

Issue	Issues Raised	Proponent Response	Agile Planning Team Response
Community S	ubmissions		
Bushfire (23 out of 35 – 65%)	The site backs on to extensive bushland with limited egress and access routes and would not be able to support the community in the event of an emergency scenario. The road network shown in the concept plan would not support an operation platform for firefighters during bushfire events. The proposal does not adequately consider how to evacuate the elderly population on site, particularly in instances of power failures or lift failure.  The proposal does not meet bushfire safety requirements including the Asset Protection Zone ('APZ') as prescribed by the NSW Rural Fire Service (RFS) guidelines and is inconsistent with Ministerial Direction 4.3. The increase in population within a high bushfire risk area is not appropriate, particularly given increased bushfire risk because of climate change. The reliance on performance-based approaches is not acceptable as the risk is increased	The RFS approved the Bushfire Engineering Design Compliance Strategy (Blackash Bushfire Consultancy, November 2020) and raised no objection to the rezoning proceeding on that basis. This includes a performance-based approach, as supported in PBP 2019. The performance-based approach accepted by the RFS satisfies all bushfire safety requirements, complies with PBP 2019 and will create a bushfire safety outcome for the site that is significantly safer than what currently exists.  The planning proposal has undergone consultation with the RFS, who have not objected the proposed rezoning.  The site is serviced by reticulated water and two 74,000 litre water tanks dedicated for firefighting with a combined hydrant and sprinkler booster. Water supplies are considered an engineering issue and can be addressed as part of the more detailed design development and future development approvals stage.	The Agile Planning team notes that the current housing stock on the site is old and provides limited bushfire protection. There are existing ILUs on the site which are located within the flame zone and none of the existing buildings, including the RACF, are constructed to a standard that meets contemporary bushfire protection measures under Australian Standards. The redevelopment of the site provides an opportunity for more modern buildings, meeting the current standards and bushfire protection measures, to be built to protect the community. The Agile Planning team notes that the proponent has prepared and submitted 3 bushfire reports (all by Blackash Bushfire Consulting) in February 2022, December 2022 (Addendum) and November 2023 and an addendum letter (October 2023), all of which concluded that the rezoning presents no issues in relation to bushfire that can't be addressed through their Bushfire Engineering Design Compliance Strategy (November 2020) or through design during development approval stage.



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	because of the increased density. The proposed bushfire risk mitigation measures are not adequate as the proposal does not address the core requirement of reducing the radiant heat on the exterior of the buildings and the provision of safe access for residents and emergency service personnel.  There are several incorrect or flawed statements throughout the Bushfire Report (Blackash Bushfire Consultancy February 2022), including the underestimation of fire risk, intensity, fire runs and fire direction. One strategy to combat bushfire risk presented in the Assessment is the use of considerable fire brigade intervention, which is untested and unconfirmed.  The Bushfire Report has not given sufficient consideration to requirements for multi-building to comply with the performance criteria within Chapter 5 and Chapter 8 of the Planning for Bushfires (PBP) 2019.	The supporting bushfire reports (all by Blackash Bushfire Consulting) all conclude that the rezoning presents no issues in the context of bushfire that have not been addressed by the Bushfire Engineering Design Compliance Strategy (November 2020) and cannot be appropriately dealt with through detailed design and assessed during development approval stage.  Notwithstanding this, the proposed bushfire evacuation strategy presented in the Addendum Bushfire Report (Blackash December 2022) for the entire site is to "shelter in place". Residents located in the RACF would not need to evacuate as it is not located on, and is greater than 100 metres from bushfire prone land (i.e. beyond the requirements of PBP 2019). The residents of the townhouses and Independent Living Units (ILUs) can be accommodated in the proposed refuge building (Clubhouse). This building can be designed with an air handling system capable of being adjusted for full recycling of internal air for a period of 4 hours to avoid the introduction of smoke into the building and	The Agile Planning team is aware that RFS have been consulted on the planning proposal several times throughout the plan making process. To date, RFS has not objected to the planning proposal proceeding nor have they objected to the proposed uses on site. It is also noted that the proponent has prepared a Bushfire Engineering Design and Compliance Strategy (Blackash Bushfire Consultancy November 2020) which RFS has not objected to.  TfNSW was consulted with during the public consultation period for the proposal. TfNSW raised no concern about the traffic generated from the development nor the road networks capacity to handle traffic in an evacuation situation. This position is supported by the proponents Traffic Assessment which concludes any traffic generated on site would be minor, given the nature of the proposed uses.  Ministerial Direction 4.3 relates to planning for bushfire protection and its objectives are to protect life, property and the environment from bush fire hazards and encourage sound management of bush fire prone areas. A planning proposal may be inconsistent with the terms of this Direction only if the Commissioner



