

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

**DETERMINATION OF UTS KURING-GAI CAMPUS
CONCEPT PLAN APPROVAL**

Major Project No. 06_0130

I, the Minister for Planning, under the *Environmental Planning and Assessment Act 1979* (the Act) determine:

- a) To grant approval, under section 75O(1) of the Act, the Concept Plan for the project as described in Schedule 1, subject to the modifications set out in Schedule 2.
- b) In accordance with section 75P(1) (c) and 75 (J) of the Act, subdivision for the purposes of creating a public reserve or excising from a lot, land that is intended to be used for public purpose is permitted without further application, environmental assessment or report.
- c) That in accordance with section 75P(1) (b) of the Act, approval to carry out the project or any particular stage of the project is to be subject to the provisions of Part 4 of the Act. (Council being the consent authority).
- d) That a development application for the project or that stage of the project under Part 4 is to be generally consistent with the terms of the approval of the Concept Plan, under section 75P(2)(a) of the Act.

SIGNED BY MINISTER SARTOR ON 11/06/2008

Frank Sartor MP
Minister for Planning
Sydney

2008

SCHEDULE 1

PART A – TABLE

Application made by:	Defence Housing Australia
Application made to:	Minister for Planning
Major Project Number:	MP 06_130
On land comprising:	Lot 1 in DP1151638
Local Government Area:	Ku-ring-gai
For the carrying out of:	Amending the Instrument of Approval regarding the location of the community facility and the timing of the dedication of the community facility and roads and parking. The proposed changes to the SEPP will include 'community facility' as a permissible use in the zone RE1 Public Recreation and remove the height limit for this zone, make minor amendments to zone boundaries, and include provisions that permit the carrying out of subdivision and demolition.
Capital Investment Value:	\$216 million
Type of development:	Concept approval under Part 3A of the Act
Determination made on:	11 June 2008
Determination:	Concept approval is granted subject to the modifications in the attached Schedule 2.
Date of commencement of approval:	This approval commences on the date of the Minister's approval.
Date approval will lapse:	5 years from the date of determination

PART B — DEFINITIONS

In this approval the following definitions apply:

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

Council means Ku-ring-gai Municipal Council.

DECC means the *NSW Department of Environment and Climate Change*.

Department means the Department of Planning or its successors.

Director General means the Director General of the Department of Planning.

EA means the *State Significant Site Study and Environmental Assessment of the Concept Plan – UTS Kuring-gai Campus Lindfield, SEPP (Major Projects) Amendment and Concept Plan, Volumes 1,2 and 3 prepared by JBA Urban Planning and DEM Architects dated October 2007*

GFA means gross floor area.

Minister means the Minister for Planning.

PPR means Preferred Project Report and Statement of Commitments - UTS Kuring-gai Campus Lindfield, SEPP (Major Projects) Amendment and Concept Plan, Volumes 1 and 2 prepared by JBA Urban Planning and DEM Architects dated February 2008.

Project means development that is declared under Section 75B of the EP & A Act to be a project to which Part 3A of the Act applies.

Proponent means UTS.

Regulation means the Environmental Planning and Assessment Regulations, 2000 (as amended).

Statement of Commitments means the Statement of Commitments in Appendix K of the PPR.

UTS Ku-ring-gai campus has the same meaning as the land identified in Part A of this schedule.

UTS means the University of Technology Sydney

SCHEDULE 2

TERMS OF APPROVAL AND MODIFICATIONS – UTS KURING-GAI CAMPUS

PART A. TERMS OF APPROVAL

A1. Development Description

- (1) Except as modified by this Consent, Concept Plan approval is granted only to the carrying out of development solely within the Concept Plan area as described in the document titled *Preferred Project Report and Statement of Commitments UTS Kuring-Gai Campus Lindfield, SEPP Major Projects and Concept Plan Volumes 1 and 2* dated February 2008 and prepared by JBA Planning Consultants and DEM Architects.

A2. Development in Accordance with Plans and Documentation

- (1) Except as modified by this approval, the development shall generally be in accordance with the following plans and documentation (including any appendices therein):
 - (a) *Preferred Project Report and Statement of Commitments UTS Kuring-Gai Campus Lindfield, SEPP Major Projects and Concept Plan Volumes 1 and 2* dated February 2008 and prepared by JBA Planning Consultants and DEM Architects;
 - (b) Modification report by JBA Urban Planning Consultants dated February 2010 and its revised appendices, including University of Technology Sydney Ku-ring-gai Campus State Significant Site Amendment Concept Plan, DEM, April 2010, letter from JBA Urban Planning Consultants dated 24 March 2010 and its attachments; and
 - (c) Modification report by JBA Urban Planning Consultants dated 26 July 2011 and its appendices.
- (2) In the event of an inconsistency between:
 - a) the modifications of this approval and any document listed from clause A2(1)(a) to A2(1)(b) inclusive of this Instrument, this approval shall prevail to the extent of the inconsistency;
 - b) any document listed from condition A2(1)(a) to A2(1)(b) inclusive, the most recent document shall prevail to the extent of the inconsistency; and
 - c) the Statement of Commitments, referenced in condition A2(1)(a) and this approval, then the approval shall prevail to the extent of the inconsistency.

