



Former UTS Ku-ring-gai Campus Concept Plan

*Major Project
Modification Assessment
(MP 06_0130 MOD 5)*

October 2018

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Glossary

Abbreviation	Definition
APZ	Asset Protection Zone
Consent	Development Consent
Council	Ku-ring-gai Council
Department	Department of Planning and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EP&A (ST&OP) Regulation	<i>Environmental Planning and Assessment Regulation (Savings, Transitional and Other Provisions) 2017</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
LEP	Local Environmental Plan
Minister	Minister for Planning
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State Significant Development



Contents

Glossary	iii
1. Introduction	1
1.1 Background	1
1.2 Approval History	2
2. Proposed Modification	5
3. Strategic Context	7
3.1 Environmental Planning Instruments	7
4. Statutory Context	8
4.1 Scope of Modifications	8
4.2 Consent Authority	8
5. Engagement	9
6. Assessment	10
6.1 Conditions	10
6.2 Statement of Commitments	13
7. Evaluation	21
8. Recommendation	22
9. Determination	23
Appendices	24
Appendix A – Modification Application	24
Appendix B – Notice of Modification	24



1. Introduction

This report is an assessment of an application seeking to modify the Major Project Concept Plan approval for former University of Technology (UTS) Ku-ring-gai Campus (MP 06_0130 MOD 5) in the Ku-ring-gai Local Government Area (LGA). The original approval was granted on 11 June 2008 by the then Minister for Planning. The application was lodged on 6 September 2018 by NSW Department of Education (the Proponent) pursuant to section 75W of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*.

The modification application seeks approval to modify conditions B2 (landscaping), B7 (stormwater management), B8 (bushfire protection), B9 (flora and fauna) and B10 (transport and parking).

The application also seeks to modify the following Statement of Commitments; staging, contamination, flora and fauna, trees, infrastructure, bushfire, transport, heritage and geotechnical.

1.1 Background

The subject site is located at 100 Eton Road, Lindfield. At the time of the Concept Plan approval, the site was legally described as Lot 5 in DP 32292, Lots 1 and 2 in DP 1043043 which have since been subdivided into a number of smaller lots. This modification relates primarily to the new Lots 2 and 4 in DP 1151638 which was previously occupied by the UTS Ku-ring-gai Campus comprising a main campus building, oval, car parks, child care centre and tennis courts as shown in **Figure 1**.

With the exception of the redevelopment of the former UTS Ku-ring-gai Residual Campus, the remaining elements of the Concept Plan being residential flat buildings and medium density housing have now been developed in accordance with the Concept Plan and subsequently subdivided.

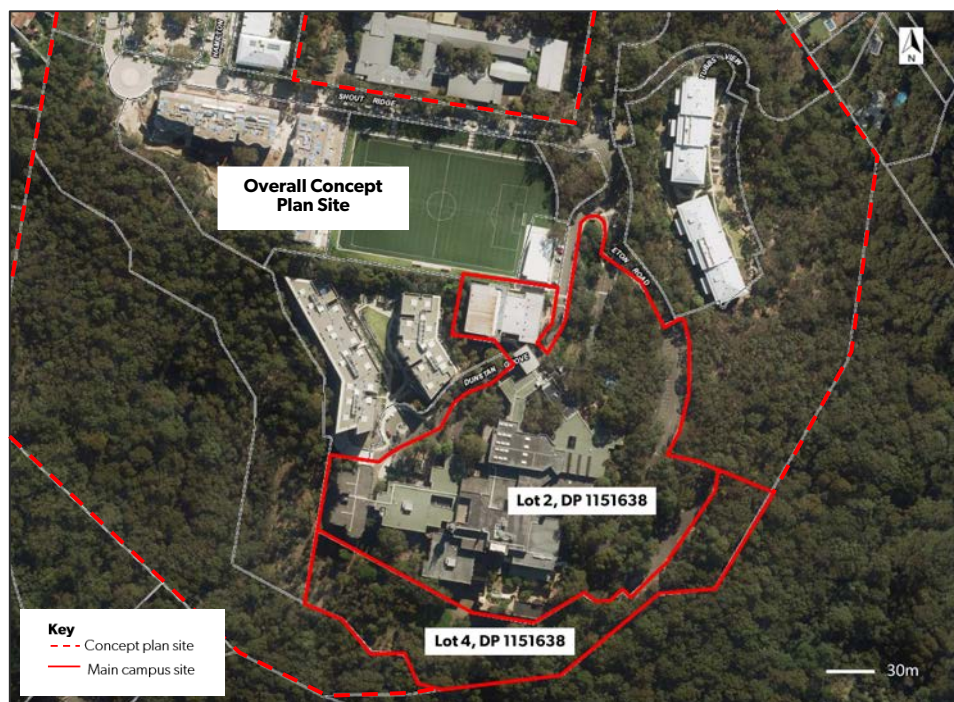


Figure 1 | Site Location (Base source: SixMaps 2018)

The Concept Plan has been modified four times as described in **Section 1.2**.

- part demolition of existing campus buildings
- retention and adaptive reuse of the main campus building for continued education and commercial use including existing auditorium and libraries (comprised of two allotments)
- a gross floor area of buildings to be retained of 27,167 sqm
- new residential development on previously developed land
- a gross floor area of new buildings of 60,376 sqm
- provision of a 'sports oval' and curtilage including 30 car parking spaces
- 345 new dwellings
- a street and pedestrian network
- a childcare centre or gymnasium on the ground floor of a building south of the sports oval
- a Bushfire Asset Protection Zone.

