

ASSESSMENT REPORT

University of Sydney LEES 1 Building, Camperdown Campus SSD 7054 MOD 2

1. INTRODUCTION

This report is an assessment of an application seeking to modify the State significant development (SSD 7054) consent for the construction and use of an education and research building (known as LEES 1) 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 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks approval to amend condition D3 relating to the timing of the delivery 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 development 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 site 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, and St Paul's College residential accommodation is located further to the west beyond the oval.

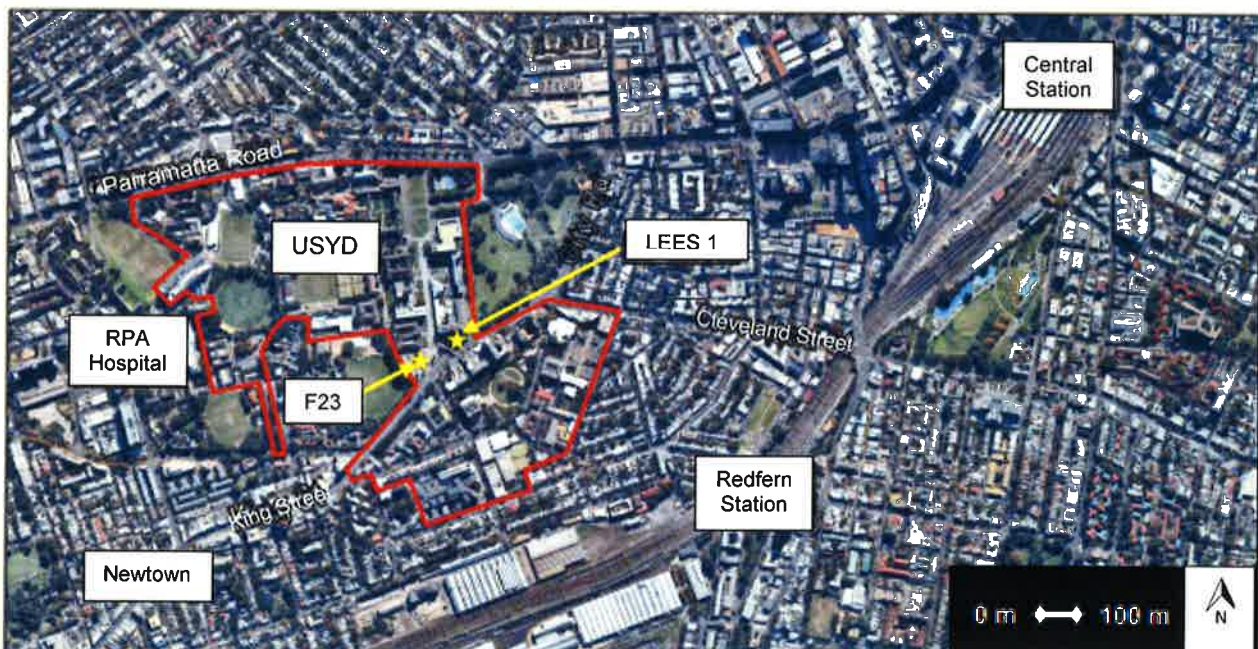


Figure 1: Site location

3. APPROVAL HISTORY

On 22 December 2016, the Minister granted SSD approval for the construction and use of an education and research building, known as "LEES 1" at the University of Sydney, Camperdown Campus. The development included:

- minor demolition works to the interface with the adjoining Carslaw Building
- site preparation works, including excavation and removal of nine trees
- construction of an eight storey science research and teaching facility, with level 1 basement storage and loading dock facilities and level 8 building services
- construction of building connections to levels 1 and 2 of the adjoining Carslaw Building
- business identification and signage
- ancillary services, civil and landscaping works, including a new substation in the Carslaw Building basement.

On 4 April 2017, the Director, Modification Assessments, under delegation, approved a modification of consent (MOD 1) for the amendment of condition D3 – Public Art to allow details of the public art be submitted prior to occupation of the building (rather than prior to the certification of aboveground works). The amended condition also requires the art to be installed prior to the commencement of use of the building.

4. PROPOSED MODIFICATION

On 29 March 2018, the Applicant lodged an application (SDD 7054 MOD 2) seeking approval to amend condition D3 relating to Public Art.

The current condition D3 (as amended by MOD 1) reads as follows:

"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."

