

APPLICATION NUMBER

MP 10_0231

DESCRIPTION OF APPLICATION

**Australian Catholic University
Strathfield Campus Concept Plan**

PROPERTIES

**179 Albert Road
167-169 Albert Road**

STRATHFIELD COUNCIL

RESPONSE AND SUBMISSIONS

TO PREFERRED PROJECT REPORT DATED JULY 2012

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1. INTRODUCTION

- 1.1 We act for Strathfield Council (**Council**) and we have been instructed to prepare a formal response to the 'Preferred Project Report and Response to Submissions' prepared by Hassell Pty Ltd (on behalf of Australian Catholic University (**ACU**)) dated July 2012 (**the PPR**).
- 1.2 Council and HWL Ebsworth Lawyers (**HWLE**) have reviewed the PPR.
- 1.3 This is a response and submissions prepared on behalf of Council in respect of the PPR.
- 1.4 In conjunction with these submissions, Council relies on its prior submission in respect of the Part 3A Concept Plan (**the Concept Plan**) (see letter from HWLE to the DPI dated 14 March 2012). The issues raised in the prior submission remain relevant to the PPR in the circumstances as the issues raised have not been adequately addressed in the PPR.
- 1.5 Craig McLaren, of McLaren Traffic Engineering (**MTE**), and Professor Nigel Dickson, of Dickson Rothschild, have each prepared a report on behalf of Council in respect of the PPR.
- 1.6 Council objects to the PPR and it is Council's primary position that the Department of Planning and Infrastructure (**DPI**) should refuse the PPR.

2. EXECUTIVE SUMMARY

- 2.1 At the outset, the PPR has failed to address the Director General's Requirements (**DGR**) pursuant to section 75F of the *Environmental Planning & Assessment Act 1979*.
- 2.2 The PPR has also failed to adequately address the concerns raised and contained in the submissions received in response to the Concept Plan dated December 2011.
- 2.3 There was an overwhelming public response objecting to the Concept Plan. In this respect, **100% of resident submissions objected** to the Concept Plan, that is to say all 627 residents, who made submissions, objected to the Concept Plan.
- 2.4 Further, ACU has failed to adequately address the three (3) primary issues raised by the residents, local and state authorities. The three primary issues are:
 - (a) Traffic, Parking and Access (94% of submissions related to this issue);
 - (b) Built Form and Neighbourhood Character (81% of submissions related to this issue); and
 - (c) Student Numbers (75% of submissions related to this issue).
- 2.5 ACU has attempted to address the key issues (including the primary issues identified above) by amending the Concept Plan in the PPR, in the following respects:
 - (a) The number of allocated car parks has increased from 644 to 717 (excluding 30 spaces for the St Patrick's College).
 - (b) The number of access points from Barker Road has decreased from 4 to 3, and the proposed signalised intersection has been removed.
 - (c) The number of students at any one time on the Strathfield Campus has decreased from 2,400 to 2,000, and with a maximum of 2,800 per day.
 - (d) The built form to precinct 1 and 3 has been revised.
- 2.6 In some instances the PPR has a more adverse environmental impact than the Concept Plan (for example, the decreasing in number of access points).
- 2.7 Such is the concern of Council in relation to the student numbers impacting on local amenities that Council has commenced proceedings in the Land and Environment Court against ACU.
- 2.8 Further, and relevant to the assessment of the PPR, since the filing of the Part 3A Application ACU has acquired the former Sydney Adventist College, located at 149-153 Albert Road, Strathfield, which is within 100m of Strathfield Campus. There is a real and potential environmental impact with this acquisition, such as further increasing student numbers and further "off balance sheet" impacts, which have not been considered in the PPR.
- 2.9 Each of the key issues and the respective change in the PPR, if any, are considered in detail below.
- 2.10 Regrettably, the PPR does not adequately address the objections and concerns raised in earlier submissions and the **PPR should be refused**.

3. "INTOLERABLE" TRAFFIC, PARKING & ACCESS

Introduction

3.1 Firstly, it is necessary to consider the original objection in respect of the traffic, parking and access proposed in the Concept Plan. McLaren Traffic Engineering (**MTE**) prepared a report on behalf of Council in response to the Concept Plan dated 12 March 2012 (see annexure A of Letter from HWLE to the DPI dated 14 March 2012).