Consent Plan approval was granted subject to conditions and included the Proponent's Statement of Commitments.

The approved Concept Plan is shown in **Figure 3**.

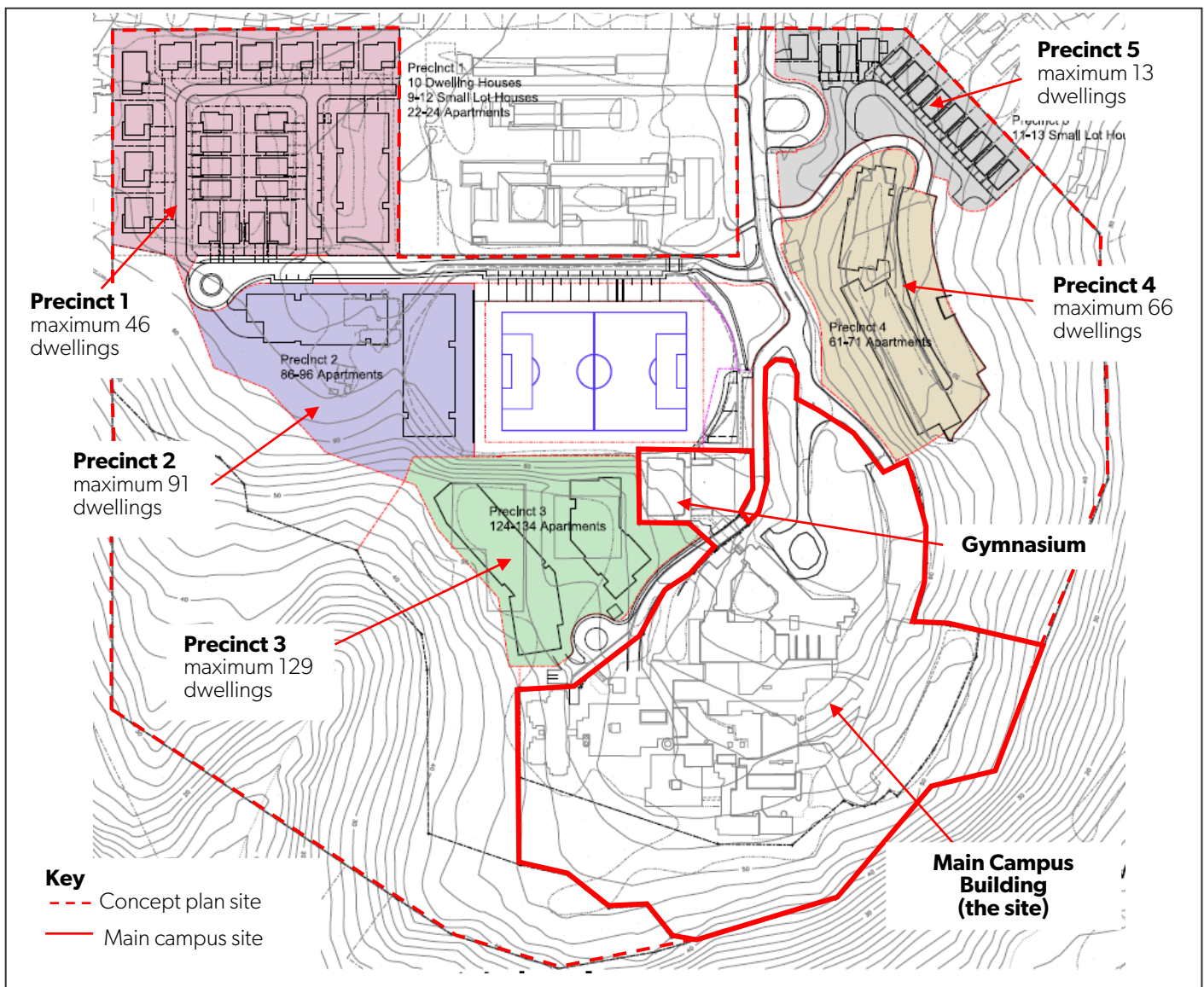


Figure 3 | Concept Plan as modified by MP 06_0130 MOD 4 (Source: DEM Architects 2012)

The Concept Plan approval has been modified on 4 occasions as summarised in **Table 1**. The modifications were determined by the Department to facilitate Council's determination within each of the precincts.

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	Correct minor typographical errors and clarify the contribution requirements	Department	75W	7 November 2008
MOD 2	<p>Retain the existing gymnasium which had been approved for demolition.</p> <p>Reconfigure Precinct 2 in response to dwelling yield reductions and setback requirements by consolidating blocks B, C and D into one building (91 dwellings).</p> <p>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.</p> <p>Change the Concept Plan to satisfy modifications imposed by the Minister.</p>	Department	75W	21 May 2010
MOD 3	Amended to make community facilities permissible in the Zone RE1 Public Recreation to allow for a two storey community facility. Removed height control in the recreation land and made subdivision and demolition permissible with development consent.	Department	75W	19 December 2011
MOD 4	Amended Instrument of Approval regarding maximum dwellings within each precinct and amend Schedule 3 of the Major Development SEPP to allow interim land use for 'Exhibition Sales Office' in Zone RE1 Public Recreation	Department	75W	22 May 2012

On 13 June 2017, State Significant Development (SSD) application (SSD 16_8114) was lodged with the Department seeking development consent for internal reconfiguration and refurbishment of the former UTS Ku-ring-gai Residual Campus (Lot 2 and Lot 4 DP 1151638) into the Lindfield Learning Village. The application is under assessment.