Under MOD 2, the Applicant is requesting that condition D3 be further amended to account for the University's inability to meet the deadline for the art installation before occupation of the building. While the LEES 1 building is anticipated to be ready for occupation on 20 August 2018, the installation of the artwork is not expected to be completed until the end of September 2018.

5. STATUTORY CONSIDERATION

5.1 Modification of approval

Section 4.55(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:

Table 1: Matters to be satisfied under section 4.55(1A) of the EP&A Act

Section 4.55(1A) matters for consideration	Comment
That the proposed modification is of minimal environmental impact	Section 7 of this report provides an assessment of the impacts associated with the proposal. The Department is satisfied that the proposed modifications will have minimal environmental impacts.
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	The proposed modification only seeks to make minor changes to condition D3 Public Art. The overall condition still requires public art to be integrated into the development, with the proposed modification relating to the delivery timeframe for the art. The Department considers that as the modification does not

that consent as originally granted was modified (if at all).	result in any changes to the buildings, no changes to the building envelope or appearance, and that public art is still required, the modification would result in a 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 Section 6 of this report.
Any submission made concerning the proposed modification has been considered.	The Department received one informal submission from the City of Sydney of Council. No public submissions were received. Refer to Section 6 of this report.

5.2 Environmental Planning Instruments

The following EPIs are relevant to the development:

- 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 No. 64 – Advertising Signage (SEPP 64)
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)
- Sydney Local Environmental Plan 2012 (SLEP).

The Department undertook a comprehensive assessment of the redevelopment against the abovementioned EPIs in its original assessment.

The Department has considered the above EPIs and is satisfied that the modification does not result in any change to consistency with the EPIs.

5.3 Approval Authority

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

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

6. CONSULTATION

The application as originally lodged was notified in accordance with the *Environmental Planning and Assessment Regulation 2000*. The modification request was made publicly available on the Department's website and referred to City of Sydney Council (Council).

Whilst Council did not object to the proposed modification, it recommended that the original condition remain unchanged to ensure that the art is installed prior to the building opening.

No public submissions were received.

7. ASSESSMENT

The application seeks to modify condition D3 to amend the deadline for the installation of the commissioned public artworks. Altering the deadline from 'prior to occupation' to the end of September 2018 allows the artist(s) flexibility in developing and installing their works.

The previous modification (MOD 1) amended condition B3 to require the delivery of public art from 'prior to commencement of work' to 'prior to occupation of the building'. The justification for the modification was that artist selection and public art design was expected to take some months and would be concluded prior to occupation of the approved building.

However, the current modification is requested on the basis that the University's draft Art in Public Space Strategy was delayed. As a result, the University will be unable to satisfy the deadline for

the installation of public art prior to the commencement of use of the LEES 1 building. Council has recommended that the original condition be maintained to ensure the artwork would be installed.

As evidence of its commitment to providing the required artwork, a copy of the University's commissioning of Dale Harding (indigenous artist) to deliver the art has been provided. Concepts for the artworks have also been provided to the Department.

Taking all of this into consideration, the Department recommends that the condition be reworded to:

"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. The Applicant must submit evidence of the creation/installation of the public art having commenced to the Secretary prior to the final occupation of the building. The public art is to be completely installed to the satisfaction of the Secretary by no later than 28 September 2018."

The Department is satisfied that deferring the art installation deadline will result in a high quality public domain without unnecessarily delaying the opening of the new university building. However, it is important to demonstrate that prior to final occupation work on the art has commenced and will be completed. Therefore, the condition has been modified accordingly.

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:

- it would not result in any adverse environmental impacts
- it is in the public interest
- it promotes and ensures the University's commitment to public art
- the intent of the original condition D3 relating to public art would still be achieved.

Consequently, it is recommended that the modification be approved.

9. RECOMMENDATION

It is recommended that the Director, Social and Other Infrastructure Assessments:

a) as delegate of the Minister for Planning:

- **consider** the findings and recommendations of this report
- **determine** that the application falls within the scope of section 4.55(1A) of the EP&A Act
- **modify** the consent (SSD 7054 MOD 2)
- **sign** the attached instrument of modification (**Appendix A**).

- b) form the opinion under section 7.17(c) of the *Biodiversity Conservation Act 2016* that a biodiversity development assessment report is not required to be submitted with this application as the modification will not increase the impact on biodiversity values of the site.

Recommended by:



David Gibson
Team Leader
Social & Other Infrastructure Assessments

DECISION

Approved by:



10/5/18

Dominic Crinnion
A/Director
Social & Other Infrastructure Assessments
as delegate of the Minister for Planning