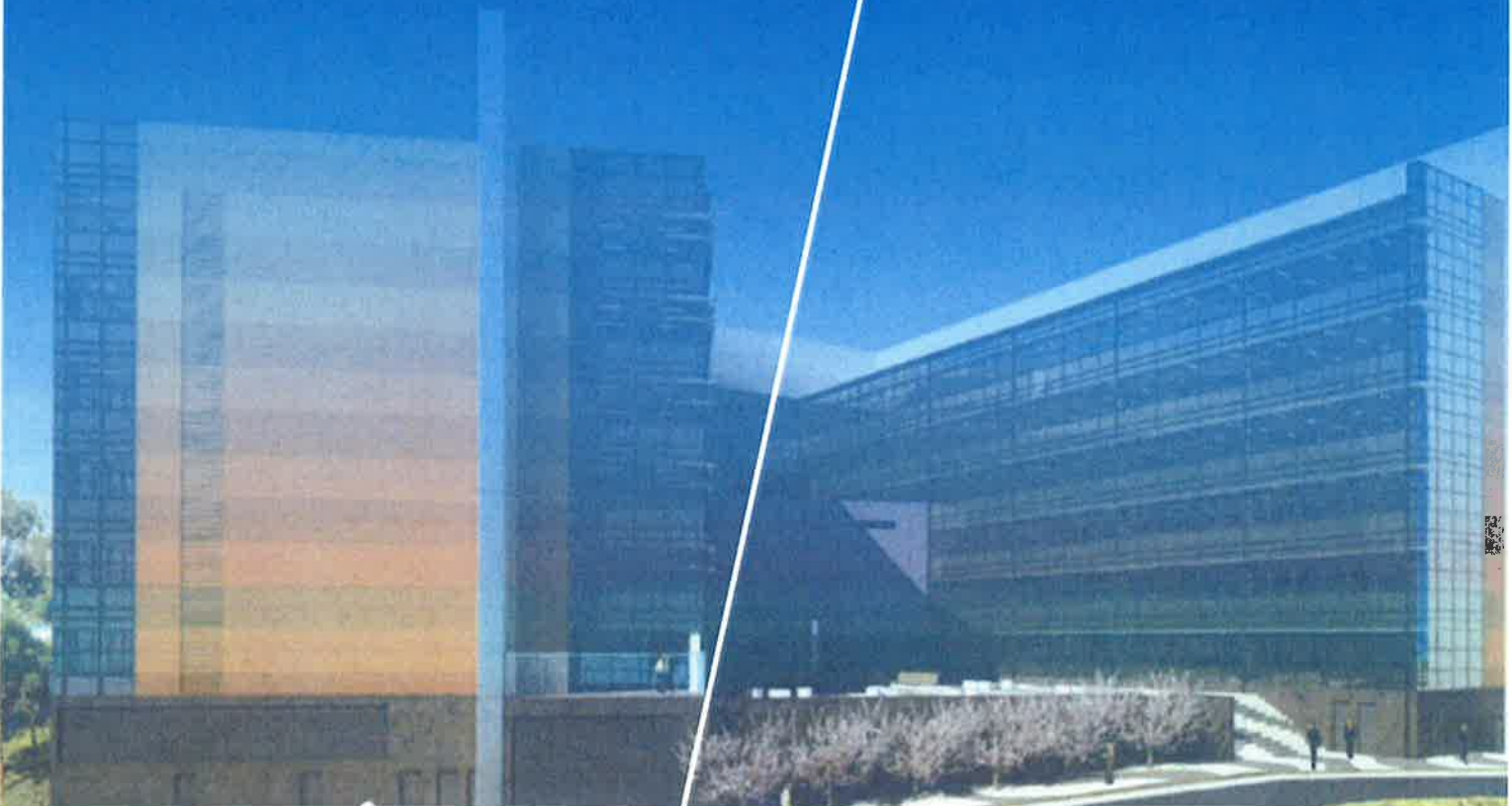




Australian Hearing Hub

*S75W Modification
Request
(MP 10_0032 MOD 5)*



December 2018

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Cover photo

Perspective view of the eastern elevation of the Australian Hearing Hub (Source: MP 10_0032)

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Glossary

Abbreviation	Definition
Proponent	Macquarie University
CBD	Central Business District
Concept Approval	Concept plan (MP 06_0016) for the redevelopment of the Macquarie University Campus site, approved 13 September 2009.
Council	City of Ryde Council
Department	Department of Planning and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPI	Environmental Planning Instrument
GFA	Gross floor area
LEP	Local Environmental Plan
Minister	Minister for Planning
Planning Secretary	Secretary of the Department of Planning and Environment
Project Approval	Project application (MP 10_0032) for the Australian Hearing Hub at University Avenue, Macquarie University, approved 20 December 2012.
RMS	Roads and Maritime Services
RTS	Response to Submissions
SEPP	State Environmental Planning Policy
SUP	Shared use path



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1. Introduction

1.1 Background

This report is an assessment of a request to modify the Project Approval (MP 10_0032) for the Australian Hearing Hub at Macquarie University, in the Ryde Local Government Area.

