



AUSCRIPT AUSTRALASIA PTY LIMITED

ACN 110 028 825

T: 1800 AUSCRIPT (1800 287 274)

E: clientservices@auscript.com.au

W: www.auscript.com.au

TRANSCRIPT OF PROCEEDINGS

TRANSCRIPT IN CONFIDENCE

O/N H-1390641

INDEPENDENT PLANNING COMMISSION

MEETING WITH FAIRFIELD CITY COUNCIL

RE: SAINTS PETER AND PAUL ASSYRIAN SCHOOL (SSD 9210)

PANEL: **PETER DUNCAN (CHAIR)**
ADRIAN PILTON

OFFICE OF THE IPC: **KATE MOORE**

COUNCIL: **ANDREW MOONEY**
DAVID NIVEN
LIAM HAWKE
AHMAD FAIZI
STEPHEN RAJATHURAI

LOCATION: **VIA VIDEO CONFERENCE**

DATE: **2.30 PM, FRIDAY, 12 FEBRUARY 2021**

THIS PROCEEDING WAS CONDUCTED BY VIDEO CONFERENCE

MR P. DUNCAN: Good afternoon and welcome. Before we begin, I'd like to
5 acknowledge the traditional owners of the lands on which we meet and pay my
respects to elders, past, present and emerging. Welcome to the meeting today for the
Saints Peter and Paul Assyrian School Project. Assyrian School Limited proposed to
construct a new primary school for up to 630 students and 35 staff in six stages. The
10 site is currently a vacant parcel located within Cecil Park, approximately 10
kilometres west of the Fairfield Central Business District, approximately 16
kilometres south-west of the Parramatta CBD and approximately 10 kilometres
north-west of the Liverpool CBD.

The Western Sydney Aerotropolis is located seven kilometres west of the site. My
15 name is Peter Duncan. I am the Chair of the Commission panel; this panel. I'm
joined by my fellow Commissioner, Adrian Pilton. We're also joined by Kate Moore
from the Office of the Independent Planning Commission. In the interests of
openness and transparency and to ensure full capture of the information, today's
20 meeting is being recorded and a full 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.

Adrian and I carried out a site inspection earlier this week. It is important for the
25 Commissions to ask questions of attendees and to clarify issues whenever is
considered appropriate. If you're asked a question and not in a position to answer it,
please feel free to take the question on notice and provide any additional information
in writing which we will then put on our website. I request that all members here
today introduce themselves before speaking for the first time and for all members to
30 ensure they do not speak over the top of each other, just to ensure – and also to
ensure the accuracy of the transcript. We will now begin. Andrew, we have sent
through a list of possible discussion items, but would you like to open with a
statement about your views about the proposal.

MR A. MOONEY: Yes. Thanks, Commissioner. I have got a few notes in front of
35 me just to give an overview and then we can go in to the detail. So to kick off, one
of the Council's main issues is that the applicant hasn't considered any amendments
to the overall layout, scale and number of students included in the proposal that
would address Council's objections to the project. We understand that being
40 separate means discussions with DPIE and Transport and options considered in
relation to traffic management and parking issues that Council has not been party to.
We note that the DPIE report includes conditions of approval in relation to a number
of traffic management and parking issues that Council considers are unworkable and
we'll go in to that.

45

This primarily relates to the proposed parking arrangements for the proposal on both the site and within Kosovich Place. We also consider that the proposal to provide a right hand turn and left turn slip lane from Wallgrove Road in to Kosovich Place is a deficient solution in addressing Council's concerns regarding traffic management issues and fails to take in to account both existing traffic movements along Wallgrove Road, as well as future increased traffic volumes as a result of Wallgrove Road becoming a major arterial road in the future, servicing the Western Sydney Aerotropolis and airport. This later concern is based on recommendations of the M12 final amendment report issued by Transport for New South Wales in December 2020, which I forwarded details of yesterday to the Commissioners and also can present here, that when implemented, the – will see Wallgrove Road being realigned and widened to become part of the toll-free road network servicing the airport.

As far as Council's officers can ascertain, this future change to the function of Wallgrove Road hasn't been factored in to the applicant's revised traffic modelling, as well as DPIEs assessment report and recommended conditions of approval. There are a number of issues that we'll go in to for the rest of the session regarding traffic and parking that will highlight further concerns that we have in relation to these matters, as well as issues in relation to town planning considerations, flooding and site contamination. Thanks, Commissioner. And so I also have about six slides I wanted to put up as we go through the discussion, if that's acceptable here, just so that we can refer to different aspects of the proposal. Would you – when you like, I can start to display those.

MR DUNCAN: Please do, Andrew. Do you want to move straight to those and go through the points you wish to make on those slides?

MR MOONEY: Yes.

MR DUNCAN: If you don't mind, we might ask some questions along the way, but please feel free to give your overview.

MR MOONEY: Okay. So everyone should be able to see that's the slide appearing there.

MR DUNCAN: We can.

MR A. PILTON: Yes.

MR MOONEY: That's just the site – like site plan and I might hand over to David Niven. He's our group manager of City Projects and there's also an informal role as Council's chief traffic engineer. And we'd just like to run through the traffic management and carparking issues. I've got about three slides here. I've got the site plan. This is the extract from the assessment report showing the road widening - - -

MR DUNCAN: Yes.

MR MOONEY: - - - arrangements on Wallgrove Road and this is an extract from the Motorway Amendment Report showing the location of Kosovich Place, just to the north of the M12 Motorway and Wallgrove Road realignment, and that's just a closer one. So I can flip around those slides as need be. So with that, I'll ask David
5 to go through the traffic and parking issues in detail.

MR D. NIVEN: I'll just find the unmute button.

MR DUNCAN: Yes. Okay.
10

MR NIVEN: Look, I think the issue from our perspective is we know that the behaviour of traffic around schools, particularly in the afternoon and less so in the morning, is fairly unique in that the people tend to – or the parents tend to turn up from as early as 10 past 2, right through up until 3 o'clock or a little bit after for a 3
15 o'clock close – well, a 3 o'clock close of school; the kids getting out. And then there's a big spike just before 3 o'clock with them arriving and a big spike shortly after 3 o'clock as they all disperse away from the school, having collected their kids. So the concern is that the arrangements on the site are just not going to cater particularly for the final number of kids, with 272 vehicles turning up to try and pick
20 up children, or thereabouts.

MR DUNCAN: With that – just on that - - -

MR NIVEN: Yes.
25

MR DUNCAN: - - - the 270, is that out of the traffic - - -

MR NIVEN: That's out of the traffic report, I believe.

MR DUNCAN: And that's sort of the estimated proportion of motor vehicles that will come for that amount of students. Is that right?
30

MR NIVEN: Yes, that's the number, I believe, that they had in the report, taking off the 20 per cent for the public transport or the bus – shuttle bus.
35

MR DUNCAN: Right. And then, the – you mentioned the PM peak. Is the AM peak not as problematic for you as the PM peak?

MR NIVEN: It tends – it still tends to spike a bit before 9 o'clock, but the issue there is the parents will drive in, drop and go.
40

MR DUNCAN: Yes.

MR NIVEN: So it's really quite a simpler exercise in the morning. In the
45 afternoon, if you turn up five minutes early - - -

MR DUNCAN: Yes.

MR NIVEN: - - - you can't pick up and go. You've got to stop and park somewhere.

MR DUNCAN: Yes.

5

MR NIVEN: And what we find is that you'd be lucky if five per cent of the parents are turning up after 3 o'clock – five or 10 per cent.

MR DUNCAN: Okay.

10

MR NIVEN: So you're looking at 90 per cent of the people turning up before 3, before the kids have got out of class and are coming down to be picked up. And that means that the total number of those vehicles really needs to be catered for, otherwise what's going to happen is they're just going to park in Kosovich Place. And that then creates the secondary issue that if they're parking in Kosovich Place, how do the parents and the children get to and from their motor vehicles and to the school, because there is no – it's – with a seven metre road widening, there is no parking or you'll be blocking the through traffic, or you're parking in the table drain.

20

And if you've parked in the table drain, you're walking on the road or you're walking up in the thick grass. On a wet day, I don't really want to think about it; it just – I think the risk that you're creating in that circumstance is just not acceptable for what we're trying to achieve in this space. So that's sort of the – the two of those are tied together inextricably, that if you can't cater for what's going to be happening on site, Kosovich Place is going to be parked in; full stop. And Kosovich Place then needs to operate and get either safely from their cars in and out of the school and with the current arrangement in Kosovich Place, that's just not going to happen because there just isn't the areas for pedestrians to be accessing with cars parking and so forth.

30

MR DUNCAN: Could we go back a slide; is that possible, or not?

MR MOONEY: Yes.

35

MR DUNCAN: I mean, just a question, but are there any solutions with the adjoining church carpark? Are there any solutions or possibilities that could occur there?

40

MR NIVEN: Possibly. However, you know, are the two DAs linked for the sites or are the sites linked so that there's an enforceable undertaking? Because if there's not an enforceable undertaken, then any sort of proposal there becomes - - -

MR DUNCAN: Yes.

45

MR NIVEN: - - - near impossible.

MR DUNCAN: Yes.

MR NIVEN: And if that were to be the case, we'd be looking for some – and I think it's one of the recommendations that we'll be having anyway, is that there's an internal accessway between the school and the church, in terms of a pedestrian access - - -

5

MR DUNCAN: Yes.

MR NIVEN: - - - rather than forcing people out on to Kosovich to go across to the church and vice versa, noting that also there's issues with the church coming across and using the school as overflow parking - - -

10

MR DUNCAN: Right.

