

Development of Forensic Pathology and Coroners Court

The Department of Health has proposed that the public access for the new forensic pathology and coroners court in Lidcombe will be through our estate. In general residents support the location of the court somewhere on the site. However, I, like other residents of the area known as the Botanica estate, object to the imposition of public access to the court through our community. The current proposal would result in the destruction of the quiet amenity of our wonderful community and is unnecessary to meet the objectives of the court.

Botanica estate is a master planned community which is specifically designed to have limited, low volume, slow traffic, primarily from residents. Many of the objectives, development standards and performance criteria of the Former Lidcombe Hospital development control plan (DCP) which is the basis of our estate are contravened by this proposed development with regards to heritage, traffic, safety, and community recreation. This goes to the heart of what makes our area safe, loveable and enjoyable.

The proposed public access via Main Ave unnecessarily converts our roads (Main Ave & Botanica Drive), specifically designed to be feeder roads for residents within Botanica, into major thoroughfares for traffic that has no actual business within the boundaries of the estate itself, contravening the intended function of the roads.

In addition, the government site enjoys extensive frontages on Joseph St and Weeroona Rd which are roads specifically designed to carry the hundreds of cars a day the department currently proposes to force on our quiet residential streets (due to substantial and unlimited traffic increases over the next 50 years and beyond).

The SEAR provided by the Department of Planning directed the Department of Health to:
*During the preparation of the EIS, you must consult with the relevant local, State or Commonwealth Government authorities, service providers, community groups and affected landowners.
In particular you must consult with Auburn Council.*

A reasonable consultation process requires the community to be provided sufficient information about the proposals of government, so we can understand the context and potential impacts to us. Consultation also requires that stakeholder input is properly recorded so we can trust that our views are actually considered, impartially and in good faith. Also fundamental is that consultation occurs early, so the community can identify issues and are provided alternative solutions that could be implemented efficiently. None of these have been met by the Department of Health.

The SEAR was completed in April but the subsequent delay until late June-July for 'public information sessions' is strong evidence of the departments' failure to undertake meaningful consultation with the community. This intentional delay, until after all decisions had been effectively finalised, ensures we have been marginalised from the most critical phase of the development.

Only two sessions were provided. The fact they were advertised as 'information' rather than 'consultations' is further evidence that consultation was not meaningful. The first session was set at 5 pm on a weekday, a time highly impractical for workers in a city beset by gridlock. The second was on the day of the Federal Election, during school holidays, which greatly diminished the community's ability to attend. Advertising only consisted of an advert in the local paper. A responsible and professional department would have sent invites to all residents in our estate (we are all affected) by mail (a trivial undertaking). An ethical department would have been mindful of the timing of the second session and moved it to a more accessible date. It is also unacceptable for the department to rely on a single notification technique (newspaper) which is known to be of limited success in our digital society. In addition, the Auburn Council area is one of the most ethnically diverse in Australia. No attempt was made to provide notice in languages other than English, which further denied a voice to residents (for comparison, Auburn Council newsletters were routinely translated into at least six languages).

The information provided by the department during the second information session (which I attended) was inadequate and seemed intentionally designed to keep residents poorly informed.

In addition, the attendance numbers stated in the development application summary are factually incorrect (there were significantly more than 8) and almost none of the issues raised are reflected in the government's application as promised by department staff.

This is not unsurprising as Department staff were incapable of even detailing what consultation had occurred with Auburn Council. This is particularly important as the council was sacked in February and key personnel were sacked in May when the government announced council mergers. The new administrator is not local and has no knowledge of the areas development history. Due to this chaotic period, department staff should have been more aware that consultation with the council would be compromised. The failure of department staff to undertake adequate consultation with Auburn Council is evidenced by the staff's ignorance of the existence of the DCP for our estate.

Despite repeated questioning, department staff could not provide any examples of how the interests of our community were defended or considered during any part of the design phase. Instead we were offered platitudes about how wonderful the building sits in its environment, how secure it was for staff, and how thoughtful the setbacks were. Staff repeatedly tried to steer the discussion away from our concerns and onto issues that have no actual impact on our community's safety and amenity.