A3. Lapsing of Consent

- (1) Approval of Major Project No. MP06-0130 shall lapse 5 years after the determination date in Part A of Schedule 1 unless an application is submitted to carry out a development for which concept approval has been given.

PART B MODIFICATIONS TO THE CONCEPT PLAN

B1. Urban Design Guidelines

- (1) The Design Guidelines referred to on page 2 of the revised Statement of Commitments are to have regard to DCP 55 Railway/Pacific Highway Corridor St Ives centre adopted by Council on 14 December 2004 and DCP 38 Residential Design Manual adopted by Council on 20 December 2001;
- (2) The Urban Design Guidelines must be approved by Council before the first Development Application can be determined.

B2. Landscaping

- (1) The Landscape Management Plan referred to on page 5 of the revised Statement of Commitments is to be integrated with the urban design guidelines referred to in B1 (1) of this Consent and is to demonstrate:
 - a) maintenance of the bushland setting of the Site;
 - b) heavy landscaping between the access road and proposed adjoining development; and
 - c) heavy landscaping between the existing main building and any future development on its northern side.
- (2) The Plan referred to in B2(1) is to be provided prior to or with the first application for development on the Site.

B3. Dwelling Yield

- (1) The Concept Plan is modified to reduce to the maximum number of dwellings on the Site to 345 in accordance with Figure 1 of this Consent.

B4. Dwelling Mix

- (1) The Concept Plan is modified to provide a minimum of 10% of the total number of dwellings on the Site are to be a maximum of one bedroom.

B5. Setbacks

- (1) The following modifications refer to Figure 1 of this Consent.
- (2) Building 'A' of Precinct 1 is modified to provide a minimum setback of 4.5m from the Film Australia Boundary.
- (3) Building "B" of Precinct 2 is to provide a minimum setback of 10 metres from the sports oval with particular regard to edge effects.
- (4) Deleted

B6. Height

- (1) Building 'A' of Figure 1 of this Consent is modified to the extent that it is a maximum of 2 storeys in height excluding attics.
- (2) The Concept Plan is modified to the extent that in the event that the floor to ceiling height of a building is less than 3.5m, the maximum number of stories permissible on the site must be in accordance with the Concept Plan as modified in this Consent.

B7. Stormwater Management

- (1) The Concept Plan is modified such that the Stormwater Management Plan referred to on page 6 of the revised Statement of Commitments is :
 - a) integrated with the Threatened Species Management Plan referred to on page 3 of the revised Statement of Commitments; and
 - b) revised in accordance with any modifications undertaken as part of this Consent.

- (2) The Plan referred to in B7(1) of this Consent is to be provided prior the first application for development on the Site.

B8. Bushfire Protection

- (1) The Concept Plan is to be modified in consultation with Rural Fire Service to include:
- a) an appropriately located and sized turning circle;
 - b) an appropriately located staging area for emergency vehicles;
 - c) the provision of a reservoir of 50,000 Litres central to the Site entrance; and
 - d) the detailed Fire/ Emergency Evacuation Plan referred to on page 7 of the revised Statement of Commitments.
- (2) The modifications referred to in B7(1) of this consent are to be undertaken prior to the lodgment of the first application for development on the Site.
- (3) The Bushfire Management Plan referred to on page 7 of the revised Statement of Commitments is to address the management of existing vegetation islands and is to be prepared to the satisfaction of the NSW Rural Fire Service.

B9. Flora and Fauna

- (1) The Concept Plan is modified to the extent that the Threatened Species Management Plan referred to on page 3 of the revised Statement of Commitments shall include the following:
- a) the erection of permanent signage to avoid inadvertent impacts to *Darwinia biflora* populations in consultation with DECC;
 - b) a translocation plan for *Darwinia biflora* prepared in accordance with the *Darwinia biflora Recovery Plan 2006* by DECC; and
 - c) an overlay protecting *Darwinia biflora* prepared to the satisfaction of the Director General of DECC.
- (2) The Vegetation Management Plan referred to on page 4 of the revised Statement of Commitments shall be registered on title through a positive covenant and shall detail responsibility for each action and shall include on-going measures.
- (3) The Vegetation Management Plan in (2) shall be provided prior to or with the first application for development or subdivision on the site, whichever comes first.

B10. Traffic, Transport and Parking

- (1) A TMAP is to be prepared, in consultation with the RTA, in accordance with Ministry of Transport Guidelines, prior to or with the lodgement of an application for any future works on the site.
- (2) The Proponent must, in consultation with RTA undertake further modelling in order to improve phasing efficiencies to benefit local traffic prior to the lodgement of an application for the development of habitable space on the Site.

B11. Staging, Construction and Demolition

- (1) The Staging Plan referred to on page 1 of the revised Statement of Commitments is to apply to the approved Concept Plan and is to detail bulk earthworks proposed.

