



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

**TRANSCRIPT OF PROCEEDINGS**

RE: PRESIDENT PRIVATE HOSPITAL (SSD-10320)

**COUNCIL MEETING**

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

OFFICE OF THE IPC: PHOEBE JARVIS  
GEOFF KWOK

SUTHERLAND SHIRE COUNCIL: BETH MORRIS  
ANNETTE BIRCHALL  
JAMES GOGOLL  
ANDREW REID  
CLAYTON WILLS

LOCATION: VIA VIDEO CONFERENCE

DATE: 9:00 AM, WEDNESDAY, 30 NOVEMBER 2022

**TRANSCRIBED AND RECORDED BY APT TRANSCRIPTIONS**

MS LEESON: Good morning and welcome. 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 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 am the Chair of this Commission panel. I'm joined by my fellow Commissioners, Professor Richard Mackay and Professor Helen Lochhead. We are also joined by Phoebe Jarvis and Geoff Kwok from the Officer 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.

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This meeting is one part of the Commission's consideration of this matter and will form one of several sources of information upon which the Commission will base its determination. It is important for the Commissioners to ask questions of attendees and to clarify issues whenever it is considered appropriate. If you're asked a question and not in a position to answer, please feel free to take the questions 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 all members to ensure that they do not speak over the top of each other to ensure accuracy of the transcript. We will now begin. So can I check, was that volume all right for you then?

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MS MORRIS: It's still faint but we'll manage and we'll ask you to repeat yourself if we can't hear you.

MS LEESON: Thank you. Thanks very much. We're not sure what the problem is, apparently it sounds fine at this end but we'll push through.

MS MORRIS: Okay.

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MS LEESON: So thank you. So the team has forwarded an agenda to Council about the matters that we'd like to discuss this morning and obviously it goes to the heart of Council's submission to the department and what I'd like to do, hoping it's not putting you on the spot, is ask Council to speak to us on elements of the application that Council regards as unsatisfactory and to guide us through elements which Council consider require amendment or specific consent conditions to be satisfactory. So it's a bit of an open question, I'm not sure who I should've directed that to but if you can take that and we'll use that as some opening remarks and then we'll dive into some of the more specifics areas that we want to ask Council about.

MS MORRIS: Perhaps I'll just kick off. I'm Beth Morris, the Manager of Development Assessment Major Development Assessment here at Council. We made a detailed submission in June which I'm sure you have a copy of which highlights the points that we are still concerned about today and I suppose it comes down to probably three things, three major things which is the demolition of the heritage-listed Hotham House, the traffic and parking issues or access issues and the flooding and stormwater issues. So with me today we have Clayton Wills who is from our traffic area who will give us some commentary on that. Andrew Reid from Flooding and Stormwater. We also have here Annette Birchall who's from Development Assessment, Team Leader, and James Gogoll who is from our Engineering Assessment Area.

Maybe if we just want to start with obviously Council went through a long process to list the heritage house and it had an interim heritage order and then I went through quite a public process to list the actual house and we are still concerned that they did not decide to do an adaptive reuse of the heritage house. So, I mean, obviously that's a concern of Council given that it was such a recent listing as well.

MS LEESON: Thank you.

PROF. MACKAY: Through you, Chair, it's Richard Mackay speaking. Just in terms of clarifying, and the Commission is very keen to be clear about Council's sort of bottom-line position on this. What I'm understanding is Council regards the demolition, the current proposals for traffic and parking and the flooding and stormwater is unsatisfactory. In other words, should not be approved in this form and the other matters that are raised in Council's submission are, I'm surmising, would be the ones that Council considers would be able to be resolved through appropriate consent conditions. Is that a very high-level overview of Council's - I mean, we're just keen to clarify and be very clear about the aspects of the application to which Council objects as opposed to those where it has commentary.

MS MORRIS: Well, those are the three main issues but there are also some design issues. We feel that it does not fit in with the local character of the area. It is a low density suburban residential area and the character of the building is quite brutal, if you like.

MS BIRCHALL: Yeah. And especially to the existing low density dwellings which, you know, are going to remain there for quite some time, that is a low density area and also to that corner, you know, while it is a corner they're very busy roads but there's also a lot of pedestrian traffic there as well and, you know, it is just a very, yeah, brutal kind of - - -

MS MORRIS: Response.

MS BIRCHALL: Response, you know, to have pretty much a two-storey blank wall at that intersection and again that was - you know, that came out in the responses to you and it remains a concern, you know, and the setbacks don't allow much sort of planting and in certain spaces that kind of can soften those elements.

PROF. MACKAY: Thank you. So adding that fourth design and character element, and I realise I'm being persistent but it's really quite important to us. It's correct to say that on those four matters Council objects to the scheme in its current form?

MS MORRIS: Yes.

10 MS LEESON: Thank you. That's actually very good clarification. So if that's - if we can take that as effectively your opening introduction to the panel we might move on to the department's assessment and invite Council to provide any commentary on the assessment and particularly whether there are any conditions or recommendations  
around the draft conditions that have been presented to us. So if there are any concerns with the assessment that's been done to date and if there are any of the conditions that, should this be approved, you would like to see somehow amended?

