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TRANSCRIPT OF PROCEEDINGS

TRANSCRIPT IN CONFIDENCE

O/N H-1561919

INDEPENDENT PLANNING COMMISSION

MEETING WITH HORNSBY SHIRE COUNCIL

**RE: LORETO NORMANHURST SCHOOL REDEVELOPMENT (SSD 8996)
(CONCEPT PROPOSAL AND STAGE 1)**

COMMISSION PANEL: ADRIAN PILTON (CHAIR)
WENDY LEWIN
JULIET GRANT

ASSISTING PANEL: JANE ANDERSON
CASEY JOHSUA
PHOEBE JARVIS

COUNCIL: RODNEY PICKLES
MATTHEW MILES
RADEK ZARZYCKI

LOCATION: VIA VIDEO CONFERENCE

DATE: 10.33 AM, TUESDAY, 21 SEPTEMBER 2021

MR A. PILTON: Good morning and welcome. Before we begin I'd like to acknowledge the traditional owners of the land from which we virtually meet today, and pay my respects to their Elders past, present and emerging. Welcome to the meeting today to discuss the Loreto Normanhurst School Redevelopment Project SSD-8996 (Concept Proposal and Stage 1), which is currently before the Commission for determination.

10 Loreto Normanhurst Limited, the applicant, is seeking consent for the proposed redevelopment of Loreto Normanhurst Independent Girls School in Normanhurst. The application for the redevelopment of Loreto Normanhurst comprises of a Concept Proposal for new building envelopes, car parking, internal roads, landscaping and staged increase of 850 students. Consent is also sought for
15 concurrent Stage 1 works comprising the construction and operation of a boarding accommodation building, car parking, pick up and drop off facilities, through-site road, landscaping works and an additional 500 students.

My name is Adrian Pilton and I am the chair of this Commission panel. I am joined by my fellow Commissioners Wendy Lewin and Juliet Grant. We're also joined by Jane Anderson, Casey Joshua and Phoebe Jarvis from the Office of the Independent Planning Commission. In the interests of openness and transparency, and to ensure the full capture of information, today's meeting is being recorded and a complete transcript will be produced and made available on the Commission's website. This meeting is one part of the Commission's consideration of this matter and will form one of the 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 are not in a position to answer, please feel free to take the question on notice and provide any additional information in writing, which we will then put up on our website. I request that all members here today introduce themselves before speaking for the first time and for all members to ensure that they do not speak over the top of each other to ensure accuracy of the transcript. We will now begin. Over to you, Rodney.

MR R. PICKLES: Thank you, Commissioner, and the panel. So I have with me today Matthew Miles, our senior town planner, and Radek Zarzycki from our – our senior traffic engineer. For most part, Council doesn't have a lot of issues. I think they've been dealt with through that lengthy process of redesigning a lot of the – the buildings and addressing Council's issues, which is – which is good. So I think today we'd just like to touch on a couple of issues. I think there's just a couple of conditions which we'd like to discuss in relation to the hours of construction, but I think the main issue still for Council, and particularly issues that the residents have raised over the years, is – relates to traffic, particularly in Osborn Road, so that will

be our main sort of contention with the proposal. And I note that Council did put forward some conditions for road widening of Osborn Road, and they haven't been accepted in the Department's report - - -

5 MR PILTON: You've gone – Rodney?

MR PICKLES: road widening Osborn Road.

10 MR PILTON: I think we missed something there, Rodney. You went on mute.

MR PICKLES: No. I didn't go on mute. I think it may have just – I might just – shall we just stop my video there, because the resources seem to be a bit low?

15 MR PILTON: Okay.

MR PICKLES:

20 MR PILTON: Do you want to just go back and – you were talking about the widening of Osborn Road; do you want to start there and say it again, because the transcript will have missed it?

