



***USYD CENTRAL BUILDING, DARLINGTON
CAMPUS, THE UNIVERSITY OF SYDNEY
Proposed by Capital Insight Pty Ltd (on
behalf of The University of Sydney,
Campus Property and Services)***

***Modification of Condition C2(1)
MP05_0184 Mod 1***

Modification of Minister's Approval
Section 75W of the
Environmental Planning and Assessment Act 1979

December 2006

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1. Introduction

Capital Insight Pty Ltd (the Proponent), on behalf of The University of Sydney, lodged an application to modify MP05_0184 on 7 December 2006 (**tag B**) pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979* ("the Act"). The Proponent is seeking to modify Condition C2(1) of MP05_0184 to require that the preparation and approval of an Interpretation Strategy by City of Sydney Council occurs *prior to the issue of a Construction Certificate for above ground works*. Currently, Condition C2(1) requires approval of the Interpretation Strategy prior to the commencement of any works on site. The Proponent is staging the construction of the building and is seeking to commence below ground works in the near future, thereby requiring the modification of the consent to prevent delays to construction certification.

2. Original application

On 8 August 2006 the Minister approved the construction of a 7 storey building containing student support services, food outlets, major plaza, retail and office space (student services) and a Sciences and Technology library at 96-148 City Road, Darlington (lot 1 in DP 790620). A copy of the original consent is at **tag C**.

The original project cost of the development was \$54.2 million and is expected to create 135 full time equivalent construction jobs. Fees were paid for the assessment of the Major Project based on the capital investment value (CIV) of the project, however, there is no CIV associated with the current modification.

Issues considered in the assessment of MP05_0184 included:

- non-compliance with the Stage 1 DA,
- safety and security,
- pedestrian circulation patterns,
- access for persons with a disability,
- the setting of the plaza within the University's public domain scheme,
- the plaza design,
- heritage and interpretation,
- site contamination, and
- timing of construction of the pedestrian bridge and occupation of the proposed building.

These issues were either addressed by way of additional documentation lodged by the Proponent or via conditions of approval. Certain conditions require the submission of details to address the design of the plaza and landscaping, and a Heritage and Interpretation Strategy.

A Heritage and Interpretation Strategy for the old Tin Sheds Gallery and Art Workshops which occupied the site until recently was submitted with the Environmental Assessment accompanying the original application. These buildings have since demolished in accordance with a development of consent issued by City of Sydney Council ("Council").

Condition C2 of approval MP05_0184 requires the following:

C2 Interpretation Strategy

- (1) *An interpretation strategy for the site must be submitted to and approved by Council, prior to works commencing.*
- (2) *The Interpretation Strategy should include, but is not limited, to the provision of details of public art interpretation through design and/or the display of selected artefacts and/or other material, appropriate to the education of the public in the history and significance of the site. It is to specifically include an interpretation of the significance of the Tin Sheds as part of the development of the USyd Central building on the campus.*
- (3) *Prior to occupancy, the approved interpretation strategy must be implemented to the satisfaction of Council.*

3. Modification application

The modification application seeks to modify Condition C2(1) to require the submission and approval of an interpretation strategy prior to the issue of a Construction Certificate for above ground works.

The Proponent's request relates to the staging of the construction and the timeframe required to submit the Interpretation Strategy to Council for approval, and the delays this will cause to the commencement of below ground construction activities if required to be approved prior to the commencement of any works (refer to **tag D**). Approval of the modification will allow for early works to commence while the Interpretation Strategy is developed in accordance with Council's requirements.

4. Statutory context

Modification of a Minister's approval

The modification application has been lodged with the Director-General pursuant to Section 75W of the *Act*. Section 75W provides for the modification of a Minister's approval including *revoking or varying a condition of the approval or imposing an additional condition of the approval*.

The Minister's approval for a modification is not required if the project as modified will be consistent with the existing approval under this Part. In this instance, the proposed modification is consistent with the existing approval granted under Part 3A; however, the modification requires changes to a condition of the Minister's approval. The power to make such a change therefore lies with the Minister.

Environmental assessment requirements

In this instance, it was not considered necessary to notify the Proponent of environmental assessment requirements pursuant to Section 75W(3) with respect to the proposed modification as sufficient information was provided to the Department to consider the application.

5. Consideration

The preparation of an Interpretation Strategy relates to above ground works and is not essential to be resolved before the commencement of below ground works. The proposed modification will not alter the intent of Condition C2(1), but will allow for flexibility in that the issuing of a construction certificate for below ground works will not be reliant upon the approval of the Interpretation Strategy by Council. It is considered that the condition should be amended to require approval by Council prior to the commencement of below ground works.

Council was consulted by the Proponent on 4 December 2006 and raised no objection to the rewording of Condition C2(1) as proposed. The Department also raises no objection to the proposed modification and therefore recommends that approval to reword the condition be granted as described below.

An interpretation strategy for the site must be submitted to and approved by Council, prior to the commencement of above ground works.

A copy of consolidated conditions of approval is **tagged E**.

6. Recommendation

It is recommended that the Minister:

- (A) consider the findings and recommendations of this report;
- (B) approve the modification, subject to conditions, under Section 75W of the *Environmental Planning and Assessment Act, 1979*; and
- (C) sign the attached Instrument of Modification (**tag A**).

Prepared by:

Endorsed by:

Evelyn Hendieh
A/Senior Planner
Urban and Coastal Assessments

Izlem Boylu
Team Leader
Urban and Coastal Assessments

Heather Warton
Director
Urban and Coastal Assessments