MR NIVEN: - - - and out-of-hour activity at the school. So one of the things that's not in the assessment report is those out-of-hour activities, particularly sports on a Saturday morning, is how is the parking and catering for those events because again, they will be a drive, attend and go away, not a drive and drop, come back, pick up and go sort of scenario. So I think there's some shortfalls in the assessment report in terms of what's been looked at. And I'd also sort of suggest that the combination between the church and the school probably also means that the hall is going to be wanted to be used for community purposes over and outside of the school during the school time. And is the hall factored in, in that use in terms of any sort of parking supply or demand on the site and how then are the two sites to manage their complementary or conflicting demands between the church and the school in that context? So I think there were some significant gaps in the assessment that's been provided to date in that context.

15

20

25

MR DUNCAN: And also to confirm, the major issue in Kosovich Place is parking and what then generates, as you've commented, the safety issue, I believe.

30

MR NIVEN: Yes.

MR DUNCAN: Yes. Okay. Thank you.

MR NIVEN: In terms of the circulation internally within the site and down at the bottom where the staff parking is, there's a proposal for two lanes coming around in to three lanes to stack the people for the kiss and drop arrangements.

35

40

MR NIVEN: I'm not sure that the lane widths that have been provided in there are at all satisfactory for that arrangement. When I was looking at the civil design drawings and you look at the distances from – on the top – I was going to say – on the northern side of that carpark where the three lanes are proposed, there's only something like 7.8 metres provided for the three lanes. And I'm not sure that that's at all satisfactory in that circumstance and if that's not addressed now, it will never

45

get addressed because the buildings will limit any movement, in terms of widths and so forth.

MR DUNCAN: Okay.

5

MR NIVEN: One potential solution to mitigate some of these impacts is to have a staggering of the class times, in terms of start and finish over the day. So having everything start at 9 and everything finish at 3 coalesces the demand in to those particular timeframes. If there was a 10 minute stagger between each classes getting out, that would spread that demand out over a much longer period and potentially reduce the impact.

10

MR DUNCAN: Is that something that happens elsewhere in the municipality?

15

MR NIVEN: Department of Education won't do it.

MR DUNCAN: Right.

MR NIVEN: I'm not aware of any other school doing it.

20

MR DUNCAN: Right.

MR NIVEN: But if they want to address their traffic issues, they've got to look at management techniques that are going to give them a solution - - -

25

MR DUNCAN: Okay. Thank you.

MR NIVEN: - - - in that context. So I think the relationship between the church and the school really needs to be spelled out in far more detail and how the two sites are going to be used in conjunction. The other question I had in mind, the question was whether they were going to use the sports field for overflow parking. I think there's some flood issues in that zone and having parking down there would need to be addressed in terms of the social implications and how that would be managed.

30

35

MR MOONEY: So Dave – yes, Commissioner, I've just got an extract of the flood situation from our GIS and what we looking at there is subject to – like in the yellow with the – parcel 17 is the buildings and then below that, lot number 19. The darker blue colour is basically the 100 year flood extent of that. So that runs - - -

40

MR DUNCAN: Yes.

MR MOONEY: - - - straight through the – that central area of the site Dave is talking about. And one of the issues, we haven't had – they haven't accessed our flood modelling data and so there's a – we've got questions about the reliability of the flooding they've done and the works they're doing in there, how that's going to impact on the flooding. That's another issue we can talk about – a bit more about later.

45

MR DUNCAN: Have we got copies of these slides? I know you sent the Transport report in, but did you send these slides in?

5 MR MOONEY: No. I just put them together earlier today. I'm happy to send those through.

MR DUNCAN: After the meeting, if you could do that, that would be fantastic.

10 MR MOONEY: Yes, not a problem.

MR DUNCAN: Through to Kate, if that's okay.

MR MOONEY: Yes, certainly.

15 MR DUNCAN: Thank you.

MR MOONEY: I'll go back to the top, Dave, if you want to go there, or this - - -

20 MR NIVEN: Yes. Look, I think I've covered most of the issues. I think there's probably some minor stuff that could go in to the draft conditions if it were to proceed. While a road safety audit has been recommended for post-construction, the concern I have with that is that if there's anything significant, it can't really be addressed and there's no real enforceable provisions around it, post-construction. A road safety audit would normally be done at the design stage to try and address those
25 issues while the costs are still reasonable.

MR DUNCAN: And David, just on that, it would be a school zone in Kosovich Place, I guess.

30 MR NIVEN: Yes. Okay.

MR DUNCAN: Would that also – and where would it start, do you know from?

35 MR NIVEN: It would start, I think, at Wallgrove Road and run for the full length.

MR DUNCAN: Yes, okay.

MR NIVEN: But that's a Transport for New South Wales determination.

40 MR DUNCAN: Yes. Well, I'll be checking that, but that doesn't happen either until after approval, does it: determination?

MR NIVEN: I think, reading through the conditions of approval, there's eight weeks prior to opening they need to talking to the RMS - - -

45 MR DUNCAN: Okay.

MR NIVEN: - - - about the speed zone.

MR DUNCAN: Okay. Thank you.

5 MR MOONEY: David, do you me to just talk about the bus parking situation and the lack of onsite provision of that? As a rule, like for private development across the city, the development should rely on its site – on the development site and not on public land to resolve its, you know, impacts.

