

## APPENDIX E

### University of Sydney Case for exemption from the Redfern Waterloo Authority Contribution Plans

#### POSITION ON APPLICABLE DEVELOPMENT CONTRIBUTION PLAN

In response to the City of Sydney's submission dated 21 May 2018, the University does not support the imposition of any Development Contributions upon the proposed Engineering & Technology Precinct development.

The City of Sydney argues that the Sydney Development Contributions Plan has jurisdiction over this site, and not the Redfern Waterloo Development Contribution Plans. DPE has responded to the University by clarifying that the Redfern Waterloo Development Contribution Plans are the relevant plans for the Darlington Campus, and that the EIS for the Engineering Technology Precinct has therefore referenced and addressed the correct contributions plans.

The Development Contribution Plans administered by Urban Growth comprise the following (which are collectively referred to in this document as the *RWA Plans*):

- Redfern- Waterloo Authority Contributions Plan 2006
- Redfern- Waterloo Authority Affordable Housing Contributions Plan 2006

The RWA DC Plan enforces a levy of 2% of the cost of carrying out development, while the RWA Affordable Housing Contribution Plan enforces a levy of \$73.12 per square metre of GFA of a development. The RWA Plans contain a Schedule of 20 proposed works to which Urban Growth will dedicate development contribution monies received, towards Drainage, Road/Public Transport/Access Infrastructure, Public Domain, and Child Care facilities. None of these nexus works are located within the University of Sydney Camperdown-Darlington campus.

Clause 6 of both contributions plans provides for circumstances where the Minister can consider exemption from contributions.

The University notes that Urban Growth, who administer the RWA Plans, has not provided any submission to DPE in response to the public exhibition of the E&TP project SSD.

#### **UNIVERSITY CASE FOR EXEMPTION FROM THE RWA CONTRIBUTION PLANS**

Notwithstanding, the University provides the following justification by it should be exempt from any intended development Contributions for this proposed development.

## 1. CIRCULAR D6 CROWN DEVELOPMENT APPLICATIONS AND CONDITIONS OF CONSENT

The Department of Planning's Circular D6 allows for the full exemption of development contributions for Crown development except in relation to local traffic improvements required for the development (to support access to the site at the main entrance) and drainage infrastructure (where justified). The ET&P proposal should be granted full exemption in accordance with Circular D6 as:

- the proposal is Crown development;
- the proposal does not create or require any external traffic improvements for the development and the internal improvements at the main entrance form part of the development;
- the proposed development drains to the Blackwattle Bay stormwater catchment, and will not generate any additional demand on the City of Sydney Council's and Sydney Water's stormwater infrastructure; and
- the development will deliver educational infrastructure facilities to address the needs of the Sydney Central Region. The ET&P upgraded facilities provide further investment in social infrastructure and supports a total of 150 employment opportunities through the construction stage of the development.

Therefore, there is no justification to levy the University for the traffic management and drainage works. This justification is strengthened by the University's proposal to augment stormwater drainage infrastructure and associated works as well as local traffic management/pedestrian works to and surrounding the site development, as is detailed further below.

## 2. DOPI REVIEW OF LOCAL & REGIONAL CONTRIBUTION EXEMPTIONS, 2013

In 2013, the Department of Planning & Infrastructure (now DPE) conducted a review of Circular D6 and provided its written advice to a Technical Reference Group addressing Development Contributions. In its report, the DoPI concluded Educational Establishments (Crown, including Universities) should be exempt from the following types of contribution (excerpt from Table 2):

Table 2: Overview of proposed contributions exemptions (local and regional)

Type of Development	Type of Contribution		
	Local Direct	Local Indirect	Regional
Educational Establishments (Crown, including universities)	Exempt <sup>1</sup> (except contributions for Drainage and Site Access <sup>2</sup> only)	Fully Exempt	Fully Exempt

The University therefore concludes that the DPE has been consistent in its intended application of Circular D6.

### 3. PROPOSED STORMWATER INFRASTRUCTURE, LOCAL TRAFFIC MANAGEMENT & PUBLIC BENEFIT WORKS

The University is willing to commit a total of **\$6,308,000** (excluding GST) to the provision of stormwater infrastructure and local traffic management/public realm works at the site entrance, in accordance with the Department's *Circular D6Crown Development applications and Conditions of Consent*, as an offset to any intended development contribution.

Item	Proposed Works	Scope	Value	Works to be Completed
<b>A</b>	<b>Stormwater infrastructure</b>	Stormwater detention and associated works, including 530m <sup>3</sup> stormwater basin.	\$2,800,000 ex GST	Prior to occupation
<b>B</b>	<b>Pedestrian Pathway Shepherd Street to Cadigal Green &amp; Seymour Centre</b>	Public Access way connecting Shepherd Street to Cadigal Green utilising the existing Blackwattle Creek Lane service road. Pedestrian Lane upgrade to Seymour Centre.	\$3,508,000 ex GST	Prior to occupation
<b>Total</b>			<b>\$6,308,000 ex GST</b>	