MS MORRIS: Perhaps do we want to start with the access and traffic stuff, Clayton?

20 MS LEESON: That's fine. And maybe we can actually take this as a subject by subject issue and then we can deal with the conditions that are there, it might be a little bit more orderly for us. So let's start with the traffic and access and we can come back to the other issues.

MS MORRIS: Yep.

PROF. LOCHHEAD: So just as a - it's Helen Lochhead speaking. So just as a context, you do support the - you do support the use of private hospital on this site, it's just the form and the way it's been development?

MS MORRIS: Yes, absolutely.

30 MS LEESON: Thank you. So traffic and access.

MR WILLS: Yes. So I noticed in the agenda there were four main points listed with the first being the on-street car parking impacts. So it's noted that whilst the traffic report and the design state that the onsite parking meets the requirements of the Guide to Traffic Generating Development there has been a recommendation from the TTPP transport planning peer review and a request from Council to undertake a survey of a similar site which will provide a much more accurate requirement for not only onsite parking demand but also travel movements to and from the site.

40 MS LEESON: Can I just interrupt there to actually note for the transcript that this is Clayton Wills.

MR WILLS: Yes, sorry, Clayton Wills, Traffic Engineer, Sutherland Shire Council.

MS LEESON: Thank you. Sorry I interrupted.

MR WILLS: No, no, thank you, apologies for missing that part.

MS LEESON: So to your commentary on the survey. There was a comparison done with, I think, Kareena Private Hospital, is that the reference you're making, that you're not sure that that's a valid survey or comparison?

MR WILLIS: I certainly haven't seen the results of that comparison, I've only seen a request that was lodged but haven't seen any results from that or evidence that it was undertaken but I'd certainly be happy to see the results of that survey and be able to respond to that.

10 PROF. LOCHHEAD: So just to clarify, you're supportive of the peer review's recommendation to do a survey of a similar facility, whether it's Kareena or something equivalent and that that should be used as a benchmark?

MR WILLIS: Absolutely. Yeah, I think that - or I strongly believe that that will provide a much better guide on the parking demands on site, both staff and patients or guests of the site rather than using the Guide to Traffic General Development which was published in 2002 and is rather generic.

MS LEESON: And other issues?

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MR WILLIS: Yep. So I'll move onto the vehicular entry off President Avenue where Council is certainly strong in its opinion that if access off President Avenue is to be maintained that a slip lane would be required to improve safety for ingress and egress. The peer review undertaken by TTPP makes a number of findings supporting this noting that there are relevant standards that state that a driveway access should not be provided within the queuing area of traffic signals which are the SIDRA results from the ML traffic engineer's report shows that the driveway clearly is. There are also standards that make - that say that any access off such a road should have an acceleration and deceleration lane to improve safety - - -

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MS LEESON: I'm sorry, Clayton, you broke up a little there.

MR WILLIS: - - - also noting that - - -

MS LEESON: I'm sorry, your internet connection might be a little unstable. We got a bit of buffering or something. Can you repeat that please?

40 MR WILLIS: That there's relevant standards which states that a driveway should not be located within this proximity of traffic signals which was noted in the TTPP peer review and also that if a driveway access is to be located on such a road, as President Avenue is, that a deceleration and acceleration lane be provided to improve safety. So Council is firmly supporting that position and it's consistent with the relevant guidelines and standards that should access from President Avenue be provided that a slip lane would certainly be needed.

MS LEESON: Thank you. Just on that standard issue, there's also proposed an access point on Hotham Road further north of the existing access. Does the same standard apply to Hotham Road as it would to President Avenue being an arterial road? So the

proposal is to move the access on Hotham, and I know we're a bit off track at present and you'll come back to that, but the proposal is to move the access point on Hotham further north which impacts the heritage house and we're interested in what the appropriate standard would be or the minimum standard would be for an access off Hotham Avenue given it's close to that intersection.

10 PROF. LOCHHEAD: I mean, there's two sort of schools of thought. You know, you often - you want to enter at the lowest point in site but, of course, because it's close to an intersection we weren't sure whether it had been moved up to actually maintain a safe distance from, you know, the corner and people coming around the corner. So we're just wondering what the standards are that would've guided that decision.

MR WILLIS: I would have to take that on note but I can comment on the differences between President Avenue and Hotham. Hotham is a local road and has significantly less traffic so having an access point off the secondary road is recommended in the standards and it would provide a much safer ingress and egress point for traffic. There is - - -

20 PROF. LOCHHEAD: Sorry, can I just ask, where the current driveway access is to the carpark is that - does that satisfy current standards? We're just wondering why it was moved up 25 metres or whatever.

MR WILLIS: I would have to take that on note.

30 MS LEESON: If you could that would be good. We're trying to understand that access point and what's driving it being moved further to the north, as I say, which impacts the retention of Hotham House in some ways. So if we go back to the President Avenue access point, TTPP did suggest either removing all the access from President Avenue but we understand the applicant's keen to keep that access given it will be primarily for the rehab facility and the hydrotherapy pool, or install a slip lane which you've spoken to us about or install internal barriers or modify the basement to actually make - to disconnect the basement from the President Avenue access point. I think the concern there was having a lot of people come in and out via President Avenue if there was access directly to the basement. Do you have a view on that internal modification suggested by TTPP?

