

Planning Assessment Report

Application to Modify the Minister's Approval for the UTS Ku-ring-gai Campus site, Ku-ring-gai

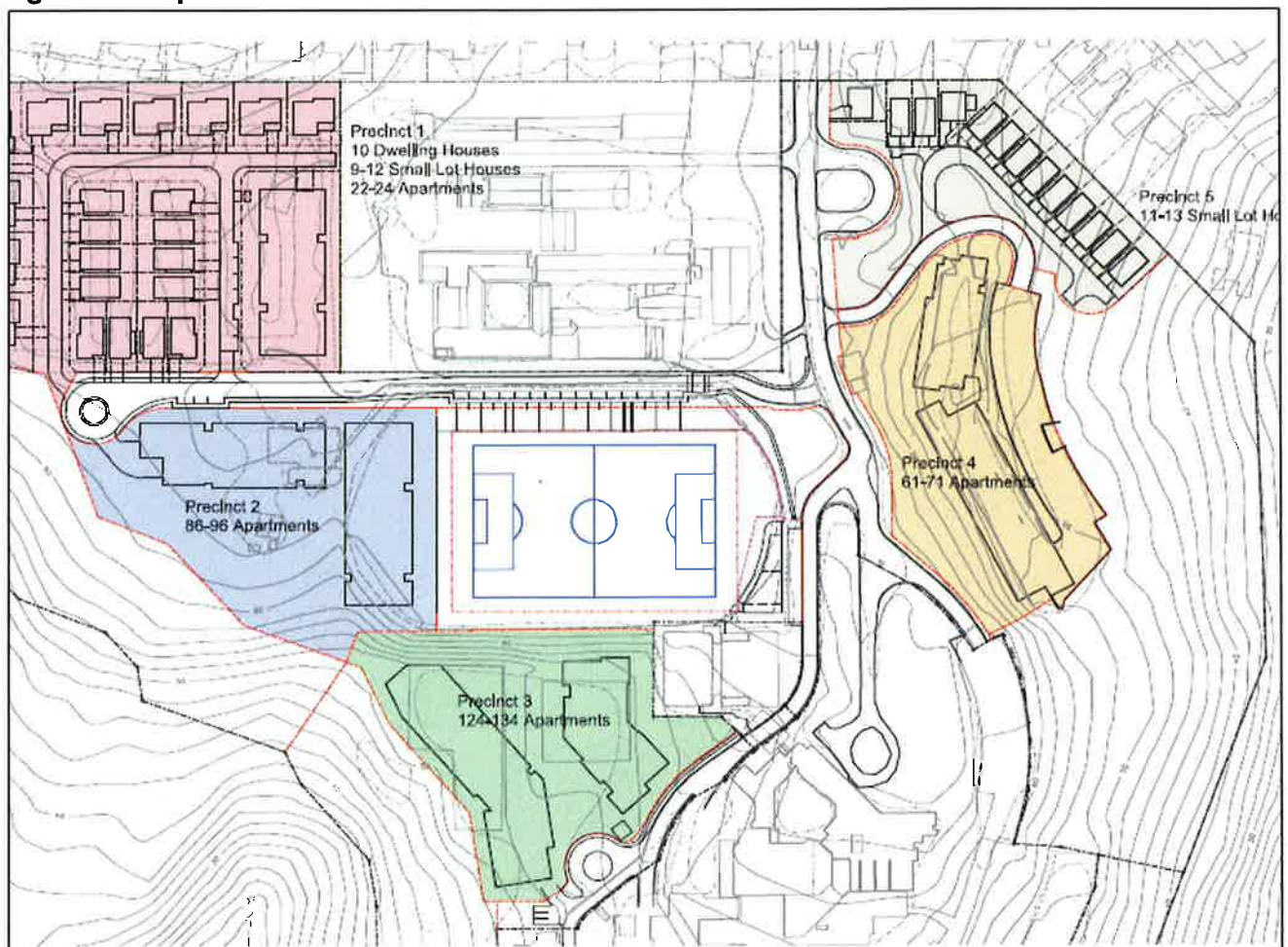
Major Project 06_130 MOD 4

1 PROPOSED MODIFICATION

Defence Housing Australia (DHA), the Proponent has submitted a modification application in accordance with section 75W of the *Environmental Planning and Assessment Act 1979* (the Act) to modify the former Minister for Planning's approval of the UTS Ku-ring-gai Concept Plan. The Concept Plan was approved subject to modifications on 11 June 2008. DHA's main role is to provide housing for Australian Defence Force members and their families.

The Proponent's s75W modification application intends to allow for flexibility in the number of dwellings within each Precinct while retaining the 345 dwellings originally approved. The flexibility will allow the Proponent to achieve a range of dwellings (**Figure 1**) for each Precinct while still complying with the Concept Plan Approval.

Figure 1: Proposed amendments under Modification 4



Source: JBA Planning

2 BACKGROUND

The UTS Ku-ring-gai campus site is 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. The Lane Cove National Park surrounds most of the site, with the exception of the Film Australia land and single lot residential housing development to the north and north-west of the site (refer to **Figure 2**).

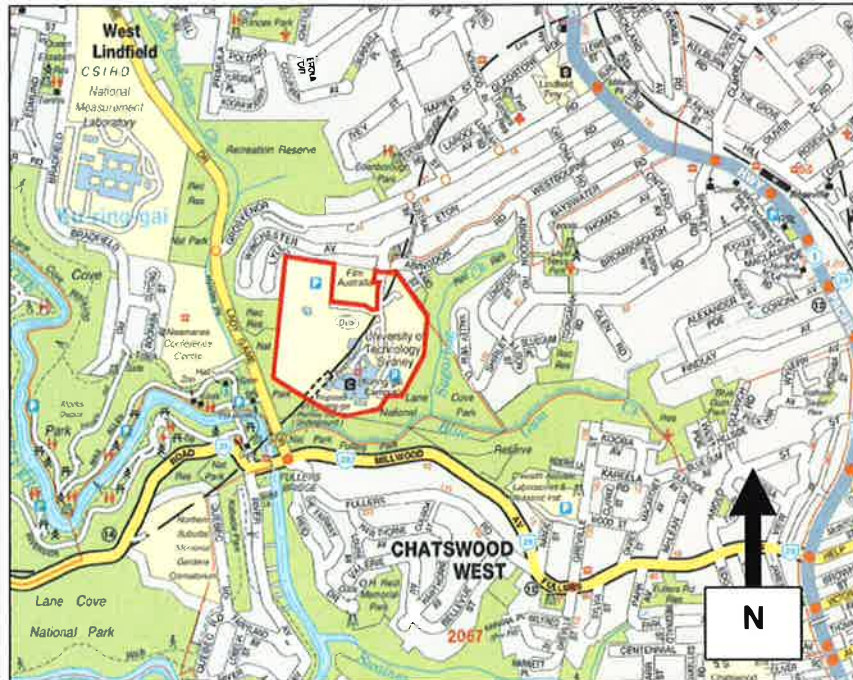


Figure 2: The site and its locality

On 11 June 2008, the former Minister for Planning granted Concept Plan Approval to a proposal by UTS Ku-ring-gai (previous Proponent) to redevelop the site for residential purposes (ranging from single dwellings to residential flat buildings) and the adaptive reuse of the campus building for continued education and commercial uses (31,041m² gross floor area).

In granting Concept Plan Approval, the Minister imposed a number of modifications and future assessment requirements. Key modifications included:

- reduction in the total dwelling yield from 382 to 345 dwellings;
- a requirement for at least 10% of dwellings (41 dwellings) to consist of 1 bedroom;
- increased the setback of proposed buildings from the sport oval (25m) and the boundary with Film Australia (4,5m); and
- reduction in height of Building A to a maximum of 2 storeys and Building B to a maximum 4 storeys (excluding attics for both) in height.

The site was listed as a State Significant site within Schedule 3 of *State Environmental Planning Policy (Major Development) 2005* (Major Development SEPP) on 11 July 2008, which zoned the site as General Residential, Mixed Use, Public Recreation and Environmental Conservation.

On 7 November 2008 the Instrument of Approval was modified (Mod. 1) under section 75W of the *Environmental Planning and Assessment Act 1979* (the Act) to correct minor typographical errors, and clarify the contribution requirements.

On 21 May 2010 the previous Minister's delegate approved Modification 2 (**Figure 3**) under section 75W of the Act to modify the Minister's Concept Plan Approval to enable the following:

- retain the existing gymnasium building (3,874m²), which was approved for demolition;
- reconfigure Precinct 2 in response to the dwelling yield reductions and setback requirements by consolidating blocks B, C and D into one building (91 dwellings);
- reconfigure Precinct 3 to delete block F (where the existing gymnasium is located), and enlarge proposed Block E (129 dwellings) to incorporate dwellings originally proposed within block F; and
- change the Concept Plan to satisfy modifications imposed by the Minister.

