



## ANNEXURE "B"

14 March 2012

The Director General  
Department of Planning and Infrastructure  
23-33 Bridge Street,  
Sydney NSW 2000

Re: Australian Catholic University Part 3A Application  
Application No.: MP10-0231  
Property: Barker Road, Strathfield  
Client: Strathfield Council  
Project Number: 12-016

We act on behalf of Strathfield Council, under the instruction of the General Manager, in the matter of the Part 3A application (MP10-0231) by the Australian Catholic University (ACU). The ACU is seeking to expand its teaching and resource facilities on their Barker Street site. We have been engaged by the Council to review the application with particular regard to the 'Australian Catholic University, Strathfield, Concept Plan Environmental Assessment' (CPEA) prepared by Hassell (December 2011) in our capacity as experts in Urban Design and Town Planning.

Our review of the application raises serious concerns, such that we believe the development, due to its impacts, will have unreasonable consequences for the local area. Furthermore we believe the development in its present form is markedly excessive due to the magnitude of the facilities proposed and the concentration of major intensity in this prominent location.

### Unreasonable effects on a low-density residential area

The compounding impacts of the proposed change in the number and hence the concentration of student population, the extent of facilities nominated, as well as the movement of students between the ACU public transport facilities and the surrounding road network will cause unreasonable change of character to the established Strathfield low density residential area.

### Unreasonable concentration of students away from public transport and major centres

The ACU is already a significant institution located 1.2 kilometres from the major railway stations at Strathfield and Homebush. With the large expansion proposed, and given that it is in a low-density residential area, a significant distant from major public transport, the ACU will create large movements of students and staff across the local residential context.



Figure 1: Local Accessibility (Source: Concept Plan Environmental Assessment: Hassell Dec 2011)

This area of Strathfield is away from the major public transport network, and will burden the surrounding road network. As there is no strong public transport backbone in this low-density area, the development will burden the road network with passenger vehicles for the students. Large educational facilities are better suited in locations where students and faculty have good access to frequent public transport, retail and other amenities, denser forms of housing, and entertainment.

We consider these impacts to be unreasonable in view of the substantive magnitude of the increase in student numbers.

### **Inappropriate concentration of bulk and the scale of facilities**

The existing buildings at the ACU are set away from the nearby houses. They are located within an open, low-density landscape and interspersed with courtyards in a traditional and suitable collegiate atmosphere.



Figure 2: Existing heritage campus buildings in landscape setting



The proposed development is excessive because it is markedly different to the bulk and scale of the existing campus setting, and that of the adjoining Strathfield low density residential area. The existing campus has an estimated<sup>1</sup> 9,000m<sup>2</sup> of gross floor area (GFA) with the proposed expansion allowing for a maximum additional GFA of <sup>2</sup>14,850m<sup>2</sup>. This equates to a total GFA on site of 23,850m<sup>2</sup>

The new buildings are large and placed at the edges of the campus where they will be readily visible and in doing so change the perceived scale of the surrounding area, beyond that which may have been expected or anticipated in the surrounding low density residential area.

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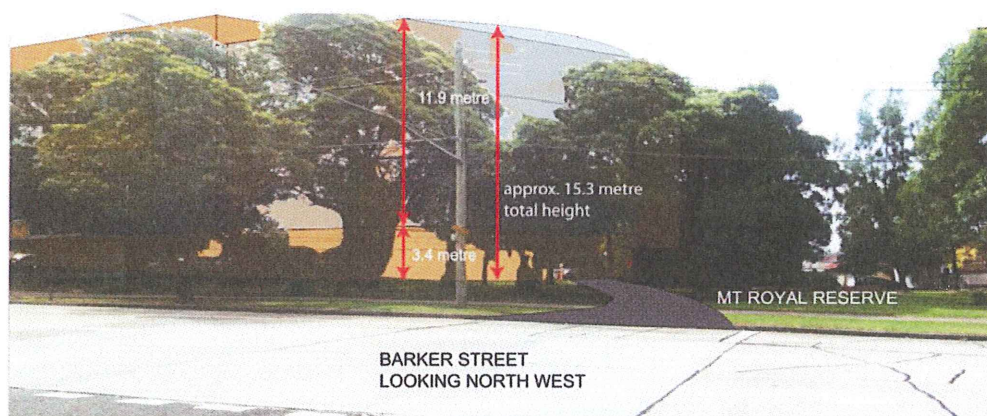
<sup>1</sup> Estimation is based on generalised ground floor plans and not through accurate survey measurements

<sup>2</sup> Numerical data as sourced from *Concept Plan Environmental Assessment: Hassell Dec 2011 pg. 31*

