

Table 1: Statement of Commitments

Subject	Commitments	Approved by Whom	Timing	Proposal/Comment
Planning Agreements	A Voluntary Planning Agreement (VPA) will be negotiated that addresses the current plans to offset section 94 contributions by the provision of the soccer field and the community space which can accommodate a child care centre.	Minister for Planning	Prior to submission of any subsequent Project Application	The VPA does not affect DoE's land – it is excluded from the VPA. The benefits under the VPA were an international class soccer field, adjoining community centre (300m ²), roads, bus bay, dedication of the conservation area for the <i>Darwhinia biflora</i> . There is no mention in the VPA of a childcare centre. A two-storey community space is provided adjacent the field. The upper storey can be used as a facility for purposes other than a club for the soccer field.
Ecological Sustainable Development	Any proposed dwellings within the site will comply with BASIX requirements for water conservation and thermal and energy efficiency.	Director-General of Department of Planning	Prior to or with submission of first Project Applications for residential building works	N/A
Staging	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: Minimisation of construction impacts upon adjoining properties;	Director-General of Department of Planning	Prior to or with submission of first Project Applications for building works	Refer to EIS

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	<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>			
Built Form	<p>Floor to ceiling heights will be limited to 3.5 metres.</p> <p>Urban design guidelines will be developed for single lots, integrated lots, and residential flat buildings prior to the first stage of development, to be outlined in the project staging plan to be submitted with the first project application.</p>	Director-General of Department of Planning	Prior to or with submission of first Project Applications for building works	N/A
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>	Director-General of Department of Planning	Prior to or with submission of first Project Applications for building works	Refer to EIS

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	<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 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>			
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>	Director-General	Prior to or with submission of first Project Applications for building works	<p>Generally consistent with MP 06_130</p> <p>Refer to EIS</p>

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	<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 <i>D. biflora</i> plants and habitat; • Fencing and flagging of all <i>D. biflora</i> plants to be retained within the development area. A minimum of two <i>D. biflora</i> habitats will be retained to the east and west of the village green. Any <i>D. biflora</i> habitats located in the APZ will be managed accordingly; • Translocation of soil and seeds from <i>D. biflora</i> 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; <ul style="list-style-type: none"> ○ A monitoring program will be developed to ensure the viability of the <i>D. biflora</i> and determine the success of translocation of seeds. 			

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	<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 understorey 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 			

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	<p>ecologists on site during all vegetation clearance activities to capture any displaced fauna;</p> <ul style="list-style-type: none"> • Harvesting of seed banks for the 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 threatened species and habitats will be provided to ensure greater awareness and involvement.</p>			

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	<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>			
Trees	<p>A Landscape Management Plan for the site that will address:</p> <p>Retention or replacement of planting around the oval.</p> <p>Long term preservation and maintenance of tree assets.</p> <p>Retention and maintenance of planting along the entry road from Eton Road.</p> <p>Retention of the planted retaining wall between the existing oval and tennis courts retained.</p>	Director-General	Prior to or with submission of first Project Applications for building works	Generally consistent with MP 06_130 Refer to EIS
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. 	Director-General	Prior to or with submission of any subsequent Project Application	Infrastructure and services will be provided in accordance with the EIS

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	<ul style="list-style-type: none"> • Gas, Power and Potable water will be augmented where required to meet the requirements of new development. <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>			
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</p>	Director-General of Department of Planning	Prior to occupation and then on-going	The development will be undertaken in accordance with the Planning for Bushfire guidelines.

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	<p>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>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</p>			

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	<p>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>			

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	Construction of all buildings will be Level 3 construction.			
Transport	<p>A minimum of 320 car-parking spaces to be retained for the adaptive re-use of the existing 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.</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>Minister</p> <p>Director-General</p>	<p>With a future Project Application for re-use of the existing buildings</p> <p>Prior to or with submission of first Project Applications for building works</p>	Refer to EIS
Heritage	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			The adaptive reuse of the main building respects the architectural integrity and quality of the building.

