



New South Wales

# **State Environmental Planning Policy (Major Projects) 2005 (Amendment No 30)**

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979* in accordance with the recommendation made by the Minister for Planning. (S07/00929)

FRANK SARTOR, M.P.,  
Minister for Planning

## **State Environmental Planning Policy (Major Projects) 2005 (Amendment No 30)**

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### **1 Name of Policy**

This Policy is *State Environmental Planning Policy (Major Projects) 2005 (Amendment No 30)*.

### **2 Aims of Policy**

The aims of this Policy are:

- (a) to identify the land to which this Policy applies (being the UTS Ku-ring-gai Campus site) as a State significant site under *State Environmental Planning Policy (Major Projects) 2005*, and
- (b) to establish appropriate zoning and other development controls for the site in a manner consistent with the Sydney Metropolitan Strategy, and
- (c) to provide for a range of compatible land uses and a variety of housing types, and
- (d) to conserve the UTS Ku-ring-gai Campus main building, and
- (e) to promote a high standard of urban and architectural design of development, and
- (f) to maximise the protection of bushland on the site.

### **3 Land to which Policy applies**

This Policy applies to the land shown edged heavy red on the map marked “State Environmental Planning Policy (Major Projects) 2005 (Amendment No 30)—UTS Ku-ring-gai Campus—Land Application Map” held at the head office of the Department.

### **4 Amendment of State Environmental Planning Policy (Major Projects) 2005**

*State Environmental Planning Policy (Major Projects) 2005* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Clause 4)

### Schedule 3 State significant sites

Insert in appropriate order in the Schedule (before the maps):

## Part 30 UTS Ku-ring-gai Campus site

### Division 1 Preliminary

#### 1 Land to which Part applies

This Part applies to the land shown edged heavy red on the Land Application Map, referred to in this Part as the *UTS Ku-ring-gai Campus site*.

#### 2 Interpretation

(1) In this Part:

*Building Height Map* means the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 30)—UTS Ku-ring-gai Campus—Building Height Map.

*Council* means the Ku-ring-gai Council.

*Heritage Map* means the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 30)—UTS Ku-ring-gai Campus—Heritage Map.

*Land Application Map* means the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 30)—UTS Ku-ring-gai Campus—Land Application Map.

*Land Zoning Map* means the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 30)—UTS Ku-ring-gai Campus—Land Zoning Map.

(2) A word or expression used in this Part has the same meaning as it has in the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006* unless it is otherwise defined in this Part.

#### 3 Consent authority

The consent authority for development on land in the UTS Ku-ring-gai Campus site, other than development that is a project to which Part 3A of the Act applies, is the Council.

**4 Maps**

- (1) A reference in this Part to a named map adopted by this Part is a reference to a map by that name:
  - (a) approved by the Minister when the map is adopted, and
  - (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the Minister when the instruments are made.
- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Policy to any such named map is a reference to the relevant part or aspect of the single map.
- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.
- (4) For the purposes of this Part, a map may be in, and may be kept and made available in, electronic or paper form, or both.

**5 Relationship with other environmental planning instruments**

The only environmental planning instruments that apply according to their terms, to land within the UTS Ku-ring-gai Campus site are this Policy and all other State environmental planning policies except *State Environmental Planning Policy No 1—Development Standards*.

**Division 2 Provisions applying to development within UTS Ku-ring-gai Campus site****6 Application of Part**

This Part applies with respect to development within the UTS Ku-ring-gai Campus site and so applies whether or not the development is a project to which Part 3A of the Act applies.

**7 Land use zones**

- (1) For the purposes of this Part, land within the UTS Ku-ring-gai Campus site is in a zone as follows if the land is shown on the Land Zoning Map as being within that zone:
  - (a) Zone R1 General Residential,
  - (b) Zone R2 Low Density Residential,
  - (c) Zone B4 Mixed Use,
  - (d) Zone RE1 Public Recreation,

- (e) Zone E1 National Parks and Nature Reserves,
  - (f) Zone E3 Environmental Management.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

#### **8 Zone R1 General Residential**

- (1) The objectives of Zone R1 Residential are as follows:
- (a) to provide for the housing needs of the community,
  - (b) to provide for a variety of housing types and densities,
  - (c) to enable other land uses that provide facilities or services to meet the day to day needs of residents,
  - (d) to provide for development that is compatible with the environmental and heritage qualities of the locality,
  - (e) to promote a high standard of urban and architectural design of development,
  - (f) to promote the establishment of a sustainable community.
- (2) Development for any of the following purposes is permitted without consent in Zone R1 General Residential:
- home occupations; roads.
- (3) Development for any of the following purposes is permitted only with development consent in Zone R1 General Residential:
- attached dwellings; boarding houses; child care centres; community facilities; dwelling houses; group homes; hostels; multi dwelling housing; neighbourhood shops; places of public worship; residential flat buildings; residential care facilities; semi-detached dwellings; seniors housing; shop top housing.
- (4) Except as otherwise provided by this Policy, development is prohibited on land within Zone R1 General Residential unless it is permitted by subclause (2) or (3).

#### **9 Zone R2 Low Density Residential**

- (1) The objectives of Zone R2 Low Density Residential are as follows:
- (a) to provide for the housing needs of the community within a low density residential environment,
  - (b) to enable other land uses that provide facilities or services to meet the day to day needs of residents.

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- (2) Development for any of the following purposes is permitted without consent in Zone R2 Low Density Residential:  
home occupations; roads.
- (3) Development for any of the following purposes is permitted only with development consent in Zone R2 Low Density Residential:  
dwelling houses; group homes.
- (4) Except as otherwise provided by this Policy, development is prohibited on land within Zone R2 Low Density Residential unless it is permitted by subclause (2) or (3).

### 10 Zone B4 Mixed Use

- (1) The objectives of Zone B4 Mixed Use are as follows:
  - (a) to provide a mixture of compatible land uses,
  - (b) to integrate suitable business, office, residential, retail and other development so as to maximise public transport patronage and encourage walking and cycling and without adversely impacting on heritage items.
- (2) Development for any of the following purposes is permitted only with development consent in Zone B4 Mixed Use:  
boarding houses; business premises; child care centres; community facilities; educational establishments; entertainment facilities; function centres; hotel or motel accommodation; information and education facilities; kiosks; neighbourhood shops; office premises; passenger transport facilities; recreation facilities (indoor); registered clubs; retail premises; roads; seniors housing; shop top housing.
- (3) Except as otherwise provided by this Policy, development is prohibited on land within Zone B4 Mixed Use unless it is permitted by subclause (2).

### 11 Zone RE1 Public Recreation

- (1) The objectives of Zone RE1 Public Recreation are as follows:
  - (a) to enable land to be used for public open space or recreational purposes,
  - (b) to provide a range of recreational settings and activities and compatible land uses,
  - (c) to protect and enhance the natural environment for recreational purposes.

- (2) Development for any of the following purposes is permitted without development consent on land within Zone RE1 Public Recreation:  
car parks; roads.
- (3) Development for any of the following purposes is permitted only with development consent in Zone RE1 Public Recreation:  
kiosks; recreation areas.
- (4) Except as otherwise provided by this Policy, development is prohibited on land within Zone RE1 Public Recreation unless it is permitted by subclause (2) or (3).

**12 Zone E1 National Parks and Nature Reserves**

- (1) The objectives of Zone E1 National Parks and Nature Reserves are as follows:
  - (a) to enable the management and appropriate use of land that is reserved under the *National Parks and Wildlife Act 1974* or that is acquired under Part 11 of that Act,
  - (b) to enable uses authorised under the *National Parks and Wildlife Act 1974*,
  - (c) to identify land that is to be reserved under the *National Parks and Wildlife Act 1974* and to protect the environmental significance of that land.
- (2) Development for any of the following purposes is permitted without development consent on land within Zone E1 National Parks and Nature Reserves:  
uses authorised under the *National Parks and Wildlife Act 1974*.
- (3) Except as otherwise provided by this Policy, development is prohibited on land within Zone E1 National Parks and Nature Reserves unless it is permitted by subclause (2).

**13 Zone E3 Environmental Management**

- (1) The objectives of Zone E3 Environmental Management are as follows:
  - (a) to protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values,
  - (b) to provide for a limited range of development that does not have an adverse effect on those values.

