



## **TRANSCRIPT OF MEETING**

**BAPTISTCARE CARLINGFORD - SENIORS HOUSING  
(SSD-33631237)**

### **APPLICANT MEETING**

**PANEL:** MS JULIET GRANT (CHAIR)  
PROF ELIZABETH TAYLOR AO  
MR MICHAEL CHILCOTT

**OFFICE OF THE IPC:** KENDALL CLYDSDALE  
CALLUM FIRTH

**APPLICANT REPRESENTATIVES:** JOSHUA BRANDON  
TRENT WIGGINS  
LEIGH GILSHENAN  
LUIS SANTELIZ  
DANIEL WEST  
NICK BYRNE  
MATTHEW RITCHARD  
KEITH STEAD  
MIKAEL PECK  
GREG TESORIERO  
GREG CHAMBERS  
FRANCISCO TOLEDO SILVA  
AMANDA TOBIAS

**LOCATION:** ZOOM VIDEO CONFERENCE

**DATE:** 2:30PM – 3:30PM  
MONDAY, 5<sup>TH</sup> AUGUST 2024

**<THE MEETING COMMENCED**

5 **MS JULIET GRANT:** Dan, I understand you're in the hotseat for your team today. Just before we kick off, I just want to check have you got everybody you're expecting or are we waiting for others?

**MR DANIEL WEST:** Hello, Chair. Yes, I believe everyone is here. I'll just scroll through everyone. Yes, I believe we're all online.

10 **MS GRANT:** Terrific. Thank you. Just for the record, do you think if you could just quickly introduce who's actually here in this meeting and then I'll read the official opening statement, but just so we make sure we record everybody in attendance.

15 **MR WEST:** Yes, will do. I am Daniel West from Ethos Urban, planning consultant for the project. We have the client, Joshua Grandon from BaptistCare. Also online from BaptistCare is Trent Wiggins. From DKO Architects, we have Nick Byrne and also Matthew Ritchard. From TSA, who are the project managers, Luis. Also, sorry, from – also got our arborist, Greg Tesoriero, our ecologist,  
20 Mikael Peck and Greg Chambers as well. Is that it, Luis?

**MR LUIS SANTELIZ:** Yes, I think that's us. And you also have Leigh Gilshenan from our TSA Riley office and Francis, our structural engineer, Francis Toledo, our structural engineer from Stantec. And, sorry, and Amanda Tobias  
25 from WMS, our flooding engineer.

**MR WEST:** So we have almost the full consultant team here.

30 **MS GRANT:** Keith was on our list from Oculus. Is he –

**MR WEST:** Yes, he's the landscape architect. He'll be running a little bit late. He should be here at about 3 o'clock. He should dial in.

35 **MS GRANT:** Perfect. In that case, we will kick off. Before we begin, I would like to acknowledge that I'm speaking to from Gadigal country 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 BaptistCare Carlingford Seniors Housing case, SSD-33631237,  
40 currently before the Commission for determination.

45 This application seeks consent for site preparation works, construction of seven one to six storey buildings and basement levels providing for a residential aged care facility, independent living units, respite day centre and car and bicycle parking on the southern portion of the former BaptistCare Carlingford Seniors Housing development site.

My name is Juliet Grant, I'm the chair of this Commission panel. I'm joined by my fellow commissioners, Elizabeth Taylor and Michael Chilcott. We are also

joined by Kendall Clydsdale and Callum Firth from the Office of the Independent Planning Commission.

5 In the interests of openness and transparency and to ensure the full capture of information, today's meeting is being recorded and a complete transcript will be produced and made available on the Commission's website. This meeting is one part of the Commission's consideration of this matter and will form one of several sources of information upon which the Commission will base its determination. It's important for the commissioners to ask questions of attendees and to clarify  
10 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  
15 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. We will now begin. So over to you, Dan.

**MR WEST:** Thank you. Luis, could we – we've got a presentation for the  
20 Commission.

**MR SANTELIZ:** I'll share it, Dan.

**MR WEST:** Okay.  
25

**MR SANTELIZ:** Sorry, okay, it's already shared. You want to share it? You go, yes. Okay.

**MS GRANT:** I notice – thank you for sending that through in advance as well. Each of the commissioners have a copy to hand. It's quite a long presentation, so  
30 we might need to move through it promptly.

**MR WEST:** Yes, we'll try and run through it as quickly as possible. So that's a render from the street side of the northeast side of the development from Martins Lane. So once we received the Commission's agenda, we recut this on Friday to try and align with it as well as we could. So there are the dot points to try and align and take the Commission through it and we'll try and run through that as succinctly as possible so we've got enough time for questions at the end. So I'll just flick over to Josh from BaptistCare to take the Commission through the  
40 history of the site.

**MR JOSHUA BRANDON:** Thank you. Joshua Brandon, senior development manager, BaptistCare. BaptistCare's a leading not for profit we like to refer to as a for purpose organisation. We've been delivering exceptional person focused care to older Australians and persons living with disadvantage since 1944, so for 80  
45 years.

We believe in creating strong and caring communities and today we support over

24,000 people across more than 100 locations within New South Wales, ACT and Western Australia. We have a dedicated team of over 6,000 employees and 600 volunteers, committing to transforming lives, seeing every individual live well through our wide range of services, including residential aged care, at home services, retirement living, which is the focus of this project.

