



## ***MAJOR PROJECT ASSESSMENT***

UTS KU-RING-GAI CAMPUS (MP 06\_0130)



**Director-General's**

Environmental Assessment Report

Section 75I of the

*Environmental Planning and Assessment Act 1979*

June 2008

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## 1. EXECUTIVE SUMMARY

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- 1.1 This is a report from the Director-General to the Minister in relation to Project MP 06\_0130 on UTS Ku-ring-gai campus. This report is provided to the Minister for the purposes of determining the Concept Plan pursuant to Section 750(2)(a) of the Act.
- 1.2 The Site is a 20.8 hectares (ha) located at Eton Road, Lindfield in the Ku-ring-gai Local Government Area, approximately 1.2 kilometres west of the Pacific Highway and Roseville train station. Lane Cove National Park surrounds the Site on all sides except the north which is bound by Film Australia and single lot residential housing development.
- 1.3 The Site is owned by UTS and operates as its Ku-ring-gai campus. It has an estimated student capacity of 3500 and employs approximately 300 full time staff.
- 1.4 The UTS Ku-ring-gai Campus is suffering a decline in student numbers and accordingly UTS propose to develop the Site into 382 dwellings with buildings up to 5 storeys in height. This will allow the University to consolidate the facilities at their Broadway campus.
- 1.5 The proposed development includes the retention of the main campus building of 27,167sq.m, provision of a sports oval and retention of 34750sq.m of bushland to be dedicated to the National Park and 56774.4 of bushland as an asset protection zone (APZ).
- 1.7 The Minister announced that he agreed to consider the UTS Ku-ring-gai Campus as a State Significant Site on 12 December 2005 and on 14 June 2007 declared that the project is a Major Project under Part 3A of the Environmental Planning and Assessment Act 1979 and authorised the submission of a Concept Plan for the Site.
- 1.8 UTS Ku-ring-gai is currently zoned 5(a) Special Uses – Teacher's College under Ku-ring-gai Planning Scheme Ordinance 2007. Rezoning of this Site is required to allow mixed use and residential development and Environmental Conservation as proposed.
- 1.9 The Proponent (UTS) is seeking concept approval and a rezoning to allow for residential development of 382 dwellings, demolition of the existing gymnasium and the retention and adaptive reuse of the existing main campus building.
- 1.10 In October 2007, UTS submitted a Concept Plan for the Site in response to the Director General's Environmental Assessment Requirements.
- 1.11 The proposal was exhibited for 31 days from 31 October 2007 to 30 November 2007.
- 1.12 1417 submissions were received, of which 9 were from public authorities.
- 1.13 Key agency issues related to: bushfire protection, urban design, heritage, loss of an educational facility, loss of community facilities, traffic generation, access, parking, flora and fauna, water management, developer contributions and climate change.
- 1.14 A Community Reference Group (CRG) was established to inform the process. This group met on three occasions, prior to lodgement of the Environmental Assessment (EA), during exhibition and prior to lodgement of the Preferred Project Report (PPR).
- 1.15 In October 2007, the Proponent submitted a Concept Plan proposing 440 dwellings.
- 1.16 In February 2008, the Proponent submitted a Preferred Project Report (PPR) and a revised Statement of Commitments to address the issues raised during the exhibition.

- 1.17 In balancing the State significant planning outcomes with the issues raised above, the Department is of the view that the Proponent has satisfactorily mitigated the impacts arising from the development of the UTS Kuring-gai Site, and is suitable for the Site subject to the recommended modifications to the Concept Plan (See **Appendix A**).

## 2. BACKGROUND

### 2.1 Introduction

The UTS Ku-ring-gai campus Site (the Site) is a 20.8 ha and is located at Eton Road, Lindfield in Ku-ring-gai Local Government Area (LGA). The subject Site is located approximately 1.2 kilometres (km) west of the Pacific Highway and Roseville train station (refer to Figure1).

The Proponent initially sought approval to develop the Site with 440 dwellings, however, following exhibition of the proposal, the University seeks to develop the Site with 382 residential dwellings in residential buildings up to 5 storeys. The proposed development includes the partial retention of the main campus building and provision of a sports oval.

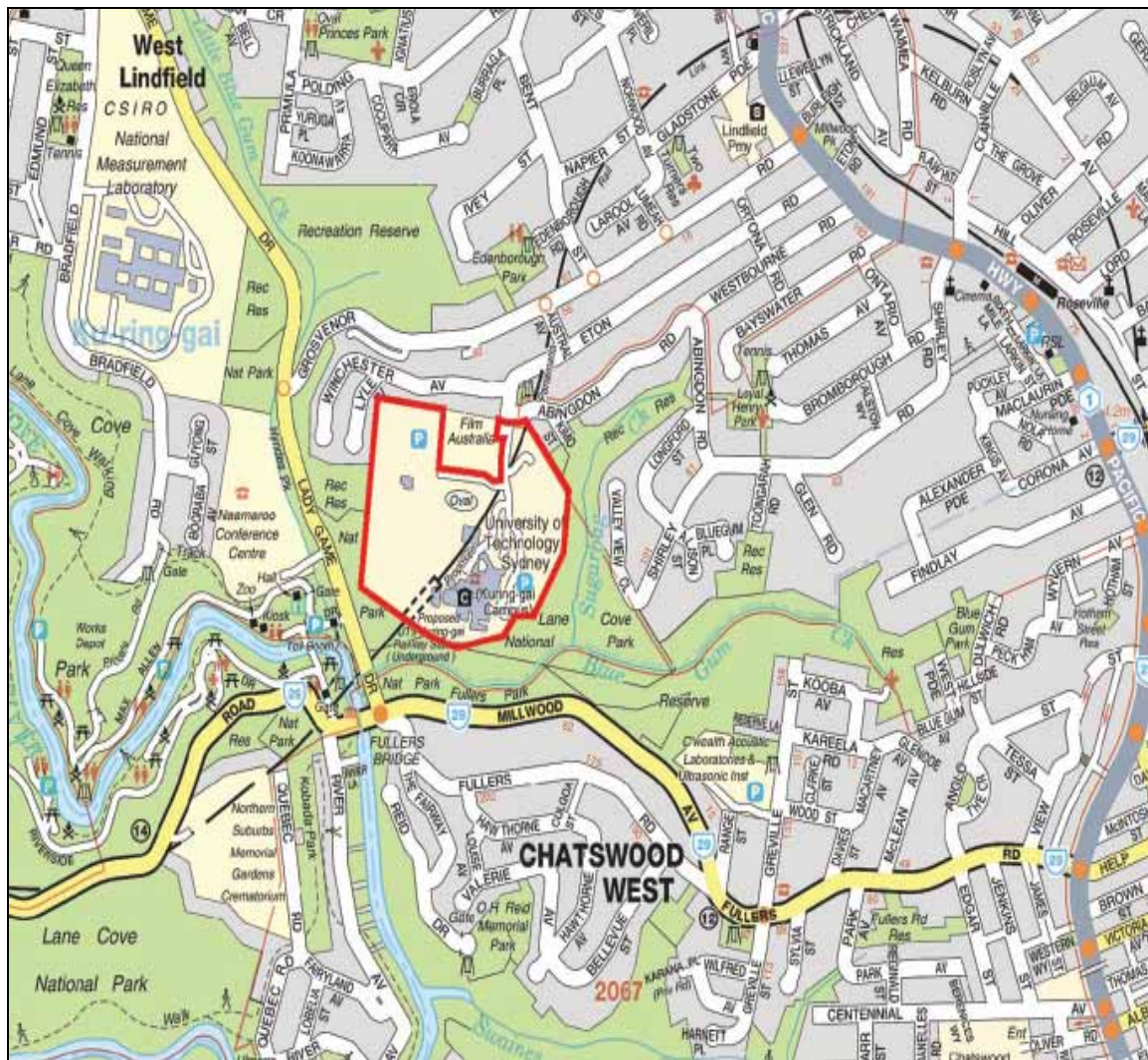


Figure1 The Site and surrounding locality

The Site comprises Lot 5 in DP 32292 and Lots 1 & 2 in DP 1043043 and is bound by the Film Australia Site, Lyle Avenue and Kimo Street residential allotments to the north and Lane Cove National Park on all other sides.

The Epping to Chatswood railway line passes directly under the site at a depth of at least 25m below ground level.



The Site is currently owned by the Proponent, the University of Technology, Sydney (UTS) and has been used for tertiary education purposes since its development by the State Government in 1969 for the William Balmain Teachers College. The Site currently contains:

- 11 ha of undeveloped bushland;
- Main campus building including gymnasium of 31041sq.m;
- Tennis courts;
- UTS run childcare centre ;
- Sports oval; and,
- Car parking.



Figure 2 Aerial Photo

The Site, shown in **Figure 2** is within the catchments of College, Sugarbag and Blue Gum Creeks, which are tributaries of the Lane Cove River. The College Creek catchment cuts into the south-western section, Sugarbag Creek drains to the eastern section and Blue Gum Creek drains to the eastern section of the Site.

Topographically, the Site is located on a sandstone ridge with buildings and facilities located at the centre of the Site on flatter plateaus. The Site contains some sandstone outcrops and exceptionally steep-sided gullies that slope down on the west, east and south at angles between 10-15°.

### 3. PROPOSED DEVELOPMENT

#### 3.1 Original Concept Plan

In October 2007, the Proponent submitted an EA entitled UTS Ku-ring-gai Campus prepared by JBA Urban Planning Consultants Pty Ltd and a Concept Plan prepared by DEM Architects. The EA sought to:

- Justify nomination of the Site as a State Significant Site within Schedule 3 of the Major Projects SEPP 2005.
- Present a Concept Plan approval for the Site.
- Address the specific Director General's Environmental Assessment Requirements.

The Concept Plan proposed retention of the main campus building for education or adaptive reuse; approximately **440 new dwellings** at a range of densities; residential buildings up to 5 storeys; car parking, internal roads and pedestrian network; conservation of bushland; and, the creation of a 'Village Green' Park. Key parameters of the exhibited proposal are summarised at Table 1.

Element	Exhibited Proposal
Residential dwellings	10 Single lots 40 Town houses 390 Apartments
Building heights	2 – 5 storeys
Residential car parking	684 spaces
Asset Protection Zone (APZ)	Minimum 50m
Open space	6,970 sq.m publicly accessible village green
Undeveloped bushland	9.15ha

Table 1 UTS Ku-ring-gai campus – Concept Plan Summary

#### 3.2 Amendments to the Proposal

A PPR responding to the issues raised in submissions (**Appendix B**) was prepared by JBA Urban Planning Consultants and submitted to the Department in February 2008. The Proponent addressed the issues raised during the consultation period through a revised Concept Plan (shown in **Figure 3**), and a revised Statement of Commitments (included in **Appendix C**). The key parameters of the exhibited proposal are summarised at Table 2.

Element	Revised Proposal
Residential dwellings	10 Single lots 25 Town houses 347 Apartments
Building heights	1 – 5 storeys
Residential car parking	590 spaces
Asset Protection Zone (APZ)	50 m – 60 m
Open space	9,800sq.m publicly accessible sports oval and curtilage
Undeveloped bushland	9.18ha

Table 2 UTS Ku-ring-gai campus – Preferred Project Report Summary





Figure 3 Revised Concept Plan

## 4. STATUTORY CONTEXT

### 4.1 Part 3A - Environmental Planning and Assessment Act 1979

Part 3A of the Act commenced operation on 1 August, 2005. Part 3A consolidates the assessment and approval regime of all major projects where the Minister was the consent or approval authority under Part 4 (Development Assessment) or Part 5 (Environmental Assessment). Under the provisions of Section 75B of the Act, development may be declared to be a Major Project by virtue of a SEPP or by order of the Minister published in the Government Gazette.

Section 75M of the Act permits a proponent to lodge a Concept Plan either upon their request or at the behest of the Minister. The purpose of the Concept Plan is to provide a broad overview of a proposed development and seeks to establish the framework for more detailed development of the proposal subject to future approvals.

### 4.2 State Environmental Planning Policy (Major Projects) 2005

The *State Environmental Planning Policy (Major Projects) 2005* (Major Projects SEPP) outlines the types of development declared a major project for the purposes of Part 3A of the Act. For the purposes of the SEPP, certain forms of development may be considered a Major Project if the Minister (or his delegate) forms the opinion that the development meets criteria within the SEPP.

On 12 December 2005, the Minister agreed to consider the UTS Site as potentially State Significant and on 1 February 2006 advised the Proponent to prepare a SSS study. On 14 June 2007, the Minister formed the opinion that the proposal would be development of a kind described in Schedule 1 of the Major Projects SEPP and is thus declared to be a project to which Part 3A would apply for the purpose of section 75B of that Act. At that time he also authorised the submission of a Concept Plan for the proposal. Director-General's Environmental Assessment Requirements for the Concept Plan were issued on 12 July 2007, to guide the preparation of an Environmental Assessment for public exhibition and assessment purposes.

The Proponent is seeking a concurrent Concept Plan and State Significant Site approval in accordance with Clause 72(i) of the Environmental Planning and Assessment Act to rezone the Site to allow for residential development.

### 4.3 Permissibility

The proposal is not permissible under the Ku-ring-gai Council Planning Scheme Ordinance 1971 (as amended in 2007) as the Site is zoned Special Uses - Teachers College. However, the Proponent is seeking a concurrent rezoning and Concept Plan approval that would allow for the landuses proposed.

The determination of this Concept Plan is not contingent on the timing of the rezoning as section 75R and 75O of the Act allow the Minister to approve a Concept Plan that is not zoned appropriately provided none of the criteria in Table 3 below apply to the Site.

MATTER	APPLIES? (Yes/No)
Sensitive Coastal Location	No
Coastal Waters	No
SEPP 14 or SEPP 26 applies	No
Reserved as Aquatic Reserve or Marine Park	No
Ramsar Wetland or World Heritage Listing	No
Identified in EPI as high Aboriginal cultural significance or high biodiversity significance	No
State Conservational Area (NPW Act 1974)	No
On the State Heritage Register	No
Reserved or Dedicated under Crown Lands Act for preservation of flora/fauna/geological etc protection	No

MATTER	APPLIES? (Yes/No)
Critical Habitat identified in TSC Act 1995 or FM Act 1994	No

Table 3 environmentally sensitive area of State Significance

The Site is currently zoned Special Uses under the Ku-ring-gai Council Planning Scheme Ordinance (PSO) 2007 (Figure 4).

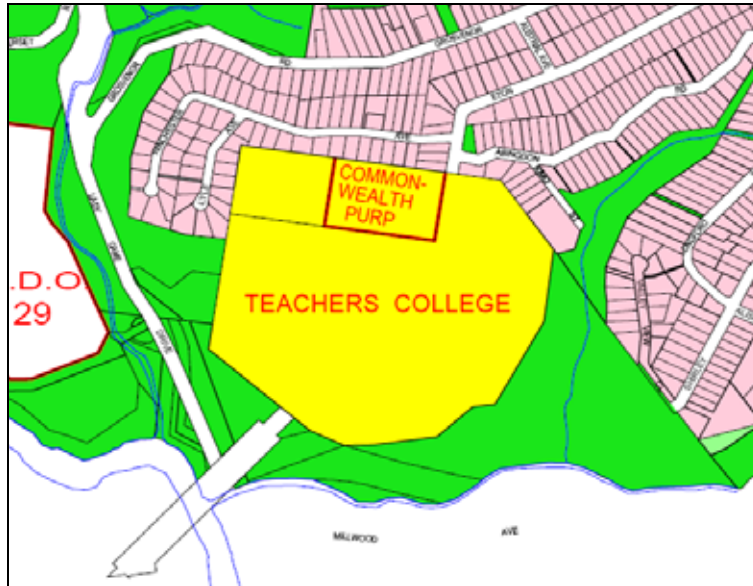


Figure 4 Zoning under Ku-ring-gai Council Planning Scheme Ordinance 2007

A new planning regime has been prepared by the Department to reflect the intended future use of the UTS Kuring-gai Campus (Figure 5).



Figure 5 Major Project SEPP

#### 4.4 Environmental Protection and Biodiversity Protection Conservation Act

The proponent provided an assessment of significance under the Environmental Protection and Biodiversity Conservation Act and referred the proposal to Commonwealth Department of the Environment for their assessment. This assessment will not be undertaken under the bilateral agreement and as such will be undertaken by the Federal Government separate to this assessment.

#### 4.5 Director-General's Environmental Assessment Requirements

On 20 November 2006, the Director-General issued environmental assessment requirements pursuant to Section 75F of the Act. The key issues provided by the DGRs to be addressed in the Environmental Assessment related to the following:

- Urban Form and Design;
- Land Use;
- Transport, Traffic & Access;
- Heritage;
- Bushfire Risk Assessment;
- Environmental Impacts;
- Services;
- Planning Agreements and/or Developer Contributions; and
- General Environmental Risk Analysis.

The proposal has been assessed against the above key criteria and following legislative requirements.

#### 4.6 Other Relevant Legislation and Environmental Planning Instruments

**Appendix D** sets out the consideration of relevant legislation, environmental planning instruments and planning strategies as required under Part 3A of the Act, which include:

- *State Environmental Planning Policy (Major Projects) 2005;*
- *State Environmental Planning Policy (Infrastructure) 2007;*
- *State Environmental Planning Policy 19 Urban Bushland;*
- *State Environmental Planning Policy 32 Urban Consolidation;*
- *State Environmental Planning Policy 44 Koala Habitat Protection;*
- *State Environmental Planning Policy 55 Remediation of Land;*
- *State Environmental Planning Policy 65 – Design Quality of Residential Flat Development;*
- *State Environmental Planning Policy - Building Sustainability Index 2004; and*
- *Draft State Environmental Planning Policy 66 – Integration of Land Use and Transport*

## 5 CONSULTATION AND ISSUES RAISED

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The EA was publicly exhibited and notified in accordance with the EP&A Act. Section 75H(3) of the Act requires that once the EA has been accepted by the Director General, the Director General must, in accordance with any guidelines published in the Gazette, make the EA publicly available for at least 30 days. The Director General has not published any specific guidelines in relation to the public exhibition of the Concept Plan application.

### 5.1 Test of Adequacy

The UTS Ku-ring-gai Campus, Lindfield Environmental Assessment of the Concept Plan satisfied the Department of Planning's "test of adequacy" on 23 October 2007, confirming that the matters contained in the Director-General's Environmental Assessment Requirements were adequately addressed in the Environmental Assessment Report for the purpose of public exhibition of the proposal.

### 5.2 Public Exhibition and Notification

In accordance with section 75(H) of the EP&A Act, the EA was publicly exhibited for 31 days from 31 October 2007 to 30 November 2007 at the following locations:

- Department of Planning (Sydney Office)
- University of Technology Sydney – Kuring-gai Campus
- University of Technology Sydney – City Campus
- Ku-ring-gai Council
- Gordon Library
- Lindfield Library

The public exhibition resulted in 1412 submissions, of which 9 were from public agencies. A full set of the documentation was available via the Department's website for public inspection during the public exhibition period.

Notification of the exhibition of the EA and SSS Study was conducted in accordance with the requirements of Section 75H(3). On 26 October 2007, the Department sent letters and Copies of the EA to relevant Government agencies and key stakeholders (Department of Environment and Climate Change, Roads and Traffic Authority, NSW Heritage Office, Ministry of Transport, State Emergency Service, Department of Premiers and Cabinet and Department of Water and Energy).

On 26 October 2007 the Department sent letters to approximately 544 owners and occupiers of land surrounding the Site to inform them of the exhibition of the EA and SSS Study. These letters included details on the proposed development and how to make a submission.

Details of the application were published in the Sydney Morning Herald and North Shore Times newspapers on 31 October 2007

### 5.3 Community Reference Group

A Community Reference Group (CRG) established by the Department of Planning was facilitated by Elton Consulting Pty Ltd and was formed in July 2006. This group included representatives from the following:

- West Chatswood residents
- Roseville and Lindfield residents
- Local interest groups
- Local School
- Local business

- Council
- Film Australia
- UTS Campus representative
- Project Team

This group met on three occasions, the 26 of July 2007 – prior to exhibition, 14 November 2007 during exhibition and 15 January 2007 before the lodgement of the PPR.

#### 5.4 Submission Received and Issues Raised

In response, the Department received 1417 written submissions; 9 of which were from government agencies, a summary of submissions is provided at **Appendix E**.

Key issues raised in public and agency submissions included:

- Heritage;
- Urban design;
- Landuse regime;
- Housing mix and affordability;
- Bushfire Protection;
- Traffic, access and parking;
- Transport;
- Flora and Fauna;
- Water Management;
- Loss of Educational and community facilities;
- State significance;
- Climate Change; and
- ESD

These issues are discussed in detail at Section 6.2 of this Report.

#### 5.5 Response to Submissions and Preferred Project

The Proponent was provided with copies of all agency submissions and a summary of public submissions. The Proponent was asked to respond to submissions in accordance with Section 75H of the Act, and to submit a revised Statement of Commitments and Preferred Project Report if appropriate.

The exhibited Concept Plan was amended in response to issues raised in submissions received during the exhibition period. These changes are included as part of the Preferred Project Report (**Appendix B**). The amendments to the proposed Concept Plan are illustrated in **Table 4**.



Element	Exhibited Proposal	Revised Proposal
Residential dwellings	<ul style="list-style-type: none"> <li>• 10 Single lot</li> <li>• 40 Town houses</li> <li>• 390 Apartments</li> <li>• <b>TOTAL: 440</b></li> </ul>	<ul style="list-style-type: none"> <li>• 10 Single lot</li> <li>• 25 Town houses</li> <li>• 347 Apartments</li> <li>• <b>TOTAL: 382</b></li> </ul>
Building heights	2 – 5 storeys	1 – 5 storeys
Car parking	587+ 97.5 visitor spaces	503 + 87 visitor spaces + 30 spaces for the sports oval.
Reuse of the existing building	27,167sq.m	27,167sq.m
Open space	6,970 sq.m Village Green	9,800sq.m sports oval and curtilage
Undeveloped bushland	9.15 ha	9.18 ha
Dwellings per hectare	21.15 (over whole site)	18.4 (over whole site)
GFA (residential)	68,304sq.m	60,376 sq.m
FSR across the Site	0.46:1	0.42:1
Number of residents	831 (based information from the Proponent)	723(based information from the Proponent)
Asset Protection Zone (APZ)	50m on all sides	50m on north, south and west, 60m on eastern side

*Table 4 Comparison of exhibited and revised proposals*

## 6 ASSESSMENT

### 6.1 Director General's Environmental Assessment Report

The Director-General is required under Part 3A to provide a report to the Minister for the purposes of deciding whether or not to grant approval of the Concept Plan pursuant to Section 75O(2)(a) of the Act. Section 75N of the Act provides that the scope of the Director-General's Report for a Concept Plan is the same as that of approvals to carry out a project pursuant to Section 75I(2) under Part 3A of the Act. The Act further stipulates the matters that the Director-General's Report is to address.

The Director-General's Report as it relates to the UTS Ku-ring-gai Campus Site has been prepared to satisfy these requirements. It has been prepared after reviewing the EA, SSS Study, Response to Submissions, and the Preferred Project Report, additional information provided by the Proponents, in conjunction with advice from public authorities and the issues raised in public submissions. Table 5 below identifies how this Director-General's Report satisfies the criteria set out in Section 75I(2) of the Act.

Consideration of the advice and key issues as they relate to the Concept Plan and SSS Study are provided in Section 6.2 of this report. Each relevant issue is identified along with who raised the issue. Consideration is then given to how the Proponents sought to address the issue. Each subsection concludes with a statement on whether the issue is resolved or whether amendments are necessary by either modifying the Concept Plan or introducing new planning provisions in an environmental planning instrument.

Unless noted to the contrary, the Department is satisfied that the responses provided by the Proponent in their EA and the additional response to issues raised in submissions are reasonable.

<i>Section 75I(2) criteria</i>	<i>Response</i>
Copy of the Proponent's environmental assessment and any preferred project report.	The Proponent's EA is included at <b>Appendix G</b> while the Proponent's Preferred Project Report is set out for the Minister's consideration at <b>Appendix B</b> along with the Statement of Commitments at <b>Appendix C</b>
Any advice provided by public authorities on the project.	All advice provided by public authorities on the project for the Minister's consideration is set out at <b>Appendix F</b> .
Copy of any report of a panel constituted under Section 75G in respect of the project.	No statutory independent hearing and assessment panel was undertaken in respect of this project.
Copy of or reference to the provisions of any State Environmental Planning Policy that substantially govern the carrying out of the project.	Each relevant SEPP that substantially governs the carrying out of the project is identified in <b>Section 4.5</b> . A brief assessment of the impact of the SEPP on the development proposal is provided in <b>Appendix D</b> .
Except in the case of a critical infrastructure project – a copy of or reference to the provisions of any environmental planning instrument that would (but for this Part) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project under this Division.	An assessment of the development relative to prevailing environmental planning instruments is provided in <b>Appendix D</b>
Any environmental assessment undertaken by the Director General or other matter the Director General considers appropriate.	The environmental assessment of the Project is this report in its entirety.
A statement relating to compliance with the environmental assessment requirements under this Division with respect to the project.	The Department is satisfied that the project complies with the environmental assessment requirements issued on 12 July 2007

Table 5 Section 75I(2) requirements for Director-General's Report

## 6.2 Summary of Significant Issues

Clause 8B of the *Environmental Planning and Assessment Regulation 2000* sets out the matters for environmental assessment and Ministerial consideration. It states that the Director General's report is to include an assessment of the environmental impact of the project, any aspect of the public interest that the Director General considers relevant to the project, the suitability of the Site for the project and copies of public submissions received by the Director General.

The Department, in consultation with the local Council, consulted Government agencies and key stakeholders identified a number of issues that were incorporated into the DGR's which were subsequently addressed in the Proponent's EA. Following the exhibition period there are a number of outstanding issues which require further consideration and resolution under Clause 8B of the Regulation as set out below. Unless noted to the contrary, the Department is satisfied that the responses provided by the Proponent in their EA, PPR and revised Statement of Commitments are reasonable.

Public agency submissions are provided at **Appendix F** and a summary of public submissions is provided at **Appendix E**.

### 6.2.1 Heritage

#### Consideration

##### (a) Curtilage

The Site does not contain any State Heritage items, however the main campus building (**Figure 6**) was awarded Sulman award in 1978 in recognition of its architectural significance and the Site is the subject of a Draft LEP exhibited in 2004.



*Figure 6 Main Campus Building*

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Several submissions including that of Council raised concern regarding the impact of the proposal on those elements of the site it considered to be of heritage significance. Among these sites were the existing access road (**Figure 7**), bushland setting/landscaping (**Figure 8**), oval, bus stop, gymnasium (which is proposed to be demolished) and link bridge (**Figure 9**).



*Figure 7 Existing access road*

Consequently, the assessment undertaken by Council identified the entire Site as being of heritage significance, whereas the Proponent's heritage assessment identified two aspects of curtilage; those related to the campus as a whole and those related to the immediate context of the main building. The National Trust (a non statutory body) advised that they were considering listing the entire Site on the National Trust Register.

In relation to curtilage, the Proponent's Heritage Assessment generally provided the following information:

- The curtilage of the Site as a whole is an important factor in future conservation and management of the Site;
- The Site is clearly defined by its entry from Eton Road, the adjoining residential and Film Australia lands and the surrounding bushland on the east, south and west;
- A large percentage of the overall Site has been developed requiring intervention into the natural bushland of the overall Site; and
- The most important curtilage for the existing buildings is the direct interface of the main building with the bushland occurring to its north, south and west.

In response to submissions, the Proponent also advised that the Concept Plan reflected the key elements of the Site's original design as it generally limited proposed development to existing disturbed areas and that the proposed SEPP would require any work to be undertaken on the main building to be first approved by the Minister for Planning. The Proponent also committed to ensuring that the future use of the existing main building on the Site was in accordance with their Heritage Impact Assessment and Conservation Strategy.



Whilst it is acknowledged that the existing bushland on the Site, despite being disturbed, does contribute to its overall significance, given the limitation of new development to existing disturbed areas and the proposed retention of the main building, it is considered that the proposed Concept Plan is capable of retaining and protecting this significance.

To ensure this significance is retained and protected, it is recommended that the future design guidelines to be prepared having regard to Council's DCPs which address these issues. In accordance with a recommended modification, the Proponent is also required to prepare a landscape management plan for the ongoing management of landscaping on the site and a landscape strategy that will ensure the provision of appropriate landscaping across the Site.

In regards to the bus stop, existing access road and oval, the bus stop and existing access road will be retained and an oval will be provided in the same location as that of the existing oval, all of which, it is proposed will be dedicated to Council. Whilst it is considered that these items contribute to the overall character of the site, it is considered that the Proponent's provisions are sufficient in ensuring their protection.

It is considered that replacing the existing gymnasium with residential development is an acceptable outcome and would not adversely impact on the heritage significance of the Site provided specific design objectives are met regarding the new building's relationship with the main campus building and bushland character. As such, it is recommended that in accordance with a modification, future applications for the residential building immediately north of the existing main building also demonstrate the provision of appropriate landscaping.

In regards to the link bridge connecting the gym to the main campus building, it is recommended that in order to provide a sufficient distance from the main building to new development enhancing its relationship with the bushland setting, it also be demolished in accordance with a recommended modification.



*Figure 8- Bushland setting*

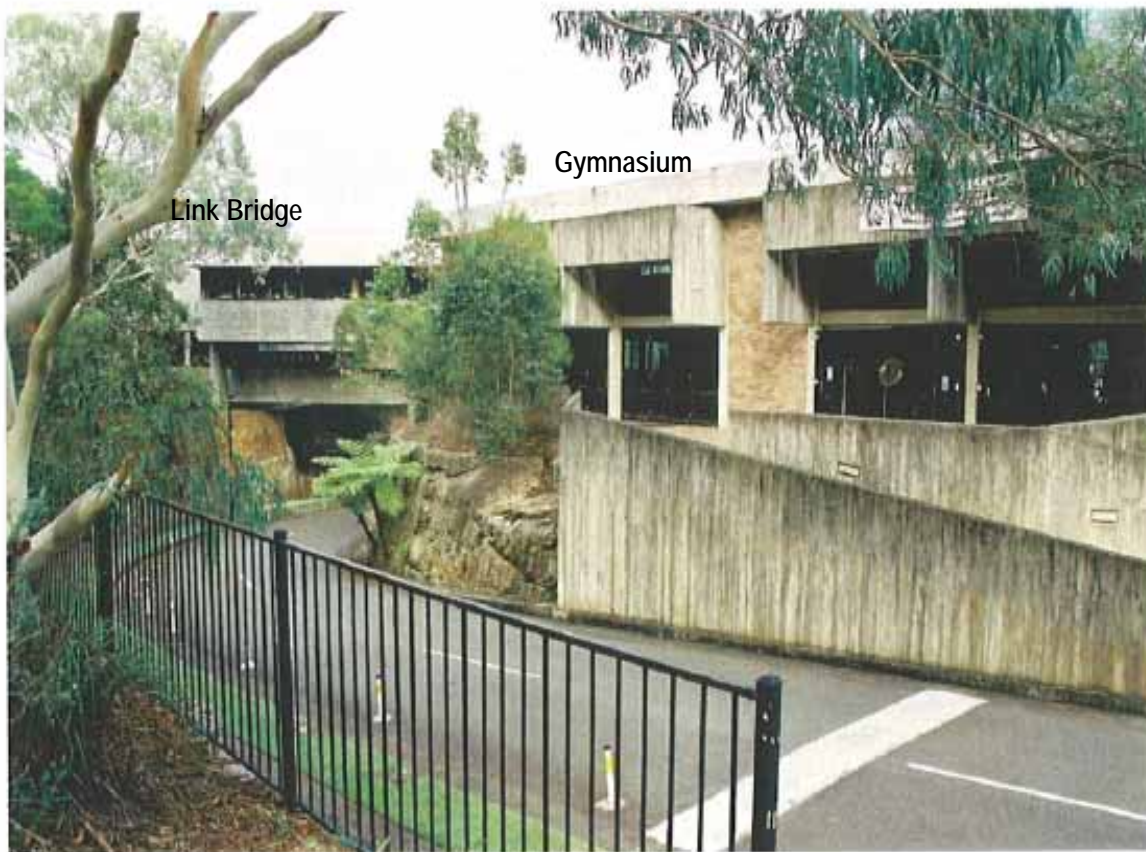


Figure 9 – Link bridge and gymnasium

#### ***(b) Conservation and adaptive reuse strategies***

The revised Concept Plan proposes the retention of the existing main campus building for mixed use, including education, commercial activity, community use, retail or other sympathetic uses. However, in their submission, Council raised concern that the internal configuration of this building was such that it would be difficult to adapt it to another use.

In this regard, the Proponent provided a Conservation Strategy in their EA addressing issues such as internal architectural integrity, composition and massing of the main public areas within the building complex. The Proponent also made several commitments ensuring the adaptive reuse of this building respects its architectural integrity and quality and does not adversely effect its significance. These commitments included the retention of external materials and that any future use of the building would be in accordance with the Heritage Impact Assessment and Conservation Strategy provided by the Proponent.

It is considered that implementation of the Proponent's Conservation Strategy would provide sufficient means through which to ensure the protection of the heritage significance of the main building. It should also be noted that the Proponent's proposed SEPP amendment lists the main campus building as a heritage item.

#### **C) Aboriginal Heritage**

Aboriginal heritage was raised as a key issue in the Director General's requirements. In their EA, the Proponent provided an Aboriginal Heritage Report, which concluded that there were no known Aboriginal heritage sites within the UTS Kuring-gai Campus and that areas of the Site to be built upon are unlikely to contain archaeological deposits.

It is considered that the Proponent's Study has adequately addressed this issue.

#### ***Resolution***

It is considered that the Proponent's EA, response and commitments and the recommended modifications to the Concept Plan have adequately addressed this issue.

## 6.2.2 Urban Design

### Consideration

#### *(a) Density*

Several submissions raised concern regarding the density proposed for the Site. In particular, Council advised that the proposed densities were significantly above the 0.3:1 that would be permitted under Ku-ring-gai PSO as amended in 2007 and DCP 38 were it an existing residential site. Council also suggested that the proposal would compromise the Metropolitan Strategy aim of achieving maximum densities close to railway stations.

In response to submissions, the Proponent reduced total dwelling numbers from 440 to 382, reducing overall proposed density from 0.46:1 to 0.42:1 through the deletion of one apartment building and 15 integrated lots and the conversion of 300sq.m of residential development to a community facility. Council suggested a total of 325 dwellings on the site equating to an overall density of 0.39:1 across the site.

Whilst it is considered that the Site is capable of being developed at a higher density than the surrounding neighbourhood, the density proposed is inconsistent with the future desired character of the Site due to the scale of the adjoining areas. As such, it is considered that dwelling numbers across the Site be limited to 345 in accordance with a recommended modification. The following recommendations are provided to achieve an FSR of 0.38:1 across the site and the associated modified dwelling yield as provided in *Figure 10*.

#### *Precinct 1*

It is proposed that this Precinct will have a dwelling yield of 58 consisting of 10 single dwellings at the interface with the adjoining residential neighbourhood, 12 integrated houses in the centre of the Precinct and a 3 storey unit building of 36 dwellings on the western boundary of the Film Australia Site.

In order to provide a gradual transition in density from the interface of Site to the adjoining neighbourhood and an appropriate setback from the residential flat building to the adjoining Film Australia Site, it is recommended that dwelling numbers be reduced from 58 to 46 in this Precinct in accordance with a recommended modification.

#### *Precinct 2*

The revised Concept Plan proposes a dwelling yield of 116 for Precinct 2 comprised entirely of units in 3 x 4 storey buildings. It is considered that the proposed configuration of buildings in this precinct is inappropriate given the distance of building 'D' from the sports oval. Consequently, in accordance with a recommended modification, this Precinct be redesigned to reduce dwelling numbers to a maximum of 92 and provide a distance of 25m between the sports oval and proposed residential flat buildings in order to ameliorate potential future conflict of with use of the oval, associated noise, privacy and security of residents and those using the oval.

#### *(b) Development Controls and principles*

In their submission, Council suggest that in the absence of detailed design controls or a DCP for future development on the Site, Council's development controls should apply. In this regard the Proponent outlined several guiding design principles and committed to the provision of urban design guidelines prior to the first stage of development.

Given the unique nature of the Site, the Proponent's commitment to the provision of Site-specific urban design guidelines is supported. To ensure consistency where applicable, with development in the surrounding area, it is recommended that these guidelines be prepared with regard to Council's DCP 38 Residential Design Manual and DCP 55 Railway/Pacific Highway Corridor and St Ives Town Centre, to the satisfaction of the Council with any dispute to be resolved by the Director General of the Department of Planning. Whilst it is recognised that the site is not located within that area covered by DCP 55, aspects of this DCP regarding visual character and heritage are considered applicable.



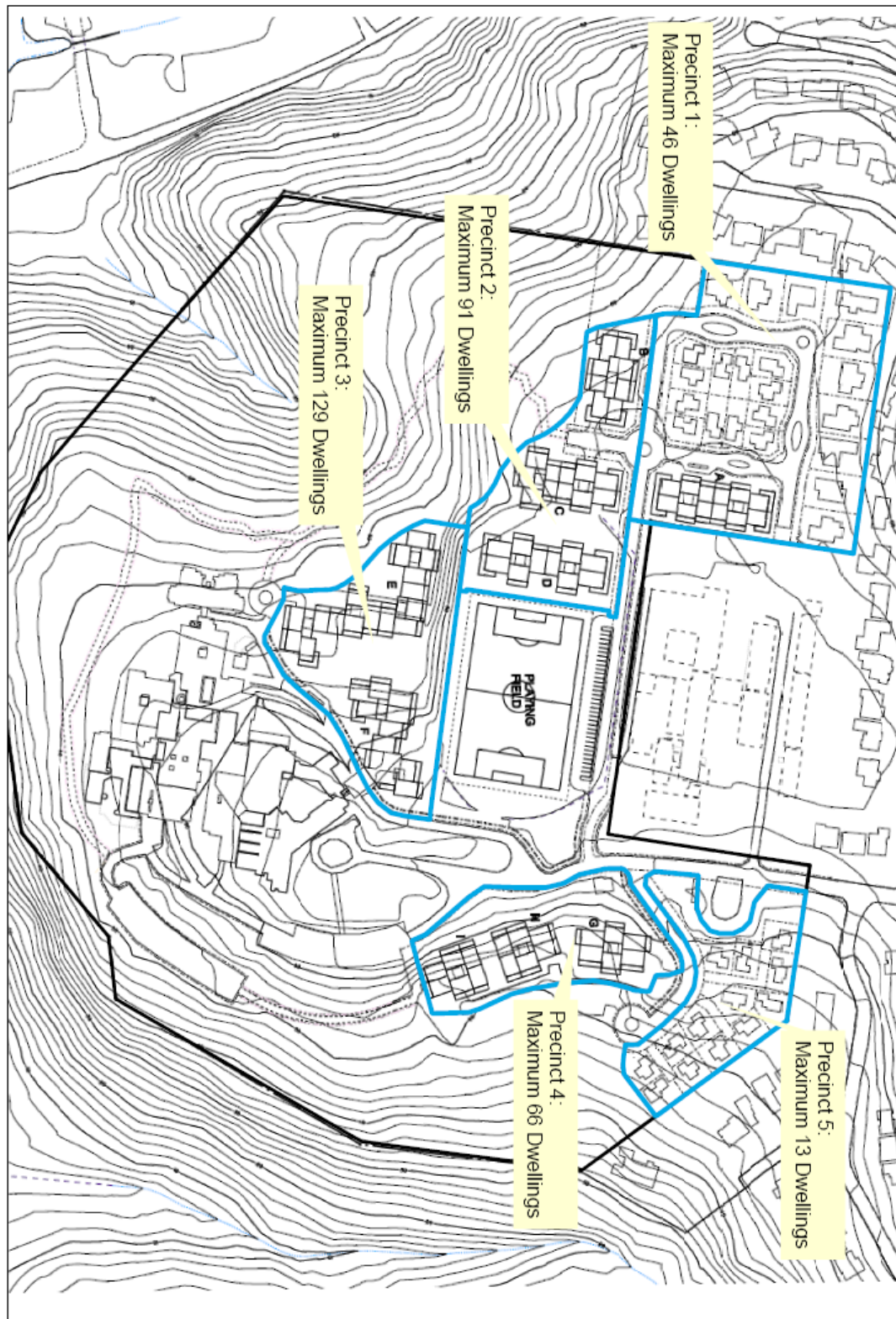


Figure 10 - Precincts and recommended dwelling yield



**(c) Height**

The height of future buildings was identified as a key issue in the Director General's requirements and submissions. The Council considered that the proposed floor to ceiling height of 4.0m was excessive and requested that the height of new buildings be limited to 3.3m from floor to ceiling. Council also requested that the height of future buildings not be more than that of the existing main building and a view line analysis be provided for all future developments over 3 storeys. The NSW Heritage Council also raised concerns regarding the intrusion of future buildings into views to the Site.

In addressing this issue, the Proponent revised the maximum floor to ceiling height from 4m to 3.5m and provided maximum storeys for future buildings (**Figure 11**). As part of their EA, the proponent also undertook a view line analysis from existing residential areas and important vistas. This analysis concluded that the impact of the proposal was minimal from all view lines and recommended that further visual impact assessment be undertaken to ensure the final built development maintains the character of the Site and general local area.

In regards to the 3 storey unit building on the western side of Film Australia, the Proponent advised that the scale of the proposed development complements the adjoining Film Australia development and topography of the Site and that this building would have sufficient vegetative screening along its eastern boundary to prevent adverse impacts on the adjoining site.

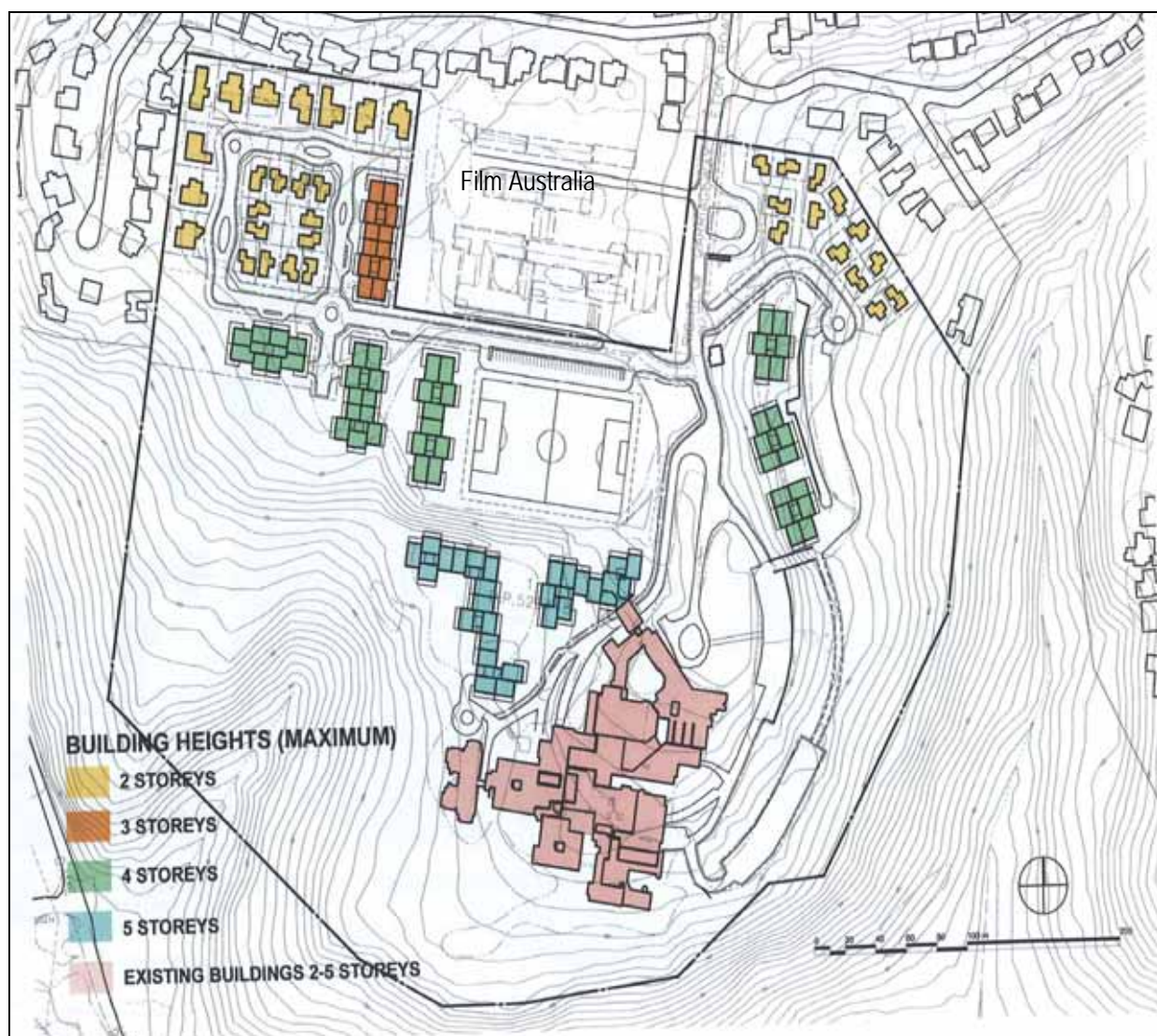


Figure 11 Proposed Building Heights

The Proponent's reduction in floor to ceiling heights to 3.5m is considered sufficient given the nature of surrounding dwellings. The Proponent's general approach regarding future investigation of height is supported it is also recommended that the number of stories in each building be limited to that of the modified plan in the event that floor to ceiling height is less than 3.5m in accordance. The Proponent's general approach regarding future investigation of height is supported, however, it is considered that a 3 storey unit building adjacent Film Australia would be inconsistent with the future desired character of this Precinct given its location at the Site's interface and potential to unacceptably detract from the current and future amenity of the Film Australia Site. Consequently, it is recommended that this building be reduced in height to two storeys (excluding attics) in accordance with a recommended modification.

In regards to views to the Site, height will be addressed in the future design guidelines provided for the site. In this regard, it is also recommended that the design guidelines to be provided by the Proponent be prepared with regard to Council's DCP 38 Residential Design Manual and DCP 55 Railway/Pacific Highway Corridor and St Ives Centre in accordance with a recommended modification.

#### ***(d) Setbacks***

The three setbacks raised as issues of concern in submissions were:

- The minimum setback of approximately 2m from the three storey residential flat building to the western boundary of the Film Australia Site (building A, Precinct 1, **Figure 10**);
- The minimum 15m setback from the 4 storey residential flat building to the western side of the sports oval (building F, Precinct 2, **Figure 10**); and
- The proposed varied setback of 5-6m from integrated lots on the north-east corner of the Site to the adjoining residential allotments (Precinct 5, **Figure 10**).

In response to these concerns, the Proponent advised that the location and scale of the proposed buildings was such that they could be replicated on adjoining Sites and that building setbacks would be managed to minimise impacts such as noise, overshadowing and loss of privacy.

The minimum setback of the 3 storey flat building to the western boundary of Film Australia is 2.5m and is considered insufficient due the potential for it to detract from the current and future amenity of the Film Australia Site, potential landuse conflict and lack of rear yard amenity afforded future residents of this building. As such, it is recommended that this setback be increased to a minimum of 4.5m in accordance with a recommended modification.

In regards to the setback of the 4 storey flat building adjoining the sports oval, this distance is considered unacceptable due to the potential lack of amenity it would afford future residents of this building as a consequence of the future use the oval for sporting activities. Accordingly, it is recommended that Precinct 2 (**Figure 10**) be redesigned to demonstrate a minimum 25m setback from this building and the sports oval in accordance with a recommended modification.

The minimum setback of integrated lots in the north east of the Site to adjoining residential development is 5m. This distance is considered acceptable given the location of the dwellings on adjoining properties. It is also recommended that the design guidelines to be prepared by the Proponent prior to the lodgement of an application for development on the Site be prepared with regard to Council's DCP 38 Residential Design Manual and DCP 55 Railway/Pacific Highway Corridor and St Ives Town Centre which will ensure setbacks are addressed.

#### **Resolution**

It is considered that the Proponent's response, revised Statement of Commitments and recommended modifications to the Concept Plan have adequately addressed this issue.

### **6.2.3 Landuse**

#### **Consideration**

Several submissions raised concern regarding the proposed zoning regime. In particular, concerns were raised regarding the proposed zoning of the Village Green, asset protection zones and different forms of residential development. In particular, Council requested that all residential development proposed to be 2 storeys be zoned R2.

It is considered that the proposed planning regime is generally acceptable. This issue has been addressed by the proposed SEPP amendment and State significant site study.

Landuse distribution was raised as a key issue in the Director General's Requirements regarding existing and surrounding landuse patterns, character and amenity and the existing environment. These issues have been addressed throughout Section 6.0 of this Report.

Connectivity with and capacity of services was also raised as a key issue in the Director General's Requirements. It is considered that the proposal is of adequate distance to services and impact on these facilities will be addressed in detail during the assessment of future applications for development on the Site.

### Resolution

It is considered that the Proponent has adequately addressed this issue.

## 6.2.4 Housing Mix and Affordability

### Consideration

Submissions from the public, Council and the Department of Housing raised the issue of the need to improve housing choice in the region and the provision of affordable housing on the Site. In particular, the Department of Housing requested that 10% of the dwellings on the Site be 1 bedroom.

In response, the Proponent stated that the revised Concept Plan provides a mix of large dwelling lots (up to 750m<sup>2</sup>), that are suitable for townhouses or integrated housing (up to 400m<sup>2</sup>), and two and three bedroom apartments. The Proponent also advised that the proposed development provides a higher percentage of smaller dwellings than the current Ku-ring-gai housing stock that will allow residents who are seeking to move from their larger home, to down-size, and "age in place".

In regards to affordable housing, the Proponent stated that the proposal would allow for improved affordability of housing by providing a range of dwelling types, including those on smaller lots.

### Resolution

It is considered that limiting dwellings to two and three bedrooms would place an unacceptable limitation on potential housing choice and would not contribute sufficiently to the affordability of dwellings in the locality. As such it is recommended that the Concept Plan be modified to ensure that a minimum of 10% of the total dwellings yielded are one bedroom in accordance with a recommended modification.

## 6.2.5 Bushfire Protection

### Consideration

#### *(a) Asset Protection Zone (APZ)*

The Proponent's initial Concept Plan identified a 50m wide APZ consisting of a 25m outer protection area and a 25m inner protection area around the western to southern perimeter of the proposed development and the north-eastern area of the Site.

The RFS raised concern regarding the width of the APZ on the eastern side of the development, requesting it be increased to 60m or a survey be provided to support the proposed 50m APZ in this area.

In response, the Proponent provided a revised Concept Plan identifying a 60m APZ on the eastern side of the Site (shown on **Figure 12**) and committed to: complying with *Planning for Bushfire Protection 2006* and ensuring that all future buildings be constructed to Level 3 standards. Consequently, it is considered that the Proponent's response and commitments have adequately addressed this issue.





