

Modification of Minister's Approval

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

I, the Executive Director, Urban Renewal and Major Sites of the Department of Planning and Infrastructure, in accordance with the Instrument of Delegation issued by the Minister for Planning, on 14 September 2011, 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.

Executive Director
Urban Renewal and Major Sites
As delegate for the Minister for Planning

Sydney, 2011

SCHEDULE 1

Concept Approval:	granted by the Minister for Planning on 11 June 2008, as amended by modification approvals granted on 7 November 2008 and 21 May 2010.
In respect of:	Major Project MP06_0130 by University of Technology, Sydney for land located at Eton Road, Lindfield (Ku-ring-gai Local Government Authority)
For the following:	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 mixed use purposes, including the retention of the gymnasium and footbridge.
Modification:	Modification of the concept plan approval to amend the Instrument of Approval regarding the location of the community facility, the timing of the dedication of the community facility and roads and parking. The Proposed changes to the SEPP will include community facility as a permissible use in the zone RE1 Public Recreation and remove the height limit for this zone, make minor amendments to zone boundaries and include provisions that permit the carrying out of subdivision and demolition (MP06_0130 Mod 3).

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

Application made by:	Defence Housing Australia
Application made to:	Minister for Planning
Major Project Number:	MP 06_130
On land comprising:	Lot 1 in DP1151638
Local Government Area:	Ku-ring-gai
For the carrying out of:	Amending the Instrument of Approval regarding the location of the community facility and the timing of the dedication of the community facility and roads and parking. The proposed changes to the SEPP will include 'community facility' as a permissible use in the zone RE1 Public Recreation and remove the height limit for this zone, make minor amendments to zone boundaries, and include provisions that permit the carrying out of subdivision and demolition.
Capital Investment Value:	\$216 million
Type of development:	Concept approval under Part 3A of the Act
Determination made on:	11 June 2008
Determination:	Concept approval is granted subject to the modifications in the attached Schedule 2.
Date of commencement of approval:	This approval commences on the date of the Minister's approval.
Date approval will lapse:	5 years from the date of determination

1. Amend condition A2(1) Development in accordance with Plans and Documentation of Part A, Schedule 2 by adding:
 - (c) Modification report by JBA Urban Planning Consultants dated 26 July 2011 and its appendices.
2. Delete Condition B1 (2) and (3) and replace with the following:
 - (2) The Urban Design Guidelines must be approved by Council before the first Development Application can be determined.

3. Amend condition B5(3) Setbacks of Part B, Schedule 2 with the following replacement:
 - (3) Building “B” of Precinct 2 is to provide a minimum setback of 10 metres from the sports oval with particular regard to edge effects.
4. Amend condition B13(1) of Part B, Schedule 2 with the following replacement:
 - (a) a minimum 9,800sqm of land for an adult size soccer field and curtilage to Council.
 - (b) 300sqm for a community facility to Council is to be located in the Zone RE1 Public Recreation within the site as agreed with Council.
5. Amend condition B13(3) Contributions of Part B, Schedule 2 with the following replacement:
 - (a) B13(1)(a) is to occur in accordance with the provisions in the Voluntary Planning Agreement between the landowner and the Council;
 - (b) B13(1)(b) is to occur in accordance with the provisions in the Voluntary Planning Agreement between the landowner and the Council.
6. Amend condition B14 (2) Dedication and Management of Roads of Part B, Schedule 2 with the following replacement:
 - (2) The dedication referred to in (1) shall be undertaken in accordance with the provisions in the Voluntary Planning Agreement between the landowner and the Council.
7. Add new condition B17 to read as follows:
 - (1) In the event that the Voluntary Planning Agreement does not transpire, the applicable timing for contributions to Council, at no further cost to Council, will be as follows:
 - (a) Delivery of the soccer field and dedication of roads to Council upon the registration of the first plan of subdivision for the site; and
 - (b) Delivery of the community facility within four (4) years of registration of the first plan of subdivision for the site.