We also provide community services and community housing. Our community services are things such as supporting people living in disadvantage such as domestic violence is a major focus of ours, long term unemployment and addiction. We also have a community housing portfolio. Currently we're a tier 1 community registered social housing provider.

The Carlingford site originally is the birthplace of BaptistCare, 75, 80 years ago it was set up. We previously had 315 residents on site in accommodation and approximately 165 staff. In 2016, we looked at rezoning the site with a planning proposal on the site. Just to note, just as I guess as my opening introduction, that the original design was based off a standard residential development, so our intent in the rezoning was always to provide as much as flexibility as possible for the site.

So hence the DCP set up with Parramatta Council was for a pure residential development. We've now changed our strategy for the site and you can see in this proposal, we're proposing residential care and independent living units within a retirement village encompassing one complete community. We also provide home care services or will be providing home care services to our residents.

**MR NICK BYRNE:** Thanks, Josh. Nick Byrne from DKO Architecture. Listen, like every large project, it straddles a long period of time together with a series of planning regimes. We started off, as Josh mentioned, in 2016, the site got rezoned, we got a DA through Parramatta Council in 2020 and then we started off the site B or the southern part of the site. You'll hear us talk a lot about site A and site B, site A being closest to Pennant Hills Road and site B being furthest. And we started down that process and probably what we learnt from Council is to do more consultation.

So we started off a process of really seeking Council's opinion on the site, so we sort of understood it. And then in 2021, it changed to the housing SEPP, we went to SSD and again we sort of continued on that process throughout and I suppose it's fair to say from 26 November 2021 to where we are now, we've also had little intricacies change in the housing SEPP that sort of meant that there are anomalies in what we're sort of talking about today in specific relation to GFA. Dan, I'll just hand back over to Dan.

**MR WEST:** Thanks, Nick. I'll just briefly take the Commission through the VPA. I know it has been raised by Council in their submissions and it has formed a big part of the redevelopment of the entire BaptistCare site. So it really did form part of the planning proposal to rezone the site from R2 low density residential to R4 high density residential and a variety of works commitments were agreed to as

part of the VPA that was executed in 2019. One was the signalisation of Baker Street and Pennant Hills Road, which is that circular dot on the plan.

5 Another component was the widening and upgrading of Martins Lane. That included street lighting, footpaths, landscape verges, road resurfacing, fencing up and down Martins Lane and joining the site. The other component was the construction and dedication of roadways. So that's the north-south and east-west road, which if you can see that plan, it's the blue shaded road, which is the north-south, and the green shaded road, which is the east-west between site A and  
10 site B.

I understand from BaptistCare that they were dedicated to Council last week. So they've been built and completed and now dedicated. So just back again, the other part was obviously the provision of 162 affordable housing units, which has now  
15 been completed. Site A was finished at the beginning of the year. The residents moved in I believe in February this year. So that development site is now complete.

**MR BRANDON:** Sorry, last year. It was actually April, May last year.  
20

**MR WEST:** Sorry, April last year. Now, the final component of that was the ecological zone, the 20 metre wide ecological side at the southern part of the side, which is required to be maintained and have public access across it as a part of the VPA.  
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**MR BRANDON:** Can I just make a comment on that? The 20 metre it's labelled there high impact ecological zone, the 20 metre setback was only ever an arbitrary line. So that was what was agreed with Council and the intent was always that we would provide publicly accessible open space to that area, which we are  
30 committed to providing as part of this development. So it was never mapped specifically as a 20 metre strip.

**MR WEST:** I'll just briefly just set the table for in terms of the housing SEPP. So obviously, as Nick said, the housing SEPP came into – commenced in November  
35 2021. That provided incentive provisions that were repurposed for seniors housing. Part of that was s 87, where on land where residential flat buildings are permitted or shop top housing under another EPI, which in this case, residential flat buildings are permitted under Parramatta LEP 2011.

40 So part A of that applies, so we go to part 2, the site area is greater than 1,500 square metres and then it unpacks the sliding scale of FSR bonuses, 15% for ILUs only, 20% for residential care and for a collocated village, which this is, the maximum FSR bonus of 25% applies. When you've got FSR, obviously you need height to put it, so there is a height bonus as well to go along with that FSR bonus  
45 of 3.8 metres. So that applies to the site. Underneath that, you can see where the FSR and the height have gone to from the LEP, from 1:1 under the LEP to 1.25:1 and in terms of height, from 14 metres to 17.8 metres.

Now, the site area is really a principal complexity of this site and it has been throughout. Just to very briefly unpack this as succinctly as I can, the BaptistCare site, in its entirety, as you can see there, is 27,905 square metres, so that includes site A, site B and the short panhandle at the end is 3A Homelands, which is where the respite centre is proposed to be. So in the site A approval for the 162 affordable housing development, that proposed the site on an 8,000 square metre site. So that is that site A, as you can see on the map.

However, as part of that, the roads, which is in yellow, which is partly Martins Lane widening and partly the east-west and north-south roads, that form part of the site A approval but didn't form part of the site area calculation, which means now that those roads have been dedicated, they've been inadvertently lost to the development site.

So those roads have always formed part – well, was meant to form part of the site area calculation, going back to the VPA, going to the planning proposal and the DCP as well, that land was meant to be used for the purposes of the GFA calculation. But because those roads have been dedicated now, they have been lost to the calculation of site B.