In addition, staff could provide no information on other critical aspects of the SEAR, including:

- *consideration of the potential cumulative impacts due to other developments in the vicinity (completed, underway or proposed);*

and

- *measures to avoid, minimise and if necessary, offset predicted impacts, including detailed contingency plans for managing any significant risks to the environment.*

*Include a transport and accessibility assessment, which details, but is not limited to, the following:
[...]*

- *an estimate of the total daily and peak hour trips generated by the proposal, including vehicle, public transport, pedestrian and cycle trips;*
- *the adequacy of public transport to meet the likely future demand of the proposed development; [...]*
- *the daily and peak vehicle movements impact on nearby intersections, including Joseph Street/Weroona Road, with consideration of the cumulative impacts from other approved developments in the vicinity, and the need/associated funding for upgrading or road improvement works (if required); [...]*
- *the proposed access arrangements and measures to mitigate any associated traffic impacts [...]*

Department staff were asked for detail on the staff and public parking, now and in the future. There was almost no information provided and staff repeatedly would only state "we expect it will be sufficient". Sufficient is unacceptable. In the absence of data, the worst case scenario should be the starting position in any analysis of impacts and is reasonable considering the overcrowding issues of the current court site. Department staff didn't provide any traffic modelling information, nor explained what the conclusions of it were (but stated it had been completed). There was no information provided on estimates for increase in car use over and above the current expectation due to the areas' poor public transport. Staff showed no understanding of basic traffic flows in and out of the estate. By not providing this critical traffic information, residents were denied the opportunity to form an adequate picture of the impacts on our community.

Department staff showed no knowledge that development in our estate was still continuing, including dozens of houses and a commercial area, meaning critical future impacts on traffic volumes and amenity impacts have not been considered, as directed by the SEAR.

Staff were specifically asked how the government's master plan for the site impacts our community. Staff informed us that they were ***directed not to consider the impacts of master plan which directly contravenes the SEAR requirement to consider potential cumulative future impacts***. Staff also agreed to provide residents a copy of the master plan *before* the EIS/development application was submitted. This did not occur. Staff could not provide any information on alternative designs.

In addition, during the entire Election Day session, no staff member:

- Was observed to be taking contemporaneous notes of discussions.
- Reiterated the points made by residents to ensure that all issues raised were captured accurately and completely.
- Explained the development application process.
- Detailed any of the considerations of the SEAR of direct concern to residents.

Overall, our impression was of a department out of touch with our community interests and beholden to a development regime that treats our community as irrelevant. The department has not engaged in meaningful consultation with stakeholders and, therefore, denied procedural fairness to all residents in our community.

A department committed to its public service values should be prepared to engage residents without hiding behind complex bureaucratic procedures which intrinsically put the residents at a disadvantage (as we don't have access to the legal or technical expertise that they have). This is especially important as the departments' expertise could be perceived as being used to undermine the real and valid criticisms of the public who don't have the resources to understand the minutiae of the development process. This disadvantage is further exacerbated as the department has proceeded with a plan with a single pre-conceived idea for building placement and road access and then engineered the EIS framework to support this decision.

In making this submission I have discovered that the development application was actually released on 21 July; however, our community did not receive any notice until 26 July (by post, or email for those who attended the sessions). This delay is demonstrably unfair as it has substantially reduced the time residents have to consider the application. Since email is a near instantaneous communication method, this makes the delay indefensible. In addition, there are 37 documents that total 864 pages of information! It is an unreasonable timeframe for our community (who are not development experts and are typically time poor due to work commitments) to be able to mine through such a large amount of information, let alone compose an informed response which meets the complicated development objection rules. By denying residents and proper consultation process *and* a fair time to evaluate the EIS information, or any support to do so, you are again denying residents procedural fairness.

Based on the unfair and unreasonable timeframe imposed on our community and inadequate provision of information, I can only offer the following additional objections to the development.

Safety and amenity

There is no consideration of the safety and amenity of residents, only of the visitors and employees of the court.

The estate is designed to consist of roads that are freely open to pedestrian activity, meaning people cross roads (by foot or ride bikes) from any point of the estate. We are also home to Ferguson Lodge, a home for people with paraplegia and quadriplegia, who are daily seen driving on the roads in their motorised chairs. The situation of the park as the central feature of the estate reinforces the open neighbourhood design. There is high awareness of this design by residents who do not need to use designated crossing points and safety messages are commonly shared through our community group Facebook page. Residents safety, and especially that of children and residents of Ferguson lodge, will be compromised by this development using our estate as a transport thoroughfare. This was raised at the information session and has not been reflected in the government report.