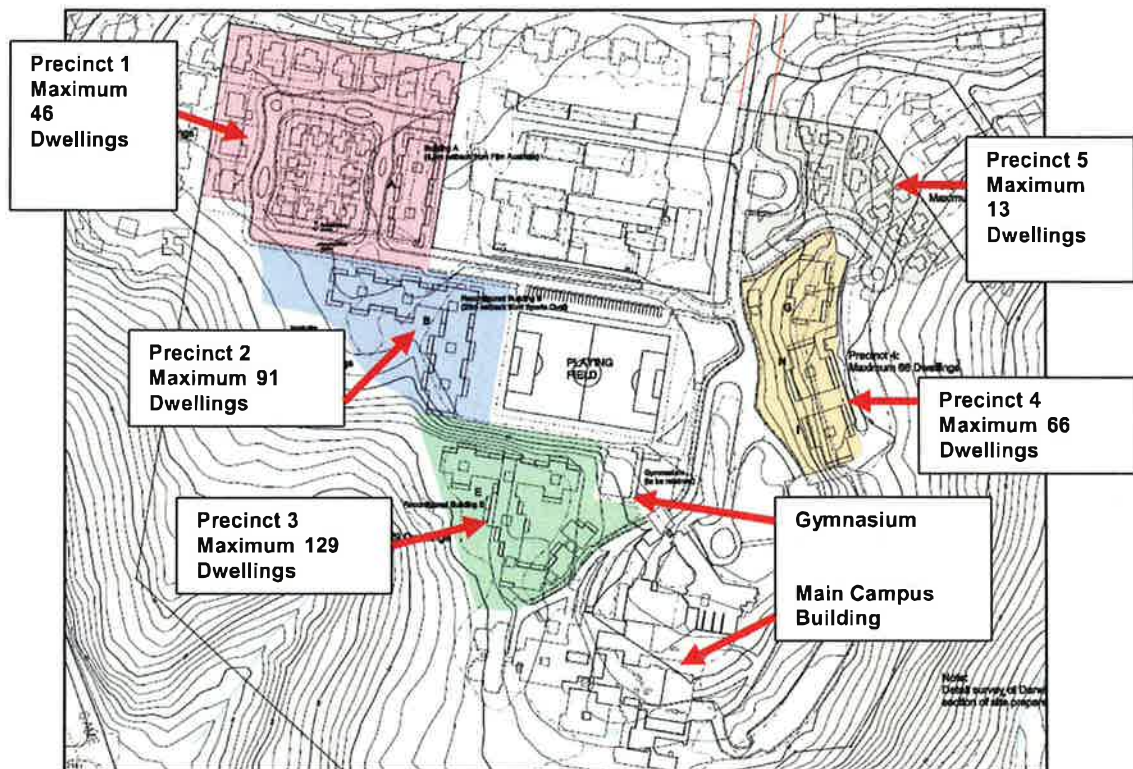


Figure 3: The Concept Plan, as modified (Mod. 2)

On 14 December 2011, the Major Development SEPP was amended (Modification 3) to make community facilities permissible in the Public Recreation Zone and allow a two storey community facility for the UTS Ku-ring-gai Campus site. The SEPP Amendment also removed the height control in the recreation land and made subdivision and demolition permissible with development consent.

The Concept Plan modification was approved on 19 December 2011 which relocated the proposed community facility to the recreational land and changed the timing of dedications to be in accordance with the Voluntary Planning Agreement between Council and the Proponent. The size of recreational land and residential land were increased through minor zone boundary adjustments. The Proponent was further required to lodge the proposed Urban Design Guidelines concurrently with the first Development Application for the site.

3 STATUTORY CONTEXT **Continuing operation of Part 3A**

The modification does not fall under the current savings and transitional provisions as no DGRs were issued. The *Environmental Planning and Assessment Regulation 2000* (Regulation) was amended on 1 December 2011 to allow Section 75W of the Act to continue to apply for the purpose of modifying an approved Concept Plan.

Approval Authority

The Minister for Planning was the approval authority for the original Concept Plan and as such the Minister is the approval authority for any modification request.

Delegation

The Executive Director, Urban Renewal and Major Sites may determine the Modification, in accordance with the Instrument of Delegation issued by the Minister for Planning and Infrastructure, on 14 September 2011, pursuant to section 75W of the Act.

