

09101
17 April 2009

Mr Sam Haddad
Director-General
Department of Planning
GPO Box 39
SYDNEY NSW 2000

Attention: Simon Bennett

Dear Mr Haddad

**MODIFICATION TO MP 06_0172
PROJECT APPLICATION APPROVAL FOR THE NEW MACQUARIE UNIVERSITY PRIVATE
HOSPITAL**

We are writing on behalf of Macquarie University and MUPH Hospital Pty Limited (a joint venture of Macquarie University and Dalcross Holdings Pty Limited), to request that the Minister (or her delegate) modify Project Application approval MP 06_0172 under Section 75W of the *Environmental Planning and Assessment Act 1979* to allow for subdivision of the development site at No. 2 and No. 3 Technology Place, North Ryde (**Development Site**). Project approval for development of the **Development Site**, as described below, was granted by the previous Minister on 13 May 2007, subject to conditions.

1.0 BACKGROUND

The current approval allows for demolition of existing improvements and the construction of an 18,709m², 208-bed, 6 storey private hospital at No. 3 Technology Place (**Private Hospital**). The Private Hospital includes basement car parking for 228 vehicles and the approval for the Private Hospital included associated site landscaping and infrastructure works, and the construction of a pedestrian bridge across Technology Place (to connect the Private Hospital with the proposed building at No. 2 Technology Place).

The Part 3A Project Application approval incorporates the previous Part 4 Development Consent 676/2001 granted by The City of Ryde Council on 1 November 2001. The Part 4 development consent relates to No. 2 Technology Place and authorised the construction of a 5 storey, 'Research and Development' office building (**Clinic Building**), and associated landscaping and car parking for 250 cars (as modified by the City of Ryde Council on 23 June 2005). The Part 3A approval also authorised the change of use of the Clinic Building to specialist consulting rooms.

Since the approval of MP 06_0172 in May 2007, the following applications have been approved by the Department of Planning:

- MP 06_0172(1), approved on 23 January 2008, for internal modifications and alterations to the pedestrian bridge to include an additional level within the pedestrian bridge;
- MP 06_0172(2), approved on 3 December 2008, which included internal and external design changes to the building; and

- MP 06_0172(3), approved on 12 February 2009, for internal, external and facade modifications to the building.

2.0 PURPOSE OF MODIFICATION

The modification for which approval is sought in this letter is the subdivision of the Development Site. It is our view that this modification is correctly assessed under Part 3A. To confirm the validity of the subject application as a Part 3A modification, please find attached legal advice prepared by Deacons.

The purposes of the proposed subdivision are to:

- ensure that the Development Site is not within the main title for the University; and
- enable a stratum subdivision, so that the Private Hospital and the Clinic Building are each contained within a separate title.

The subdivision is required to finalise arrangements between the University and MUPH Hospital Pty Limited. Those arrangements are necessary to give effect to each party's obligations concerning the establishment and administration of the Private Hospital and the Clinic Building. The stratum subdivision will also enable the registration of a building management statement, to govern the use of facilities which are shared between the Private Hospital and the Clinic Building.

In addition, the subdivision is to facilitate the creation of rights of way, easements, and other arrangements necessary as part of leasing arrangements with Energy Australia and other services providers, as required.

3.0 PROPOSED MODIFICATION

Approval is sought for subdivision which will create:

- a stratum lot for the Private Hospital;
- a stratum lot for the Clinic Building; and
- a single freehold lot, comprising the residue of the existing title (primarily being a large part of the University).

It is intended that the subdivision will occur in either 1 stage or 2 stages, depending on the outcome of current discussions with the Department of Lands. If time permits, having regard to the requirements of the Department of Lands, the subdivision will occur in one stage. Otherwise, the subdivision is proposed to occur in 2 stages. The first stage would involve the creation of 2 freehold lots; one lot being the Development Site and the other lot comprising the residue of the existing title. The second stage would then involve the subdivision of the Development Lot, by registration of a plan which:

- creates a stratum lot for the Private Hospital;
- creates a stratum lot for the Clinic Building; and
- consolidates a roadway between the Private Hospital and the Clinic Building with the main title for the University.

Draft plans for the proposed subdivision have been prepared by Rygate & Company Pty Ltd and are enclosed with this letter. It is intended that easements will be created, and a building management statement drafted, to facilitate access to the Development Site from public roads and to deal with facilities and services shared between the Private Hospital and the Clinic Building. In addition,

easements are to be created in favour of Energy Australia in relation to electricity lines and substations within the Development Lot. The approximate locations of the easements in favour of Energy Australia are shown on the draft plans. The terms of those easements are currently being negotiated with Energy Australia. We are seeking a modification to the existing approval of the Minister for Planning to permit both the single stage subdivision process and the 2 stage subdivision process described above.