10 MR NIVEN: Yes. Look, we – for a private development, we would expect it all to be housed internally. I guess there is a slight complication in that, reading through the traffic reports, I think it was quoted there that State transit did not – would not come on to private property as part of their bus service.

15 MR DUNCAN: With a public school, you wouldn't expect that, would you?

MR NIVEN: I think the difficulty is the public schools are run through the SEP and as part of the SEP arrangements, they can almost dictate what they will do to us - - -

20 MR DUNCAN: Yes, okay.

MR NIVEN: - - - so to speak. We've tried to push back with the public schools in the sense that they have a duty of care to students. That duty of care extends to effectively the student getting in to the parents' hands, so to speak.

25

MR DUNCAN: Yes.

MR NIVEN: So some schools require parents to come on site to pick the children up and take them away. They don't release the children out of the gate. Some schools will marshal the children on their school grounds and then as the bus turns up, they will walk them out the gate, straight in to the bus door and that's the absolute minimum length distance. And so I guess the commentary for us there would be that the front of the school, within the private property, should be orientated to the bus zones with gates that lead the kids straight out in to the bus door so that they're not wandering out through an entrance and down Kosovich to the buses.

35

MR DUNCAN: Okay.

40 MR NIVEN: We do have some schools that run that arrangement.

MR DUNCAN: That's quite a common arrangement, isn't it, where they sort of marshal it in and hold back and then - - -

45 MR NIVEN: Yes.

MR DUNCAN: - - - get them to the buses. Okay. Thank you.

MR NIVEN: Yes.

MR MOONEY: Commissioner, I'll just add here, in terms of the provision of the bus parking on the Council land, they know there's an issue. We're not – we're
5 trying to understand it, but they haven't – we haven't given them owner's consent for the application, as part of this application. So we'd need to be sure or we'd need to know if there's any follow-up appeals process that would need to come to Council and the – so there's a question over whether Council would ultimately give that approval for the bus parking on the public land.

10 MR DUNCAN: Okay. So on the – I think it's shown in the plans as a bus zone.

MR MOONEY: Yes.

15 MR DUNCAN: So you haven't given anyone - - -

MR MOONEY: It's zoned - - -

MR DUNCAN: At this stage, there's no owner's consent for the sort of thing.
20

MR MOONEY: That's correct.

MR DUNCAN: Yes. Well, did you - - -

25 MR MOONEY: We did flag that with the applicant when they met with us before they submitted the application and suggested that there may be a need to enter in to a voluntary planning agreement, or something along those lines. So - - -

MR DUNCAN: Yes.
30

MR MOONEY: That didn't eventuate, so that's an outstanding issue that needs to be understood or resolved.

MR DUNCAN: And your preference would be – if it were to happen, you would
35 want a voluntary planning agreement or would there be another mechanism?

MR MOONEY: I might refer to Liam in our Development Control section, how we've dealt with that in the past or even David, have you had any experience with these situations?
40

MR NIVEN: Well, typically there'd be two approvals required and one would be under the Roads Act for the roadworks or the changes to the road to be undertaken.

MR DUNCAN: Yes.
45

MR NIVEN: And Council, as the roads authority, would be issuing that for the works in Kosovich Place and Transport for New South Wales, as the roads authority, would be issuing that for Wallgrove Road and any changes to Wallgrove Road.

5 MR DUNCAN: Okay.

MR NIVEN: And then any regulatory sign-posting or line-marking would need to be authorised through Council's local traffic committee. That would include any bus zone signage, no stopping, etcetera, etcetera, that would need to be provided in
10 Kosovich Place. That would also include the right turn ban out of Kosovich Place which also requires Transport for New South Wales approval, and then all of the regulatory sign-posting and line-marking on Wallgrove Road would be approved by Transport New South Wales under their delegations and not through the Fairfield Local Traffic Committee.

15 MR DUNCAN: Yes, I understand. Yes.

MR NIVEN: Yes.

20 MR DUNCAN: Okay.

MR MOONEY: I was just going to say – and so while on this slide, the issue raised about the future of Wallgrove Road, probably to look at that bottom slide showing the changes to the intersection, there's already high volumes along the road, so the
25 issues that David raised about resolving the parking in Kosovich Place and on this site are crucial for this intersection. Otherwise, as you can see, the right turn bay from Wallgrove Road heading south is quite short. You only get a few cars in there. So there's an issue there in terms of cars trying to get across that intersection when you've already got like B-double trucks and semi-trailers. And that's only going to
30 increase with the future function of Wallgrove Road, which I'll jump down to this slide.

So this site is about a kilometre north of this area here shown in that image there which is the intersection between M7, M12 and Wallgrove Road. So the preferred –
35 proposed preferred project for the M12 shows the realignment of Wallgrove Road, as you can see there, which connects Wallgrove Road in to the M12 and would establish a toll-free road which is part of the M12 project. So this is going to attract a significant increase in traffic volumes through the whole corridor there, mainly district-wide and it would also see like increasing freight and truck movements
40 coming from the industrial areas in Wetherill Park, Smithfield, that are going to and from the aerotropolis and the airport site. So it's a - - -

MR DUNCAN: Andrew, is there any predictions on the change of traffic volumes as a result of this work yet, or is that still early days?

