

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF MAJOR PROJECT NO. 08_0032

(File No. S08/00237)

PROJECT APPLICATION FOR COCHLEAR GLOBAL HEADQUARTERS STAGE 1 BUILDING
AT MACQUARIE UNIVERSITY CAMPUS

I, the Minister for Planning, having considered the matters in section 75J(2) of the *Environmental Planning & Assessment Act 1979* (the Act), determine pursuant to section 75J(1) of the Act to **give approval** to the major project referred to in the attached Schedule 1 subject to the conditions of approval in Schedule 2.

This approval applies to the plans, drawings and documents cited by the proponent in their Environmental Assessment, Preferred Project Report and Statement of Commitments, subject to the conditions of approval in Schedule 2.

The reasons for the imposition of conditions are to:

- (a) ensure the site is appropriately managed for the proposed use;
- (b) adequately mitigate the environmental impacts of the development;
- (c) reasonably protect the amenity of the local area; and
- (d) protect the public interest.



The Hon Kristina Keneally MP
Minister for Planning

Sydney, 2 Jan. 2009 2008

SCHEDULE 1

PART A – PROJECT

Proponent:	Lachlan Project Development Pty Ltd (14 Mars Road Lane Cove 2066)
Application made to:	Minister for Planning
Major Project Number:	08_0032
On land comprising:	Lot 182 DP 1112777 Macquarie University Campus, Ryde
Local Government Area:	Ryde City Council
Approval in summary for:	Construction of a two-section building with a maximum of height of seven storeys and a gross floor area (GFA) of 24,343sqm, car parking and bus stop relocation, with landscaping and revegetation.
Capital Investment Value:	\$71,093,000
Type of development:	Project approval under Part 3A of the Act
Determination made on:	2 January 2009
Determination:	Project approval is granted subject to the conditions in Schedule 2 below.
Date of commencement of approval:	This approval commences on the date of the Minister's approval.
Date approval will lapse:	5 years from the date of determination

PART B – DEFINITIONS

In this approval the following definitions apply:

Act, the	<i>NSW Environmental Planning and Assessment Act, 1979</i>
Childcare Centres	Gumnut Cottage Childcare Centre and Waratah Occasional Care Centre
Concept Plan	<i>Macquarie University State Environmental Planning Policy (Major Projects) Amendment and Concept Plan</i> (including accompanying Appendices) prepared by CRI Australia Pty Ltd on behalf of Macquarie University dated April 2008.
Council	Ryde City Council
Department, the	Department of Planning
Director-General, the	Director-General of the Department of Planning (or delegate).
Environmental Assessment (EA)	<i>Environmental Assessment Report Project Application – Cochlear Global Headquarters – Stage 1 Building University Avenue, Macquarie University Campus, North Ryde</i> (including accompanying Appendices) prepared by JBA Urban Planning Consultants Pty Ltd for Lachlan Project Development and dated July 2008.
Minister, the	Minister for Planning
Preferred Project Report (PPR)	Letter titled <i>Cochlear Global Headquarters – Macquarie University (MP 08_0032) / Response to Submissions and Preferred Project Report</i> and appended documents submitted by JBA Urban Planning Consultants to the Department on 22 October 2008 (letter dated 20 October 2008).
Proponent	Lachlan Project Development Pty Ltd
Statement of Commitments	Revised Statement of Commitments submitted as part of the Preferred Project Report.

SCHEDULE 2
CONDITIONS OF APPROVAL
MAJOR PROJECT APPLICATION NO. MP 08_0032

1 Development description

Project approval is granted only to construction and operation of the proposed Cochlear Global Headquarters (Stage 1) within the Macquarie University Campus as described in the EA and amended in the PPR, principally:

- a) Subdivision of the existing title to create a separate lot for the development site, reflecting the boundary of the proposed Lot 190 in the Subdivision Plans referenced in Condition 2;
- b) A building accommodating warehouse/storage space, office facilities and research/manufacturing space to a maximum height of seven storeys, and two levels of below ground car parking in accordance with the plans referenced in Condition 2;
- c) A maximum 528 car parking spaces for the use of the development, and up to 42 motorbike parking spaces;
- d) 35 additional at-grade car spaces for the use of the adjacent Gumnut Cottage Childcare Centre and Waratah Occasional Care Centre; and
- e) Landscaping and revegetation of the north-western site of the University Creek Corridor adjacent to the site.

2 Development in accordance with plans and documentation

The development shall be in accordance with the following plans and documentation, as provided in the EA and PPR, unless otherwise approved by the Director, Strategic Assessments, Department of Planning or amended by these conditions of approval. The proponent must submit a revised plan demonstrating the approved number of car parking spaces to the Department prior to construction.

