

# Section 75W Modification Concept Plan MP 06\_130 Mod 2

**Eton Road, Lindfield**  
UTS Kuring-gai Campus

Submitted to  
Department of Planning  
On Behalf of University of Technology Sydney

February 2009 ■ 09368

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# 1.0 Introduction

The University of Technology, Sydney (UTS) is seeking approval for the Minister for Planning (or delegate) to modify Major Project Approval No 06\_130 under Section 75W of the *Environmental Planning and Assessment Act 1979* as described below. The modification comprises the following:

1. Retention of the existing gymnasium building. Demolition of this building was approved in the Concept Plan;
2. Reconfiguration of Precinct 3 of the proposed redevelopment to delete Block F and incorporate the dwellings in this block into an enlarged Block E;
3. Reconfiguration of Precinct 2 to delete Blocks C and D and enlarge Block B; and
4. Updating the submitted Concept Plans to incorporate the modifications outlined in 1 and 2 above, as well as those imposed by the Minister in Instrument of Approval dated 11 June 2008 in accordance with Condition B16(1).

The proposed modifications to the conditions of consent are summarised in **Table 1** below. This modification complements Modification MP 06\_0130 Mod 1, which was approved on 7 November 2008.

**Table 1 – Summary of proposed modifications to Instrument of Approval**

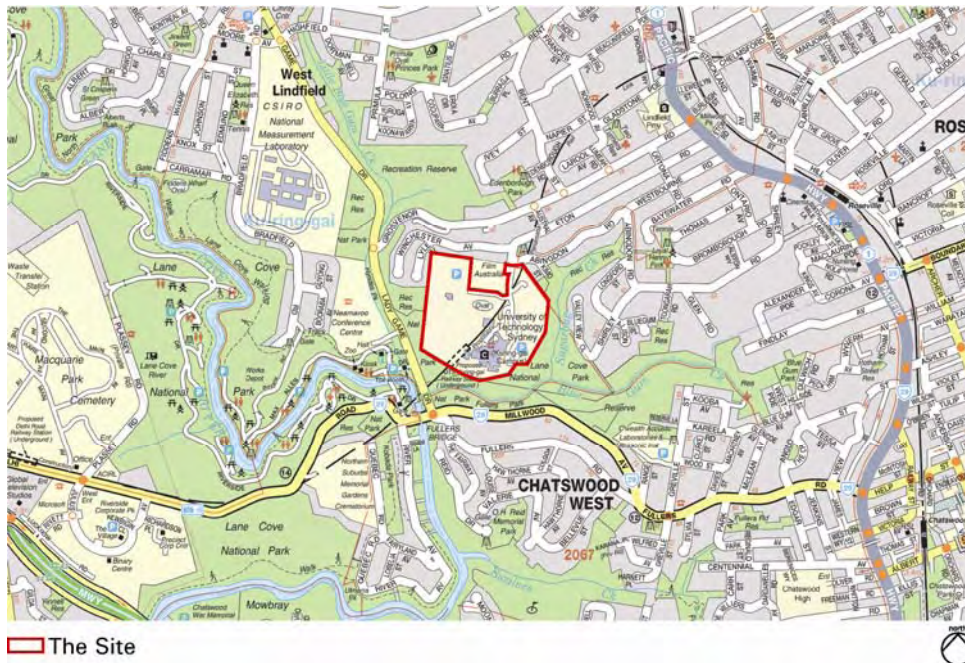
Condition	Modifications
Schedule 2	
A2. Development in Accordance with Plans and Documentation	Amend condition: The approved Concept Plan is amended by the State Significant Site Amendment – Concept Plan, prepared by DEM architects and dated November 2009 – see <b>Appendix A</b> .
B3. Dwelling Yield	Amend condition: The Amended Concept Plan reflects the approved dwelling yield – see <b>Appendix A</b> and <b>Section 5.2</b> .
B4. Dwelling Mix	Amend condition: The Amended Concept Plan reflects the approved dwelling mix – see <b>Appendix A</b> and <b>Section 5.2</b> .
B5. Setbacks	Delete condition: The Amended Concept Plan reflects the approved building setbacks for Precincts 1 and 2 – see <b>Appendix A</b> and <b>Section 5.4</b> .
B6. Height	Delete condition: The Amended Concept Plan reflects the approved maximum building height for Building A and floor to ceiling heights – see <b>Appendix A</b> and <b>Section 5.5</b> .
B11. Staging, Construction and Demolition	B11(3): Delete condition: Retention of the gymnasium means the link bridge will no longer be demolished – see <b>Section 5.1</b> .
B13. Contributions	B11(1): Amend condition to rectify typographical error – see <b>Section 5.1</b> . B11(1): Amend condition to enable the 300sq.m community facility to be located within the main campus with the agreement of Council and endorsement of the Director-General – see <b>Section 5.1</b> .
B. 16 Modified Concept Plan	Delete condition: The Amended Concept Plan satisfies Conditions B3, B4, B5 and B6. The Amended Concept Plan confirms Building G is a maximum of 4 storeys in height – see <b>Appendix A</b> .