**MR BRANDON:** Sorry, can I just add there, that that is a timing issue in that they were only dedicated last week, so had we in theory had this development assessed a month ago, it wouldn't be an issue.

**MR WEST:** So that forms part of our justification in our clause 4.6 for FSR. The other part is the environmentally sensitive land, which is that bluey purple shaded part of the site down the south. Now, that is part of schedule 4 of the housing SEPP, which exclusively only applies to seniors housing under the housing SEPP, where it excludes the operation of part 5 of the SEPP.

I just note that seniors housing is a permissible use under the LEP, where that land isn't excluded from – to put it in context, theoretically if BaptistCare proposed an affordable housing development on site B, utilising the new in-fill affordable housing bonuses, that purple blue shaded land would not be excluded from the calculation. It's only because it is seniors housing under part 5 of the housing SEPP. So effectively that means that the seniors SEPP site area is 13,879 square metres and that forms the basis of our 4.6 variation. Next slide. That's you.

**MR BYRNE:** Yes, so just zooming back out again. So effectively what we're sort of talking about here is – and I've sort of alluded to it, site A on Pennant Hills Road and site B to the south, but it also includes a small property that BaptistCare owns on Homelands Avenue as well. You can start to see the extent of the R4 zone in the bright sort of yellow and it also extends to our western neighbour as well, which is why there's a handle of that road running up on our western boundary on site A.

And hopefully we'll have the stage 1 Parramatta light rail open shortly and that's the line you can kind of see on the eastern side of our site as well, together with

the lower density residential that sits around us. So ideally located for this particular use and it's a considered use across all of the types of residential that we have on the site.

5 Just zooming up a little bit, probably the major difference between site A and site B is the topography. Site A only is relatively flat and when I say relatively flat, it's flat for Sydney. It's 4 metres of fall. Site B has a 16 and a half metre fall and we'll see it tomorrow when we meet at the top up here tomorrow afternoon. The topography is actually relatively flat to the east-west road or Wulaba Place and then it actually steeply falls. And then we have the ecological area, which we'll talk about a little bit further on but relative to the orientation, it has particularly good orientation from a solar access point of view.

15 So this is really the components of the project. 130 ILUs together with your associated carparking, but probably what's important and what doesn't really get talked about much is all the communal facilities that relates to that as well. And then we also have the 96 residential care facility beds as well. But really it's trying to join all of that together and manage it as one total development.

20 So this is how it sort of has panned out in really simple forms. You've got site A, which is social and affordable housing with the east-west road or Wulaba Place and then the access handle through here and then Martins Lane. You can appreciate that north is sort of the right of the page up to Pennant Hills Road. And then you'll see a lot of discussion in the report about buildings A-F, this is how they actually are arranged and really what we're talking about is breaking the built form down into smaller components as well. ILUs are traditionally for limited sort of levels of care, but really the aged care facility is monitored 24/7.

30 Dan has sort of taken you through this but originally – and Josh has taken you through this, but effectively what we're talking about, in the DCP it was one considered homogenous use and that sort of changes things quite significantly in terms of the way the access is managed on the site when you go and break up the uses. It sort of means that you can start to get a proper front door to the building, together with the communal facilities and disperse the amenity throughout the project. So it is a considerably different use on the site.

40 There are still some cues in terms of the way the massing has been put together relative to the master plan and cue 1 is really trying to get a link that runs through there and you'll see that tomorrow when you stand up on the top of Pennant Hills Road, you can actually see down and it's really getting those lines of site across and through the project.

45 And then in terms of the way the ILUs are put together, obviously they look outwards but they also look inwards to a large central courtyard. The RACF, for obviously sensitivity reasons, really tries to look away from the ILUs. It tries to look east and west and to the south to the ecological zone, which is a particularly sort of pleasant outlook as well. And then when it gets down to adding the additional 3.8 metres that Dan talked about, it's a matter of not just extruding the

form, it's dealing with the scale imposition a little bit more sensitively. So it's bringing it up but also pulling it back in from the edges.

5 So if we just quickly run through the massing approach in really simple – so north  
up the page, Martins Lane on the right-hand side through here, it's effectively a C  
shape and a bar. But really what we've done is so to twist and turn and take  
elements out of it. There is some discussion, particularly from Council in relation  
to the buildings are articulated but if you do refer to the seniors living guidelines,  
10 referred to in the housing SEPP, you'll sort of see that buildings, particularly the  
RACF, which probably gets the most mention, they are large buildings and they  
generally want to exist on a single floor plate. So it sort of does stretch them out.

15 But there are plenty of examples in that document that start to reflect a similar sort  
of approach that we have through here and you can kind of start to see how it's  
broken down. It's highly articulated and they're not just balconies and deviations  
in terms of the massing for the sake of it. They are to get as much light deep into  
the plan as possible, into sort of the more common facilities that sit in the centre  
through here, so you've always got sources of natural light throughout.

20 **MR BRANDON:** Do you want me to talk to the new household model, Nick?

**MR BYRNE:** If you want.

25 **MR BRANDON:** So you can see there's two hearts shown on the plan there.  
We'll focus on the one on the left. At the place where the heart is shown, we're  
innovating our care that we are providing and there is a central kitchen and on  
either side of the kitchen are living and dining spaces and the bedrooms all spill  
off on to that central space. So this actually changes all of our staffing and  
rethinking how we actually provide care.

