

Part B: Study in Support of the State Significant Site and SEPP Amendment

2.0 The State Significance of the UTS site

2.1 Introduction

Identification of State significant sites under “*State Environmental Planning Policy (Major Projects) 2005*” (the Major Projects SEPP) aims to facilitate development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State.

The NSW Government uses the State significant site provisions to help achieve the State’s planning objectives on major sites that are important to the delivery of the metropolitan strategy or regional strategies. The provisions facilitate significant investment in economic and employment generating development in NSW and the redevelopment of major State government sites.

The Minister, in determining whether a site is of State significance, will consider whether the site meets one or more of the criteria described in the Draft Guideline for State Significant Sites (24 July 2005):

- (a) *The site is in an identified strategic location (in a State or regional strategy), is important to a particular industry sector, or employment, infrastructure, service delivery or of redevelopment significance in achieving government policy objectives; or*
- (b) *The site is important for environmental conservation or natural resources; or*
- (c) *The site is important in terms of amenity, cultural, heritage, or historical significance in achieving State or regional objectives; or*
- (d) *The site needs alternative planning or consent arrangements where added transparency is required because of potential conflicting interests or more than one local council is likely to be affected.*

Should the Minister determine that the land constitutes a “State significant site” then the Major Projects SEPP can be amended by the inclusion of the identified land in Schedule 3 of the SEPP along with any new zoning and/or other planning controls for the site.

On 1 February 2006, the Department of Planning wrote to CRI advising that the Minister was prepared to consider the UTS Kuring-gai campus as potentially a state significant site. In response to the letter from the Minister of 1 February, a study in support of listing the site as a State Significant Site in Schedule 3 of State Environmental Planning Policy (Major Projects) 2005 (the Major Projects SEPP) was submitted to the Department of Planning in June and August 2006.

The study was based on an indicative development scheme of 566 dwellings and the adaptive reuse of the existing buildings. This was also the scheme that had been submitted to Kuring-gai Council as part of the non statutory rezoning submission.

2.2 Planning Study

Before deciding whether to list a site under Schedule 3 of the Major Projects SEPP the Minister may require a study to be undertaken to assess the State and regional planning significance of the site and the suitability and implications of the land uses proposed. In the case of the UTS site the Minister has required a study as provided for under Clause 8 of the Major Projects SEPP.

The Director General of the Department of Planning has required the Planning Study address:

- *“the criteria at Clause 8(2) of the Major Projects SEPP;*
- *the criteria for State significant sites in the Draft Guidelines dated 24 July 2005, with a particular focus on criterion (a), (b) and (c);*
- *proposed land uses and suitability of the site for the proposed land uses taking into consideration environmental, social and economic factors, the principles of ecologically sustainable development and any applicable State or regional planning strategy with particular regard to the eight sustainability criteria;*
- *the implications of any proposed land use for local and regional land use, infrastructure, service delivery and natural resource planning;*
- *detail the proposed land use controls (including zoning) and justify the necessity for these controls against the existing planning instruments; and*
- *indicate the future approval regime for development on the site by identifying circumstances when Part 3A or Part 4 (including exempt and complying development) would apply.”*

The criteria contained in Clause 8(2) of the Major Projects SEPP are:

- *“The State or regional planning significance of the site;*
- *The suitability of the site for the proposed land use taking into consideration environmental social and economic factors, the principles of ecologically sustainable development and any applicable State or regional planning strategy;*
- *The implications of any proposed land use for local and regional land use, infrastructure, service delivery and natural resource planning.*

The above will be used by the Director-General to make recommendations to the Minister with regard to appropriate zoning and development controls for the site, and whether any subsequent development on the site should be declared to be a project subject to the provisions of Part 3A of the Environmental Planning and Assessment Act 1979, local development or exempt and complying development.”

This section provides a summary statement addressing the positioning of the UTS site as a site of significance to the State and region having regard to the economic, environmental and state planning policy context.

This Section also identifies the statutory development controls proposed to be applied to the site, and the relationship of the site to other Environmental Planning Instruments (EPI's) and planning controls.

2.3 Summary Statement of Significance and Project Justification

2.3.1 Major Projects SEPP

The aims of the Major Projects SEPP (Clause 2), for state significant sites are:

- (a) *to identify development to which the development assessment and approval process under Part 3A of the Act applies,*
- (b) *to identify any such development that is a critical infrastructure project for the purposes of Part 3A of the Act,*
- (c) *to **facilitate the development, redevelopment** or protection of important urban, coastal and regional **sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant sites for the benefit of the State,***
- (d) *to facilitate service delivery outcomes for a range of public services and to provide for **the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes,***
- (e) *to rationalise and clarify the provisions making the Minister the approval authority for development and sites of State significance, and to keep those provisions under review so that the approval process is devolved to councils when State planning objectives have been achieved (our emphasis)*

2.3.2 Draft Guidelines for State Significant Sites

In determining whether a site is of State Significance, consideration has been given as to whether the site meets one or more of the criteria (a) to (d) described in the Draft Guidelines State Significant Sites dated 26 July 2005, as follows:

- “(a) be of regional or state importance because it is in an identified strategic location (in a State or regional strategy), its importance to a particular industry sector, or its employment, infrastructure, service delivery or redevelopment significance in achieving government policy objectives; or*
- (b) be of regional or state environmental conservation or natural resource importance in achieving State or regional objectives. For example protecting sensitive wetlands or coastal areas; or*
- (c) be of regional or state importance in terms of amenity, cultural, heritage, or historical significance in achieving State or regional objectives. For example sensitive redevelopment of heritage precincts; or*
- (d) need alternative planning or consent arrangements where:*
 - (i) added transparency is required because of potential conflicting interests*
 - (ii) more than one local council is likely to be affected.”*

2.3.3 (a) State and /or regional planning significance

Key Employment Sector and Service Delivery - Nursing and Teaching

The NSW Government released the Metropolitan Strategy – City of Cities in December 2005. The Strategy identifies educational institutions as a key sector in creating future innovation in employment and other initiatives in shaping the future direction of the Sydney Metropolitan Area. The Metropolitan Strategy states:

“Sydney has a number of strategic specialised centres, business parks and knowledge precincts including Macquarie Park, Westmead, Sydney Educational and Health (Australian Technology Park, Sydney University, Royal Prince Alfred Hospital, University of Technology, St Vincent’s Darlinghurst Health Precinct), Norwest Business Park, and Randwick Education and Health”.

The future use of the subject site is a key factor affecting strategic decisions concerning the future of the UTS, one of the State’s major tertiary educational institutions.

Demand for places in the Nursing program at the UTS Kuring-gai campus has been steadily declining relative to the UTS City campus. As a consequence the future strength of the UTS program is at risk.

In Teacher Education which is only provided at the UTS Kuring-gai campus, the State Government has been encouraging UTS to shift its load away from exclusively primary teacher training towards secondary teacher training, especially in Maths and Science which have major staff shortages. Maths and Science, including Science laboratories are only located at the City campus.

This is further supported by the current development of a new facility at the City campus which would be complemented if the loads from the UTS Kuring-gai campus were consolidated in the City.

In both the cases of Nursing and Teacher Education, the UTS is at serious risk of not being able to meet the State Government’s needs in the medium term without investing in these two educational areas at the City campus.

The continuing duplication of services and arrangements at multiple campuses also places the UTS at a further disadvantage in the Higher Education Sector.

Correspondence has been received from the State Minister for Education supporting the process that the UTS is currently undertaking.

Economic Corridors

Pursuant to (a) above the site is located within the economic corridor identified in the Metropolitan Strategy 2005 linking North Sydney to Macquarie Park.

Only 30% of students failing to gain entry to the City campus Nursing Program take up an offer of a place at the UTS Kuring-gai campus, and those that do sit in on lectures and use the City campus due to its superior convenience.

Similar courses are offered at Macquarie University, which is also likely to increasingly attract students given its location in the Macquarie Park Corridor and better access to services, employment and particularly rail transport, when the new Epping to Chatswood Rail Link station is opened in July 2008.

The proposed introduction of residential, commercial and community uses within the UTS Kuring-gai campus, as well as the possibility to continue educational use over all or part of the site, will assist UTS in being able to consider its future options to deliver quality education more effectively.

This will provide UTS sufficient flexibility to manage its land and building assets more effectively and achieve the most viable outcome across its campuses. Should the UTS vacate the Kuring-gai campus, the outcome most likely will be to relocate to the City campus, and strengthen that campus as a 'knowledge precinct', consistent with the NSW Metropolitan Strategy. Students that might otherwise attend from the UTS Kuring-gai campus could choose Macquarie University identified as part of the Macquarie Park 'knowledge precinct' and would thus also serve the desired planning outcomes of the NSW Metropolitan Strategy.

The proposal would assist the State government in achieving the objectives and strategies included in the Sydney Metropolitan Strategy. **Table 2** summarises consistency with the strategy.

Table 2 – Consistency with the Sydney Metropolitan Strategy

Objective	Strategy/action	Proposal
Increase densities in centres while improving liveability (Objective B2)	Strategic centres will accommodate residential development compatible with the employment capacity targets. State led planning will establish compatible housing targets in centres.	The proposed Concept Plan provides for over 68,304m ² of the Gross Floor Area for residential uses. This equates to approximately 440 units capable of accommodating approximately 831 people. The Concept Plan and SEPP amendment only marginally increases densities of that permitted under the current Kuring-gai Planning Scheme ordinance and DCP controls.
Cluster business and knowledge based activities in strategic centres (Objective b3)	Ensure sufficient commercial office sites in strategic centres. Current estimates suggest that up to 6.8 million square metres of additional commercial floor space will be required to 2031 in Sydney.	Should the UTS vacate the Kuring-gai campus, the outcome most likely will be to relocate to the City campus, strengthen that campus as a 'knowledge precinct', consistent with the NSW Metropolitan Strategy. Alternatively, students from the UTS Kuring-gai campus could choose Macquarie University identified as part of the Macquarie Park 'knowledge precinct' and would thus also serve the desired planning outcomes of the NSW Metropolitan Strategy.