Drawing Number	Revision Number	Name of Plan	Date
30431-31394	Issue C	Plan of Subdivision of Lot 182 DP 1112777 Sheet 1 of 2	10 September 2008
30431-31394	Issue C	Plan of Subdivision of Lot 182 DP 1112777 Sheet 2 of 2	10 September 2008
A01	Issue A	Location Plan and Architectural Drawing Schedule	13 June 2008
A02	Issue B	Site Plan	1 July 2008
A03	Issue A	Basement Level B1 Floor Plan (Base Building only)	13 June 2008
A04	Issue A	Lower Ground Floor Plan (Base Building only)	13 June 2008
A05	Issue A	Ground Floor Plan (Base Building only)	13 June 2008
A06	Issue A	Level 1 Floor Plan (Base Building only)	13 June 2008
A07	Issue A	Level 2 Floor Plan (Base Building only)	13 June 2008
A08	Issue A	Level 3 Floor Plan (Base Building only)	13 June 2008
A09	Issue A	Level 4 Floor Plan (Base Building only)	13 June 2008
A10	Issue A	Level 5 Floor Plan (Base Building only)	13 June 2008
A11	Issue A	Roof Plan (and Plantrooms Plan)	13 June 2008
A12	Issue A	Plant Rooms Roof Plan	13 June 2008
A13	Issue A	Elevations (North and South)	13 June 2008
A14	Issue A	Elevations (East and West)	13 June 2008
A15	Issue A	Sections A & B	13 June 2008
A16	Issue A	Sections C & D	13 June 2008
A17	Issue A	Sections E & F	13 June 2008
A18	Issue A	Section G	13 June 2008
A19	Issue A	Shadow Diagrams	13 June 2008
A20	Issue A	View Analysis (Views 1, 2, 3)	13 June 2008
A21	Issue A	View from Northeast (View 4)	13 June 2008
A22	Issue A	View from Northwest (View 5)	13 June 2008

A22	Issue A	View from Northwest (View 5)	13 June 2008
I-PA-LG	02	Planning Application Drawings Lower Ground – Interior Fitout Plan	18 June 2008
I-PA-00	02	Planning Application Drawings Ground Floor – Interior Fitout Plan	18 June 2008
I-PA-01	02	Planning Application Drawings Level 01 – Interior Fitout Plan	18 June 2008
I-PA-02	03	Planning Application Drawings Level 02 – Interior Fitout Plan	18 June 2008
I-PA-03	02	Planning Application Drawings Level 03 – Interior Fitout Plan	18 June 2008
I-PA-04	02	Planning Application Drawings Level 4 – Interior Fitout Plan	18 June 2008
I-PA-05	02	Planning Application Drawings Level 05 – Interior Fitout Plan	18 June 2008
I-PA-06	02	Indicative Interior Fitout Zoning Diagrams Lower Ground	June 2008
I-PA-06	02	Indicative Interior Fitout Zoning Diagrams - Ground	June 2008
I-PA-06	02	Indicative Interior Fitout Zoning Diagrams - One	June 2008
I-PA-06	02	Indicative Interior Fitout Zoning Diagrams - Two	June 2008
I-PA-06	02	Indicative Interior Fitout Zoning Diagrams - Three	June 2008
I-PA-06	02	Indicative Interior Fitout Zoning Diagrams - Four	June 2008
I-PA-06	02	Indicative Interior Fitout Zoning Diagrams - Five	June 2008
C09459.00-C10	0	Concept Stormwater Drainage Plan	July 2008
C09459.00-C14	0	Finished Levels Plan	July 2008
C09459.00-C09	0	Stormwater Drainage Catchment Plan	July 2008
LA-CV00	A04	Landscape Cover Sheet, Keyplan and Drawing List	17 June 2008
LA-0102	A02	Landscape Plant Character Images Sheet	16 June 2008
LA-0103	A02	Landscape Precedent Images Sheet	16 June 2008
LA-0201	A02	Landscape Site Analysis, Circulation and Visual Environs	17 June 2008
LA-0202	A02	Landscape Analysis, Open Space Hierarchy Plan	17 June 2008
LA-0501	A08	Stage 1 Overall Landscape Plan	7 October 2008
LA-0502	A06	Stage 1 Landscape Plan – Sheet 1 of 2	17 June 2008
LA-0503	A06	Stage 1 Landscape Plan – Sheet 2 of 2	17 June 2008
LA-2401	A06	Stage 1 Landscape Sections – Sheet 1 of 2	17 June 2008
LA-2402	A04	Stage 1 Landscape Sections – Sheet 2 of 2	17 June 2008
LA-8901	A04	Stage 1 Landscape Details	17 June 2008
SKH-01	Issue A	Hydraulic Services Stage 1 – Concept Site Plan	18 June 2008
SKE-01	Issue A	Electrical Services Stage 1 – Concept Site Plan	18 June 2008