At the 'information' session residents raised concerns that when visitors from the north enter Main Ave by the slip lane, they will need to stop to turn right to enter the car park. This is a recipe for disaster because when traffic banks it will cause crashes with others entering that road, or interfere with bus routes (see below). This was raised at the information session and has not been reflected in the government report.

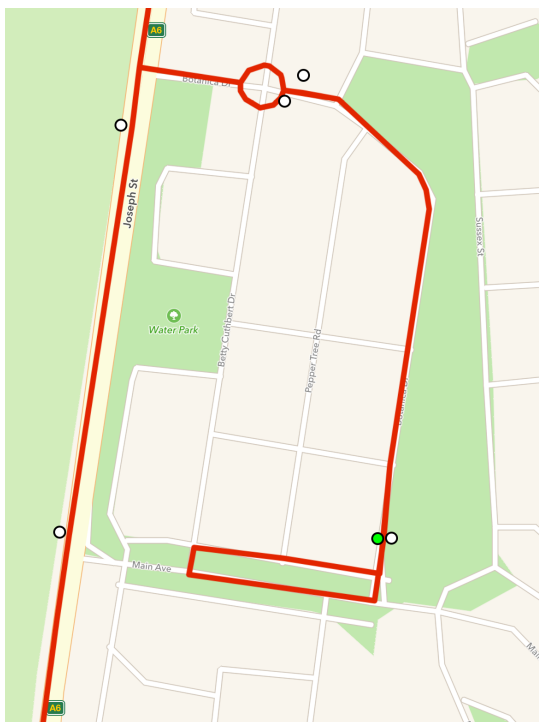
The court is one that has high media visibility and is a constant source of reporting which can turn into a media circus such as visitors being chased for interviews. This kind of behaviour has no place in a residential area and will impact residents safety and quiet amenity. This kind of court by its nature has visitors that are distressed, distraught, or potentially aggressive. Not only do people in these mental states pose a greater risk to the public, they are more likely to have car accidents and pose an additional risk to our community. These points were raised at the information session and has not been reflected in the government report.

Traffic and Transport

The road traffic survey that forms a substantial basis of the justification for imposing public access in our estate has no statistical validity. It is literally a one day measurement that didn't measure key time periods during peak traffic times. By taking a single point measurement, the data cannot possibly be used to determine whether the traffic flows measured on that single day represent typical or peak traffic flow in our estate.

The time periods chosen for analysis are unacceptable. Even though peak morning traffic occurs between 6 and 9 am, it was only measured between 7 and 8 am. Considering that the proposal puts the public entrance through the estate and typically businesses hours are from 9 am, traffic analysis between 8 to 9 am is essential. This would also capture traffic volumes in our community from typical activities such as transporting children to school. A similar argument applies for the evening peak. These kinds of decisions imply that the entire project seems designed to give the government the answer it wants rather than actually understand what this proposal will do to our community.

Historical events within the estate have repeatedly *proven* that the roads are unable to take the type of traffic that will be imposed on us by this development. When the Onnuri Church (on Main Ave) opened in the estate, there were constant traffic jams along the *entire length* of Botanica drive and Main Ave which lasted for over twenty minutes after every service. This was only solved by an agreement with the church (that continues to this day) that attendees would primarily use the Weerona road entrance, and that they would introduce traffic management measures to control where people parked (including parking on Weerona Road). This was raised at the information session and has not been reflected in the government report. We know, without doubt that using our estate as a public thoroughfare will create traffic chaos.



Additionally, the proposed public entrance is directly opposite the location that the 925 bus turns around to leave the estate via Botanica drive. The failure of the development application to account for the safety and traffic issues caused by the entrance interfering with the operation of the only bus route in the estate is not unsurprising as the bus route used by the department is incorrect. The correct route is below. This was raised at the information session and has not been reflected in the government report.

The 1% increase per year in traffic volumes was used with no indication of its scientific basis or applicability to the area. The Lidcombe area will see massive traffic increases over the next 50 years as we transition to a high density suburb due to substantial high-rise infill. Botanica is not yet complete and there will be substantial traffic increases when the commercial area opens. However, unlike the court, the commercial area was designed to be part of the estate.