Objective	Strategy/action	Proposal
Concentrate activities near public transport (Objective B4)	Concentrating activities in centres has substantial environmental benefits by reducing travel times, pollution, congestion and car dependence, protecting the character of existing suburbs and supporting public transport. [p104]	The proposed development is located on a bus route which connects with Roseville and Lindfield railway stations. In addition the site is within 25 minutes walking distance from the Lindfield or Roseville railway stations. The proposed development will therefore introduce additional residential population at a rate considered appropriate for this location and level of public traffic transport services and result in a greater level of support of existing public transport infrastructure.
Protect and strengthen role of economic corridors (Objective B5)	Economic activity is based around accessibility to the motorway network, to business services and distribution networks, it is vital that these economic corridors are the continuing focus for employment related development, maximising returns from public investment.	Should UTS vacate the Kuring-gai campus, the outcome most likely will be to relocate to the City campus, strengthen that campus as a 'knowledge precinct', consistent with the NSW Metropolitan Strategy. Alternatively, students from the UTS Kuring-gai campus could choose Macquarie University identified as part of the Macquarie Park 'knowledge precinct' and would thus also serve the desired planning outcomes of the NSW Metropolitan Strategy.
Ensure adequate supply of land and sites for residential development (objective C1)	The subregional housing target for Sydney City to 2031 is 132,000. This represents an increase of 55,000 dwellings between 2004-2031.	The redevelopment of the UTS site will contribute to the supply of land for housing within the Metropolitan Area and allow for approximately 440 new dwellings. The redevelopment of this site also helps to contain the Sydney footprint.
Plan for a housing mix near jobs, transport and services (objective C2)	The "Global Sydney" arc is identified as being able to accommodate 20% of the total additional dwellings identified for location within existing urban areas up to 2031. This equates to an additional 90,000 dwellings.	By optimising the density and development potential of the UTS site pressure on other less well suited land is diminished.
Improve the quality of new development and urban renewal (Objective C5)	The Government will guide design quality content of Development Control Plans, and Local Environmental Plans. Eliminate misalignments between DCPs and LEPs to prevent reduction of development potential in DCPs.	The SEPP amendment controls, the Concept Plan and Statement of Commitments will together deliver a high quality urban environment. Furthermore the large size of the site means that the impacts can be well contained within the site.

Objective	Strategy/action	Proposal
Influence travel choices to encourage more sustainable travel (Objective D3)	Planning Guidelines for Walking and Cycling will be implemented throughout the Metropolitan area.	The Concept Plan documents pedestrian and cycling integration within the site and to destinations outside the site, where the topography and subdivision pattern permits.
Protect Sydney's natural environment and achieve sustainable use of natural resources (Objective E2 and E3)	Protect Sydney's natural environment from impacts of growth for dual benefit; our waterways, biodiversity, clean air and heritage are protected; and development processes are streamlined with greater certainty. Plan for growth so as to achieve sustainable use of natural resources; water, energy and waste.	The Concept Plan incorporates ESD through the location and orientation of the proposed dwellings enabling the maximisation of solar access and other ESD principles contained in SEPP 65. In addition the ESD strategy includes protection of the natural biodiversity, protecting water quality, conserving and recycling water as well as the adaptive re-use of a substantive existing building.
Increase access to quality parks and public places (Objective F1)	Access to open space will need to be improved.	New streets will improve access to the surrounding Lane Cove National Park and the new public domain will be landscaped and finished to a high standard. Improved pedestrian connections will all improve access to the regional open spaces within easy walking distance of the site.
Provide a diverse mix of parks and public places (Objective F2)	The quality of open space to be improved through better design and management and better provision of facilities	There are a variety of open spaces proposed for the site including a new publicly accessible open 'village green' park and other landscaped links and spaces. The amount and quality of ground level publicly accessible open space is significant for a site in a developed residential area. This has been achieved by increasing building heights elsewhere on the site.
Improve State involvement in strategic places and projects (Objective G2)	Tailor planning and assessment regimes for State significant places and critical infrastructure under Part 3A of the Environmental Planning and Assessment Act.	The Minister has requested that a study be undertaken to determine whether the site is of State significance. The Minister has formed an opinion that pursuant to clause 6 of the Major Projects SEPP the proposal is a Major Project under Part 3A of the Act accordingly the Minister will be the consent authority.
Engage stakeholders in subregional planning (Objective G6.1)	Enable stakeholder involvement in subregional planning.	Stakeholders have been involved in the future redevelopment of the UTS site through targeted consultation and through Community Reference Groups. Further meetings will be held by the Department of Planning during the assessment phase of the UTS project

Housing Choice – Infill Site

The site has the potential to increase the provision of housing within the Sydney Metropolitan area.

SEPP 53 – Metropolitan Residential Development encourages the provision of housing in the Greater Metropolitan Region and enables the Minister to alter local planning provisions to facilitate multi-unit redevelopment on targeted sites. Six sites have been targeted in Kuring-gai and have been rezoned for medium density development with the Minister as consent authority. The UTS Kuring-gai site is not one of these. The proposal to broaden the zoning of the UTS Kuring-gai site post dates the process leading to the identification of sites within Kuring-gai in SEPP 53. To provide for multi-unit housing on the subject site will increase the opportunities for housing choice as envisaged by SEPP 53.