2. *Proposed Modification*

The Concept Plan Approval conditions and Statement of Commitments when it was determined, provided overarching requirements in relation to the preparation of detailed development applications for the development of the precincts identified in the Concept Plan, including the future reuse of the former UTS Campus buildings. This included specifying broad requirements relating to the submission of technical reports and studies for the whole of the Concept Plan site, even though the relevance of these technical requirements related primarily to specific issues identified in discrete precincts within the overall site.

This broad overarching approach to the terms of the approval was generally practical for the residential redevelopment component of the approved Concept Plan, as the specific future residential uses were identified at the time of Concept Plan. This included an understanding of the preliminary details of anticipated scale, siting and built form of the future residential development at the time the Concept Plan was approved, as well as information from site investigations in relation to each of these residential precincts. As a result, the conditions and Statement of Commitments were drafted with these specific future residential uses, within each of the residential precincts, in mind. Notwithstanding, a number of modification to the Concept Plan Approval have subsequently occurred to accommodate changes to the residential development as designs were refined over time.

The applicability of this broad overarching approach was not as targeted in relation to the anticipated future reuse of the former UTS Campus buildings and residual site. The principal driver of the Concept Plan Approval was a focus on managing development of the residential precincts which represented the greatest change to the overall site. Whilst the Concept Plan anticipated and gave broad consideration to the reuse of the former UTS Campus buildings, there was no specific future use proposed or assessed under the Concept Plan and the approach in the conditions reflects that. Accordingly, the requirements of the conditions and Statement of Commitments that either broadly or specifically apply to former UTS Campus Building and residual site have not been drafted to be responsive to potential difference in future redevelopment activities. As such many of the terms of approval were fixed in relation to the future occupation having similar impacts to that of the previous UTS use, such as parking demand and do not provide a flexible approach for the various reuse scenarios that could be accommodated within the former UTS Campus buildings.

Additionally, the terms of the Concept Plan Approval specified technical considerations and requirements that were in place at the time the original Concept Plan was assessed. However, the Concept Plan Approval did not include provisions to enable contemporary requirements and standards (legislative or technical) relevant to each future adaptive reuse of the former UTS Campus buildings to be considered.

On 6 September 2018, the Proponent lodged a modification application (MP 06_0130 Mod 5) seeking to make minor amendments to the conditions and Statement of Commitments of the Concept Plan Approval which provides a mechanism that would allow an opportunity for contemporary standards of development to be considered in relation to the adaptive reuse of the former UTS Campus buildings and residual site. The intent of the modification is primarily to defer certain technical requirements, including the submission of detailed documents and studies relevant to the adaptive reuse or redevelopment of the existing former UTS residual campus to the future detailed project applications for that site.

The modification proposes to do this by including references to targeted specific documentation requirements which are focused on the reuse of the former UTS Campus buildings and the residual campus site, rather than the

broader references that relate to the overall site that was the subject of the Concept Plan. This would allow the recommendations of such detailed documents and the requirements for any commitments to be tailored to the specific future use/uses of the former UTS Campus building, as proposed under subsequent future applications or under future phases of development. It is intended that the amendments would only apply to the former UTS Campus buildings and residual campus site and not the residential precincts that have now been developed.

The modification proposes minor amendments to the following conditions of the Concept Approval by referencing specific document requirements relevant to the redevelopment of the former UTS buildings and residual campus:

- B2 (landscaping) to include a requirement for a Landscape Management Plan to be prepared in relation to the future redevelopment.
- B7(stormwater management) to include a requirement for a Stormwater Plans and a Flood Emergency Management Plan Landscape to be prepared in relation to the future redevelopment.
- B8 (bushfire protection) to include a requirement for a Bushfire Emergency Management and Evacuation Plan to be prepared in relation to the future redevelopment.
- B9 (flora and fauna) to include a requirement for a Landscape Management Plan to be prepared in relation to the future redevelopment.
- B10 (transport and parking) to include a requirement for a Transport Impact Assessment and Green Travel to be prepared in relation to the future redevelopment.

The modification also revises the Concept Plan Statement of Commitments by referencing under each of the commitments, the specific document requirements relevant to the redevelopment of the former UTS Campus buildings and residual site. The modification also updates for each commitment, the approval authority in respect of each of these document by updating the reference to the former Director General with a reference to the Planning Secretary:

- Staging commitment to include a reference to a Construction Management Plan to be prepared in relation to the future redevelopment.
- Contamination commitment to include a requirement for a Remediation Management Plan to be prepared in relation to the future redevelopment.
- Flora and fauna commitment to include a requirement for a Landscape Management Plan to be prepared in relation to the future redevelopment.
- Trees commitment to include a requirement for a Landscape Management Plan to be prepared in relation to the future redevelopment.
- Infrastructure commitment to include a requirement for a Landscape Management Plan to be prepared in relation to the future redevelopment.
- Bushfires commitment to include a requirement for a Bushfire Emergency Management and Evacuation Plan to be prepared in relation to the future redevelopment.
- Transport commitment to include a requirement for a Transport Impact Assessment and Green Travel to be prepared in relation to the future redevelopment.
- Heritage commitment to include a requirement for a separate Heritage Impact Statement and Green Travel to be prepared in relation to the future redevelopment.
- Geotechnical commitment modification only includes an updated reference to the Planning Secretary

The detailed outline of the proposed changes can be found in **Section 6**.