#### **A) Stormwater Infrastructure works:**

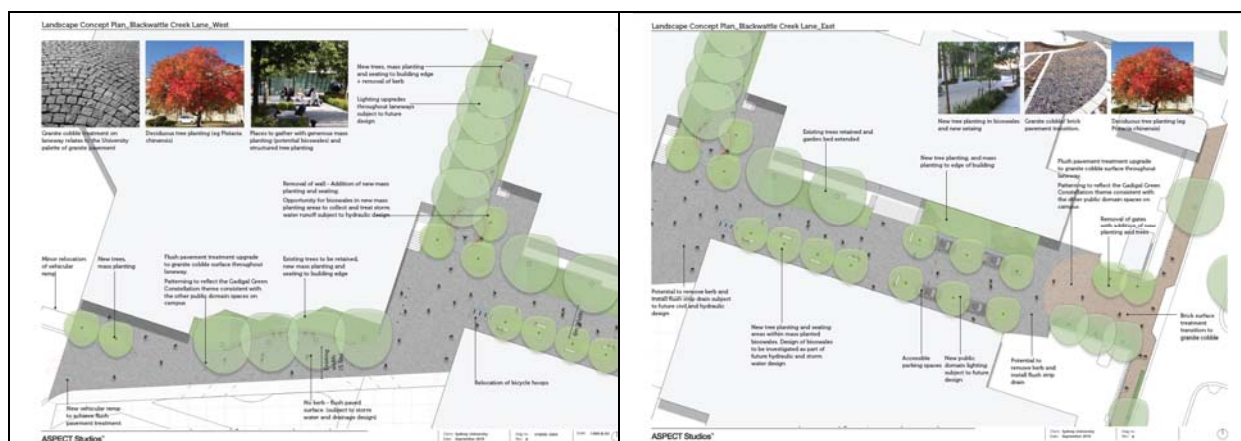
A (i) The proposed campus domain stormwater and civil works to this site include the diversion of overland flow into planted landscaped 530m<sup>3</sup> detention basin on-site and the introduction of gross pollutant traps, thereby improving the detention and discharge quality of stormwater.

Further stormwater infrastructure works, to additionally offset any development contribution levies, include improving traffic management and stormwater by pedestrianising Blackwattle Creek Lane. These works would include water sensitive urban design that creates a landscaped pedestrian link from Shepherd Street to Cadigal Green, thereby transforming the public pedestrian connection through the University and improving stormwater discharge quality.

#### **B) Blackwattle Creek Lane and Shepherd Street traffic/pedestrian upgrades:**

Submissions by local residents and the City of Sydney address concerns about pedestrian access and safety and the appearance of this section of Shepherd Street. Consequently, the Landscape Plan proposal prepared by Aspect Studios accompanies this request for exemption from Development Contributions and provides the following:

- 1 **Shepherd Street** - the upgrade to Shepherd Street West between Ivy and Boundary Streets to improve the pedestrian environment and amenity on the University's eastern-most street address. Materiality will be consistent with the City of Sydney standards for Local areas, and respond to the recent streetscape upgrades, most notably, Abercrombie Street.
- 2 **Blackwattle Creek Lane** - The upgrade to Blackwattle Creek Lane will improve the street address of this key entry point into the University. Blackwattle Creek Lane is an under-utilised service entry point into the University. Its upgrade will improve the permeability and pedestrian flow from the surrounding precinct, in particular, Redfern Station and Cleveland Street. The lane way will prioritise pedestrian movement and comfort, whilst continuing to cater for vehicles in a shared environment arrangement. Some car parking will be retained.
- 3 **Pedestrian Lane** - The upgrade to the pedestrian lane connecting to the Seymour Centre provides an important north-south link that is currently underutilised. There is opportunity to improve the amenity of this lane with additional planting and seating for pedestrians to utilise.