The Kuring-gai LGA population profile varies from that of broader Sydney in that it has significantly fewer people in the 20-40 years age group (25.8% compared with 38.5% for the Sydney average).

Kuring-gai's population is ageing, having a median age of 40 years, significantly higher than the Sydney median of 34 years. The proportion of aged persons in Kuring-gai LGA is forecast to continue to increase significantly as a proportion of the overall population.

Advice from demographic and market analysts Landsbury's indicates that the primary homebuyers in Kuring-gai LGA are in their mid-thirties to mid-forties with secondary school age children. Second to this group are ageing 'empty nesters' seeking to down size their home, while remaining in the same locality. Population trends indicate that this group of homebuyers will increase in number.

Young professional couples seeking to be closer to work, retail and recreation facilities are another emerging homebuyer market in the area. This group is seeking multi-unit housing and is likely to have previously grown up in Kuring-gai LGA and would particularly like to return to live in the area.

ABS data on dwelling mix in Kuring-gai is provided in **Table 3**, indicating that there has been an increase in the number of multi unit dwellings between 1996 and 2001. Single dwellings continue to make up the vast majority of dwellings in the locality.

Table 3 – Dwelling Mix – Kuring-gai LGA

Dwelling type	1996	2001
Single dwelling	28,400	28,922
Multi-unit (flats & apartments)	2,837	3,602
Semi, terrace, t/house	494	914
Other	68	56
Total	32,347	33,494

In 2001, only 14% of all housing in Kuring-gai was multi unit housing. However, as a result of the introduction of SEPP 53, a significant increase in housing variety can be expected.

Medium density housing is undersupplied and opportunities for the development of medium density housing is limited in the Kuring-gai LGA due to lack of appropriately zoned sites.

The Metropolitan Development Program Residential Forecasts for 2004/2005 – 2013/14 by the Department of Planning concludes that infill sites i.e. areas located outside of Transit Nodes in established areas are declining as contributors to the State's housing stock from 32% for the last 5 years to 29% in the short term and 26% in the medium term.

The forecast for housing generated by infill sites in Kuring-gai, medium term (09/10-13/14) is for approximately 635 dwellings. The proportion of the total dwellings projected in the medium term in Kuring-gai is 2,100 dwellings, of which 80% is anticipated to be multi-unit.

Lindfield is located within a precinct projected to show an increase of 350 dwellings in the medium term. Of these, 200 are projected to be developed on one of the sites identified in SEPP 53, the Lindfield Avenue site.

The proposed development on the UTS Kuring-gai site could potentially assist in providing a land bank of appropriately zoned land to facilitate an increase in medium density housing stock, if UTS vacates this site.

If developed, the proposal would contribute towards a greater choice of housing to meet the varying needs of the community in the greater metropolitan area and the changing demographics of the Kuring-gai LGA, as advocated by the Sydney Metropolitan Strategy.

Urban Consolidation

SEPP 32 – Urban Consolidation promotes urban consolidation and encourages urban land no longer required for its purpose to be rezoned, if appropriate, for multi-unit housing and related development.

As stated above, the proposed residential land uses would facilitate greater residential densities and multi-unit housing in an urban area of metropolitan Sydney, capitalising on existing infrastructure. It therefore supports the objectives of SEPP 32.

Surplus Land

State Government Policy has also recognised that it is reasonable to consider disposal of public land where that land is no longer required for its intended purpose.

The site is not publicly owned and SEPP 8 – Surplus Public Land does not apply in this instance. However, the principles of SEPP 8 relating to the orderly and economic use of land no longer required **for a public purpose** are valid and should be recognised in the consideration of this proposal.

2.3.4 (b) State and /or regional environmental significance

Lane Cove National Park

The site is bordered by the Lane Cove National Park on three sides. Lane Cove National Park provides a natural barrier that physically separates the site from surrounding development, except to the north.

The guidelines for development adjoining Department of Environment and Climate Change land has been considered and no adverse impacts to DECC land from the proposal are expected. Comprehensive management plans and WSUD measures will be developed to ensure that the proposed development will not have adverse impacts on DECC land or DECC management practices. No activities will be undertaken within DECC land.

The subject site contains bushland of state significance under SEPP 19 – Bushland in Urban Areas.

Four vegetation communities have been mapped on the site. None is listed as an endangered community under the Threatened Species Conservation Act (TSC Act) or Commonwealth Environment Protection and Biodiversity Conservation Act (EPBC Act). These communities are considered relatively well conserved in the Lane Cove National Park and the Sydney Region.

The bushland supports small areas of the threatened plant species *Darwinia biflora*. This is listed as vulnerable under the EPBC Act. This shrub occurs in restricted and scattered patches within the upper hillside areas, near the north-western and eastern car parking areas.

The native vegetation and other habitat features, such as rock outcrops, drainage lines and soil types, provide potential habitat for a range of fauna that are typical of Sydney Sandstone vegetation. This includes birds, mammals, reptiles and amphibians.

