

11 May 2015

Peter McManus
Senior Planner
Department of Planning and Environment
20 Bridge Street
SYDNEY NSW 2000

Dear Peter,

Section 96(1) to correct misdescription relating to SSD 13_6123, University of Sydney Campus Improvement Program 2014-2020

1 Introduction

On behalf of The University of Sydney (the applicant) this letter seeks for a modified development consent to be issued under the provisions of Section 96(1) of the Environmental Planning and Assessment Act 1979 (EPAA) for various minor misdescriptions in the wording of:-

1. The description of the proposed development within schedule 1 (second bullet point)
2. Condition A4
3. Condition B13

2 Proposed Modification

Matter 3 above relates to the incorrect reference to International House as G08. This reference should be modified to read G06.

Matters 1 and 2, whilst minor in nature, have substantial implications and this amendment is sought to very clearly clarify the proper intent of the approved Campus Improvement Program. Specifically it relates to the terminology used within the consent relating to the ability to consider development applications that sit outside of the specific building envelope sites within the Plan. The intent of the Plan is to provide building form regulation in relation to development within these building envelopes (i.e. within the red lines), not within the whole shaded Precinct areas within which these 'red lines' are located.

On this basis a modification is sought to clarify the ability to seek development consent (where it is required) for:

- Development outside the identified Precinct boundaries, or
- Development outside of the identified building envelopes (but within the Precinct boundaries)

To assist in this matter a 'strike-through' version of those parts of the consent that are sought to be modified is included in **Appendix 1** of this letter.

These modifications will greatly assist the University's internal stakeholders who will rely on and implement the Plan over the coming years. This modification is also necessary to allow a clear interpretation of the consent by the City of Sydney Council in the consideration of future University development applications (under a CIV of \$30 million) that are located outside of the specific building envelope areas where it is the consent authority.

3 Justification for the Proposed Modification

At the outset it is important to note that the Precinct Areas (identified as Precincts A-F) within the original CIP Concept application (refer to Figure 13 of the Urbis EIS) were never intended to be wholly regulated through the preparation of the SSDA. The intention of the Precincts was simply an identifier of various activities, each with common facilities and synergies. In fact some of these identified Precincts included land not owned by the University and hence could never have intended to seek regulation. The context of these Precincts is further explained in Section 6.1 of the EIS.

Furthermore, in order to properly justify this modification as one that relates to a misdescription within the original consent, it is necessary to outline various facts and issues in the DPE's consideration of the original SSDA and the consent document itself.

The following matters lead us to the conclusion that the consent description and wording of condition A4 was (without blame) misdescribed and unintended:

- The Urbis EIS document supporting the SSDA clearly seeks consent for building envelopes relating to areas 'within the red line'. The intention of what is sought for approval is described in Section 3.2 of the EIS. Specifically this section states:

This plan package identifies a proposed building envelope (red line), within which are shown indicative built forms (blue shading). These built forms, although well considered, are indicative only and have been prepared to illustrate the sort of forms that may ultimately be proposed. Certainty is sought as part of this Stage 1 SSDA in relation to building envelopes, whereas the specific design and detailing of buildings (within these envelopes) will be sought in subsequent Stage 2 DAs.

- Discussions and meetings held between the University and the DPE during the assessment process focused on the appropriateness of building forms dictated by the proposed building envelopes and not the wholly mapped precinct areas. This is best evidenced through amendments made by the University to particular building envelopes during the course of the assessment, rather than consideration of all buildings and areas within particular precincts. This matter is further re-enforced in the wording of various conditions within the consent including:
 - A7 – relating to specifics within building envelope No.1
 - A6 – relating to maximum GFA “allowed by this approval for new built form within building development sites of the Campus Improvement Program within each precinct...”
 - B2 – Various other references to the particular building envelopes.
- The DPE's Assessment Report in this SSDA made no reference to the intention of excluding development that sat outside of the identified building envelopes (but within the generally described precinct areas).

4 Implications of the existing wording of the consent

It is important for the University to have this misdescription properly rectified via this Section 96(1) modification for the following reasons:

- The existing wording of Condition A4 could be interpreted as excluding development opportunities outside of the 'red line' building envelope areas (but within the generally shown precinct areas)
- Such exclusions would prevent minor applications currently contemplated by the University including things like smaller scale permanent and temporary buildings including (but not limited to) internal and minor external alterations and additions, minor infill development, external structures such as cafes or student service kiosks, and the like-that could properly be assessed by City of Sydney Council in relation to their adequacy.
- Such exclusion prevents the possibility of exercising possible exempt and complying development applications within these areas.

5 Conclusion

Having regard to the explanation provided within this letter, the proposed amendments sought within Appendix 1 of this letter are considered appropriate in the context of Section 96(1) of the EPAA. Furthermore, they provide the much-needed certainty of interpretation by the many stakeholders and authorities required to implement the overall Campus Improvement Program.

If you have any questions in relation to this matter, please contact me on 02 8233 9949.

Yours sincerely,



Peter Strudwick
Director

Encl. Appendix 1 – Amendments sought.

Appendix 1- Amendments Sought