3. Strategic Context

3.1 Environmental Planning Instruments

The following EPIs are relevant to the application:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities)
- State Environmental Planning Policy No 55 – Remediation of Land
- Draft State Environmental Planning Policy (Remediation of Land) (Draft Remediation SEPP)
- Draft State Environmental Planning Policy (Environment) (Draft Environment SEPP)
- State Environmental Planning Policy No 32 – Urban Consolidation (Redevelopment of Urban Land)
- Ku-ring-gai Local Environmental Plan (KLEP) 2012

The Department undertook a comprehensive assessment of the proposed development against relevant EPIs in its original assessment. The Department notes a number of those EPIs have been superseded by those listed above and is satisfied that the modification remains generally consistent with current applicable EPIs as it would not result in any material changes to the permissibility or type of development planned for the site.



4. Statutory Context

4.1 Scope of Modifications

The Concept Approval was originally approved under Part 3A (now repealed) of the EP&A Act. Following recent changes to the EP&A Act, the power to modify applications approved under Part 3A using the provisions of the former section 75W Modification of Minister's approval has ended.

However, Clause 3BA(5) of Schedule 2 of the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 (EP&A (ST&OP) Regulation) notes that a Concept Plan may continue to be modified under section 75W in response to a request lodged before or after 1 March 2018 if the Minister is satisfied that:

- (a) *the proposed modification is to correct a minor error, misdescription or miscalculation, or*
- (b) *the proposed modification is of minimal environmental impact, or*
- (c) *the project to which the concept plan as modified relates is substantially the same as the project to which the concept plan currently relates (including any modifications previously made under section 75W).*

The Department is satisfied the proposed modification is within the scope of clause 3BA(5)(a) - (c) of the EP&A (ST&OP) Regulation and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under clause 3BA(5)(a) - (c) of the EP&A (ST&OP) Regulation rather than requiring a new development application to be lodged.

4.2 Consent Authority

The Minister for Planning is the approval authority for the application. However, the Director, Social and Other Infrastructure Assessments may determine the application under delegation as:

- the relevant local council has not made an objection
- a political disclosure statement has not been made
- there are no public submissions in the nature of objections.



5. Engagement

The Department made the modification application available on its website from 10 September 2018. Given the minor nature of the modification application, the Department did not formally seek comments from agencies on the application, however Ku-ring-gai Council (Council) were notified and given seven days to provide comments.

A formal response in relation to the proposed modification was not received, however Council's comments provided in relation to the SSD 8114 application for adaptive reuse of the residual campus provide the following:

"The Statement of Commitments dated February 2008 has the following requirements:

- *The adaptive reuse of the main building is to respect the architectural integrity and quality and not adversely affect the significance of the building including retention of external materials*
- *Any future use of the building is to be in accordance with the Heritage Impact Assessment, as well as the Conservation Strategy for the site, prepared by Graham Brooks and Associates, heritage consultants.*
- *Original light fittings will be retained and upgraded*
- *Planter boxes on roof terraces will be recovered and maintained, where possible Interim heritage listing of the Site to be progressed.*

It is proposed to add an additional commitment: "Notwithstanding the above, a separate Heritage Impact Statement is to be submitted with any future application for the reuse/redevelopment of the existing UTS Building (Lots 2 and 4 DP 1151638).

This is considered acceptable subject to the retention of the existing commitments."

The Department's consideration of these comments is provided in **Section 6.1**.



6. Assessment

The Department's consideration of the proposed modification is provided in **Sections 6.1** and **6.2** below.

6.1 Conditions

B2. Landscaping

Proposed amendments to conditions are shown in red and proposed deletions are shown with a strike through the text.

The Proponent has proposed a change to Condition B2 relating to Landscaping as follows:

Existing	Proposed
<p>(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:</p> <ul style="list-style-type: none">a) maintenance of the bushland setting of the Site;b) heavy landscaping between the access road and proposed adjoining development; andc) heavy landscaping between the existing main building and any future development on its northern side. <p>(2) The Plan referred to in B2(1) is to be provided prior to or with the first application for development on the Site.</p>	<p>(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:</p> <ul style="list-style-type: none">a) maintenance of the bushland setting of the Site;b) heavy landscaping between the access road and proposed adjoining development; andc) heavy landscaping between the existing main building and any future development on its northern side. <p>(2) The Plan referred to in B2(1) is to be provided prior to or with the first application for development on the Site.</p> <p>(3) Development is to be in accordance with the Landscape Management Plan referred to in the revised Statement of Commitments.</p>

The Department is satisfied that the submission of a Landscape Management Plan, as referred to in the amended condition would facilitate specific future adaptive reuse/redevelopment of the UTS residual campus whilst maintaining the envisaged landscape character. The modification would maintain the underlying intent of the original condition and is therefore considered acceptable. For clarity, the Department recommends that a specific reference to Lots 2 and 4 DP 1151638 be included in modified condition B2 as per that proposed by the proponent for B7.