The majority of fauna are well conserved in the Sydney region, including the adjacent National Park.

The Red-crowned toadlet is the only threatened fauna species likely to inhabit the site. Other threatened species likely to visit the site, include:

- Powerful Owl;
- Grey-headed Flying-fox;
- Glossy Black cockatoo;
- Swift Parrot and Regent Honeyeater; and
- Insectivorous Bats.

Details of their listing under the Threatened Species Conservation Act and EPBC Act, distribution and abundance within the site are provided in the Ecology Report by ERM (refer **Appendix C**).

2.3.5 (c) State and/or regional cultural & heritage significance

The UTS Kuring-gai campus has been recognised for the outstanding architectural merit of the campus buildings and its landscape setting.

The site is listed on the Royal Australian Institute of Architects (RAIA) Register of 20th Century Buildings of Significance. The college building was awarded an architectural Merit Award in 1972, and in 1978, after completion of Stage 2, was awarded the Sulman Award.

The design of the original buildings by David Don Turner and landscaping by Bruce McKenzie provides a distinctive built form within a bushland setting, which is a key feature of the site.

State Heritage Significance

The NSW Heritage Office has received two nominations for the site to be included on the State Register. The nominations were from the Royal Australian Institute of Architects (RAIA) and Kuring-gai Council.

Senior Officers of the NSW Heritage Office have reviewed these nominations and supporting documentation and are of the view that the site is of State Heritage Significance.

Discussions have been held with the NSW Heritage Office regarding the potential listing of the site. The NSW Heritage Office has indicated a preference to progress the listing process with a Heritage Agreement in place with the land owner.

Kuring-gai Draft LEP 30

Kuring-gai Council has prepared a Draft (Heritage Conservation) LEP 30 for the UTS Kuring-gai Campus which was exhibited from 27 October 2004 to 26 November 2004. On 26 April 2005 the Council endorsed the draft LEP for referral to the Department of Planning under the provisions of section 69 of the EP & A Act for gazettal by the Minister.

2.3.6 (d) Alternative planning or consent arrangements

The direction to consider identifying those parts of the site which should be subject to Part 4 of the EP & A Act with Kuring-gai Council as the consent authority is noted.

- UTS prefers that the approval role for the site be retained with the Minister. This view has been formed having regard to the process to date; and
- Having the Minister as the on consent authority would assist in the consistency and efficiency of decision making.

The proposed amendment to the SEPP provides for development under \$5 million to be dealt with under Part 4 of the Act, but with the Minister as consent authority. This would enable the Minister to delegate this category of development for assessment and determination to Kuring-gai Council in the future if appropriate.

2.4 Economic growth

The redevelopment involves a direct investment (for construction only) of approximately \$216 million. The investment plus the multiplier effect of 1.81 (i.e. every construction dollar of construction output requires another 81 cents of output from other parts of the economy), the total value of the development, including flow on effects will be in the order of \$390 million. This has a significant beneficial effect on the economic growth and prosperity of the State.

2.5 Public outcomes

The following public outcomes will be achieved by the redevelopment of the UTS Kuring-gai site:

- The growth and positioning of Sydney as the premier business, cultural and living centre of the Asia-Pacific region will be enhanced through the strengthening of one of Sydney's key educational institutions and precincts;
- The proposed development will result in the creation of approximately 68,304m² of GFA of residential floor space (440 dwellings) in a high quality new neighbourhood;
- The project will make a significant contribution to the supply of housing choice within the Kuring-gai LGA ;
- The new public streets and pathways will open up the site to the public. New vehicular, pedestrian and cycle links will cross the site in all directions and allow its 'seamless' integration with the neighbouring communities. The public will be able to traverse the site and gain access to surrounding bushland. This will be via a safe, accessible and high amenity public domain.
- Significant improved environmental management plans for the protection of endangered flora and fauna on the site, asset protection from bushfire, water quality, erosion and weed infestation.
- A major new park (a 'village green' of approximately 6,970 square metres) and other, smaller areas of connecting space and their integration into the broader public domain and surrounding bushland.
- The conservation of a significant item of environmental heritage.
- An ability to retain the library, auditorium and child care facilities on site.
- Accessible buildings, parks and facilities for all members of the community.
- The public will have further opportunities to be involved in the approvals process for all subsequent applications for the detailed design of buildings and public spaces.

3.0 Major Projects SEPP Amendment Proposal

3.1 Introduction

The proposed listing of the UTS site as a State Significant Site within Schedule 3 of the Major Projects SEPP will establish a new planning regime for the site, including any new zoning and planning controls considered appropriate. To this end the following zoning and planning controls are recommended for inclusion by the Minister in the SEPP amendment.

The Schedule 3 amendment will effectively replace the current planning instrument, Kuring-gai Planning Scheme Ordinance (KPSO). It is proposed that the amendment to Schedule 3 of the Major Projects SEPP (the Amendment) will rezone the land to Residential 1- General Residential, R2 – Low Density Residential, and Recreational R2, RE 2 – Private Recreation and E3 – Environmental Management in accordance with the provisions of the Standard Instrument (Local Environmental Plans) Order 2006 (the Standard LEP Template).

