

18 June 2015

Determination of a Concept Plan for the expansion of the Australian Catholic University, Strathfield LGA

Background

On 27 March 2013, the Planning Assessment Commission, as delegate of the then Minister for Planning and Infrastructure, determined to approve only the underground car park and Precinct 1 of the proposed concept plan for the expansion of the Australian Catholic University (ACU) at Strathfield. The Commission noted considerable traffic and parking concerns and consequently did not approve the other elements of the concept plan including the increase in student numbers, extended hours of operation and building envelopes in Precincts 2, 3 and 4.

Appeal to the Land and Environment Court

On 15 May 2013, the proponent (the ACU) lodged an appeal to the Land and Environment Court against the Commission's determination. Strathfield Municipal Council was subsequently joined as a party to the proceedings, contending that only the underground car park should be approved.

The Land and Environment Court heard the matter on 2-5 June and 17 October 2014. The hearing commenced at the Strathfield Town Hall in order to enable resident objectors to be present, and for nine objectors to give evidence.

On 18 November 2014 the Court ordered that the appeal is allowed, and amended the concept plan to allow for the staged development of the site, and associated increase in campus population.

The Court also noted that it intended that the Commission, when determining the concept plan in accordance with the Court's determination would require:

- that all future stages are subject to Part 4 of the *Environmental Planning and Assessment Act 1979* ; and
- that further environmental assessment requirements should apply for future development applications sought under the Concept Plan approval.

On 21 May 2015 the Court upheld a motion to amend condition A5. The amendment relates to weekend events that would generate a campus population greater than the number of on-site car parking spaces. The Court has clarified that a maximum of six such events may be held per year, and has specified the community notification requirements that apply to these events.

Amended orders were issued on 4 June 2015.

Commission's Consideration

Requirement to approve the Concept Plan in the manner determined by the Court

Section 75Q(3) of the *Environmental Planning and Assessment Act 1979*, specifies that: *"If the Court allows the appeal, the Minister is to approve the concept plan in the manner determined by the Court. The Court does not have jurisdiction to approve the concept plan or to make or direct the Minister on any determination that may be made under section 75P when giving approval for a concept plan."*

Consequently, as the Minister's delegate, the Commission is required to approve the concept plan in the manner approved by the Court.

Commission Members

Since the determination of the original application in March 2013 two of the Commission members, Ms Gabrielle Kibble AO and Ms Donna Campbell, who had determined the application have retired (members are limited to a maximum six years in office). Consequently, the Chair of the Planning Assessment Commission, Ms Lynelle Briggs AO constituted the Commission to determine the application with the remaining original panel member, Ms Abigail Goldberg.

Consideration

As specified in section 75Q(3) of the *Environmental Planning and Assessment Act 1979* (the Act), the Commission is required to approve the concept plan in the manner determined by the Court, however the Commission (as delegate of the Minister) must determine the further assessment requirements and whether any future project or stage should be considered under another Part of the Act.

As originally determined, the Commission agrees that future stages should be subject to Part 4 of the Act.

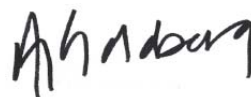
In regards to the future environmental assessment requirements, the Commission notes that the parties provided comments on the draft requirements during the course of the proceedings. The Commission has considered these comments. The Commission does not accept the ACU's request to delete the requirements relating to heritage, but agreed that the requirements for consideration of increased pavement widths sought by the Council were unnecessary. The Commission has also accepted the ACU's proposed acoustic impact requirements. Other minor amendments have been made to clarify the requirements.

Determination

As required under section 75Q(3), the Commission has approved the Concept Plan in the manner determined by the Court. The Commission has determined that future stages should be subject to Part 4 of the Act, and the further assessment requirements that should apply to those stages.



Lynelle Briggs AO
Chair of the Commission



Abigail Goldberg
Member of the Commission