

Schedule 3 State significant sites

1. Name of Policy

This Policy is State Environmental Planning Policy (Major Projects) 2005 (Amendment No XX)

2. Aims of Policy

The aims of this Policy are:

- (i) To identify the land to which this Plan applies as a State significant site under the State Environmental Planning Policy (Major Projects) 2005, and
- (ii) To identify development on the site that is development to which Part 3A of the environmental Planning and Assessment Act 1979 applies, and
- (iii) To establish appropriate zoning and other development controls for that land
- (iv) To provide for a wide range of compatible uses and opportunities for increased housing choice;
- (v) To preserve as far as practicable the distinctive bushland quality of the site by protecting the natural environment including biodiversity, the general tree canopy, natural watercourses, natural soil profiles, groundwater and topography and to reduce and mitigate impacts of development on natural areas and generally limiting new development to those areas which have already been developed;
- (vi) To conserve the existing campus building and its setting by generally concentrating development to those areas within the site which have already been developed or disturbed;
- (vii) To achieve high quality urban design and architectural design;

3 Land to which this Part Applies

This Part applies to the land identified on Map XX to this Schedule referred to in this Schedule as the UTS Kuring-gai site

4 Amendment of State Environmental Planning Policy (Major Projects) 2005

State Environmental Planning Policy (Major Projects) 2005 is amended as set out in Schedule 1.

Schedule 1 Amendments

[1] Schedule 3

Insert (with appropriate numbering) at the end of the Schedule (before the maps):

Part X UTS Kuring-gai site

Division 1 Preliminary

1 Definitions

In this Part:

Building Height Map means the map marked State Environmental Planning Policy (Major Projects) 2005 (Amendment No XX) – UTS Kuring-gai Site - Building Height Map.

Zoning Map means the map marked State Environmental Planning Policy (Major Projects) 2005 (Amendment No XX) – UTS Kuring-gai - Zoning Map.

2 Interpretation

A word or expression used in this Part has the same meaning as it has in the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) order 2006* unless it is otherwise defined in this part.

3 Relationship with other environmental planning instruments

The only environmental planning instruments that apply, according to their terms, to or in respect of development on land within the UTS Kuring-gai site are this policy and all other State environmental planning policies.

4 Maps

- (1) A reference in this Part to a named map adopted by this Part is a reference to a map by that name:
 - (a) approved by the Minister when the map is adopted, and
 - (b) as amended from time to time by maps declared by environmental planning instruments to amend that map, and approved by the Minister when the instruments are made.
- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference to this Part to any such named map is a reference to the relevant part of the single map.
- (3) Any such maps are to be kept available for public access in accordance with arrangements approved by the Minister.

Division 2 Part 3A projects

5 Part 3A projects

- (1) Such development within the UTS Kuring-gai site as has a capital investment value of more than \$5 million, other than development for the purpose of a public utility undertaking.
- (2) Subdivision of land within the UTS Kuring-gai site, other than strata title subdivision, a community title subdivision, or a subdivision for any one or more of the following purposes:
 - (a) widening a public road,
 - (b) making an adjustment to a boundary between lot, being an adjustment that does not involve the creation of a greater number of lots,

- (c) a minor realignment of boundaries that does not create additional lots or the opportunity for additional dwellings,
 - (d) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings
 - (e) rectifying an encroachment on a lot,
 - (f) creating a public reserve,
 - (g) excising from a lot land that is , or is intended to be, used for public purposes, including drainage purposes or emergency service purposes or public conveniences.
- (3) Development involving reuse of the existing UTS Kuring-gai main building complex.

Division 3 Provisions applying to development within the Kuring-gai UTS site

6 Application of Division

This Division applies with respect to any development within the UTS Kuring-gai site and so applies whether or not the development is a project to which Part 3A of the Act applies.

7 Land use zones

- (1) For the purposes of this Policy, land within the UTS Kuring-gai site is in a zone as follows if the land is shown on the Zoning Map as being that zone:
- (a) Zone R1 General Residential
 - (b) Zone R2 Low Density Residential
 - (c) Zone RE1 Public Recreation
 - (d) Zone E2 Environmental Conservation

8 Zone R1 General Residential Zone

- (1) The objectives of Zone R1 Residential are as follows:
- (a) To provide for the housing needs of the community.
 - (b) To provide for a variety of housing types and densities.
 - (c) To enable other land uses that provide facilities or services to meet the day to day needs of residents.
 - (d) To provide development that is compatible with the existing environment and heritage qualities of the locality
 - (e) To maximise sustainable outcomes
 - (f) To achieve high quality architectural and urban design outcomes
 - (g) To establish development controls that allow for the provision of affordable housing
- (2) Permitted with consent

Boarding houses; Business Premises; Child care centres; Community facilities; Dwelling houses; Educational establishment; Group homes; Hostels; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential care facilities; Residential flat buildings; Roads; Seniors housing; Shop top housing

- (3) Except as otherwise provided by this Policy, development is prohibited on land within the Zone R1 —General Residential unless it may be carried out under subclause (2).

9 Zone R2 Low Density Residential Zone

- (1) The objectives of Zone R2 Low Density Residential are as follows:
 - (a) To provide for the housing needs of the community within a low density residential environment.
 - (b) To enable other land uses that provide facilities or services to meet the day to day needs of residents.
 - (c) To provide development that is compatible with the existing environment and heritage qualities of the locality
 - (d) To maximise sustainable outcomes
 - (e) To achieve high quality architectural and urban design outcomes
 - (f) To establish development controls that allow for the provision of affordable housing
- (2) Permitted with consent

Dwelling houses; Group homes; Roads
- (3) Except as otherwise provided by this Policy, development is prohibited on land within the Zone R2 —Low Density Residential unless it may be carried out under subclause (2).

10 Zone RE1 Public Recreation

- (1) Objectives of the RE1 Public Recreation zone are as follows:
 - (a) To enable land to be used for public open space or recreational purposes.
 - (b) To provide a range of recreational settings and activities and compatible land uses.
 - (c) To protect and enhance the natural environment for recreational purposes.
- (2) Permitted without consent

Environmental protection works; Roads; Public utility undertaking; Roads
- (3) Permitted with consent

Community Facilities; Environmental facilities; Kiosks; Recreation areas; Recreation Facility (outdoor)
- (4) Prohibited

Any development not specified in item 2 or 3

11 Zone E2 Environmental Conservation

- (1) The objectives of the E2 Environmental Conservation zone are as follows:
 - (a) To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.

- (b) To prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- (2) Permitted without consent

Bush fire hazard reduction work; Environmental protection works; Public utility undertaking
- (3) Permitted with consent

Roads
- (4) Prohibited

Business premises; Hotel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

12 Exempt and complying development

Development within the UTS Kuring-gai site that satisfies the requirements for exempt development or complying development specified in *Kuring-gai Development Control Plan No.46 – Exempt and Complying Development* (adopted by Council 16 November 1999), is exempt development or complying development, as appropriate.

13 Public utility undertakings excepted

Development for the purpose of a public utility undertaking that is carried out on land within the UTS Kuring-gai site does not require consent.

Note. As a consequence of the removal of the requirement from development consent under part 4 of the Act, development for the purposes of public utility undertakings is subject to the environmental assessment and approval requirements of part 5 of the Act.

14 Subdivision – consent requirements

- (1) Land within the Kuring-gai UTS site may be subdivided, but only with consent.
- (2) However, consent is not required for a subdivision for the purpose only of any one or more of the following:
 - (a) widening a public road,
 - (b) making an adjustment to a boundary between lot, being an adjustment that does not involve the creation of a greater number of lots,
 - (c) a minor realignment of boundaries that does not create additional lots or the opportunity for additional dwellings,
 - (d) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings
 - (e) rectifying an encroachment on a lot,
 - (f) creating a public reserve,
 - (g) excising from a lot land that is , or is intended to be, used for public purposes, including drainage purposes or emergency service purposes or public conveniences.

15 Height of buildings

The height of buildings on any land that within the UTS Kuring-gai site is not to exceed the maximum number of storeys shown for the land on the Building Height Map.

16 Floor space ratio

The maximum gross floor area of buildings on the site shall not exceed the floor space ratio of 0.45:1 across the entire UTS Kuring-gai site.

17 Heritage Conservation

- (1) In this clause, **heritage item** means the building known as the UTS Kuring-gai main building complex, excluding the gymnasium.
- (2) A person must not, in respect of a building, work, relic, tree or place that is a heritage item:
 - (a) demolish, dismantle, move or alter the building, work, relic, tree or place, or
 - (b) damage or remove the relic, or
 - (c) excavate land for the purpose of discovering, exposing or moving the relic, or
 - (d) damage or despoil the tree or place, or
 - (e) erect a building on, or subdivide, land on which the building, work or relic is situated or that comprises the place, or
 - (f) damage any tree or land on which the building, work or relic is situated on or on the land which comprises the place, or
 - (g) make structural changes to the interior of the building or work,except with the consent of the Minister.
- (3) Consent may be granted 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.
- (4) However, consent under this clause is not required if the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
 - (a) is of a minor nature, or is for the maintenance of the heritage item, and
 - (b) would not adversely affect the significance of the heritage item.



Proposed Zones



Building Heights Map