



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 2

1 BACKGROUND

The UTS Ku-ring-gai campus (the site) covers 20.8 hectares and 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 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 1).

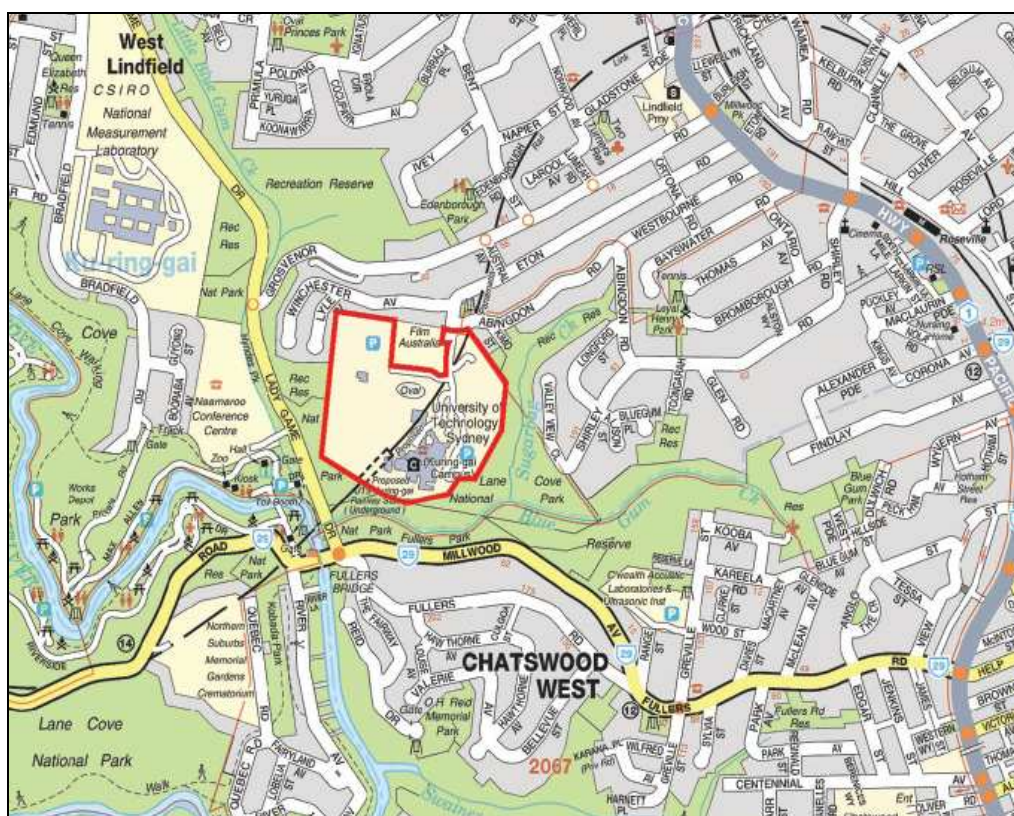


Figure 1 – The site and its locality

On 11 June 2008, the former Minister for Planning granted concept plan approval to a proposal by UTS Ku-ring-gai (the 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 GFA). The concept plan also committed to the dedication of a sports field to Ku-ring-gai Council (9,800m²) and dedication of conservation land to the Department of Environment, Climate Change and Water (DECCW) (34,570m²).

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

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

2 THE PROPOSED MODIFICATIONS

The Proponent seeks to modify the Minister's concept plan approval to enable the following:

- retention of the existing gymnasium building (3,874m²), which was approved for demolition;
- reconfiguration of Precinct 2 in response to the dwelling yield reductions and setback requirements by consolidating blocks B, C and D into one building (91 dwellings);
- reconfiguration of 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
- changes to the Concept Plan to satisfy modifications imposed by the Minister.

Figure 2 identifies the originally proposed Concept Plan as modified by the Minister's approval. The following **Figure 3** reflects the proposed modification as sought by the Proponent.

