

APPENDIX A ENVIRONMENTAL ASSESSMENT

See the department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4471

APPENDIX B SUBMISSIONS

See the department's website at
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4471

APPENDIX C PROPONENT'S RESPONSE TO SUBMISSIONS

See the department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4471

APPENDIX D CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) *if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation (the precautionary principle);*
- (b) *the principle of inter-generational equity - that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations (the inter-generational principle);*
- (c) *the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making (the biodiversity principle); and*
- (d) *improved valuation, pricing and incentive mechanisms should be promoted (the valuation principle).*

The department has considered the proposed development in relation to ESD principles and has made the following conclusions:

- **Precautionary Principle** – It is considered that there is no threat of serious or irreversible environmental damage as a result of the proposal. The site will be used in the future in a similar way to its current use. The site is considered to have a low level of environmental sensitivity, with the project proposing to minimise any impacts upon built and environmental heritage significance.
- **Inter-Generational Principle** – The proposal represents a sustainable use of the site as the proposal includes an increase in use of shuttle bus services that provides students added choices for their mode of travel other than by vehicle. The inclusion of additional buildings to the site will also assist in the education of future generations.
- **Biodiversity Principle** – Following an assessment of the proponent's EA and PPR, it is considered that there is no threat of serious or irreversible environmental damage as a result of the proposal.
- **Valuation Principle** – The proposal seeks to include additional buildings and students within the main campus site maximising the sites land area and inclusion of additional transport measures to reduce vehicle dependency. Once completed, it is considered that the proposal will provide an improved environment to that currently available.

The proponent is committed to ESD principles and has engagement an ESD officer to oversee the operation and activities of the ACU campuses. Consideration of ESD principles will also be detailed during the preparation of future applications. The department is satisfied that the proposal is consistent with ESD principles.

SECTION 75I(2) OF THE EP&A ACT / CLAUSE 8B OF REGULATIONS

Section 75I(2) of the EP&A Act 1979 and clause 8B of the *Environmental Planning and Assessment Regulation 2000* provides that the Director General's Report is to address a number of requirements. These matters and the department's response are set out below:

Section 75I(2) criteria	Response
Copy of proponent's Environmental Assessment and any Preferred Project Report	The proponent's EA and PPR / RtS are located at Appendices A and C to this report respectively.
Any advice provided by public authorities on the project	All advice provided by public authorities on the project for the Minister's consideration is set out in Section 4 of this report.

Copy of any report of a panel constituted under Section 75G in respect of the project	No statutory panel was required or convened in respect of this project.
Copy of or reference to the provisions of any State Environmental Planning Policy that substantially governs the carrying out of the project	Each SEPP that substantially governs the carrying out of the project is identified below, including an assessment of proposal against the relevant provisions of the SEPP.
Except in the case of a critical infrastructure project – a copy of or reference to the provisions of any environmental planning instrument that would (but for this Part) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project under this Division	An assessment of the development against relevant Environmental Planning Instruments is provided below.
Any environmental assessment undertaken by the Director General or other matter the Director General considers appropriate	The environmental assessment of the project is this report in its entirety.
A statement relating to compliance with the Director General's Environmental Assessment Requirements under this Division with respect to the project	In accordance with section 75I of the EP&A Act, the department is satisfied that the Director-General's Requirements have been complied with.

The DG's report to the Planning Assessment Commission (delegate of the Minister for Planning and Infrastructure) for the proposed project satisfied the relevant criteria under Clause 8B of the EP&A Regulation as follows:

Clause 8B criteria	Response
An assessment of the environmental impact of the project	An assessment of the environmental impact of the proposal is discussed in Section 5 of this report.
Any aspect of the public interest that the Director-General considers relevant to the project	The public interest is discussed throughout Section 5 of this report.
The suitability of the site for the project	The site contains an existing university within a residential locality. Other educational facilities are located within the vicinity of the site. Overall, the site is considered to be suitable for the proposed expansion as discussed within the report.
Copies of submissions received by the Director-General in connection with public consultation under section 75H or a summary of the issues raised in those submissions	A summary of the issues raised in the submissions is provided in Section 4 of this report, with a copy of the submissions located at Appendix B . The proponent's response to submissions appears in Appendix C .