40 MR WILLIS: That the view would have be shaped by understanding what the actual traffic volumes would likely to be and I don't have that information in front of me as it's a hypothetical unfortunately.

MS LEESON: It is a hypothetical but all right, we'll leave it there, that's fine, thank you. I mean, we did have the benefit of a site visit on Friday morning and we did observe traffic moving at some significant speed down President Avenue so we understand the - - -

MR WILLIS: There is one other point I wanted to make on that as well and it came from the submission from Greys Consultancy which is also contained in the TTPP peer review of the swept path analysis of the proposed driveway off President Avenue

and it shows the vehicles exiting onto President Avenue would be required to turn across both the first and second travel lanes which presents a significant safety concern that any vehicle turning out of the site would be required to use both lanes of traffic. This should be able to be rectified by having a slip lane and with vehicles able to not only safely turn into the site and get out of that stream of traffic which you noted can travel at some speed but also when they're exiting the site would also gain some benefit from turning into the start of the slip lane before proceeding into President Avenue.

10 MS LEESON: Thank you. Thank you. So the conditions as they're currently drafted call for a road safety audit of the proposed access onto President Avenue. Is Council comfortable that such an audit could, in fact, resolve the design issue at the access point or is Council adamant about a slip lane?

MR WILLIS: Council's very strong in the opinion that should an access be permitted of President Avenue that a slip lane should accompany it.

MS LEESON: Okay. And it is a Council managed controlled road?

20 MR WILLIS: It is, yes, it's classified as a regional road under Council control.

MS LEESON: Okay. Thank you. Just while we're on traffic, construction traffic, Hotham Road's proposed to have a construction zone not far from the intersection. Does Council have any concerns about the location of a construction zone at that point?

MR WILLIS: No, our public domain and traffic and transport teams would be able to assess a suitable work zone upon any application coming in. We certainly are well-versed in assessing the application of work zones in some difficult areas and in areas  
30 of high traffic. So Hotham Road certainly has some potential and there is potential off the northern street as well, I think it's Tilbarga Avenue.

MS LEESON: Bidurgal?

MR WILLIS: Apologise if I've pronounced incorrectly. Yes, yes.

MS LEESON: It's a tough one, Bidurgal.

MR WILLIS: Yes, sorry about that.

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MS LEESON: No worries. Okay.

MR WILLIS: There's also potential for a work zone on the northern frontage of the proposed - - -

MS LEESON: I'm sorry, Clayton - - -

MR WILLIS: - - - land parcel as well.

MS LEESON: - - - we lost you again there. You were talking about a work zone on the northern side?

MR WILLIS: Yes, there's a land parcel on the north that touches that section of road there as well where there's also potential for a work zone.

MS LEESON: Is that within the site or outside the site, do you mean? I'm a little unclear, I'm sorry.

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MR WILLIS: So there is - bear with me one second. I guess I could summarise and just say that we would be able to accommodate a work zone upon the application.

MS LEESON: Okay. Thank you. Thank you. Any other questions around - - -

PROF. MACKAY: Just a question about the parking. In Council's submission and in a significant number of the local resident submissions issues are raised about use of adjacent streets for parking, particular concern is about shift changeover times and sort of double leaders, workers arrive before workers have left. When the Commission inspected the site last week we were surprised at the rather substantial amount of - you know, we walked to and from Gynea station and there seems to be absolutely ample street parking. So we'd just like to provide Council an opportunity to respond to that observation in the context of the submission please.

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MR WILLIS: Certainly. I think that that goes back to one of my first points regarding the need for a detailed survey to be done of a similar site. I noted that in the Guide to Traffic Generating Development calculation that the formula there, it's roughly minus 20 parking spaces plus 85 percent of the beds, plus 27 percent of staff. The - - -

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MS LEESON: Sorry, Clayton, we're having problems with yours. If you could just retrace your steps a little.

MR WILLIS: Yeah, I might turn off my camera and see if that helps, if that's okay. is that permitted?

MS LEESON: Thank you. Thank you.

MR WILLIS: All right. Let me know if that breaks up any further but with regards to the concerns about on-street parking this comes back to my first - or one of the first points I made about the need for a parking survey to be undertaken of a similar site. The Guide to Traffic Generating formula which was used in the ML traffic engineer's report is roughly minus 20 parking spaces plus 85 percent of beds, plus 27 percent of staff. They said that there will be estimated to be about 102 staff on site. So that formula leaves less than 27 parking spaces for staff at any one time which means there will be an overflow of at least 75 staff mostly like who would be parking close by.

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I do understand that it can be considered that there is ample on-street parking nearby; however, 75 vehicles is a significant increase to the local parking demand, especially



in residential streets. Most property frontages would only have one parking space on street at their frontage. So - - -

MS LEESON: I'm sorry, Clayton - - -

MR WILLIS: - - - we may be impacting between 50 and 75 properties in the nearby area or - - -

10 MS MORRIS: It should be noted the hospital at the moment is not operating at capacity. As far as I know it's only doing rehab-type care, no surgery and a lot of the beds are empty. So whilst, you know, it looks like at the moment there's quite sufficient car parking on the street and in the surrounding streets it's actually not operating at capacity as it is at the moment.