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	<p>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>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</p> <p>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>			

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	Any archaeological findings will be referred to Heritage Office.			
Geotechnical	A detailed geotechnical investigation will be submitted with the first Project Application.	Director-General	Prior to or with submission of first Project Applications for building works	N/A
Community Facilities	<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>		Prior to or with submission of first Project Applications for building works	N/A

Table 2: Concept Approval MP 06_130 (as modified) – Schedule 1 and 2

Condition	Specifics	Proposal/Comment
PART A – Terms of Approval		
A1. Development Description	(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.	Noted
A2. Development in Accordance with Plans and Documentation	<p>(1) Except as modified by this approval, the development shall generally be in accordance with the following plans and documentation (including any appendices therein):</p> <p>(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</p> <p>(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.</p> <p>(2) In the event of an inconsistency between:</p> <p>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;</p>	The proposal is generally consistent with the particulars of the Concept Plan.

Condition	Specifics	Proposal/Comment
PART A – Terms of Approval		
	<p>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</p> <p>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.</p>	
A3. Lapsing of Consent	(1) Approval of Major Project No. MP06-0130 shall lapse 5 years after the determination date in Part A of Schedule 1 unless an application is submitted to carry out a development for which concept approval has been given.	Noted
PART B – Modifications to the Concept Plan		
B1. Urban Design Guidelines	<p>(1) The Design Guidelines referred to on page 2 of the revised Statement of Commitments are to have regard to DCP 55 Railway/Pacific Highway Corridor St Ives centre adopted by Council on 14 December 2004 and DCP 38 Residential Design Manual adopted by Council on 20 December 2001;</p> <p>(2) Are to be prepared to the satisfaction of Council; and</p> <p>(3) Provided prior to the lodgement of the first application for development on the Site.</p>	N/A

Condition	Specifics	Proposal/Comment
PART A – Terms of Approval		
B2. Landscaping	<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; and c) 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>	A landscape design has been prepared to suit the new school use. Refer to Appendix D .
B3. Dwelling Yield	(1) The Concept Plan is modified to reduce to the maximum number of dwellings on the Site to 345 in accordance with Figure 1 of this Consent.	N/A
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.	N/A
B5. Setbacks	(1) The following modifications refer to Figure 1 of this Consent.	N/A

Condition	Specifics	Proposal/Comment
PART A – Terms of Approval		
	<p>(2) Building ‘A’ of Precinct 1 is modified to provide a minimum setback of 4.5m from the Film Australia Boundary.</p> <p>(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.</p> <p>(4) Deleted</p>	
B6. Height	<p>(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.</p> <p>(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.</p>	N/A
B7. Stormwater Management	<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> <p style="padding-left: 40px;">a) integrated with the Threatened Species Management Plan referred to on page 3 of the revised Statement of Commitments; and</p> <p style="padding-left: 40px;">b) revised in accordance with any modifications undertaken as part of this Consent.</p>	The proposal is generally consistent with the Concept Approval. Updated stormwater concepts and a biodiversity management strategy are provided in Appendix G and Appendix R .

Condition	Specifics	Proposal/Comment
PART A – Terms of Approval		
	(2) The Plan referred to in B7(1) of this Consent is to be provided prior the first application for development on the Site.	
B8. Bushfire Protection	<p>(1) The Concept Plan is to be modified in consultation with Rural Fire Service to include:</p> <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. <p>(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.</p> <p>(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.</p>	Refer to Appendix U .

Condition	Specifics	Proposal/Comment
PART A – Terms of Approval		
B9. Flora and Fauna	<p>(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:</p> <ul style="list-style-type: none"> 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. <p>(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.</p> <p>(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.</p>	The proposal is generally consistent with the Concept Approval. An updated biodiversity management strategy is provided in Appendix G .
B10. Traffic, Transport and Parking	(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.	Refer to Appendix J .