3.2 The MTE report dated 12 March 2012 identified numerous deficiencies and discrepancies in the report prepared by ARUP (on behalf of ACU) in support of the Concept Plan dated 14 December 2011. In respect of traffic, parking and access impact, Council concluded that:

"by the erroneous reporting measures in the ARUP Study and [Council] submits that it would be unreasonable to base any decision on the Study as it is".

3.3 ACU in support of its PPR has relied on the report by ARUP dated 9 July 2012 (**ARUP's PPR Report**).

3.4 MTE has reviewed the PPR, including the report by ARUP, and MTE has prepared a further report on behalf of Council dated August 2012 (**MTE's PPR Report**) (see Annexure A).

3.5 MTE has concluded that:

*"If the ARUP report is endorsed it is considered that the residents of Strathfield, particularly to the south of the ACU Campus and along Barker Road will experience **INTOLERABLE** conditions in regard to the traffic and parking overspill consequences of the proposed ACU expansion." (emphasis added)*

Issues raised in the MTE's PPR Report

3.6 There are numerous issues raised in MTE's PPR Report, which we summarise as follows:

A. Student and Staff Levels

- (a) The PPR proposes to increase the number of students on the Strathfield Campus at any given time by 299% (from 750 students to 2000 students at any given time);
- (b) The "detailed" student audits only consider classroom data and fail to consider other persons and students on the Strathfield Campus. For example, people located in "open spaces, study areas (library's [sic], research rooms) and teachers/lecturer/tutor attendances."
- (c) The PPR does not identify the proposed management or scheme to achieve and ensure the "maximum of 2,800 students per day".

B. On-site & On-street Parking

- (d) There are clear inconsistencies and/or inaccuracies in respect of parking. In support of this, the following results and representations made by ARUP are noted:
 - (i) the **maximum number of students and teachers** on the Strathfield Campus **is 940** (750 students + 190 teachers).
 - (ii) ACU has conceded that "the **peak parking (on-site + on-street) has risen** slowly from 724 cars in 2009 to **856 in 2012...**"

- (iii) Parking usage of 856 in 2012 suggest that **91% (856/940) of people allowed to be on the Strathfield Campus are driving and parking** at or near the vicinity of the Strathfield Campus.
- (iv) ACU has asserted that there has been an increased use of the "shuttle bus" since inception in 2010. The daily usage of the shuttle bus in 2012 ranged from 512 to 1,655 students. **The average number of students using the shuttle bus per day is 1,320.**
- (e) Based on current calculations, **increasing the number of students and teachers** at any given time on site to a maximum of 2,190 (2,000 students and 190 teachers) will **generate demand for, at least, 1,752 car parking spaces.** The PPR only provides provision of 717 on-site parking. If the PPR is approved, **over 1,000 (1,035) vehicles will be parked on-street, which is an increase of more than 100%** to the current demand profile.

C. Public Transport

- (f) MTE conducted independent surveys on 2 and 16 May 2012. The result of these surveys indicated that the usage of public transport were significantly less than those identified by ARUP.

D. Traffic Generation

- (g) The ARUP results are inaccurate and do not reflect the traffic impact during a teaching term. The "additional" traffic surveys conducted by ARUP (see 3.1.1 of ARUP's PPR Report) were conducted from 18 May 2012 to 1 June 2012. This period does not reflect the traffic generated on days during a teaching term as during this period ACU had study week and examination week.

Consequently, during this period, there were no lecture periods and it can reasonably be assumed that the ARUP survey results for this period were significantly less than what would be on a day in a teaching term. **Therefore, the ARUP results do not accurately reflect the traffic generated during a day in a teaching term.**

- (h) There are numerous inaccuracies in the survey conducted by ARUP (see section 3.5 of MTE's PPR Report).