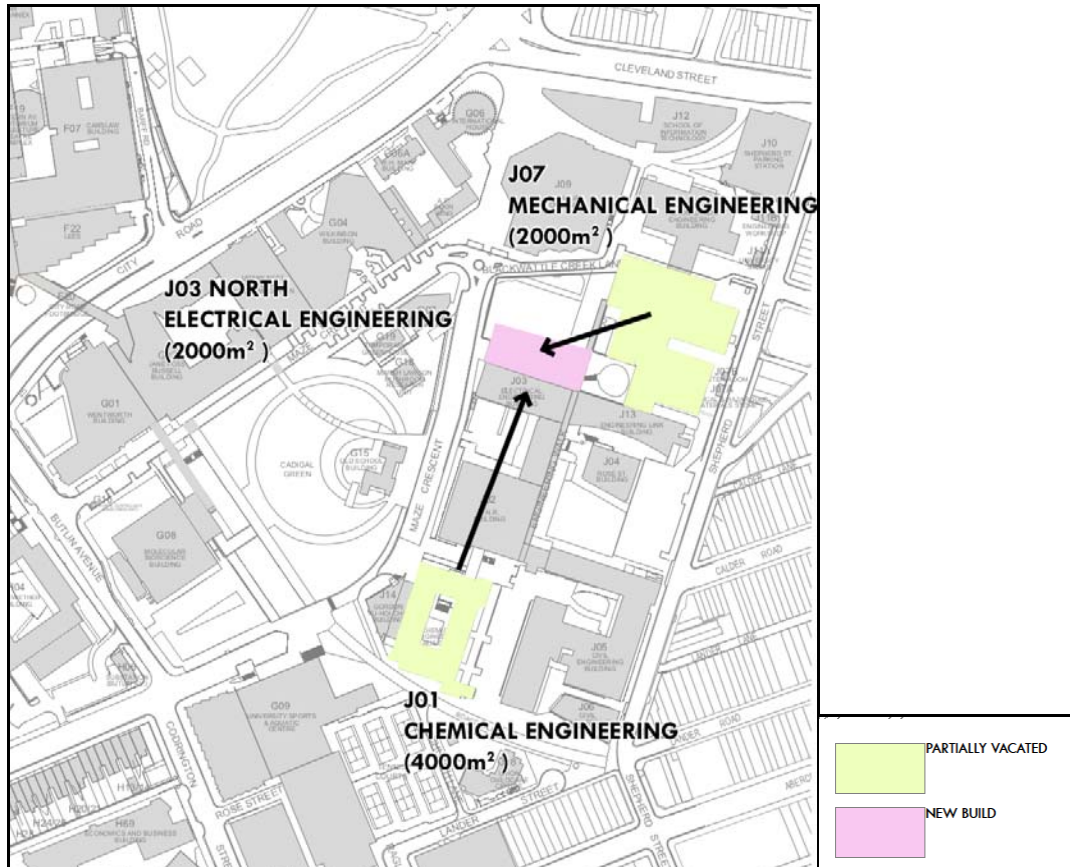


#### 4. PRECINCT AND BUILDING POPULATION

Fundamentally, the Local Infrastructure Regime established by Sections 7.11 and 7.112 of the EP&A Act 1979 is to address an increase in demand or the need to provide public amenities as a result of a development. The subject application is for the rebuilding and renewal of research and education facilities within the ETP of the University. The existing J01 Chemical Engineering building, J03 North Mechanical Engineering building, and J07 Electrical Engineering building are old and not capable of delivering modern or efficient research and teaching facilities. Consequently, the proposed development seeks to provide a modern and World Class building and to accommodate relocated existing engineering staff and students from within the Darlington campus.

The proposed new building is not designed to accommodate a significant increase of staff/student population to the Engineering precinct or Darlington campus. A small increase is envisaged by the proposed development of 124 (existing) to 138 staff (14 additional staff), and 872 (existing) to 966 students (94 additional students).

The site (building) population increase will derive from other buildings within the engineering campus (refer to details in the University's RtS submission). See map below. On this basis, it cannot be said that the development will lead to an increased burden or need for public amenities and services in the area. As there is not an identified increase in demand on facilities or services there is no demonstrable nexus to require the payment of a contribution towards public facilities and services.



## UNIVERSITY OF SYDNEY JUSTIFICATION FOR EXEMPTION FROM THE RWA PLANS

**A) The University's shared interest:** The University acknowledges that Urban Growth needs to meet the demand for local infrastructure and provide public amenities and public services within the local area and that, to enable it do so, it makes and applies Contributions Plans.

In 2016, the University attracted over 51,000 enrolments, employed over 7,500 permanent staff, and generated over 5,000 jobs in the areas of construction, facilities maintenance and services. The University is a significant employment node and destination, as well as a future employment provider through its qualified students.

The University's Darlington campus covers 14 hectares and wholly occupies the postcode of NSW 2008. The University has a shared interest with Urban Growth in the objectives to improve the amenities and provide adequate and appropriate infrastructure for use by the local community.



- B) Statutory Context:** Under clause 226(1) of the *Environmental Planning & Assessment Regulation 2000*, Australian universities (within the meaning of the *Higher Education Act 2001*) are prescribed to be the Crown for the purposes of Division 4 of Part 4 of the EP&A Act which relates to Crown developments. The University is listed as an Australian university in Schedule 1 of the *Higher Education Act 2001*. Consequently, this SSD application is a “Crown development application” to which Division 4 of Part 4 of the EP&A Act applies. This affords the University with special provisions to ensure that developments are not unreasonably refused or conditionally approved. This extends to any intended draft conditions levying Development Contributions which Urban Growth may not levy without the University’s or the Minister for Planning’s consent.
- C) Purpose of Development Contributions:** The underlying purpose of Development Contributions is to meet the costs of local public infrastructure needed to support private development. The University considers the levying of Development Contributions for University developments to be unreasonable, particularly given the past, current and planned future works and services the University contributes that have a material public benefit, not only to the University’s students and staff, but also to the wider community. The University argues that development it undertakes should not be classified as private development because teaching and research facilities, libraries, laboratories, student accommodation, retail and professional services, recreational facilities, open space, and all other associated infrastructure, are integral to the University’s broader educational and research functions, which are inherently public in nature.
- D) Excluded development:** Section 6 of the RWA Plans list development that is considered excluded from Development Contributions including:
- “development the subject of a application made, for or on behalf of the Crown for the sole purpose of a fire station, community health facility, public hospital, police station/police shop front, ambulance station, public school, or other public infrastructure as determined by the Minister”.