B7. Stormwater Management

The Proponent has proposed a change to Condition B7 relating to Stormwater management as follows:

Existing	Proposed
<p>(1) The Concept Plan is modified such that the Stormwater Management Plan referred to on page 6 of the revised Statement of Commitments is:</p> <ul style="list-style-type: none">a) integrated with the Threatened Species Management Plan referred to on page 3 of the revised Statement of Commitments; and	<p>(1) The Concept Plan is modified such that the Stormwater Management Plan referred to on page 6 of the revised Statement of Commitments is:</p> <ul style="list-style-type: none">a) integrated with the Threatened Species Management Plan referred to on page 3 of the revised Statement of Commitments; andb) revised in accordance with any modifications undertaken as part of this Consent.

- 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.
- (2) The Plan referred to in B7(1) of this Consent is to be provided prior to the first application for development of the Site.
- (3) **Stormwater Plans are to be prepared for any future application for the reuse/redevelopment of the existing UTS Building (Lots 2 and 4 DP 1151638).**
- (4) **A Flood Emergency Management Plan is to be prepared for any future application for the reuse/redevelopment of the existing UTS Building (Lots 2 and 4 DP 1151638).**

The Department is satisfied that the submission of stormwater and flood details prepared for any future adaptive reuse of the UTS Residual Campus would ensure they are tailored to the specific future use. The modification would maintain the underlying intent of the original condition and is therefore considered acceptable.

B8. Bushfire Protection

The Proponent has proposed a change to Condition B8 relating to Bushfire Protection as follows:

Existing	Proposed
<ul style="list-style-type: none"> (1) The Concept Plan is to be modified in consultation with Rural Fire Service to include: <ul style="list-style-type: none"> 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 lodgement 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. 	<ul style="list-style-type: none"> (1) The Concept Plan is to be modified in consultation with Rural Fire Service to include: <ul style="list-style-type: none"> 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 lodgement 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. (4) Development is to be in accordance with the Bushfire Hazard Assessment and Bushfire Emergency Management and Evacuation Plan referred to in the revised Statement of Commitments.

The Department is satisfied that the submission of bushfire details prepared by a certified bushfire consultant for any future adaptive reuse of the UTS Residual Campus would ensure they are tailored to the specific future use. The modification would maintain the underlying intent of the original condition and is therefore considered acceptable.

For clarity the Department recommends that a specific reference to Lots 2 and 4 DP 1151638 be included in modified condition B8 as per that proposed by the proponent for B7.

B9. Flora and Fauna

The Proponent has proposed a change to Condition B9 relating to Flora and Fauna as follows:

Existing	Proposed
<ul style="list-style-type: none"> (1) The Concept Plan is modified to the extent that the Threatened Species Management Plan 	<ul style="list-style-type: none"> (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:

- d) the erection of permanent signage to avoid inadvertent impacts to *Darwinia biflora* populations in consultation with DECC;
 - e) a translocation plan for *Darwinia biflora* prepared in accordance with the *Darwinia biflora* Recovery Plan 2006 by DECC; and
 - f) 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.

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.
- (4) **Development is to be in accordance with the Landscape Management Plan referred to in the revised Statement of Commitments.**

The Department is satisfied that the submission of a Landscape Management Plan for any future adaptive reuse of the UTS Residual Campus would ensure they are tailored to the specific future use. The modification would maintain the underlying intent of the original condition and is therefore considered acceptable.

For clarity the Department recommends that a specific reference to Lots 2 and 4 DP 1151638 be included in modified condition B9 as per that proposed by the proponent for B7.

B10. Traffic, Transport and Parking

The Proponent has proposed a change to Condition B10 relating to Traffic, Transport and Parking as follows:

Existing	Proposed
<p>(1) A TMAP is to be prepared, in consultation with the RTA, in accordance with Ministry of Transport Guidelines, prior to or with the lodgement of an application for any future works on the site.</p> <p>(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.</p>	<p>(1) A TMAP is to be prepared, in consultation with the RTA, in accordance with Ministry of Transport Guidelines, prior to or with the lodgement of an application for any future works on the site.</p> <p>(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.</p> <p>(3) Development is to be in accordance with the Transport Impact Assessment and Green Travel Plan referred to in the revised Statement of Commitments.</p>

The Department is satisfied that the submission of Transport Impact Assessment and Green Travel Plan for any future adaptive reuse of the UTS Residual Campus would ensure they are tailored to the specific future use. The modification would maintain the underlying intent of the original condition and is therefore considered acceptable.

For clarity the Department recommends that a specific reference to Lots 2 and 4 DP 1151638 be included in modified condition B10 as per that proposed by the proponent for B7.

6.2 Statement of Commitments

Proposed amendments to the commitments are shown in red and proposed deletions are shown with a strike through the text.

