



**Planning &  
Environment**

***MODIFICATION REQUEST:  
The Australian Hearing Hub, University  
Avenue, Macquarie University  
MP 10\_0032 MOD 3***

***Modifications to Condition E1 regarding timing  
for compliance with traffic and access  
conditions of the approval***

**Secretary's  
Environmental Assessment Report  
Section 75W of the  
*Environmental Planning and Assessment Act 1979***

**December 2014**

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## 1. BACKGROUND

### 1.1. Introduction

This report provides an assessment of a section 75W modification application lodged by Macquarie University, seeking to modify the project approval (MP 10\_0032) for the construction of an education and research building, known as the Australian Hearing Hub (AHH) at University Avenue, Macquarie University. The modification (MOD 3) seeks approval to modify Condition E1 to extend the timing for compliance with the access and traffic condition by a further 12 months.

### 1.2. The Site

Macquarie University is located 17 kilometres to the north-west of the Sydney CBD at the western end of the Macquarie Park corridor between the M2 motorway and Epping Road. The site is located within Macquarie University and is known as 21 University Avenue (Part Lot 191 DP 1157041), located at the junction of University Avenue and Macquarie Drive (see Figure 1).

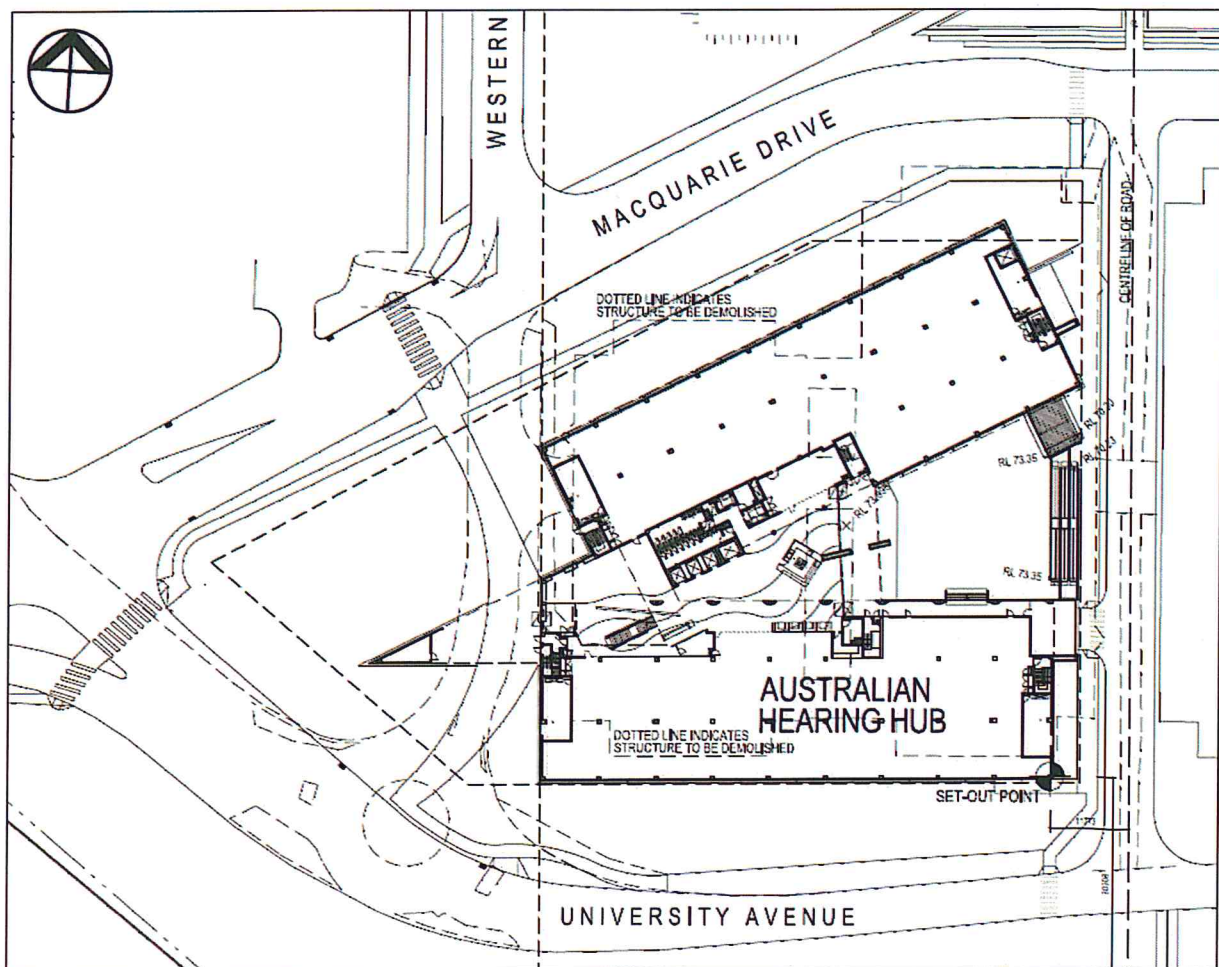


Figure 1: Site Location

### 1.3. Project Approvals

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, 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 a project application (MP 10\_0032) 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 Australian Hearing Hub (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 RMS and Council in accordance with the concept plan requirements prior to occupation of the building.

On 1 November 2012, the 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.

On 14 December 2013, the A/Director, Industry, Key Sites and Social Projects, under delegation from the Minister for Planning and Infrastructure, approved MP 10\_0032 MOD 2 to amend Condition E1 to allow for a further 12 months for resolution of the transport and traffic matters. The micro-simulation model, funding agreement 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).

The proponent has advised that the discussions with Transport for NSW and RMS are continuing, however, and a further 12 months is required to finalise the matters.

