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Department of Planning, Industry and Planning
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Attention: David Way

**STATE SIGNIFICANT DEVELOPMENT APPLICATION 9210
SAINTS PETER AND PAUL ASSYRIAN PRIMARY SCHOOL - 17-19 KOSOVICH PLACE, CECIL PARK**

Dear David,

Willowtree Planning write on behalf of the applicant, Assyrian Schools Limited C/- PMDL Architecture & Design Pty Ltd, in response to Fairfield City Council formal response dated 1 October 2019.

Clause 85A of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) permits the Secretary of the Department of Planning and Environment (DPE) to require the Applicant to provide a written response to issues raised in submissions. This Response to Submissions (RTS) aims to fulfil the request from the Secretary. Supplementary documentation has been prepared and issued to DPIE

Reference is made to your request to provide supplementary traffic modelling of the traffic associated with the proposed Saints Peter and Paul Assyrian Primary School following the receipt of the Traffic Impact Assessment Peer Review by Bitzios Consulting dated 10 June 2020 and subsequent meetings with the DPIE and Bitzios .

The applicant, Assyrian Schools Limited C/- PMDL Architecture & Design Pty Ltd, and its specialist consultant team have reviewed and considered all matters raised in the peer review. The accompanying submission documentation provides a detailed response to the key matters raised and is accompanied by the following supporting documentation:

- **Appendix A** – Supplementary Traffic Assessment
- **Appendix B** - SIDRA modelling

Further to the above, it was requested by the DPIE during consultation that the applicant provide a formal response to Council's comments around the applicability of Land and Environment Court decision *Holy Apostolic Catholic Assyrian Church of the East Property Trust v Fairfield City Council*.

In 2018, the Holy Apostolic Catholic Assyrian Church of the East, located at 32-40 Kosovich Place, Cecil Park, directly north of the proposed Saint Peter and Paul Assyrian Primary School.

On 16 March 2010, development consent **DA 776.1/2009** was granted consent for the construction and use of the Church. Conditions of consent were applied to the approval limiting the number of parishioners attending the church at one time to 80 people. The consent also stipulated a condition of consent that the Church and Assembly Hall could not be used concurrently. The consent was subsequently modified pursuant to then Section 96(2) of the Act (now referred to as Section 4.55) to affect changes to the hours of operation of the Church.

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On 17 November 2016, the Church submitted an application (**DA 748.1/2016**) seeking consent to modify the maximum number of parishioners attending the Site at any one time to 595 people as well as extend the hours of operation. In July 2018, the Church submitted an appeal (based on a deemed refusal of the subject development application) in the New South Wales (NSW) Land and Environment Court (LEC).

The appeal was dismissed on 5 October 2018. Senior Commissioner of the Court, S Dixon refused the development application for the following reasons:

- Adverse impacts on the amenity of the nearby residents in Kosovich Place;
- Adverse impacts arising from the development in terms of the number of attendees, related traffic and off-street parking;
- A plan of management to minimise the impacts of traffic from Church events was considered to be inadequate and unworkable;
- The LEC was not confident that the proposed on-site sewerage treatment system would be able to cope with the number of attendees in any seven-day period;
- Approval of the DA was not considered to be in the public interest.

In Fairfield City Council's original submission dated 5 December 2018, and subsequent submission dated 1 October 2019, Council were of the position that the reasons listed by the LEC for dismissing the appeal and refusing the expansion of the Church at 32-40 Kosovich Place are relevant to Council's submission to SSD 9210 in relation to the following:

- The proposed number of students and staff (665) utilising the school and potential impacts on adjoining neighbours amenity;
- Potential adverse impacts on traffic and parking;
- Suitability of the site for the proposed scale of development proposed;
- Suitability of the on-site sewer treatment system to cope with the scale of the development proposed on the site.

Council's primary reason for objection have previously been addressed in the formal Response to Submissions issued to DPIE in April 2019 and February 2020. Notwithstanding the above, the relation between Saint Peter and Paul Assyrian Primary School and the findings of the LEC appeal is summarised below.

1. Amenity Impacts on Neighbouring Properties

The design of the school has been informed by its context, both existing and future. Landscape design in particular is integral to enabling the Site to integrate with the current rural character of the immediate surrounds. Vegetation planting adjacent to the Site boundaries will soften views towards the Site, riparian planting will enhance the environmental quality of the corridor in the Site's west, and more than half of the Site will be retained as open space.

Additionally, whilst the school incorporates built form that is larger than existing buildings in the immediate area, the overall appearance of the density, bulk and scale of the development has been managed through façade articulation, appropriate massing of different building elements, the equitable treatment of level changes to create appropriate transitions across the grounds, and landscaping to soften the appearance of built form. Façade articulation, which contributes to positive aesthetics and creates a 'human' scale to the development, has been achieved through the application of contrasting render and face brick textures in facades, glazing, appropriate massing of different building elements, clearly defined building entries, modulated canopies and alternating skillion roof forms.