MS LEESON: I think that's a good observation. We did notice when we were walking around the site that the theatres are currently not in use so that would perhaps add to some of that. What we might ask - - -

20 MS MORRIS: Can I just add one more thing? If you go to Kareena Hospital which is our other private hospital in the shire and look at the car parking even on just an aerial photo you'll see that the car parking extends in large directions probably at least, you know, almost a kilometre away they're parking on the street.

MS LEESON: That point was put to us by one of the community stakeholders in our meeting on Monday, the comparison with Kareena Hospital so thank you for that. Can I ask that the points that Clayton made to us, because the reception was unstable, could that be jotted down and put to us in writing so that we're clear? Thank you.

30 PROF. LOCHHEAD: It was essentially the assumptions that the applicant was using to generate the amount of demand for parking.

MR WILLIS: Yeah, I was - if I can try one more time quickly, sorry. We were concerned that there's at least - around 75 staff vehicles parking that haven't been accounted for on site and the potential for that to impact between 50 to 75 local properties with their on-street parking being removed would be considered significant. So we're certainly for that survey to be undertaken to assess how staff can better be catered for with regards to their parking needs on site.

40 MS LEESON: Thank you very much. I think that might be all we need on that, traffic and transport.

PROF. LOCHHEAD: Well - - -

MS LEESON: Not quite.

PROF. LOCHHEAD: I mean, are you going to stay on for the whole meeting, Clayton, or - is he still there? I can't see.

MS LEESON: Clayton's still online.

MR WILLIS: I'm still here. Sorry, could you repeat that, I couldn't quite hear.

PROF. LOCHHEAD: Are you going to stay on for the whole meeting or are you going to drop off now?

MR WILLIS: I can stay on for the whole meeting. I'm happy to stay on and then - - -

10 PROF. LOCHHEAD: Okay.

MR WILLIS: - - - answer anything else that may come up.

PROF. LOCHHEAD: Okay. Because it might just be worthwhile because there's some - we're talking about the - if we talk about heritage and the implications for driveway access it might be - - -

MR WILLIS: Certainly.

20 PROF. LOCHHEAD: - - - good to have your input there as well.

MR WILLIS: I'll leave my camera off but I'll certainly be here.

PROF. LOCHHEAD: Yes, thank you.

MS LEESON: Then perhaps what we can do is go to the built form urban design and heritage issues together and hopefully deal with that access driveway. So Council expressed some concern about the density and scale and setbacks of the development. So you've given us an overview about the built form and the urban design. There is  
30 on the plan or in the submission notice that there's a minor exceedance of the height limits to the north of the site. Does Council want to express a view around the extent of that given the comments you've made so far about built form?

MS MORRIS: Again obviously this is a very low density neighbour and most of the dwellings surrounding the area or the site are single-storey modest dwellings. There is a newer dwelling on the - well, dual occupancy on the corner of Bidurgal Avenue and, yeah, obviously we do require compliance with height requirements, particularly in the R2 zone and it would be better obviously if this - you know, in terms of bulk and scale it already is such a bulky building they should have complied with our height  
40 requirement so, yeah, we are concerned. I mean, that goes to the actual nature and design of the building in terms of its bulk and scale as well.

MS LEESON: It does. You've talked about the height and bulk and scale, on the corner of President Avenue and Hotham which, you know, the lower part of the site, if there was to be any transfer of height would that be an acceptable part of the site for it to be - - -

MS MORRIS: Yeah.

MS LEESON: - - - the area for some of that floor transfer?

MS MORRIS: Yeah, that would be a more acceptable area to have height on that corner which is a bit further away from the low density suburban area. Obviously there's a lot of traffic on President Avenue and it's a big intersection so, yes, it could accommodate height a lot better in that location.

MS LEESON: Thank you.

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PROF. MACKAY: Thank you, Chair. Just noting that the exceedances of both FSR and the height exceedance are in the R2 zone part of the site, the height exceedance particularly, it's 1.75, it's at the southern end of the site, it's to the south of the adjacent - sorry, it's at the northern end of the site, it's south of the adjacent residences so it seems on the face of it to have a minimal effect on amenity. On face reading the clause 4.6 submissions seems reasonable in the circumstances. So I'd firstly invite Council to comment on that perhaps in a bit more detail given the specificity of where that exceedance is because it doesn't seem to have an adverse amenity effect but more generally, and we will come to heritage, of course, I'd just be interested in Council's approach to the suggestion that maybe keeping Hotham House planning around it might provide a basis for a more generous approach to the configuration of the site FSRs, you know, given the multiple zoning on the site, et cetera, that you would adopt a more flexible approach perhaps rather than a numerical standards approach to both FSR and height controls.

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MS MORRIS: I'm sorry, we haven't got the elevations here but I'm assuming the height reach is in that sort of northern area on - - -

MS BIRCHALL: The southern part of that northern building, southern part of the northern building.