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		maintaining an internal air temperature of not more than 25°C during a bushfire event.	of the NSW Rural Fire Service does not object to the progression of the planning proposal.
		The residential townhouse development and ILUs (which will house more able-bodied occupants) is proposed on the interface and will include a range of emergency management and evacuation redundancies, including a high fire design and construction rating that means residents are not required to leave their homes. If these residents are to leave, they exit directly into shielded areas with radiant heat less than the prescribed 10kW/m² and can walk safely to the refuge (Clubhouse). Accommodation for more vulnerable residents has been sited further from hazardous areas.  While no evacuation by road would be necessary, the Addendum Bushfire Report (Blackash December 2022) states that if residents did wish to evacuate the site that they can safety do so via Stanhope Road and the existing road network to the northwest of the site. The same report tests the upper limits of the proposed roadways, with these tests showing that the roadways can still adequately function for emergency egress	On 18 January 2022, RFS expressly stated that the proposed performance-based approach for the proposal could satisfy the requirements of the Ministerial Direction. Further, RFS advised that notwithstanding this approach, they did not object to the progression of the proposal. This position has not changed in any subsequent submissions made by RFS including their consideration of the Bushfire studies supported by Council. A final decision on the proposals consistency with this Direction will be made as part of the finalisation process.  The Agile Planning Team considers that issues raised regarding bushfire have been adequately addressed at this stage of the planning proposal and the issues raised do not prevent the proposal proceeding to finalisation.



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		and fire brigade access in emergency scenarios.	
		The Addendum Bushfire Report (Blackash December 2022) notes that Ku-ring-gai Council has previously prepared a Bushfire Evacuation Risk map, which identifies areas of the LGA where severe evacuation risks during a bushfire event due. This map does not identify the site or Stanhope Road as a bushfire evacuation risk.	
		Any future development approval process would be required to comply with the approved Bushfire Engineering Design Compliance Strategy (November 2020) and may be required to obtain additional concurrence from RFS.	
Biodiversity (18 out of 35 – 51%)	The main issues raised in relation to the biodiversity impacts of the proposal relate to the removal of established trees. Most submissions that raised biodiversity concerns noted that the loss of so many trees was excessive and unacceptable. Submissions also stated that the removal of 233 out of 329 trees, 85 which are of moderate to high significance, would be detrimental	A Biodiversity Development Assessment Report (BDAR) has been prepared as part of the response to submission by ACS Environment (Attachment Q3). The BDAR notes that the site has been extensively modified, however, still contains some patches of remnant tree and shrub species. Areas identified containing Sydney Turpentine Ironbark Forest communities and Swift Parrot habitat around the peripheries of the site to be	The proponent has revised the planning proposal package on several occasions to address the issues raised by both the community and the Department of Planning and Environment — Environment and Heritage Group (EHG). It is also noted that EHG still have unresolved issues with the BDAR submitted by the proponent. The Agile Planning team note that while the proposal will result in the loss of some existing vegetation on site, the proponent has presented