## 2. PROPOSED MODIFICATION

### 2.1. Modification Description

The proponent is seeking to modify Condition E1 to change the timing for compliance with the access and traffic condition from "within 24 months of occupation of the building" to "within 36 months of occupation of the building" as shown below, with the proposed changes in bold and words to be deleted shown with a strikethrough:

#### **Access and Traffic**

E1 Within ~~24~~ **36** 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 ~~24~~ **36** 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.

This would in effect change the date of compliance from 18 December 2014 to 18 December 2015.

## **2.2. Justification for Modification**

The proponent has expended significant effort to resolve the traffic and access requirements of Condition E1 but the current status of this matter is such that they are unlikely to be completed by the nominated deadline of 18 December 2014. The proponent requires further and sufficient time to resolve the traffic and access matters with RMS and Transport for NSW and funding arrangements with RMS and the Department.

## **3. STATUTORY CONTEXT**

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### **3.1. Continuing Operation of Part 3A to Modify Project Approvals**

In accordance with clause 3 of Schedule 6A of the *Environmental Planning and Assessment Act 1979* (EP&A Act), section 75W of the EP&A 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.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and the associated regulations, and the Minister for Planning (or her delegate) may approve or disapprove the modifications under section 75W of the EP&A Act.

### **3.2. Modification of the Minister's Approval**

Section 75W(2) of the EP&A 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 modify the timing of compliance with conditions, the modification will require the Minister's approval.

### **3.3. Secretary's Environmental Assessment Requirements**

Section 75W(3) of the EP&A Act provides the Secretary with scope to issue Environmental Assessment Requirements (SEARs) that must be complied with before the matter will be considered by the Minister. SEARs were not issued for this modification as the proponent has addressed the key issues related to the modification request.

### **3.4. Delegated Authority**

Under the Minister's Delegation dated 10 November 2014, the Manager, Key Sites, can determine the modification application as: Council has not objected to the proposed modification; a political disclosure statement has not been made for the application; and no public submissions were received objecting to the proposed change.

## **4. CONSULTATION AND SUBMISSIONS**

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### **4.1. Exhibition**

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.

