

SSD 7054: CONSTRUCTION AND USE OF AN EDUCATION AND RESEARCH BUILDING KNOWN AS "LEES1"

PROPOSED MODIFICATION OF CONSENT

SECTION 4.55 (1A) APPLICATION REQUEST

In accordance with the provisions of clause 4.55(1A) of the *Environmental Planning & Assessment Act 1979* (the Act) the University submits to the Department of Planning & Environment (DPE) a request for the modification of condition *D3 Public Art* to SSD 7054.

The existing consent condition sought for modification of consent is:

Condition D3 - Public Art:

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. Public art is to be installed to the satisfaction of the Certifying Authority prior to the issue of to the commencement of use of the building.

The proposed rewording of the condition is as follows (changes highlighted in red):

PROPOSED AMENDMENT OF Condition D3.

*Public art is to be integrated into the development in accordance with the University of Sydney's **draft Art in Public Space 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 Public Art is to be installed to the satisfaction of the Certifying Authority **by no later than 1st March 2019 (being the start of the University semester).***

DETAILS

The University has satisfied the *Wingara Mura-Bura Barrabugu* design principles in the development of the university's Public Art Strategy, which is now renamed the *draft Art in Public Space Strategy*. However, the University is unable to satisfy the condition D3 deadline for the installation of public art prior to the commencement of use of this building for reasons detailed in this document.

The University's *draft Art in Public Space Strategy* had been delayed due to changes in the University executive appointments and portfolios, and which has required a review of the strategy. Notwithstanding, the strategy has now been finalised and adopted by the University and a copy attached for your information. The University has provided the City of Sydney Council with a copy of its *draft Art in Public Space Strategy* (submitted to Council's Public Arts Manager and Precinct Manager for SSD applications). The University's *draft Art in Public Space Strategy* satisfies the following *Sydney DCP 2012* provision (although the University notes the new F23 building does not necessarily constitute "private development")

3.3.7 Public art

(1) A public art strategy prepared by a suitably qualified person consistent with the City of Sydney's Guidelines for Public Art in Private Development is to inform the competitive design process and where appropriate, be included in the competition brief.

The University is committed to the provision of both public art on the University campus, and for both the LEES1 development.

The University has demonstrated its commitment to public art with the recent commissioning of Robert Andrew (indigenous artist), as part of the new Faculty of Arts and Social Sciences building, completion in June 2018. The University is also in the process of curating art from its existing collections for installation for the adjoining F23 building (*Heat* by Christian Thompson will be hung in the public lobby of the F23 Administrative building).

A. Public Art Procurement for F23 and LEES1:

The University has commenced the commissioning of public art for both LEES1 and the adjoining F23 projects. Dale Harding (artist) has prepared concepts for the artworks, and a copy is attached for your information. A copy of the University's commissioning of Dale Harding is also attached, and confirms the University's commitment to quality public art before these new buildings. The construction of the design approved public art may require several months to complete and be installed, and which therefore requires the extension of SSD consent condition D3 as outlined by this proposed modification of consent.

The University anticipates the concept development, finalisation and construction of the public art for both the LEES1 and the adjoining F23 buildings prior to the commencement of the 1st semester 2019, being no later than 1st March 2019. This timeframe provides the flexibility for the artist(s) to fully develop and install the public art during semester and non-semester periods.

The University has committed \$300,000 for the public art commission to the LEES1 and F23 developments.

B. Consultation with the City of Sydney Council

During the preparation of this proposed modification of SSD consent, the University has met and discussed the University's *draft Art in Public Space Strategy* for the LEES1 and adjoining F23 buildings with:

- Council's Public Art Program Manager, Eva Rodriguez Riestra
- Council's Area Planning Manager, Michael Soo (telephone conversation and email only)

Council's Public Art Program Manager has:

- been supportive *in principle* of the University's *draft Art in Public Space Strategy* and of the University's approach in commissioning Dale Harding with the public arts sought for the LEES1 and adjoining F23 buildings;
- advised that Council would not likely accept the University's offer of a monetary bond to confirm its commitment to the public art provisions for these new buildings, as part of this modification proposal, as the Department is the SSD assessment/consent authority and not Council. Notwithstanding, Council prefers evidence based on the commissioning of recognised artists. The University has now demonstrated this evidence with the commissioning of Dale Harding (contract and concept designs attached); and
- referred the University's proposal and strategy to Council's Assessments department for comment.