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

To satisfy the requirements of section 75I(2)(d) and (e) of the EP&A Act, this report includes references to the provisions of the environmental planning instruments that govern the carrying out of the project and have been taken into consideration in the environmental assessment of the project.

The provisions of development standards of local environmental plans are not required to be strictly applied in the assessment and determination of major projects under Section 75R Part 3A of the EP&A Act. Notwithstanding, the objectives of the above EPIs, relevant development standards and other plans and policies that govern the carrying out of the project are appropriate for consideration in this assessment in accordance with the DGRs.

State Environmental Planning Policy (Major Development) 2005

As discussed previously in **Section 3.1**, the proposal remains a Part 3A project under the former provisions of Schedule 1, Group 7 (Health and public service facilities), Clause 20 (Educational facilities) of the Major Development SEPP, as DGRs were issued prior to 1

October 2011. The project has a capital investment value (CIV) of more than \$30 million and therefore, the Minister for Planning and Infrastructure is the approval authority.

State Environmental Planning Policy (Infrastructure) 2007

Schedule 3 of the Infrastructure SEPP requires traffic generating developments to be referred to the Roads and Maritime Service (RMS). The RMS / Sydney Regional Development Advisory Committee have provided comment on the proposal. The RMS comments are provided in **Section 4.2** of this report.

State Environmental Planning Policy 55 – Remediation of Land

SEPP 55 requires a consent authority to consider whether the land is contaminated, and if so, whether the land will be remediated before the land is used for the intended purpose. Coffey Environments Australia Pty Ltd has undertaken a Phase 1 assessment of the likelihood of contamination.

The assessment found that there is a moderate to high likelihood of contamination as a result of the current and former uses of the site. Areas of concern include:

- potential asbestos in teaching building scheduled for demolition;
- a stockpile of unknown source and composition;
- two underground storage tanks; and
- pesticides and herbicides used throughout the use of the site, particularly the playing fields.

Coffey has included a number of recommendations to address the above concerns. Overall, Coffey considers that based on the above issues being addressed during detailed design and redevelopment works, the site is suitable for the proposal under the requirements of SEPP 55.

Strathfield Planning Scheme Ordinance 1969

As stated in **Section 3.2**, the provisions of SPSO 1969 apply to the site. The site is zoned:

- 179 Albert Road is zoned 5(a) Special Uses (Ecclesiastical); and
- 167-169 Albert Road is zoned 5(a) Special Uses (School) and part Residential 2(a).

EPIs are not required to be strictly applied in the assessment and determination of major projects under Section 75R of the EP&A Act. Notwithstanding, the department has considered SPSO 1969 in the assessment of the proposal.

Clause 41C and 61GA requires consideration of the relationship of the proposal with adjoining residential land. Concerns have been raised by Council and the community that the proposed built form of the development (building envelopes are proposed on the edges of the site) are not compatible to the surrounding one and two storey residential locality and that the proposal will negatively impact residential amenity as a result of increased traffic and parking impacts.

The design / layout of floor plans and location of windows have not been provided at this stage, as the department is only considering building envelopes. Future applications containing materials and finishes will be required to be submitted and considered in the context of the site, should the proposal be approved. The proposed building envelopes are considered to integrate with other buildings on the site, while maintaining the extent of open space to the north, as discussed in **Section 5.3**.

Impacts of the proposal upon the streetscape are also discussed in detail in **Section 5.3** and compatibility of the proposal in relation to traffic and car parking impacts are discussed in **Section 5.2**.

Clause 59A, 59B and 59D requires consideration of the impact of the proposal upon the heritage significance of the site. The site is listed in Schedule 9 of the SPSO 1969 as

containing a locally listed heritage item – Mount St Mary College at 179 Albert Road. A Heritage Impact Assessment was submitted with the EA and an Addendum was submitted with PPR / RtS that has been reviewed by the Heritage Council of NSW. Amendments between the exhibited EA and PPR occurred as a result of recommendations from the Heritage Council of NSW and comments from Council's Heritage consultant.

No comments on heritage concerns have been received following exhibition of the PPR.