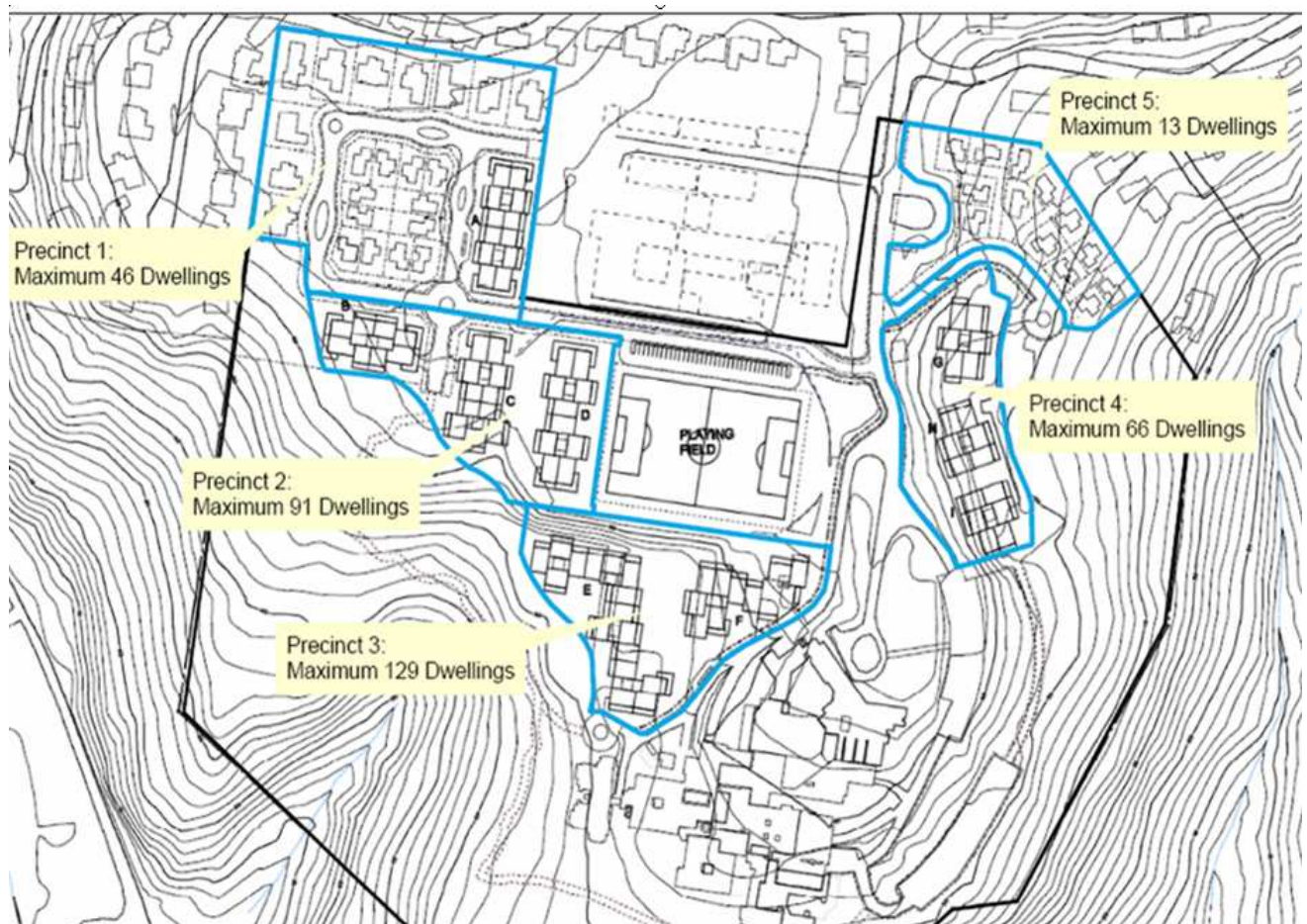


Figure 2 – The Concept Plan, as modified by the Minister's approval

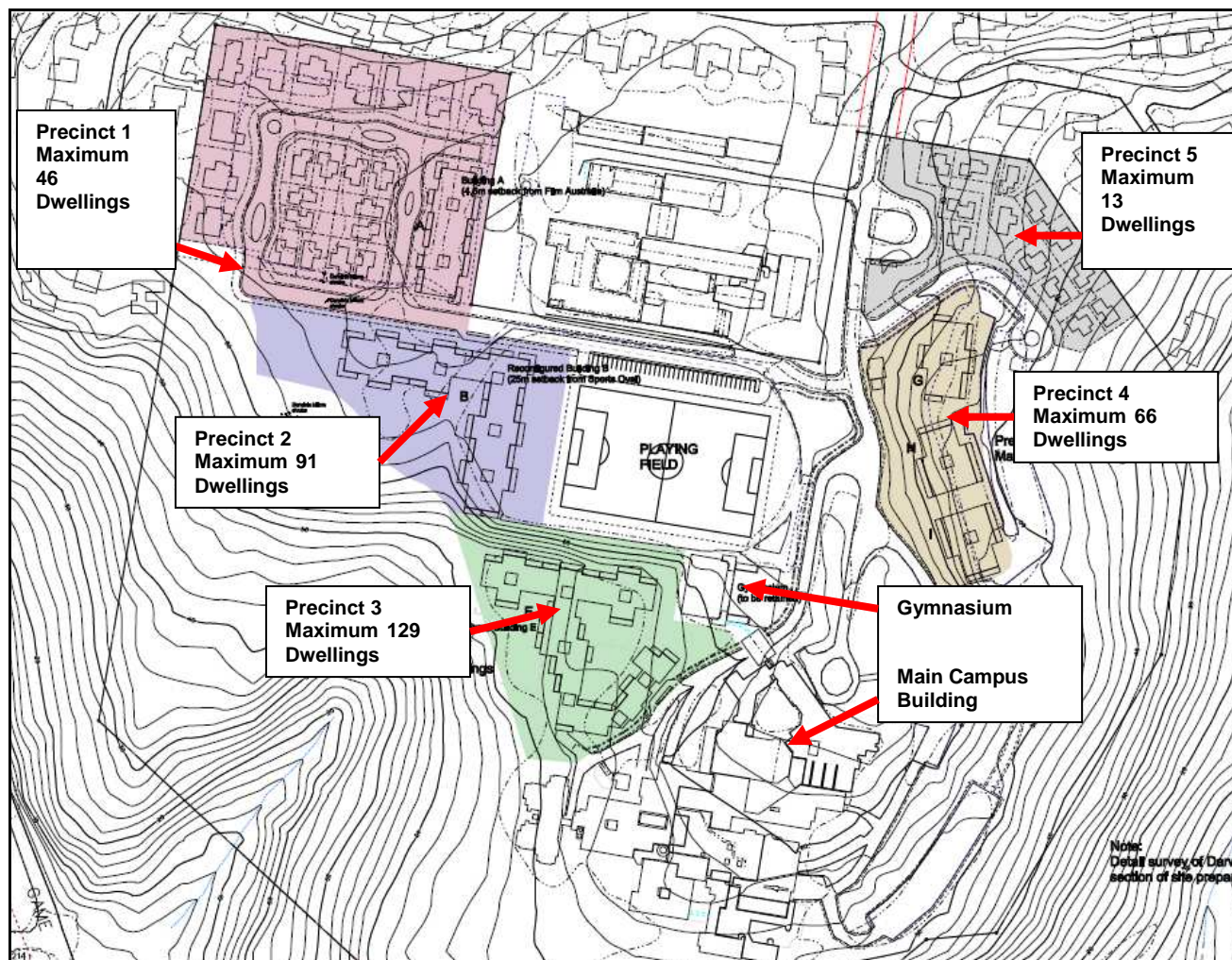


Figure 3 – The Concept Plan, as proposed to be modified

3 STATUTORY CONTEXT

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.

