorry, the swale should accommodate the one per cent AEP but it's not clear to me at what point you get the discharge onto President Avenue which is about 100 to 200 mils but it's deemed acceptable because President Avenue's already a hazard condition and just not quite sure why the department's assessment has concluded that adding to an already hazardous arrangement is an acceptable impact.

10 MR WARDENBURG: This always gets quite technical so I'll try and pick my words carefully but the existing conditions demonstrate that floodwaters, you know, flow to Presidents Avenue and the prediction is that they will continue to flow onto Presidents Avenue and that there could be some afflux and change in the distribution of that flow pattern but that distribution doesn't alter significantly as a result of this project. I've used the flood hazard because that's a useful analogy in terms of, you know, flood depth and velocity and if we look at this in greater detail we'll see some different patterns for velocity and depth but that overall, you know, we considered that acceptable as the existing hazard would not substantially increase or noticeably increase for the most part in terms of the current hazard on Presidents Avenue.

20 MS LEESON: Yes, it seems to me with all the new development they're doing exactly the right thing, they're putting it above the PMF, they've got a proposal to somehow or other flood-mitigate the existing theatres which is something we can perhaps explore. They're putting the swale through to cope with the bulk of, you know, your normal course of events, my question is having gone to the effort they've gone to so far on site for the extra over why aren't they actually dealing with all of the overland flow through the swale and into the council drainage pit which I'll also ask you to clarify, is to the east of the driveway, of the proposed driveway?

30 MR WARDENBURG: The drainage pit, I believe so but I would have to confirm that.

MS LEESON: Yes. It's something I would like to clarify because your peer reviewer in one of their analyses said that the swale seemed to abruptly terminate at the driveway and there was a question mark about what happened with the overland flow - what happened at that point and there was a response that, you know, it didn't flood the basement or the carpark, et cetera, et cetera, but can you clarify whether the swale goes under the driveway and is then piped or swale lead straight into the pit which is a Council - goes to the Council's trunk drainage?

40 MR WARDENBURG: Yeah. I suppose these are - yeah, there's council drainage and then there's the overland flow path of the floodwaters.

MS LEESON: Yes.

MR WARDENBURG: The driveway, I believe - I'll have to check my notes here but I believe that it's constructed to the one per cent flood event with some freeboard.

MS LEESON: So I might not have explained that very clearly, I'm sorry. I'm asking whether the driveway's, in effect, like a bridge across the - - -

10 MR WARDENBURG: Yeah.

MS LEESON: - - - top of the swale and swale flows underneath?

MR WARDENBURG: actually, yes.

MS LEESON: Yes. Okay. No, that's fine.

MR WARDENBURG: Essentially, yes, and it's constructed to the one per cent level so that during a flood event it would remain, you know, clear of floodwater  
20 essentially.

MS LEESON: Right. Okay. And then the remainder of it is if one didn't want to impact President Avenue at all, so you've made some good progress in terms of flood-proofing the development on site, could the drains - could the swale and the pit be designed to actually accommodate the one per cent plus or the five per cent AEP so to basically keep all the water onsite and not have any overland discharge onto President Avenue itself, the roadway?

MR WARDENBURG: That's a technical question I'd have take on notice, although I  
30 think I could fairly confidently say no but it is a technical question, I'd like to confirm that.

MS LEESON: Would you mind?

MR WARDENBURG: Absolutely.

MS LEESON: If you can take that on notice that would be good.

MR WARDENBURG: No trouble, yeah.  
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MS LEESON: And perhaps if you could do it for the five per cent and the PMF.



MR WARDENBURG: Yep.

MS LEESON: I mean, if they work it out at the five per cent the PMF will probably be pretty straightforward. Okay. Thank you.

MR WARDENBURG: And I might just note that there are some onsite detention basins proposed and those have rated capacity. So in our advice back we can clarify what those are.

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MS LEESON: So to that point, the detention bays on the eastern side, the 57,000-litre OSD, is that dealing with all the site or is it roof water? It wasn't clear to me just looking at the drawings what it's servicing.

MR WARDENBURG: That gets fairly complicated and there will be a catchment diagram that clarifies which OSD tanks respond to which hardstand areas of the development.

MS LEESON: Yes. Okay. Thank you.

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PROF. LOCHHEAD: Actually that was a question I had, that one.

MS LEESON: Right. Because I think - I think in terms of the overland flow from Bidurgal Avenue being dealt with and taken off to the east to Hotham Avenue, both pairs of modellers seem to agree that that's a very conservative modelling there and it's unlikely to be a significant issue. So I don't think that's of any particular concern. It's really the swale issue and understanding that detention system and what it's servicing given the amount of roof area. All right. Are we all done? Helen, any other questions from you? No. Look, I think that's probably brought us through the agenda today. I'm sorry it went overtime, it wasn't that much in the scheme of things and there was a fair bit to unpack there.

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So really thank you for your time and your contribution today, it's been very helpful so we'll finish there. There are a few items that you're going to take on notice and the team here will confirm that with you and arrange a timeframe for that to be provided to us. Thanks again. Thanks, Suzannah. Thanks, Gabriel.

MR WARDENBURG: Fantastic.

40 MS BYERS: Thanks very much.

MS LEESON: Bye.

MS BYERS: Thank you. Bye.

**MEETING CONCLUDED**