45 MR MOONEY: I understand Transport for New South Wales have done that, but it wasn't part of the EIS that we know of, at this stage. We have requested that – some

clarification on that in our submission to the M12, but the group or the project team leading the M12 would best be the ones to contact - - -

MR DUNCAN: Yes.

5

MR MOONEY: - - - as that was part of the EIS.

MR DUNCAN: Well, we may follow that up with Transport for New South Wales and whatever happens there, it looks like growth, doesn't it? Particularly - - -

10

MR MOONEY: Yes.

MR DUNCAN: - - - with local development, no matter what. Yes.

15 MR MOONEY: So this was only released – the plans were – came out just before Christmas and going through the DPI assessment, there's no reference to it and I can't – we couldn't find anything in the applicant's traffic report in their estimates as well, because they go back to the original – the conditions prior to all this being
20 tabled. So it's – I know it's a matter of timing and these things can happen, but – and especially with the M12, that project is evolving pretty quickly. So it would appear that - - -

MR DUNCAN: Yes.

25 MR MOONEY: - - - all those important – the modelling issues and all those kind of things haven't been factored in to the applicant's modelling and the impact - - -

MR DUNCAN: Yes.

30 MR MOONEY: - - - on how that plays out with this intersection here and whether Wallgrove Road also eventually will need to be widened and become a dual carriageway both ways, and I don't know whether the relevant – these proposals will refer to the relevant team of Transport for New South Wales to look at. They do have a lot of tentacles, I guess, which - - -

35

MR DUNCAN: Yes.

MR MOONEY: - - - sometimes they don't always connect.

40 MR DUNCAN: So just to zone in on – or hone in on that intersection, the three issues, from what I'm picking up is: one, the concern and possibility for school out parking and traffic; secondly, that the turning bay's length is a concern. Is the no right turn an issue for you or not?

45 MR MOONEY: I'll let David, our traffic expert, comment on that.

MR NIVEN: I guess there's two things about it. One is because the roundabout is immediately to the right, within about 50 to 100 metres, going left, doing a U-turn and coming back is not a significant detour, so to speak. The issue I generally have is that when we put a turn ban in, in a relatively isolated location, it needs to be self-enforcing.

MR DUNCAN: Yes.

MR NIVEN: Because we won't have a high degree of enforcement at the location. So the design really needs to be put in, in a way that prevents vehicles from turning right and not just paint on the road. Because people will just ignore the paint and the sign if there's nobody coming, so to speak, and - - -

MR DUNCAN: should be some proper channelisation and a raised island there?

MR NIVEN: Yes. And that – and given that it's an 80 kilometre an hour road, you know, that may have implications in terms of lane widths and - - -

MR DUNCAN: Yes.

MR NIVEN: - - - other bits and pieces and I would presume that the applicant is trying to minimise cost.

MR DUNCAN: Right. It's definitely earmarked as a dual carriageway, is that right, because there's quite a bit of width in that road, isn't there? There's - - -

MR NIVEN: Look, it is. It's a complicated circumstance. I would surmise, without any knowledge, that when the M7 was constructed, there would have been some limit on what can be done with Wallgrove Road.

MR DUNCAN: Yes.

MR NIVEN: Just because of the toll versus non-toll - - -

MR DUNCAN: Yes. Yes.

MR NIVEN: - - - parallel road.

MR DUNCAN: Yes.

MR NIVEN: That contract probably has a number of years to run and I'm not sure that there would be any willingness to buy out that clause in the contract to widen or upgrade Wallgrove Road in the next, I would suspect, 10 years. So if we are looking at any sort of improvements on Wallgrove Road, they're probably 15, 20 years away, as a minimum, I would be hazarding.

MR DUNCAN: Okay.

MR NIVEN: I think the bigger issue is going to be The Horsley Drive, Wallgrove Road and its performance in the longer term, particularly with the industrial estate up in Erskine Park and it growing and the connection across to the Mamre Road precinct. That's where, I think, the pressure point on the network is likely to be.

5

MR DUNCAN: Thank you.

MR NIVEN: But that's an RMS issue. That's not a developer issue.

10 MR DUNCAN: I understand.

MR NIVEN: Yes.

MR DUNCAN: Do you want to keep going?

15

MR NIVEN: I did have a number of comments on the draft conditions and I can run through those fairly quickly, if you like.

MR DUNCAN: Yes. Yes, please do.

20

MR NIVEN: B12, I would just suggest that a road safety audit requirement for all works on the public roads is part of the design finalisation and sign-off by Council be included in B12. I'll come back to A15 at the end. B19, I just wanted to check that the clause – whether the clause is going to apply to the emergency vehicle access to the sports fields which may be in the floodplain and this particular clause relates to all of the access roads being above the PMF, I think it is; so just one of those little things. E8, the post-construction road safety audit needs to include provisions for matters to be addressed to the satisfaction of the roads authorities within a particular or a specified timeframe.