### **4.2. Public Authority Submissions**

Council raised no objection to the modification request, however, raised concern with the delay in resolving the transport and traffic matters given the recent growth in Macquarie Park



and future potential growth with the Herring Road Urban Activation Precinct. Council recommended that the approval be modified to remove these requirements from the AHH approval given it has been fully operational for some time and the traffic and transport matters have no relationship with the operation of the AHH. This would require the concept plan to be modified to restrict further commercial development until these matters have been resolved. Alternatively if an extension was to be supported, it should be less than 12 months and a punitive element incorporated in the condition to try expedite the process and ensure a timely resolution.

Transport for NSW raised no objection to the modification request and deferred comment to RMS. 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 allow the requirement for road widening works for Balaclava Road and Waterloo Road to be resolved through future agreement with RMS/Transport for NSW.

#### **4.3. Public Submissions**

No submissions were received at the time of writing this report.

### **5. ASSESSMENT**

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The Department has reviewed the modification request and accompanying documents and considers the key issue for the proposed modification is ensuring that the transport and traffic arrangements are resolved for the University campus in a timely manner.

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 the University will contribute to any required traffic and transport related upgrades have been ongoing. The Department has been advised that the University and RMS have only recently reached an in principle agreement on the road works for the intersection upgrades and shared path, and the proposed funding arrangements have been reached. The scope of works and funding would be secured through a planning agreement with the Minister for Planning and the Department understands a letter of offer is being prepared and will be made shortly. The Department therefore considers that the resolution of the requirements in Condition E1 has progressed within the last 12 months and the works and funding for the intersection upgrades and shared path can be resolved in the next 12 months.

The traffic modelling and potential bus priority measures, 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 being further investigated. RMS and Council have noted that these transport matters are subject to broader precinct investigations, including the Herring Road Urban Activation Precinct. Therefore the scope of the bus priority works and any funding arrangements are still being investigated. The Department understands that the proponent intends on varying the requirements of the concept plan approval to delete the setbacks required for the bus priority measures or separate the requirements for the intersection/shared path road works from any bus priority measures.



Whilst this work was originally meant to be finalised prior to the construction of the Australian Hearing Hub and then within a timely manner after the occupation of the building, the Department accepts that the proponent has continued to try to satisfy the condition in the last 12 months. If no resolution can be reached, Modification A6 of the concept plan approval allows for the Secretary to arbitrate on the matter if requested by either party. As all parties are continuing towards a resolution, the Secretary has not been requested to intervene to date.

In addition to the above, the Department notes that:

- the requirements of Condition E1 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; and
- 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 be acceptable.

The Department supports the extension as it appears that the matters required by Condition E1 are progressing and resolution should be achieved in a further 12 months. The Department also understands that the proponent may seek to vary the requirements of the concept plan and therefore the Department recommends that Condition E1 be modified to be less prescriptive given the potential changes to separate the road works for the intersections and shared path from any bus priority measures. The Department therefore recommends a revised Condition E1 as imposed on the modifying instrument.

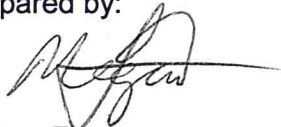
## 6. CONCLUSION AND RECOMMENDATION

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It is recommended that the Acting Manager, Key Sites:

- **notes** the information provided in this report;
- **approves** the modification request, subject to amending the conditions of approval; and
- **signs** the modifying instrument at **Appendix B**.

Prepared by:



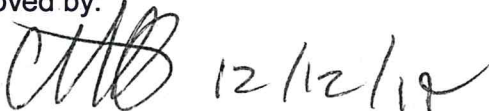
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Approved by:

 12/12/12

Cameron Sargent  
Acting Manager  
Key Sites

## **APPENDIX A    MODIFICATION REQUEST**

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See the Department's website at

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=6778](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6778).



## **APPENDIX B    RECOMMENDED MODIFYING INSTRUMENT**