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PROF. MACKAY: I think as you look at the Hotham elevation it's at the right-hand end, it's to the right of the entrance, to the right of the retained Cook Pine adjacent to - or adjacent to what is noise receiver number 2 at the corner of Bidurgal Avenue.

MS MORRIS: The dual occupancy.

MS BIRCHALL: The dual - right.

40 PROF. LOCHHEAD: Yeah, the dual occupancy.

MS MORRIS: Obviously that's not the best place to have your height exceedance. Yes, we would agree that our height exceedance would be better accommodated down in the southern portion of the site where there's a significant drop in contours. Yeah, we would agree with what you've said there and in terms of flexibility, as Council would look more favourably at a height exceedance that was located in the southern portion of the site.

PROF. MACKAY: And I just push a bit the issue of trade-off between maybe enabling the retention and conservation of the heritage item and, therefore, some concessions that allow a bit more flexibility on the floor space configuration?

MS MORRIS: Definitely. Yes, we would agree with that.

PROF. MACKAY: Thank you.

10 MS MORRIS: So, yes, in order to retain the heritage item, yes, there would be some capability of accommodating some of that floor space in the southern section.

MS LEESON: Thank you very much. I think that - but only on the southern section?

MS MORRIS: Yeah.

MS BIRCHALL: Preferably.

20 MS MORRIS: Preferably. Where you're further away from your immediate neighbours, your single dwellings and where there's a natural sort of dip in the topography.

MS LEESON: Okay. Thank you. Thank you. We might move to heritage, I think, if everyone's comfortable with that. Richard, would you like to lead-off with the heritage discussion.

30 PROF. MACKAY: Thank you, Chair. Look, could I first invite Council's comment on the process for heritage listing because looking at the documentary trail, the building was first identified as a potential heritage item in the early 1990s. It seems that it was Council that decided not to proceed with Gazettal as a heritage item then. There was then an earlier application with respect to the subject site and an interim heritage order was made ostensibly to provide some space to enable heritage values and issues to be considered and then as I see it, the heritage listing was gazetted some six or seven months before the current application was lodged. Just being very blunt about my question, on the face of it - on the face of that sequence it looks like Council is actually putting forward the heritage listing as a response to the application to develop the site.

40 MS MORRIS: I'd have to go back through the files but my recollection was that it was raised as a potential heritage item, you're right, some years ago and then when LEP 2015 was on exhibition which occurred in 2013/14 it was again raised as a potential heritage item and it wasn't until 2018 that Council - I suppose the problem with raising it in 2014 was that it was too late to adjoin that heritage listing to the LEP, that LEP was already well on its way and it would've delayed the making of that comprehensive LEP.

So it was delayed until 2018 when Council put an interim heritage order on the property and then went through a process, a public process of listing the item and, you know, in terms of why wasn't it listed some years ago? I do recall there has been -

well, at the time - excuse me - there was a lot of conversation with the hospital about what they were doing with the site and I think Council wanted to remain flexible, not that we wanted to - we weren't necessarily supportive of the demolition of the item but Council wanted to remain flexible and in discussions with the hospital at that time but obviously following the resident nomination in the 2014 and our subsequent gazette of LEP 2015 it was then raised again and - by a member of the public and we subsequently went through the process of an interim heritage order followed by a community consultation and studies. I think we even had an independent review of the site done by our heritage expert and Council consequently resolved to list the item.

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PROF. MACKAY: Thank you for all of that, that's informative and helpful. Just to ask the open question, I mean, clearly Council is objecting to the application before the Commission for reasons that include the demolition of the item.

MS MORRIS: Yes.

PROF. MACKAY: What would Council see as the desirable outcome for Hotham House please?

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MS MORRIS: I think we would like to see some adaptive reuse of the house and it could be incorporated into the proposal, used perhaps as a reception foyer area, café, you know, those sorts of ancillary-type uses.

PROF. MACKAY: And would you see it as acceptable that there would be some physical change at the rear of the property where it has some - already has had some changes over the course of its history?

MS MORRIS: Yes.

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PROF. MACKAY: And has Council - does Council have a view about the pine that's out the front, the Araucaria which is the application proposes retaining that as a kind of landscape element?

MS MORRIS: As far as I understand the pine is a more recent pine. I think the study said it was like a 1970s pine. Obviously it is representative of the types of planning that we did get in those types of, you know, estates, country estates at the time but it is a more recent addition.

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PROF. MACKAY: And look, finally the application including the response to submissions information proposes an interpretation strategy. So if the Commission was of a mind to approve the demolition of Hotham House does Council have a view on what's proposed in terms of keeping some physical elements of the house and some kind of onsite exhibition?

MS MORRIS: Yeah, if the Commission is of a view to approve the application then obviously that sort of interpretative record and display would be welcomed.

PROF. MACKAY: Thank you. That's all from me, Chair.

PROF. LOCHHEAD: So in your submission you make some recommendations about the adaptive reuse including the uses and the location of the access onto the site, into the carpark, potentially around the back or underground. So that - I mean, the driveway access and entries are probably the main intervention which really compromises the retention of Hotham House. Did you have some - sort of a detailed look at that, you know, in terms of traffic access and parking and implications for Hotham House or is it just a general comment?