- (2) A Construction Management Plan must be submitted prior to or with an application for the first development on the Site to the satisfaction of Council and is to:
- a) be integrated with the Threatened Species Management Plan referred to on page 3 of the Revised Statement of Commitments; and integrated with the Staging Plan referred to in B11(1) of this Consent

(3) Deleted

B12. Utilities

- (1) The Concept Plan is modified to ensure all electricity and gas lines shall be accommodated underground where ecological or landscape outcomes are not compromised.

B13. Contributions

- (1) The Proponent shall enter into arrangements for the transfer of that land identified in the additional commitments provided by the Proponent by letter dated 13 May 2008 in accordance with those commitments, including:
- (a) a minimum 9,800sqm of land for an adult sized soccer field and curtilage to Council;
 - (b) 300sqm for a community facility to Council is to be located in the Zone RE1 Public Recreation within the site as agreed with Council; and
 - (c) land zoned E1 to DECC.

Note: These items will be in lieu of s.94 Contributions in future applications.

- (2) The land identified in B13 (1)(a),(b) and (c) above is to be transferred to the State or Council (as indicated above) at no cost.
- (3) Arrangements for the transfer of land identified in:
- (a) B13(1)(a) is to occur in accordance with the provisions in the Voluntary Planning Agreement between the landowner and the Council;
 - (b) B13(1)(b) is to occur in accordance with the provisions in the Voluntary Planning Agreement between the landowner and the Council; and
 - (c) B13(1)(c) is to occur prior to or with the first application for development on the Site.
- (4) Internal roads must be dedicated to Council, in the event that Council are unwilling to accept this dedication, a positive covenant must be placed on the title of that land to allow public access.
- (5) The dedication referred to in (4) above shall not apply to the internal roads associated with the curtilage of the existing educational establishment, if used for continued educational purposes, as reflected in documentation referred to in condition A2(1)(b) Part A, Schedule 2 of this approval.

B14. Dedication and Management of Roads

- (1) The proponent is to dedicate, in accordance with any Council requirements, the road entrance to the Site from the end of the public road to the sports oval and car parking area and bus stop to allow for public access.
- (2) The dedication referred to in (1) shall be undertaken in accordance with the provisions in the Voluntary Planning Agreement between the landowner and the Council.

B15. Plans and Guidelines

- (1) Unless otherwise stated in this Consent, all plans and guidelines referred to in the revised Statement of Commitments are to be provided to Council to the Council's satisfaction with any dispute to be decided by the Director General of the Department of Planning.

B16. Gymnasium Building

- (1) The retained gymnasium building shall not be used for any use other than indoor recreation, related community activities, and educational uses.

B17 Voluntary Planning Agreement

- (1) In the event that the Voluntary Planning Agreement does not transpire, the applicable timing for contributions to Council, at no further cost to Council, will be as follows:
 - (a) Delivery of the soccer field and dedication of roads to Council upon the registration of the first plan of subdivision for the site; and
 - (b) Delivery of the community facility within four (4) years of registration of the first plan of subdivision for the site.

SCHEDULE 3

FUTURE APPLICATIONS

A1 Further approvals and the carrying out of works / activities

- (1) Where future development is subject to Part 4 or Part 5 of the Act, the consent authority must only determine future applications for development where they are consistent with the terms of approval of Concept Plan No. 06_0130 as described in Part A of Schedule 1 and subject to the modifications of approval set out in Parts A and B of Schedule 2 and 3.
- (2). In accordance with section 75P(2)(a1) of the Environmental Planning and Assessment Act, future applications for approval must comply with the following conditions.

A2. Design Guidelines

- (1) Future development applications are to be in accordance with the design guidelines referred to on page 2 of the revised Statement of Commitments.

A3. Urban Design

- (1) Future applications for the development of building 'E' in Precinct 3, shall demonstrate by way of sections and elevations the relationship to the existing main campus building and suitable landscaping to screen the existing campus building.
- (2) Future applications for the development of building 'F' in Precinct 3, shall demonstrate by way of sections and elevations the relationship to the existing main campus building and suitable landscaping to screen the existing campus building.

A4. Flora and Fauna

- (1) All future development is to be undertaken in accordance with the 'Guidelines for Developments Adjoining Department of Environment and Conservation Land' by DECC dated August 2006.

A5. Bushfire Protection

- (1) Future uses are not to require the extension of Asset Protection Zones provided in the PPR.
- (2) Uses constituting 'Special Fire Protection Purposes' as defined in *Planning for Bushfire Protection 2006* are to be undertaken in consultation with the NSW Rural Fire Service.

ADVISORY NOTES

Requirements of Public Authorities for Connection to Services

- 1) The applicant shall comply with the requirements of any public authorities (e.g. Integral Energy, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the applicant. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.
- 2) All works in the National Park will require the approval of DECC in accordance with the National Parks and Wildlife Act 1974 and Part 5 of the Environmental Planning and Assessment Act 1979.

Note: the above figure has been updated to reflect the Concept Plan as modified by MP 06_0130 MOD 2.