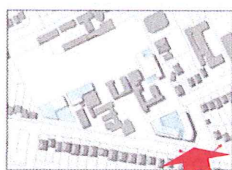




PRECINCT 1 BEFORE



PRECINCT 1 AFTER

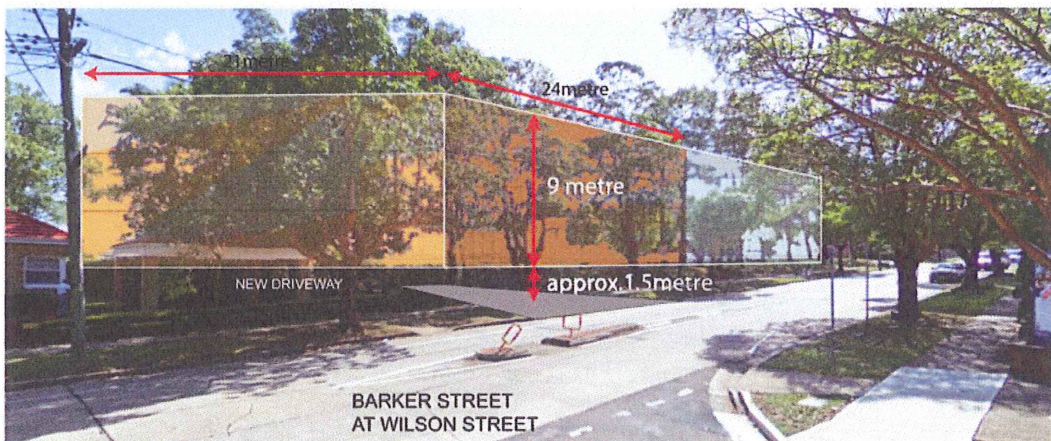


*Note: The images represent bulk and form of the proposed concept development based on the nominated heights and extrapolated by estimation onto the photographs of the location*

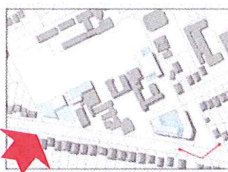
Figure 3: Precinct 1 Perspective View looking North Before and After



PRECINCT3 BEFORE



PRECINCT 3 AFTER



**Note:** The images represent bulk and form of the proposed concept development based on the nominated heights and extrapolated by estimation onto the photographs of the location

Figure 4: Precinct 3 Perspective view looking North Before and After

The impact of such a large development in a residential zone is inconsistent with the stated objectives in the Inner West Subregion of the Metropolitan Strategy, which seek 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.



The application in our opinion is therefore unreasonable and extends beyond what may be considered to be an “acceptable fit” within the established context.

### **Effect on Public Reserves and Private Property**

Relocating Gate 1 to the eastern boundary of the ACU site via a new set of traffic signals at the Barker Rd / South St intersection will adversely affect Mt Royal Reserve and potentially the private ROW to the east serving a residential property. The plan as proposed would require the acquiring of publically owned land to accommodate the new entrance. Council would require an identified public benefit to release land for private development of this nature.

### **Matters of Error, Ambiguity and Mis-information in the CPEA**

The CPEA contains errors of fact and detail, which may mislead residents and the community about the nature of the development.

In our assessment of the CPEA, we found a number of ambiguities or errors that were left unresolved and cause concern regarding the development as proposed. Material and graphic techniques have been employed to give the impression the application has addressed issues of concern. Several errors lead to confusion in relation to the existing and proposed context particularly in terms of key issues including landscape and access. The outlined details below identify such errors or points of ambiguity which need addressing or correcting before due consideration to the application on the whole can be carried out.

### **Inconsistency with the current Local EPIs**

We have identified a number of major inconsistencies between the information contained within the CPEA and the objectives of Council's primary EPI's—Strathfield Planning Scheme Ordinance 1969 (PSO 69) and the Development Control Plan 2005 (DCP 05).



### *Strathfield Planning Scheme Ordinance 1969*

The PSO 69 Clause 41C requires that development adjoining residential zones must have regard to the built form compatibility of and amenity impacts on surrounding residential zones.

- *Clause 41C (a): Wherever the Council considers it to be appropriate, proposed buildings are compatible with the height, scale, siting and character of existing buildings within the residential zone.*

The proposal does not comply with this clause. The proposed development, particularly in terms of the height, scale and siting of proposed Precincts 1 and 3, significantly contrasts with the existing buildings (both residential and institutional) in the immediate vicinity of the site. Smaller, more appropriate buildings which are proposed are located away from the public domain in areas which are most suitable for larger buildings.

- *Clause 41C (c): The elevation of any proposed building facing land in a residential zone has been designed to be compatible with existing buildings within the residential zone, or is suitably screened.*

The proposed building envelopes are not compatible in terms of scale, bulk and presence within the streetscape with the existing buildings within the zone. The proposed scale and bulk of the buildings does not make screening alone a sufficient mechanism for reducing the effects of bulk and scale on the area. It is also noted that the proposed tree removal plan earmarks numerous existing trees for retention, which are likely to require removal. In short, the largest buildings are located at the most visually prominent locations within the campus which exacerbates their impact on the surrounding low scale residential area.

