

DEPARTMENT OF PLANNING & INFRASTRUCTURE

Development Assessment Systems and Approvals

SUBJECT: MODIFICATION TO THE AUSTRALIAN HEARING HUB AT MACQUARIE UNIVERSITY (MP 10 0032 MOD 2)

PURPOSE

To determine a modification request (MP 10_0032 MOD 2) for the Australian Hearing Hub project approval, seeking to modify the timing for compliance with traffic and access conditions of the approval.

BACKGROUND

On 13 August 2009, the then Minister for Planning approved the concept plan for the redevelopment of the Macquarie University Campus site. The concept plan approval comprises the provision of 400,000 sqm for commercial uses, 61,200 sqm for academic uses, 3,450 student housing beds, and associated infrastructure, car parking and landscaping. The concept plan approval also identified a number of road upgrade works required 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, the then Director-General, as delegate of the then Minister for Planning, approved the major project for the Australian Hearing Hub (MP 10_0032) at University Avenue, Macquarie University (see **TAG B**).

The approved works comprise construction and fit-out of a six storey educational 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 Australian Hearing Hub 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 RMS and council in accordance with the concept plan requirements prior to occupation of the building.

On 1 November 2012, the then A/Executive Director, Major Projects Assessment, under delegation from the Minister for Planning and Infrastructure, approved MP 10_0032 MOD 1 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".

The construction was completed and the building occupied on 18 December 2012. The applicant has since satisfied condition E5, however condition E1 remains outstanding. The proponent has indicated that they are continuing discussions with Transport for NSW and Roads and Maritime Services (RMS) to try resolve the transport and traffic matters, however, a further 12 months is required to finalise the matters.

PROPOSED MODIFICATION

The proponent is seeking to modify condition E1 to change the timing for compliance with the traffic and access condition from "within 12 months of occupation of the building" to "within 24 months of occupation of the building" and waive the requirement to amend the concept plan to provide setbacks for the road widening works if further traffic modelling

identifies that they are not required as shown below, with the proposed changes in bold and words to be deleted shown with a strikethrough:

Access and Traffic

E1 Within ~~42~~ **24** 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 ~~42~~ **24** 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.

The requirement or relevance of this clause of this condition is to be confirmed via the micro-simulation modelling.

This would in effect change the date of compliance from 18 December 2013 to 18 December 2014.

MODIFICATION OF THE MINISTER'S APPROVAL

In accordance with clause 3 of Schedule 6A of the EP&A Act, section 75W of the Act as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A, continues to apply to transitional Part 3A projects. Approved projects are transitional Part 3A projects.

Section 75W(2) of the Act provides that a proponent may request the Minister to modify the Minister's approval of a project. The Minister's approval of a modification is not required if the approval of the project as modified would be consistent with the original approval. As the proposed modification seeks to amend the conditions of the approval, the modification will require the Minister's approval.

CONSULTATION

In accordance with section 75X of the EP&A Act and clause 8G of the EP&A Regulation, the modification request was made available on the department's website. Due to the minor nature of the proposed modification, the modification request was not exhibited by any other means. No public submissions were received on the modification request.

The request was referred to Ryde City Council, Transport for NSW and RMS. Council raised no objection to the modification request and Transport for NSW provided no response. RMS raised no issue with the deferment of compliance with the condition by a further 12 months. RMS also recommended that the condition be modified to waive the requirement for road widening works for Balaclava Road and Waterloo Road if subsequently agreed to by RMS upon resolution of the further traffic modelling currently being undertaken.

DELEGATED AUTHORITY

The Minister has delegated his functions to determine a modification request under section 75W of the Act to the department where:

- the council has not made an objection, and
- there are less than 10 public submissions objecting to the proposal, and
- a political disclosure statement has not been made in relation to the application.

No submissions were received from the public regarding the proposed modification and council has not made an objection to the proposed modification. There has also been no

political disclosure statement made for this application or for any previous related applications or by any of the persons who lodged a submission.