30 So the staff for the individual household will be dedicated staff, so they get to  
know their 16 residents and the staff, instead of just focusing on cleaning or  
cooking or whatever, they actually multitask, the staff, so that if Jan needs some  
toast in the morning, she'll make some toast at the central kitchen.

35 Similarly, the families that come in can come in and make a cup of tea, et cetera,  
and it all connects through to the back of house area, which is the area to the north  
with its own dedicated lift as well that takes you down to the back of house down  
in the basement areas, so that meals are actually prepared down in the basement,  
40 laundry, et cetera, and it all comes through back of house, but it's not visible from  
the household. So from the household, you actually feel like you're within your  
own home and we're moving totally away from an institutional feel. This will be  
our third aged care residential home that is following this strategy.

45 **MR BYRNE:** Thanks, Josh. So there's obviously a lot of talk about the DCP and  
the western road and it's just important to point out that the western road, the  
east-west road is setting up a level that you actually have to join to and that's just  
straight down to the topography that sort of sits there. But we end up having a 16



and a half metre fall and if you can appreciate, that is a particularly steep topography to traverse. Nor do the residents on our western side want access from that road and it would be almost impossible to provide it as well because to get the grade to actually adjoin adjacent Azile Court that sits to our western boundary is near impossible.

So just the logic of it is that it's very steep to provide and then that means that the southern road that is talked about in the report, adjacent the ecological zone, it doesn't have much utility. So there's that, together with the fact that we believe that the ecological zone can be provided as a dedicated public space and actually well visited and it probably hasn't been mentioned, but it does link back down into Azile Court as well. And these are just some sections to start to show – we sort of tested –

**MR BRANDON:** Can I just as well that the Design Review Panel, we held three meetings with them and they did concur with our design and proposal there.

**MR BYRNE:** Yes, and strategy. So it's not to say we didn't try to actually get it to work, obviously we're always looking at options to try to access a property, but in reality it just became way too steep to get that to occur on the site. Listen, just getting really – I'll just got through this really quickly but it's just to probably start to infuse a bit of the quality that we're trying to maintain here. So these are just some concept diagrams that talk about the ability to actually feel like you're within the trees. So that was one of the key things and that's why the trees are obviously quite a critical thing for the design as well. And then it was breaking it down into smaller portions.

We do acknowledge that these projects are always quite large, so it's a matter of breaking the buildings down into smaller components, such that the massing is delineated. So just in terms of the materiality, this is a view on Martins Lane as well and really what we're sort of saying is we have these framed elements with balconies that are full width that run all the way across and with expressive roof elements. Can't quite see the roof on this one but it is set back on the upper levels through there and just trying to get some really comfortable, familiar materiality throughout the building that instils the level of quality that we're after. You can start to see the roof that sits up through there as well.

There are many, many drawings and many plans in the SEPP and they're all incredibly complex, so we thought we'd try to break it down into the three sort of main plans and this is the lowest level of plan on the site. So effectively this is the beginning of the care facility and it has access off Martins Lane through here. Has sort of more front of house elements on the eastern side and then more back of house elements on the western side.

But importantly, we've got as much glazing through here as possible to make sure that traditionally these sort of conditions and those sort of elements don't receive natural light in these buildings and we're just trying to make sure that the level of quality on that western side is maintained as well. There is a level missing

5 between here and here but we can flick through that but this is effectively the communal facilities and the entrance off Martins Lane. So if you can appreciate, this is a managed facility with a concierge/reception area that sits through here that manages the overall building but there are cafés, pools, gym, yoga, all those sort of facilities, cinemas throughout the project. And we've kind of used this element to slip underneath the central courtyard in the main building. So it does still get light in through here through holes in the roof.

10 And then we go up in terms of the way the buildings are broken down, not dissimilar to the care facility on the southern part of the site, but we have these elements that are cut throughout the overall plan to start to break down the buildings, together with the twists and turns. And subtle as they may be, they allow us to actually start to delineate the built form a little bit more.

15 In relation to the southern interface, again it gets many mentions in the report but just to explain what the dimensions are, so these are sort of the best being 21.3 and 18.9, so almost double what the ADG would require from a building separation point of view. But then when you take it one step further, you're ending up with 20 35 to 40 metres of separation between the care facility, with tree screening in the middle of all of that as well. So we believe that the level of setback is sufficient in terms of the delineation between the Homelands Avenue properties.

25 Three main RFIs and the response, these are the responses that we've actually put together but essentially, as Dan sort of talked about, probably the critical one here was the calculation of the GFA and the FSR and obviously it was raised by Council as well. There were slight adjustments to the scheme in relation to privacy screening, so sort of more granular sort of adjustments to the scheme, together with the way we treated the ecological zone with BCS amendments and also ambulance entry bays.

30 On 15 Feb, really this started to delve more down into the development and its relationship towards the trees, together with the ecological zone. And again, getting into some smaller detail about apartment configuration together with cross-ventilation. And then probably the finality of all of this is really again we did 35 talk about trees, in particular tree one and six, and some small sort of more detailed information about the way privacy was mitigated throughout the scheme, in particular relationship to the ILUs. Dan. Over to you for two slides.

40 **MR WEST:** Thanks, Nick. So just getting into the clause 4.6s. The first one is building height. As you can see on the left-hand side, that's the height blanket. The pinky colour there represents the 17.8 metres, so that is the 14 metre Parramatta LEP height development standard plus the 3.8 of s 86 of the housing SEPP equals 17.8. I note the purple, if you can see that, that represents where the 45 environmentally sensitive land is under the housing SEPP.

