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Date: 23 March 2010

Director General
Department of Planning
23-33 Bridge Street
Sydney NSW 2000

Attn: Mr Dan Keary
Director, Government Land and Social Projects

Via: Mail/email: Daniel.Keary@planning.nsw.gov.au

Dear Mr Keary

**RE: College of Fine Arts (COFA) Redevelopment - MP 08_0104
University of New South Wales, Paddington Campus**

Section 75W Modification to Minister's Approval

In accordance with the provisions of Section 75W (s75W) of the Environmental Planning and Assessment Act 1979 and on behalf of our client the University of New South Wales (UNSW), we hereby submit this s75W Application to modify the Minister's approval for the redevelopment of part of the COFA Campus (Project Application 08_0104) at the UNSW Paddington Campus.

The modification will enable the project to commence as soon as possible by refining and clarifying the wording of the conditions to streamline the implementation of the consent, particularly in relation to the subsequent sign-offs/approvals required prior to the commencement of works.

Although the processing and assessment of this Major Project has been delegated by the Minister for Planning to the Council of the City of Sydney, it is considered appropriate that the Department of Planning assess this Application.

The Application consists of the following documents which we enclose herewith:

- this letter
- a cheque for \$750.00 being the prescribed modification fee, and
- completed Request to Modify a Major Project Application form.

1. Background

On the 16 December 2008, the Minister for Planning granted approval subject to conditions to Major Project Application (MP 08_0104), comprising the partial redevelopment of the COFA Campus, mainly being the demolition of three (3) buildings, alterations and additions to one (1) building, and erection of a new four (4) storey building.

The funding and timing of this project is dependent on a grant from the Commonwealth Government which is subject to efficient progress of implementation of the consent. Progress is currently delayed due to the wording of conditions and lack of resolution of issues with Council. It is important for the consent and its implementation to be streamlined by simplifying conditions.

UNSW is currently undertaking work to satisfy the conditions of consent required before a Construction Certificate (CC) for the substantive building can be issued. However, progress on site is hampered by the need to complete this major CC before demolition can begin. Demolition is also hampered by difficulties with Council and the inability to complete dilapidation reports.

2. Proposed Modifications

This proposed modification seeks to amend 34 of the 92 conditions of the Part 3A approval. The proposed modifications are documented in the attached table.

The application also seeks to modify a Commitment within the Statement of Commitments relating to construction traffic (see below).

2.1 Modification of Conditions

The modifications fall into a number of categories. The main types of changes are as follows.

A. Allowing demolition works to commence

A major issue in the consent is that it prevents demolition or excavation starting on site until after a Construction Certificate has been issued for construction of the substantive building (Conditions 37 and 57). Given the University's timetable and that of the Commonwealth Government's funding, a more efficient program is required. On-site activities are needed prior to a full CC being issued. Hence deletion of these 2 conditions is proposed.

A part of Condition 57 relates to the provision of a monetary bond to prevent the circumstance where demolition may occur but the new building not occur. This is City Council policy for major projects in the CBD to prevent vacant sites. Normally the policy relates to significant development involving demolition of existing buildings greater than 3 storeys. In the case of this project the two buildings on the perimeter of the site are only two storeys.

A requirement for a bond is not appropriate for this project. The University will not commence demolition unless the building is certain to proceed. This is a requirement of the Commonwealth funding and the campus operation. The COFA campus would not be able to operate without the replacement facilities for those buildings demolished.

B. Clarification of the timing of sign-offs

For the same reasons as above, the consent should separately identify the activities and "sign-offs" which need to be completed prior to the commence of demolition works and those required prior to issue of a CC for relevant building works.

The consent currently mainly refers to activities and reports needed "prior to CC". However no CC is required for demolition works under the Environmental Planning and Assessment Act 1979 nor the under the Environmental Planning and Assessment Regulation 2000. Therefore it is preferable to separately refer to demolition works and issue of CC for relevant building works.

Several conditions require such modifications.

C. Sign-off authority

The consent currently requires numerous "sign-offs" of subsequent reports and approvals from the Council. This is causing delay with some matters still unresolved since in August 2009. It is proposed that these subsequent approvals be by the Director General of the NSW Department of Planning to avoid delays within the Council. This is appropriate for a major project dependent on Commonwealth funding.

Several conditions require such modifications. It is not proposed to modify conditions which require Council approvals on Council owned land and roads or where Council has a statutory role under other Acts.

D. Clarification of meanings

Several conditions have wordings which make meanings difficult. The main ones are as follows.

Condition 8 relates to the need for approval of conservation works on the southern facade of Block C (North) however these works cannot be documented until Block C (South) is demolished. Hence the need for refined wording.

Condition 12 relates to hours of access from Selwyn Street for operations of the new facilities. However it should not be interpreted to override the potential need for access during construction phase or for normal vehicle rights to use public streets.

Condition 40 relates to the need for dilapidation reports of the surrounding properties. Clarification is sought for the circumstance where the University has been unable to contact the owner of properties or where the owners have refused permission to undertake the delapidation survey.

E. Community Liaison

Condition 92 requires a Construction Liaison Committee of representatives of adjoining properties. Although in place since November 2009, its operation is not proving efficient nor effective in the implementation of the consent. It is proposed to modify the condition to allow the Director General to endorse a revised role, composition and operational procedures of the Committee.

2.2 Statement of Commitments

Commitment 22 within the approved Statement of Commitments comprises:

All construction traffic will enter and leave the site directly from/to Greens Road except for vehicles required for works along Selwyn Street frontage where access cannot be obtained from Greens Road. When these exceptions are planned, communication from the project manager to the Selwyn Street residents will occur.

This Commitment has been misinterpreted to mean that no vehicle access should occur at all from Selwyn Street. It was not the University's intention as Buildings B and D, which are to be demolished, only have a frontage to Selwyn Street and no direct access to other streets. Demolition and bulk excavation traffic for these two buildings is necessary from Selwyn Street when access from Greens Road is prohibitive. Thus it is proposed to amend the Commitment to make this clearer. The modification comprises the addition of the following sentence.

During the demolition, bulk excavation and construction phases vehicular access from Selwyn Street will be included in the Construction Traffic Management Plan when access from Greens Road is physically constrained or financially prohibitive and/or would otherwise cause delay to the program.

3. Likely Environmental Impacts from Proposed Modification

There will be no environmental affects from the proposed changes to conditions as the physical outcomes of the development are not being modified. The proposed changes only relate to clarifications of wording, the handling of subsequent reports and signoffs, and construction management matters prior to the commencement of works and issue of a Construction Certificate.

4. Conclusion

As outlined above the proposed modifications will result in a development that is substantially the same as that previously approved by the Minister. The proposal supports UNSW's major

development initiative to improve the campus. Expediting the implementation of the consent will ensure that the project proceeds efficiently. The changes will not alter the approved development.

We trust that the above information will enable a prompt decision in this matter. However, should further information be required please do not hesitate to contact the undersigned on TEL: 8270 8300 or Justine Mercer-Moore at Capital Insight on TEL 9959 2643.

Yours sincerely

RPS

A handwritten signature in blue ink, appearing to read 'Alan Davidson', with a stylized flourish at the end.

Alan Davidson
Principal – Planning

cc: Peter McGeorge, UNSW
Justine Mercer-Moore, Capital Insight

enc: