

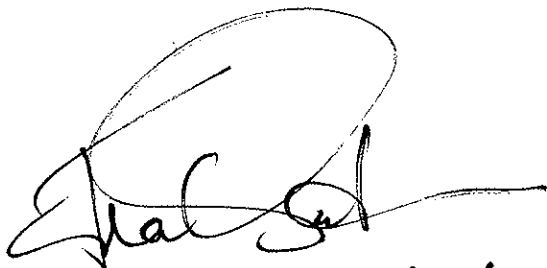
## ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

### 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

n/6/08  
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;
- a) Part demolition of existing campus buildings;
  - b) Retention and adaptive reuse of the main campus building for continued education and commercial use, and including the existing auditorium and libraries;
  - c) New residential development on previously developed land;
  - d) A Gross Floor Area of buildings to be retained of 27167sq.m;
  - e) A Gross Floor Area of new buildings of 60,376sq.m;
  - f) Provision of a 'sports oval' and curtilage including 30 car parking spaces;
  - g) 382 dwellings including 10 single lot dwellings, 25 integrated dwellings or town houses and 347 apartments;
  - h) A street and pedestrian network;
  - i) A childcare centre or gymnasium on the ground floor of a building south of the sports oval; and
  - j) 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):

- (a) **Preferred Project Report and Statement of Commitments UTS Kuring-Gai Campus Lindfield SEPP Major Projects and Concept Plan Volumes 1 and 2** dated February 2008 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.



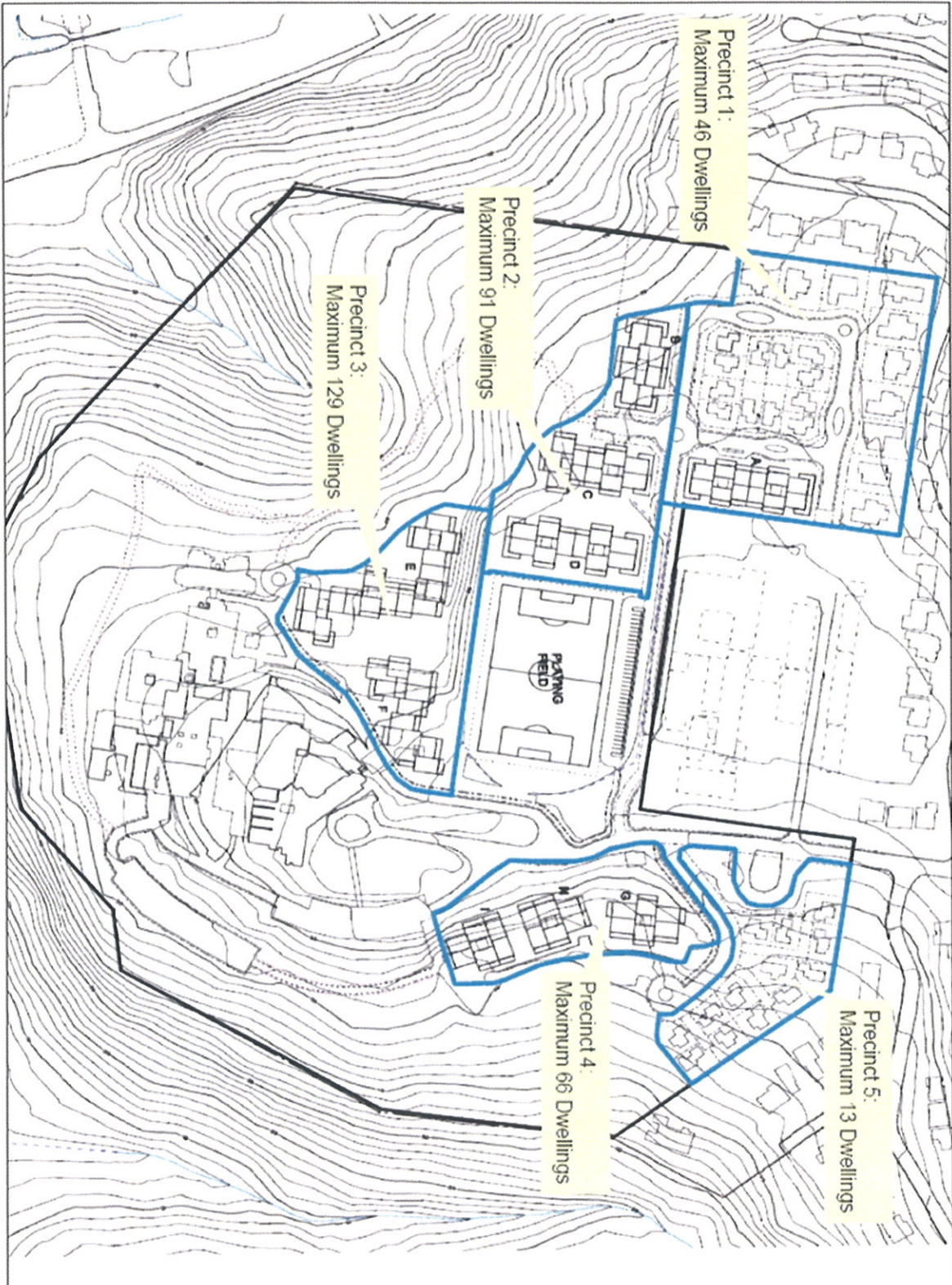


Figure 1