The University highlights:

- The subject proposal is infact a Crown application and for a public service that falls within the spirit of the examples provided worthy of exemption.
- While the University does not strictly meet the definition of a “school” it nevertheless performs similar educational services at a tertiary level. The University is constituted under the *University of Sydney Act 1989*, and is identified as an “Australian University” under the provisions of the *Higher Education Act 2001*, in particular *Schedule 1 Australian universities, Part 1 Universities established or recognised by an Act*. Consequently, the University argues that the same exclusion should apply to the universities.

- Finally, as demonstrated by this report, the university is the responsible body for providing, managing and maintaining infrastructure within the Darlington-Camperdown campus. The university does not receive any monies in support for campus infrastructure from Urban Growth or the City of Sydney.

Consequently, the university argues that the university and this proposed development should qualify for exemption from the application of contributions under the RWA Plans.

#### **E) Material public benefit from the Engineering & Technology Precinct Development (ETP):**

A **consent authority** may accept "a *material public benefit (other than the dedication of land or the payment of a monetary contribution) in part or full satisfaction of a [development contributions condition]*".

The DPE's *Development Contributions Practice Note 2005* (Practice Note) sets guidelines to follow when establishing contributions plans in relation to both material public benefit and works in kind. The Practice Note describes a material public benefit as either being work undertaken that is specified in the schedule of a development contributions plan (i.e. works in kind) or the provision of public amenities & services that are not in any contributions plan.

The proposed ETP building is located within the heart of the Darlington campus, and will provide a vast range of community benefits, and related facilities, that the general public will use in lieu of Council facilities and other local facilities. These works are described on pages 2-4 of this report.

#### **F) Traffic & Transport:**

The proposed development will produce no additional burden or pressure on surrounding roads networks. The proposed development does not seek to provide any additional carparking for staff or students. Notwithstanding, the principal route of vehicle access to this site is via the Darlington campus Maze Crescent and which is owned, managed and maintained by the university. The development site enjoys close proximity to key public transport hubs along City Road, Cleveland Street, King Street, and Redfern Station, and which ensures a reduced reliance on motor vehicle usage.

The University also provides a free University shuttle bus service to transport people to and from the University campuses to Redfern Station.

Sufficient bicycle storage and end-of-trip facilities are proposed, compliant with the provisions of Sydney Development Control Plan 2012, and located within the basement of the ETP building to encourage the use of active transport. Students will also have access to the numerous existing bicycle parking facilities throughout the Darlington and Camperdown campus.

**G) University provision of local infrastructure and community benefits as material public benefits:**

The University has a public charter and its Darlington campus is open to the public as an accessible and permeable precinct which provides a number of material public benefits to the local and broader community over and above its core focus on education and research. These benefits include significant areas of open space, sport and recreational facilities (including an aquatic centre), libraries, child care centres, medical services, retail facilities, professional services and large areas of open space, all of which are available for use by the general public.

The University also maintains and upgrades the roads, pedestrian footpaths and stormwater drainage systems within and near its campus boundaries. These are analogous to the public amenities and services which Urban Growth and the City of Sydney provide for their respective jurisdictional areas.

**H) University financial commitments:**

The University's commitment to the provision of local infrastructure is evident by the significant material public benefits provided by the University to Camperdown and Darlington. This includes over \$69 million of past capital investment since 2012, and \$105 million of planned/future capital investment, towards campus open space, stormwater infrastructure, traffic and pedestrian upgrades, and heritage/conservations works, in addition to the numerous other facilities and services offered by the University to the public. None of these facilities and services have been contributed to by Urban Growth or the City of Sydney Council.

The table below demonstrates the significant past and planned University budgets dedicated to these facilities and services:

PAST Committed Infrastructure and Public Works 2012-2017		Details
WORKS	\$	
Stormwater Drainage	5,500,000	Camperdown \$3M - stormwater masterplan, Science Road, Fisher Road, Oval 2, Law School upgrades Darlington \$2.5M - stormwater masterplan; Abercrombie stormwater detention
Traffic & Transport	4,453,605	Abercrombie Codrington & Lawson upgrade; pedestrian crossings; N Martin Aquatic;
Open Space	19,000,000	Landscaping & Trees; Transient park; Vic Park concept
Community Facilities	40,850,000	N Martin Aquatic upgrade \$28M; Grandstand; budgets on childcare, museums & libraries; heritage works & tours; events
<b>TOTAL</b>	<b>69,803,605</b>	



<b>FUTURE Committed Infrastructure and Public Works 2018-2023</b>		<b>Details</b>
<b>WORKS</b>	<b>\$</b>	
Stormwater Drainage	8,000,000	Camperdown \$5M - Health Pecinct detention; John Woolley stormwater drainage; CCW detention; Hockey Square detention; OTC drainage
Traffic & Transport	3,206,000	Darlington \$3M - Regiment & Darlington Terraces; ET&P
Open Space	20,000,000	Regiment; Darlington shared roadway; ET&P pedestrian and vehicle entry; Fisher Road to F23
Community Facilities	74,400,000	Landscaping & Trees; VicPark entry; SW Health connection to Missenden
<b>TOTAL</b>	<b>105,606,000</b>	CCW Museum \$62M; budgets on childcare, libraries; heritage works & tours; events

Furthermore, the University continues to provide public access to many facilities and events, including 3 x child care centres, 9 x libraries, 3 x museums and a mix of retail and professional services outlets. A further \$66M of capital investment is committed to a new Museum on the Camperdown campus, again accessible to the broader community, schools and visitors.