25 MR PICKLES: Yes. Okay. So the – the main issues we would like to discuss – there are some conditions which – around the hours of use which we'd like to discuss, and then also widening of Osborn Road - - -

MR PILTON: Okay.

30 MR PICKLES: They don't accept our – our recommendations for widening of Osborn Road. So I've got our traffic engineer, Radek, here. It might be best if he discusses that from a – a more technical point of view, as to why we believe road widening should be a requirement for this development.

35 MS J. ANDERSON: Rodney, I'll just note that Radek seems to have dropped off the call.

MR PICKLES: Radek's dropped off? Okay.

MS ANDERSON: I'll let you know if he re-joins.

40 MR PICKLES: I'm – I'm happy to read out his submission if you like?

MR PILTON: Yes, please.

45 MR PICKLES: Okay. So this is our – comments from our traffic engineer, and I'll just read them verbatim. So, our traffic engineer has advised that:

The reports are significantly reliant on the school community cooperation and marshalling of drivers to do the right thing. Any traffic marshals who are intended to direct traffic on public roads must - - -

5 MR PILTON: Sorry, Rodney, you've dropped out again.

MR PICKLES:

...daily basis, which would be costly for the school - - -

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MR PILTON: Rodney, sorry, you - - -

MR PICKLES:

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- - - and impractical.

MR PILTON: Can I just butt in? You dropped out after you said the report relies on the school cooperation and traffic marshals, and then it dropped out. So could you start again from – from there, please?

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MR PICKLES: Okay. I might be having a problem my end with the internet. I might – Matthew, have you got that email you might be able to read out to the panel?

MR M. MILES: Yes. I'll read it out for the panel.

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MR PICKLES: I might get you to read it, sorry. Yes. Mine keeps breaking up. Apologies for that.

MR PILTON: That's okay.

30

MR MILES: Okay.

The reports are significantly reliant on school community cooperation and marshalling of drivers to do the right thing. Any traffic marshals who are intended to direct traffic on public roads must hold appropriate traffic control certificates. All traffic control on public roads would be subject to traffic control plans being implemented on a daily basis, which would be costly for the school and impractical.

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In our experience, parents and carers often break the road rules near schools due to the constrained road geometry, in particular, along Osborn Road. Any illegal parking or lack of cooperation by the drivers will have a significant adverse traffic impact on the nearby road network. This is nearly impossible to model using traffic analysis software. Out of the 55 schools in the Hornsby Shire, Barker College and Loreto Normanhurst are the top two sources of ongoing traffic related complaints. While the use of green plans is encouraged,

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the GTPs are not enforceable by Council or New South Wales Police as there are no legal means to prevent a legally registered vehicle and a licensed driver from driving on public roads to get to a destination. This is evident at most private schools where many red P plated cars are parked in the local streets.

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There are a number of references in the reports noting the relief in traffic along Pennant Hills Road due to NorthConnex. While we are now in a traffic honeymoon period, opening of the tunnel and because of COVID, the NorthConnex studies have predicted that the spare capacity along Pennant Hills Road would be all but gone in six to 10 years' time.

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MR R. ZARZYCKI: Test one, two.

MR MILES:

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The widening of Osborn Road and provision of continuous wider footpaths along the school perimeter is considered essential in maintaining orderly traffic flow and pedestrian amenity should the above cooperative

20 MR PILTON: Okay. Radek seemed to come in – are you – are you there, Radek?

MS C. JOSHUA: I think he's gone again.

MR PILTON: Oh.

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MR PICKLES: Is he? Disappeared again. So I think the – the Council's point here is that there's been considerable objection over the years raised by residents whenever there's any development in Loreto, and because of existing ongoing problems with Osborn Road – and it's particularly a problem at the intersection coming out onto Pennant Hills Road. And I think the – the way Council and the residents look at this, this is probably the last opportunity, given the significant development proposal at Loreto, for some of these issues to be resolved. I don't think they could be resolved in the future, to be honest. It's more likely that – Loreto's probably almost fully developed once they complete their master plan, so this is probably our – our last opportunity for that to occur.