The proposal seeks approval to extend the timeframe for satisfying the requirements of Condition E1 relating to road and infrastructure works.

The request has been lodged by Macquarie University (the Proponent) pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.2 Subject site

The site is located within Macquarie University, approximately 10 km north-east of the Parramatta Central Business District (CBD) and 17 km north-west of the Sydney CBD. The site is triangular in shape, covers an area of approximately 7,200 m² and is bound by University Avenue to the south, Macquarie Walk to the north and vacant university land and car parking to the east (**Figure 1**).

The site contains a six-storey educational building known as the Australian Hearing Hub. The construction of the building was completed and the building occupied on 18 December 2012.



Figure 1 | The Australian Hearing hub site (outlined in red) and surrounding context (Base source: Nearmap)

1.3 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 (Concept Approval). The Concept Approval comprises:

- 400,000 m² gross floor area (GFA) for commercial uses
- 61,200 m² GFA for academic uses
- 3,450 student housing beds
- associated infrastructure, car parking and landscaping.

The Concept 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 project application for new commercial floorspace.

On 20 December 2012, the Director-General, as delegate of the Minister for Planning, approved a project application (MP 10_0032) for the Australian Hearing Hub at University Avenue, Macquarie University (Project Approval). The approved works comprise construction and fit-out of a six storey education building including:

- 23,182 m² GFA for:
 - laboratory, academic/research and office space
 - ancillary commercial and retail uses
- two basement levels for 333 car parking spaces.

The Australian Hearing Hub was the first application to deliver new commercial floorspace for the campus and therefore the Department imposed conditions (including Condition E1) that required the Proponent to enter into agreements with Roads and Maritime Services (RMS) and Council in accordance with the Concept Approval for road upgrade works prior to occupation of the building.

The Project Approval has been modified on four occasions as outlined in **Table 1**.

Table 1 | Modification of the Project Approval

MOD No.	Description of Modification	Approved
MOD 1	Amend Condition E1 Access and Traffic to defer compliance to 12 months after occupation and amend Condition E5 Developer Contributions to defer payment to eight months after occupation.	1 November 2012
MOD 2	Amend Condition E1 Access and Traffic to allow for a further 12 months for resolution of the transport and traffic matters.	14 December 2013
MOD 3	Amend Condition E1 Access and Traffic to allow for a further 12 months for resolution of the transport and traffic matters.	12 December 2014
MOD 4	Amend Condition E1 Access and Traffic to allow for a further 9 months for resolution of the transport and traffic matters.	20 January 2016

Condition E1 (as amended by MODs 1- 4) is quoted below:

Access and Traffic

- E1 *Within 45 months of occupation of the building:*
- a) *approval of the detailed micro-simulation model as required by Modification C10(2) in the Concept Plan MP06_0016 Approval has been obtained;*
 - b) *an agreement, as required by Modification C15(1) in the Concept Plan MP06_0016 Approval, has been entered into for the funding of relevant road and intersection works; and*
 - c) *any amendments to the Concept Plan required by Modification B5 in the Concept Plan MP06_0016 Approval to facilitate additional capacity improvements and bus priority, if identified as being required by the detailed micro-simulation model, has been finalised.*



2. Proposed Modification

The Proponent lodged a section 75W modification request (MP 10_0032 MOD 5) seeking approval to amend Condition E1 to extend the timeframe for finalising an agreement for road infrastructure works by 12 months.

The modification request initially proposed to amend Condition E1(c) to remove the requirement to provide setbacks along Balaclava Road and Waterloo Road and to facilitate additional capacity improvements. However, the Proponent has confirmed this amendment no longer forms part of the modification request.

The Proponent has indicated that it has been working closely with RMS and Council to finalise voluntary planning agreements (VPAs) and the other information requirements of Condition E1. However, despite this progress, the Proponent made the modification request to allow additional time to finalise/agree the VPAs with RMS and Council.



3. Statutory Context

3.1 Scope of Modifications

The project was originally approved under Part 3A of the EP&A Act. The project is a transitional Part 3A project under Schedule 2 to the EP&A (Savings, Transitional and Other Provisions) Regulation 2017. The power to modify transitional Part 3A projects under section 75W of the Act as in force immediately before its repeal on 1 October 2018 is being wound up – but as the request for this modification was made before the ‘cut-off date’ of 1 March 2018, the provisions of Schedule 2 (clause 3) continue to apply. Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may approve or disapprove the carrying out of the project.

The Department is satisfied that the proposed changes are within the scope of section 75W of the EP&A Act.

3.2 Approval Authority

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

- the relevant local council has not made an objection
- a political disclosure statement has not been made
- no public submissions have been received in objection to the proposal.



4. Engagement

4.1 Department's Engagement

The Department made the modification request publicly available on its website and notified relevant State and local government agencies in writing.

The Department received a total of two submissions, comprising submissions from Roads and Maritime Services (RMS) and City of Ryde Council (Council).

No submissions were received from the public.