- *Clause 41C (d): Windows facing residential areas have been treated to avoid overlooking of private yard space or windows in residences.*

The visual dominance of the proposed building envelopes, particularly in Precinct 1, 2 and 3 are built close to the property boundary and are of a scale and form, which will create a sense of overlooking and visual dominance to neighbouring properties. In regard to Precinct 2, the status and relationship of the proposed development to adjoining residential properties is unclear.

- *Clause 41C (e): noise generating from fixed sources or motor vehicles associated with the development has been effectively insulated or otherwise minimised*

*Clause 41C (f): the development will not otherwise cause nuisance to residents, by way of hours of operation, traffic movement, parking, headlight glare, security lighting or the like.*

McLaren Traffic Engineering has raised several serious concerns regarding the impact of the proposed development by virtue of its traffic and parking demand. In particular the proposal includes a number of inconsistencies in reporting of existing and expected persons on site at any one time as well as inadequate information and management strategies to ensure proposed traffic, parking and transport strategies will not place unreasonable burden on existing infrastructure nor compromise the amenity of the surrounding residential area. The information provided also does not adequately demonstrate that proposed traffic, parking and transport strategies for the site will provide reasonable amenity for the development itself.

#### ***Development Control Plan 2005***

DCP 05 *Section M* governs development for the purposes of Educational Establishments. Consistent with the PSO 69, the objectives of this section of DCP 05 seeks compatibility of built form with the surrounding built form and land use context. DCP 05 objectives seek to maintain the amenity of surrounding residential areas as well as protect the functionality and amenity of the surrounding road network.

The objectives of Part M of DCP 05, which relate to the proposed concept, are as follows:

- *Objective 1: To ensure that a satisfactory educational environment is provided which will also preserve, maintain and enhance the general amenity and heritage character of Strathfield by ensuring that educational establishments are compatible with neighbouring land uses.*

The proposed development is generally consistent with the neighbourhood land uses. However, the intensity of the proposed land use is considered incompatible with the low-intensity neighbouring land uses including the existing road network.

- *Objective 2: To ensure that educational establishments satisfactorily integrate into existing residential and other area streetscapes in terms of size, bulk, height, site coverage, form, character, noise generation, privacy impact, maintaining solar access and landscaping.*

The proposed development does not integrate into the existing streetscape. The proposed buildings, in particular, Precinct 1 and 3 create an abrupt change in bulk and scale of built form. They not only create dominance in terms of the surrounding residential zone but also dominate the existing heritage buildings on the ACU campus.

- *Objective 3: To ensure that educational establishments operate to maintain pedestrian and traffic safety for both those associated with educational establishments as well as neighbours and other road and footpath users.*

*Objective 4: To ensure that educational establishments operate with acceptable traffic impact on the local and regional road network.*

*Objective 5: To ensure that educational establishments themselves take active on-going responsibility for the maintenance of traffic and pedestrian safety, the appropriate control of generated vehicular and pedestrian traffic, the dissemination of relevant safety and traffic procedures and requirements information and the ongoing monitoring and minimisation of traffic impact.*

*Objective 12: To provide sufficient on-site car parking for peak parking needs including those of students, teachers and visitors and others so as to not adversely impact on the neighbourhood and the local road network.*

We refer to the report prepared by McLaren Traffic Engineers, which raises numerous concerns as to the accuracy and adequacy of the proposal in terms of traffic, parking and transport. In particular the report questions the adequacy and safety of the proposed staggered T intersection at proposed Gate 4; the impacts of proposed Gate 1 and new signalised intersection on existing residential ROW and public reserve; and the likely inadequacy of the off-street car parking spaces on site to cater for future demand. Further, inadequate detail is provided in the proposal to demonstrate that a viable transport strategy is in place to reduce potential impacts on the road network.



The significant projected increase in the student population and the substantial increase in car parking spaces on the site shall have a significant impact on the small-scale domestic quality of the local roads and footpaths. Local roads as well as footpaths are narrow and do not have the capacity to serve future students and faculty and maintain the amenity of local residents, whether ACU patrons walk, cycle or drive to campus.

The public domain is likely to be congested as students wait for buses, travel to and from campus, wait to cross vehicular access points, etc. This will greatly reduce the ability of local residents to use and enjoy the public domain.