10 MS MORRIS: Clayton, did you want to jump in here?

MR WILLIS: No, I haven't made any assessment of the impact of not removing Hotham House on parking and access.

MS MORRIS: Yeah, it's difficult to comment because the retention of the house is not shown on the plans.

PROF. LOCHHEAD: Sorry. Are you aware of the option study that they did, the implications of retention?

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MS MORRIS: Maybe we need to go back to that. I think we'll have to take that on notice and come back to you with some comments about where they're retaining the house.

PROF. MACKAY: Through you, Chair, I think in the response to submissions there's a very short, or a reasonably short report called Design Option for Retention of Hotham House and it's dated 12 July 2021. I think it would certainly help the Commission to hear any views that Council would like to express on that report. It's basically an explanation of why the applicant has reached the position that's reflected in what's currently before the Commission.

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MS MORRIS: Sure. Can we take that one on notice and get back to you later this morning?

PROF. MACKAY: Yes, that would be very helpful. I think probably the best way to handle that, and there's no need to be lengthy, would be for Council to just send us some dot point comments on that report. We will obviously publish that on our website as part of our process but that report is essentially the applicant's answer to the question why can Hotham House not be retained. given that Council's position is Hotham House could be retained, it's really relevant for us to understand Council's position on that report please.

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MS MORRIS: Noted.

MS LEESON: And further to that, I mean, submissions for this close on the 12th - the 7th, I'm sorry, of December so if there are other matters arising from today's meeting or with the transcripts of the other meetings that we're conducting Council's further submission on that would be useful. All right. We might then move to noise which is

and interesting topic for the Commission. I think many of the - listed in here under Construction - we're a little out of order, I'm sorry, Helen, but it's listed under the Construction Impacts.

10 I think we've probably dealt with most of the other issues around construction so far through the conversation around traffic other than perhaps the proposed staging but our assessment or our understanding from the documents we've seen is that operational noise is largely within acceptable limits apart from a couple of very minor exceedances in the evening and that's about access to the hospital and the loading dock but the noise during construction seems to the Commission to be quite a serious issue given the predicted exceedances at a number of the residential receivers around the site, notably to the north of the site being the duplex which is, I think, R1 - R2, I beg your pardon, and R10 which is to the north-west of the site where there are four residences there.

20 We would like, I think, to get Council's thoughts and views on whether the proposed conditions that are set out by the department are adequate in terms of dealing with that level of noise. They're predicting, for example, exceedances above the threshold level of up to 39 dBA. It's unclear from the documents that we've got whether that's for the full duration of construction, although we can interpret through the various tables that it's for elements of the construction but we'd like to get Council's thoughts on the way the conditions are drafted and whether they're acceptable in terms of noise assessment going forward. Noise management.

MS MORRIS: Yeah, the conditions as drafted seem to address the noise guideline so we would be supportive of those.

30 MS LEESON: Would there be any tighter conditions that Council would consider? I mean, these are quite significance exceedances and, you know, there's a question, I think, about whether they are even acceptable at those levels given the proximity of those residents.

MS BIRCHALL: You could time in those.

MS MORRIS: Yeah, the only other - well, I mean, it would work with the guideline as well would be to implement time restrictions behind noise activity so that - and certain breaks between the noise so that they didn't have to endure, you know, eight hours of straight noise.

40 MS LEESON: Okay. I mean, the conditions seem quite generic at this point and I guess we're inviting you to let us know whether you think there are additional conditions that you would recommend or tighter conditions that you would recommend to give effect to a mitigation of that noise. At the moment the assessment says including a 2.4 metre noise barrier around the construction zones we still have these levels with very little information about how they propose to mitigate the noise and we have a fairly general condition referred to about construction management plans.

MS MORRIS: I think I'll have to take that one on notice and come back to you after I speak to our health and building people as to whether they have more specific conditions that could address those noise impacts.

MS LEESON: All right. Thank you for that. Flooding and drainage we'd like to explore with you now. I think the proposal's indicating that all of the new buildings would be above the PMF, that the existing theatres would be protected with some physical mitigation, although it's not exactly clear how that will work. So we're comfortable that the new buildings being above the PMF is appropriate. It's really the  
10 overland drainage from the north-west to the south-east through the swale arrangement and coming out to President Avenue I think that we'd like to explore in more detail. The swale as currently designed, we understand, goes under the driveway and terminates or comes into a pit and then into Council's drainage system and in the one percent AEP exceedance that water will actually come on to President Avenue.

I'd like to understand from Council the acceptability of water coming onto President Avenue during the one percent or greater event. We've seen the - sorry, I've lost my train of thought, completely lost my train of thought, I beg your pardon. Council's  
20 observations on the flood analysis that's been done to date and the modelling and the peer review and also the notion of the water coming onto President Avenue in certain circumstances and you're confident that, you know, adequately be managed and on the back of that is a question probably that you'd like to take on - might like to take on notice, whether Council thinks it would be feasible for a greater drainage system to say the five percent AEP that would be physically achievable within the site to prevent overland flow coming onto President Avenue at all. So you've been on mute, I'm sorry.