Figure 12 Location of the Asset Protection Zones

### (b) Infrastructure

Submissions from the public and that of the Council and the RFS raised concerns regarding water supply in the event of a bushfire. In particular the RFS requested that consideration be given to the provision of an on site water reservoir of 50,000 Litres central to the primary access to the Site. The RFS also requested the provision of a turning circle for fire tankers and a staging area for emergency vehicles.

In response, the Proponent agreed to the provision of a 50,000 Litre reservoir central to the primary access road and advised that as proposed fire trails lead to the road network a turning circle is not required. However they did not provide a commitment to this regard.

Given the proposal retains the existing single access road and the distance of the fire trail to the proposed internal road network, it is recommended that the Concept Plan be modified to ensure the provision of a 50,000 Litre reservoir central to the primary access road and an appropriately located turning circle and staging area for emergency vehicles in accordance with a recommended modification.

### (c) Access

Several submissions from the public requested the provision of a second access to the Site to allow for emergency access and egress, in particular Council requested a new road connection to Lyle St or Winchester Avenue.

In this regard, the Proponent's Bushfire Hazard Assessment concluded that Eton Road and the proposed internal road network would allow traffic to pass in opposite directions and that the internal road network would provide fire fighting and emergency services with sufficient access/egress capabilities.

Also in this regard, the Proponent's Transport Assessment concluded that a second road access connected directly to Lady Game Drive would have little benefit during a bushfire emergency as it would run through the heavily treed area subject to such fires and that emergency access would be adequately provided via the Eton Road main entry.

In their Statement of Commitments, the Proponent committed to complying with *Planning for Bushfire Protection 2006* and in response to submissions advised that as a single lane two level road less than 200m in length would be provided on the Site there would be no additional requirements regarding access. This response and the commitment provided are considered to have addressed this issue.

#### **(d) Management**

The RFS requested that management of bushfire protection measures be undertaken by a single entity and that existing vegetation islands be managed.

In response, the Proponent stated that vegetation islands would be managed through the provision of a Bushfire Management Plan prepared in accordance with *Planning for Bushfire Protection Guidelines 2006* and provided a commitment accordingly. The Proponent also advised that the Bushfire Management Plan would be registered on titles – with each action within the management plan designated to a responsible party and appropriate times for the implementation of actions articulated. The Proponent also provided a commitment stating that 'detailed management practices will be outlined in a Bushfire Management Plan including management practices within the APZ prior to occupation of the site and then ongoing'.

In this regard it is considered that the Proponent's response and commitment is adequate, however it is also recommended that the Concept Plan be modified to ensure the proposed Bushfire Management Plan is provided prior to or with the first application for development on the site and includes the management of existing vegetation islands on the Site to the satisfaction of the Rural Fire Service as provided in a recommended modification.

#### **(e) Landuse**

The APZs proposed are based on residential development, however the proposed and modified landuse regime permits several landuses that would require special fire protection measures in accordance with *Planning for Bushfire Protection 2006* including education and childcare. The Proponent has also proposed the provision of a childcare centre in one of the apartment buildings south of the oval, however has not detailed which.

In their EA, the Proponent stated that 'the existing University Campus Building will require an APZ subject to the proposed use of the building. Irrespective of any future use of this building the required APZ may not be possible to achieve due to the existing nature and location of the building'.

In this regard, the RFS and Council raised concern that the proposed APZs would not support any development for 'special fire protection purposes' as these uses would require APZs a minimum of 100m from the unmanaged bushfire hazard. Consequently, the Proponent is requested to ensure that future uses are located so as not to require the extension of APZs and that any future use of the main building constituting 'special fire protection purposes' is undertaken in consultation with the Rural Fire Service in accordance with recommended modifications.

#### **Resolution**

It is considered that the Proponent's response and commitments and the recommended modifications have addressed this issue.

### **6.2.6 Traffic, Access and Parking**

#### **Consideration**

##### **(a) Traffic**

Submissions from the RTA, Council and the public raised issues regarding the potential traffic generation and associated impact on the Pacific Highway and local road network. In particular, Council raised concerns regarding the potential for reduced residential amenity on Grosvenor Road and requested that the proposal limit the maximum number of dwellings to 325 in this regard.

The RTA raised the following main issues:

- The currency of the traffic counts;
- Traffic generation and the split between inbound and outbound vehicles;
- Required a detailed analysis of the operation of the surrounding key roads and intersections; using current traffic counts;

In response, the Proponent reduced proposed dwelling numbers from 440 to 382 and provided an addendum to the exhibited Transport Report. The addendum identified that

- Traffic counts were undertaken in 2007 on the approach roads to the Site to confirm current levels of traffic generation and local road traffic volumes and that traffic volumes are variable but not significantly different from when counts were undertaken;
- The traffic generation rates were adopted and adjusted where appropriate from those provided in the RTA Guide to Traffic Generating Developments. The split of inbound to outbound trips adopted for each use in the peak hours are typical with residential traffic primarily departing and commercial traffic primarily arriving in the morning peak, with the reverse in the afternoon peak.

The addendum to the exhibited Traffic Report also provided the intersection analysis illustrated in **Figure 13** below. This analysis identified that the increase in traffic on Grosvenor Road west of Austral Avenue is 12 vehicles in the morning peak hour and 24 vehicles in the afternoon peak hour and that there would be an increase of some 12 vehicles in the PM peak hour on Lady Game Drive, which represents only a 1.2% increase in the current level of traffic which was considered to be within normal daily traffic fluctuations.



Figure 13 Intersection analysis

The Addendum to the exhibited Traffic Report also advised that the revised Plan including the proposed reuse of the existing building and the residential development would generate 417 vehicle movements per hour in the morning peak and 507 vehicle movements per hour in the afternoon peak resulting in a reduction in peak hour movements of 28 and 27 respectively when compared with the exhibited Concept Plan. This was identified as substantially less than the 600 vehicle movements historically generated by the existing landuses in peak hours when at full operational capacity.

When referred to the RTA, the only issue remaining outstanding was the impact of the proposal on the Pacific Highway and local roads. In this regard, the RTA advised that whilst the proposal would impact on the existing



operation of signals at Pacific Highway/Grosvenor Road and Lady Game Drive/Millwood Avenue/Fullers Rd, it was not of a scale to fully fund the works required to overcome these problems. In this regard, the RTA also advised that any delays to traffic trying to access the State's road system would be contained on local roads and that further modelling could improve phasing efficiency on local roads.

Whilst it is noted that the modified Concept Plan reduces dwelling numbers to 345 and will therefore reduce subsequent traffic generation, it is recommended that the Proponent undertake further modeling in consultation with the RTA in order to improve phasing efficiency to benefit local traffic prior to the lodgment of any application for development of habitable space in accordance with a recommended modification.

#### **(b) Access**

Several submissions from the public raised the issue of the need for a secondary access to the Site in order to alleviate traffic impacts of the proposal.

In response, the Proponent advised that this issue was addressed by their Transport Assessment that concluded that a secondary access would not be required as:

- the proposed development generates less traffic than the university campus;
- a second access would not contribute to improved parking conditions; and
- a second access would not resolve traffic congestion at the intersection of Millwood Avenue with Fullers Road, Delhi Road and Lady Game Drive.

It is considered that this issue was adequately addressed by the Proponent. Access in regards to bushfire emergencies has been addressed in section 6.2.5 of this Report.

#### **(c) Parking**

Several submissions from members of the Public raised concerns regarding the demand for internal and external parking generated by the proposal. In particular, residents were concerned about the potential generation of on street parking. Council also raised concerns about the provision of on-Site parking for the main campus building proposed to be retained and recommended 30% educational uses remain in the building to be retained, 10 residential dwellings on traditional lots, 40 integrated houses and 138 x 2 bedroom and 137 x 3 bedroom apartments in this regard.

ARUP's addendum to the exhibited Traffic Report assessed the parking demand generated by the revised Concept Plan in accordance with Council's Parking DCP and estimated that 590 parking spaces would be required for the residential component of the proposal, and proposed to provide these on site.

In response to submissions regarding the main building to be retained, the Proponent committed to retaining 320 spaces for the future use of this building and to seeking the approval of the Minister for its future use. This commitment was in contrast to Council's estimate of 300 existing parking spaces in remaining carparking areas and around the main building

#### **Resolution**

It is considered that the Proponent's response adequately address this issue.

### **6.2.7 Transport**

#### **Consideration**

The issues raised in this regard can generally be summarised as follows:

- The distance of the Site from the nearest railway station and subsequent generation of higher private vehicle trips;
- Increase in potential on street parking demand at Lindfield and Roseville Railway Stations; and
- Provision of a TMAP.

The Proponent's response generally provided the following information:

- The existing bus service operates every 30 minutes connecting the Site with Lindfield Railway Station;
- Roseville Railway Station is a 20 minute walk from the Site;

- Discussions with the bus service provider indicated that they proposed to maintain the existing service;
- The existing access and turnaround loop would be retained to ensure public transport services are retained; and
- Commitment ensuring the provision of a transport behavioural programme as part of the introduction of new residents to the Site.

### Resolution

It is considered that the location of the Site is acceptable relative to the location of the nearest railway station and that the level of public transport available is sufficient to meet demands of future residents and employees on the Site.

It is also noted that sufficient dwelling numbers are proposed in the modified Concept Plan to maintain a bus service and that the provision of commercial uses on the Site would encourage efficient public transport allowing buses to run in both directions during peak hour.

It is recommended that the Proponent prepare a TMAP in accordance with MoT guidelines prior to or with the lodgement of the first application for development on the Site in accordance with a recommended modification.

### 6.2.8 Flora and Fauna

#### Consideration

##### (a) Threatened species

The Site contains a significant amount of native vegetation and provides habitat for at least three threatened species, *D. biflora*, the Red Crowned Toadlet; which have both been recorded on the Site and the Powerful Owl. The location of the *D. biflora* and Red Crowned Toadlet is shown in **Figure 14**. A number of other threatened species are known to occur on the Site and in the adjacent Lane Cove National Park.

The Concept Plan also proposes zoning two populations of *D. biflora* in the north east of the Site R1 Residential and removing 47 plants located in car parking areas to the east and north west of the Site, accounting for 40% of the Site's total population. Two of the populations of *D. biflora* are also located within a proposed APZ.

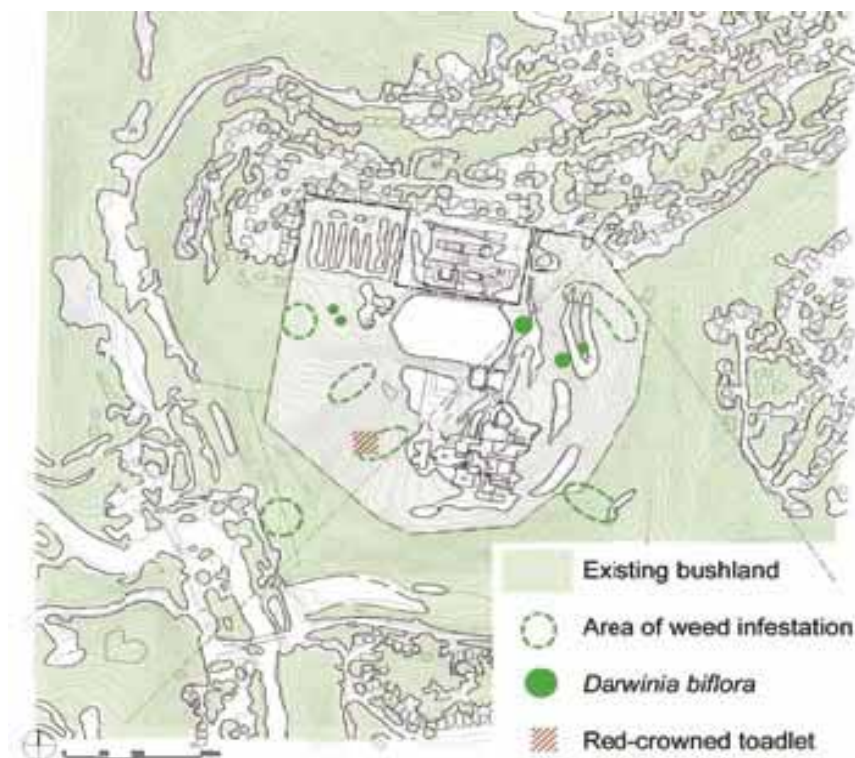


Figure 14 Location of threatened species known to occur on the Site



Issues raised in submissions can generally be summarised as follows:

- The protection of *D.biflora* located within APZs and incorporation of fire management regimes within the proposed Threatened Species Management Plan;
- The zoning of land containing *D.biflora* as R1, where it was not feasible for these populations to be zoned E2, DECC requested they be protected through the provision of an overlay to identify the significance of remnant vegetation and landuses to be consistent with the retention and protection of these areas;
- The impact of APZs on the Powerful Owl and Red Crowned Toadlet in relation to water management regimes;
- The long-term management of fire regimes, weeds, human access and other threats, in this regard DECC requested a funding, management and monitoring framework to ensure the proposed management plans are effectively implemented.