- *Objective 7: To encourage the provision of environmentally sustainable modes of transportation for students to and from educational establishments.*

Given the envisaged increase in student population and the distance of the campus from major public transport infrastructure greatly compromises the ability of the development to achieve sustainable outcomes. The report by ARUP forming part of the proposal states that use of the private motor vehicle is preferred by the students over other modes of transport. Against this constraint, sustainable transport outcomes are further compromised for the site given:

- The high level of car ownership in suburban Sydney, this trend also observed in ACU campus end users;
- The location of the site outside of the convenient 10-minute walking distance of the train station;
- In order to use public transport to access the site a multi-modal trip is required;
- The relatively low frequency and capacity of the bus service to the school. School timetables create peaks and troughs in transport demand;
- Students travel from all over the region to attend ACU; and
- The difficulty of carrying a bicycle on Sydney Rail and the large catchment area for students reduces viability of considering cycling as a significant contributing mode of transport for the ACU campus.

- *Objective 8: To ensure educational establishments provide a satisfactory outdoor learning environment in regard to the range, size and quality of external site amenity requirements in relation to the specific type of educational establishment.*

The proposed development has not provided adequate detail regarding the scale and form of proposed internal courtyards. The existing courtyards on the ACU campus have an appropriate scale relationship to their enclosing buildings. The proposed courtyards in the new precincts have a notably different scale relationship.

- *Objective 9: To provide a high standard of design, construction and operation in educational establishment developments.*

While the detailed design of any buildings on the site would be subject to a Development Application, the general siting and building envelopes nominated in the concept proposal do not fit within the surrounding residential context of the site, nor is the proposal compatible with bulk and scale of the existing buildings on the ACU campus.

- *Objective 10: To ensure educational establishments maximise opportunities for sustainable energy and resource usage (including transportation) for environmental purposes and for educational purposes.*

*Objective 11: To require the construction of energy smart educational establishments.*

*Objective 14: To ensure educational establishments provide aesthetically and environmentally attractive and safe environments in regard to design, site lay out, materials, internal spaces, etc.*

As stated above, locating the proposed development intensity in a location which frustrates use of public transport and other sustainable modes of transport largely compromises the proposal's achievement of sustainable energy and resource usage.

- *Objective 13: To ensure the adequate removal of stormwater and wastewater from sites and to detail processes for the on-site storage and re-use of stormwater.*

The proposed development provides a very basic stormwater management strategy. Council has a clear Water Sensitive Urban Design Policy. It is

reasonable to expect a logical and detailed WSUD strategy be set out at the concept stage since it is an underlying system within the larger development (similar to the parking and traffic management). The proposal provides rudimentary volume and flow information and only cursory steps towards a holistic and sustainable water management system. The area of impervious surface shall increase, particularly at the edges of the property, and the impact on adjoining properties due to this perimeter placement of buildings must be more adequately detailed at the concept stage. It is also noted that many of the new courtyard spaces are not deep soil zones and stormwater management strategies for these spaces must be detailed so it can be assessed how they relate to the overall stormwater management system.

### **Loss of Amenity**

Many items of basic access and amenity have not been addressed adequately in the proposal:

- The driveway to the proposed underground car park (Precinct 3) adjoins existing single dwellings at the western boundary. This condition shall give rise to significant impacts on the amenity of the property. Further, the proposed driveway, with its minimal setback, is likely to require the removal of existing trees at the boundary which on the Tree Removal Plan (pg 24 of the CPEA) are earmarked for retention. The limited opportunities for planting within this setback due to the access driveway will have further impacts on the adjacent residential zone.



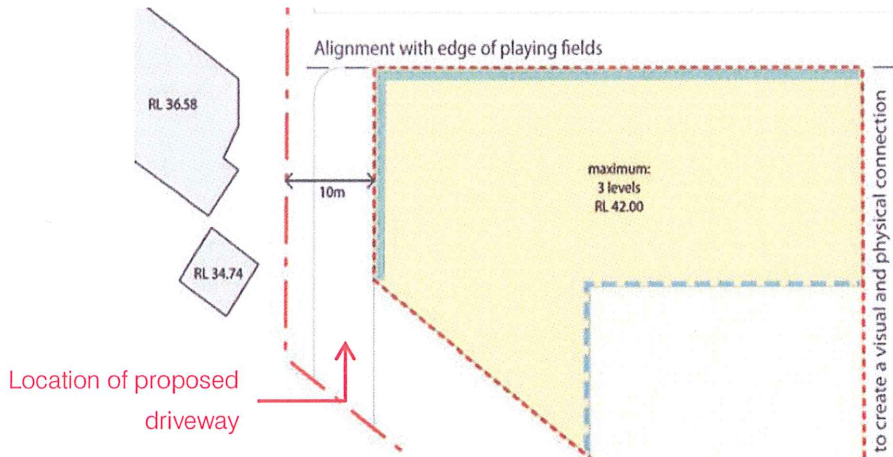


Figure 5: Excerpt from 'Concept Plan: Environmental Assessment' (Source: *Concept Plan Environmental Assessment: Hassell Dec 2011 pg. 36*)