3.7 Consequently, MTE has concluded the following:

*"In its current form the proposed development would not be supportable on traffic and parking grounds. **The PPR severely lacks the required detail and level of assessment to adequately gauge the development.***

*If the ARUP report is endorsed it is considered that the residents of Strathfield, particularly, to the south of the ACU campus and along Barker Road will **experience INTOLERABLE conditions** in regard to the traffic and parking overspill consequences of the proposed ACU expansion." (emphasis added)*

Additional Concerns of Council

3.8 In addition to the issues raised by MTE, the Council raises the following issues with respect to the PPR:

- (a) ACU has suggested that "the Equivalent Full time Student Load (**EFTSL**) gives the best figure for enrolments and is a common approach at all tertiary institutions to be able to assess resourcing and funding needs". Although EFTSL may be an appropriate means of calculating enrolment figures for the purpose of resourcing and funding, **EFTSL is not an appropriate means of determining environmental impacts** for the following reasons:

- (i) EFTSL by definition does not exclude students, who are enrolled with ACU but are not required to attend the Strathfield Campus for lectures and tutorials (for example, away from base students and distance education students). These students for obvious reasons will not have any direct environmental impact as they are not required to attend the Strathfield Campus.
- (ii) EFTSL does not take into consideration the number of other people attending the Strathfield Campus, who contribute and have an environmental impact.

For example, ACU has identified the following people who also attend the Strathfield Campus:

- (A) Canteen staff;
- (B) Visiting researchers;
- (C) Teaching staff;
- (D) Research staff;
- (E) Administrative staff;
- (F) Adjunct professors;
- (G) Honorary fellows;
- (H) visiting scholars;
- (I) Contractors and subcontractors;
- (J) Consultants;
- (K) McGlade Gallery visitors;
- (L) National Church Life Survey Staff and Volunteers;
- (M) Science Teachers of NSW;
- (N) Columban Mission Institute staff, missionaries and/or students;
- (O) Café staff; and
- (P) Visiting ACU staff from other campuses.

Each of the above persons attending the Strathfield Campus contributes to and has a direct environmental impact on local amenities. Regrettably, ACU has failed to address the impact of the increase in such persons attending the Strathfield Campus if the PPR is approved.

The PPR fails to consider the traffic, parking and access impacts as a consequence of the other persons, not being students, attending the Strathfield Campus.

- (b) The Concept Plan originally proposed 4 access points to the Strathfield Campus on Barker Road. The PPR now proposes only 3 access points. It is reasonable to assume that the decrease in access points could result in a "bottle neck" situation on Barker Road. In further support of this conclusion, it is important to note that there is only one lane going each way on Barker Road.

- (c) ARUP and ACU have suggested that the Strathfield Campus is similar to other teaching facilities (such as the Strathfield Girls High School and Palmer Road Public School) in the area. Given that the reference is made in the ARUP's PPR Report in the section titled "on-street car parking", it is assumed that the reference to these other teaching facilities is to support the contention that utilising on-street car parking is reasonable.

For obvious reasons, it is highly unlikely that Palmer Road Public School will generate a demand or utilise on-street car parking. Similarly, it is highly unlikely that Strathfield Girls High School will generate a high demand or utilise on-street car parking.

Therefore, it is erroneous to compare Strathfield Campus to the aforementioned teaching facilities.

- 3.9 In addition and as a consequence of the above, the PPR does not satisfy the requirements in respect of the "Transport and Accessibility Impacts (Construction and Operational)" (Key Issue 7 of the DGR), and ACU has failed to comply with section 75F of the *Environmental Planning & Assessment Act 1979*.

4. INTENSIFICATION OF STUDENT NUMBERS

Introduction

- 4.1 An objection raised by the Council to the Concept Plan was that it proposed a significant increase to the number of students at any given time from 750 to 2,400. The reduction proposed in the PPR in the number of students at any given time from 2,400 to 2,000 does not resolve nor does it adequately address this objection.