Draft Strathfield Local Environmental Plan 2011

As stated in **Section 3.2**, the provisions of Draft Strathfield Local Environmental Plan 2011 apply to the site. The site is proposed to be zoned:

- Edward Clancy Building campus (167-169 Albert Road) is to be zoned R2 Low Density Residential); and
- Main campus (179 Albert Road) is to be zoned SP2 Infrastructure (Educational Establishment).

Environmental Planning Instruments are not required to be strictly applied in the assessment and determination of major projects under Section 75R of the EP&A Act. Notwithstanding, the department has considered Draft LEP 2011 in the assessment of the proposal.

Clause 5.10 discusses the requirements for consideration of the impact of developments where the site includes a heritage item. The Australian Catholic University, Strathfield Campus (includes former "Mount Royal) is included in Schedule 5 of the draft LEP as a local heritage item. Refer to **Section 5.5** for discussion on heritage impacts.

Draft Strathfield Local Environmental Plan No 105 (Heritage)

The Edward Clancy Building campus (167-169 Albert Road) site is not identified as an item of heritage significance and is not located within a heritage conservation area under Draft SLEP No. 105.

The main campus (179 Albert Road) site is identified as an item of heritage significance but is not located within a heritage conservation area under Draft SLEP No. 105. The department has assessed the proposal's impact upon the heritage significance of the site and considered the comments provided by the Heritage Council of NSW (refer to **Section 4.2** and **5.5**). Overall, it is considered that the proposal will not impact the heritage items on the site.

Strathfield Consolidated Development Control Plan 2005 - Part M – 'Educational Establishments'

Part M – 'Educational Establishments' of the Consolidated DCP 2005 applies to the construction, alteration, change of use and / or operation of educational establishments.

The following sections of Part M are considered to be applicable for the Concept Plan (noting though that the provisions of the DCP are not required to be strictly applied in the assessment of the proposal) and are discussed below:

Section	Development Control	Required	Department's comment
4.1	Design Principles	Bulk, scale, height and character to be compatible with development in the vicinity of the site.	Refer to Section 5.3 .
		Sensitive and high quality design required.	Design of buildings and finishes will be considered during the assessment of the future applications to construct the buildings.

Section	Development Control	Required	Department's comment
		Not unreasonably impact amenity of existing development.	The impact of the amenity of the surrounding area has been considered as part of the assessment of the proposal.
		Not adversely affect safety, pedestrian flows, traffic or parking.	Refer to Section 5.2 .
		Establish commitment to encouraging, supporting and implementing sustainable travel modes to and from the site.	ACU currently operates a shuttle bus service from Strathfield Railway Station to the site which is proposed to be expanded.
		Adequate landscape, noise and privacy screening is provided.	The existing landscaping to the site is largely to be retained. Transplanting of existing vegetation will be carried out as much as possible.
		Provides satisfactory safety by design measures.	To be considered during the assessment of future applications. Proposal is for a Concept Plan that provides only building envelopes.
		High standard of design incorporating principles of environmentally sustainable design (ESD).	The principles of ESD will be considered further during the applications to construct the proposal.
		Adequate provision is made for stormwater collection, re-use and drainage.	Sydney Water has provided comment which is discussed in Section 4.2 . To be also considered as part of future applications.
4.3	Site Requirements	Locate min. 30m from a classified road to improve pedestrian, vehicle, cycle safety and reduce noise and pollution exposure.	The site is not located near a classified road.
		Close to public transport.	Council states in other University assessments that the site is within 15-20 minute walk to Strathfield and Homebush Railway Stations which is acceptable. It is noted that a public transport bus service operates past the site.
		If a bus service is required a minimum frontage of 60m required.	The site has a frontage to Barker Road that contains existing bus stops.
		Positioned in residential cul-de-sac discouraged.	An existing cul-de-sac is provided at the western end of Albert Road at the entrance to the ACU main campus.
		Site area suitable to accommodate proposed use and ameliorate negative off site impacts.	The proposal is considered to be capable of being accommodated on the site.
4.4	Building Design and Envelope	Consistent with existing and adjoining development with respect to scale and form.	Refer to Section 5.3 .
		Adequate solar access to adjoining properties.	Location of building envelopes is considered to adequately consider the impact upon other buildings on the site.
4.5	Bulk, Scale and Site Cover	Façade treatments to integrate into & enhance streetscape.	To be considered during the assessment of applications to construct