Condition	Modifications
Schedule 3	
A3. Urban Design	Delete condition: The modification proposes to delete Building F. See <b>Appendix B</b> and <b>Section 5.3</b> .
Figure 1	
	Replace figure: An amended Figure 1 reflecting the proposed modifications is at <b>Appendix B</b> .

## 2.0 The Site

The UTS Kuring-gai campus is located on approximately 20.8 hectares of land at Eton Road, Lindfield – see **Figure 1** below. The Pacific Highway and Roseville train station are approximately 1.2 kilometres east of the site. 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.

The Site is owned by UTS and operates as its Kuring-gai campus. It has an estimated student capacity of 3,500 and employs approximately 300 full time staff.



**Figure 1 – Locality Plan**

## 3.0 Background

On 11 June 2008, the Minister for Planning approved Concept Plan number MP 06\_130, and gazetted an amendment to Schedule 3 of the then State Environmental Planning Policy (Major Projects) 2005 for the redevelopment of the UTS Kuring-gai Campus at Lindfield. The approved Concept Plan included:

- Part demolition of existing campus buildings;
- Retention and adaptive reuse of the main campus building, a significant 20<sup>th</sup> century building, for continued education and commercial use, and including the existing auditorium and libraries;
- Provision of a 9,800 m<sup>2</sup> sports field and 300 m<sup>2</sup> community space to be dedicated to Ku-ring-gai Council;
- Dedication of 34,570 m<sup>2</sup> of bushland to the NSW Government;
- New residential development comprising 345 dwellings including 10 single lot dwellings, 25 integrated dwellings or town houses and 310 apartments; and
- A street and pedestrian network that extends and integrates with the existing streets and footpaths.

The Concept Plan was first modified on 7 November 2008 (MP 06\_0130 Mod 1) to rectify some typographical errors and to amend the provisions relating to contributions (Condition B13).

Despite the broad range of courses offered at the Kuring-gai campus, student numbers at the UTS Kuring-gai campus have been declining as many students prefer to enroll in identical courses at UTS's City campus. This is because teaching facilities at the UTS City Campus are more conveniently located.

The Concept Plan and Schedule 3 amendment facilitates a broader range of land uses on the site, including residential in addition to educational uses, should UTS wish to consolidate its teaching facilities to its Sydney CBD campus.



## 4.0 Community Consultation

To ensure the local community were informed of the proposed modification, UTS initiated a community consultation exercise in November 2009 – see Community Consultation Report prepared by UTS at **Appendix C**.

The objectives of the community consultation exercise were:

- Inform key stakeholders (staff, students, local residents, community organisations, etc.) of the proposed amendments to the UTS Kuring-gai Campus Concept Plan;
- Invite feedback and commentary from key stakeholders regarding the proposed changes; and
- Inform, and if necessary, make further amendments to the UTS Kuring-gai Campus Concept Plan in response to community feedback.

The consultation included a public meeting held on 30 November 2009 at the UTS Kuring-gai Campus that was widely promoted to UTS students, staff and the local community as follows:

- Email communication to members of former Community Reference Group;
- eNewsletter (InBrief) to all UTS staff from the Vice-Chancellor;
- Letters (unpersonalised) to 700 local residents;
- Advertisement in the *North Shore Times* (appeared in 25 and 27 November editions of the newspaper);
- UTS Website amended to provide information about the proposed modification and public meeting; and
- Exhibition of modifications on display at Kuring-gai Campus.

In addition, information was included on the UTS Website to invite staff, students and members of the community to make comments on the proposed modification by 7 December 2009.

A total of four written responses were received from UTS students, staff, and the local community (including Ku-ring-gai Council) during the community consultation exercise and 14 persons attended the public meeting.

Although numerous issues were raised in the responses (including some that did not relate to the modification), there was broad support for retention of the gymnasium on the site. In addition, several respondents requested additional information be provided regarding the operation and management of the gymnasium, once it became available.