So because the housing SEPP, seeing as housing doesn't apply for that component of the site, that is at 14 metres in height. I note that the scheme does not breach that 14 metres at that purple point. So effectively – and below that you can see a

typical section that runs down the site with the blue dashed line, the 17.8 metres and the red or orange dashed line, the 14 metres of the Parramatta LEP. As we've spoken about at length, the site does have a significant fall of 16.5 metres or approximately about 12% down the site from north to south.

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Yet as you can see on that section there, there's no height exceedance of the building proper. No floor space is located above that height and a lot of the development's significantly below the 17.8. And I note that building F, which is the linear building towards the south, it largely complies with the LEP 14 metre height standard. So there's a significant transition down the site.

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So really the breach, if you just go back one slide, Nick, the breach is just in relation to the lift [over rungs(?) 00:33:48] four of them up to a maximum of 1.6 metres. They're quite minor in terms of their size, discrete in terms of their location, centrally located within the floorspace, so they don't give rise to any adverse amenity impacts with adjoining properties or within the site itself.

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Next one, Nick. So in terms of the FSR variation, this one's a bit more complex because of that site history and the technical calculation of what the site area is in terms of FSR calculation. So to run it through as quickly as I can, the variation that we're seeking is that top row, which is the site where the gold is. That's the housing SEPP site effectively which equals 13,879 square metres. So you calculate the 25% bonus on that, so that equates to a total GFA of 17,348 and the proposed GFA on that site is 23,120. So a 1.67:1 FSR. So that's where the 33% variation comes from and that's what we're seeking through this clause 4.6.

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So in terms of the justification, I suppose from BaptistCare's perspective, the principle has always been that there's not going to be any double dipping and the built form and the density aligns with the planning intent of both the LEP on this site and the housing SEPP, particularly s 87. So if you follow the purple zone, the purple land there, that's the ESL land, it equates to about 1,561 square metres. Because the housing SEPP doesn't apply, we can't apply the 25% but the 1:1 FSR applies under the LEP. So we achieve that in terms of floorspace.

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Now, in terms of the roads, as we've briefly discussed, the roads were always intended to form part of the site area. They've been inadvertently lost to the formal calculation of site area because of their dedication. But because they've always intended to form part of it, the calculation of site, we would justify that the 25% bonus should apply to that land, which would provide 4,590 square metres of floorspace there.

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So from a site B perspective, if you calculate all of that together, we were actually at 1.23:1, which is marginally less than the 1.25:1 of the bonus. So that's the basis of the principle that BaptistCare is not trying to overdevelop the site and I think that's really reflected in the built form as well, being significantly below the 17.8 height, which is quite an achievement given the steep topography of the site. And when you couple that with the generous rear setback, side setbacks as well of 12 metres to the west and housing SEPP compliant and ADG compliant

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landscaped area and deep soil zones, then it really does align with an appropriate density scale for the site.

5 So in our view, strict compliance with the height and FSR standards are considered unreasonable and unnecessary in the circumstances as we believe it would effectively inhibit the proposed development by minimising the incentive to develop seniors on this site, a form of development that's incentivised through the SEPP.

10 **MR BYRNE:** Thanks, Dan. Just in relation to residential amenity, there's obviously quite a lot of detail in the report about this but the key headings are the habitable room windows and important to note all we were trying to do with that was just provide some source of natural light to a bathroom. So it's just making  
15 sure that we can actually provide those sort of things. Visual privacy, building separation, we've kind of talked about that and touched on that in specific relation to the north, south, east, west elevations but these are the numbers through here which are all over compliant.

20 There's some discussion about lower level apartments insofar as it's very difficult to actually deal with the topography of the ground with the apartment plates as well. So we've sort of worked our way through that. Buildings E and F, ILU street access, but again it's been dealt with in the report, acknowledging that the use is different. You come through Martins Lane into a courtyard, into your building. And together with that, there's other options for actually getting into these  
25 buildings as well.

30 Calculation of solar and natural ventilation and you can kind of see in that table from the report in the top right-hand corner, in relation to compliance with those as well. And then the last one is communal open space. There was some consternation from Council that again we were using the ecological zone to prop up our compliance but in a lot of respects, even when you remove that, we're still over compliant, notwithstanding we sort of fundamentally disagree that an ecological zone, which can be publicly accessible land for the recreation of the residents, can be used to determine the calculation and it's in excess of 25%, so it  
35 sits at 30.9 and on such a large site, that's a very large number obviously as well.

40 Parking, so these are the numbers in relation to parking and obviously probably the key point to raise in relation to carparking is that bottom bullet point there that talks about the ratio that we choose in relation to accessible parking. We've had that change through the process as well from November 21 to now. In December last year there was actually an inadvertent adjustment to the housing SEPP that meant that it went from 10% to 15%. So we are still obviously – and what we lodged was at the 10%. So they're the critical things in relation to carparking.

45 I'll quickly zip through these things. So just the sprinkler system, obviously we comply with the NCC and we're providing a sprinkler system throughout together with the structural integrity throughout the building. We're obviously having to maintain NCC compliance there and not to confuse everyone, but these are the fire

ratings that we're having to provide between all the individual classifications within the building, of which there are many. It's not a straightforward residential building with just a carpark and residential apartments that sits over the top. It does have other elements, which commensurately have a higher level of FRL.