Section	Development Control	Required	Department's comment
			the buildings.
		Residential zones -Max. site cover = 60%.	No additional works are proposed within the residential zoned land (Edward Clancy Building campus).
4.6	Height	Max. height in residential zones two (2) storeys and 9.5m above NGL.	No additional buildings are proposed within the residential zoned portion of the site.
		Max. height in all other zones considered on merits.	Height is considered to be appropriate in Special Uses 5 (a) zone and consistent with other buildings located on the site.
4.7	Setbacks	Front – 9m 2 nd frontage – 5m	The proposed building envelopes comply with this requirement.
4.7.2	Side and Rear Setbacks	Single storey – 3m Two Storey – 4m	Refer comment above.
4.7.3	Setbacks of occupiable space & parking spaces	3m min buffer between area and nearest adjoining boundary	Parking spaces provided within 3 metres of boundaries. Measures to reduce impacts to be considered as part of future applications.
4.8	Visual Privacy	Windows not to overlook internal or external living areas	To be considered during the assessment of applications to construct the buildings.
4.9	Acoustic Privacy and Noise	Locate potential noise generating areas away from adjoining properties	As the proposal involves only building envelopes, future detailed designs has not occurred. A future assessment requirement is proposed to address this requirement.
		Noise Impact Assessment required	An Acoustic Assessment was submitted as part of the application, with the recommendations to be further developed during the future applications.
4.10	Overshadowing and Solar Access	Maintain 4 hours direct sunlight to adjoining properties.	Solar access to adjoining properties is considered to be consistent with this requirement.
		Maximise solar access to into buildings and open space.	Location of building envelopes is considered to adequately consider the impact upon other buildings on the site.
4.11	Ecological Sustainable Development	Where the proposed development is for 50 or more students or would result in an increase of 50 or more students applicants shall submit Environmentally Sustainable Travel Plan	Green Travel Plan provided as part of the Response to PPR Submissions report. Discussed in Section 5.2 .
4.13	Environmental Hazards	>300m from mobile phone towers, antenna, transmission lines etc.	The site is not located within the identified environmental hazards.
4.14	Safer by Design	Incorporate crime prevention through environmental design principles.	To be considered during the assessment of applications to construct the buildings.
4.15	Traffic	Proposal involving (50) or more students requires a traffic impact assessment to be undertaken.	Refer to Section 5.2 .
	Parking	Comply with Part I – Provision of Off-Street Parking Facilities of the Strathfield Consolidated DCP 2005.	Part I does not apply to the proposal.
4.16	External	Preparation of an External	To be considered during the

Section	Development Control	Required	Department's comment
	Impacts Management Plan	Impacts Management Plan (EIMP).	assessment of applications to construct the buildings.
4.17	Outdoor Areas	Safe area, minimise hard paving, access to toilets	The proposal includes provision of new building envelopes over existing hardstand areas and improvements to landscaping throughout the site.
4.18	Landscaping and Vegetation	1.0m landscape strip for single and 1.5m landscape strip for two (2) storey buildings required to all side boundaries. Detailed landscape plan required.	Detailed landscaping to be provided for consideration during future applications.
4.22	Hours of Operation	Standard hours of operation for educational establishments in residential areas should be limited to 7am to 9.30pm, Monday to Sunday	Proposed hours of operation exceed this requirement, however are considered to be appropriate. Refer to discussion at Section 5.4.
4.23	Site Contamination	Review site history and preliminary information including Part K of the Strathfield Consolidated DCP 2005 to determine whether contamination assessment is required.	The site is not considered to contain any contamination.
4.25	Recycling and Waste Management	Waste Management Plan to be prepared and submitted in accordance with Part H.	To be considered during the assessment of applications to construct the buildings.

APPENDIX E RECOMMENDED CONDITIONS OF APPROVAL

APPENDIX F INDEPENDENT TRAFFIC REVIEW