MR REID: Yep, this is Andrew Reid, Stormwater Engineer for Sutherland Council. So I was just writing down that question you just mentioned then. So I guess the key  
30 issue of water coming onto the road, it's sort of - yeah, that's the existing condition as it happens now. I guess one of the major concerns is the concentration of the flow into the swale and then the distribution of that flow across the road. So what we don't want to see is it in a more concentrated point coming out rather than sort of being a wide overland flow as it currently is now. So noting that the current swale design concentrates the flow into a significantly high hazard area, it's how it actually gets onto the road when it spills.

MS LEESON: I guess my question in that is - and I was probably a little bit unclear before - whether Council thinks that the swale and drainage system could be designed  
40 that it didn't concentrate it to that extent and was able to deal with it through the drainage system that connects into your trunk drainage to the east of the proposed driveway.

MR REID: I suppose there is certainly some refinement that can be done in terms of the swale. I guess the capacity of the existing drain system is such that it won't be able to take the all hundred year flow so in that sense there does have to be some overland flow onto President Avenue.



MS LEESON: Okay. Thank you. I think that's answered that question from me. And, yes, I think I'm quite comfortable. Okay. That's answered that. The only question - - -

MS MORRIS: Can we add one more thing to that please?

MS LEESON: Yes.

MS MORRIS: Sorry. James, our Development Assessment Engineer.

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MR GOGOLL: James Gogoll. In working with Andrew's comments we've got an interesting combination of dealing with the overland flow path, whatever that means, with regards to velocity and depth and the vehicle connection point off President Avenue are closely merged together at that point and before us is not the slip lane. So there's many moving parts here. So - but in a broad sense we've got a significant connection point to President Avenue that coincides with an overland flow path in a flooding situation.

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It's a very large catchment and you might get a partial flooding situation and not be fully aware of it actually on site because there's such a large catchment, the water's coming into the top of the catchment and maybe impacting the site disproportionate to the rain event that you're actually driving in. So I believe that more thought has to go into it in as far as the connection to President Avenue that could have a significant bearing on how Council would approach it. As an example, I noticed in your conditions of - the proposed conditions of consent it talks about the accessway being 300 millimetres above the one percent AEP.

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Now, on that particular juncture it's very, very difficult to generate height when you're coming off a road or a footpath which is existing and then you've got to jump up to get over the overland flow path. The condition is difficult to get my head around because in one area you're trying to get height and in another area you've got a physical connection that may prevent it. So a lot of these things - whether the slip lane's there, whether the connection point is there combine into the assessment of the overland flow path. Thank you.

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PROF. LOCHHEAD: Can I just ask a question? Would Council - I mean, obviously President Avenue is a major thoroughfare and it has an existing access to car parking on site which the applicant would prefer to retain. Would it be - in an ideal world would Council prefer that there was no vehicular access from President Avenue and that everything was accessed off Hotham and if - - -

MR GOGOLL: That would be ideal.

PROF. LOCHHEAD: And that would also mitigate the flooding - overland flow or the ability to manage the overland flow in peak flood events

MR GOGOLL: It certainly would be helpful.

MS LEESON: Thank you. And in that same context, if - given the consideration you've put to this access point and the intersection of the overland flow issue, if Council does have a better version of a condition that might be drafted we'd appreciate you having a think about that and submitting it to us that in the event we do approve the application, that might be taken on board.

MR GOGOLL: Thank you, Chair. It's just a complication when if there's no connection and no slip lane that would give us an easier answer.

10 MS LEESON: Yes.

MR GOGOLL: If the slip lane is on the agenda and the connection's on the agenda it makes it quite complicated. Just going to the other matter that was raised. There is an existing carpark off President Avenue, it is very small, it had no consent so it's a bit hard to form a basis as that being a precondition.

MS LEESON: Okay. Thank you. The overland flow from the north, from Bidurgal Avenue that is then proposed to be picked up behind the operating theatres and taken via another arrangement to Hotham Road, is Council comfortable that that's  
20 acceptable? I think both modellers for the applicant and the peer reviewer for the department formed a view that the modelling up there was probably overstated and the issue isn't as great as it might appear on some of the outcomes. Is Council of a similar view?

MR REID: That was a concern that I had that currently it's undefined exactly how deep and how wide and exactly where that flow bath goes. In terms of the modelling - so I haven't looked at the model myself so I don't know how conservative or otherwise it is but taking their advice on note, yeah, it's still a question that it's  
30 undefined at the moment, we don't know exactly where and how deep and whether it's been managed suitably and, I guess, part of the question for that comes to, yeah, depending on the depths, whether it's sort of been accommodated in the floor levels and other mitigation structures that are proposed to keep the floor levels safe to PMF.

MS LEESON: That will be a question that we'll be putting to the applicant as well.

PROF. LOCHHEAD: Can I just ask, what is your view of the flood barrier to the operating theatres in terms of the efficacy of that sort of treatment? Do you believe that's an effective treatment to prevent water ingress to the existing buildings?