In response to concerns regarding *D.biflora*, the Proponent made the following commitments:

- The provision and implementation of a Threatened Species Management Plan addressing feral and domestic animal management, retention of areas of native vegetation and habitat for threatened flora and fauna, fencing of *D.biflora* plants to be retained;
- Maintenance of shrub and ground cover within the APZ to 50cm;
- The identification and investigation of those areas within the APZ where soil, seedbanks or plants could be translocated to prior to any works beginning; and
- In regards to concerns regarding the zoning of *D.biflora* R1, the Proponent stated that those populations would be protected by an overlay in accordance with DECC's request, identifying all locations of the species and imposing relevant controls to ensure its protection.

The Proponent's response is considered to have generally addressed this issue, however, it is requested that the *D.biflora* also be managed in accordance with DECC guidelines as provided in a recommended modification.

In regards to the Red Crowned Toadlet, the Powerful Owl and other threatened species known to occur on the site, the Proponent made the following commitments:

- The provision of a Vegetation Management Plan that will address the retention and protection of trees, particularly hollow bearing trees in the development area. This Plan will also detail measures to protect the Red Crown Toadlet habitat and surrounding habitat;
- A Weed Management Plan; and
- An Erosion and Sediment Control Plan to address the construction and subdivision phase.

It is considered that the proposed mitigation measures committed to by the Proponent have sufficiently addressed this issue.

In relation to DECC's request regarding long term management regimes, the Proponent provided an outline of a proposed Management Plan and responded that the proposed Management Plans will be submitted with the first application for development on the Site. The proponent also advised that management plans will be costed and registered on titles and each action within the Management Plan will be dedicated to a responsible party and appropriate times for implementation of actions will be articulated. Consequently it is considered that these commitments and the Proponent's response have adequately addressed this issue.

### **(b) Vegetation**

The proposal will result in the removal of approximately 1.36ha and modification of 2.8ha of native vegetation from the Site, mainly from areas between existing buildings and an area of bushland in the southwest of the Site. The creation of an APZ will also result in the modification of 1.3ha of native vegetation and provision of a fire trail.

Submissions from DECC, Council, DWE and the Public raised concerns regarding the impact of proposed APZs and the proposed RE2 zoning for consolidated areas of bushland and creek riparian corridors; and recommended that this land be zoned E2 Environmental Conservation.

DECC also requested that a funding/management and monitoring framework be developed for the long-term management of fire regimes, weeds, access and other threats to ensure that the actions outlined in the Management Plans provided by the Proponent would be effectively implemented.

In regards to APZs, the Proponent's Statement of Commitments committed to addressing the protection of important fauna habitat, retention of suitable flora in APZs and protection of drainage lines. In response to submissions, the

Proponent also acknowledged that the APZ would require the management of ground fuel and weed removal however this would not require the removal of riparian vegetation. It is considered that these commitments and the Proponent's response have adequately addressed this issue.

In regards to the proposed RE2 Conservation zoning, the Proponent revised their proposed landuse regime, identifying all bushland E2 Environmental Conservation. This zoning has been amended as shown in the amendment to the Major Projects SEPP (**Figure 5**) to allow that portion of bushland to be dedicated to DECC to be zoned RE1 and the remainder to be zoned E3 in accordance with its future intended use. Consequently, it is considered that the amended instrument has addressed this issue.

In regards to the long-term management regimes, the Proponent responded that the proposed Vegetation Management Plans would be costed and registered on the title with each action within the management plan designated to a responsible party and appropriate times for the implementation of each action articulated and submitted with the first project Application. It is recommended that the Concept Plan be modified to ensure that such plans are registered on the title with the first application for development on the site or application for subdivision whichever comes first in accordance with a recommended modification.

### (c) National Park

The site is bounded by Lane Cove National Park to its south, east and west, as such DECC, Council and the Public raised concerns regarding the impact of the proposal on the Park. DECC requested that all water quality control structures and APZs be located outside the National Park.

In response the Proponent provided a revised Concept Plan and provided a commitment to this effect. Consequently this response is considered to have addressed this issue. Council's issues regarding the management of vegetation and connectivity impacts have been discussed in part B above.

### Resolution

It is considered that on balance, the removal of 1.36ha and modification of 2.8ha of native vegetation across the Site is acceptable given, the dedication of approximately 3.4ha of bushland to DECC in perpetuity as part of Lane Cove National Park, the limitation of development within already disturbed areas and that the mitigation measures proposed.

## 6.2.9 Water Management

### Consideration

Currently, stormwater flows relatively unimpeded into adjacent bushland. The EA adopted a water sensitive urban design approach which included bio-retention swales, gross pollutant traps and rainwater tanks and proposed controls to contribute to the long-term improvement in receiving water quality and flow impacts on adjacent bushland.

The issues raised in regards to the proposed stormwater management system can generally be summarised as follows:

- Water Cycle Management, in particular Council requested that the Proponent provide a total water cycle system for the Site, addressing water conservation, quality and quantity and meet the requirements of the Council's Draft DCP *'Managing Urban Stormwater: Environmental Targets'*;
- Impact of potential changes in stormwater quality and quantity on the neighboring ecosystems in particular the ability of the proposed bio-swales to prevent pollution in the Lane Cove National Park; and
- Impact of runoff during construction.

In regards to water cycle management, the Proponent in their EA committed to the creation of a Stormwater Management Plan to address water flow, water quality, water catchments, water conservation, water retention and water treatment and re-use. Consequently, it is considered that this commitment has addressed this issue.

In regards to impact of stormwater on the neighbouring ecosystems, in the PPR, the Proponent provided a Water Management Strategy for the revised Concept Plan which included water quality modelling and concluded that the proposal would improve the existing conditions of the surrounding bushland and water quality in receiving bodies.

In regards to the impact of runoff from construction, the Proponent committed to the provision of an Erosion and Sediment Control Plan for the construction and subdivision phase that would ensure any potential increase in runoff from vegetation removal would not impact on downstream off-Site environments. The Proponent also committed to the provision of a Staging Plan which would minimise impacts during construction.

### **Resolution**

It is recommended that the design guidelines to be provided by the Proponent be prepared with regard to Council's DCPs 38 and 55 in accordance with modification B1 of Schedule 2 to ensure that the issue of 'Site coverage' is addressed. It is also recommended that the Stormwater Management Plan provided by the Proponent be integrated with the Threatened Species Management Plan as outlined in recommended modification.

## **6.2.10 Geotechnical**

### **Consideration**

DoP raised concerns regarding the impact of the tunnelling associated with the Epping to Chatswood rail line that passes underneath the site.

The Epping to Chatswood rail line and tunnel passes underneath the site at a depth of at least 25m. The Proponent provided an Urban Infrastructure Management Strategy which reviewed existing geological conditions and the Environmental Impact Statement prepared for the subject Rail Link in 1999. This strategy concluded that the settlement trough formed above the tunnel will have a 'negligible impact on surface buildings or underground service utilities as part of the rezoning application and potential development of the site'.

### **Resolution**

It is considered that the Proponent's EA has adequately addressed this issue as it will be considered in detail in subsequent applications for development on the Site.

## **6.2.11 Contamination**

### **Consideration**

A Phase 1 Contamination Audit was undertaken as part of the Environmental Assessment. This audit identified the following issues:

- Migration of contamination onto the Site from Film Australia;
- Potential chemical residue in shallow soils from the oval;
- Asbestos roofing, lagging and building materials as well as lead flashing from the roof; and
- Chemical storage.

The Contamination Audit also concluded that these issues would not prevent the Site from being rezoned for residential use.

In their submission, Council requested the Proponent provide a Stage 2 Detailed Investigation, an EPA Site Audit Statement and a Remedial Action Plan if required prior to rezoning.

In response, the Proponent advised that a Site Audit Statement would not be required until a development application for the Site was lodged and provided a commitment to undertake a hazardous materials audit and a limited and targeted Phase 2 contamination audit prior to or at the time of the first application for building works.

### **Resolution**

The Department considers the Proponent's response and revised commitments have sufficiently addressed this issue and the Site is suitable for the proposed uses.

## **6.2.12 Education Facilities**

### **Consideration**

The Site is currently UTS Kuring-gai campus, employing approximately 300 fulltime staff and having a student capacity of 3500.

In the Concept Plan exhibited, the Proponent advised that a decision has not yet been made regarding the existing educational uses on the Site, it is envisaged that education will remain on Site whilst viable, after which time UTS will seek to consolidate its activities elsewhere in their Broadway campus. To allow for future flexibility, the Proponent has sought a rezoning to permit a wider range of uses on the Site in addition to the existing educational use.

In response to submissions from the public and Council regarding the potential loss of educational facilities, the Proponent has stated that:

*'The impact on existing and potential tertiary students should the facility close or substantially change will be minimal as students would have the opportunity to attend one of the many universities well serviced by public transport including Macquarie University, UTS Broadway, University of New South Wales (UNSW) or the University of Sydney'.*

### **Resolution**

It is considered that the Proponent's response adequately addresses this issue. It should also be noted that education remains a permissible use in the existing main campus building proposed to be retained.

### **6.2.13 Developer Contributions**

#### **Consideration**

The Proponent advised that the residential component of the proposed development would comply with Council's Section 94 Contributions Plan and those developments or adaptive reuses not dealt with in Council's S.94 Contributions Plan would be dealt with by a Voluntary Planning Agreement (VPA) to be prepared at a later date.

In accordance with Council's Section 94 Contributions Plan 2004 – 2009, the revised scheme of 382 dwellings attracts a contribution of \$11,719,524.09. The Proponent has estimated that the proposed sports oval and curtilage would be valued at between \$12,250,000 and \$20,482,000 in accordance with Council's exhibited draft Open Space Acquisition Strategy and the 300sq.m of community facility space \$700,000, giving a total minimum contribution of \$12,950,000.

In their submission, Council suggested a Voluntary Planning Agreement be discussed with the Proponent to incorporate the section 94 contributions for the residential component of the development and facilitate the provision of works, especially for open space or community facilities. Council also advised that a draft agreement should be in place prior to the formal consideration of the rezoning of the Site.

Given the works in kind would exceed the total section 94 contributions applicable to the Site, the Proponent requested that any approval granted acknowledge the UTS contribution of open space and community facilities as fully offsetting the need for any further section 94 contributions.

Following a request from DoP to clarify their commitments in this regard, the Proponent provided additional commitments ensuring that they enter into arrangements to transfer 300sq.m of ground floor to Council for use as a community facility and 9,800sq.m for the adult sized soccer field and curtilage both in lieu of section 94 Contributions.

#### **Resolution**

It is agreed that the Proponent's contribution of the sports oval and the community facility space would fully offset the section 94 Contributions applying to the proposal and that the Proponent's additional commitments adequately address this issue.

### **6.2.14 Loss of Community facilities**

#### **Consideration**

##### **(a) Oval**

The Concept Plan exhibited included the provision of a 'village green' of 6070sq.m, however several submissions requested that the existing 15,535 sq.m oval be retained. In particular Council identified a lack of local senior sized fields in the area.

In response to submissions the Proponent revised the Concept Plan to provide a full sized adult soccer field of 64mx100m with a safety area of 5m around its perimeter. This space can accommodate 2 junior cricket or soccer fields. Provision has also been made for 30 parking spaces adjoining the field which has been zoned RE1 Public Recreation.

The Proponent's response in this regard is supported and is considered to have adequately addressed this issue.

#### ***(b) Tennis Courts***

The proposal includes the removal of five outdoor tennis courts on the Site. However counts by the Proponent have estimated that there are 71 publicly available courts in the local area and 66 in adjoining local government areas. In regards to the loss of tennis courts, the Council generally considers this to be acceptable given the number of these existing in the local area.

It is considered that given the number of similar facilities in the area, the proposal would not result in an unacceptable reduction of tennis courts.

#### ***(c) Gym & Childcare***

The Concept Plan proposes the demolition of the existing gymnasium building and childcare centre. Several submissions, including that of Council identified the lack of childcare facilities in the area as did Council's section 94 Plan 2004-2009.

In response, the Proponent undertook a study of childcare facilities and gymnasia in the area which indicated that there were 11 childcare centres and 19 gymnasia in the surrounding area and that existing childcare facilities in the area did not meet current demand.

The Proponent, in their revised Concept Plan also provided a community space of 300sq.m on the ground floor of an apartment building to the south of the oval under a section 94 contribution to Ku-ring-gai Council for use as a gym or childcare centre. It should also be noted that childcare is a permitted use in R1 and R2 zones.

#### **Resolution**

The Department supports the retention of a sports oval on the Site and considers that the Proponent's responses have sufficiently addresses these issues.

### **6.2.15 State Significance**

#### **Consideration**

The Proponent provided a study in support of their request for State significant Site listing. This study detailed the positioning of the Site as a Site of significance to the State and region having regard to the economic, environmental and state planning policy context.

In their submission, Council disagreed with the Proponent's study and expressed the view that the proposal was inconsistent with the Metropolitan Strategy and State Plan.