During the consultation meeting held on 30 November, UTS responded to questions raised including the future use of the gymnasium. UTS's response stated once UTS departs the site, the gymnasium will be transferred to the Department of Education (should the site be used as a school), or a trustee. The organisation responsible for the maintenance of the gymnasium will also manage community access to the facility.

In relation to the playing fields, UTS also reiterated ownership is to be transferred to Ku-ring-gai Council when UTS departs the site. Council will be responsible for the ongoing maintenance and management of the playing fields.

UTS has agreed to engage with the local community and to provide information on its website regarding the future of the Kuring-gai Campus including the gymnasium as it becomes available. UTS has also encouraged the community to contact the Department of Education regarding future education use of the gymnasium and playing fields, should they require any additional information.

**Table 2** below provides a detailed response to the issues raised by Ku-ring-gai Council in their submission during the consultation period.

**Table 2 – Response to issues raised by Ku-ring-gai Council**

Issue	UTS Response
Future end user of retained gymnasium	The end user of the gymnasium is not known at this stage, however UTS has had discussions with the Department of Education regarding the site accommodating a public high school.
The gymnasium is currently used by the community as well as UTS students. Use fees for the community are higher than for UTS students	Noted. The future owner of the site will be responsible for the ongoing management of the gymnasium, including regulating usage fees and community access.
Supports retention of existing recreational and community facilities including the gymnasium	Noted. UTS will regularly engage with the local community and update their website regarding the future of the Kuring-gai Campus and gymnasium as it becomes available.
Costs associated with the ongoing operation of the gymnasium	Costs associated with the ongoing operation of the gymnasium will be the responsibility of the future owner of the facility.
Use of the gymnasium to offset contributions	<p>The approved Concept Plan requires UTS to enter into arrangements to transfer 9,800 m<sup>2</sup> of land for an adult sized soccer field and 300 m<sup>2</sup> community facility to Council.</p> <p>Due to the reconfiguration of the built form associated with the retention of the gymnasium, UTS has proposed an alternative location for the community facility. The alternate location would be subject to consultation with Ku-ring-gai Council and Department of Planning.</p>
Traffic and parking implications of retaining the gymnasium.	<p>Arup has reviewed the land uses proposed in this modification and concludes their findings are unchanged as summarised in the Department of Planning's assessment report (see <b>Appendix D</b>).</p> <p>The traffic assessment completed by Arup in 2007 assessed the traffic and parking impacts of up to 440 dwellings and the retained education buildings (including the gymnasium). The approved concept plan resulted in 345 dwellings on the site, but demolition of the gymnasium. Retaining the gymnasium will not intensify land uses or traffic generation, rather it will facilitate continuation of many of the current recreational and education land uses.</p>

Issue	UTS Response
Community access to open space and community and recreational facilities	<p>The approved Concept Plan requires UTS to transfer 9,800 m<sup>2</sup> of land for an adult sized soccer field and curtilage to Ku-ring-gai Council when UTS vacates the site. Council will then manage community use of the playing field. UTS has also agreed to transfer the land zoned E1 to DECCW and provide a 300 m<sup>2</sup> community facility to Council which could be used as a child care centre.</p> <p>Access to the various carparks on the site will not change as a result of retaining the gymnasium.</p>
Contributions are sufficient to cater for additional residents and users	<p>To meet the needs of future residents and users of the site, UTS has agreed to enter into arrangements to transfer land for an adult sized soccer field and community facility to Council, and the land zoned E1 to DECCW. The dedication of these items is in lieu of development contributions.</p>
Consultation regarding proposed management of and management of the remainder of the site	<p>UTS will regularly engage with the local community and update their website regarding future use of the Kuring-gai Campus and the gymnasium as it becomes available.</p>

## 5.0 Amendments to the Approval

The amended wordings of the Conditions are set out below. Words proposed to be deleted are shown in ~~bold strike through~~ and words to be inserted are shown in ***bold italics***.

**Table 3** provides a summary which sets out the matters listed in the Director-General's Environmental Assessment Requirements and identifies where each of these requirements has been addressed.