Subject	Commitments	Approved by Whom	Department's Consideration
Staging	<p>Consideration will need to be given to the staging and delivery of the development of the Concept Plan. The staging of the development components will need to have regard to:</p> <p>Minimisation of construction impacts upon adjoining properties;</p> <p>Protection of existing public benefits and access;</p> <p>Construction access; and</p> <p>Timing of infrastructure provision.</p> <p>A detailed project staging plan will be submitted with the first project application.</p> <p>A separate Construction Management Plan for the existing UTS Building (Lots 2 and 4 DP 1151638) will be prepared prior to construction.</p>	<p>Director General of Department of Planning Planning Secretary</p>	<p>The Department accepts that there is no significant change to the Commitment and the future reuse/redevelopment of the existing UTS Building would entail a separate Construction Management Plan.</p> <p>The Department identifies the Proponent would like consistency for the Approval Authority.</p> <p>Accordingly, the Department considers it is reasonable to amend this Commitment.</p>
Contamination	<p>A hazardous material audit which will include sampling and identification of asbestos and Polychlorinated Biphenyls (PCBs) will be completed to determine the extent and integrity of the hazardous building materials which exist on the site;</p> <p>Any demolition/removal of Polychlorinated Biphenyls (PCBs) and asbestos containing material will be conducted in accordance with current NSW EPA waste classification and disposal guidelines, and WorkCover occupation health and safety procedures:</p> <p>At the project or development application stage, a limited and targeted Phase 2 intrusive contamination assessment at the northern property boundary will be undertaken to assess whether any contamination, from potential sources identified on the Film Australia site, has migrated onto the UTS property. This would involve the drilling and collection of soil samples as the installation of ground water wells. In addition, limited surface soil sampling will be conducted across the sports oval and any other sporting fields which may have been treated with organochlorine/organophosphate</p>	<p>Director General of Department of Planning Planning Secretary</p>	<p>The Department accepts that there is no significant change to the Commitment and the future reuse/redevelopment of the existing UTS Building would entail preparation of a separate Remediation Plan, prepared by a suitably qualified consultant.</p> <p>The Department identifies the Proponent would like consistency for the Approval Authority.</p> <p>Accordingly, the Department considers it is reasonable to amend this Commitment.</p>

Subject	Commitments	Approved by Whom	Department's Consideration
	<p>pesticides. The results of Phase 2 soil and groundwater investigation will be assessed against the relevant land use criteria stated by NSW EPA, NEPM and ANZECC guidelines. If concentrations of contaminants exceed the relevant land use guideline a remedial action plan will be developed, with remediation and validation works completed in accordance with NSW EPA guidelines, CLM Act (1997) and SEPP 55.</p> <p>Notwithstanding the above, a separate Remediation Action Plan is to be submitted with any future application for the reuse/redevelopment of the existing UTS Building (Lots 2 and 4 DP 1151638).</p>		
Flora and Fauna	<p>Indirect impacts on bushland such as weeds, feral and domestic animals and fire will be managed by the implementation of management plans and strategies including:</p> <p>A Threatened Species Management Plan that will address:</p> <ul style="list-style-type: none"> Feral and domestic management strategies to minimise habitats post construction for feral animals and restrictions and controls for domestic cats and dogs. Retention of areas of native vegetation and habitat for threatened flora and fauna within the site, including retention of D. biflora plants and habitat; Fencing and flagging of all D. biflora plants to be retained within the development area. A minimum of two D.biflora habitats will be retained to the east and west of the village green. Any D.biflora habitats located in the APZ will be managed accordingly. Translocation of soil and seeds from D.biflora habitat where this will be impacted by the development area. Translocation will be detailed within a plan prior to any works beginning on the site. A monitoring program will be developed to ensure the viability of the D.biflora and determine the success of translocation of seeds. 	<p>Director General of Department of Planning</p> <p>Planning Secretary</p>	<p>The Department accepts that there is no significant change to the commitment and the future reuse/redevelopment of the existing UTS Building would entail a separate Landscape Management Plan specific to the use.</p> <p>The Department identifies the Proponent would like consistency for the Approval Authority.</p> <p>Accordingly, the Department considers it is reasonable to amend this Commitment.</p>

Subject	Commitments	Approved by Whom	Department's Consideration
	<p>A Weed Management Plan will be prepared as part of project applications to link into storm water control strategies.</p> <p>An Erosion and Sedimentation Control Plan will be developed to address both the construction phase and subdivision phase to ensure erosion and sedimentation controls will be put in place prior to any works beginning to ensure that any potential increase in runoff from removal of vegetation or leaf litter does not impact on downstream or off-site environments and development does not contribute to environmental damage of the waterways, bushland or air quality.</p> <p>A Vegetation Management Plan for the site that will address:</p> <ul style="list-style-type: none"> • Retention and protection of trees, particularly hollow bearing trees within the development area where possible; • Retention of existing understory vegetation within landscaped areas. These pockets will be rehabilitated as required to remove exotic species and enhance native shrubs and ground covers; • Pre-clearance surveys will be conducted by ecologists to ensure all fauna are removed prior to clearance and ecologists on site during all vegetation clearance activities to capture any displaced fauna; • Harvesting of seed banks for purposes of on-site regeneration. Greening Australia would be consulted regarding the best way to salvage soil seeds and canopy held seeds. These could be used in landscaping or regeneration of disturbed bushland areas adjacent to developed areas. • All riparian corridors will be protected and maintained. • The Red Crowned Toadlet breeding habitat and surrounding habitat will be protected and managed. • Fencing during construction of all areas of native vegetation that will not be removed for development, as protection from machinery and personnel. <p>Before future residents move in, information packages detailing the environmental sensitivity of the site including information on the</p>		