30

E8, worker's executed drawings should also be provided and I'm also suggesting within E8, the clause similar to E19 to cover the provision of the signs and line-marking on the public roads which relates to the installation date being provided to the roads authorities. E15 and 16, it would be useful if a copy of the flood evacuation plan can be provided to the Fairfield LEMC and similarly with E17, a copy of the bushfire evacuation plan also be provided to the LEMC.

35

MR DUNCAN: That would be normal procedure, wouldn't it?

40 MR NIVEN: I would like to think so, but as the LEMO, I'm yet to see one.

MR DUNCAN: Okay. What are you trying to do, is lock it in to make sure you do see one? Yes.

45 MR NIVEN: I'm just trying to get ahead of the curve, if I can.

MR DUNCAN: I understand your point. Yes.

MR NIVEN: F6, we'd like that to be reviewed as there's no traffic assessment of these impacts and I think this relates more to the out-of-school operating hours and what's permitted. So I don't think any of that's been assessed. Otherwise there needs to be a strict limit based on the available parking on the site that should be
5 implemented. And then F13 relates to future modifications of their traffic management plan. I think there should be some form of authorisation by Council in terms of any future changes to their traffic management plan. Otherwise do they end up with an ability to change it to what suits them, as opposed to what's appropriate? I was going to come back to A15 which is the arbitration clause that's been built in
10 and I suspect that this is really there because a number of matters have not been resolved as part of the determination. The problem I have with this particular clause is that Council, as the roads authority, is being exposed to a decision by a third party
- - -

15 MR DUNCAN: Yes.

MR NIVEN: - - - that will expose it to liability. I would also like to just confirm whether that would void our insurance on that particular decision or not on that on – and any matters that might be adjudicated as such, so to speak.

20

MR DUNCAN: This is possibly a standard wording.

MR NIVEN: Possibly. I don't know.

25 MR DUNCAN: However, if it were to go ahead and it were to be used, your preference would be that the planning secretary would seek Council's input in to the resolution of the matter. Is that what you're saying?

30 MR NIVEN: No. What I'm saying is that the secretary needs to take on the liability for the decision he makes, if it's contrary to the Council's advice.

MR DUNCAN: However, if – yes. I guess what I'm saying, do you - - -

35 MR NIVEN: I understand the clause, the way it's worded, already means that the secretary will be dealing with both sides as part of trying to resolve it.

MR DUNCAN: Okay. That's fine. So you think - - -

40 MR NIVEN: However - - -

MR DUNCAN: Yes.

45 MR NIVEN: - - - what I am concerned about is that a decision will be made that's contrary to Council's advice as to what is safe or appropriate for that location - - -

MR DUNCAN: Okay.

MR NIVEN: - - - which could potentially expose Council to future liability - - -

MR DUNCAN: Okay.

5 MR NIVEN: - - - of some form or another. Now, I understand, in making a determination, there are protections in that process. However, that would be, in my view, outside of the determination and I think there's an issue about who bears liability in those circumstances.

10 MR DUNCAN: Okay. All right. I'll note that. Any other comments on the draft conditions?

MR NIVEN: No. I think that's all I picked up as I went through and just had a look at them. A lot of them require parties to agree, which is why I think A15 is in there.

15

MR DUNCAN: Yes.

MR NIVEN: My comment would be that typically they should all be resolved before the determination.

20

MR DUNCAN: Okay. All right.

MR NIVEN: And that's all from me, thank you.

25 MR DUNCAN: Okay. Thanks, David. Other comments then, Andrew?

MR MOONEY: Yes, I just probably want to run through, a little bit, about the strategic context and the – of the – as the justification given by the Department. They put a lot of weight on the proximity of the site within the location of the –
30 within Council's urban investigation area and draft structure plan that we've developed, which is included in their report. I think the emphasis they've given on that is still a bit ahead of what we know about the future of the area. I'm involving working parties in the aerotropolis and with the urban investigation area that the GSC has been running, basically we're on hold with the work for the future of the
35 structure plan. It's really only conceptual at this stage.

There's a lot more things have got to happen and studies and things resolved with the aerotropolis and provision of the rail line before this location would become potentially urban, so – and given the priorities that we've got for other release areas
40 in Western Sydney that the Parkland City Authority is dealing with and also the aerotropolis, we're probably looking at somewhere in the range of 20 years before it could really become a release area. So the urban, kind of – the future urban development potential we've talked about in the Department's reports is also heavily contingent on a railway station being provided at Cecil Park, about a kilometre from
45 this location, which doesn't have very good access, in any case.

But if that doesn't really play out, then it may only become like a large – like a State Housing kind of arrangement, given all the other factors involved and the unknowns, looking 20 years ahead. But just to finalise is this kind of location, in terms of the urban investigation area really needs to be looked at in terms of other options or
5 land-use scenarios, given the proximity to a major road corridor. So if you're looking at similar kind of localities in the Sydney area, which typically could be business development or enterprise zoning which has got a range of service for highway service centres or like that kind of thing.

