

# Modification of Minister's Approval

## Section 75W of the *Environmental Planning and Assessment Act 1979*

I, the Director of Strategic Assessment of the Department of Planning, in accordance with the Instrument of Delegation issued by the Minister for Planning, on 25 January 2010, pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* determine to approve of the modification to the approval referred to in Schedule 1 in the manner set out in Schedule 2.



Director  
Strategic Assessment  
**As delegate for the Minister for Planning**

Sydney, 21 May 2010

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### SCHEDULE 1

<b>Concept Approval:</b>	granted by the Minister for Planning on 11 June 2008, as amended by modification approvals granted on 7 November 2008.
<b>In respect of:</b>	Major Project MP06_0130 by University of Technology, Sydney for land located at Eaton Road, Lindfield (Ku-ring-gai Local Government Authority)
<b>For the following:</b>	The redevelopment of the UTS Ku-ring-gai Campus site for residential uses (up to 345 dwellings) and the adaptive reuse of the main campus building for continued education and commercial uses.
<b>Modification:</b>	Modification of the concept plan approval to retain the gymnasium building and footbridge, the configuration of Precinct 2 and 3 (with no increase in dwelling yield) and other miscellaneous modifications (MP06_0130 Mod 2)

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## SCHEDULE 2

The Concept Approval is modified by:

### PART A. TERMS OF APPROVAL

1. Delete Table A1 of Schedule Part A, A1 and replace with:

**A1 Table**

<b>Application made by:</b>	CRI
<b>Application made to:</b>	Minister for Planning
<b>Major Project Number:</b>	MP 06_130
<b>On land comprising:</b>	Lot 5 in DP 32292 and Lot 2 in DP 1043043
<b>Local Government Area:</b>	Ku-ring-gai
<b>For the carrying out of:</b>	Residential development of up to 345 dwellings and the adaptive reuse of an existing building for mixed use purposes, including the retention of the gymnasium and footbridge
<b>Capital Investment Value:</b>	\$216 million
<b>Type of development:</b>	Concept approval under Part 3A of the Act
<b>Determination made on:</b>	11 June 2008
<b>Determination:</b>	Concept approval is granted subject to the modifications in the attached Schedule 2.
<b>Date of commencement of approval:</b>	This approval commences on the date of the Minister's approval.
<b>Date approval will lapse:</b>	5 years from the date of determination

2. Delete condition A1(1) of Part A, Schedule 2 and replace with:

- (1) Except as modified by this Consent, Concept Plan approval is granted only to the carrying out of development solely within the Concept Plan area as described in the document titled *Preferred Project Report and Statement of Commitments UTS Kuring-Gai Campus Lindfield, SEPP Major Projects and Concept Plan Volumes 1 and 2* dated February 2008 and prepared by JBA Planning Consultants and DEM Architects.

3. Delete condition A2(1) of Part A, Schedule 2 to replace with the following:

- (1) Except as modified by this approval, 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 and prepared by JBA Planning Consultants and DEM Architects; and
  - (b) Modification report by JBA Urban Planning Consultants dated February 2010 and its revised appendices, including University of Technology Sydney Ku-ring-gai Campus State Significant Site Amendment Concept Plan, DEM, April

2010, letter from JBA Urban Planning Consultants dated 24 March 2010 and its attachments.

4. Delete condition A2(2) of Part A, Schedule 2 and replace with the following:
  - (2) In the event of an inconsistency between:
    - a) the modifications of this approval and any document listed from clause A2(1)(a) to A2(1)(b) inclusive of this Instrument, this approval shall prevail to the extent of the inconsistency;
    - b) any document listed from condition A2(1)(a) to A2(1)(b) inclusive, the most recent document shall prevail to the extent of the inconsistency; and
    - c) the Statement of Commitments, referenced in condition A2(1)(a) and this approval, then the approval shall prevail to the extent of the inconsistency.
5. Delete condition B5(3) of Part B, Schedule 2 and replace with the following:
  - (3) Building "B" of Precinct 2 is to provide a minimum setback of 25 metres from the sports oval with particular regard to edge effects.
6. Delete condition B5(4) of Part B, Schedule 2.
7. Delete condition B10(1) of Part B, Schedule 2 and replace with the following
  - (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.
8. Delete Condition B11(3) of Part B, Schedule 2.
9. Replace the reference within Condition B13(1) of Part B of Schedule 2 of *13 May 2007* with *13 May 2008*.
10. Delete B13(1)(b) of Part B, Schedule 2 and replace with the following:
  - (b) 300sq.m for a community facility to Council, which is to be located in areas within the site zoned R1 General Residential (but excluding the gymnasium building); and
11. Delete the note to Condition B13(1) and replace with the following:

Note: These items will be in lieu of s.94 Contributions in future applications.
12. After Condition B13(4) of Part B, Schedule 2 insert the following:
  - (5) The dedication referred to in (4) above shall not apply to the internal roads associated with the curtilage of the existing educational establishment, if used for continued educational purposes, as reflected in documentation referred to in condition A2(1)(b) Part A, Schedule 2 of this approval.
13. Delete Condition B16 of Part B, Schedule 2 and replace with the following:

**B16 – Gymnasium Building**

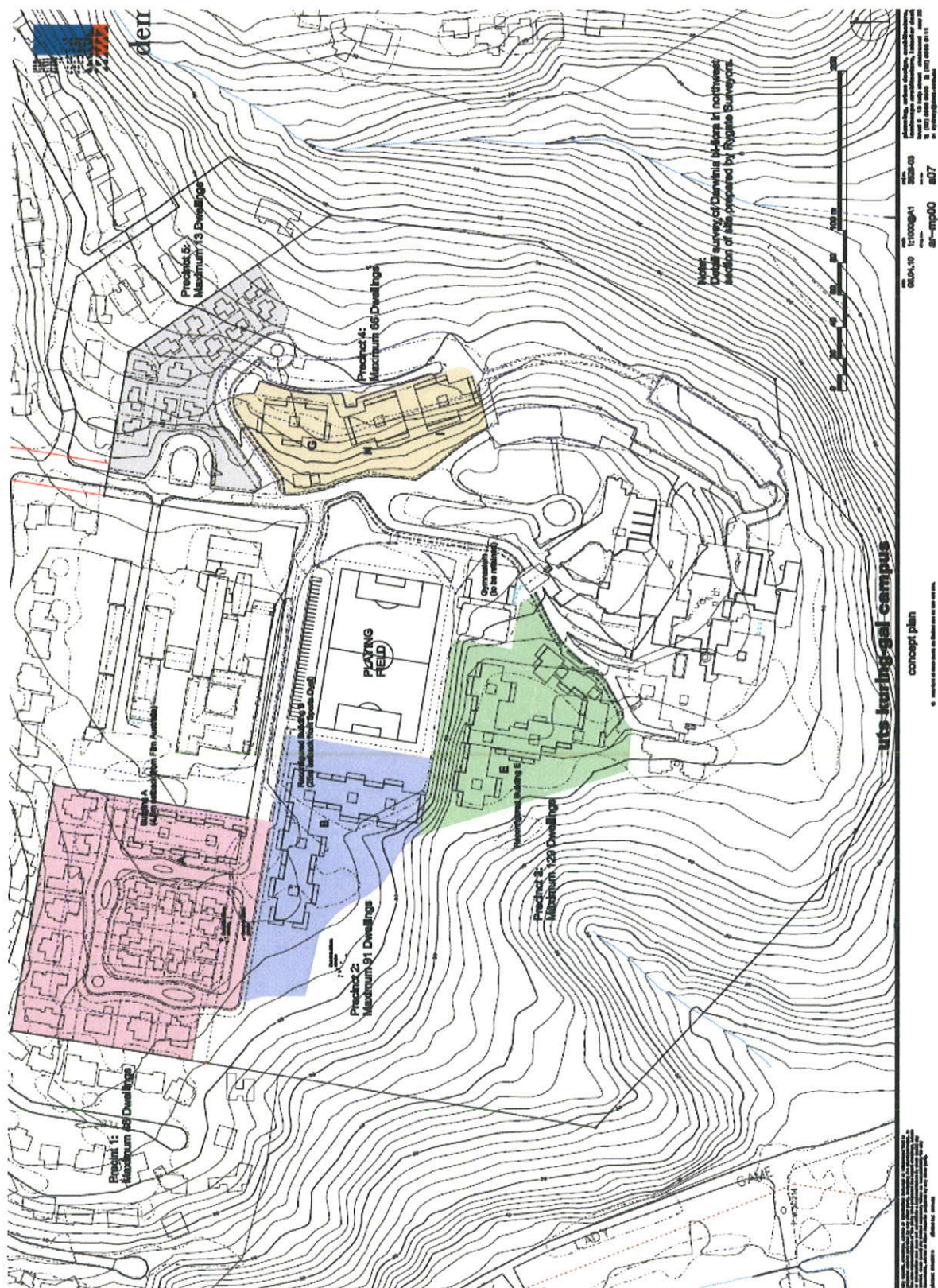
  - (1) The retained gymnasium building shall not be used for any use other than indoor recreation, related community activities, and educational uses.

14. Delete Condition A3(1) of Schedule 3 and replace with the following:

- (1) Future applications for the development of building 'E' 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.

15. Replace Figure 1 attached to the instrument with the following Figure 1, with the associated title as provided below.





**Figure 1**

Note: the above figure has been updated to reflect the Concept Plan as modified by MP 06\_0130 MOD 2.