**Table 3 – Director General's Environmental Assessment Requirements**

Director General's Requirement	Location of Response
Full description of proposed modifications, will supporting images including sections and elevations for modified buildings	Sections 5.1, 5.2, 5.3 and 5.4 Appendix A
Justification for the modification	Sections 5.1, 5.2, 5.3 and 5.4
Assessment against Part 30 of Schedule 3 of SEPP (Major Development) 2005	Section 6.0
Assessment of the urban design of the buildings, demonstrating the modified buildings are consistent with the Urban Design Principles for the site and are appropriate in terms of bulk and scale	Appendix A
Impact of the modification on the Concept Plan including APZs and heritage. Identify any required mitigation or management measures.	Section 7.0
The surrounding community and Community Reference Group should be consulted during the preparation of the modification request.	Section 4.0

### 5.1 Retention of Gymnasium

#### Issue

UTS proposes to retain the existing gymnasium on the site. Demolition of this building was approved in the Concept Plan.

#### Justification

The heritage significance of the main UTS campus building is recognised by UTS, the Department of Planning and the Ku-ring-gai community. Retaining the gymnasium will assist in maintaining the curtilage around the campus, and means the existing link bridge connecting the gymnasium to the main campus no longer requires demolition. It will also provide additional separation between the main campus building and the proposed residential uses on the site

Retaining the gymnasium and link bridge will limit the quantum of demolition works being carried out on the site. Heavy truck movements would be expected to be reduced, and demolition material will no longer need to be disposed of off-site.

In addition, retaining the gymnasium will complement the proposed adaptive reuse of the main campus building for mixed uses such as education, commercial activity or community uses and provision of the sports oval by facilitating a range of indoor and outdoor active uses on the site. It also could, with the agreement of Ku-ring-gai Council and endorsement of the Director-General of the Department of Planning, provide an alternative location for the 300 m<sup>2</sup> community facility.

Future use of the gymnasium will be closely linked to the future use of the main campus building.

In summary, retaining the gymnasium will result in positive environmental, social and heritage impacts for the site and locality.

### Amendments to Conditions of Consent

Retention of the gymnasium will require Minister's requirement B11(3) to be deleted as the bridge linking the main campus building and will now be retained.

In addition, condition B11(1) is amended to provide additional flexibility for how the 300 m<sup>2</sup> community facility may be provided to Council. This condition is further amended to rectify a typographical error – the letter prepared by CRI on behalf of the University of Technology Sydney to the Department of Planning referred to in Condition B11(1) is dated 13 May 2008, not 2007. The condition should therefore be amended to correct this error.

## SCHEDULE 2

### B11. Staging, Construction and Demolition

(1) ....

(2) ....

~~(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.~~

### 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~~ **2008** in accordance with those commitments, including:
- (a) 9,800sq.m of land for an adult sized soccer field and curtilage to Council;
  - (b) 300sq.m for a community facility to Council; and
  - (c) land zoned E1 to DECC.

Note: ~~The intent of~~ These items will be in lieu of s.94 Contributions in future applications.

*The transfer of 300sq.m of floor area for a community facility to Council referred to in B13(1)(b) above may be located anywhere within the UTS Kuring-gai campus as defined in Part B of Schedule 1 of the Concept Plan Approval dated 11 June 2008. The transfer to Council is not required if the community facility is wholly or partly located on land within the UTS Kuring-gai campus that is already transferred to another public authority.*

(2) ...

(3) ...

(4) ...

(5) ...

## 5.2 Dwelling Yield and Mix

### Issue

The approved Concept Plan requires the overall number dwellings on the site to be reduced to 345, the dwelling mix modified and floor to ceiling heights be confirmed.

### Justification

In response to the Minister's modification to the Concept Plan to limit the number of dwellings on the site to 345 as in accordance with Figure 1 attached to the consent (Condition B3), and the dwelling mix to be modified (Condition B4) the distribution of dwellings across the site has been modified as outlined in **Table 4**.

The proposed modification will maintain the current distribution of dwellings across the site in accordance with Figure 1 of the Consent and will not result in any change to the road network across the site – a revised Figure 1 (that also labels each of the buildings on the site) is **Figure 2** below and at **Appendix B**.



**Figure 2** – Revised Figure 1 from approved Concept Plan

In addition to the apartments, there will be 10 large lot houses and 25 integrated small lot houses. The total number of dwellings will be 345. **Table 4** also confirms that a minimum of 10% of the total number of dwellings on the Site will be a maximum of one bedroom.