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If the – if the – if the Commission don't agree with the road widening of Osborn Road, I think as a minimum we'd – we'd certainly recommend that the footpath be widened in Osborn Road. It's certainly quite narrow and the – the footpath adjoining Osborn Road, it actually butts right up to the kerb, and so it's not – it's not really ideal, particularly if you have a – a lot of students walking along there. So we'd ask that at least, as a minimum requirement.

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MR PILTON: Okay.

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MR PICKLES: We may have Radek back again.

MR PILTON: Are you back, Radek? Are you on mute? Oh.

MR PICKLES: No.

5 MR PILTON: No. Gone again.

MR PICKLES: Okay. So – yes.

MR PILTON: So - - -

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MR PICKLES: Okay. So that's – that's really Council's point on – on traffic and pedestrian movements along Osborn Road.

15 MR PILTON: Okay. So with the footpath widening, I – I assume it's in the comments. I haven't had time to fully read through them, but what width are you suggesting for the footpath as a minimum?

MR PICKLES: I don't know if we've specified a standard there, to be honest.

20 MR MILES: Yes. We would have to defer to Radek.

MS J. GRANT: The – the report at page 45 talks about 1.2 metres to two – widening it to two metres in Council's comments.

25 MR PILTON: Okay. Thanks, Juliet.

MR PICKLES: In our original submission. Yes. Sorry, it was provided in there. Correct. Yes.

30 MR PILTON: Okay.

MR PICKLES: That – that might mean there's some works because there – there is – there's, a batter there for the school. I mean, they'd probably have to just batter and – and construct a retaining wall at that point - - -

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MR PILTON: Okay.

MR PICKLES: - - - particularly near the Pennant Hills Road intersection. Yes.

40 MR PILTON: Is there any other comments that Council wants to make?

MR PICKLES: That's all in terms of traffic. So we've just got a couple of points about the construction. I might get Matthew just to go through those, in particular, the construction hours and also construction activities outside of the standard hours as well.

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MR PILTON: Okay.

MR MILES: Yes. So condition 4(a) construction hours allows construction to occur between 7 am and 6 pm Mondays to Fridays, inclusive. Council suggested to the panel that that should be 5 pm, which is in line with all Council's construction hours conditions. Allowing it to go to 6 pm allows enforcement action very – it
5 allows a very tricky enforcement action, from Council's point of view, as everyone – our operating hours finish at 5 pm. It is also particularly important to enforce a 5 pm in a R2 low density built-up area as well. It's not a – a new greenfield site.

10 The other condition I'd like to point towards is condition 5(c). This allows activities to be undertaken outside the hours, and condition 5(c) states:

...where the works are inaudible at the nearest sensitive receivers.

15 Council would press that this condition should be deleted in its entirety, as it's ambiguous and it's completely hard to enforce. Council did suggest to the panel to include a further additional condition that allows an out of work hours permit to occur if they applied to Council.

20 MR PICKLES: And we'd normally support out of hours work where – there may be a situation where there's a large concrete pour which has to occur over many hours, and that's probably an appropriate reason to – to vary your normal hours of construction. Otherwise I'd support Matthew's comments there, that it becomes such a sensitive issue with residents about what time people – what time construction actually finishes on site, and we need to be quite clear about that, in terms of being
25 able to actually enforce that if we receive complaints. Just with regard to the hours of construction, Council's standard hours of construction - - -

MR PILTON: Sorry, you – you've dropped out again, Rod.

30 MR PICKLES: Yes.

MR PILTON: You dropped out again, Rod, after you said "standard hours of construction".

35 MR PICKLES: The standard hours of construction for all development across Hornsby Shire are 7am to 5pm Monday to Friday, so we'd seek to recommend that on this site as well.