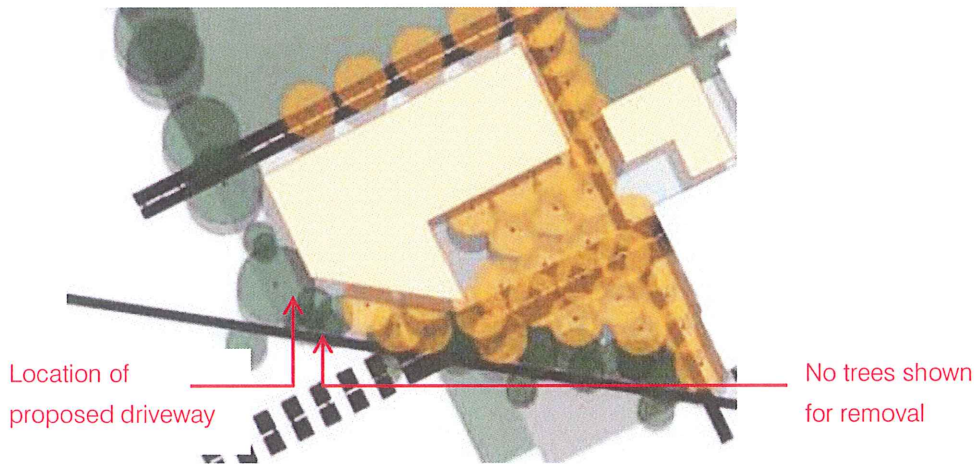


Figure 6: 'Tree Removal Plan' from Concept Plan: Environmental Assessment' (Source: *Concept Plan Environmental Assessment: Hassell Dec 2011 pg. 24*)



Figure 7: View of boundary condition within the streetscape at western boundary along Barker Street.

- The driveway to the proposed Precinct 1 shall impact on the amenity of the pocket park (Mount Royal Reserve) directly to the east of the site. Impacts on the pocket park shall be exacerbated by the removal of several mature trees within the existing setback area to the park. The tree removal plan (pg 24 of the SEE) does not accurately show the extent of trees requiring removal.

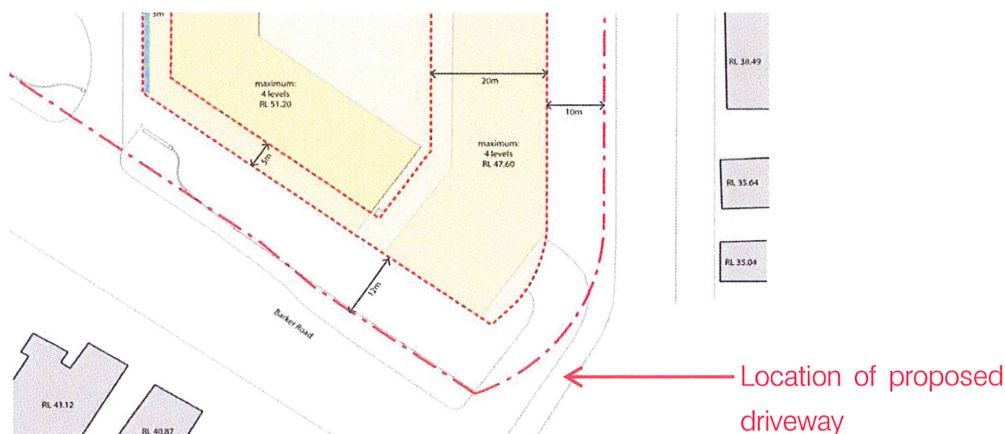


Figure 8: Excerpt from 'Concept Plan: Environmental Assessment' (Source: Concept Plan Environmental Assessment: Hassell Dec 2011 pg. 32)

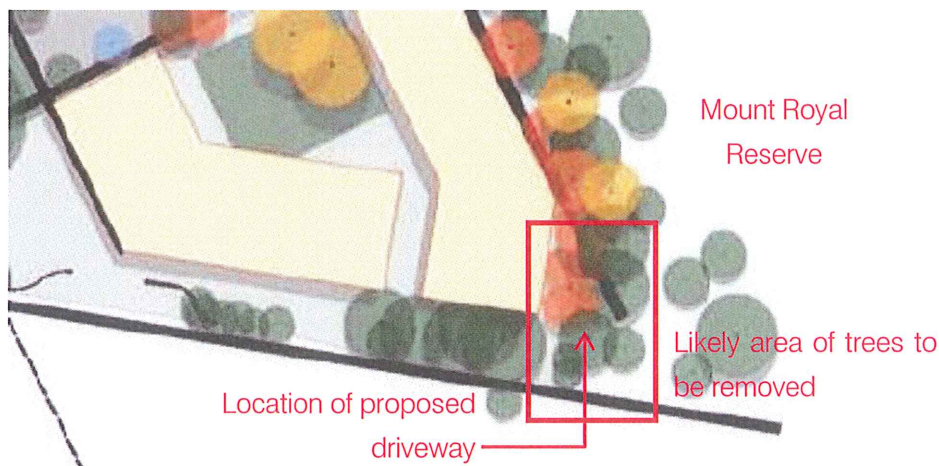


Figure 9: 'Tree Removal Plan' from Concept Plan: Environmental Assessment' (Source: Concept Plan Environmental Assessment: Hassell Dec 2011 pg. 24)





