

ASSESSMENT REPORT

Australian Hearing Hub MP 10_0032 MOD 4

1. INTRODUCTION

This report is an assessment of a request to modify the Project Approval for the Australian Hearing Hub development at Macquarie University in the Ryde local government area.

The request has been lodged by JBA Urban Planning Consultants Pty Ltd on behalf of Macquarie University (the Proponent) pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks approval to modify Condition E1 (Access and Traffic) to extend the timing for compliance with the condition by a further nine months.

2. SUBJECT SITE

The subject site is located 17 kilometres to the north-west of the Sydney CBD, within Macquarie University. The site is known as 21 University Avenue (Part Lot 191 DP 1157041), and is located at the junction of University Avenue and Macquarie Drive (see **Figure 1**).



Figure 1: Site Location

3. APPROVAL HISTORY

On 13 August 2009, the then Minister for Planning approved a Concept Plan (MP 06_0016) for the redevelopment of the Macquarie University Campus site. The Concept Plan Approval comprises the provision of 400,000 sqm of floorspace for commercial uses, 61,200 sqm of floorspace for academic uses, 3,450 student housing beds, associated infrastructure, car parking and landscaping. The Concept Plan Approval also identified a number of road upgrade works to facilitate the campus redevelopment and required the agreements for these upgrade works to be made with the first application for new commercial floorspace.

On 20 December 2012, a project application (MP 10_0032) was approved under delegation for the Australian Hearing Hub (AHH) at University Avenue, Macquarie University. The approved works comprise construction and fit-out of a six storey education building including:

- 23,182 sqm of gross floor area;
- two basement levels;
- 333 car spaces;
- laboratory, academic/research and office space; and
- ancillary commercial and retail uses.

The AHH was the first application to deliver new commercial floorspace for the campus and therefore the Department imposed conditions that required the Proponent to enter into the relevant agreements with Roads and Maritime Services (RMS) and Council in accordance with the Concept Plan requirements for road upgrade works prior to occupation of the building.

Three modifications have been made to the approved Project Application as outlined in **Table 1** below.

The construction was completed and the building occupied on 18 December 2012.

Table 1 – Modifications to approved Project Application MP10_0032

Mod No.	Description of Modification	Approved
Mod 1	Approved under delegation; <ul style="list-style-type: none">• to amend conditions E1 and E5. The approval deferred compliance with Condition E1 Access and Traffic from "prior to occupation" to "within 12 months after occupation of the building" and deferred payment of development contributions pursuant to Condition E5 Developer Contributions from "prior to occupation" to "within eight months after occupation of the building".	1 Nov 2012
Mod 2	Approved under delegation; <ul style="list-style-type: none">• to amend Condition E1 to allow for a further 12 months for resolution of the transport and traffic matters. The micro-simulation model funding agreements for any road works and potential amendment to the concept plan required by Condition E1 were still being resolved in discussions with Transport for NSW and Roads and Maritime Services (RMS).	14 Dec 2013
Mod 3	Approved under delegation; <ul style="list-style-type: none">• to extend the timing, by a further 12 months to satisfy the access and traffic condition requirements.	12 Dec 2014

4. PROPOSED MODIFICATION

On 4 December 2015, the Proponent lodged a section 75W modification application (MP 10_0032 MOD 4) seeking approval to modify Condition E1 to extend the timing from “within 36 months of occupation of the building” to “within 45 months of occupation of the building” to comply with the access and traffic condition requirements. The proposed changes to the condition are outlined below:

Access and Traffic

E1 Within ~~36~~ **45 months** of occupation of the building:

- (a) the detailed micro-simulation model, as required by Modification C10(2) in the Concept Plan MP06_0016 Approval, is to be completed in consultation with Council, the RMS, and Transport for NSW and submitted to the Department of Planning and Infrastructure for approval;
- (b) an agreement is also to be made with the RMS, as required by Modification C15(1) in the Concept Plan MP06_0016 Approval, for relevant road and intersection works within ~~36~~ **45 months** of occupation of the building;
- (c) the amendment to the Concept Plan, as required by Modification B5 in the Concept Plan MP06_0016 Approval, shall make provision for any setbacks along Balaclava Road (from Epping Road to University Avenue) and Waterloo Road (from Herring Road to Research Park Drive) to facilitate additional capacity improvements and bus priority, if identified as being required by the detailed micro-simulation model.

The Proponent has indicated that it has been working closely with RMS and the Department to finalise the requirements of the condition. Specifically, the Proponent has indicated that:

- Part (a) and (c) of the condition can now be satisfied (subject to the Department’s approval) as RMS has now provided its in-principle support for the micro-simulation model; and
- Part (b) of the condition is well advanced with the University agreeing to enter into a Voluntary Planning Agreement (VPA) with the Department (on behalf of RMS) to provide a monetary contribution towards regional road and infrastructure upgrade works. A draft VPA has been prepared and is currently being reviewed by the University. The VPA is expected to be executed in early 2016.

Despite this progress, the Proponent requires additional time to finalise the outstanding matters with RMS and the Department.

5. STATUTORY CONSIDERATION

5.1 Section 75W

The project was originally approved under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Although Part 3A was repealed on 1 October 2011, the project remains a ‘transitional Part 3A project’ under Schedule 6A of the EP&A Act, and hence any modification to this approval must be made under the former section 75W of the Act.

The Department is satisfied that the proposed changes are within the scope of section 75W of the EP&A Act, and do not constitute a new application.

5.2 Approval Authority

The Minister for Planning is the approval authority for the application. However, the Acting Director, Regional Assessments may determine the application under delegation as:

- the relevant local Council has not made an objection; and
- a political disclosure statement has not been made; and
- there are no public submissions in the nature of objections.

6. CONSULTATION

The Department made the modification application publicly available on its website, and consulted with the RMS and Ryde City Council about the proposed modification.

Ryde City Council raised no objections to the proposed modification.

RMS also raised no objections to the extension, emphasising the importance of the extension to satisfy Condition E1 and Condition E1(b).

There were no public submissions received on the proposal.

7. ASSESSMENT

The Department considers the key issue associated with the proposed modification is ensuring that traffic arrangements are resolved in a timely manner.

As outlined in Section 4, the Proponent has demonstrated that it has been working closely with the RMS and the Department to finalise the requirements of Condition E1. The Department notes that the Proponent has made significant progress in finalising the requirements of the Condition and it is expected that all outstanding matters would be fully resolved in the first half of 2016.

The Department considers that a further nine month extension to satisfy the condition is acceptable given the complexity of the requirements and the significant level of work already completed. The Department is satisfied that the proposed nine month extension would provide the Proponent with a reasonable timeframe to satisfy the condition.

8. CONCLUSION

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposed modification is appropriate on the basis that an extension of nine months would ensure that the Proponent can fulfil its obligations under Condition E1 within a reasonable timeframe.


Consequently, it is recommended that the modification be approved subject to the recommended conditions.

9. RECOMMENDATION

It is **RECOMMENDED** that the Acting Director Regional Assessments as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report;
- **approves** the application under section 75W, subject to conditions; and
- **signs** the notice of modification (**Appendix A**).

Prepared by:
Ella Wilkinson
Regional Assessments



Fiona Gibson
Acting Team Leader
Regional Assessments



Anthony Witherdin
Acting Director
Regional Assessments

APPENDIX A: NOTICE OF MODIFICATION

The Notice of Determination can be found on the Department's website at the following address:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7428

APPENDIX B: SUPPORTING INFORMATION

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

1. Modification request

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7428

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7428