Condition	Specifics	Proposal/Comment
PART A – Terms of Approval		
	(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.	
B11. Staging, Construction and Demolition	<p>(1) The Staging Plan referred to on page 1 of the revised Statement of Commitments is to apply to the approved Concept Plan and is to detail bulk earthworks proposed.</p> <p>(2) A Construction Management Plan must be submitted prior to or with an application for the first development on the Site to the satisfaction of Council and is to:</p> <ul style="list-style-type: none"> a) be integrated with the Threatened Species Management Plan referred to on page 3 of the Revised Statement of Commitments; and integrated with the Staging Plan referred to in B11(1) of this Consent <p>(3) Deleted</p>	Bulk earthworks are not proposed. Minor excavation is proposed for landscaping and footings and will be undertaken in accordance with the CMP at Appendix V .
B12. Utilities	(1) The Concept Plan is modified to ensure all electricity and gas lines shall be accommodated underground where ecological or landscape outcomes are not compromised.	Refer to Appendix Q .

Condition	Specifics	Proposal/Comment
PART A – Terms of Approval		
B13. Contributions	<p>(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 2008 in accordance with those commitments, including:</p> <p>(a) 9,800sq.m of land for an adult sized soccer field and curtilage to Council;</p> <p>(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</p> <p>(c) land zoned E1 to DECC.</p> <p>Note: These items will be in lieu of s.94 Contributions in future applications.</p> <p>(2) The land identified in B13 (1)(a),(b) and (c) above is to be transferred to the State or Council (as indicated above) at no cost.</p> <p>(3) Arrangements for the transfer of land identified in:</p> <p>(a) B13(1)(a) is to occur prior to or with first application for development on the Site;</p>	<p>N/A</p> <p>The proposal does not impact the sport field and 300m² community facility.</p>

Condition	Specifics	Proposal/Comment
PART A – Terms of Approval		
	<p>(b) B13(1)(b) is to occur prior to occupation of the building in which it is to be located;</p> <p>(c) B13(1)(c) is to occur prior to or with the first application for development on the Site.</p> <p>(4) Internal roads must be dedicated to Council, in the event that Council are unwilling to accept this dedication, a positive covenant must be placed on the title of that land to allow public access.</p> <p>(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.</p>	
B14. Dedication and Management of Roads	<p>(1) The proponent is to dedicate, in accordance with any Council requirements, the road entrance to the Site from the end of the public road to the sports oval and car parking area and bus stop to allow for public access.</p> <p>(2) The dedication referred to in (1) shall be undertaken prior to the lodgement of the first application for development on the Site.</p>	N/A

Condition	Specifics	Proposal/Comment
PART A – Terms of Approval		
B15. Plans and Guidelines	(1) Unless otherwise stated in this Consent, all plans and guidelines referred to in the revised Statement of Commitments are to be provided to Council to the Council's satisfaction with any dispute to be decided by the Director General of the Department of Planning.	Noted
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.	The gymnasium building is retained for indoor recreation, related community activities, and educational uses.

Table 3: Concept Approval MP 06_130 (as modified) – Schedule 3

Condition	Specifics	Proposal/Comment
A1 Further approvals and the carrying out of works / activities	(1) Where future development is subject to Part 4 or Part 5 of the Act, the consent authority must only determine future applications for development where they are consistent with the terms of approval of Concept Plan No. 06_0130 as described in Part A of Schedule 1 and subject to the modifications of approval set out in Parts A and B of Schedule 2 and 3.	The Part 4 proposal is consistent with the terms of approval and Schedule 2 and 3
	(2). In accordance with section 75P(2)(a1) of the Environmental Planning and Assessment Act, future applications for approval must comply with the following conditions.	The Part 4 proposal is consistent with Schedule 3
A2. Design Guidelines	(1) Future development applications are to be in accordance with the design guidelines referred to on page 2 of the revised Statement of Commitments.	N/A
A3. Urban Design	(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.	N/A
A4. Flora and Fauna	(1) All future development is to be undertaken in accordance with the 'Guidelines for Developments Adjoining Department of Environment and Conservation Land" by DECC dated August 2006.	Noted

Condition	Specifics	Proposal/Comment
A5. Bushfire Protection	(1) Future uses are not to require the extension of Asset Protection Zones provided in the PPR.	Generally consistent with PPR
	(2) Uses constituting 'Special Fire Protection Purposes' as defined in Planning for Bushfire Protection 2006 are to be undertaken in consultation with the NSW Rural Fire Service.	RFS has been consulted