Table 4 – Dwelling type and distribution

Type	1 bdr	2bdr	3bdr	Total
Large Lot Houses				10
Integrated Small Lot Houses				25
Precinct 1				
Block A	8	8	8	24
Precinct 2				
Block B	10	62	19	91
Precinct 3				
Block E	8	58	63	129
Precinct 4				
Block G	3	6	13	22
Block H	3	6	13	22
Block I	3	6	13	22
<b>Total Dwellings</b>				<b>345</b>

The reduction in the overall number of dwellings across the site reduces the overall environmental impact of the proposal in the following respects:

- Separation between the heritage listed main campus building and the new development is increased as a result in the overall reduction in dwellings and reconfigured building layout.
- Separation between bushland (including the Asset Protection Zones) and neighbouring properties is maintained or increased as a result of the overall reduction in dwellings on the site.
- The overall number of residents (and therefore associated traffic movements) on the site will also be reduced when compared to the originally proposed development scheme.
- The revised building layout is entirely consistent with the urban design and built form controls in the approved Concept Plan.
- Vehicular and pedestrian routes on the site will be largely unchanged as a result of the modification.

Further, a minimum of 10% of the total stock will be a maximum of one bedroom. This will ensure the proposal will complement the existing range of dwelling types that are available in the Ku-ring-gai local government area. Providing a range of dwelling sizes in an attractive, landscaped setting that is close to existing community facilities and transport networks will enable Ku-ring-gai and North Shore residents who are seeking to move from their larger home, to down-size, and “age in place”.

In addition, improved affordability of housing is encouraged by providing a range of dwelling types, including those on smaller lots. This compares favourably with much of the existing housing stock in the Ku-ring-gai local government area, which is predominantly in the form of single dwellings.

## Amendments to Conditions of Consent

As a result of the above modifications, the following conditions may be amended from the Consent as follows:

### SCHEDULE 2

#### **~~B3. Dwelling Yield~~**

**~~(1) The Concept Plan is modified to reduce to~~** The maximum number of dwellings on the Site is 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.



## 5.3 Reconfiguration of Precinct 3

### Issue

To accommodate the retention of the gymnasium building, Precinct 3 of the approved concept plan is proposed to be re-configured.

### Justification

Retention of the existing gymnasium will require the dwellings in the approved Building F to be relocated. To ensure the proposed built form within Precinct 3 remains within the built form controls within the approved Concept Plan, dwellings previously accommodated within Building F will be relocated to an enlarged Building E. Building E will therefore accommodate all of the dwellings proposed in Precinct 3 (129 dwellings).

**Figures 3 and 4** below illustrate the layout of Precinct 3 in the approved Concept Plan and the revised layout.

As illustrated in the Concept Plan prepared by DEM at **Appendix A**, the enlarged Building E:

- Comprises only medium density units (illustrated on page 19 of the Concept Plan);
- Is entirely within the maximum height limit for the Precinct (5 storeys excluding attics) – page 20;
- Is no closer to the area of existing bushland (page 21) or Asset Protection Zone (pages 34 and 38) than the previously approved built form;
- Ensures adequate separation between new development and the retained main campus building;
- Will not result in any adverse changes to vehicular (page 31) or pedestrian circulation patterns (page 32) or drop off locations (page 33) when compared to the previously approved built form; and
- Is entirely within the R1 – Residential land use zone (page 52).

Sections 06 and 07 (page 42 of the Concept Plan) and Section BB (page 45) illustrate the anticipated built form of the enlarged Building E in its context and demonstrate there will be no adverse visual impacts resulting from the modification.

Consequently, enlarging Building E to accommodate up to 129 dwellings facilitates the retention of the UTS gymnasium without any adverse environmental impacts in a built form and location that is entirely consistent with the approved Concept Plan.

### Amendments to Conditions of Consent

As Building F no longer forms part of the Concept Plan, Condition A3 (Future Applications) should be deleted from the Consent as follows:

#### SCHEDULE 3

##### **~~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.~~

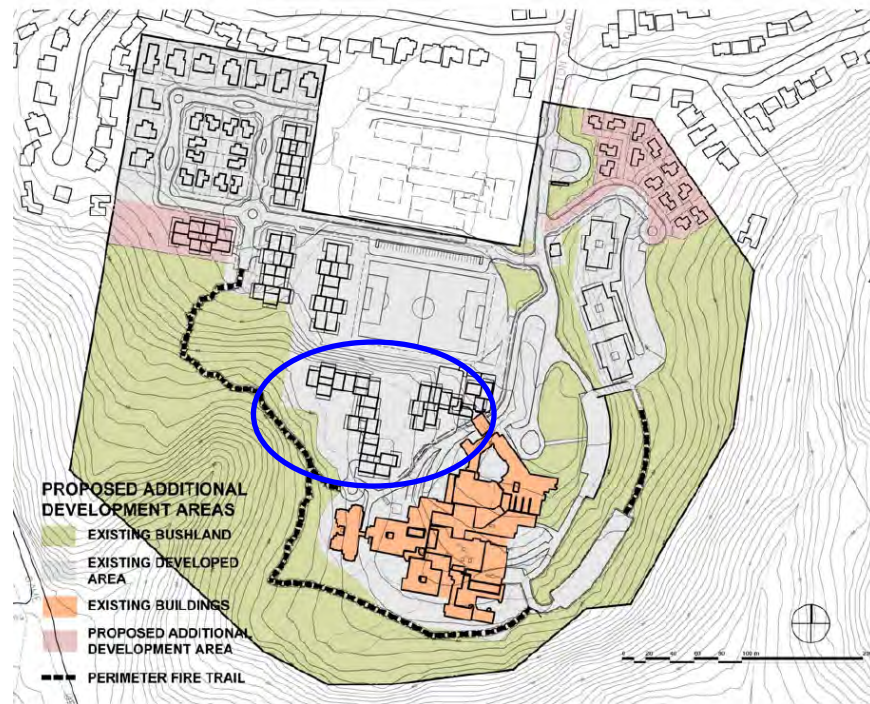


Figure 3 – Approved Concept Plan – Precinct 3 circled

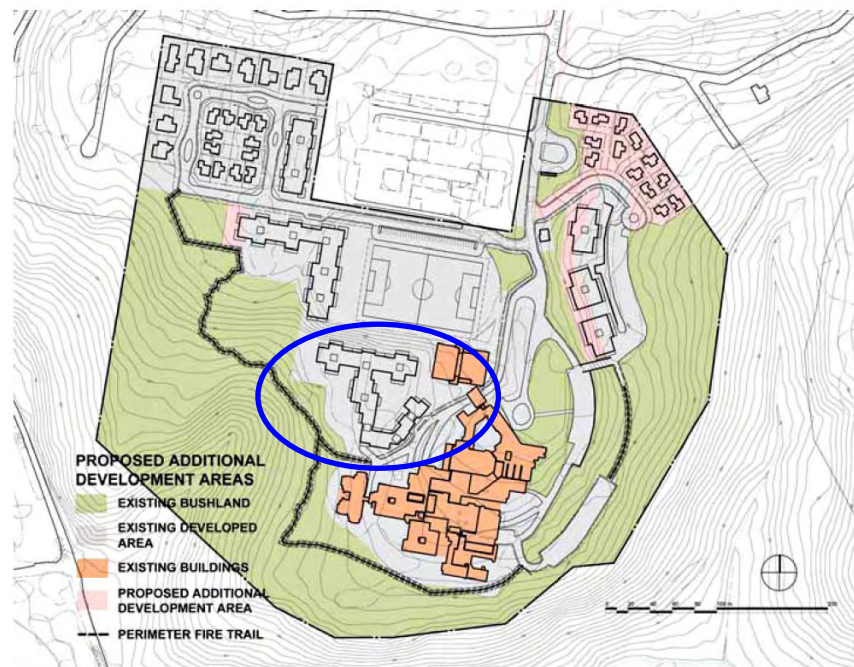


Figure 4 – Proposed modification to Concept Plan – Precinct 3 circled

## 5.4 Reconfiguration of Precincts 1 and 2

### Issue

To ensure compliance with the Minister for Planning's modification to the Concept Plan to limit the number of dwellings on the site to 345 (Condition B3), Precincts 1 and 2 are to be reconfigured.