**I) University not-for-profit Status:**

The University is a not-for profit public charity independently regulated by the Australian Charities and Not-for-profits Commission, specialising in tertiary education and research pedagogy. Universities are listed by the Australian Tax Office (ATO) as registered charities and 'the advancement of education' is a recognised category of charitable purposes under common law. Universities also continually provide, and maintain/upgrade, a wide range of social, cultural, and recreational public benefits and contribute to both State and Local Government planning justifications within which they sit, and which are available/ accessible, to the surrounding area's wider resident and worker populations.

**J) The University as a public authority/not a private developer:**

The underlying purpose of a consent authority applying Development Contributions is to meet the costs of local public infrastructure needed to support private development. The University argues that development it undertakes should not be classified as private development because teaching and research facilities, libraries, laboratories, student accommodation, retail and professional services, recreational facilities, open space, and all other associated infrastructure, are integral to the University's broader educational and research functions which are inherently public in nature. Indeed, the University is prescribed as a public authority for development that is permitted without consent under the *State Environmental Planning Policy (Infrastructure) 2007* and the *State Environmental Planning Policy (Educational Establishments & Child Care Facilities) 2017*.

**K) The impact of Development Contributions upon universities:**

The levying of Development Contributions on projects that are funded by external sources (including Commonwealth Government grants) simply diverts a portion of funds for educational purposes to local services, often doing so without a direct nexus to the development.

Such planned works, services and provision of facilities may no longer be viable should the RWA Plans be fully applied. The University considers this to be unreasonable, particularly given the past, current and planned future works and services the University contributes that have a material public benefit, not only to the University's students and staff, but also to the wider community.

It is therefore unreasonable to require the University to pay Development Contributions which will ultimately impact on the amount the University can spend on its core business of teaching and research, as well as public infrastructure and community facilities.

**L) Precedent of recent major project determinations:**

The University highlights the following recent projects proposed by the University on the Camperdown campus, for which Development Contributions were not applied by the consent authority:

- Charles Perkins Centre (MP 09\_0051): construction of a new 8 level Centre for Obesity, Diabetes and Cardiovascular Disease building (45,000m<sup>2</sup>).
- Abercrombie Business Precinct & Student Accommodation (MP 07\_0158): new 6 level Business School building (28,200m<sup>2</sup>), 2 basement parking levels for 82 spaces, and new 3 level student accommodation building (5,900m<sup>2</sup>) (noting that the University instead undertook road and public works to the site and surrounds in conjunction with the City of Sydney Council);
- Sydney University Sports & Aquatic Centre Extension, Darlington Campus (D/1995/329);
- Australian Institute of Nanoscience (SSD 5087\_2011): construction of a new 4 level Nanoscience building (10,540m<sup>2</sup>).
- Faculty of Arts & Social Sciences (SSD 7081): Construction of a 6 storey Arts & Social Science education and training building and public domain works (7,200 m<sup>2</sup>)
- F23 Administrative building (SSDD 7055): Construction of a 5 storey staff and administrative building and public domain works (9,800 m<sup>2</sup>).
- LEES1 Science building (SSD 7054): Construction of an 8 storey Science research and teaching facility (9,800 m<sup>2</sup>).
- New consolidated Museum building (SSD 7894) on Camperdown campus: Construction of a 5 storey museum (7,700 m<sup>2</sup>)
- Susan Wakil Health Precinct Stage 1 Development (SSD 7974) on Camperdown campus (21,200 m<sup>2</sup>).

These decisions were supported by the justification and evidence that University populations place lesser demand on Council community facilities, as well as the University funding and providing its own facilities, infrastructure and community benefits specifically for the University, community and visiting populations. Applying the same reasoning and justification to this development is therefore consistent with previous consent authority conclusions.

**Conclusion:** For the reasons set out above, it is considered there are more than adequate grounds for the Minister for Planning to fully exempt the proposed redevelopment of the ETP building from the application of any Development Contributions under the RWA Plans.



# Sydney University

## Blackwattle Creek Lane and Shepherd Street pedestrian upgrades

### Landscape Concept

Date: September 2018

Revision: B

Client: Sydney University

**ASPECT Studios™**

Blackwattle Creek Lane Entry View







# SITE ANALYSIS- PRECINCT AND SURROUNDS



⑫ Lack of amenity



⑪ Poor pedestrian environment



⑩ Opportunity for Shared pedestrian and vehicular access



① Opportunity for seating upon entry to Faculty of Engineering



② Opportunity for planting against building.