Current Student Numbers

- 4.2 Currently, there are concerns raised by members of the local community in submissions regarding student numbers and attendance generally at the Strathfield Campus (75% of objections related to student numbers).
- 4.3 The local residents are confronted with the impacts of student numbers on a daily basis and the impacts are far reaching (such as traffic and parking, noise, pollution, and general amenities). An increase in the number of students at any given time on the Strathfield Campus from 750 to 2,000 will have an adverse impact to the local residents. The proposed increase in the PPR is substantial (it is an increase of 166%).
- 4.4 Further, although it has been suggested that in the PPR the ACU is not in breach of current development consents, Council contends otherwise.
- 4.5 The current impact and effects of student numbers (whether within the current development consent or in breach) is a relevant factor in determining the PPR: see *Jonah Pty Ltd v Pittwater Council* [2006] NSWLEC 99 at [38].
- 4.6 It is clear that there is currently a substantial adverse impact and the approval of the PPR is likely to significantly worsen the already unacceptable situation. This in itself is sufficient to justify the refusal of the PPR.
- 4.7 The assessment in the PPR, with respect to the impacts arising from the increase in student numbers, is academic and hypothetical.
- 4.8 By contrast, there is empirical evidence and a magnitude of submissions from local residents to support the finding that even the current number of students at the Strathfield Campus (exceeds the 750 students at any given time) is unmanageable and is having a significant adverse environmental impact.
- 4.9 This is a fundamental issue going to the "heart" of the PPR. Council submits that the PPR is unacceptable given the known environmental impacts of the existing development and the predicted impacts of the development as proposed in the PPR.
- 4.10 Accordingly, the PPR must be refused.

5. AMBIGUOUS BUILT FORM & DETRIMENTAL IMPACT TO THE RESIDENTIAL NEIGHBOURHOOD CHARACTER

Introduction

- 5.1 In respect of the Concept Plan, Professor Nigel Dickson submitted a report on behalf of Council, which concluded that (see Report by Nigel Dickson dated 14 March 2012):

"The impact of such a large development in a residential zone is inconsistent with the stated objective in the Inner West Subregion of the Metropolitan Strategy, which seeks to create liveable and sustainable communities. The large change in student population and facilities for the ACU will be away from the major centres and public transport network, which exist in Burwood and Strathfield."

- 5.2 Further, the Concept Plan was inconsistent with numerous Environmental Planning Instruments (EPIs).
- 5.3 Again, the concerns raised by Professor Dickson have not been adequately addressed in the PPR and further the PPR "continues to give rise to serious concerns".
- 5.4 Professor Dickson has prepared further report on behalf of Council in response to the PPR dated August 2012 (**Nigel Dickson's PPR Report**) (see Annexure B).

Nigel Dickson's PPR Report

- 5.5 At the outset, it is important to note that the proposed changes to the built form are limited to precinct 1 and 3, and the proposed modifications are "minor".

A. Details Lacking

- 5.6 The Revised Architectural Drawings (annexure J to the PPR) do not accurately depict the details of each of the precinct plans. Further, each of the precinct plan drawings contains inconsistencies. By way of example, it is proposed that Precinct 1 is to contain a "basement parking", however Section A-A in the Revised Architectural Drawing does not identify this proposed "basement parking". Further, the access to the "basement parking" is not identified in any of the drawings. This raises concerns as to "how the proposed building envelope is to be defined and it does not make clear the nature of the built form for which approval is sought".
- 5.7 As a consequence of the Revised Architectural Drawing lacking details it is difficult to properly assess the environmental impact of each of the precincts. **Given the ambiguity and the lack of clarity for each of the proposed precincts, the PPR should be refused.**
- 5.8 Concerns regarding each of the precincts are considered below.

B. Precinct 1 – Library Leaning Commons

- 5.9 Precinct 1 is clearly in the south eastern corner of Strathfield Campus, where it will be readily visible and in doing so change the perceived scale of the surrounding area.
- 5.10 In summary, in respect of Precinct 1, Professor Dickson has concluded the following:
- (a) *"The excessive length of the buildings (82 m with only a 6m break along Barker Road and 70 m length to the reserve) together with the consistent height along the entire length of the façade to Barker Road and Mount Royal Reserve is not compatible with the character of the area. **The impact of bulk and scale of the PPR on the Barker Road Streetscape and the Reserve is unacceptable.**" (emphasis added)*

- (b) *"The length of the proposed building remains excessive and **the built form** when viewed from the public domain **will be monolithic**". (emphasis added)*