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And then building sustainability, obviously these are the critical things in terms of sustainability that we're putting together and importantly, when we went through this with the Design Review Panel, it was a pretty critical sort of thing that we went through at the time in relation to what we were doing in terms of sustainability with the seven star NatHERS rating in particular, together with – and you probably could've made it out in one of the earlier slides, there are a lot of solar panels that are being applied to all of these buildings as well.

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These were the key items that Parramatta Council sort of raised and I think we've probably talked a lot to these, so I won't go through them in a lot of detail. We've talked about the GFA, DCP setbacks are not – or the DCP is not applicable to SSD but obviously it needs some level of consideration through there as well. The 20 metre setback and the 12 metre road that went adjacent that setback to the western boundary to actually further setback the building F or our southernmost building. But again we've sort of dealt with the privacy and separation between that.

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Individual street access, we've sort of talked about the roads and the removal of the southern road and the western road and really building in façade breaks, I just honestly don't know how much more we could've broken up this façade. It's highly articulated throughout. We've talked about the high level windows and there is conditions that have been placed in the consent that deal with those. The ecological zone exclusion, we've talked about that, that even when we do exclude it, we're still compliant.

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There's a request to make ADG and solar access calculations per building. Obviously we're treating this as an entire development, as the ADG suggests, and we get compliance that way. And then removal of subterranean ILUs and it's important to note that the ILUs that do sit slightly below ground also have above ground as well, just because of the topography.

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We've talked about the new road adjacent the ecological zone and the additional setback that's been required. Reduction in tandem parking and we have reduced by eight spaces throughout this process as well and we're a little bit unclear about how the proposal doesn't align with the VPA. ILU driveways are obviously compliant, you can see the level of detail that has gone into particularly that ground level in terms of the way the driveway and the access is done. And then the roller shutter is a conditional element as well.

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Landscape, trees and public domain, improve the design and amenity of public connections and really the way we see it is it's a highly curated space, that southern ecological zone and we've worked through a lot of detail to make sure that it works well from a public point of view. Delineation of private and

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communal space, route mapping we'll talk about and design and works under TPZ. I might quickly hand over to Greg to run through this.

5 **MR GREG TESORIERO:** G'day guys. Greg, I'm the consulting arborist who's been working on the project. Just noting the time, so I'll try and keep the overview of trees brief. But essentially on the site we've got two groups of trees there you can see on screen. So we've got those along the rear or southern boundary, the ecological zone, that sort of group which runs along parallel to the rear boundary and we've got those which run parallel to the eastern boundary along Martins  
10 Lane. So a total of 40 trees there.

As mentioned by a few of the others, it's been quite a long process of design development, a key component of which has been refining that design in close consultation with the design team to ensure the impact to the higher value trees and trees associated the Blue Gum High Forest have been minimised and just to ensure their retention.  
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So a significant part of this was a detailed root mapping investigation, which formed part of the arborist reporting. They were carried out essentially to provide more certainty, to confirm what real impacts of the development would be where there were encroachments to tree protection zones. So this involved us obviously physically mapping the built form and infrastructure alignments, that way we could accurately confirm the presence or absence of the roots within the building footprint.  
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So yes, essentially that's sort of informed the design response and given us the confidence that the proposal can be constructed without affecting the long term viability of the trees. The other thing, just finally, I think the site walk tomorrow will probably be a good opportunity to get a better understanding of the tree population on site and their relationship to the site context and the proposed built form. So happy to field any questions when we're out there tomorrow because it might be sort of easier explained while we're there.  
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35 **MR BYRNE:** And that's it. Thank you.

**MS GRANT:** Terrific. Thank you for whizzing through so fast.

**MR BYRNE:** I'll take a breath. Take a breath.

40 **MS GRANT:** We've got 10 minutes then left for questions. One question to start with, the slides that you just had, the one with all the trees, Council talked to us this morning about the likely viability of trees to be transplanted. Can you either show us on this plan or tomorrow on site where those trees are that are being transplanted?  
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**MR TESORIERO:** Yes, sure. It's none of those trees that are marked on there but we can show them on site tomorrow.

**MS GRANT:** Okay. Terrific. Thank you. Elizebeth, did you have some questions? I know you did have some questions, did they get covered in that presentation or have you got further questions?

5 **PROF ELIZABETH TAYLOR:** No, I've got a couple of further questions. I just note, because you've got the slide up, that ecological area is within one of the buildings, is that where you're going to be doing some offset buys, is it, to allow for that? The purple area that goes within the building space on the south.

10 **MS GRANT:** Adjacent to T36, yes.

**PROF TAYLOR:** Yes.

**MR BYRNE:** Mikael?

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**MR WEST:** Mikael?

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**MR MIKAEL PECK:** Yes, so there are some – sorry, Mikael Peck, ecologist from Cumberland Ecology. Any of the impacts on Blue Gum High Forest, which is critically endangered, will be offset under the BAM purchase and retirement of credits. So on site tomorrow, it'll be more visible but basically because of the nature of the mapping, its impacts to canopy in 2D but underneath it's really devoid of native vegetation. But regardless, under the BAM, it is an impact on the community and that's been accounted for within the BDAR done for the site. So to answer your –

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**PROF TAYLOR:** So have you purchased that yet or you've got –

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**MR PECK:** No, those would be as a condition of consent. So you would have to evidence purchase and retirement of those before construction certificate or something similar.