The following sections identify the new zoning and planning provisions that are proposed via the Amendment. A draft SEPP amendment containing the proposed zoning and other recommended provisions is included for the Minister's consideration at **Appendix D**.

3.2 Land to which SEPP Amendment Applies

The land to which the Amendment applies is all of that land shown on the map included in **Figure 4**.



Figure 4 – Land to which the SEPP (Major Projects) Amendment Applies

3.3 Existing Zoning Provisions

Kuring-gai Planning Scheme Ordinance

The site is currently zoned Special Uses "A" under the Kuring-gai Planning Scheme Ordinance (KPSO). The Special Uses "A" zone is coloured yellow on the accompanying planning scheme map, as shown on the map extract included at **Figure 5**.

The particular development to which the special use zoning relates is indicated by red lettering on the zoning map. The use identified for the site is "Teachers College".

Land uses that are permissible with consent under the current zoning include:

- demolition;
- hospitals;
- special events;
- subdivision (subject to cl.58(A) of the KPSO);
- teachers college and
- utility installations.

Minor works such as awnings, barbecues, fences, garden sheds and the like, identified in Council's Exempt and Complying DCP (DCP No. 46), may be undertaken without consent. All other uses are prohibited.

Draft (Heritage Conservation) LEP 30

Draft (Heritage Conservation) LEP 30, site specific to the Kuring-gai campus site, was exhibited from 27 October 2004 to 26 November 2004. On 26 April 2005 the Council endorsed the draft LEP and referred it to the Department of Planning seeking gazettal.



Figure 5 – Current site zoning

3.3.1 Environmental Planning Instrument

Proposed Land Use Zones

It is proposed to rezone the site to the following zones, consistent with the Standard LEP Template:

- R1 General Residential Zone
- R2 Low Density Residential
- RE2 Private Recreation
- E3 Environmental Management

A draft instrument is included in **Appendix D**.

Proposed additional uses in the R1 General Residential Zone

It is proposed to insert uses in addition to those that are identified as being compulsory, but uses that are considered to be consistent with the broad intent of the R1 zone objectives and that already exist on the site, in accordance with clause 14 of the Standard LEP Template.

The zone objectives for R1 General Residential Zone are:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

'Compulsory' uses under the Standard LEP template for inclusion in the R1 General Residential zone are:

- boarding houses,
- child care centres,
- community facilities,
- dwelling houses,
- group homes,
- hostels,
- multi dwelling housing,
- neighbourhood shops,
- places of public worship,
- residential care facilities,
- residential flat building;
- seniors housing,
- shop top housing

The following additional uses are sought to be included in Schedule 1 –
Additional permitted uses:

- educational establishments,
- office premises;
- auditorium;
- library; and
- indoor recreation facility.¹

The zoning map showing the location of the proposed land use zones is included as **Figure 6**.



Figure 6 –Draft Zoning Map

¹ *Commercial (office) premises means a building or place used for business or commercial purposes*

Educational establishment means a building or place used for education (including teaching), being:

- (a) *a school, or*
- (b) *a tertiary institution, including a university and a TAFE college, that provides formal education and is constituted by or under an Act, or*
- (c) *an art gallery or museum that is not used to sell the items displayed,*

whether or not it provides accommodation for staff or students and whether or not it is used for the purpose of gain.

Auditorium, library and indoor facility are not defined in the Standard LEP Template

3.4 Development Provisions

Development Standards

It is proposed to introduce controls on development parcels, floor space ratios and building heights and car parking provision as part of the amendment to Schedule 3.

These controls will determine the location of buildings on the site as well as the, scale and form of buildings. The recommended controls are considered to be appropriate for the following reasons:

- the nominated development parcels are sited on areas that have been subject to previous clearing or development;
- the areas outside the development parcels are largely bushland areas that are of value for conservation, landscape scenic protection and bushfire hazard reduction;
- the plan to consolidate and site future development parcels and buildings on one part of the site within a bushland setting is consistent with the design approach used in the development of the UTS campus by the original architects;
- the transition in the scale, height and density of buildings from 2 storeys to 5 storeys respects the site context in terms of topography, views and surrounding land uses;
- low scale building forms (2 storeys) are sited adjacent to the existing residential area to the north;
- medium scale building forms (3 to 5 storeys) are sited adjacent to the UTS buildings; and
- the scale of development and its location within the site as proposed will have a minimal impact on significant view corridors in the locality.

3.4.1 Exempt and Complying Development

The exempt and complying development provisions that currently apply to the site under the Kuring-gai DCP No 46 remain applicable to the site.

3.4.2 Exceptions to Development Standards

It is proposed to insert provisions that enable the consent authority to vary development standards consistent with provisions inserted into recent Amendments to Schedule 3.

3.4.3 Special Provisions

It is proposed to identify the UTS campus building as a heritage item. It is also proposed to insert standard heritage incentive provisions to enable broader land use options to be contemplated in addition to those identified in the proposed land use schedule, in the event a different use that is prohibited but may have merit.

