

Mark Brown - ACU Strathfield MP10_0231 - queries

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Subject: ACU Strathfield MP10_0231 - queries

Mark

Further to our conversation last week, please see below our response to the matters raised.

1. Seventh Day Adventist property

Current

A number of submissions (including Council's traffic report) note that ACU currently operate from the Seventh Day Adventist (SDA) site in Albert Road. The total student numbers mentioned in some of the earlier reports include students in these leased premises, which have provided shunt space while works were being undertaken on the main campus. This would cease when the property was sold.

Future

ACU have advised that the Department of Education and Communities has intervened in the tender process and indicated that it will compulsorily acquire the SDA site for it to continue as a school. If this was not to proceed and ACU was able to purchase the site, a new DA would need to be submitted to the JRPP.

2. Zoning/permmissibility

In regard to the permissibility of the use in the zone, the Environmental Assessment relies both the interpretation of the existing Special Use zone and the approval issued by the Land and Environmental Court in 1994. This position is confirmed by Draft Strathfield Local Environmental Plan (LEP) 2011 which intends to zone the site as a Special Purpose Zone SP2 – Educational Establishment.

Notwithstanding this interpretation State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) also permits the use on the site in the following terms.

Division 3 of Part 3 (Educational establishments) of the Infrastructure SEPP applies to the Mount Saint Mary and Clancy sites. Under clause 27 'educational establishment' has the same meaning as the Standard Instrument (defined in clause 5 of the Infrastructure SEPP), namely:

A building or a place used for education (including teaching) being:

- (a) a school, or
- (b) **a tertiary institution, including a university or TAFE establishment, that provides formal education and is constituted by or under an Act** [emphasis added].

ACU is an educational establishment because:

- 1. It is a tertiary institution, being a university;
- 2. It provides formal education; and
- 3. It is constituted as a tertiary institution in New South Wales by virtue of the *Australian Catholic University Act 1990*.

Clause 28(1) of the Infrastructure SEPP states that development for the purpose of educational establishments may be carried out by any person with consent on land in a prescribed zone. As the site is currently zoned special uses, a zone retained by the Draft LEP, the use is permissible on the site with consent.

Moreover under clause 28(2) of the Infrastructure SEPP, development for any of the following purposes may be carried out by any person with consent on any of the following land:

(a) development for the purpose of educational establishments - on land on which there is an existing educational establishment,

(b) development for the purpose of the expansion of existing educational establishments - on land adjacent to the existing educational establishment.

ACU proposes to carry out development only in respect of land on which there is an existing educational establishment. In view of the above, Division 3 of Part 3 of the Infrastructure SEPP clearly encompasses ACU's proposed Part 3A development.

The Infrastructure SEPP overrides any contrary planning stipulations contained in Strathfield Local Environment Plan. However, ACU acknowledges that Strathfield Council remains the relevant consent authority for any development consent required to implement any approval granted under Part 3A of the *Environmental Planning & Assessment Act*.

3. Students on campus

In regard to clarification about how to determine the number of students on campus, ACU has confirmed that the 4,800 is Equivalent Full Time Student Load (EFTSL) while the '2,000 at any one time' and '2,800 per day' refers to headcount, ie actual number of students on site.

Please let us know if further clarification is required.

Regards

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