To implement the proposals described above, this application seeks to modify Condition A1 and A2 of the original consent for MP 06_0172 as shown below. The proposed amended wording of the relevant conditions is identified below. Words proposed to be deleted are shown in **~~bold-strike through~~** and words to be inserted are shown in ***bold italics***.

Condition A1 Development Description

Project Approval is granted only to the carrying out of the following development:

- demolition of all buildings, structures and landscaping at No.3 Technology Place;
- staged construction of an 18,709sq.m, 208-bed, 6 storey private hospital at No. 3 Technology Place including basement car parking for 228 vehicles, associated site landscaping and infrastructure works and a pedestrian bridge across Technology Place (connecting to No. 2 Technology Place);
- amendments to the basement, internal layout and facade of the building approved on No. 2 Technology Place;
- use of the proposed building at No. 2 Technology as specialist consulting rooms and the like in conjunction with the private hospital constructed at No. 3 Technology Place; ***and***
- ***subdivision of land comprised in lot 182 in deposited plan 1112777 to create a stratum lot for the private hospital (at No 3 Technology Place), a stratum lot for the specialist consulting rooms (at No 2 Technology Place) and a freehold lot for the residue of the existing title.***

Condition A2 Development in Accordance with Plans and Documentation

The development shall be in accordance with the following plans and documentation:

Macquarie University Private Hospital Environmental Assessment
Architectural (or Design) Drawings Prepared by Health Projects International Pty Limited Architects
and Health Facility Planners and Rygate & Company Pty Ltd

Drawing No.	Revision	Name of Plan	Date
<i>Subdivision Plans</i>			
72840	1	<i>Proposed Stratum Subdivision – Basement Levels</i>	17.09.2007
72840	1	<i>Proposed Stratum Subdivision – Ground, Level1, Level2</i>	17.09.2007
78240	1	<i>Proposed Stratum Subdivision – Levels 2&3</i>	17.09.2007
73614	1	<i>Plan of Easement for Electricity Purposes</i>	
73626	1	<i>Plan showing Substation Premises No. and Right of Way</i>	17.03.2009

4.0 PLANNING AND ENVIRONMENTAL ASSESSMENT

It is in our view that the scope of modification sought in the context of the original approval is minor and administrative and will only necessitate modification to include subdivision within Condition A1 and subdivision plans within Condition A2. The proposal does not present any new or increased environmental impacts and therefore we believe no further advertising, notification, exhibition or consultation is required with any party.

We trust this request for a modification contains all the necessary information and can be processed promptly to allow the current construction program to continue unhindered consistent with the original approval. Consistent with the provisions of relevant legislation, please find enclosed the fee of \$750.00 for the assessment of the request, the s75W modification application form and the requisite landowner's consent.

If you have any queries or would like to discuss this matter further, please do not hesitate to contact me on 9409 4940 or oklein@jbaplanning.com.au.

Yours sincerely



Oliver Klein
Principal Planner

Encl:

1 set of A3 subdivision plans by Rygate & Company Pty Ltd

cc. Cameron Downing (Definity - on behalf of Macquarie University)
cc. Kim Saxon (Macquarie University Property Investment Trust)
cc. Judith Trembath (Macquarie University - Office of General Counsel)
cc. Malcolm Naylor (Aurora Projects Pty Ltd - Project Director)



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6 April 2009

Mr Sam Haddad
Director-General
NSW Department of Planning
GPO Box 39
SYDNEY NSW 2000

Attention: Simon Bennett

Dear Mr Haddad

**LANDOWNER'S CONSENT - LETTER OF AUTHORISATION
MACQUARIE UNIVERSITY PRIVATE HOSPITAL DEVELOPMENT
NO. 2 AND 3 TECHNOLOGY PLACE, NORTH RYDE (Development Site)**

Macquarie University is the registered proprietor of Lot 182 in DP 1112777 which land includes the Development Site.

Aurora Projects Pty Ltd of Level 6, 50 Berry Street, North Sydney has been authorised by Macquarie University and MUPH Hospital Pty Limited (a joint venture of Macquarie University and Dalcross Holdings Pty Limited) to request the Minister (or her delegate) to modify Project Application approval MP 06_0172 under Section 75W of the *Environmental Planning and Assessment Act 1979* to allow for subdivision of the Development Site. The authority of Aurora Projects Pty Ltd extends to represent Macquarie University and MUPH Hospital Pty Limited in discussions with the Department until the request for modification has been determined.

Accompanying this letter is the Request to Modify a Major Project prepared by Aurora Projects Pty Ltd together with a letter by JBA Urban Planning Consultants Pty Ltd. JBA Urban Planning Consultants Pty Ltd have been engaged to assist Macquarie University and MUPH Hospital Pty Limited in this matter.

We look forward to your favourable determination of the application and await your early advice.

Should you have any queries about this matter, please do not hesitate to contact Mr Malcolm Naylor of Aurora Projects on 8920 1838 or m.naylor@auroraprojects.com.au

Yours faithfully



Professor Steven Schwartz
Vice Chancellor