Science Research and Education Facility

Australian Institute of Nanoscience
The University of Sydney

Section 96(1A) Modification

(SSD 5087-2011)

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Statement of Validity

Section 96(1A) Application prepared by

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Applicant Details

Name	The University of Sydney ABN 15 211 513 464
Address	Campus Infrastructure & Services The University of Sydney NSW 2006

Site Details

Site Address	Physics Road, Camperdown Campus
Lot and DP	Part Lot 1 in DP 1171804; and Part Lot 1966 in DP 1117595

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Appendices

1 Introduction

1.1 Overview

A State significant development application [SSD 5087-2011] for the construction and use of a research and education facility for the Australian Institute of Nanoscience (AIN) at Sydney University, Camperdown was approved under delegation from the Minister for Planning on the 15th October 2013.

Subsequently, an application (SSD 5987 MOD 1) to modify the consent was approved on the 15th September 2014. The modification included:

- An amendment to the façade material;
- The installation of a new rooftop astrological observatory; and
- Conversion of an existing window opening into a new doorway entry in the southern façade of the Physics Building.

This application describes proposed modifications to the development consent and is accompanied by technical advice on flood water management.

1.2 The Consent to be Modified

The development consent for the proposed AIN, which was subject to a number of conditions, was for the following purposes:

- construction of a new four storey educational establishment and new pedestrian bridge links to existing Physics Building;
- demolition of minor structures, including interface points with Physics Building to enable construction of pedestrian links;
- construction of external plant and storage room;
- site public domain, stormwater management and landscaping works; and
- associated building services, loading dock and two car parking spaces.

1.3 Proposed Modification to Consent

The purpose of this application is to seek approval, pursuant to the provisions of S96(1A) of the *Environmental Planning and Assessment Act 1979*, to modify development consent SSD 5087-2011 to remove a requirement to use Oval 1 as a flood detention basin in major flood events.

2 Proposed Modifications

The original application contained a flood study prepared by WMAwater, which concluded that the proposed AIN development would have no off-site detrimental impacts on the 1% AEP peak flood levels subject to the construction of a high flow diversion outlet to divert some of the major stormwater outflows from the development to the nearby University No 1 Oval which acts as a detention basin.

Condition B17 of the consent, based on this advice, provided as follows in relation to Stormwater and Drainage Works Design:

> *Final design plans of the stormwater drainage systems, prepared by a qualified practicing professional and in accordance and with the requirements of and in consultation with council, shall be submitted to the certifier prior to the certification of Crown Building works. The hydrology and hydraulic calculations shall be based on models described in the current edition of Australian Rainfall and Runoff.*

An alternative stormwater solution has been prepared by WMAwater to mitigate the off-site impacts of surge floodwaters without using Oval No 1 for temporary detention. The redesign came about as a result of studies for a separate development application for the construction of a new Grandstand at Oval No 2. The consent for Grandstand No 2 application (D/2014/1388), which included significant improvements to the University's stormwater system, was issued by Sydney City Council on the 23rd December 2014.

A further report on an alternative stormwater design for the AIN by WMAwater (Appendix A) concluded that:

> *The proposed grandstand building, landscaping and drainage works at Oval 2 offsets any impact associated with the AIN development. This obviates the need to surcharge floodwaters from the SWG stormwater trunk drain into the University's Oval 1 which was contemplated in the AIN consent conditions.*

The University of Sydney wishes to amend the existing consent to remove any requirement for the construction of outlets to Oval 1 previously proposed to offset the AIN development's offsite impacts in the 1% AEP.

The modifications proposed in this application are not exempt or complying development.

3 Description of Expected Impacts

Section 96(1A) of the EP & A Act provides that a consent authority may modify a consent if:

> *(a) it is satisfied that the proposed modification is of minimal environmental impact, and*
>
> *(b) it is satisfied that the development to which the consent as modified relates is substantially*

the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and

(c) it has notified the application in accordance with:
(i) the regulations, if the regulations so require, or
(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

The development as modified will be substantially the same as the development approved and the environmental impacts will be minimal when compared to the approved development. As indicated in the stormwater assessment in Appendix A, the off-site impacts of the alternative solution will provide superior offsite flood mitigation at Larkin Street compared to the use of Oval 1 as a detention basin. Accordingly, the expected impacts of the proposed modification are beneficial to the University and for offsite residents.

4 Proposed Conditions

It is proposed to amend Condition B17 to remove any requirement to utilise Oval 1 for off-site detention of floodwaters as proposed in the approved consent for the AIN development. A suggested rewording of Condition B17 to achieve this outcome is as follows:

Final design plans of the stormwater drainage systems utilising the stormwater storage capacity in Oval No 2, prepared by a qualified practicing professional and in accordance and with the requirements of and in consultation with council, shall be submitted to the certifier prior to the certification of Crown Building works. The hydrology and hydraulic calculations shall be based on models described in the current edition of Australian Rainfall and Runoff.

5 Conclusion and Recommendations

The University of Sydney is proposing to utilise an alternative stormwater drainage design which obviates the need to use Oval No 1 for stormwater detention in the event of a 1% AEOP stormwater surge. The revised design is based on a University wide design, which was adopted in a consent from Sydney City Council, for the development of a new grandstand at Oval No 2.

The modified proposal described in the accompanying consultant report, will significantly improve stormwater management without any change to the environmental and heritage impacts to that assessed in the original Statement of Environmental Effects. The modified development is the same development as the approved development.

It is requested that the Minister give favourable consideration to this application.

Summary of Proposed modification in accordance with Clause 115 of the Regulations

Name and Address of Applicant	The University of Sydney, 22 Codrington Street Darlington, NSW 2008.
Description of the development to be carried out	Unchanged from SSD 5087 which allows the construction of a new four storey educational establishment for the use by the Australian Institute of Nano-Science, and other ancillary works.
Address and particulars of title	Physics Road, Camperdown Campus of the University of Sydney on land described as Part Lot 1 in DP 1171804; and Part Lot 1966 in DP 1117595 in the City of Sydney Local Government Area.
Description of the proposed modification	Proposed modifications are to modify Condition B17 of the consent pursuant to S96(1A) of the EP & A Act 1979 as follows: *Final design plans of the stormwater drainage systems, utilising the stormwater storage capacity in Oval No 2, prepared by a qualified practicing professional and in accordance and with the requirements of and in consultation with council, shall be submitted to the certifier prior to the certification of Crown Building works. The hydrology and hydraulic calculations shall be based on models described in the current edition of Australian Rainfall and Runoff.*
Intent of application	To remove the requirement to install outlets on Oval No 1 for stormwater flood surcharge from the AIN development by utilising the capacity in Oval 1 resulting from an approved stormwater design approved by Sydney City Council in relation to the redevelopment of Oval No 2.
Description of the expected impacts of the modification	The temporary stormwater detention provided by Oval No 2 will improve the offsite flood mitigation at Larkin Street.
Whether development is substantially the same	The modification makes no change to the intended uses or extent of the development proposal as lodged and approved.
Owner's consent to making of the application	The owner's consent to the application has been supplied on the S96 Application Form.
Consent Authority	The application is being made to the Minister for Planning as the consent authority.

Appendix A WMA water's Alternative Off-site Stormwater Management Solution for the AIN Development.