

## ASSESSMENT REPORT

### UNIVERSITY OF SYDNEY LEES 1 BUILDING SSD 7054 MOD 1

#### 1. INTRODUCTION

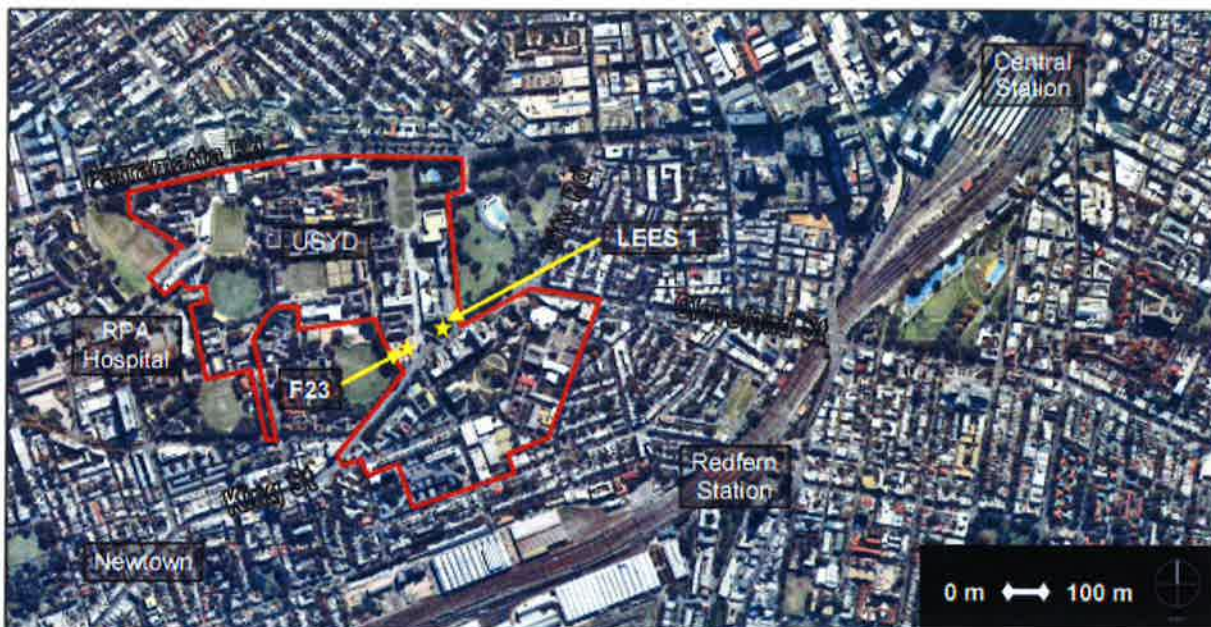
This report is an assessment of an application seeking to modify the State Significant Development (SSD) approval for the construction and use of an education and research building at The University of Sydney, Camperdown Campus in the City of Sydney local government area.

The application has been lodged by the University of Sydney pursuant to section 96 (1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks approval to amend the timing of Condition B8 relating to Public Art.

#### 2. SUBJECT SITE

The subject modification relates to the LEES 1 building within the Camperdown Campus of the University of Sydney (see **Figure 1**).

The site is located approximately 2.5 kilometres (km) southwest of Sydney's central business district and one kilometre west of Redfern Station. Existing University land uses surround the sites to the north and south, while Victoria Park is located immediately northeast of the LEES 1 building. St Paul's College Oval is located immediately to the west of the F23 building and St Paul's College residential accommodation is located further to the west beyond the oval.



**Figure 1: Site Location**

### 3. APPROVAL HISTORY

On 22 December 2016, the Minister granted SSD approval for the construction and use of a new eight storey education and research building (known as the LEES 1 building) (SSD 7054) at the University of Sydney, Camperdown Campus.

### 4. PROPOSED MODIFICATION

On 7 February 2017, the Proponent lodged an application SSD 7054 MOD 1 seeking approval to amend Condition B8- 'Public Art' to allow details of the public art to be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate, rather than prior to the certification of aboveground works. The application also seeks consent to allow for a copy of the public art to be submitted to the Department prior to occupation of the building, rather than prior to the commencement of work.

The proposed modified condition is outlined below.

#### Public Art

B8. Public art is to be integrated into the development in accordance with the University of Sydney's *Public Arts Strategy and Wingara Mura-Bura Barrabugu Strategy*, details of which are to be provided to the satisfaction of the Certifying Authority prior to the issue of any Occupation Certificate ~~certification of aboveground works~~. The Applicant must submit a copy of the public art to the Department, prior to occupation of the building ~~the commencement of work~~.

The modification is requested on the basis that the process of artist selection and public art design and finalisation is expected to take some months and will be concluded prior to occupation of the approved building. The University argues that it is unreasonable require the public art selection and design to be finalised prior to the commencement of works on the site.