2. Potential Impacts on Traffic and Parking

Extensive consultation with TfNSW (RMS) is ongoing and the TfNSW (RMS) has reached the conclusion that a roundabout is not a viable treatment for this intersection due to the physical constraints present. The placement of the school-zone signage will occur along Kosovich Place, as agreed with the RMS.

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Consistent with the previous submissions supporting the proposed Saints Peter and Paul Assyrian Primary School, it is proposed that the intersection of Kosovich Place/Wallgrove Road be modified to provide the following facilities:

- A 26.6m long auxiliary lane providing for the storage of vehicles waiting to turn right from Wallgrove Road into Kosovich Place:
 - It is noted that this does not include the taper length of 18m.
 - This length is the longest lane length that can be accommodated considering the proximity of the roundabout to the north and the narrow culvert across Ropes Creek.
 - A 26.6 long lane is sufficient to accommodate the 98th percentile queue predicted by SIDRA analysis sensitivity testing and can accommodate two 12.5m long Heavy Rigid Vehicles.
 - It should be noted that traffic exiting the roundabout travels significantly slower than the 80km/h speed restriction and deceleration facilities are not required. Southbound vehicles intending to enter Kosovich Place will not significantly accelerate after exiting the roundabout and will have ample room in which to brake safely for the right turn.
- A 100m long (including taper) auxiliary lane providing for the deceleration of vehicles turning left into Kosovich Place.
- "No Right Turn" and "Left Only" signage, complemented by a concrete island, restricting right turns out of Kosovich Place.
- Lane and shoulder widths will generally match the existing geometry of Wallgrove Road.
- All intersection turns have been designed to accommodate a 12.5m long Heavy Rigid Vehicle.

The proposed changes to the Kosovich Place/Wallgrove Road intersection will significantly improve the safety of the intersection by:

- Restricting right turns from Kosovich Place into Wallgrove Road, which is presently an unsafe movement during peak times;
- Addition of deceleration facilities for the left turn into Kosovich Place from Wallgrove Road, significantly reducing the risk of rear-end collisions and side-on collisions involving vehicles making this turn;
- Addition of storage facilities for the right turn into Kosovich Place from Wallgrove Road, significantly reducing the risk of rear-end collisions and side-on collisions involving vehicles making this turn.

In light of the above, it is incorrect to assert that the proposal will detrimentally impact the traffic safety at the Kosovich Place/Wallgrove Road intersection, as the intersection will be significantly safer post upgrade. Any negative traffic safety implications related to the additional school traffic are outweighed by the significant upgrade works proposed.

The additional traffic assessment prepared by McLaren Traffic (**Appendix A**) concludes the proposed, upgraded intersection of Wallgrove Road/Kosovich Place and the intersection of Wallgrove Road/Equestrian Centre will retain a good level of service in the future under both development traffic volume scenarios tested.

In addition to the above, the car occupancy of 1.85 students per vehicle is based on data provided by the St Hurmizd Assyrian School regarding the number of siblings that each student has at the school. The St Hurmizd School caters to the same community and a significant proportion of the initial population of the school will be comprised of students moving from St Hurmizd to the proposed school. It is therefore likely that the number of siblings each child has at the school will remain similar to the St Hurmizd School. The 1.85 students per vehicle assumes that no students walk or catch public transport as applied to the "Stage 1" population of 210 students.

With regards to the "Final Development" scale of 630 students, it has been assumed that 20% of these students will catch the bus, with a 1.85 car occupancy rate applied to the remainder. A 20% uptake of school bus services is typical for primary schools, with a higher rate of bus usage usually observed for children in years 3 – 6 or for students in years K – 2 with older siblings. In this case, the proposed bus service will be shared with the St Narsai Assyrian Christian College, which the proposed school will feed.

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There will, therefore, be a higher than usual proportion of students with siblings catching the bus and it is expected that the 20% bus usage assumed will be easily achieved.

In light of the above, the forecast traffic generation is deemed to be reasonable for the Site.

With regards to the proposed usage of the school's parking by the adjacent Church, it is emphasised that this will occur outside of school operational hours only. With this in mind, the use of the school's on-site parking will substantially reduce the chance that parking associated with the Church will overflow onto the street, without any negative ramifications.

3. Suitability of the Site for the Proposed Development

The Proposed Development provides for an Educational Establishment in a location that is suitably located away from any sensitive environments. The Site has an obvious advantage, as it provides an unconstrained platform for development.