Figure 10: View of park looking west towards the site

In regard to the existing context, proposed Precinct 2 appears to have an unreasonable impact on the existing residential dwelling whereby the primary open space of the dwelling shall be severely overlooked as well as direct sightlines being possible to the windows of that dwelling. It is further unclear the relationship of this dwelling to the master plan as certain plans in the proposal indicate the presence of the dwelling while the illustrative master plan omits this dwelling (which is outside of the site).

- *External open space, soft landscaping, vegetation in order to enhance the learning environment and nurture aesthetic and environmental appreciation.*

The proposal seeks tall bulky buildings at the most prominent, visible corners of the site. The siting of the buildings creates a dramatic juxtaposition of scale and built form in relation to the surrounding residential areas as well as to the heritage buildings existing on the ACU campus. New proposed courtyards associated with these buildings are built upon car parking structures and significantly reduce the proportion of deep soil planting to gross floor space on the site. The future built form reduces the opportunities for the planting of large trees and adequate screen planting to create a balance of built form and landscape.

Overall, the proposed development does not satisfy the objectives of the DCP for Education Establishments in terms of design quality.



## Urban Design Assessment by Precinct

### *Precinct 1 – South Eastern*



Figure 11: Streetscape looking West on Barker Road

- The corner site is highly visible from Barker Road and South Street on approach to the site. The building mass, while set back from the site boundary, dominates its surrounds. The proposed development is shown to have a maximum height of 15.3m adjacent to a Council owned pocket park and residential dwellings of 1 and 2 storey's (generally 4.5m-7.5m to roof ridge).
- The interface with the surrounding residential character is downplayed in the application.
- CPEA *section 3.4 trees to be removed*; This diagram only show trees along the eastern boundary to be removed; however, there would likely be a number of existing trees removed closer to Barker Street to allow for the new entrance.
- The plans show no active edges to the proposed figurehead building. This is a major concern as the building will become the most visible building on site and house the high use facilities of the library and shops.
- The building reduces the amount of passive surveillance on the pocket park, with the existing condition allowing good visibility through the car park and beyond.