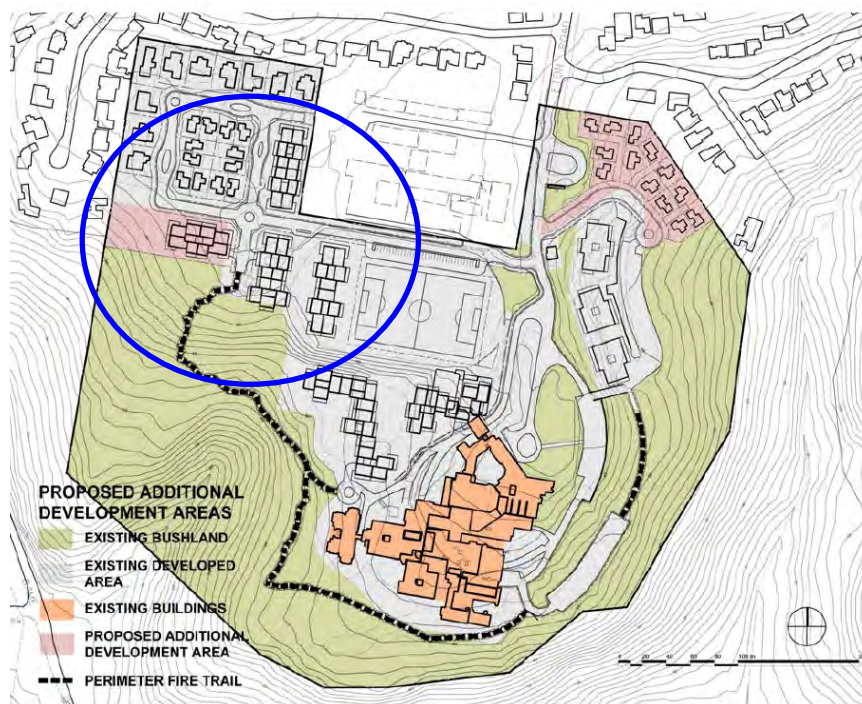
### Justification

As a result of negotiations between UTS and the Department of Planning, the consent for the Concept Plan required number of dwellings on the site to be reduced to no more than 345 (Condition B3) and certain setbacks increased (Condition B5).

To satisfy these conditions, the following modifications to the layout of Precincts 1 and 2 are proposed (see **Appendix B**):

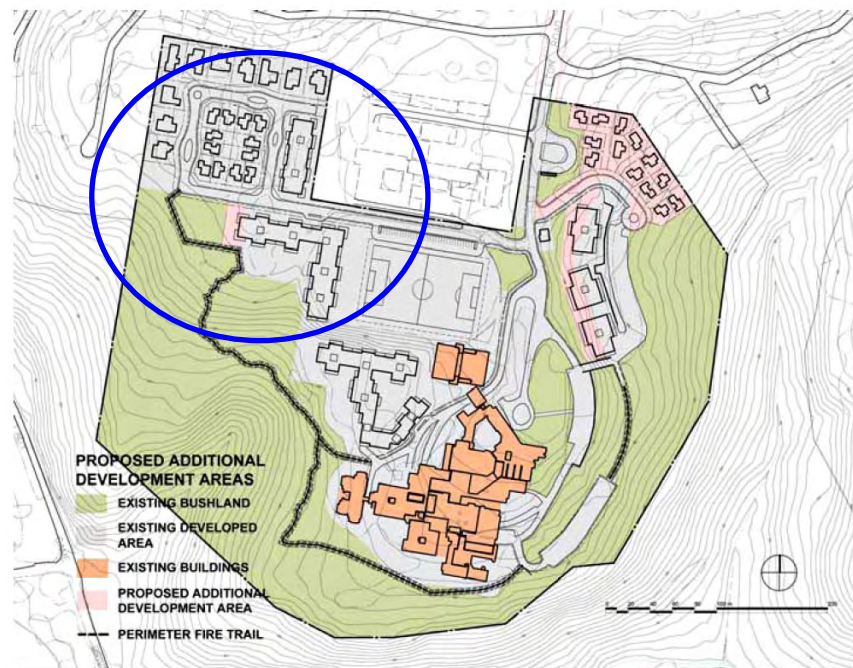
- Relocate Building A to ensure a 4.5 metre setback from the Film Australia site;
- Delete Buildings C and D and enlarge Building B; and
- Set back Building B at least 25 metres from the sports oval.

**Figures 5 and 6** illustrate the layout of Precincts 1 and 2 in the approved Concept Plan and the revised layout.



**Figure 5** – Approved Concept Plan – Precincts 1 & 2 circled





**Figure 6** – Proposed modification to Concept Plan – Precincts 1 & 2 circled

As illustrated in the Concept Plan prepared by DEM at **Appendix A**, the reconfigured Precincts 1 and 2:

- Comprises only medium density units (illustrated on page 19 of the Concept Plan);
- Is entirely within the maximum height limit for the Precincts (4 storeys excluding attics for Building B and 2 storeys excluding attics for Building A) – page 20;
- Maintains or increases the separation between the new development and existing bushland (page 21), the Asset Protection Zone (pages 34 and 38) and neighbouring properties than the previously approved built form;
- Increases separation between the new development and identified *Darwinia biflora* plants, thus removing the potential threat of overshadowing impacts and having a net overall benefit;
- Ensures adequate separation between new development and the sports oval;
- Will not result in any adverse changes to vehicular (page 31) or pedestrian circulation patterns (page 32) or drop off locations (page 33) when compared to the previously approved built form; and
- Are entirely within the R1 – Residential land use zone (page 52).