The LEP template therefore contains a heritage conservation provision. That provides an incentive for the retention of heritage items and enables a consent authority to grant consent for the use of a heritage item for any purpose.

The provision states as follows:

'The consent authority may grant consent to development for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though development for that purpose would otherwise not be allowed by this Plan if the consent authority is satisfied that:

- (a) the conservation of the heritage item is facilitated by the granting of consent, and*
- (b) the proposed development is in accordance with a heritage conservation management plan that has been approved by the consent authority, and*
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage conservation management plan is carried out, and*
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, and*
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.'*

3.4.4 Subdivision

It is proposed to insert provisions for subdivision consistent with provisions inserted into recent Amendments to Schedule 3.

3.4.5 Crown Development and Public Utilities

It is proposed to insert provisions to enable the construction of utilities and roads with the need for consent under Part 3A.

3.5 Relationship to Existing Planning Provisions

Key environmental planning legislation, including state planning policies as well as Ministerial Directions are considered and their relevance is assessed.

3.5.1 Section 117 Ministerial Directions

Ministerial Directions under Section 117 of the EP&A Act provide measures for consideration in preparing draft LEPs. However, it is considered they are also relevant matters for consideration as part of this study.

The relevant Section 117 directions include:

The relevant S117 directions are considered in **Table 4** and include:

- No 8 – Community use of Educational Establishments
- No 9 – Conservation and Management of Environmental and Indigenous Heritage
- No 17 – Integrating Land Use and Transport
- No 19 - Planning for Bushfire Protection
- No 21 – Residential zones
- No 26 – Special Area Zones and Recreation Zones

Table 4 – Relevant Section 117 Directions

Section 117 Directions	Requirement	Compliance/relevance
No 8 Community Use of Educational Establishments	Requires that educational establishments contain provisions that allow community use of the facilities and commercial operation of those facilities.	The proposed rezoning will continue to allow educational uses and encourage commercial operation of facilities by permitting commercial premises as an additional use. Community uses may also be incorporated in the adaptive reuse of existing buildings.
No 9 Conservation and management of Environmental and Indigenous Heritage	Environmental heritage and ecologically significant items and areas must be conserved, except where justified by an environmental study.	A draft planning instrument which identifies the site as a heritage item. The heritage values are noted and the proposed rezoning responds to the findings of the Heritage Assessment and Conservation Strategy included at Appendix I .

Section 117 Directions	Requirement	Compliance/relevance
No 17 Integrating Land Use and Transport	Seeks to ensure that urban structure, building form, land use locations and subdivision design helps to integrate land use and transport and minimise the need to travel by private car, increases choice of public transport, reduce travel demand, and supports viable operation of public transport.	The proposed rezoning will allow residential flat buildings and small lot housing. Development of the site, consistent with the proposed rezoning will increase the density of the neighbourhood, potentially providing community facilities and a residential site density of around 21.9 dwellings per hectare. The site will continue to have direct public transport by bus, and secondary rail access.
No 19 Planning for Bushfire Protection	Requires that consideration be given to land that is subject to bushfire hazard and, where relevant, draft LEPs should provide setbacks and controls which avoid placing urban development in hazardous areas.	The site is bushfire prone. The rezoning submission addresses the control of bushfire hazard. A bushfire hazard assessment is included at Appendix H .
No 21 Residential Zones	Requires that residential development is not permitted until land is, or can be shown to be, adequately serviced with water and sewerage.	The site can be adequately serviced for residential development. Refer to the Urban Infrastructure Management Strategy at Appendix E .
No 26 Special Area Zones and Recreation Zones	Requires that special use zones are not created altered or removed without the approval of the relevant public authority and the Minister for Planning.	The rezoning will apply to land in the special uses zone. The Minister will have regard to this matter in considering the proposed rezoning.

3.5.2 State Environmental Planning Policies

In addition, the following SEPPs will apply to future proposals within the development, with detailed consideration of the objectives and provision of these policies able to be addressed in future Project Applications:

- State Environmental Planning Policy (Major Projects) 2005;
- State Environmental Planning Policy (BASIX) 2004
- State Environmental Planning Policy 11 – Insert Name – Traffic Generating Development
- State Environmental Planning Policy 19 – Bushland in Urban Areas
- State Environmental Planning Policy 32 – Urban Consolidation
- State Environmental Planning Policy 53 – Metropolitan Residential Development
- State Environmental Planning Policy 55 – Remediation of Land

- State Environmental Planning Policy 65 – Design Quality of Residential Flat Development
- Draft State Environmental Planning Policy SEPP 66 – Integration of Land Use and Transport