The master plan (which your staff didn't provide attendees as promised) shows an additional car park adjacent to the current public carpark. Crucially there is no label specifying whether it will be a staff or public car park. Therefore, it **must** be assumed to be public. In addition, the current plans show a boom gate between the current proposed staff park and public park. Not only will this encourage staff to use our roads because they will be closer to the exit, dramatically increasing traffic, it means that at any time in the future the government can repurpose the car park to be completely used by the public.

Even worse, a substantial section of the proposed staff car spaces are slated as a future building development area in the master plan. This means the department is actually considering long term changes to the parking arrangements of the site. This could reasonably see large multi-storey car parks put on site as the facility goes over capacity during the next 50 years. None of these easily foreseeable actions have been considered and directly contravenes the SEAR to consider future impacts. Redevelopment of the car parks was raised at the information session and has not been reflected in the government report (because staff told us it was specifically excluded). At no time during the information session did department staff indicate the existence of the additional car parks and potential changes to the staff park *even though they were fully aware of the master plan design*.

The traffic modelling also assumes rational behaviour by motorists which is a fundamental error as people have been scientifically shown to repeatedly not make rational decisions. As the proposed public entrance has no natural major road connections, confusion and failure to obey road rules regardless of what measures are put in place, are *guaranteed* to occur. For example, visitors will use the narrow streets of Betty Cuthbert Drive because it is the nearest exit north. Exiting visitors will constantly take u-turns from Main Ave when they realise that can't turn right. This will endanger lives.

The development application says that there is plenty of free street parking available. This contradicts pronouncements by department staff that parking will be sufficient. It cannot possibly be sufficient if you expect visitors and staff to use street parking. That the department believe that is acceptable in a residential area provides further evidence that the department has comprehensively underestimated the impacts to residents. At no time, either now or in the next 50 years, should exploitation of our neighbourhood for parking be considered an acceptable outcome (especially considering the massive site the government has available to them).

In addition, there are already considerable street parking pressures in our community which will only increase with the completion of the final homes and commercial zone. Many residents park on the narrow streets making traffic flow difficult, but even Botanica Drive usually has so many cars on both sides of the road that cars can't pass each other and drivers must make way for buses.

There are no details of the maximum capacity of the court, nor estimates of the inevitable over-capacity of the court and how it will impact residents. This is guaranteed to occur as it is the principle driver for moving the current court to Lidcombe!

Impact timeframe

The requirement to only consider a 20 year impact of the facility is unreasonable. The current court has been in place for 50 years and this development is in response to the pressures built over that time. The development impacts should consider a 50 year time frame and is consistent with the requirement to consider future potential developments to the site (based on the master plan).

In conclusion:

- Based on the inadequate information sessions and the information submitted by the Department of Health, the requirements of the SEAR could not have been reasonably met as directed
- The process of notifying our community about consultation sessions was manifestly inadequate, and
- the department has failed to undertake meaningful consultation with the community, as required by the SEAR.
- The application is riddled with errors, omission of issues raised and has failed to undertake an analysis of any sufficient rigour.

- There is sufficient evidence to show that a decision to impose public access on the residents would have a substantial, enduring negative impact on the safety, security, and quiet amenity of residents. The development must be amended to remove any public access from our community.
- The governments' site is large enough and completely amenable to relocating the court to the south west corner of the site (demolishing the existing vacant building) giving secure access to staff and sensible, available access to the public.

Overall, I believe this process has been completely compromised and the EIS/development application should be considered invalid. Further, the EIS/development application should be withdrawn until the following actions are taken:

- The commencement of new consultations with our community.
- proper notice to all residents via mail-outs which must include translations in Chinese, Korean, Arabic and Turkish.
- A requirement that the consultation process is staged so residents have sufficient time to properly engage in the process
- A requirement for detailed assessment of all impacts identified by residents (including on roads, safety, heritage and amenity)
- A requirement for multiple concept plans to be created which include public entrances from Joseph St/ Weeroona Rd as the preferred option
- A requirement to include the Former Lidcombe Hospital DCP (2003) in the consideration of the development
- A requirement for consultation sessions to provide meaningful information (including plain English explanations)
- A requirement to consider a 50 year time frame for impacts to residents

Thank you for your consideration of this submission.