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	<p>threatened species and habitats will be provided to ensure greater awareness and involvement.</p> <p>In addition, no activities will be undertaken within DECC land.</p> <p>All non-APZ bushland on the site, south west of the 50 metre APZ will be dedicated to DECC with their approval and will be initiated with the approval of the first Project or Development Application.</p> <p>Notwithstanding the above, a separate Landscape Management Plan (including vegetation management, threatened species management and weed management) is to be submitted with any future application for the reuse/redevelopment of the existing UTS Building (Lots 2 and 4 DP 1151638).</p>		
Trees	<p>A Landscape Management Plan for the site that will address:</p> <ul style="list-style-type: none"> Retention or replacement of planting around the oval. Long term preservation and maintenance of tree assets. Retention and maintenance of planting along the entry road from Eton Road. Retention of the planted retaining wall between the existing oval and tennis courts retained. <p>Notwithstanding the above, a separate Landscape Management Plan is to be submitted with any future application for the reuse/redevelopment of the existing UTS Building (Lots 2 and 4 DP 1151638).</p>	<p>Director-General of Department of Planning Planning Secretary</p>	<p>The Department accepts that there is no significant change to the commitment and the future reuse/redevelopment of the existing UTS Building would entail a separate Landscape Management Plan specific to the use.</p> <p>The Department identifies the Proponent would like consistency for the Approval Authority.</p> <p>Accordingly, the Department considers it is reasonable to amend this Commitment.</p>
Infrastructure	<p>A comprehensive infrastructure delivery plan will be prepared to ensure that the site can be adequately serviced with all utility services including gas, electricity, water, sewer and telecommunications, etc. The Plan will demonstrate that:</p> <ul style="list-style-type: none"> Sewer infrastructure will be augmented to service the new development. Gas, Power and Potable water will be augmented where required to meet the requirements of new development. 	<p>Director-General of Department of Planning Planning Secretary</p>	<p>The Department accepts that there is no significant change to the commitment and the future reuse/redevelopment of the existing UTS Building would entail a separate Infrastructure Services Report specific to the use.</p> <p>The Department identifies the Proponent would like consistency for the Approval Authority.</p> <p>Accordingly, the Department considers it is reasonable to amend this Commitment.</p>

Subject	Commitments	Approved by Whom	Department's Consideration
	<p>A comprehensive stormwater management plan will be prepared which addresses:</p> <ul style="list-style-type: none"> • Water flow; • Water quality; • Water catchments; • Water conservation; • Water retention; • Water treatment and re-use. <p>Above ground swales are to be constructed and vegetated with native species and indigenous flora conserved wherever possible.</p> <p>Water detention areas are to be provided within the development area.</p> <p>Cut and fill will be balanced across the site, any fill that is required will be clean fill.</p> <p>Notwithstanding the above, a separate Infrastructure & Services Report is to be submitted with any future application for the reuse/redevelopment of the existing UTS Building (Lots 2 and 4 DP 1151638).</p>		
Bushfire	<p>All development on the site will be carried out in accordance with the Planning for Bushfire guidelines.</p> <p>An APZ to be incorporated and maintained, as per the requirements of the Planning for Bushfire Protection Guidelines 2006, and the recommendations of the consultant report prepared by Barry Eadie Consulting;</p> <p>An APZ of a minimum width of 50 metre will be maintained between the south-east edge of the existing building and the north-west edge of the site;</p> <p>An APZ of a minimum width of 60 metres is to be maintain to the east of the residential development, to the north east of the site.</p>	<p>Director-General of Department of Planning Planning Secretary</p>	<p>The Department accepts that there is no change to the commitment and the future reuse/redevelopment of the existing UTS Building would entail a separate Bushfire Hazard Assessment and Bushfire Emergency Management and Evacuation Plan specific to the use.</p> <p>The Department identifies the Proponent would like consistency for the Approval Authority.</p> <p>Accordingly, the Department considers it is reasonable to amend this Commitment.</p>

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	<p>Detailed management practices will be outlined in a Bushfire Management Plan including management practices within the APZ prior to occupation of the site.</p> <p>Detailed Fire Emergency/ Evacuation plan will be developed prior to occupation of the site.</p> <p>The existing fire trail will be upgraded to meet Planning for Bushfire Protection Guidelines 2006 and will be extended to connect with proposed residential development to the NW to provide adequate access for fire fighting and management procedures.</p> <p>Prior to any clearance for the Asset Protection Zone (APZ) and fire trail creation, a survey will be conducted to identify any hollow bearing trees or trees considered to provide important fauna habitat. Such trees will be flagged and locations recorded with a GPS and mapped. These trees will be avoided.</p> <p>Small shrubs and ground cover to 50cm will be retained within the APZ. Large shrubs can be retained in vegetation clumps where they will not result in fore spreading to tree canopies;</p> <p>Rocky outcrops and rock will be avoided by the fire trail. No rock will be removed from the APZ or fire trail areas; and</p> <p>Wooden bridges will be built over the drainage lines for construction of the fire trail so that these environments are not disturbed.</p> <p>Significant trees will be retained within the development area where possible and all trees will be retained in the APZ.</p> <p>All D.biflora will be flagged and locations recoded with a GPS and protected. A map and works plan will then be devised prior to any vegetation clearance or modification for the APZ creation. Areas within the APZ where soil seed banks or plants could be translocated will also be investigated and identified prior to any works beginning;</p> <p>Construction of all buildings will be Level 3 construction.</p> <p>Notwithstanding the above, a separate bushfire assessment and emergency management evacuation plan is to be submitted with any future application for the</p>		