③ Pedestrian access restricted



⑨ Complicated interface to School of Aeronautical Engineering



⑧ Pedestrian access restricted on Blackwattle Creek Lane



⑦ Uninviting pedestrian entrance to Usyd Campus at Blackwattle Creek Lane



④ Opportunity for seating/planting looking onto new park



⑤ Brick paving language on Shepherd Street



⑥ Opportunity to extend brick paving language to Usyd side of Shepherd Street

## USYD\_Blackwattle Creek Lane and Shepherd St Upgrade |Landscape Concept



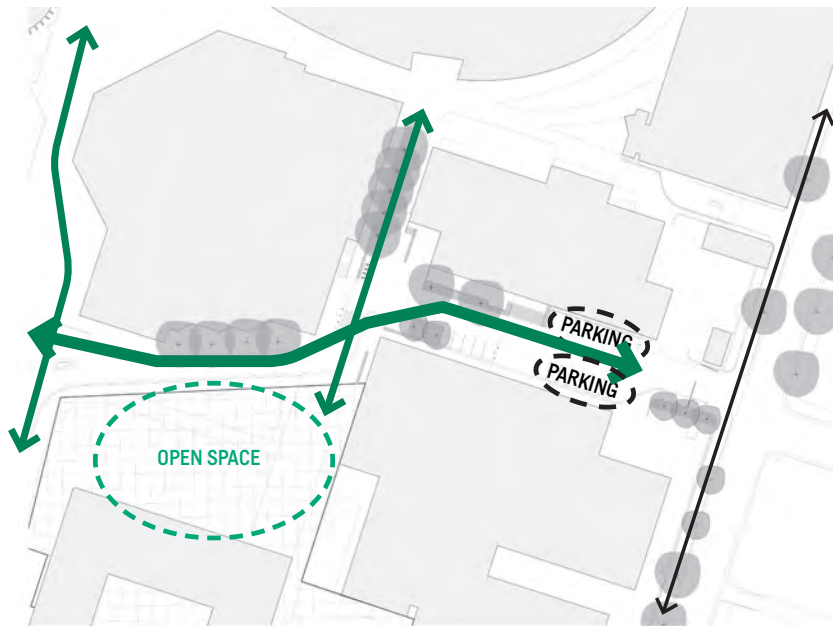
Employs the Gadigal Green Constellation Design principle

- Arrangement of elements, seating and pavements reflect the 'Gadigal Green Constellation' concept consistent with the design of open space on campus
- The laneway will be transformed to a public open space that is a destination allowing gathering, interaction and amenity



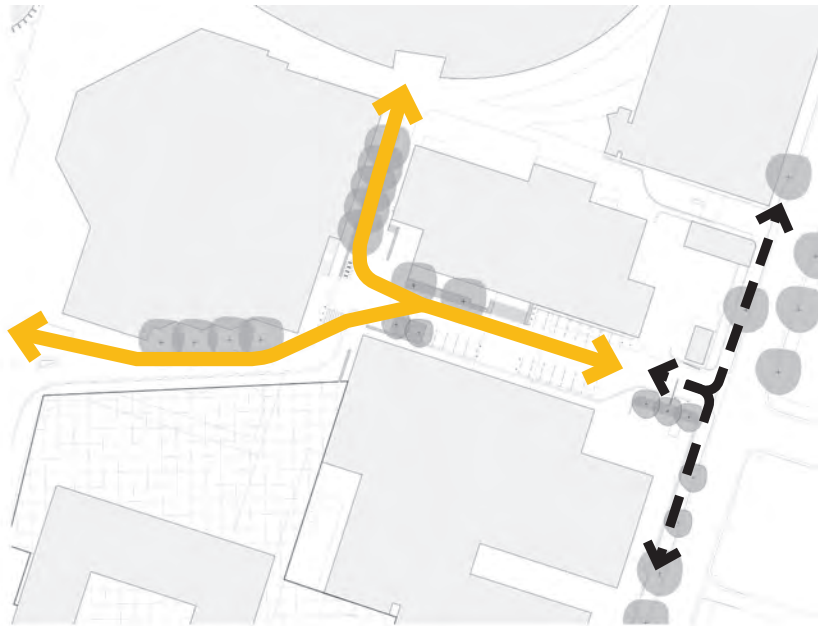
Pedestrian Priority

- Paved surface treatment to highlight a shared way zone and pedestrian priority
- Removal of parking to accessible parking only to Blackwattle Creek Lane to minimise conflict with pedestrian desire line, and to ensure sight lines are kept clear