It is noted that the proposed modification would require the Condition to be moved from Schedule 2 Part B- Prior to Commencement of Works to Schedule 2 Part D- Prior to Occupation or Commencement of Use.

As such, the modification would require the deletion of Condition B6 from Schedule 2 Part B and the modification of Condition D3 to incorporate the amended Condition B6 as proposed by the Applicant.

The proposed modified Condition D3 is outlined below.

#### Public Art

D3. Public art is to be integrated into the development in accordance with the University of Sydney's *Public Arts Strategy and Wingara Mura-Bura Barrabugu Strategy*, details of which are to be provided to the satisfaction of the Certifying Authority prior to the issue of any Occupation Certificate. The Applicant must submit a copy of the public art to the Department, prior to occupation of the building. High quality Public art is to be installed in accordance with condition B6 and the University of Sydney's ~~*Public Arts Strategy and Wingara Mura-Bunga Barrabugu Strategy*~~ and to the satisfaction of the Certifying Authority prior to the issue of to the commencement of use of the building.

## 5. STATUTORY CONSIDERATION

### 5.1 Modification of approval

Section 96(1A) of the EP&A Act requires the consent authority to be satisfied that the following matters are addressed in respect of all applications that seek modification approvals:

Section 96(1A) matters for consideration	Comment
That the proposed modification is of minimal environmental impact	<b>Section 7</b> of this report provides an assessment of the impacts associated with the proposal. The Department is satisfied that the proposed modifications would have minimal environmental impact.
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).	The proposed modification seeks approval for minor changes to a condition and does not result in any additional adverse impacts on the surrounding area. On this basis, the proposal would result in development that is substantially the same as the originally approved development.
The application has been notified in accordance with the regulations	The modification application has been notified in accordance with the regulations. Details of the notification are provided in <b>Section 6</b> of this report.
Any submission made concerning the proposed modification has been considered.	The Department did not receive any public submissions on the proposal. The suggestions raised by the City of Sydney Council have been considered in <b>Section 7</b> of this report.

### 5.2 Environmental Planning Instruments

The following EPIs were relevant to the assessment of the original application:

- *State Environmental Planning Policy (State and Regional Development) 2011*
- *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *Sydney Local Environmental Plan 2012*

The Department undertook a comprehensive assessment of the redevelopment against the above mentioned EPIs in its original assessment. The Department has considered the above EPIs and is satisfied that the modification would not change the proposal's consistency with the EPIs.

### 5.3 Approval Authority

The Minister for Planning is the approval authority for the application. However, the Director, Modification Assessments, may determine the application under delegation as:

- the relevant local council has not made an objection; and
- a political disclosure statement has not been made; and
- there are no public submissions in the nature of objections.

## 6. CONSULTATION

The application was notified in accordance with the *Environmental Planning & Assessment Regulation 2000*. The modification request was made publicly available on the Department's website and referred to the City of Sydney (Council). Due to the minor nature of the proposed modification, the application was not exhibited by any other means.

**Council** were generally supportive of the proposed modification but suggested an alternate timing for the submission of details to the Department.

There were no public submissions received.

## 7. ASSESSMENT

The application seeks to modify Condition B8 to allow details of the public art to be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate, rather than prior to the certification of aboveground works. The modification also seeks consent to allow for a copy of the public art to be submitted to the Department prior to occupation of the building, rather than prior to the commencement of work.

Council were generally supportive of the proposed modification. However, Council suggested that the Applicant should submit details of the public art to the Department prior to the commencement of any new building works, rather than prior to occupation as requested by the Applicant.

The Department considers it is not necessary for details of the public art to be submitted to the Department prior to the commencement of any new building works. The submission of the public art details prior to the occupation of the building would allow appropriate time for the public art design to be finalised and for the Department to review the details. In addition, the Department notes building works have already commenced on the site. Therefore the Applicant would not be able to comply with Council's suggested timing.

The Department's assessment concludes that the modified condition would not result in any adverse impacts and the original intent of the condition would still be achieved.

## 8. CONCLUSION

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposed modification is appropriate on the basis that the intent of the original condition would still be achieved.

Consequently, it is recommended that the modification be approved subject to the recommended conditions.

## 9. RECOMMENDATION

It is RECOMMENDED that the Director, Modification Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report;
- **approves** the application under section 96 (1A), subject to conditions; and
- **signs** the notice of modification (**Appendix A**).

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**Modification Assessments**



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**Modification Assessments**

## **APPENDIX A: NOTICE OF MODIFICATION**

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A copy of the instrument of Modification can be found on the Department's website at the following address:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8237](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8237)

## **APPENDIX B: SUPPORTING INFORMATION**

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The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

1. Modification request

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8237](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8237)

2. Submissions

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8237](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8237)

3. Response to Submissions

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8237](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8237)

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