4.2 Government agency Submissions

The key issues raised in submissions are summarised below.

Council did not object to the modification request but provided the following comments:

- Council does not support the amendment of Condition E1(c) to delete the commitment to provide road capacity improvements
- the Proponent should enter into a VPA to provide necessary infrastructure upgrades

RMS objected to the amendment of Condition E1(c) to delete the commitment to provide road capacity improvements. RMS also recommended the timing of the finalisation of the agreement for road and infrastructure works should only be deferred by six months (rather than 12 months).

4.3 Response to Submissions

Following the notification of the modification request, the Department placed copies of all submissions received on its website and requested the Proponent provide a response to the issues raised.

The Proponent submitted a Response to Submissions (RtS) (**Appendix A**) providing further information and clarification of the key issues raised in submissions and amended the modification request as follows:

- extend the timing of Condition E1 until 23 February 2019
- the modification request no longer proposes to reword Condition E1(c) to remove the commitment to provide setbacks and road capacity improvements
- in response to negotiations the original VPA required under Condition E1(b) has been separated into two separate VPAs comprising:
 - an agreement with RMS for outstanding road infrastructure upgrades to satisfy Condition E1(b) of the Project Approval and Condition C15(1) of the Concept Approval
 - an agreement with Council for the construction of the Shared Use Path (SUP) to satisfy Condition C15(2) of the Concept Approval

The Department made the RtS publicly available on its website and re-notified the modification request to Council and RMS.

Council confirmed it is now reviewing the draft VPA for the SUP provided by the Proponent and anticipates agreeing a final version by the end of the year.

RMS reviewed the RtS and agrees to a 12-month extension from the date of the RtS (until 23 February 2019) to finalise outstanding matters.



5. Assessment

In assessing the merits of the proposal, the Department has considered:

- the modification request and associated documents
- the Environmental Assessment and conditions of approval for the original project (as modified)
- all submission received on the proposal and the Proponent's RtS
- relevant environmental planning instruments, policies and guidelines
- the requirements of the EP&A Act.

The Department considers the key issue associated with the proposal is extending the timeframe for satisfying the requirements of Condition E1.

5.1 Extend the timing of Condition E1

The Proponent has been working closely with the RMS and Council to address the requirements of Condition E1. However, it has been unable to finalise the VPAs required in accordance with Condition E1(b).

The Proponent has confirmed:

- it has agreed the micro-simulation model has been agreed with RMS in accordance with Condition E1(a)
- the two VPAs, which respond to the requirements of Condition E1(b), have been issued to Council and RMS, are at an advanced stage of negotiation and are likely to be finalised within the coming months
- a concept design for road / intersection works has now been agreed with RMS in accordance with Condition E1(c).

Council has confirmed it is reviewing the draft VPA for the SUP and anticipates agreeing a final version shortly. RMS raised no objection to extending the timing for road infrastructure works.

The Department notes that the Proponent has made significant progress in finalising the requirements of Condition E1 and it appears likely that all outstanding matters can be fully resolved in the first half of 2019.

The Department notes the RtS seeks an extension of time until 23 February 2019. However, the Department considers that allowing a further four months (until 30 June 2019) to satisfy the condition would be more appropriate given that two VPAs are required to be finalised and the complexity of the VPAs.

The Department's assessment concludes the proposed extension of time to finalise the VPAs until 30 June 2019 is a reasonable timeframe to satisfy the condition and recommends Condition E1 be updated accordingly. Further, the Department does not anticipate any further extension of time would be required given the level of work already completed.

The Department also recommends Condition E1(b) be updated to refer to the preparation of two VPAs, one with RMS regarding road infrastructure works and the other with Council regarding the SUP.



6. Evaluation

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act. The Department's assessment of the proposed modification concludes the following:

- despite the significant progress made by the Proponent in finalising the requirements of Condition E1 additional time is required due to the complexity of the VPAs
- extending the timing of Condition E1 until 30 June 2019 is a reasonable timeframe to satisfy the condition.

The Department's assessment concludes the modification should be approved, subject to the modified conditions outlined in **Appendix C**.



7. Recommendation

It is recommended the Director, Regional Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **determines** that the modification request (MP 10_0032 MOD 5) falls within the scope of section 75W of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for approving the modification request
- **modifies** the consent MP 10_0032
- **signs** the attached Notice of Modification (**Appendix C**)

Recommended by:

Michelle Niles

19/12/18

Senior Planner
Regional Assessments



8. Determination

The recommendation is **Adopted by:**

AW 19/12/18

Anthony Witherdin

Director

Regional Assessments



Appendices

Appendix A – Relevant Supporting Information

The following supporting documents and supporting information to this assessment report can be found on the Department's website at:

1. Modification request
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7957
2. Submissions
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7957
3. Response to Submissions
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7957

Appendix B – Modification of Project Approval

A copy of the modification of the Project Approval (MP 10_0032 MOD 5) can be found on the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7957

Appendix C – Consolidated Consent

A copy of a consolidated consent, which incorporates all modifications to the Project Approval can be found on the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7957