In response, the Proponent explained the ability of the proposal to satisfy the Sydney Metropolitan Strategy and State Plan including:

- Allowing for increased business investment ;
- Allowing UTS to consolidate educational facilities in their Broadway campus;
- Providing improved urban environments;
- Maintaining the global economic corridor from Sydney Airport to Macquarie Park;
- Containing Sydney's development footprint; and
- Providing fair access to housing jobs and services and open space.

It is considered that the proposal satisfies the NSW State Plan. The main elements by which the objectives of these plans have been satisfied include the location of dwellings in existing disturbed areas and retention of a significant amount of native vegetation, the use of water sensitive urban design, provision of residential development with access to a regular public transport service and the provision of increased housing choice in the area.

The modified Concept Plan also satisfies the Metropolitan Strategy through its strategic location in the global economic corridor, contribution in achieving the 10,000 dwelling target for the Ku-ring-gai LGA and the provision of a useable area of publicly accessible open space.

The proposal is also consistent with the Draft North Subregional Strategy as it is located in close proximity to neighbourhood centres, will allow UTS to consolidate its teaching and learning facilities in their Broadway campus thereby providing greater opportunities for academic pursuits and increase the supply of land for housing by using land that may otherwise remain under utilised. The approved Concept Plan will also ensure that new development is of a high quality whilst meeting the requirements of BASIX and using water sensitive design.

### Resolution

It is considered that the proposal is of State Significance.

## 6.2.16 Climate Change

### Consideration

Several submissions raised the issue of climate change both on the proposal and the impact of the proposal on climate change. In particular, Council and DoP requested that long-term climate change implications for the Site's bushfire risk be assessed and confirmation be provided that it can be managed in accordance with the *Planning for Bushfire Protection 2006*

In response, the Proponent outlined the measures by which the proposal would adapt to climate change, namely:

- Incorporation of legislation and planning policies into future management strategies;
- Providing a strategic approach to bushfire management and urban infrastructure issues;
- Using the most accurate information in the preparation and management of the proposal; and
- Implementing future management frameworks that are flexible.

The Proponent also addressed the issue of the potential for an increase in storm frequency and severity through the provision of an Urban Infrastructure Management Strategy that outlined retention measures for excessive stormwater discharge from the site and general measures for retention. The modelling processes adopted by the Proponent's flooding consultant were based on a range of assumed storm event over a 20 to 50 year horizon.

In regards to bushfire risk, the Proponent advised that climate change will result in an increase in the frequency of fires rather than intensity and as *Planning for Bushfire Protection 2006* has been prepared to protect against fires of all intensities this issue is considered to have been addressed. Consequently, the Proponent's responses are considered to have addressed this issue.

### Resolution

It is considered that the Proponent's responses have adequately addressed this issue.

## 6.2.17 Consideration of Ecologically Sustainable Design (ESD) Principles.

### Consideration

There are five accepted ESD principles:

- a) decision-making processes should effectively integrate both long-term and short term economic, environmental, social and equitable considerations (the integration principle);
- b) if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation (the precautionary principle);
- c) the principle of inter-generational equity - that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations (the inter-generational principle);

- d) the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making (the biodiversity principle); and
- e) improved valuation, pricing and incentive mechanisms should be promoted (the valuation principle).

The Department has considered the proposal in relation to the ESD principles and has made the following conclusions:

**Integration Principle** - The social and economic benefits of the proposal have been addressed in the Environmental Impact Assessment. The environmental impacts are addressed through the Proponent's Statement of Commitments and the recommended modifications. Additionally, the environmental impacts will be assessed as future applications are submitted. The Department's assessment has duly considered all issues raised by the community and public authorities. It is considered that the proposal as recommended for approval does not compromise a particular stakeholder or hinder the opportunities of others.

**Precautionary Principle** – The Environmental Assessment is supported by technical and environmental reports that conclude that the proposal's impacts can be successfully mitigated. No irreversible or serious environmental impacts have been identified. The modifications to the Concept Plan require additional information to ensure the proposal's extent and nature is fully documented and opportunities are provided for proposed mitigation and management measures to incorporate best practices.

**Inter-Generational Principle** – Through implementation of the Concept Plan, environmental and management practices currently employed on the Site will be upgraded, enhanced or introduced to ensure the environment is protected for future generations. The residential components of the proposal will also indirectly reduce the rate of development demand at the urban fringe as well as enabling the orderly and timely redevelopment of land no longer required for its original purpose. The Proponent has committed to comply with BASIX for the proposed residential development, which aims to deliver good design, energy and water efficiency, thereby conserving resources for future generations. The residential development, sporting facilities, and potential commercial services in the area would provide an improved legacy for future generations.

It is also recommended that the Concept Plan be modified to ensure that new developments promote the use of renewable energy technologies and energy efficient products.

**Biodiversity Principle** – only a relatively small area of busland would be removed (1.36 ha) and 2.8ha modified as a part of the proposal. High biodiversity values such as *D.biflora* plants and habitat, breeding habitat for the Red-crowned toadlet, foraging habitat for the powerful owl and threatened species would be dedicated to National Park as a part of the conservation land, or where on-site, retained. Management of weeds, stormwater, domestic animals, fire and habitat would ensure that the impact on biodiversity and threatened species is minimised.

**Valuation Principle** – the proposal seeks to promote new accommodation in existing urban areas by maximising reliance of existing infrastructure. The proposal would potentially enable residents to live near their work place and would provide relatively affordable accommodation in an existing urban area.

The Proponent is committed to ESD principles and has reinforced this through the Statement of Commitments and the Environmental Assessment which explores key ESD opportunities, including architectural design and management systems to ensure high environmental performance is delivered. Further assessment of ESD principles will be undertaken during subsequent project application stages of the proposal.

## Resolution

It is considered that the revised Concept Plan has adequately addressed this issue

### 6.2.18 Services

Servicing of the Site was a key issue raised in the Director General's Requirements. In this regard, the Proponent has advised that the Site is currently serviced by electricity, water, gas, sewer, water, stormwater and telecommunications and has provided an assessment of the Concept Plan in terms of its likely impact on

infrastructure services. This assessment confirmed that services can be provided or augmented to accommodate the additional development of the site

**Resolution**

It is considered that the Proponent's assessment has adequately addressed this issue.



## 7. CONCLUSION

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- 7.1 The Department has reviewed the environmental assessment and the preferred project report and duly considered advice from public authorities as well as issues raised in general submissions in accordance with Section 75I(2) of the Act.
- 7.2 In February 2008, the Proponent lodged a response to the issues, which included a revised statement of commitments to a number of measures to ensure the development does not adversely impact on local amenity and landscapes adjacent the Site.
- 7.3 All the relevant environmental issues associated with the proposal have been extensively assessed. In balancing the State significant planning outcomes with the issues raised in the body of this report, the Department is of the view that the Proponent has satisfactorily mitigated the environmental impacts arising from the scheme and the recommended modifications have adequately resolved any outstanding issues.
- 7.4 In assessing the proposal, the Department has resolved any outstanding environmental issues through recommended modifications to the Concept Plan. The recommended key modifications relate to Urban Design and include:
1. Limiting the overall dwelling yield for the site to 345;
  2. Reducing the height of the building adjacent Film Australia from 3 to 2 storeys and increasing its setback to 4.5m from the Film Australia site;
  3. Redesign of Precinct 2 to demonstrate a minimum setback of 25m from the residential flat building to the sports oval; and
  4. Requiring a minimum of 10% of all dwellings on the site to a maximum of 1 bedroom.
- 7.5 Recommended modifications to the Concept Plan are provided at **Appendix A**. The reasons for the imposition of modification are to encourage good urban design, ensure the safety of future residents/ users of the Site and maintain the amenity of the local area and adequately mitigate the environmental impact of the development.

## 8 RECOMMENDATIONS

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It is recommended that the Minister for Planning:

- a) **consider** the findings and recommendations of this report in regards to the Concept Plan.
- b) **grant** approval for the Concept Plan pursuant to s.75O(1), subject to the modifications by signing the instrument of approval.
- c) **determine** that approval to carry out the remainder of the project or stages of the project is subject to Part 4 or 5 of the Act.

Prepared by:

**Carmel O'Connor**  
Senior Planner

Endorsed by:

**Michael File**  
Director, Strategic Assessment

**Jason Perica**  
Executive Director

## APPENDIX A. MODIFICATIONS TO CONCEPT PLAN

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## 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.

Frank Sartor MP  
Minister for Planning  
Sydney

2008

## SCHEDULE 1

### PART A – TABLE

Application made by:	CRI
Application made to:	Department of Planning
Major Project Number:	06_0130
On land comprising:	Lot 5 in DP 32292 and Lots 1 & 2 in DP 1043043
Local Government Area	Ku-ring-gai
For the carrying out of:	Residential development of up to 345 dwellings and the adaptive reuse of an existing building for mixed use purposes.
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 subject to modifications in Schedule 2
Date of commencement of approval:	11 June 2008
Date approval is liable to lapse	5 years from the date of approval

### 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 February 2007

**GFA** means gross floor area.

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

**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** 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 prepared by JBA Planning Consultants and DEM Architects including;
- Part demolition of existing campus buildings;
  - Retention and adaptive reuse of the main campus building for continued education and commercial use, and including the existing auditorium and libraries;
  - New residential development on previously developed land;
  - A Gross Floor Area of buildings to be retained of 27167sq.m;
  - A Gross Floor Area of new buildings of 60,376sq.m;
  - Provision of a 'sports oval' and curtilage including 30 car parking spaces;
  - 382 dwellings including 10 single lot dwellings, 25 integrated dwellings or town houses and 347 apartments;
  - A street and pedestrian network;
  - A childcare centre or gymnasium on the ground floor of a building south of the sports oval; and
  - A bushfire Asset Protection Zone.

##### A2. *Development in Accordance with Plans and Documentation*

- (1) The development shall generally be in accordance with the following plans and documentation (including any appendices therein):
- 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 prepared by JBA Planning Consultants and DEM Architects.

Except for otherwise provided by the Department's modifications of approval as set out in Schedule 2, Part B and the proponent's statement of commitments

- (2) In the event of any inconsistencies between the modifications of this concept approval and the plans and documentation described in Modification A2, Part A, Schedule 2 referred to above, the modifications of this concept approval prevail.

##### 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) Are to be prepared to the satisfaction of Council; and

- (3) Provided prior to the lodgement of the first application for development on the Site.

**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) A plan demonstrating the redesign of Precinct 2 is to demonstrate a minimum 25m setback from the sports oval with particular regard to edge effects
- (4) The Plan identified in (3) is to be provided to the satisfaction of the Director General of the Department of Planning prior to the lodgement of the first application for development on the Site.

**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 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) The link bridge connecting the gymnasium to the existing main campus building is to be removed to provide definition of the main campus building and enhance its relationship with the surrounding bushland.

**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 2007 in accordance with those commitments, including:
  - (a) 9,800sq.m of land for an adult sized soccer field and curtilage;
  - (b) 300sq.m for a community facility; and
  - (c) land zoned E1.
- (2) The land identified in B13 (1)(a),(b) and (c) above is to be transferred to the State or Council at no cost.
- (3) Arrangements for the transfer of land identified in:
  - (a) B13(1)(a) is to occur prior to or with first application for development on the Site;
  - (b) B13(1)(b) is to occur prior to occupation of the building in which it is to be located;
  - (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.

**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 prior to the lodgement of the first application for development on the Site.

**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. Modified Concept Plan**

- (1) A modified Concept Plan containing the modifications in Schedule 2, B3, B4, B5 and B6, of this Consent is to be provided as soon as possible and before the lodgement of the first application.
- (2) The Concept Plan is modified to correct Section 04 on page 41 of Volume 2 of the Preferred Project Report to illustrate the proposed unit building is a maximum of 4 storeys in height.

## 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) The following modifications refer to Figure 1 of this Consent.
- (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.

#### A5. Flora and Fauna

- (2) 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.

#### A6. Bushfire Protection

- (1) Future uses are not to require the extension of Asset Protection Zones provided in the PPR.
- (1) 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

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.

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.