Subject	Commitments	Approved by Whom	Department's Consideration
	reuse/redevelopment of the existing UTS Building (Lots 2 and 4 DP 1151638).		
Transport	<p>A minimum of 320 184 car-parking spaces to be retained for the adaptive re-use of the existing UTS building.</p> <p>Car-parking for the reuse of the existing building will be fully assessed in the future Project Application.</p> <p>Retention of existing access and bus turnaround loop to ensure public transport services are retained, where practical.</p> <p>A Sustainable Transport Plan will be prepared at the Project (or Development) Application Stage which examines methods to promote the use of non-motorised and public transport to access the site for the reuse of the main campus building. This could include the development of Transport Behavioural Program to be distributed to future residents to encourage objectives outlined in the Sustainable Transport Plan.</p> <p>A separate Transport Impact Assessment and Green Travel Plan (or similar) is to be submitted with any future application for the reuse/redevelopment of the existing UTS Building (Lots 2 and 4 DP 1151638).</p>	Minister for Planning or appointed delegate Planning Secretary	<p>The Proponent notes that the existing UTS development does not have 320 parking spaces available on site.</p> <p>There is currently a total of 184 car parking spaces that are available at grade or within the basement of the former UTS building.</p> <p>The Department considers it is reasonable to amend this commitment to reduce parking, noting the likely drafting error. The physical constraints of the site and the capacity of the existing carparks would not allow the current requirement to be met. Traffic and transport impacts specific to the future use would be considered in any application for reuse/redevelopment.</p> <p>The Department also notes the Proponent would like consistency for the Approval Authority.</p> <p>Accordingly, the Department considers it is reasonable to amend this Commitment.</p>
Heritage	<p>A copy of UTS Kuring-Gai, Rezoning Application Indigenous Heritage Issues Report prepared by Jo McDonald Cultural Heritage Management Pty Ltd will be made available to Metropolitan Local Aboriginal Land Council and three copies to Cultural Heritage Division of the Sydney Zone of the Department of Environment and Climate Change.</p> <p>The Metropolitan Local Aboriginal Land Council will be requested to monitor surface works during initial construction phase and promoted.</p> <p>The adaptive reuse of the main building is to respect the architectural integrity and quality and not adversely effect the significance of the building including retention of external materials</p>		<p>The Department accepts that there is no change to the commitment and the future reuse/redevelopment of the existing UTS Building and curtilage would entail a separate Heritage Impact Statement specific to the use. Any future Heritage Impact Statement must still have regard to the Conservation Strategy for the site.</p> <p>The Department acknowledges Council's comments raising no objections to the proposed changes to heritage provided the remainder of the commitments are retained. The Department notes that the Proponent's modification is an addition to the existing commitments and no deletions are proposed.</p>

Subject	Commitments	Approved by Whom	Department's Consideration
	<p>Any future use of the building is to be in accordance with the Heritage Impact Assessment, as well as the Conservation Strategy for the site, prepared by Graham Brooks and Associates, heritage consultants.</p> <p>Original light fittings will be retained and upgraded</p> <p>Planter boxes on roof terraces will be recovered and maintained, where possible Interim heritage listing of the Site to be progressed.</p> <p>Further recognise the architectural and heritage values of main campus of UTS complex on the National Trust Register.</p> <p>Any archaeological findings will be referred to Heritage Office.</p> <p>Notwithstanding the above, a separate Heritage Impact Statement is to be submitted with any future application for the reuse/redevelopment of the existing UTS Building (Lots 2 and 4 DP 1151638).</p>		<p>Accordingly, the Department considers it is reasonable to amend this commitment.</p>
Geotechnical	<p>A detailed geotechnical investigation will be submitted with the first Project Application.</p> <p>A full-size adult soccer field that is capable of accommodating either two junior cricket fields or two junior soccer fields will be provided and dedicated to Council.</p> <p>Use of the playing field will be consistent with other playing fields in the Ku-ring-gai local government area to ensure uses are compatible and conflicts do not arise.</p> <p>Council will be responsible for the maintenance of the playing field to the current standard and provision of appropriate facilities.</p>	<p>Director-General of Department of Planning Planning Secretary</p>	<p>The Department identifies the Proponent would like consistency for the Approval Authority</p> <p>Accordingly, the Department considers it is reasonable to amend this Commitment.</p>



7. *Evaluation*

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposed modification is appropriate to make provision for documentation and strategies to be submitted with any future application for the reuse/redevelopment of the former UTS Ku-ring-gai Residual Campus, so they may be specific to the proposed use and consistent with current legislation and guidelines. The modification does not apply to other precincts within the Concept Plan and would not otherwise change the nature of the development or the assessed environmental impacts. Consequently, it is recommended that the modification be approved subject to the recommended conditions.



8. Recommendation

It is recommended that the Director, Social and Other Infrastructure Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **determines** that the application Former UTS Ku-ring-gai Campus Concept Plan (MP 06_0130 MOD 5) falls within the scope of section 75W of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the modification
- **modify** the consent MP 06_0130 MOD 5
- **signs** the attached approval of the modification Appendix B.

Recommended by:

Jasmine Tranquille

Student Planner

Social and Other Infrastructure Assessments

Recommended by:

Andrew Beattie

Team Leader

School Infrastructure Assessments



9. Determination

The recommendation is: **Adopted / Not Adopted by:**

23/10/2018

Karen Harragon

Director

Social and Other Infrastructure Assessments



Appendices

Appendix A – Modification Application

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9607

Appendix B – Notice of Modification

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9607