C. Precinct 2 – Educational building

- 5.11 Precinct 2 is located on the eastern part of Strathfield Campus, where an educational building and 70 additional car parking spaces are proposed.
- 5.12 The drawings and plans in respect of Precinct 2 are inconsistent.
- 5.13 In summary, in respect of Precinct 2, Professor Dickson has concluded that:
- (a) *The proposed 4 storey scale of the development and its separation to other buildings on the campus is unmodified. **The proposed building is remarkably bulkier than the neighbouring two buildings on the campus. ... Therefore, the interrelationship of buildings will be poor and the building separations are insufficient**". (emphasis added)*

- 5.14 The objections raised by Professor Dickson in his report dated 14 March 2012 remain applicable to the PPR.

D. Precinct 3 – Arts and Sciences Building

- 5.15 Precinct 3 is located on the western part of Strathfield Campus, where a new 3 storey Arts and Sciences Building is to be constructed and access to the underground car park is proposed.
- 5.16 Again, the drawings and plans for the proposed development of Precinct 3 are not clearly defined. There are ambiguities within the drawings and it lacks the necessary details to allow a reasonable person to properly evaluate the proposed development.
- 5.17 In summary, in respect of Precinct 3, Professor Dickson has concluded the following:
- (a) *"While the western setback has been increased by 5m, **it is unclear how acoustic, visual and odour impacts (from exhaust) on the adjoining residents shall be buffered and mitigated**. Given the western setback is utilised as the single entrance and exit to the underground car parking for 420 cars (Precinct 3 and Parking under Playing Fields), **it is our opinion the proximity of the driveway to existing low density residential development will greatly impact on the amenity of those residents**." (emphasis added)*
- (b) *"**The proposed bulk and scale of the building at the west is incompatible with the adjoining low density residential development**. The proposed western setback (although larger) does not create the appropriate transition in built form." (emphasis added)*
- (c) *"**The location of the driveway to the underground car parking under Precinct 3 and under the playing fields is inappropriate given its proximity to adjoining sites**." (emphasis added)*
- (d) *"**The bulk and scale at the south western corner of the site with the frequent vehicular access (to 420 car parking spaces) concentrated at this corner shall have a severe and unacceptable impact on the amenity of the residential development immediately adjoining the site to the west**." (emphasis added)*
- (e) *"**Overall, the modifications to the scheme do not address the excessive bulk and scale of Precinct 3 as viewed from the public domain**. The new building is large and placed at the edge of the campus where it will be readily visible and in doing so changes the perceived scale of the surrounding area, beyond what which*

may be have been expected or anticipated in a surrounding low density residential area". (emphasis added)

E. Heritage

- 5.18 The Strathfield Campus has heritage characteristics, and it is important to maintain and promote the heritage nature of Strathfield Campus.
- 5.19 The PPR does not maintain and/or promote the heritage character of Strathfield Campus. In particular, if the PPR is approved the proposed precincts will diminish the existing heritage character of Strathfield Campus.
- 5.20 More importantly, ACU has failed to undertake the checklist criteria as set out in the "Design in Context Guidelines for Infill Development in the Historic Environment". It can only be assumed that the proposed PPR does not meet these criteria.

F. EPIs

- 5.21 Professor Dickson has confirmed that the PPR does not address adequately and does not comply with the objectives of existing EPIs, which apply to the Strathfield Campus (see section 6 of Nigel Dickson's PPR Report). This is of great concern to Council as these EPIs have been carefully drafted, and were subjected to public consultations, and applied to other developments in the municipality to promote the desired strategic planning objectives of Council for the Local Government Area.
- 5.22 Accordingly, the Council submits that the PPR is contrary to the public interest.
- 5.23 In the circumstances, Professor Dickson has concluded that:

*"It is the opinion of Strathfield Council and our opinion that for the reasons stated above, the development should be refused on the grounds of unreasonableness and must be reconsidered. The Council in their capacity as custodians of the local area and representing its residents would like to reinforce that they do not oppose new development of the site and would consider any reasonable development with benefit to the greater Strathfield Local Government Area. **They cannot and do not support the application as currently formed and would ask the Director General to consider the consequences of the proposal on the community and the local character of the area giving regard to existing Council and NSW State Legislation before making a judgment". (emphasis added)***

- 5.24 Further, Professor Dickson concluded that the bulk and scale of the Concept Plan was "fundamentally inconsistent with the existing neighbourhood character".