On 25 January 2010, the Minister for Planning delegated his functions to modify an approval under section 75W of the Act to the Director of Strategic Assessments where there are less than 10 public submissions in respect of the modification request.

As five submissions were received during the public exhibition period, the Director of Strategic Assessments is able to determine this modification request as delegate for the Minister.

Section 75W(3) of the Act

The delegate for the Director-General issued environmental assessment requirements (DGRs) to the Proponent on 7 August 2009 in accordance with section 75W(3) of the Act. The Environmental Assessment for the modification was deemed to have adequately addressed the DGRs on 22 January 2010.

State Environmental Planning Policy (Major Development) 2005

As stated above, the UTS Ku-ring-gai Campus site is listed as a State Significant Site (SSS) in Schedule 3 of the *State Environmental Planning Policy (Major Development) 2005* (Major Development SEPP). Refer to Figure 4 for the current zoning map for the site.

With the exception of the proposed retained gymnasium, the proposed modifications comply with the land use tables, the maximum number of dwelling limits (345) and building height limits specified in the SSS listing.

The gymnasium is located within the R1 General Residential Zone and RE1 Public Recreation zone, in which indoor recreational facilities and educational establishments are prohibited uses. However, *State Environmental Planning Policy (Infrastructure) 2007* (the Infrastructure SEPP) makes the gymnasium, if associated with an education establishment, to be permissible with consent in R1 zone. The Infrastructure SEPP will not resolve permissibility within the RE1 zone.

However, to resolve this issue as well as any inconsistency between the ISEPP and the SSS listing, it is proposed that the SEPP is amended to ensure the gymnasium and the associated educational establishment uses are permissible with consent in the SSS listing through an amendment to the R1 zone. Further, it is proposed that the heritage curtilage, which currently covers the main campus building, is extended to cover the gymnasium and footbridge to reflect the entire building complex. Minor amendments to the building height map may also be required.

Any amendment will follow after a determination is made on the modification request.



Figure 4 –Zone Map for the Site

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 *Environmental Planning and Assessment Regulation 2000*, the request for the modification was placed on the Department's website.

In addition to the above, the Department also publicly exhibited the modification from 10 February 2010 to 24 February 2010 with notices placed in the Sydney Morning Herald and Daily Telegraph inviting the public to make submissions. Notification letters were also sent to Ku-ring-gai Council, key Government agencies and community representatives on the former Community Reference Group (which was convened during the original Concept Plan).

The Proponent also conducted its own consultation to inform the Environmental Assessment. This included letters to local residents, advertisements in the North Shore Times and a community meeting (30 November 2009)

During the exhibition period, the Department received five submissions, all from local, State Government agencies or utility providers – Ku-ring-gai Council, Department of Environment, Climate Change and Water, Rural Fire Service, Roads and Traffic Authority and Sydney Water .

Key issues raised by Council related to the potential uses for the gymnasium and associated traffic, urban design matters (setbacks, solar access, etc), heritage listing, flora and fauna and section 94 contributions. Other agencies raised only minor issues and did not object to the proposed modifications.

The Proponent prepared a response to the issues raised in submissions and by the Department on 24 March 2010. These issues are considered further below.

5 KEY ISSUES

5.1 Retention of Gym

There is a proposal for the existing campus building (including gymnasium) to be transferred to the Department of Education and Training (DET) for a senior high school. DET will be responsible for the management of all buildings including the gymnasium. If the transfer does not proceed, all buildings shall remain under the ownership of the Proponent.