10 So there's no guarantee, in terms of the surrounding urban form and it could potentially – the land along Wallgrove Road could be industrial or something of that kind of arrangement which wouldn't be ideal for the location of a sensitive land use, like a school. So that's just what I wanted to touch on about that. We just want to talk briefly, I think, Liam, about the – in terms of that point about the existing rural
15 landscape context of the site and things like the degree of cut and fill and the layout of the development. Liam, could you just comment – provide the Commission with a few comments on that.

MR L. HAWKE: Yes. Thank you, Andrew. Thank you, Commissioners. So my
20 name is Liam. I'm one of the Development Planners here at Fairfield City Council. Look, in terms of the proposal, the – I don't believe, in my opinion, that the proposal is sympathetic to the rural character in that the proposal has – requires, in order to get the flat platform that it needs for the buildings – at the very least, it requires extensive cut and fill. They've – at one point, I believe it's six metres deep, the cut,
25 at its worst point and then about 4.5 metres of fill at its worst point as well, in terms of just trying to get that level platform enabled to get the built form there.

I understand that they've done a lot of modulation and articulation in order to try and offset that but I guess, in my opinion, that the scale and the unsympathetic nature of
30 how it's been dealt with through the topography, the not stepping of it, the breaking of it up and things like that, I don't believe is sympathetic with that rural character. The other thing I just wanted to make sure that the Commissioners understood, as I have had dealings with the – from a DA point of view with the church next door. So if there's any further questions, I can try and provide some answers to that. At the
35 moment, there's about 56 car spaces for the church and roughly 80 people attend in mass and then 100 for weddings and things like that.

There is an application to increase that to 266 people and increase the amount of parking by about – roughly around 100. Sorry, I don't now off the top of my head.
40 And previously, as part of Council's submissions is the church actually put in an application before. That did go to the Land and Environment Court which was dismissed. One of the key issues or concerns was the ability to manage the amount of people coming in the site and the parking out of Kosovich Place. And as it's a rural road, it's not an ideal outcome as people will park on grass verges if they can't
45 get on the site and during wet weather, it becomes very difficult and people get stuck or damage the asset. The other thing I just wanted to also mention is the location of the kindergarten play area in the master plan.

MR DUNCAN: Liam, just a question. Can I just go back, before you go off the church - - -

MR HAWKE: Please. Please. Yes.

5

MR DUNCAN: Yes. You said 56 car spaces now.

MR HAWKE: Right now, yes.

10 MR DUNCAN: Now. And what's the – you said an increase to 266 people. What's their limit of people at the moment? What's their - - -

MR HAWKE: So right now, under the development consent, they're allowed a maximum of 80 people during masses and then 100 people for weddings and things like that. So the church, under its development consent, can operate late and on the weekends. So, for example, on Saturdays it can have multiple wedding or funeral functions occurring - - -

MR DUNCAN: Yes.

20

MR HAWKE: - - - which may coincide with other activities that might occur on the school as well.

MR DUNCAN: So less likely coinciding on a weekday, but more likely busy on weekends, by the sound of it.

25

MR HAWKE: Yes, Commissioner.

MR DUNCAN: Yes. And then, it will go from 60 – 56 car spaces, if that increase were to occur, to 100 car spaces, or somewhere around that figure. Approximate is fine.

30

MR HAWKE: Sorry, I beg your pardon, 125.

MR DUNCAN: 125 car spaces. Okay. Thank you.

35

MR HAWKE: Sorry, and just going back to the matter of the location of the kindergarten play area, ideally I don't believe the play area should be located within the front setback. They should be reserved for landscaping and other amenities – not so much amenities, I beg your pardon, but landscaping and and built form. The front – the play areas are generally characterised through benches, shade structures. There is on the north orientation, so I'm assuming shade structures would be required and those things would, I guess, detract from that rural landscape. So it's not an ideal location, in that regard.

40

45

MR DUNCAN: Okay.

MR MOONEY: Thanks, Liam. I think the one last point we just want to touch on is just talking about the flood monitoring a little bit and I've got Stephen from our Development Engineers section. Stephen, can you just talk about the status of the flooding that they've undertaken and how it relates to Council's model that was reflected on this image.

MR S. RAJATHURAI: Yes. Yes, I'm Stephen Rajathurai. I'm one of the development engineers here. So with this flooding, the main building where the classrooms are and all that, they're all set outside the building – the flooding – outside the PMF level, so they're – that's all okay. The play area, where the play area is proposed, as you can see in that picture there, the dark blue area there – it is under medium flood risk where – so it means there will be inundation in one in 100 year flood event. So we – if the play area is to be proposed there, the Council would like to see a flood risk management report, how the school administration will guide – will control the students then, keeping them away from the flood area.