*Precinct 3 – Western*

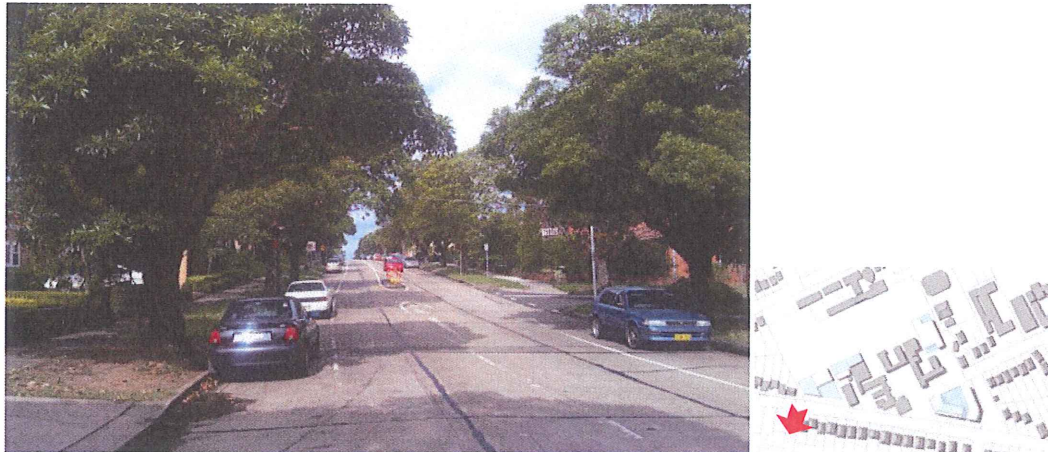


Figure 12: Wilson Street local character

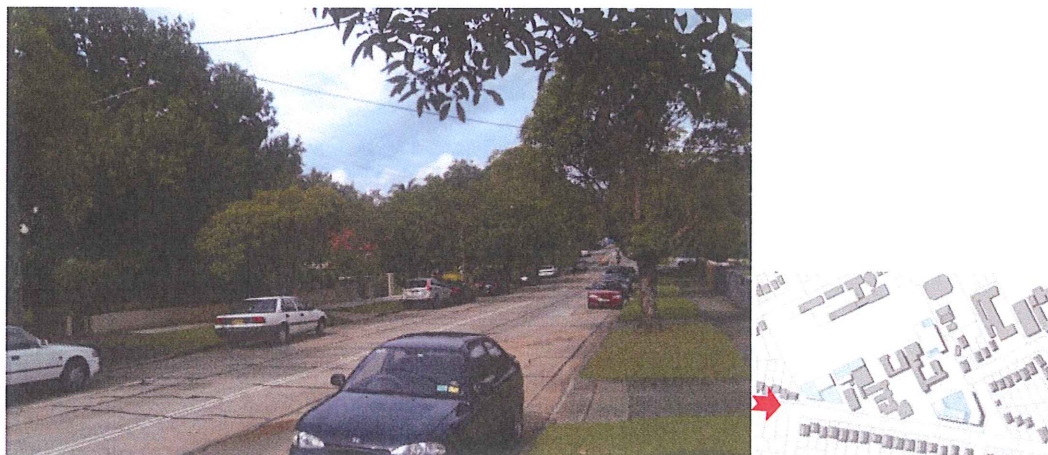


Figure 13: Streetscape looking East on Barker Street

- The proposed car park access point is adjacent to neighbouring residential dwellings, and creates a conflict with the intersection at Wilson Street. There is an existing entrance used for servicing which would be readily available to be used.
- The application shows a share wall of substance adjacent to the existing residential properties. This edge of the building is significantly out of scale with the surrounding properties and lacks any cohesion with the local character of predominantly 1 and 2-storey development. While other proposed buildings have

a stepped nature this building does not. It would be advantageous to move the bulk of the building from where it is currently proposed close to the residential dwellings to the interior of the campus where the effects of scale on residents are less.

- Ground levels as shown do not address the existing natural ground level. It will be necessary to cut and fill from the site to achieve the ground levels as stated; however, it is noted that the existing trees along the Barker Road boundary are to be retained. It is not likely that both can happen. At present there is an approximate 1.5m change in height from road level to the existing car park level, where the plans show only a minor change in grade to the road.

### **Summation**

It is our opinion and that of the Strathfield Council for the reasons stated above the development on the grounds of unreasonableness be withdrawn and 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 judgement.

Yours faithfully

**Dickson Rothschild**

**D.R. Design (NSW) Pty Limited**

A handwritten signature in black ink, appearing to read 'Nigel Dickson', followed by a long horizontal flourish.

**Nigel Dickson**

Managing Director



## Addendum A

### Errors of Fact and Points of Ambiguity

The following are examples of misleading arguments laid out in the Concept Plan Environment Assessment prepared by Hassell (Dec 2011)

*2.5 Local Accessibility* – common urban design practice is to show a 400m and 800m circle to respectively highlight a 5 and 10 minute walking distance. 10 minutes is generally regarded as the threshold before alternative modes of transport are considered by pedestrians from a major junction such as a train station.

*2.8 Built form context* – The proposal is inconsistent in showing the built form context of its immediate surrounds. This is particularly true in terms of the area between the “Main Campus” and “Edward Clancy Building.” The illustrative master plan show a future built form context which does not currently exist. They suggest built alternative built forms which are outside of the proposal's site boundary and do not form part of the application. The illustrative master plan does not show the existing residential dwellings which directly about the eastern boundary of the site. These buildings are, however, indicated in the individual precinct plans as well as the figure ground in section 2.8. It is not clear how the future pedestrian links will work within the surrounding built form context with links shown through private property.

*2.9 Topography* – the vistas as shown are achievable; however, very few of the buildings enhance or direct their views across the sports field to the north. Instead, they are concentrated inwards to localised courtyards and cloisters. While the vista shown on the diagram from the main building towards the east will be completely abolished by development on the site. There is no comparison of what the effect of development will be on the analysis of the site.

*03 Campus Interface* – the concept to retain the green soft edge to Barker Road is valid; however, the removal of existing trees in areas identified as Precinct 1 and 3, and

the proposal of buildings particularly Precinct 1 addressing the street will detract from the existing buildings in a landscape setting as defined in the same section of the CPEA. The existing buildings address the street at acute angles giving the impression of highly articulated buildings, which is not replicated in the proposed design.

*3.4 Tree Removal* – This plan lacks is not an accurate reflection of existing trees and under estimates those trees likely to be removed when compared to the precinct plans where driveways are proposed in setback zones and changes in levels are suggested. There are a number of trees located at the two new points of entry (Gates 1 and 4) which would likely require removal. Driveway access to Precinct 1 will likely require the removal of trees within the site near the street as well as within the public reserve adjoining the development.