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	to the character and presentation of the site.  Submissions highlighted the are many species of native flora and fauna on site, and raised concern that the development would result in the complete destruction their habitats. The proposed landscape plan to replace the loss of these habitats represented minimum requirements and should not be used to justify the loss of established habitats.  Submissions also stated that the ecological reviews were flawed as there are more species on site than recorded or reported on, including: and Powerful Owls, Ringtail Possums, Brushtail Possums, Bandicoots, Brush Turkeys, and various native parrots.	zoned C2 Environmental Conservation will not be removed and will be managed for conservation purposes. On this basis it is considered that any ecological impacts associated with the proposal would be minimal and could be offset through purchasing ecosystem credits. An updated BDAR would be prepared at the development approval stage to confirm any impact and required ecosystem credits or monetary contributions.  No habitat to be removed is considered suitable habitat for any threatened species as the potential habitat to be removed is largely modified and managed. On this basis it is considered that any ecological impacts associated with the proposal would be minimal and could be offset through purchasing ecosystem credits. An updated BDAR would be prepared at the development approval state to confirm any impact and required ecosystem credits or monetary contributions.	several solutions to retain high biodiversity value areas and offset the loss of the other vegetation within the site including adopting the C2 Environmental Conservation zone to protect areas highlighted as important habitat. This approach is supported by EHG.  The Agile Planning team is satisfied that the issues relating to biodiversity have been addressed by the proponent and do not prevent the proposal progressing to finalisation.
Strategic Merit	The proposal is inconsistent with the Greater Sydney Region Plan, North	The Sydney North Planning Panel (Panel) has determined that the proposal has strategic merit. A detailed assessment against	The Panel previously determined that the planning proposal demonstrated strategic and site-specific merit.



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(7 out of 35 – 20%)	District Plan, Ku-ring-gai LEP 2015 and Ku-ring-gai Local Housing Strategy.  The existing R2 Low Density Residential zoning can be used to accommodate the proposal and therefore the R3 Medium Density Residential zoning does not demonstrate have merit.	relevant strategic documents forms part of the Planning Proposal.  The Ku-ring-gai Local Housing Strategy was approved by Department of Planning in July 2021 subject to requirements including identification of additional medium density areas outside primary local centres.  Retention of the R2 Low Density Residential zone across the site would require including seniors housing as permissible with consent on the northern portion of the site and multidwelling housing, attached dwellings and semi-detached dwellings as permissible with consent on the southern portion. Whilst this approach could achieve the same outcome and could be supported, the R3 Medium Density Residential zone is a more accurate representation of the proposed development and built form outcome.	Further to the panel's decision, the Gateway Determination report issued by the Department on 10 May 2022, identifies that the proposal is consistent with the actions and objectives of the Greater Sydney Region Plan and is generally consistent with the objectives of both the Council's LSPS and LHS. The gateway required the proposal be updated to provide further clarification and updates in relation to a number of these documents, which was endorsed by the Department prior to public exhibition.
Density and built form (27 out of 35 – 77%)	The proposed changes are an overdevelopment of the site, given the surrounding low density zoned land and the adjacent heritage conservation area.	The proponent has undertaken testing to inform the proposed built form and development controls. The testing has demonstrated that the site can accommodate the proposed controls.	Following the exhibition of the planning proposal, Council sought to list Headfort House and its curtilage as a locally listed heritage item (I184). The listing of the item was notified on 20 January 2023. As part of the future development approval stage, development will need to address any impacts on the item.



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	The proposed increase in the building heights and floor space ratio are inconsistent with the adjacent residential areas.  The additional seniors housing is only marginally more then what is already on site, and therefore doesn't provide justification for the change.  The concept plan models development that is not consistent with the surrounding low-density and bushland characteristics of the area. The proposal development would be visually intrusive when compared to the current development on site and surrounding the site.	Although the proposed controls will introduce a new built form character for the site, it is compatible with the surrounding local character. The building height has been located on the site to transition down to the surrounding area and site interfaces.  A Heritage Impact Assessment (Urbis, June 2021) concluded that the proposal would not result in significantly adverse impacts on heritage conservation areas.  The R3 Medium Density Residential zone is consistent with the proposed medium density nature of the proposal. Senior's housing, multi-dwelling housing and Attached dwellings are prohibited in the R2 zone under the KLEP 2015.  A View Analysis (Deneb Design – November 2022) indicates that the built form when viewed from key locations along Stanhope Road will be largely screened by existing vegetation with potential for further screening and landscape planting.  The proposal seeks to introduce a range of building heights, stepping down towards the adjacent residential areas, to provide for a transition to the surrounding area.	The proponent has made several changes to the proposed concept plan to address concerns raised by the community, state government agencies and Council during the exhibition period. The anticipated housing mix in the updated concept plan proposes 141 ILUs, 110 RACF beds and 59 non-seniors townhouses. This represents approximately 25% of the development on the site being for non-seniors housing uses.  The amended planning proposal seeks to achieve this mix of development by rezoning the entire site R3 Medium Density Residential, with the exclusion of areas to be rezoned C2 Environmental Conservation.  Given community and council concern regarding density and built form outcomes of the site, and that the R3 Medium Density Residential zone in the KLEP 2015 includes several more intensive residential uses (such as multi-dwelling housing and shop top housing). The Agile Planning team recommends that the top half of the site is maintained as R2 Low Density Residential to ensure that that any future built form is commensurate with what is currently located on site.