Appendix in EA	Title	Author	Date
A	Base Building Architectural Plans, Shadow Diagrams and Photomontages, View Analysis and Photograph of Materials Board	Toland Williams	July 2008
B	Indicative Internal Layout Plans	Geyer	July 2008
D	Stormwater Management Plan	Costin Roe	July 2008
F	Vegetation Management Plan Report Flora and Fauna Assessment	DEM Total Earth Care	16 June 2008 June 2008
G	Report on Phase 1 Contamination Assessment	Douglas Partners	March 2008
H	Report on Geotechnical Investigation	Douglas Partners	March 2008

L	Waste Management and Re-use Plan	CRI	11 July 2008
M	Preliminary Construction Plan	CRI	July 2008
N	Preliminary Building Code of Australia Report	McKenzie Group	May 2008
O	Site Infrastructure Services Report	Hyder Consulting	18 June 2008
P	Acoustic Assessment	Heggies	10 July 2008
Q	Fire Safety Statement	Raw Fire Safety Engineering	23 May 2008
R	Review of Site Flooding	Costin Roe	July 2008
S	Structural Engineer Letter	Paul Davis Rajalingham Consulting Engineers	8 May 2008

3 Inconsistency between plans and documentation

In the event of any inconsistency between conditions of this project approval and the plans and documentation referred to above, the conditions of this project approval prevail.

4 Development contributions

The proponent shall make development contributions in accordance with the terms of a voluntary planning agreement between Macquarie University, Ryde City Council, the proponent and other relevant parties. If such an agreement is not reached by completion of construction of the proposal, the proponent shall make contributions as determined by Department of Planning after consulting with Ryde City Council and having regard to Council's Section 94 Development Contributions Plan.

5 Improvement of road intersections

The proponent shall submit the detailed design of the upgrade of the Waterloo Road / Herring Road intersection to the RTA for approval prior to the issuing of a Construction Certificate for the proposal, and complete the works as approved by the RTA prior to the issuing of an Occupation Certificate.

All upgrades to roads external to the University campus shall be designed and constructed to comply with standards and specifications agreed with the NSW Roads and Traffic Authority.

6 Vehicle parking

Vehicle parking for the proposal is to be designed and constructed in accordance with the following:

- a) the maximum number of car parking spaces to be provided for cars for the use of Cochlear staff is 398 spaces at basement level, 130 at-grade parking space and 42 motorbike spaces. The at-grade car parking shall be phased out through the implementation of a Work Place Travel Plan to be prepared in accordance with Condition 7 of this approval.
- b) an additional 35 at-grade car spaces will be provided and designated for the use of the adjacent Gumnut Cottage Childcare Centre and Waratah Occasional Care Centre;
- c) the 11 car park spaces proposed for the south-eastern corner of the site shall be deleted and replaced with vegetation while retaining sufficient sealed area to permit vehicle turning in accordance with the relevant Australian Standard; and
- d) safe and direct access is to be provided from the designated disability parking spaces into the building without any barriers.

7 Work place travel plan

The proponent shall develop a Work Place Travel Plan for the proposal with the goal of achieving 40% public transport modal share by Cochlear employees in their journey to work, and submit the Plan to the Department for approval by the Director, Strategic Assessments prior to the issuing of an Occupation Certificate for the development. The Work Place Travel Plan shall also include details for the staging and timing for the phasing out of the at-grade car parking.

8 Parking permit system

The proponent, in consultation with Macquarie University, shall implement a barrier, car identification or parking permit system to ensure that the designated childcare centre spaces referred to in Condition 6 are able to be used only by childcare centre staff and parents of children using the centres.

9 Relocation of pedestrian crossing

The proponent shall employ a qualified practitioner to undertake a Road Safety Audit to determine whether the location of the existing pedestrian crossing on University Avenue in relation to the proposed car park entrance provides an acceptable level of safety to pedestrians. If the audit finds that the level of safety is not acceptable, the proponent shall pay for the relocation of the crossing to a point recommended by the Audit practitioner, if agreed by Macquarie University.

10 Submission of final parking, access and childcare centre design

The proponent shall submit the final detailed design of the childcare centre parking, Cochlear staff parking, landscaping, pedestrian access and childcare playground and building modification to the Department for approval by the Director, Strategic Assessments prior to the issue of a Construction Certificate. Final car park landscaping is to include one tree per five (5) parking spaces, evenly distributed throughout, with additional trees at the perimeter.

11 Provision of childcare amenities

The relocation of the childcare playground for Gumnut Cottage and any accompanying modifications shall be completed prior to the issuing of a Construction Certificate for the proposal. The playground relocation works for the Waratah centre shall be completed prior to the issuing of an Occupation Certificate for the proposal and the reopening of the centre.