While it is indicated that trees are to be retained in the western side setback adjoining the existing residential dwelling, the proposed driveway to Gate 4 will likely require removal of most boundary trees.

The central courtyard of Precinct 1 shows two new trees to be located. Currently there is a line of large palms which do not appear on the plan. There is no identification of which trees are to be removed, some of which will be significant to the landscape nature of the site.

*3.5 Traffic and Circulation* – Gate 4 creates an offset intersection with Wilson Street. 440 car parks utilise this entry point adjacent to residential properties. It does not comply with Ausroads standards as detailed by the McLaren Traffic and parking report. These residential properties will be adversely affected by any change in the intersection layout and the traffic entering and exiting the proposed parking buildings. Also, the “Tree Removal Plan” indicates the provision of high numbers of new planting at this precinct, little opportunity shall remain for significant setback planting, given the proposed location of the driveway.

*3.11 Describing the scale of the existing built form context* – The proposal appears to utilise ridge heights in quoting RLs for existing buildings both on the ACU campus and on adjoining sites. This does not provide an accurate account of the built form

context as most of these buildings have pitched roof forms. Quoting the ridge heights serves to reduce the apparent difference in height of the proposed buildings in relation to existing. In addition, the bird's eye view of 3D modelling minimises the built form relationships between existing and proposed buildings. Views from the pedestrian level would provide a far more accurate and useful assessment of built form impacts and compatibility with the surrounding context.

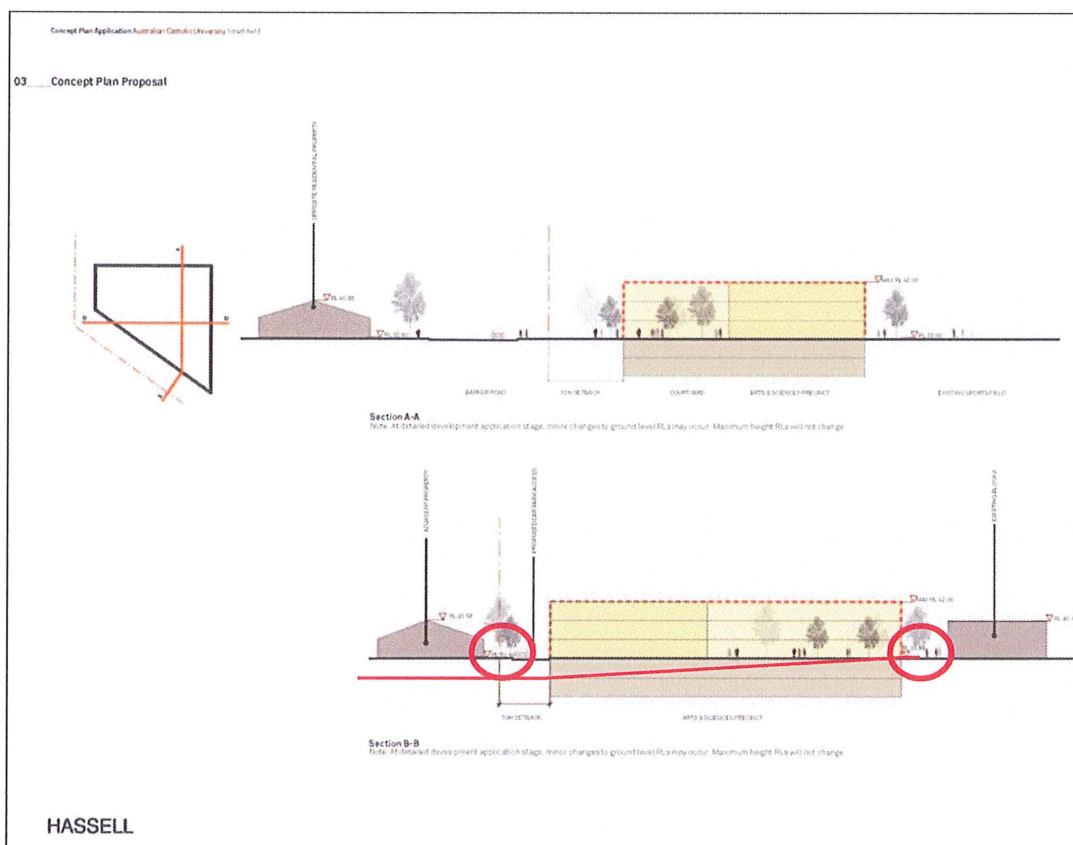


Figure 14: Error in RL's - 3.28m difference where section ground line is flat (Source: Concept Plan Environmental Assessment: Hassell Dec 2011 pg. 37)

Figure 14 highlights an error which significantly underestimates the significance on neighbouring properties. An error of this nature is confusing and does not portray the true nature of the development.