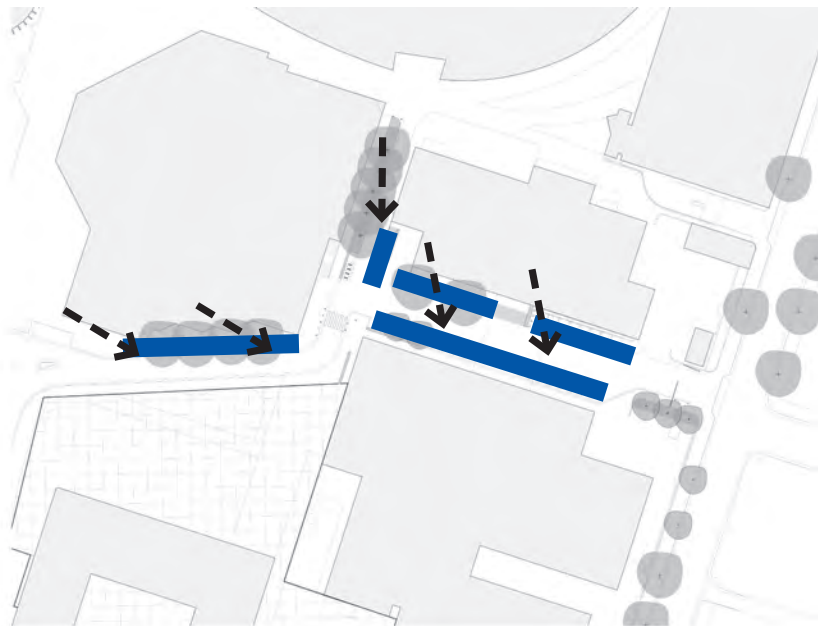
Welcoming + Open to City Community

- Removal of gates and addition of mass planting to Shepherd St entry of USYD
- Use of high quality materials and finishes that improve the lane ways presentation to the street as a gateway entry
- Use of materials that respond to CoS palette and local streetscape environment so that the lane way reads as part of the city fabric



Maximising green

- Opportunities for WSUD to capture and treat storm water runoff within new planted areas
- New tree understory planting for shade and comfort



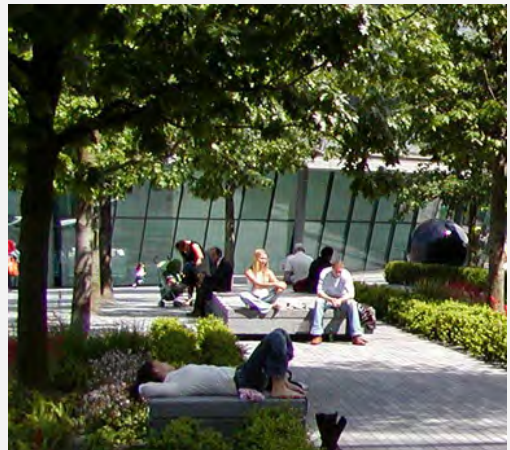




Granite cobble treatment on laneway relates to the University palette of granite pavement



Deciduous tree planting (eg Pistacia chinensis)



Places to gather with generous mass planting (potential bioswales) and structured tree planting

New trees, mass planting and seating to building edge + removal of kerb

Lighting upgrades throughout laneways subject to future design

Removal of wall - Addition of new mass planting and seating.  
Opportunity for bioswales in new mass planting areas to collect and treat storm water runoff subject to hydraulic design

Minor relocation of vehicular ramp

New trees, mass planting

Flush pavement treatment upgrade to granite cobble surface throughout laneway.  
Patterning to reflect the Gadigal Green Constellation theme consistent with the other public domain spaces on campus

Existing trees to be retained, new mass planting and seating to building edge

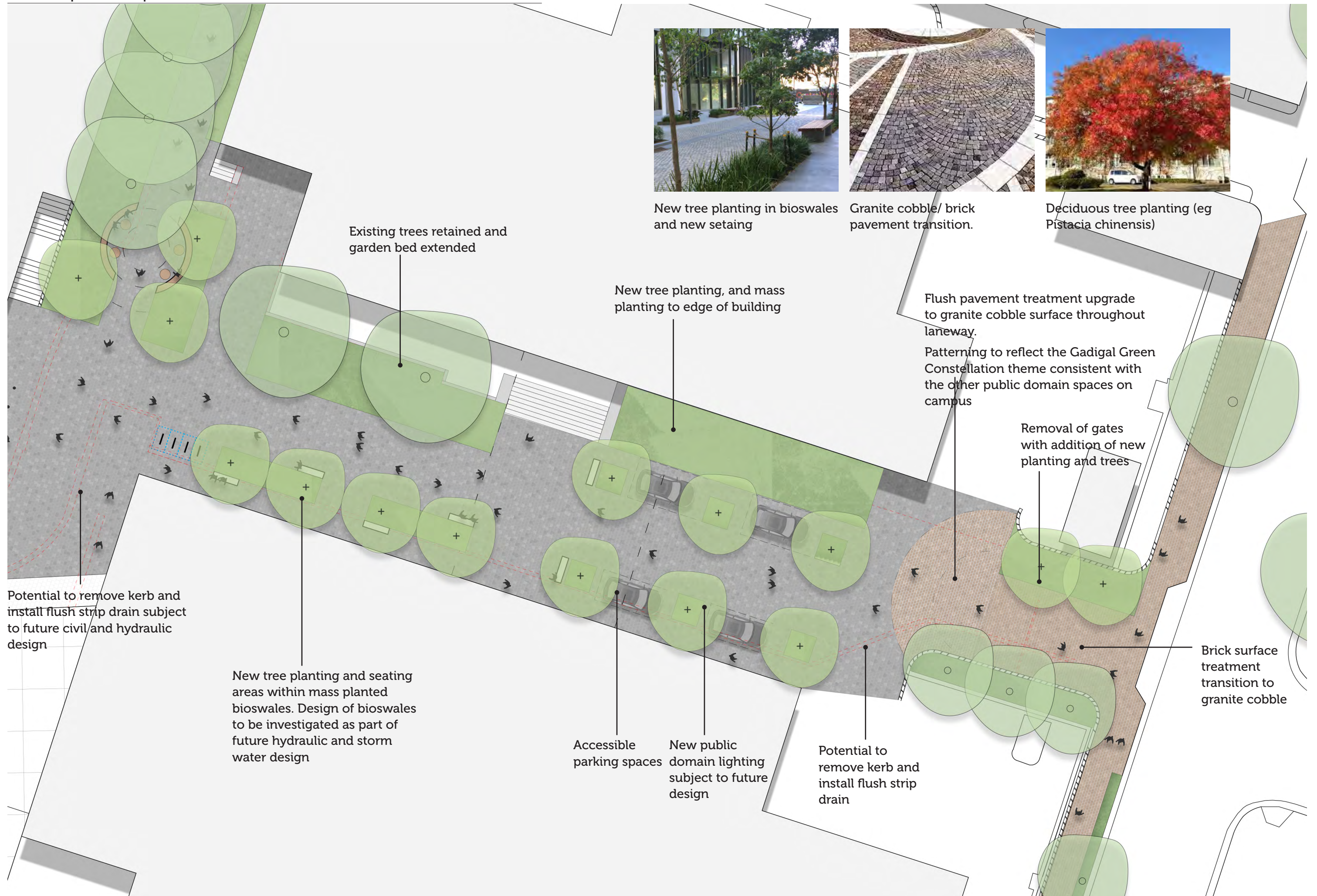
Existing width (5.5m)