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		Landscaping treatments along Stanhope Road will also seek to minimise the impact resulting from the increase in height on the site.  Upper-level setback controls have also been introduced which will ensure a built form transition to the surrounding area, including three storey-built form fronting Stanhope Road.  The building height adjacent to the western boundary has been reduced from four storeys to three storeys. The concept design also includes upper-level setback controls to ensure a built form transitions to the surrounding area.  Amendments have been made to the proposal to zone part of the site as C2 Environmental Conservation zone which were previously proposed as R3 Medium Density Residential zone.  This has also required amendments to the floor space ratio (FSR) map to remove the development standards for these parts of the site.  Through previous post exhibition responses, the proposed built form was relocated to	Whilst the KLEP 2015 does not specifically permit Seniors Housing in the R2 zone, the proposed senior housing use is still permitted on the zone through the SEPP (Housing) 2021. The application of the R3 Medium Density Residential zone coupled with the lower maximum building height, across the lower portion of the site proposing 'townhouses' is considered appropriate and therefore no amendments to the zone, outside of the areas to be zoned C2 Environmental Conservation, are recommended (see <b>Attachment U</b> ). Further to the concerns regarding development being more intense than shown in the concept plan, the Agile Planning team recommends the site is excluded from Clause 84 and 87 of the SEPP (Housing). These clauses allow for development standard bonuses, particularly for height and floor space, above and beyond what is permitted in the KLEP 2015. Given the issues relating to bulk and scale have been raised by both the community and Council, the Agile Planning team recommends these changes to ensure that the built form won't be greater than that in the LEP.



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		avoid the significant retained vegetation which resulted in the reduction of overall FSR across the total site area of 52,906m² from 0.75:1 to 0.73:1. The gross floor area (GFA) under the concept plan was reduced from 39,650 m² to 38,600 m² and townhouse yield reduced from 63 to 59. Given part of the smaller R3 Medium Density Residential zoning proposed for the site, the FSR is proposed to be increased to still achieved the proposed 38,600 m² development footprint. A FSR of 0.85:1 would result in the same 38,600s m² development footprint in the smaller R3 Medium Density Residential zone.	The proposed Height of Building (HOB) map details the proposed heights along Stanhope Road ranging between 11.5m and 16m.  The draft DCP includes upper-level setback controls to ensure a suitable transition to the surrounding low density residential areas. The supporting concept plan also indicates that the proposed RACF along Stanhope Road will have a setback to reduce the impact on the adjacent low-density areas.  The Agile Planning team has undertaken design testing of the proposed heights and building footprint and prepared alternative scenarios (while working within the proposed FSR). The testing established that the proposal could still achieve the same yield with reduced heights adjacent to Stanhope Road.  Given the low-density characters of the adjacent residential areas, the Agile Planning team recommends the maximum height of building is reduced to 9.5m (Attachment U) to match the surrounding HOB control for R2 Low Density Residential to provide a more appropriate height transition from 2 up to 3 storeys along the visible interfaces of Stanhope Road.



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			As discussed above, the Agile Planning team has recommended the proposal is revised to adopt a C2 Environmental Conservation zone, in line with EHG's submission and the proponent's response to submissions. Given the C2 Environmental Conservation zone covers the retained vegetation on site that was previously excluded from the building footprint, there is no material impact to the built form outcome.
			For the subject site, the proposal originally sought an FSR of 0.75:1, based on the ability to develop the whole site. To address the issues raised during public exhibition relating to the protection of this vegetation, the planning proposal and supporting concept plan was amended to reduce the impacts any future development may have on the site. This included relocating built form to avoid the vegetation areas identified for retention, as well as rezoning parts of the site as C2 Environmental Conservation. This has reduced the developable land zoned R3 Medium Density Residential.
			Since the concept plan was designed around avoiding the areas of significant vegetation on site, the areas identified to be zoned C2 Environmental Conservation, do not impact the built form and yield on the site. Given the built