And also if there are any – refilling is proposed within that area to make it flat or something, because difficulties, any changes that is proposed on that playing field area will require a flood impact assessment done based on Council's flood model, just to make sure the neighbouring properties are not affected by that. That is the comments from me on the flooding situation.

MR MOONEY: So – and I'll just add. So yes, typically for these kind of developments, when we've done a flood study, there's the – we've done it for a broader catchment and the spatial analysis is done at a higher level, so the development – we get them to do a finer grain analysis of it, just to check on how it affects the flood behaviour. And we did offer that in to the proponents when we made our submission. That hasn't been taken up yet, but as Stephen says, that's something we want them – or we wanted to be checked on further.

MR DUNCAN: Okay.

MR MOONEY: And I think that's from Council, Commissioners. Unless anyone else from Council has got any final comments, that about wraps it up.

MR HAWKE: So Andrew – sorry, it's Liam here. Sorry, Andrew. Can I just clarify something for the Commissioners, please, if that's all right.

MR MOONEY: Yes, go for it.

MR HAWKE: Thank you. So just to clarify, if terms of the church next door, so it was an increase from 80 patrons to 266 patrons, with 125 spots on the site, if approved. That's still under assessment and that was based on a vehicle occupancy rate of roughly about 2.12, I believe, or 2.13 on their surveys. The other thing I just wanted to also just advise is that the – B1 of the draft conditions of consent, in order to assist the Department of Planning – sorry, it's just in the report – recommends that

the 1.5 metre landscaping strip, instead of 750 millimetres landscaping strip along the eastern boundary for the entire length of the building would be more appropriate - - -

MR DUNCAN: Yes.

5

MR HAWKE: - - - which would assist, I believe. I'm just not sure how that would affect the drop-off and pick-up point and the internal access road there, if that was – if it would still comply with AS and the traffic parking experts' requirements there. I would also - - -

10

MR MOONEY: Is that on the eastern edge of the buildings or the eastern boundary?

MR DUNCAN: Eastern boundary.

15

MR MOONEY: Eastern boundary.

MR HAWKE: I believe it's the boundary to help views and so – you know, I would also suggest if that 1.5, if the – in that condition of the details, if there could be substantial trees within that 1.5, if that is possible or not is the other thing that may assist.

20

MR MOONEY: Are they just planter boxes there, or - - -

MR DUNCAN: Well, as it's shown, it's a seven – we had a discussion with the Department about this. It's 750 millimetres wide and it's – it sort of has the character of a planting box - - -

25

MR MOONEY: Yes.

30

MR DUNCAN: - - - and their view is that you can get any effective planting in that and it's hard to maintain.

MR MOONEY: Yes, I agree.

35

MR DUNCAN: And they're suggesting this. I guess, Liam, the point you're making is if it goes to 1.5 and, given David's comments about lanes and widths and turning, you don't wish to see any compromise in lane widths and turning areas. That's what you're saying, isn't it?

40

MR HAWKE: Look, I would be concerned that by providing it, we may restrict that internal road and therefore cause - - -

MR DUNCAN: Yes.

45

MR HAWKE: - - - traffic and parking issues. But I would say that the 1.5, if we can design and, I don't know, move the building or shrink the building in some form,

would assist, particularly if you could get larger plantings, because they would fit up higher on ridge line and then that may assist.

5 MR DUNCAN: No. I understand your point. That's quite clear. Okay.

MR HAWKE: Thank you.

MR DUNCAN: Thank you. Andrew.

10 MR MOONEY: Yes, thanks, Commissioner. I think that just about wraps it up, covers everything we wanted to talk to you about, unless you've got any final questions for us.

15 MR DUNCAN: No. Thanks, Andrew and thanks to all of you for your presentation. I'll just ask, Adrian, do you have any questions at this stage?

MR PILTON: No, I've no questions. Thank you. It was pretty thorough.

20 MR DUNCAN: Yes. Thanks very much for that. It's actually helpful. If we need to, we will come back to you possibly through the Department but, at this stage, if we could get a copy of those slides, that would also be helpful.

25 MR MOONEY: No problem. I'll send that when we've finished up here straight away.

MR DUNCAN: Thank you. And now Kate, do you have anything from the officers' point of view?

30 MS MOORE: No, nothing further.

MR DUNCAN: Okay. All right. Well, Andrew, thanks very much to Liam and Ahmad and Stephen and David. I'm not sure, did you have Keren there too?

35 MR MOONEY: No, she's not. Didn't turn up in the end, so - - -

MR DUNCAN: Okay. Thank you for all your presentations and your thoroughness and we'll now go back and talk about this and we've got a discussion with the applicant later today. Okay.

40 MR MOONEY: Thanks very much, Commissioners. Thanks for your time. Okay.

MR DUNCAN: Thank you.

45 MR PILTON: Thank you.

MR MOONEY: Okay. Bye for now. Cheers.

MR DUNCAN: Thanks very much. Bye-bye.

MR HAWKE: Thank you.

5 MR NIVEN: Thank you.

MATTER ADJOURNED at 3.19 pm INDEFINITELY