6. UNRELIABLE ASSUMPTIONS – CHANGE IN CIRCUMSTANCES

- 6.1 Since the filing of the Concept Plan application, ACU has acquired the Sydney Adventist College, which is located at 149-153 Albert Road, 100m east of the Strathfield Campus (**Sydney Adventist College**). This acquisition and its likely impacts must be considered in assessing the PPR.
- 6.2 It is important to note the following with respect to the acquisition of the Sydney Adventist College:
- (a) Sydney Adventist College is an educational institution which provides primary and secondary education (that is to say it is a primary school and a high school). Sydney Adventist College is not a tertiary education institution like ACU;
 - (b) Sydney Adventist College is not at maximum capacity in respect of student numbers;
 - (c) The operation hours of Sydney Adventist College are distinct from ACU; and
 - (d) The traffic and parking impacts of the Sydney Adventist College are currently minimal and limited. The typical students of Sydney Adventist College travel to the school by public transport (school bus and/or trains) and there is little, if any, demand for parking by the Sydney Adventist College. In any event, any impacts of the students attending Sydney Adventist College are limited to a couple of hours each school day.
- 6.3 ACU in acquiring the Sydney Adventist College will inevitably result in the following:
- (a) There will be an increase in students enrolled and attending the Sydney Adventist College. These students will be excluded from the constraints of the consents in the PPR and such students have not been considered or addressed, at all, in the PPR.
 - (b) The proposed use of the Sydney Adventist College (tertiary education) is dynamically different to the current use (primary and secondary education). The environmental impacts from the change in use have not been considered at all in the PPR.
 - (c) If the proposition is that the constraints in the number of student in the PPR are to apply to the Sydney Adventist College, ARUP's PPR Report and the PPR, itself, fails to adequately address the environmental impacts as a consequence of the "over-spill" in students across the various campuses.
- By way of example, it is reasonable to assume that the students attending lectures will need to travel, albeit only approximately 100m, from each campus (from the Strathfield Campus to the Sydney Adventist College). The environmental impacts as a consequence of the increase in foot traffic along Albert Road have not been considered, such as noise, neighbourhood ambience and security.
- 6.4 The PPR and each of the reports relied on in the PPR fail to consider the acquisition and development of the Sydney Adventist College. Consequently, the conclusions reached in the PPR do not accurately reflect the likely environmental impacts in the future if the PPR is approved.

7. CONCLUSION

- 7.1 The PPR has failed to adequately address the objections raised by State and Local Authorities, and local residents to the Concept Plan Application.
- 7.2 The Council relies on the MTE's PPR Report and Nigel Dickson's PPR Report in support of this submission.
- 7.3 The Council submits that the PPR will result in unacceptable environmental impacts and is contrary to the public interest, for reasons including:
- (a) The existing environmental impacts, in respect of student numbers on the Strathfield Campus, at any given time, in itself is having an adverse impact on local residents and local amenities.
 - (b) The proposed PPR, with a significant increase in student numbers, will result in local residents experiencing "intolerable" traffic conditions on a daily basis.
 - (c) There is insufficient detail (for example, in the drawings and plans) in the PPR to properly assess the environmental impact of the PPR.
 - (d) The PPR proposes precinct envelopes which are excessive and when viewed from the public domain will be monolithic.
 - (e) The PPR diminishes and destroys the neighbourhood character of Barker Road, which is a low density residential area.
 - (f) The PPR is inconsistent with existing EPIs and does not meet the objectives as identified in each of the EPIs.
 - (g) The PPR has not adequately addressed the key issues identified in the DGR.
- 7.4 Council and local residents object to the PPR. In light of the reports by MTE and Professor Dickson, it is clear that there are numerous deficiencies and inadequacies in the PPR.
- 7.5 Consequently, Council submits that the PPR **must to be refused**, as no reasonable consent authority, Minister or Planning Assessment Commission (under delegation) could approve such an aberrant proposal.

HWL Ebsworth Lawyers



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24 AUGUST 2012