- (2) Development for any of the following purposes is permitted without development consent on land within Zone E3 Environmental Management:  
environmental protection works.
- (3) Development for any of the following purposes is permitted only with development consent on land within Zone E3 Environmental Management:  
dwelling houses; roads.
- (4) Except as otherwise provided by this Policy, development for any of the following purposes is prohibited on land within Zone E3 Environmental Management:  
industries; multi dwelling housing; residential flat buildings; retail premises; seniors housing; service stations; warehouse or distribution centres; any other development not specified in subclause (2) or (3).

**14 Public utility undertakings excepted**

Development for the purpose of a public utility undertaking that is carried out on land within the UTS Ku-ring-gai Campus site does not require development consent.

**Note.** As a consequence of the removal of the requirement from development consent under Part 4 of the Act, development for the purposes of public utility undertakings is subject to the environmental assessment and approval requirements of Part 5 of the Act or, if it is applicable, Part 3A of the Act.

**15 Exempt and complying development**

Development within the UTS Ku-ring-gai Campus site that satisfies the requirements for exempt development or complying development specified in *Ku-ring-gai Development Control Plan No 46—Exempt and Complying Development*, adopted by the Council on 16 November 1999, is exempt development or complying development, as appropriate.

**16 Exceptions to development standards**

- (1) The objectives of this clause are:
  - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and
  - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.



- (2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
  - (3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
    - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
    - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
  - (4) Consent must not be granted for development that contravenes a development standard unless:
    - (a) the consent authority is satisfied that:
      - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
      - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
    - (b) the concurrence of the Director-General has been obtained.
  - (5) In deciding whether to grant concurrence, the Director-General must consider:
    - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
    - (b) the public benefit of maintaining the development standard, and
    - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.
  - (6) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
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- (7) This clause does not allow consent to be granted for development that would contravene any of the following:
- (a) a development standard for complying development,
  - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated.

### 17 Height of buildings

- (1) The objectives of this clause are as follows:
- (a) to protect the heritage significance of the UTS Ku-ring-gai Campus main building,
  - (b) to protect the views to the UTS Ku-ring-gai Campus main building.
- (2) The height of a building on any land within the UTS Ku-ring-gai Campus site is not to exceed the maximum height shown for the land on the Building Height Map.

### 18 Maximum number of dwellings

The consent authority must not grant development consent for the erection of a dwelling on land within the UTS Ku-ring-gai Campus site if the number of dwellings within that site would exceed 345.

### 19 Controls relating to miscellaneous permissible uses

(1) **Kiosks**

If development for the purposes of a kiosk is permitted under this Part, the gross floor area must not exceed 40 square metres.

(2) **Neighbourhood shops**

If development for the purposes of a neighbourhood shop is permitted under this Part, the gross floor area must not exceed 80 square metres.

(3) **Retail premises**

If development for the purposes of retail premises is permitted under this Part, the gross floor area must not exceed 80 square metres.

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**20 Heritage conservation**

- (1) A person must not, in respect of a building, work, relic, tree or place that is a heritage item:
  - (a) demolish, dismantle, move or alter the building, work, relic, tree or place, or
  - (b) damage or remove the relic, or
  - (c) excavate land for the purpose of discovering, exposing or moving the relic, or
  - (d) damage or despoil the tree or place, or
  - (e) erect a building on, or subdivide, land on which the building, work or relic is situated or that comprises the place, or
  - (f) damage any tree or land on which the building, work or relic is situated or on the land which comprises the place, or
  - (g) make structural changes to the interior of the building or work,except with the consent of the consent authority.
- (2) The consent authority may grant consent to development for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though development for that purpose would otherwise not be allowed by this Part, if the consent authority is satisfied that:
  - (a) the conservation of the heritage item is facilitated by the granting of consent, and
  - (b) the proposed development is in accordance with a heritage conservation management plan that has been approved by the consent authority, and
  - (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage conservation management plan is carried out, and
  - (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, and
  - (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.
- (3) Consent is not required under this clause if the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before

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any work is carried out that it is satisfied that the proposed development:

- (a) is of a minor nature, or is for the maintenance of the heritage item, and
  - (b) would not adversely affect the significance of the heritage item.
- (4) In this clause, *heritage item* means the building known as the UTS Ku-ring-gai Campus main building, excluding the gymnasium, as shown on the Heritage Map.

### 21 Bush fire hazard reduction

Bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without consent.

**Note.** The *Rural Fires Act 1997* also makes provision relating to the carrying out of development on bush fire prone land.

BY AUTHORITY

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