No kerb - flush paved surface. (subject to storm water and drainage design)

Relocation of bicycle hoops

New vehicular ramp to achieve flush pavement treatment







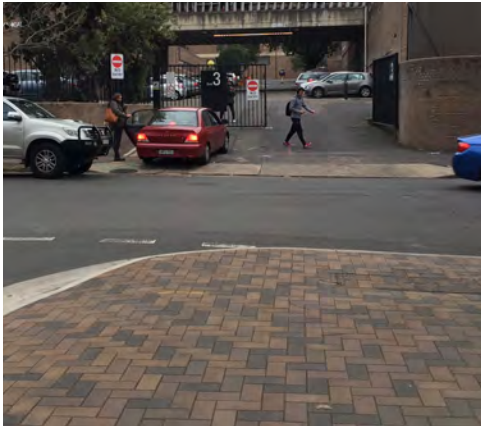
SHEPHERD STREET UPGRADE

- Proposed upgrade of existing asphalt footpath to brick for consistency to tie in with brick already installed on Shepherd Street junctions
- Retain existing trees
- Upgrade of turf verge to mass planting

Propose new brick for laneway entry and streetscape footpath upgrade to tie into street character

Retain existing trees. New mass planting

Potential future works to extend brick footpath treatment



Existing use of brick at thresholds on Shepherd Street



Brick footpath treatment Abercrombie Street



Brick footpath treatment to University Entry



Brick footpath treatment to extend treatment on Abercrombie Street and relate to the brick threshold treatments on Shepherd Street



## BLACKWATTLE CREEK

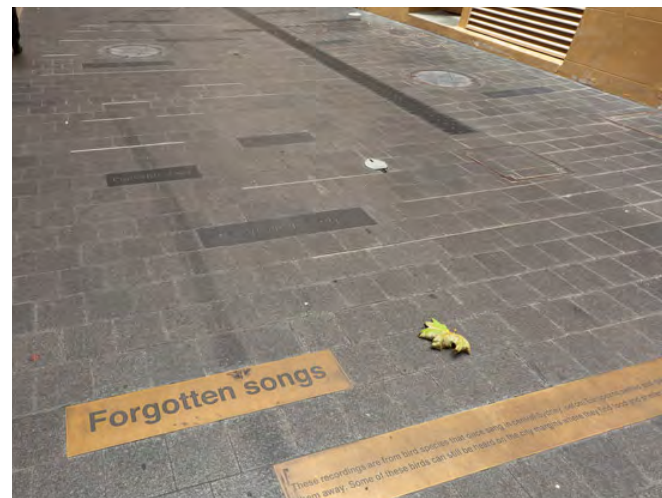
- Opportunity to tell the Gadigal story of Blackwattle Creek. It was an important resource as a source for fresh water and a place for fishing
- Blackwattle creek flowed through where Sydney Uni now sits, out toward Blackwattle Bay (Glebe)
- Opportunity to use *Acacia mearnsii* (Black wattle) as a small tree species within new planting
- Reinterpreting of the creekline through WSUD-mass planted bioswales in the landscape - tying into the cultural heritage of the land
- Opportunity for the addition of art along Blackwattle Creek Lane



Heritage Interpretation



Map dated 1842, showing Black Wattle Swamp Creek



Heritage Interpretation



Coopers Distillery on Black Wattle Swamp Creek, 1868



Precedent of bioswale design with seating



*Acacia mearnsii* ('Black Wattle') flowering