In summary, the Site is deemed highly suited to accommodate the intended new, proposed Educational Establishment due to the following factors, including:

- Educational Establishments (Schools) are permissible on the Site pursuant to the current zoning (RU4 Primary Production and Small Lots) and no amendments to the SEPP are required to facilitate the Proposed Development.
- The proposed School would assist in meeting the increased demand for new educational facilities in Western Sydney;
- The Proposed Development would generate and maintain employment opportunities during both the construction and operational phases of development;
- The design has considered surrounding properties and would maintain a suitable level of amenity including informed considerations with regard to solar access, visual privacy, acoustic privacy and views;
- Whilst providing important new infrastructure, the proposed school also responds to the current character of the surrounding area, as achieved through architectural and landscape;
- All potential environmental impacts of the Proposed Development would be suitably mitigated within the Site;
- The Proposed Development makes suitable provisions for infrastructure upgrades such that the Site would be appropriately and adequately serviced;
- The Site is accessible by existing and proposed road infrastructure, which is capable of being upgraded to accommodate the Proposed Development and any future development in the surrounding area; and
- The Proposed Development may be developed with appropriate visual amenity given its surrounding context.

Overall, the proposed development is considered suitable for the Site.

4. Suitability of the on-site sewer treatment system

Services have been integrated into the design of the School so as to contribute to the presentation of a cohesive development.

A Wastewater Assessment (accompanying the original EIS submission as Appendix 34) prepared by Martens, assessed the wastewater requirements for the proposed development. As previously noted, the Site has no existing wastewater infrastructure.

In summary, wastewater from the ultimate development is proposed to be treated by a secondary sewage treatment plant (STP), comprising the following components:

- Treatment capacity of 8.8kL/day.
- A flow balancing storage of 12.5 kL capacity and effluent storage of 87.5 kL capacity, to provide wet weather storage.

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- These may be housed in separate storages within the same tank (minimum 100 kL capacity).
- The pumpout tank built in Stage 1 may be used to house the STP or be cleaned and converted to become part of the flow balancing / effluent wet weather storage systems.

The sub-surface irrigation shall minimise the risk of effluent run-off and possible downslope environmental impacts.

Overall, the proposed on-site sewer treatment system is considered suitable for the Site and proposed development.

5. Relationship with the Adjoining Church

Further to the above, it is recognised that in the future, there will be opportunity for the shared use of the proposed school facilities, including on-site car parking between both the School and the Church when required. As the school would operate Monday to Friday and the church would operate on Saturday and Sunday, and certain public holidays, there would be capacity for each facility to provide overflow car parking for the other facility, respectively.

In order to mitigate the overflow of on-street parking the school have explored shared use opportunities with the Church, to subsequently include the weekend operating hours, to allow patrons of the Church access to the schools car parking facilities on Saturday and Sunday when required.

This will allow the Church, including the Normal Church and Assembly Hall Activities and special occasion i.e. Christmas Eve midnight mass, to continue operation and ensure ongoing accessibility to worship and ministry to its congregation, whilst minimising impacts on the surrounding street network. The shared use of the on-site parking facilities will not increase the approved total congregation.

At present the Church provides 56 car parking spaces across the Site. The shared opportunities between the school and Church will ensure in the event attendance exceeds the on-site car parking facilities, vehicles will be directed to the school car parking facilities.

In light of the above, consent is sought for the operation of the school car parking facilities on both Saturday and Sunday to alleviate congestion from the Church and minimise on-street impacts.

Notwithstanding, it is important to recognise that the proposed school is a separate development from the church, will be contained within its own lot, and will benefit from its own facilities and infrastructure. Whilst opportunity exists for future connections to be developed with the church in terms of car parking arrangement, the school and church will continue to be designed to operate independently of each other.

As the church is an existing establishment, its activities would be accounted for by the Traffic and Parking Impact Assessment (Appendix 13 of the original SSDA) and Noise Assessment (Appendix 23 of the original SSDA) in their calculation of existing traffic generation, existing intersection performance and the existing acoustic environment, respectively. Therefore, the combined activities of the existing church and proposed school *have* been accounted for in the traffic and acoustic impact assessment.

In addition, the hours of operation of the two independent entities generally complement each other, reducing the risk or likelihood of cumulative impacts.

Overall, the proposed Master Plan and built form have been designed with respect to the operational requirements of Assyrian Schools Limited in order to provide a high standard, adaptable and sustainable educational facility to meet the demonstrated needs of the Western Sydney region's growing population. The planning and design of the proposed school continues to be closely informed by the environmental site constraints, the existing and desired future character of the surrounding area, and the amenity of nearby properties.

In summary, the development warrants the support of the Minister and we therefore recommend that approval be granted to the Master Plan and Built Form.

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Please do not hesitate to contact me if you wish to discuss.

Yours faithfully,



Ashleigh Smith
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