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**PROF TAYLOR:** The other question is probably a little left field from me but just to let you know my background is civil engineering and I have been watching what's been going on with the Building Commissioner over the last little bit, so I'm always very interested to see that we do focus a lot on the design and the architectural effort, which is appropriate of course.

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But there is always less detail on perhaps the way in which the NCC and ensuring that the long-term sustainability of the building and the maintenance of the building has been given the same attention as the architectural elements. And I didn't particularly see anything that saw more than being told that we would follow the NCC. Are you looking at any strategies to make sure that say your building – because we are going to be doing construction approvals in this – are going to be covered adequately, so you're not in the newspaper in 20 years.

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**MR BYRNE:** I can probably answer that. I suppose, Commissioner, probably one of the things that is a little bit different is that BaptistCare holds the building for a

much longer period of time. So there's been a lot of discussion as we've gone through the design process to make sure that it does last as well. So we've talked about that a lot and haven't presented it today but it goes without saying that we're obviously very concerned about the lifecycle of the building in totality.

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**PROF TAYLOR:** So do you have any documentation you could just sort of – just even a preliminary high level –

**MR BYRNE:** Yes, yes. No, we can –

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**PROF TAYLOR:** – that you could share with us, that would be very useful because –

**MR BYRNE:** We can do that.

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**PROF TAYLOR:** I mean, one of the big things of course is even if you look at say waterproofing and the impact of having a lot of equipment on the rooftops and sort of all of the expectations around how you would maintain those long term.

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**MR BYRNE:** Yes, sure.

**PROF TAYLOR:** Just so I get a sense of how you're dealing with it.

**MR BYRNE:** Yes, sure.

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**MS GRANT:** Thanks, Elizabeth. Michael, did you have any questions?

**MR MICHAEL CHILCOTT:** Yes, I had a couple of questions. Just to cover off on a couple of things. Firstly, just going to the sprinkler system matter, I'd be grateful and my fellow Commissioners would be grateful, I'm sure, if you could point us to the plans that provide that –

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**MR BYRNE:** Okay.

**MR CHILCOTT:** – at some point. I know you've made an assertion that there will be one but if we consent this thing, it ought to be – it needs to in fact have that within the application rather than simply an assertion. So if you could illustrate where that is and point us to that, that would be helpful. I don't know if you can do that now but I'm happy to leave it with you.

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**MR BYRNE:** Not now but we can have that for you tomorrow, Michael.

**MR CHILCOTT:** No, thank you very much. Yes, it's just one of those things, we can't condition it because we don't get power to grant consent without it.

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**MR BYRNE:** Sure.

**MR CHILCOTT:** So thank you. Second thing, the clause 4.6, I understand the



track you've taken. I'm still trying to get my head around the FSR one because it seems to me that you get access to the FSR bonus if you meet certain criteria. The height one you've dealt with through the 4.6 for the height.

5 The other requirement is that you exclude the ecological area from the calcs and it seems like the argument you're making is, well we exclude it but because of that we need more than we would get otherwise in terms of a bonus. And you only get access to the bonus if you do the job of calculating things appropriately. I wonder whether you've got anything, any insights you could provide to me that can just  
10 assist me with that logic that you've used for the FSR 4.6.

**MR WEST:** Yes, thanks, Commissioner. Yes, it is a complicated one because of that history.

15 **MR CHILCOTT:** And somewhat novel.

**MR WEST:** It is, yes, correct. Correct. So many a late night to prepare it and it's gone back and forth between the Department for some time. But to answer your question, yes, the ESL land is excluded from the part 5 of the SEPP.

20 **MR CHILCOTT:** And you need to exclude it to get access to the clause that gives you the bonus.

25 **MR WEST:** Correct, correct. So that's precisely why if you see on that slide there, the bonus is not applied to the ESL land. There's a not applicable there. So we haven't applied the bonus to that land but because there is a 1:1 FSR under the LEP that applies to the site and seniors housing as a permissible use in the R4 zone, as part of the justification, we believe we could use the ESL land but we don't provide the bonus.

30 So we just provide the GFA that would be available to us under the LEP, which is 1:1. So as part of the justification, you would add that to the calculation and then the roads as well and because the roads, even though they're officially excluded from the calculation of site area, in our view they were always intended to form  
35 part of the site area. So we included the 25% FSR there. So those calculations are really justifying the 33% variation that we're proposing. It's really to demonstrate that the overall bulk and scale is not beyond what's contemplated by the SEPP or this site.

40 **PROF TAYLOR:** Can I just ask a couple of following questions from that? Michael, is that okay? So just – sorry. Were the roads used for site A?

**MS GRANT:** I was going to ask that exact same question.

45 **MR BYRNE:** Yes, they were.

**MR WEST:** Yes, yes.

**PROF TAYLOR:** They were. Okay. Thank you.

**MR WEST:** They were approved, Commissioner, as part of the site A development but for some strange reason, as part of the approval, they didn't form part of the site area calculation. It was only the green area which equates to 8,000. So the roads, whilst they form part of that development, they didn't form part of the site area calculation and hence now because they've been dedicated, they've been inadvertently lost to the calculation of site area. So that forms part of our justification that they should be part of it.