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			form (permissible GFA) has not changed but the amount of the site used to calculate the FSR has changed, the proponent has proposed to amend the FSR to 0.85:1 (numerically above what was exhibited) to ensure the concept plan can still be delivered on a smaller GFA.  The Agile Planning team has confirmed through urban design testing that the proposed FSR (0.85:1) can be achieved on the reduced GFA (38,600m2) without the need to modify the other development standards.  The Agile Planning team considers that issues raised do not prevent the proposal proceeding to
Traffic and Parking (34 out of 35 – 97%)	The proposal will result in additional traffic congestion due to increased occupancy on site and insufficient infrastructure to support the population increase.  The site has limited public transport in walking distance of the site, which will result in more traffic. The traffic assessment supporting the proposal focuses on key intersections and not on the implications on the local roads immediate adjacent to the site	The Transport Assessment (Arup - June 2021) notes that the site is expected to generate up to 912 trips per day. This is an additional 44 trips in the weekday AM peak, 39 trips in the weekday PM peak and 63 additional trips in the weekend peak.  Traffic accessing the townhouses would use a separate internal road and access point (western access and eastern access) and would therefore be separated from the pedestrian areas of the seniors housing.	raised do not prevent the proposal proceeding to finalisation.  The original Transport Assessment (June 2021) indicates the proposal would generate up to 912 trips per day. A revised traffic response for the amended proposal was prepared by Arup (October 2023) (Attachment V) which noted that trips generated from the site would be further reduced based on the revised concept plan.  Modelling for intersections near the site shows that their operating efficiencies would not be reduced as a result of traffic generated from the development.



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	(Stanhope Road and Roseberry Road). Additionally, the report itself is inaccurate and uses misleading base traffic assumptions. The study also does not address emergency evacuation.  The supporting concept plan does not provide adequate parking, which could potentially exacerbate existing onstreet parking issues.	Site specific car parking rates are proposed to ensure adequate car parking is provided to minimise impacts on the surrounding street parking.  The indicative concept plan proposes to provide 398 parking spaces at the site, consisting of 255 basement parking spaces, 126 off street parking spaces for the townhouse and 17 on-street parking spaces.  Although the original traffic surveys were undertaken in 2015, a background growth rate of 3% was applied to uplift the traffic flows to 2021, which is considered appropriate given surrounding land uses.	The site is currently serviced by a public bus route and future shuttle services catering for the retirement village and RACF can be identified in accordance with the requirements of SEPP (Housing) 2021 as part of any future development approval stage.  The Agile Planning team notes that the proposed concept plans would facilitate parking rates above Ku-ring-gai Council's development control plan currently applicable to the site.  Notwithstanding this, parking rates will be addressed as part of any future development approval stage.  Testing supporting the proposed concept plan shows that, in emergency situations, there is capacity in the existing and proposed road network to support emergency egress and access to the site.  In their submission for the proposal, Transport for NSW (TfNSW) have not identified any issues in terms of traffic impacts resulting from the redevelopment of the site nor the modelling used to prepare the traffic study.  The Agile Planning Team considers that traffic and parking has been adequately addressed at





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			this stage of the planning proposal and the issues raised do not prevent the proposal proceeding to finalisation.
Access (28 out of 35 – 80%)	Issues were raised regarding the proposal's road network capacity in the event of an emergency.  The site only has access to Stanhope Road, which is already used as a primary access route for the existing surrounding developments.  Objection was also raised about the addition of an access point at the culde-sac.	The Transport Assessment (ARUP - June 2021) confirms that internal roads within the site are expected to adequately accommodate vehicles during a bushfire evacuation scenario.	Vehicle access points and internal road layout will be determined at the detailed design stage. Notwithstanding this, the concept plan's road network has been tested and has demonstrated that it can adequately accommodate vehicles during a potential emergency.  TfNSW did not raise any concern about road network capacity during an emergency scenario.  The Agile Planning team considers that site access issue has been adequately addressed at this stage of the planning proposal and does not prevent the proposal proceeding to finalisation.
Noise (13 out of 35 – 37%)	Concern was raised that the development would result in adverse noise issues during construction and as a result from increased traffic on site.  Submissions also raised that proposed townhouses would have noise impacts on the retirement village.	Construction impacts will be addressed at the development application stage including through a construction noise impact assessment and implementation of safety measures.  The low-rise townhouses would not generate significant noise levels which would preclude the approval of the Planning Proposal. An acoustic assessment can be carried out at development application stage to ensure that	As part of the development approval stage, the proponent will be required to ensure that appropriate mitigation measures are in place to address additional noise generated on site, including during the construction phase.  The Agile Planning team is satisfied that the issues relating to noise have been addressed by the proponent and do not prevent the proposal progressing to finalisation.