40 MR REID: I guess if it's a - if it's a solid impermeable-type structure then that's sort of a common practice to keep water out from areas to provide the freeboard and appropriate protection for a lower floor level. So if it's adequately designed and suitably structurally stable then I guess from that point of view it's satisfactory to keep the water out. It's common practice.

MS LEESON: Thank you. And just back to that question around the relatively-undefined flow across to Hotham Avenue from that Bidurgal Avenue overland flow, is that something that you feel could be dealt with via conditions or is it a more

fundamental issue that needs more work before a determination can be made and an appropriate condition put in place?

MR REID: In my view it's still an element that's underdetermined at this stage just because the criticality of being able to evidence that - the floor levels are safe to PMF and that there's no entry to sort of the basement as well. It's sort of - even though it may be a minor flow, we still don't know the exact extent or behaviour of that water at this time.

10 MS LEESON: Thank you. Thank you. And my final question on the drainage issues, the 57,000 litre onsite detention towards the east of the site, is that largely to deal with roof water rather than ground - the overland flow?

MR GOGOLL: May I step in? James Gogoll.

MS LEESON: Please.

MR GOGOLL: Generally, Chair, the way we approach it is a suggested approach that you may consider is that we would separate the subject of flooding and stormwater.  
20 By that I mean that we happened across this kind of arrangement a fair few times across the years. So we normally split it to make it easier into the stormwater drainage which is specific to the development itself and then we talk about trunk drainage system which is the Council system, the Council floodway and the like and we kind of separate the subject.

With regards to how the building actually drains, let's just call that the stormwater drainage for the development, we generally don't have an issue with it. If they say it's a 57 litre OSD vessel's required we would accept that. I think our main problem or  
30 our main concern is the overland flow path and the public or the trunk system that goes through the site more than the actual drainage system being created to deal with the drainage of the development itself and that's kind of where Andrew pops in. He's looking at the trunk system and impacts and I'm looking more at the drainage system. So in general, the drainage system could be dealt with by condition, it will be tweaked by condition but generally we're okay with it. Our main concern is the trunk system and the flooding related to the trunk system.

MS LEESON: Thank you. That's very helpful, thank you very much.

MR GOGOLL: May I make one other comment if I could please?  
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MS LEESON: Please.

MR GOGOLL: In numerous spots there's encroachments in basements, on the existing easement and structures upon the surface of the existing easement. For quite some time we've been trying to establish the location or the exact alignment of Council's public system. In the latest documentations provided by ALS, Australian Locating Services, they were also struggling with the location of the infrastructure. I

put it to you that if that question was resolved I believe the pipeline is somewhat more to the south than the actual easement.

For reasons unbeknownst to us, we kind of can't get our heads around the information being supplied, in other words, they can't establish where the line is. We believe that is the line is to the south it will be helpful with regards to structures upon the ground and it will be helpful with regards to some of the basement area. It's basically we just don't have enough information to move to that point and I think that overlays with Andrew's position where he's trying to establish what's there as well. Thank you.

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MS LEESON: Thank you very much.

PROF. MACKAY: Thank you, Chair. Just by way of wrap-up and conclusion I think we've invited Council to provide further information, should it wish, on the draft consent conditions for noise and particularly construction noise and compliance with interim construction noise guideline 2009 and should Council wish, a response to the argument put by the applicant in the design option for retention of Hotham House report, that would be - that report's dated July 2021 and the Commission would need to receive that information no later than the 7th of December in order to consider it which we'd be happy to do.

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MS MORRIS: Thank you.

MR GOGOLL: Could I - may I add one point, Chair, please?

MS LEESON: Yes, please.

MR GOGOLL: Council's got a willingness to work with the applicant with regards to the trunk system. If the trunk system is found to be more to the south we're happy to work with the applicant and redefine and reshape our easement that would better accommodate their aspirations. We've made that clear from the get-go. So if the alignment of the pipeline can be established we're more than willing to be cooperative and alter our easement, that's notwithstanding the fact that there might be other complications with regards to the overland flow path which may have a slightly different shape easement about it. Thank you.

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MS LEESON: Thank you very much. Thank you. I'll just see if there are any other matters that we want to raise today.

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PROF. LOCHHEAD: I think if you wanted to put in writing that the current access off President Avenue is not an approved access and that preference is for vehicular access off Hotham Avenue, if that is correct, you should also put that in your submission because I don't think that was articulated.

MS MORRIS: We will do so.

MS LEESON: Thank you very much. All right. Are there any other comments that Council would like to make? That's pretty much our line of enquiry. Is there any further comments Council would like to make, we're very happy to hear them.

MS MORRIS: I think we've covered everything, the main issues and if we have anything more it would be secondary but we will add it to our submission before the 7th.

10 MS LEESON: Thank you very much. On that basis we will close today's meeting and we thank you very much for your attendance and your contribution so far. So thank you.

MS MORRIS: Thank you.

MS BIRCHALL: Thank you.

MR GOGOLL: Thank you.

20 MS LEESON: Bye.

MR REID: Thanks for your time.

**MEETING CONCLUDED**