At least 20 car parking spaces shall be provided for the use of the childcare centre staff and parents at all times during construction within 100 metres of the Gumnut Cottage childcare centre, with safe pedestrian access from the car park to the centre also provided. Details of these arrangements are to be provided to the operators of the childcare centres prior to the commencement of construction.

12 Environmental Management Plan

Prior to the issuing of a Construction Certificate for the proposal, Environmental Management Plan(s) shall be prepared for excavation and construction activities by a suitably qualified person in accordance with relevant legislation and guidelines. The Plan(s) shall include mechanisms for monitoring and recording results of management measures, and be implemented prior to and throughout the period of construction, as relevant. Detailed plans may be prepared for individual stages of construction, sites or issues as appropriate.

The Plan(s) shall address, but not be limited to, the following matters where relevant:

- a) Contact details of site manager;
- b) Construction traffic, pedestrian management and parking of construction vehicles (including staff cars);
- c) Noise and vibration management;
- d) Management of impact on native vegetation;
- e) Air quality, including dust and vehicle exhaust emissions;
- f) Erosion and sediment control;
- g) Waste management; and
- h) Stormwater management.

13 Notification of commencement of works

The operators of the childcare centres and Willandra Village are to be notified of commencement of construction works one week prior to commencement.

14 Site fencing

A construction safety fence shall be erected around the perimeter of the construction zone at all times during construction, with safe pedestrian access maintained between the childcare car park facilities and the Gumnut Cottage centre.

15 Site notice

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Proponent, Builder and Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:

- a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- b) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
- c) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
- d) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

16 Approved plans to be on site

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Council or the Department

17 Complaints Management System

The Proponent must prepare and implement a construction Complaints Management System before construction commences and maintain the System for the duration of construction. The System shall include the following:

- a) a direct telephone number on which complaints and enquiries about the project may be registered;
- b) a postal address to which written complaints and enquires may be sent; and
- c) an email address to which electronic complaints and enquiries may be transmitted.

The telephone number, the postal address and the email address shall be included on the Site Notice prior to the commencement of construction. A record of complaints received and responses shall be maintained for the duration of construction.

18 Construction hours

The hours of construction, including the delivery of materials to and from the site, shall be restricted as follows, unless approved by the Director, Strategic Assessments, Department of Planning:

- a) Between 7:00am and 6:00pm, Mondays to Fridays inclusive;
- b) Between 8:00am and 1:00pm, Saturdays; and
- c) No work on Sundays and public holidays.

19 Construction noise and vibration

The construction noise objective for the project is to manage noise from construction activities (as measured by a $L_{A10(15\text{minute})}$ descriptor) so it does not exceed the measured existing background $L_{90(15\text{minute})}$ noise level by more than 5dB(A) or to within acceptable limits in accordance with the Department of Environment and Climate Change's draft NSW Construction Noise Guideline. Background noise levels are those identified in the report by Heggies Pty Ltd titled *Cochlear Global Headquarters Project Application Acoustic Assessment* or as otherwise identified in the Environmental Management Plan.

Any activities that have the potential to produce noise emissions that exceed the objective must be identified and managed in accordance with the Environmental Management Plan. The proponent must implement all

reasonable noise mitigation and management measures with the aim of achieving the construction noise objective. If the noise from a Construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the *NSW Industrial Noise Policy*), 5dB(A) must be added to the measured Construction noise level when comparing the measured noise with the Construction noise objective.

20 Notification of noisy works

If works are planned that will exceed the construction noise objective, all sensitive receivers are to be notified in writing at least 48 hours prior to the commencement of those works.

21 Compliance with construction noise conditions

The proponent must submit a compliance report to the Department for review every three months from the commencement of construction until completion, reporting on compliance with conditions 18, 19 and 20, with noise monitoring to be undertaken at both Gumnut Cottage and Willandra Village.

22 Dust control measures

Adequate measures shall be taken to prevent dust from affecting the amenity of the area during construction, particularly the neighbouring childcare centres. Specifically, the following measures must be adopted:

- a) physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions,
- b) earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed,
- c) all materials shall be stored or stockpiled at the best locations,
- d) the surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs,
- e) all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material,
- f) all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays,
- g) gates shall be closed between vehicle movements and shall be fitted with shade cloth, and
- h) cleaning of footpaths and roadways shall be carried out regularly.

23 Disposal of seepage and stormwater

Under no circumstances is any collected water or additional stormwater flow or drainage to be directed or discharged into any endangered ecological communities. Discharges are to be managed in accordance with the provisions of the *NSW Protection of the Environment Operations Act 1997*.

24 Tree protection measures

Tree protection measures shall be implemented in accordance with the recommendations of the arborist report prepared by Treescan and dated March 2008 to ensure that all trees to be retained are suitably protected during construction.