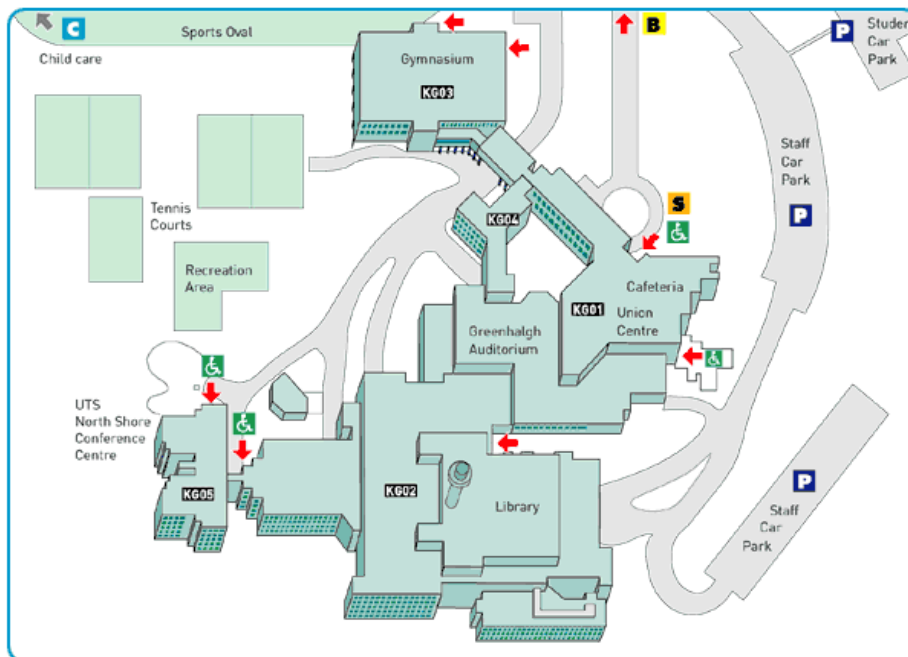


Figure 6 – Existing campus building (note recreation areas and tennis courts as shown are not being retained in the concept plan)

The adaptive re-use approach to the campus building is supported as originally determined. The Department believes that the retention of the gym will maintain the architectural significance of the campus building.

The Department had initial concerns that the additional GFA gained by retaining the gymnasium could lead to additional traffic impacts and car parking demands, as the Proponent had indicated that the building may be used for other uses other than indoor recreation.

However, the Proponent has since advised that the gymnasium building will not be used for non-gymnasium or non-educational uses. Further, the Department considers that the retention of the gymnasium building as part of a school is unlikely to generate more traffic than that envisioned under the original concept plan, which included a mixed use development within the campus building.

As such, the Department recommends the deletion of the condition that permits the demolition of the gymnasium building and footbridge, and imposes a new condition that prohibits the use of the gymnasium building for non-gymnasium or non-educational uses. This will ensure that no changes to the traffic assumptions occur in the future as a result of additional GFA (should the education/recreational use not eventuate).

5.2 Section 94 Contributions

The approval requires the Proponent to provide a 300m² community centre to Council in lieu of section 94 contributions. This is likely to comprise of a child care centre. The Proponent had proposed to remove this requirement if a public authority managed the site, given the gymnasium would be retained and that any such facility could be collocated in this building.

The Department, and Council, expressed concern with this approach given there would not be guaranteed access to the facility by the future residential population. Further, Council queried the appropriateness of the building for child care uses.

In response to the Department's and Council's comments on this proposal, the Proponent has since agreed to still dedicate the 300m² facility to Council, and that it would not be located in the gymnasium building.

A modification has been recommended to clarify that the facility must be located within areas zoned residential and must not be located in the gymnasium building.

5.3 Heritage

The site was awarded the Sulman Award in recognition of the architectural qualities of the campus. The site is not listed on the NSW State Heritage Register, but was listed as a heritage item in the SSS listing given the heritage significance of the building complex and the future adaptive reuse of the building.

The Heritage Assessment and Conservation Strategies report that accompanied the Concept Plan identified strategies for the site. These strategies emerged as part of the conservation, re-use and development of the overall site. The strategy relating to the demolition of the gymnasium recommended that *"if the Gymnasium building is removed or extensively adapted, the facilities could be relocated on site"*.