Table 5 – Consistency with State Environmental Planning Policies

SEPPs	Requirement	Compliance/relevance
SEPP No 11 Traffic Generating Developments	Seeks to ensure the Roads and Traffic Authority is made aware of, and is given an opportunity to make representations on certain traffic generating developments.	Traffic impacts from the proposed redevelopment are carefully managed to minimise impacts on surrounding roads, Sustainable transport initiatives and the promotion of public transport will minimise traffic impacts.
SEPP No 19 Bushland in Urban Areas	When preparing draft environmental planning instruments consideration shall be given to retaining bushland, unless significant environmental, economic or social benefits arise to outweigh the value of the bushland.	Preservation and conservation of bushland is a key objective and the retention of bushland has been given a high priority in considering the future of the site. An Ecology Statement has been prepared and is included at Appendix C .
SEPP No 32 Urban consolidation	Promotes urban consolidation and encourages urban land no longer required for the purpose it is currently zoned to be rezoned, if appropriate, for multi unit housing and related development.	The proposed amendment to Schedule 3 and development of the site will result in greater residential densities and multi unit housing.
SEPP No 44 Koala Habitat Protection	Aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population and reverse the current trend of koala population declines. The policy applies to LGAs listed in Schedule 1 of the SEP and includes Kuring-gai LGA.	It is likely that Scribbly Gum makes up more than 15% of the trees on the site and therefore the site consists of potential koala habitat. However, the site is not likely to be core koala habitat since there is no evidence of koalas, nor recent records of a population. Therefore further consideration under SEPP 44 is not required.
SEPP No 53 Metropolitan Residential Development	Encourages the provision of housing in the Greater Metropolitan Region and enables the Minister to alter local planning provisions to facilitate multi-unit redevelopment on targeted sites.	Six target sites in Kuring-gai have been rezoned for medium density development with the Minister as the consent authority. The UTS site is not one of these. Rezoning of the site to allow for multi-unit housing will increase opportunities for housing choice, consistent with the underlying intent of SEPP 53.

SEPPs	Requirement	Compliance/relevance
SEPP No 55 Remediation of Land	Land must not be rezoned unless contamination has been considered and, where relevant, land has been appropriately remediated.	A Phase 1 contamination study of the site has been completed. The study has found that the site has not been grossly contaminated by its current or historic uses.
SEPP No 65 Design Quality of Residential Flat Development	Includes design principles to raise the design quality of residential flat buildings. It also requires that in the preparation of environmental planning instruments and development control plans, provisions are included to ensure the achievement of design quality principles.	The proposed amendment to schedule 3 will provide for residential flat buildings on the site. Any future development proposal for the site will need to illustrate design principles and objectives consistent with ESD and SEPP 65 principles.
SEPP Building Sustainability Index 2004	This SEPP operates in conjunction with Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 to ensure the effective introduction of BASIX in NSW. The SEPP ensures consistency in the implementation of BASIX throughout the State by overriding competing provisions in other environmental planning instruments and development control plans, and specifying that SEPP 1 does not apply in relation to any development standard arising under BASIX.	The proposed amendment to Schedule 3 will permit residential flat buildings on the site with consent. Any future development proposal for the site will need to illustrate design principles and objectives consistent with BASIX requirements.
Draft SEPP No 66 Integration of Land Use & Transport	Draft planning instruments should ensure that urban structure, building form, land use locations and subdivision design help integrate land use and transport and minimise the need to travel by private car.	As previously mentioned, the proposed amendment to Schedule 3 will allow residential flat buildings and small lot housing. If gazetted, it will facilitate an increase in the residential density of the neighbourhood, potentially providing community facilities and a residential site density of around 21.15 dwellings per hectare. The site has and will continue to have direct public transport by bus, and secondary rail access.

3.5.3 Local Statutory Planning Framework

The following local statutory planning instruments, development control plans and policy documents are currently applicable to the site:

Environmental Planning Instruments

- Kuring-gai Planning Scheme Ordinance
- Draft (Heritage Conservation) Local Environmental Plan 30

Development Control Plans

- Kuring-gai Development Control Plan 31 - Access
- Kuring-gai Development Control Plan 38 – Residential Design Manual
- Kuring-gai Development Control Plan 40 – Construction and Demolition Waste Management
- Kuring-gai Development Control Plan 43 – Car Parking Code
- Kuring-gai Development Control Plan 46 – Exempt and Complying Development
- Kuring-gai Development Control Plan 47 – Water Management
- Kuring-gai Development Control Plan 48 – Medium Density Development
- Kuring-gai Development Control Plan 57 - Child Care Centres

Policies/strategies

- Kuring-gai Council Riparian Policy 2004
- Kuring-gai Council Biodiversity Strategy 2006
- Kuring-gai Open Space Acquisition Strategy 2006

3.5.4 Environmental Planning Instrument

The key provision contained within KPSO is the existing land use zone. The proposed amendment to Schedule 3 of the Major Projects SEPP is seeking a broader range of permissible land use on the site. In addition the Amendment proposes that the UTS campus building be identified as a heritage item.

3.5.5 Development Control Plans

Regard has been made to the Kuring-gai DCPs where relevant to the broad considerations of the Concept Plan. The car parking provision is based on DCP 43. Exempt and Complying provisions in the draft amending instrument include the provisions of DCP 46. DCP 47 and Councils Riparian Policy 2004 and Biodiversity Strategy 2006 were also referenced in the preparation of technical reports in relation to the establishment of the APZ, protection of bio-diversity, rare flora and fauna and preservation of water quality.