40 MR PILTON: And no hours on Saturday?

MR PICKLES: We do – their Saturday hours are fine. Yes. There's no problem with those Saturday hours 8am to 1pm.

45 MR PILTON: Okay. Thank you.

MR PICKLES: I think that's all our comments for the panel.

MR PILTON: Okay. Any questions, Wendy or Juliet?

MS GRANT: I'd just like to ask a – a question. In the Department's report, the consequence of banning the right-turn out of Mount Pleasant Avenue means – there's
5 a figure in the Department's report on page 69, figure 30, that shows traffic then going down Normanhurst Road instead and – and doing a loop around the roundabout at Denman Parade. Just curious to understand what Council's view, in terms of traffic management, might be about that – diverting traffic in that direction?

10 MR PICKLES: Unfortunately Radek's not here again. Look, I might - - -

MS GRANT: Yes.

MR PICKLES: - - - comment. I'll put on a bit of a – a traffic engineer's hat, if I
15 can, to assist the panel. Look, Council's concern with that would be, in particular, that there is another public school, Normanhurst Public, just immediately to – as you cross Pennant Hills Road, so - - -

MS GRANT: Yes.

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MR PICKLES: - - - that road in itself is quite problematic and certainly during school pick up and drop off hours it's – there's a lot of queuing in the street. That – that school doesn't have any sort of layby facility where cars can pull in off the road, so – in fact, they actually block the entire street, so that's highly problematic as well
25 along – traffic along Normanhurst Road. So that's not a – an ideal solution. And our - - -

MS GRANT: Yes.

30 MR PICKLES: - - - traffic engineer, Radek, may be back.

MR ZARZYCKI: Yes. I'm on. Sorry about that. Just had some difficulties with the headset so I've abandoned that.

35 MR PILTON: Okay. We had a – sorry – sorry, Rod. Keep going.

MR PICKLES: I was just going to say, just for – for Radek's benefit, Commissioner Juliet Grant raised an issue about the prohibition on right-hand turn out of the – out of Osborn Road and the impact that would have on traffic along
40 Normanhurst Road, then having to come back through that roundabout. I just did raise some concerns regarding that movement because of the – Normanhurst Public School also results in considerable traffic issues in Normanhurst Road.

MR ZARZYCKI: So just to clarify that, were you talking about a right-turn ban out
45 of Mount Pleasant Avenue or Osborn Road?

MS GRANT: Mount Pleasant.

MR ZARZYCKI: Mount Pleasant. Okay. Yes. Look, that – that has been an ongoing issue for the community. There was a fatal accident there a few years ago, but it actually involved a right vehicle – a vehicle turning right from Pennant Hills Road into Mount Pleasant Avenue, but I saw – obviously I read the reports and they
5 are concerned about turning right out of Mount Pleasant Avenue onto Pennant Hills Road, which is correct. I've got concerns as well.

I guess if you do ban the right-turn there, which has been already planned, the issue will be that vehicles have to weave through three lanes of traffic to get to the very far
10 right lane at the signalised intersection with Normanhurst Road, and that weaving of traffic is also a bit of a concern that you have to cross – get from – across three traffic lanes to be able to get to the right-turn lane again, and then obviously you go into the roundabout at the bottom of Normanhurst Road and you just add to that congestion in the local network, which is quite bad in – in school peak times.

15 MR PILTON: Thank you. Wendy, any questions?

MS W. LEWIN: Under the umbrella of cumulative impacts of traffic generated from the proposal, does Council have any further considerations or concerns, other
20 than the footpath widening, the consideration of widening of Osborn Street, and also the right-hand turn issue?