The Proponent has requested that the gymnasium is not given any heritage status as it may be demolished in the future. Council requested that the building be listed in the SSS.

It is noted that there was no emphasis on retaining the gymnasium for heritage significance under the above mentioned heritage assessment. However, it does form part of the building complex that has significant heritage values, and its retention will have a positive impact on maintaining the overall heritage significance of the site. As such, the Department proposed to amend the SSS heritage listing to extend across the gymnasium curtilage.

5.4 Redesign of Precinct 3 (Building E and F)

The Concept Plan approved 129 dwellings within Precinct 3 which contains Building E and F. Building F was proposed in the location of the existing Gymnasium.

As a result of the gymnasium being retained, the Proponent is seeking to reconfigure Precinct 3 to delete Building F, and increase the size of Building E to accommodate the required 129 dwellings.

The Department notes that the reconfiguration:

- is within the R1 Residential zone and complies with the maximum height limit for the Precinct;
- will not alter the assumptions of the visual impact in terms of view lines to the main campus building from areas outside the site (given it complies with the building height limits);
- is further away from existing vegetation or asset protection zone than the previously approved building; and
- provides sufficient separation from the main campus building and will be supplemented by future landscaping as identified in the Concept Plan.

Council did raise concerns regarding the design of Building E, in particular the amount of solar access during winter. In this respect, the Department notes that the proposed concept plan only provides a building envelope for Building E, and that the more detailed urban design guidelines for the site (which will be prepared in consultation with Council) will deal with a number of urban design issues, including solar access. As such, no additional conditions for this issue are considered necessary.

The Department has recommended the requirement imposed on Building F, which was closest to the main campus building, is modified to reflect the new Building E. This will require any future application for this building to demonstrate that it will be sensitively screened by landscaping from the heritage items.

5.5 Internal Road Network

Condition B13 (4) requires that internal roads be dedicated to Council. If Council does not accept the dedication of all roads, a positive covenant will be placed on the title of that land to allow public access. Council has advised (in its response to the modification) that it will not seek the dedication of internal roads.

The Proponent has requested that condition B13(5) be created stating that the dedication shall not apply to the internal roads associated with the existing educational establishment as illustrated in the following **Figure 7**.

The Department has no objection to this request, but has limited the condition to only apply if the senior school campus (or similar educational establishment) occurs/continues on the site. This is to ensure public access is maintained to internal roads and associated car parking areas should other non-educational uses eventuate.