**PROF TAYLOR:** So the FSR for site A did include them?

**MR BYRNE:** No.

**MR WEST:** No.

**PROF TAYLOR:** No. Didn't include them.

**MS GRANT:** Okay. Just mindful of the time. I've got a couple of two little questions and then I guess the other item on the agenda that we haven't covered yet related to the draft conditions of consent. My two questions – well, my first question was you've talked about that open space area as highly curated. That's supposed to be, under the terms of the VPA, as I understand it, publicly accessible.

When you say it's highly curated, how is it that – there's some pathways through there which you're reliant on as your front door to the RAC building, how will you delineate that and make that obvious that it is public and in terms of management and maintenance, it's dedicated to Council but you're reliant on it for your footpaths, as your front door. How do you see that working?

**MR BYRNE:** I wouldn't say we're reliant on it from an access point of view. It does benefit the aged care facility because the residents throughout the overall project can actually access that zone through there but it also links down to Azile Court.

In terms of the maybe slightly exuberant terms of "highly curated," it's sort of probably meant to mean that we've actually considered all the elements of it as well, together with putting walkways inside the ecological zone and then outside and then back inside again. So in terms of any of the detail of the way that sort of goes together, Keith can probably answer any of those questions for you tomorrow potentially and we can take you through that as well.

**MS GRANT:** And is there a plan of management for that land or because you're dedicating it to Council, it's –

**MR BYRNE:** I assume there would be but I'll take that on –

**MR BRANDON:** Sorry, it's not dedicated to Council. So it remains in

BaptistCare ownership, the 20 metre strip, and we're just providing an easement for public access.

5 **MS GRANT:** Right. Is that consistent with the VPA?

**MR BRANDON:** Correct.

10 **MR WEST:** Yes. And Commissioner, I'll just add in, I know Council's concern has been whether the public can visually identify that walkway as public. Since lodgement, we've proposed that Parramatta Council wayfinding signage will be proposed, so it's clear to the public it's not private and it can be used by the public to traverse the site along the ecological zone.

15 **MS GRANT:** Okay. Thank you.

**MR BRANDON:** Sorry, can I also just clarify, sorry, before we go on, so the entry into the residential care facility is not predominantly through the footpath that runs through the ecological zone. It is separate.

20 **MS GRANT:** So that's just an additional pedestrian... going through here?

**MR BRANDON:** Yes, correct.

25 **MR BYRNE:** Yes. So most of the entrance, Commissioner, is from this eastern edge through here. Obviously it's quite a managed facility in terms of the way it works, so obviously people can't just walk out of the care facility into this zone.

30 **MS GRANT:** So appreciating when we delve into it further there's some fencing that would delineate between private RAC area and the public?

**MR BYRNE:** And level difference.

35 **MS GRANT:** The last point on the agenda was to do with those draft conditions of consent. One of the points raised by Council with us was that there are some design amendments included in those draft conditions and whether there was an opportunity for some of those design amendments to be brought forward to provide some certainty rather than as a requirement of a condition. So happy to hear from you about any of those conditions but if you could address that in particular as well.

40 **MR BYRNE:** We can have a think about that now and see what we can actually manage as well and discuss it tomorrow but we don't particularly have any major issue with that sort of notion. Obviously it makes it easier for us to stamp a set of drawings or work on a stamped set of drawings that is actually condition free.

45 **MR WEST:** Our only other comment, Commissioner, on the draft conditions, while obviously as part of the process the Department of Planning provides the draft set and the applicant provides comments to them. Some of them were

accepted, others were not. The only comment BaptistCare has on those is the separate approval that's required for the ancillary café.

5 Now, in the Department's report, it talks about a tenancy. It's nothing really of the sort, it's a café that's ancillary to the seniors housing use of the site that'll be used by the residents and their visitors and really making BaptistCare then go back for a DA for the operation of an ancillary café seems to be onerous, from our perspective. So I suppose the request would be for the Commission to look at that condition in particular and whether that's necessary as part of this consent –

10 **MS GRANT:** Are all the details of the fit out of that café included in the package of material?

15 **MR WEST:** Yes, I believe there's a sufficient amount of information that has been provided. I suppose the Department of Planning, from my understanding, they're looking at it more the level of detail of a commercial café, whilst that's not what's proposed in this case. So that's a point of difference, so yes, so we would just like the Commission to review that and see if that is necessary from your perspective.

20 **MS GRANT:** Okay. Thank you. We can do that. No other queries, questions, comments on the draft conditions from the applicant's side?

25 **MR WEST:** No, we're happy with the conditions that have been provided and the amendments that have been made by the Department of Planning and thank you for your time. As, Commissioner, it's been 18 months under assessment and a year before that, so BaptistCare are quite excited about being before the IPC now.

30 **MS GRANT:** Understood. Elizabeth, Michael, do you have anything further that you'd just like to clarify before we close?

**PROF TAYLOR:** Not at this point.

35 **MR CHILCOTT:** Not at this point, no.

**MS GRANT:** Callum, is there anything else I need to cover off before we finalise?

40 **MR CALLUM FIRTH:** No, I don't think so.

45 **MS GRANT:** Terrific. All right. Well thank you so much, everybody, for your time. I certainly understand and appreciate that this process is not quick that and hopefully, yes, we can draw this to a suitable close in a very timely fashion. We look forward to meeting many of you I think on site tomorrow and that's always a really important part of our process to understand the site and particularly that topography. So we will see you tomorrow. Thank you again.

**>THE MEETING CONCLUDED**