MR ZARZYCKI: Yes. We do. In particular about the current geometry of Osborn Road. And, I guess, to – to a large extent, all the reports point to a – a cooperative
25 approach from the school marshalling of traffic, the Green Travel Plans, which are all, in a way, unenforceable by Council or the police. So, I guess, under the legal status, anyone who has a car registered in New South Wales, they can drive on a public road and there is nothing that anyone can do to prevent them from driving a registered car if they have a licence. We find that often with these in principle
30 agreements and cooperative approaches we don't actually get the result that we would like to see. Quite often we do get a lot of parents and carers driving to the schools as – as much as the students who get their red Ps towards the end of each year, and we end up with a lot of vehicles parked in the local network which contributes to the issues.

35 If I can just expand on that, also there's obviously a big reliance there on everyone to do the right thing, everyone follow the road rules, not park illegally, follow the marshals; in our experience, we have 54 schools in the shire, the two biggest problem schools for us is Barker College, number one probably, in terms of traffic
40 issues, and second one would be Loreto, in terms of the number of complaints that we're getting about illegal driving, parking and general concerns from residents. So the way we see it is that addressing the road widening issue is more of an engineering approach to managing the issue, rather than relying on these cooperative measures that are proposed.

45 MR PILTON: I – I think Casey would like to ask a question about Osborn Road. Go ahead, Casey.

MS JOSHUA: Thanks, Adrian. Radek, I think we were talking before when you were – weren't connected to the meeting about the widening – Council's recommendation to widen Osborn Road or, at the very minimum, widen the footpath. We have also met with the Department this morning, and did note that that was one
5 of Council's suggestions during their assessment. The Department's response, essentially, was that the traffic modelling and the independent traffic expert advice that the Department had received indicated that the widening of Osborn Road wasn't necessary. And they also spoke about the – the through-site link road that was proposed in this application, which provided for far greater additional queuing
10 capacity than what is currently proposed. Do you have a response to those comments?

MR ZARZYCKI: I do.

15 MS JOSHUA: Does that alleviate Council's concerns at all?

MR ZARZYCKI: Yes. Look, the modelling, to a large extent, relies on everyone doing the right thing, and we know from observation of behavioural issues around schools that that's not often the case. Drivers will do the wrong thing, and with the
20 one lane available in Osborn Road adjacent to the kerbside footpath, all it takes is for one vehicle to either breakdown or stop illegally and that will potentially block traffic and send traffic queuing back onto Pennant Hills Road, and we've had that happen before where the police had to be called out a number of times.

25 We work closely with the traffic sergeant at Hornsby Police, Narelle Tomich, who has brought that to our attention a number of times as well, that there has been significant issue as a result of someone stopping illegally in that area there, which is only one lane, or – whether they were stopped or breakdown, for whatever reason, the car was there for quite a while, and that results in significant delays backing up
30 onto Pennant Hills Road. Whereas our preferred solution would be to have a spare lane in there so that if the vehicle – vehicles potentially do queue, anyone else that's not related to the school traffic can actually pass through the location.

MR PILTON: Thank you.
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MS LEWIN: Is Council sufficiently comfortable with the point of entry or the entry point for – for that drop off/pick up access road? Was there any discussion that it could be located further south on the site, as opposed to – to the north where it's closer to Pennant Hills Road?
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MR ZARZYCKI: Look, ideally access to the school should be provided as far as possible from the intersection, but our preference obviously goes back to that road widening, but we were accepted – accepting the – the current location.

45 MS LEWIN: Thank you.

MR PILTON: Okay. Juliet?

MS GRANT: No. I don't have any further questions. Thank you.

MR PILTON: I don't have any further questions either. So if Council doesn't have any more comments to make, then we can finish the meeting. Rod, any more issues?

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MR PICKLES: No more issues, Commissioner.

MR PILTON: Okay. Thank you very much for taking part in the meeting. We'll certainly take those considerations into account. So we'll - - -

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MR PICKLES: Yes. Thank you very much.

MR PILTON: You're very welcome.

15 MS ANDERSON: Thank you.

MS JOSHUA: Thank you.

MR PILTON: Thank you.

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MATTER ADJOURNED at 10.58 am ACCORDINGLY