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		appropriate mitigation measures are put in place.	
Other issues (14 out of 35 – 40%)	<ul> <li>Retirement Village issues</li> <li>The village has not been maintained by current owner so redevelopment shouldn't be permitted.</li> <li>Stockland is failing to honour the long-term contracts it entered with the current residents, including the undertaking the residents would have the option to age in place should they choose to do so.</li> <li>The proposal does not significantly increase the supply of seniors housing. The proposal reduces the number of non-residential aged care seniors housing dwellings by 10%.</li> <li>Serviced Apartments</li> <li>Potential residents would be looking ahead to an intermediate stage in their accommodation when full independent living becomes a</li> </ul>	Retirement Village issues  Levande advises that it maintains all villages to a relevant standard, however renewal is required to meet the expectations of contemporary retirees and provide upgraded facilities for ageing in place.  The existing housing does not meet the expectations of modern seniors housing nor meet the relevant National Construction Code (NCC) standards or relevant SEPP (Housing) 2021.  The proposal seeks to renew ageing independent living with modern housing which better meet the emerging seniors housing market. The updated master plan and location of seniors housing has been driven by bushfire design restrictions. Following consultation with NSW RFS, the southern portion of the site adjacent the bushland was determined as not suitable for Seniors Living.  Serviced Apartments  Serviced Apartments have been in decline as the nature of care has changed, shifting towards Home Care services for independent	The maintenance of the site and honouring of long-term contracts falls outside the scope of the planning proposal process and therefore the Agile Planning team is unable to comment on this matter.  The concept plan that forms part of the planning proposal which went on public exhibition identifies that the seniors housing component of the site could deliver more seniors accommodation than is currently available. A breakdown of the proposed accommodation (as shown in the planning proposal) as follows:    Existing



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	burden - the former assisted living apartments were ideal.  Inadequacy of the Social Effects study and Social Impact Assessment  The community raised concern that the Social Effects Study was invalid and adds no value as it was based on no community or stakeholder consultation.  The Social Impact Assessment also suggests that retirees can colocate with young families and singles, which is not supported.	living residents. Home Care services will be available to all retirement village residents with the new apartments allowing residents to age in place far longer than having to move to alternative accommodation.  Levande advises that it continues to offer the services currently provided however the offering will be expanded to all units within the village. Levande has also committed to provide several 1-bed apartments co-located within the clubhouse buildings for residents that may wish to downsize and move closer to the clubhouse and available amenity.  Social Effects study and Social Impact  Assessment  Construction related social impacts can be addressed as part of the future development approval stage. As part of this work, ongoing consultation can be undertaken.  The seniors housing would be separate from the private housing stock on site. The detail design of how these uses would be defined and separated would be determined at the development approval stage.	that the proposal is updated to reflect the current proposed dwelling and bed count.  Serviced apartments  Under the current concept scheme, there are no proposed serviced apartments. The site will be subject to further detailed design testing as part of the development approval stage. At this stage, there is opportunity for the proposed housing mix to be amended.  The Agile Planning team considers that issues raised regarding the management of the site and loss of serviced apartments has been adequately addressed by the proponent and do not prevent the progression of the planning proposal to the finalisation stage.  Social Effects study and Social Impact Assessment  The matters raised relate to issues to consider as part of the development approval stage.  The Agile Planning team is satisfied that the issues have been addressed by the proponent and do not prevent the proposal progressing to finalisation.