Section 75W(3) of the Act

No DGRs were issued due to the Proponent submitting necessary professional documentation to justify the proposed changes. The Environmental Assessment for the modification was deemed to be adequate on 2 May 2012.

4 CONSULTATION AND SUBMISSION

Pursuant to Section 75X (2)(f) of the Act, the Director-General is required to make publicly available requests for modifications of approvals given by the Minister. In accordance with Clause 8G of the Regulation, the request for the modification was placed on the Department's website.

The Department consulted with Ku-ring-gai Council who acknowledged that while in principal, it has no objection to the modification, it does not support any increase in the maximum number of dwellings approved for the site. Council believes that if the Proponent implements the upper limits for the earlier Precincts, then Precinct 5 could not be developed without exceeding the overall maximum number of dwellings. Council also requested that Figure 1 be amended to incorporate modified road layouts, an indicative subdivision pattern and indicative building footprint.

The Department believes that Council's concern about exceeding the maximum dwellings approved for the site are negated by the existing Condition of Approval which sets the maximum dwelling yield to 345 dwellings. Condition B3 states that "*the Concept Plan is modified to reduce the maximum number of dwellings on the Site to 345 in accordance with Figure 1 of this Consent.*" This condition does not allow for any variation to total dwelling numbers and has been reworded to accommodate the flexibility in the number of dwellings within each Precinct. Condition B3 will read as follows:

The Concept Plan is modified to reduce the maximum number of dwellings on the site to 345 dwellings. The number of dwellings in each Precinct will be in accordance with Drawing no. ar-mp00 revision a09 prepared by dem and dated 5 April 2012.

The Department does not believe that Figure 1 needs to be amended to incorporate modified road layouts, an indicative subdivision pattern and indicative building footprint. Figure 1 was approved as a Concept Plan and any detail design will be addressed through the DA stage of the development process to be assessed and determined by Council. The Department believes that no further detail is required at this time.

5 ASSESSMENT

5.1 Minor redistribution of dwellings across the site

The Proponent is in the process of designing the residential buildings for the site which will be assessed by Council under Part 4 of the Act. The Proponent argues that in order for the design to comply with State Environmental Planning Policy 65 and Residential Flat Design Code, greater flexibility is required in the distribution of the number of dwellings across the site.

Table 1 compares the number of dwellings for each Precinct under the Concept Plan Approval modification and the range of dwellings proposed for each Precinct under this Modification application. The result is a minor variation of possibly ± 5 dwellings for Precincts 2-5, a loss of up to 5 dwellings for Precinct 1 and loss of up to 2 dwellings for Precinct 5. **Figure 1** identifies the range of dwellings proposed in each Precinct while still achieving a total of 345 dwellings across the site.

Table 1: Comparison in the change of number of dwellings in each precinct

Precinct	Approved (Modification 3)	Proposed (Modification 4)	Change
Precinct 1	10 Dwelling Houses 12 Small Lot Houses 24 Apartments 46 total dwellings	10 Dwelling Houses 9-12 Small Lot Houses 22-24 Apartments 46 total dwellings	A loss of up to 5 dwellings
Precinct 2	91	86-96	+/- 5 dwellings
Precinct 3	129	124-134	+/- 5 dwellings
Precinct 4	66	61-71	+/- 5 dwellings
Precinct 5	13	11-13	A loss of up to 2 dwellings
Maximum Total	345	345	

While there will be a minor redistribution of dwellings across the site, the 345 dwellings previously approved across the site will remain the same. To this effect:

- The mix of dwelling types will not change;
- Required minimum 10% of one bedroom apartments will be achieved;
- Building heights will be unchanged;
- Recommendations of Management Plans for the site will be unchanged;
- Any future DA will be consistent with the Urban Design Guidelines for the site; and
- No additional traffic impacts are expected.

While reducing the number of dwellings is possible (up to 22 dwellings), the condition of approval set a maximum of 345 dwelling for the entire site. Therefore, Council's concern that the development could result in 360 dwellings would not occur. The modification provides some flexibility whilst still limiting the overall amount of development on site and it worthy of support.

6 RECOMMENDATION

It is recommended that the Minister's delegate, the Executive Director, Urban Renewal and Major Sites:

- Approve the modifications as detailed in this report; and
- Sign the instrument of modification approval under Section 75W of the *Environmental Planning and Assessment Act 1979*.

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