Council's Area Planning Manager has confirmed receipt of the *draft Art in Public Space Strategy* and intention for SSD Modification, and has recommended the University proceed with the lodgement of this proposal for Modification to SSD 7054 with the Department of Planning. This advice from Council was suggested in order not to delay the assessment process, and allows Council the time to respond to the formal Modification once referred by DPE.

C. University of Sydney Commitments To Public Art for the F23 Building

Following our meetings, and in consultation, with Council's Public Art Program Manager the University provides the following commitments:

- a) Referral of the University's *draft Art in Public Space Strategy* to the City of Sydney Council (already provided) and the DPE (attached);
- b) Completion of the procurement process, commissioning an artist(s) for the provision of public art to the LEES1 and adjoining F23 buildings and campus domain;
- c) A minimum budget of \$300,000 for the design and installation of public art to both buildings (combined budget); and
- d) The installation of public art to the LEES1 and adjoining F23 buildings on Camperdown campus domain by no later than March 2019, prior to commencement of the University's 1st March 2019 semester.

D. Section 4.15 Evaluation, Environmental Planning & Assessment Act 1979

Under the provisions of Section 4.15 Evaluation of the Act, this proposed modification:

- a) does not affect or alter the provisions of any environmental planning instrument, including the *Sydney LEP 2012* (section 4.15(a)(i) of the Act);
- b) satisfies the provision of *Section 3.3.7 Public Art* contained within the *Sydney DCP 2012* (section 4.15(a)(ii) of the Act);
- c) is not applicable to any planning agreement, as none exists for this existing SSD consent (section 4.15(a)(iia) of the Act);
- d) does not affect or impact the regulations (section 4.15(a)(iv) of the Act);
- e) is not applicable to any coastal management plan, as none exists for this existing LEES1 site (section 4.15(a)(v) of the Act);
- f) once implemented, the public art will augment and complement the environmental impacts upon both the natural and built environments of the LEES1 site and Camperdown campus, and consequently will improve social and economic impacts in the locality (section 4.15(b) of the Act). Notwithstanding, this proposed modification does ensure the university's commitment to the provision of public art for this development site;
- g) is suitable for this site. The University's *draft Art in Public Space Strategy*, budget commitment, and commissioning of artist Dale Harding, confirms the University's commitment to the provision of high quality and appropriate public art for the LEES1 building and site (section 4.15(c) of the Act);
- h) confirms that the proposed modification of consent condition D3 will augment and complement the design of the LEES1 building, and will not introduce any adverse environmental impacts to the site, campus or surrounding public domain (section 4.15(d) of the Act); and
- i) will produce high quality public domain that will be accessible and visible by the general public, and will therefore serve the public interest (section 4.15(e) of the Act).

CONCLUSION AND RECOMMENDATION:

In consideration of the University's commitment to its *draft Art in Public Space Strategy*, the budgetary and artists commissions, and the response to Evaluation criteria under the Act, the University therefore recommends seeks the Department of Planning's determination and approval to amend conditions D3 as follows:

PROPOSED AMENDMENT OF Condition D3.

D3. Public Art

Public art is to be integrated into the development in accordance with the University of Sydney's ~~draft Art in Public Space 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 Public Art is to be installed to the satisfaction of the Certifying Authority by no later than 1st March 2019 (being the start of the University semester).



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Attachments:

- University of Sydney, draft Art in Public Space Strategy, March 2018
- University of Sydney, Letter of engagement Dale Harding
- Dale Harding – Preliminary Public Art Concept, March 2018