Accordingly, the application is able to be determined by the Director, Industry, Key Sites and Social Projects under delegation.

KEY ISSUES

The department considers the key issue for the proposed modification is ensuring adequate access and traffic arrangements are resolved for the campus in a timely manner as condition E1 relates to access and traffic requirements that should have been addressed with any new commercial development under the concept plan.

The proponent has demonstrated that they are working towards meeting the requirements of the concept plan in regards to the preparation of the micro-simulation modelling for the redevelopment of the campus in accordance with the concept plan. The proponent has prepared a micro-simulation model (by ARUP) in consultation with council, the RMS and TfNSW. Council has been part of ongoing discussions regarding the form and content of the model, and RMS and TfNSW have been part of meetings to confirm the appropriate approach to traffic modelling for the Macquarie Park Corridor.

The traffic modelling addressing all relevant traffic requirements to satisfy condition E1 was submitted to the RMS for consideration and endorsement on 17 June 2011. Discussions and negotiations regarding how Macquarie University will contribute to any required traffic and transport related upgrades within Macquarie Park and whether the two remaining intersection upgrades required by condition C15(1) in the concept plan approval for Macquarie University (MP 06_0016) will be a sufficient contribution still requires resolution. To date there is no clear resolution regarding the adequacy of the model or the road and intersection upgrade works, including whether the road widening works originally identified as necessary under the concept plan for Balaclava Road and Waterloo Road to facilitate bus priority are still relevant.

The department considers that the proponent has undertaken considerable effort to satisfy the condition. The traffic model was submitted to the RMS on 17 June 2011 and a subsequent meeting to discuss the model was held on 17 July 2011. Since this time a further meeting with RMS was held on 10 May 2012 to discuss the model. A Steering Committee was established which met on 21 June 2012 and 9 November 2012. A further sub-committee was formed and met on the 19 March 2013. If no resolution can be reached, condition A6 of the concept plan approval allows for the Director-General to arbitrate on the matter if requested by either party. As all parties are continuing towards a resolution, the Director-General has not been requested to intervene to date.

The department considers that condition E1 should be amended to allow compliance with the requirements of the condition to be deferred a further 12 months as:

- RMS and council has no objection to the condition being amended;
- the requirements of the condition primarily relate to resolving the wider transport and traffic matters for the campus and the strict compliance with the timeframe would not provide any significant direct benefits for the Australian Hearing Hub project;
- the department notes that no new applications for State significant development or any other significant commercial developments under the concept plan have been proposed, therefore it would be unlikely that any impacts to the transport and traffic network as a result of the concept plan are going to occur within the extended 12 month period. Therefore deferring resolution on the two outstanding intersections and any road widening works would therefore be acceptable; and
- the alternative solution would require the department to prematurely become an arbitrator in trying to resolve the issue whilst the proponent and RMS are continuing to try to resolve the matter.

RMS has also requested that the condition E1(c) be modified so that the requirement for the setbacks for the road widening works originally identified as necessary under the concept plan for Balaclava Road and Waterloo Road be confirmed between the proponent and Transport for NSW/RMS. The department notes that this requirement forms part of the concept plan approval and has to be prepared in consultation with RMS and council. Therefore, it cannot be altered as part of this modification to the project approval. However, the department considers that if the additional traffic modelling identifies that those works are no longer necessary and that Transport for NSW/RMS are receptive to waiving this requirement if there is agreement between the proponent and Transport for NSW/RMS in regards to this, then the project approval for the Australian Hearing Hub should not strictly require the concept plan amendment be undertaken as a requirement of this project. Accordingly, the department has included modifications to the condition to reflect that this modification is only required if required by council or RMS as identified in bold below.

- (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 department notes that the proponent would still need to modify the concept plan to remove this requirement for further applications relating to redevelopment under the concept plan.

RECOMMENDATION

It is RECOMMENDED that the A/Director, Industry, Key Sites and Social Projects:

- note the information provided in this briefing;
- approve the modification request, subject to amending the conditions of approval; and
- sign the attached modifying instrument (**TAG A**).

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