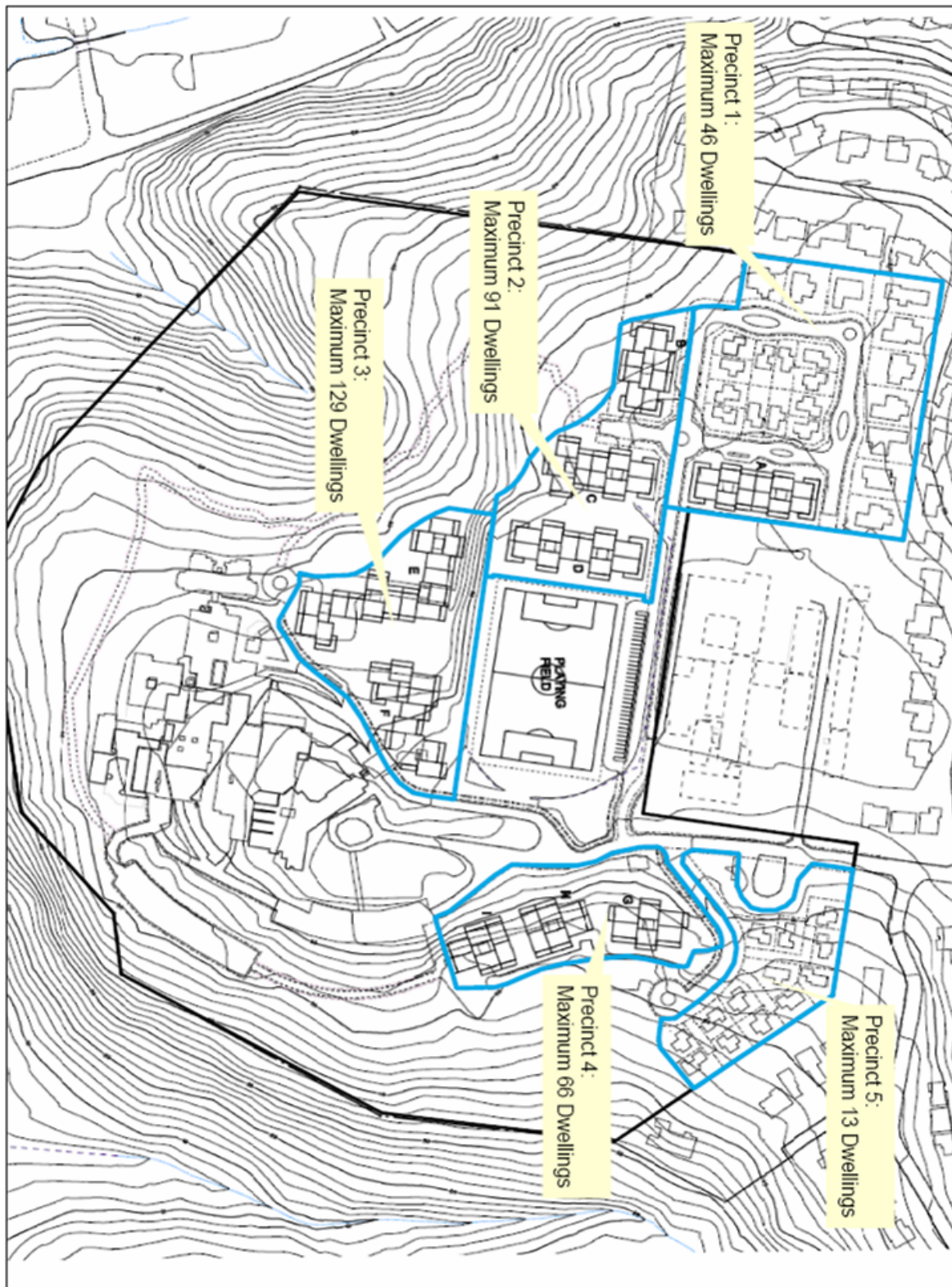


Figure 1

## APPENDIX B. RESPONSE TO SUBMISSIONS AND PREFERRED PROJECT REPORT

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## APPENDIX C. REVISED STATEMENT OF COMMITMENTS

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## APPENDIX D. ENVIRONMENTAL PLANNING INSTRUMENTS & OTHER RELEVANT LEGISLATION

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The proposal is subject to the following planning instruments and strategies:

### ***State Environmental Planning Policy (Major Projects) 2005***

State Environmental Planning Policy (Major Projects) 2005 outlines the types of development declared a major project for the purposes of Part 3A of the EP&A Act. For the purposes of the SEPP certain forms of development may be considered a Major Project if the Minister (or his delegate) forms the opinion that the development meets criteria within the SEPP.

Clause 6 of the Major Projects SEPP provides that development that in the opinion of the Minister is development of a kind referred to in Schedule 1 (specified Sites) is declared to be a project to which Part 3A of the Act applies. Clause 13 of Schedule 1 of the Major Projects SEPP identifies that development for the purposes of "Residential, Commercial or Retail Projects" with a capital value of more than \$50 million, is development to which Part 3A of the Act applies. The proposal meets the criteria in the Major Projects SEPP as the proposal has a capital investment value of \$216 Million.

On 14 June 2007 the Minister for Planning formed the opinion pursuant to clause 6 of *State Environmental Planning Policy (Major Projects) 2005* (MP SEPP) that the proposal is a Major Project under Part 3A of the *Environmental Planning and Assessment Act 1979* and authorised the submission of a Concept Plan for the Site.

### ***State Environmental Planning Policy No.19 – Bushland in Urban Areas***

The main objectives of SEPP 19 are to protect and preserve bushland within urban areas. The subject Site is bordered by the Lane Cove National Park and consideration has been given to the integration of bushland features into the development, including the dedication of land to Lane Cove National Park, the establishment of an Asset Protection Zone (APZ) around the development sympathetic to the flora and fauna on the Site and the location of development in existing disturbed areas. The development is sympathetic to the existing bushland character of the Site and is considered to comply with the aims and objectives of SEPP 19.

In addition, the NSW Rural Fire Service has been consulted and their comments have been duly considered. Their recommended conditions of approval have been incorporated into the modifications of the Concept Plan approval.

### ***State Environmental Planning Policy No.32 – Urban Consolidation (Redevelopment of Urban Land)***

State Environmental Planning Policy No. 32 Urban Consolidation establishes a process for identifying land that is appropriate for urban consolidation for the redevelopment of urban land that is no longer required for that purpose. The objectives are to ensure that urban land suitable for multi-unit housing and related development is made available for development in a timely manner resulting in an increase in the availability and diversity of housing within a particular locality.

This SEPP includes criteria for identifying whether a Site is of regional planning significance and should be made the subject of a regional environmental planning instrument. The Minister must consider whether urban land is no longer needed or used for the purposes for which it is currently zoned or used, whether it is suitable for redevelopment for multi unit housing and related development in accordance with the aims and objectives of the policy. The Site is located within an established urban area in close proximity to public transport infrastructure and other services and facilities. Its redevelopment accords in principle with the aims and objectives of this policy.

The policy sets out criteria for determining the regional significance of a Site through the formulation of a Regional Environmental Plan (REP) pursuant to Division 3 of Part 3 of the Act. The Minister may consider a Site as suitable for inclusion within an REP if he is satisfied that the redevelopment would contribute to urban consolidation. Whilst the Proponent is not seeking to achieve this aim, the Site meets each of the criteria so by implication contributes to these overall aims.

***State Environmental Planning Policy 44 – Koala Habitat Protection***

This policy aims to encourage the proper conservation of areas of natural vegetation that provide habitat for koalas and applies to the Ku-ring Gai Local Government Area.

There are two main steps in the assessment of koala habitat, the first being the identification of *potential koala habitat* in accordance with schedule 2 of the SEPP, if the land is identified as potential koala habitat then Step 2 applies. Step Two is the determination of whether the Site is *core koala habitat*, evidenced by attributes such as breeding females and recent sitings and historical records of a population.

If the land is not *core koala habitat* then the consent authority is not prevented from granting consent. If the land is *core koala habitat* development consent may only be granted if there is a Plan of Management prepared in accordance with Part 3 of SEPP 44.

Whilst it was identified that the Site did contain *potential koala habitat* it also identified that this was not core koala habitat and as such approval may be granted to the proposal.

***State Environmental Planning Policy No. 55 – Remediation of Land***

SEPP 55 promotes the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. The Proponent has conducted a Stage 1 Contaminated Land Report that identified the migration of contamination onto the Site from Film Australia; potential chemical residue in shallow soils from the oval; asbestos roofing, lagging and building materials as well as lead flashing from the roof; and Chemical storage.

The Proponent has listed in their Statement of Commitments the remediation measures which will be undertaken and has indicated that a contaminated land audit will be conducted prior to or with the submission of the first Project Application for building works. The Concept Plan includes no works component and as such a condition of approval shall require that a full contaminated land survey be undertaken in accordance with SEPP 55 prior to the lodgement of a development application on the Site.

***State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development***

State Environmental Planning Policy No. 65 (Design Quality of Residential Flat Development) establishes good design principles by which multi-unit housing is to be assessed against. These design principles are supported by detailed objectives and provisions in the Residential Flat Design Code which also needs to be assessed. This SEPP applies to the preparation of planning instruments, applications for developments, and master plans.

This SEPP applies to the Concept Plan by virtue of the apartments proposed on the Site. The Concept Plan as it relates to the apartment buildings identifies building envelopes, heights, and floor space areas. Therefore the SEPP's design principles of context, scale, built form and density apply to the Concept Plan; the remaining principles are related to detailed design matters and can be reasonably dealt with at development application stage.

***State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004***

This 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 Concept Plan will allow residential flat buildings on the Site with consent. BASIX ensures dwellings are designed to use less potable water and be responsible for fewer greenhouse gas emissions by setting energy and water reduction targets for house and units. The Concept Plan illustrates how ESD initiatives can be incorporated into the planning and detailed design of future development. The design principles and objectives are consistent with BASIX requirements. Future Project Applications will also be assessed against BASIX requirements.

### ***Draft SEPP 66 – Integration of Land Use and Transport***

This draft SEPP aims to ensure that urban structure, building forms, land use locations, development designs, subdivision and street layouts help achieve the following planning objectives:

- (a) improving accessibility to housing, employment and services by walking, cycling, and public transport,*
- (b) improving the choice of transport and reducing dependence solely on cars for travel purposes,*
- (c) moderating growth in the demand for travel and the distances travelled, especially by car,*
- (d) supporting the efficient and viable operation of public transport services,*
- (e) providing for the efficient movement of freight.*

It is considered that the proposal addresses the aims of the draft SEPP through its location, access to public transport and Statement of Commitments regarding the implementation of a Transport Behavioural Programme.

### ***State Environmental Planning Policy (Infrastructure) 2007***

The main objectives of the SEPP for Infrastructure are to facilitate the effective delivery of infrastructure by improving regulatory certainty through consistent planning management for infrastructure and providing greater flexibility in the location of infrastructure and service facilities.

Schedule 3 of the SEPP lists traffic generating development that is required to be referred to the Roads and Traffic Authority (RTA). The Roads and Traffic Authority (RTA) have been consulted accordingly. Their comments have been duly considered and their suggested conditions of approval have been incorporated into the modifications of the Concept Plan approval.

In addition, the Department of Environment and Climate Change has been consulted and have since provided comments. Their recommendations have been considered and shall be included into the modifications of the Concept Plan approval.

### ***Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005***

The UTS Ku-ring-gai Site is located within the SREP Sydney Harbour Catchment 2005. The Sydney Harbour Catchment Planning Principles must be considered. The key relevant principles are summarised to include:

- protect and improve hydrological, ecological and geomorphological processes;
- consider cumulative impacts of development within the catchment;
- improve water quality of urban runoff and reduce quantity and frequency of urban run-off; and
- protect and rehabilitate riparian corridors and remnant vegetation.

The impact of the proposal on the Sydney Harbour Catchment will be assessed through detailed hydrological, ecological and stormwater impact assessments at the time of development application. The Concept Plan sets out strategies regarding proposed stormwater management and the envisaged stormwater services upgrade for the Site.

### ***Sydney Metropolitan Strategy – City of Cities, A Plan for Sydney's Future***

The Metropolitan Strategy is a broad framework planning strategy to secure Sydney's place in the global economy by promoting and managing growth. It is a strategic document that outlines a vision for Sydney over the next 25 years.

The housing strategy seeks to ensure that the supply of appropriate and well located housing will be provided to meet the needs of the increasing and diversifying population. The proposed development will provide greater housing supply and choice to community and will encourage policies, particularly those which seek to encourage urban consolidation. The residential component of the Concept Plan proposal will make a useful contribution towards achieving this target. As such, the UTS Ku-ring-gai Site is considered to be consistent with the objectives of the Metropolitan Strategy of Sydney.

### ***Draft North Subregional Strategy***



The Draft North Subregional Strategy outlines a plan for the region's new housing, employment growth, natural resources and cultural heritage. The strategy translates objectives of the NSW Government's Metropolitan Strategy to the local level.

The Concept Plan and Project Application are generally consistent with the draft Strategy in providing employment opportunities, new housing, and protecting and rehabilitating areas of environmental importance.

***Ku-ring-gai Planning Scheme Ordinance 2007***

Ku-ring-gai Planning Scheme Ordinance 2007 identifies the local planning controls applicable to the Ku-ring-gai LGA involving land use zones and special provisions.

The Concept Plan is not consistent with the Ku-ring-gai PSO as it proposes land uses prohibited on land currently zoned 5a Special Uses.

The inconsistencies between the Ku-ring-gai PSO and the Concept Plan are the subject of the rezoning process via the Major Projects SEPP.

## APPENDIX E. SUMMARY OF PUBLIC SUBMISSIONS

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## APPENDIX F. PUBLIC AGENCY SUBMISSIONS

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## APPENDIX G. ENVIRONMENTAL ASSESSMENT

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