Sections 01 and 02 (page 40 of the Concept Plan) and Section AA (page 43) and BB (page 45) illustrate the anticipated built form of the reconfigured precincts in their context and demonstrate there will be no adverse visual impacts resulting from the modification.

Consequently, the modifications to Precincts 1 and 2 (Buildings A and B) will accommodate up to 115 dwellings without adverse environmental impacts in a built form and location that is entirely consistent with the approved Concept Plan.

In addition, the modification will also address Condition B16 (1) requiring the lodgment of plans to address the Minister for Planning's amendments to Conditions B3, B4, B5 and B6 of Schedule 2 of the Consent, and Condition B16 (2) relating to Section 04 on page 41 of the approved Concept Plan – see **Section 5.5** below.

#### Amendments to Conditions of Consent

Building A and Precinct 1 have been modified to reflect Conditions B5 and B6(1). Consequently the conditions following may be deleted from the Consent as follows:

##### **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) ....~~

## 5.5 Other Miscellaneous and Consequential Amendments

### 5.5.1 Issue

The consent is updated to reflect the amended Concept Plan prepared by DEM.

#### Amendments to Conditions of Consent

Condition A2 is amended as follows:

##### SCHEDULE 2

##### 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  
*as amended by State Significant Site Amendment – Concept Plan, prepared by DEM architects and dated August 2009.***

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) ....

### 5.5.2 Issue

Maximum floor to ceiling heights have been limited.

#### Amendments to Conditions of Consent

In accordance with Condition B6(2), the Concept Plan has also been modified to make clear that building height is controlled by the number of storeys as depicted in the Building Heights plan on page 20 of the Concept Plan at **Appendix A**. Each storey is assumed to be 3.5 metres from floor to ceiling. Accordingly, a 5-storey building (the highest proposed) will be 17.5 metres high when measured from ground level to the ceiling of the uppermost floor excluding plant rooms and lift over-runs. Building height excludes the attic.

##### B6. Height

- (1) ...

~~(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.~~

### 5.5.3 Issue

Conditions B3, B4, B5 and B6 have been addressed in the modification, and Section 04 on page 41 of the Concept Plan has been amended (see **Appendix A**).

#### Amendments to Conditions of Consent

Condition B16 is deleted as follows:

**~~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.~~

## 6.0 Assessment against SEPP (Major Development) 2005

The proposed modifications are consistent with the provisions of Part 30 of Schedule 3 of the State Environmental Planning Policy (Major Development) 2005 that relate to the UTS Kuring-gai Campus site, the Minister's determination and Statement of Commitments.

The modification comprises retaining the gymnasium on site and reconfiguring the existing buildings to accommodate the approved dwelling yield. The modifications are consistent with the following provisions of Schedule 3:

- Land use zones – the modification is consistent with the Land Use zone map or zoning table for the site;
- Height of buildings – the modification will protect the heritage significance of and maintain views to, the main campus building and will not exceed the maximum heights shown on the Building Height map for the site;
- Maximum number of dwellings – the modification ensures the maximum number of dwellings on the site will not exceed 345; and
- Heritage conservation – the modification does not propose to demolish, dismantle, move or alter the UTS main campus building.

In addition, while not requiring any amendments to the Statement of Commitments, the modifications enable UTS to satisfy many of the conditions imposed by the then Minister for Planning in their approved Concept Plan for the UTS Kuring-gai site, including limiting the overall number of dwellings on the site to 345 and amending increasing setbacks to adjoining properties and the sports oval.



## 7.0 Conclusion

On behalf of the proponent, the University of Technology, Sydney, we request that the Minister modify the Major Project Approval No 06\_130 to facilitate the retention of the gymnasium building at the UTS Kuring-gai Campus and incorporate the modifications imposed by the Minister in the Instrument of Approval for the Concept Plan.

The modified development is consistent with Part 30 of Schedule 3 of SEPP (Major Development), the Instrument of Approval for the Concept Plan and the Statement of Commitments and will deliver an outcome that is substantially the same as the approved Concept Plan, and is of a minor nature, and deliver important social and environmental benefits to the locality. No additional mitigation measures are required to address environmental impacts resulting from the modification.

Consequently, we recommend that the Minister for Planning approve the proposed modification to Major Project Approval No. 06\_0130 as described above. We trust that this information is sufficient to enable a prompt assessment of the proposed modifications.