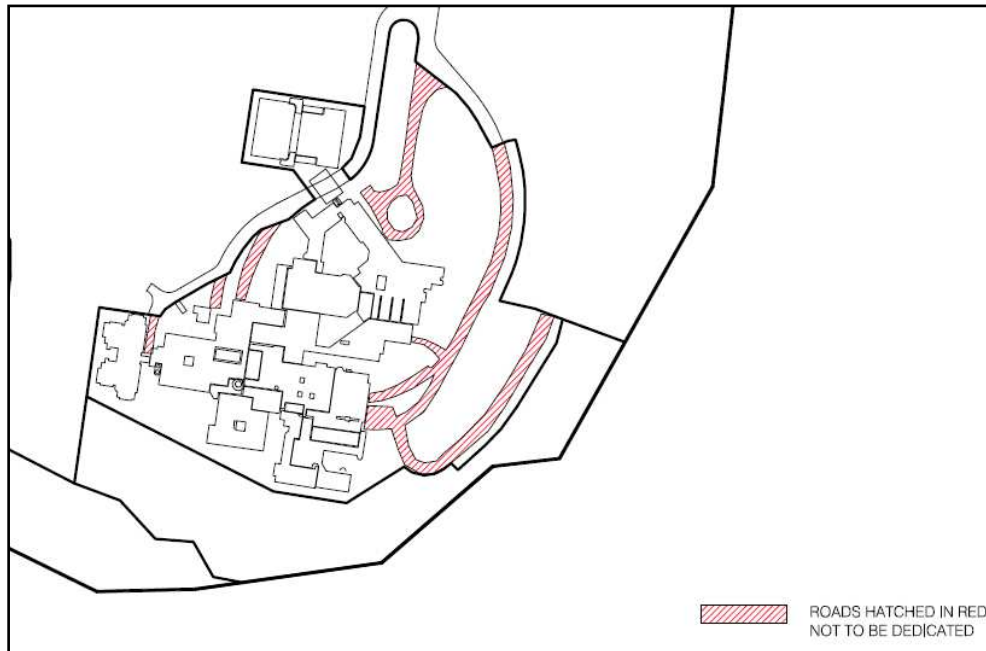


Figure 7 Roads not to be dedicated to Council

5.7 Other Issues

Issue	Raised by	Department's response
Request for the SEPP to be amended so that the land containing the school site cannot be subdivided without consent before a DCP for the site is prepared. The DCP is meant to detail ongoing management requirements.	Council	<p>The Minister's concept determination enables subdivision for a 'public purpose' to occur without the need for further approval. It is understood Council prefers to require the DCP to be established to ensure consistent management regimes occur between the school site and residential lands.</p> <p>The Department acknowledges that the intent of this requirement was to capture the subdivision of the sports oval and lands to be dedicated to DECCW. However, the Department does notes that:</p> <ul style="list-style-type: none"> The Minister's determination is consistent with requirements within the Standard LEP Template, which specifies that subdivision for a public purpose does not require development consent.

		<ul style="list-style-type: none"> Matters relating to management regimes for APZs and stormwater infrastructure are matters more relevant to the development assessment phase, rather than being dealt with in design guidelines. <p>Therefore, the Department has not recommended any change to the assessment regime established in the Minister's approval.</p>
That building setbacks should be consistent with Council's policies	Council	The Department believes that the Proponent has addressed the setback requirements of the approved Concept Plan satisfactorily. These matters were assessed previously and do not require further review.
Open space requirements for school	Council	The Department believes that the open space requirements should be addressed at a DA stage as detail designs have not been finalised to date
Impacts on <i>Darwinia biflora</i> , a listed plant species, which appears to be located in close proximity to the fire trail.	Council	The Department notes that the Proponent is required (Condition B9) to prepare an overlay to the satisfaction of DECCW illustrating protected <i>Darwinia biflora</i> as part of the conditions of approval and to prepare a translocation plan for the species. As such, no further detail is required at this stage
That the stormwater regimes that should not discharge into the Lane Cove National Park	DECCW	The Department believes that this matter can be addressed at the DA stage as detail designs are not considered under the Concept Plan.
Request that the asset protection zones (APZ) and other bushfire hazard reduction activities related to the site should be outside the national park boundary	DECCW	The APZ and fire trail are outside the national park boundary. No further assessment is required in this regard
Request for the RTA to be consulted during the preparation of the TMAP	RTA	This has been included in the recommended modifications.
Bushfire - RFS advised that the comments in its previous response dated 3 December 2007 are to be considered	RFS	These previous comments were included in the terms of approval for the Concept Plan and have no effect on this modification.
Adjustments needed to Sydney Water Infrastructure as a result of any development	Sydney Water	The Department believes that this matter can be addressed at the DA stage.

9 CONCLUSION

The Department considers that the proposed modifications are acceptable as it is consistent with the conditions of the Concept Plan approval. As such the modifications are considered worthy of support.

While the modifications to the Concept Plan are of a minor nature, once implemented, there will be benefits of housing, employment, education and recreation to the new and existing community.

10 RECOMMENDATION

It is recommended that the Minister's delegate, the Director of Strategic Assessments:

- 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*.

Prepared by:

Shivesh Singh
Senior Planner

Caitlin Bennett
Team Leader

Approved by:

Signed 21/5/2010

Michael File
Director
Strategic Assessments